

## **DECISION MEMO**

### **Bug Lake and Red Wells-Rock Creek Sheep Allotments**

Cache and Rich Counties, Utah  
Ogden Ranger District  
Uinta-Wasatch-Cache National Forest

#### **BACKGROUND ON THE PROPOSAL**

The Ogden Ranger District proposes to authorize continued livestock grazing on 15,221 acres of National Forest System (NFS) lands on two allotments located within the Ogden Ranger District of the Uinta-Wasatch-Cache National Forest. In addition to federal lands, there are 3,990 acres of private land (owned by the grazing permit holder) and 956 acres of state land, for a total of 20,167 acres grazed within the allotment boundaries<sup>1</sup>. The proposal would reauthorize sheep grazing on NFS lands using Forest Plan standards and guidelines and desired conditions to manage livestock use. It is expected this direction will maintain or continue to move these rangelands toward desired conditions. This proposal recognizes the continuing need for forage production from Forest Service administered lands as identified in the Forest Plan.

The rangelands under consideration in this review include the Bug Lake and Red Wells-Rock Creek Sheep Allotments, located in the Wasatch Mountains in Cache and Rich Counties, Utah. Currently 1200 sheep graze the Bug Lake Allotment (7,727 acres) under a deferred rotation grazing system from June 6 to September 30. The Red-Wells/Rock Creek Allotment (12,440 acres) is grazed by 1100 sheep from July 1 to September 30, also on a deferred rotation grazing system. The allotments are under permits to the same permit holder.

#### **DECISION**

After a thorough review of the issues, forest resource needs, Forest Service policy, and related laws, I have decided to authorize continued livestock grazing on the Bug Lake and Red Wells-Rock Creek Allotments, consistent with existing grazing management. Forest resource specialist reports (available in the project file) indicate the lands within these allotments have demonstrated success in meeting or satisfactorily moving Forest resources toward desired conditions and achieving site-specific desired ecological objectives. My decision is to continue livestock grazing as directed by the Forest Plan while maintaining or moving existing resource conditions toward desired conditions.

I have concluded that this decision is appropriately categorically excluded from

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<sup>1</sup> These figures differ slightly from acreages included in the scoping letter. This information is GIS-generated and is considered the most current and most accurate acreage information.

documentation in an environmental impact statement or environmental assessment as it meets the criteria set forth in P.L. 108-447 Section 339 as amended. My conclusion is based on information presented in this document and the entirety of the project record.

## **MITIGATION MEASURES**

The following mitigation measure, which is a part of my decision, will be incorporated in the annual operating plans for these allotments.

1. To minimize effects to sage grouse, grazing of the northwestern portions of the two allotments should occur as late as possible in the rotation to reduce early season impacts to nests, nesting cover, and brood rearing habitat.

## **REASONS FOR CATEGORICALLY EXCLUDING THE DECISION**

Livestock grazing decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are in accordance with P.L. 108-447 Section 339 as amended: “For fiscal years 2005 through 2008, a decision made by the Secretary of Agriculture to authorize grazing on an allotment shall be categorically excluded from documentation in an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if : (1) the decision continues current grazing management; (2) monitoring indicates that current grazing management is meeting, or satisfactorily moving toward, objectives in the land and resource management plan, as determined by the Secretary; and, (3) the decision is consistent with agency policy concerning extraordinary circumstances. The total number of allotments that may be categorically excluded under this section may not exceed 900.” The categorical exclusion under this section shall not apply with respect to any allotment in a federally designated wilderness area.

### **Criteria 1: Continues Current Grazing Management**

Under my decision, grazing will continue on the Bug Lake and Red Wells-Rock Creek Sheep Allotments consistent with the current season of use, numbers, and grazing management direction, including Forest Plan standard and guidelines and provisions for incorporating deferment into grazing management.

### **Criteria 2: Meeting or Moving Towards Objectives in the Land and Resource Management Plan (Forest Plan)**

Forest Plan standards and guidelines applicable to grazing are shown below and were included in the March 2008 scoping document. As stated in that document, they are intended to maintain desired conditions or trend towards desired conditions. For the purposes of meeting the intent of this section, monitoring information relevant to these two allotments is described below.

- (S7) Allow management activities to result in no less than 85% of potential ground cover for each vegetation cover type.

*Site specific monitoring of ground cover indicates that current vegetation/litter/rock ground cover conditions range from 66% to 88%. However, a large portion of the observed bare soil conditions were due to gopher activity, and are considered to be an inherent property of this vegetation cover type (Goodrich, S. 2006-PG). Bare soil due to grazing activity ranges from 0% to 8%, which is well within the threshold set in this standard. (Project Record – Soil Resource Field Report)*

- (G7) Manage Class 1 Riparian Area Greenlines for 70% or more late-seral vegetation communities as described in Intermountain Region Integrated Riparian Evaluation Guide (USDA Forest Service, 1992). Manage Class 2 Riparian Area Greenlines for 60% or more late-seral vegetation communities. Manage Class 3 Riparian Area Greenlines for 40% or more late-seral vegetation communities.

*On August 4, 2008, a survey of the two Class 1 riparian areas within the two allotments was conducted using the Streambanks and Riparian Vegetation Multiple Indicators Monitoring (MIM) Protocol (Cowley and Burton 2005). This protocol was developed to provide an efficient suite of riparian monitoring procedures that, along with current livestock grazing management practices can be used to determine whether the vegetation and stream banks are responding to livestock grazing management as anticipated. Results of the surveys indicate the riparian areas of Rock Creek and Curtis Creek are in good condition, hydric vegetation is diverse in age-class distribution and species composition, and healthy and self-sustaining riparian communities are being maintained. (Project Record – MIM results and Water Resources Technical Report)*

- (S24) As a tool to achieve desired conditions of the land, maximum forage utilization standards for vegetation types in satisfactory condition using traditional grazing systems (rest rotation, deferred rotation, season long) are as follows:

**Table S24: Percent utilization of key grass or grass like vegetation, by vegetation type, for rangelands in satisfactory condition.**

Vegetation Type	Condition	Percent Utilization Key Grass or Grass like
Upland and Aspen	Satisfactory	50
Crested Wheatgrass	Satisfactory	60
Riparian* Class I	Satisfactory	50
Riparian* Class II & III	Satisfactory	60

\*Riparian, away from greenline

*Ocular observations on upland and aspen sites throughout the allotment, and riparian areas away from the greenline, indicate utilization of key grasses and grass like vegetation was within Forest Plan standards for rangelands in satisfactory condition. (Project Record – Range Technical Report)*

- (S25) As a tool to achieve desired conditions of riparian areas, maximum forage utilization standards (stubble height) for low to mid elevation *greenline* species in Class I, II, and III riparian areas (see Appendix VII) in satisfactory condition are as follows: (Key species being grazed include water sedge, Nebraska sedge, and and/or woolly sedge.)

**Table S25. Greenline stubble height at the end of the growing season, by riparian class, for rangeland satisfactory condition.**

Riparian Class	Condition	Greenline Stubble Height at End of Growing Season
Riparian Class I	Satisfactory	No Less Than 5"
Riparian Class II	Satisfactory	No Less Than 4"
Riparian Class III	Satisfactory	No Less Than 3"

*MIM surveys and ocular observations on two Class I riparian sites indicate greenline stubble height was within Forest Plan standards for riparian sites in satisfactory condition. (Project Record – MIM results and Range Technical Report)*

- (S26) For all rangelands, including big game winter range and riparian areas, permit no more than 50% of the current year’s growth on woody vegetation to be browsed during one growth cycle (i.e., when use has reached 50% allow no additional livestock use).

*Ocular observations on a sample of all rangelands throughout the two allotments, including big game winter range and riparian areas, indicate there was no more than 50% of the current year’s growth on woody vegetation browsed during the grazing season. (Project Record – Range Technical Report)*

- (G71) As a tool to achieve rehabilitation of upland, aspen, and riparian communities away from the greenline that are not meeting or moving toward objectives (i.e. in unsatisfactory condition), maximum allowed forage utilization will be 30-40 percent.

*Although there are very minor amounts of unsatisfactory rangeland within the two allotments (ground cover and species composition is generally satisfactory as described elsewhere in this decision), ocular observations of unsatisfactory rangelands within the two allotments indicate there was no more than 40% utilization in these areas. (Project Record – Range Technical Report)*

The Range Technical Report for these allotments (available in the project file) summarizes long-term trend and project monitoring information. Long-term monitoring data collected in 2008 using the nested frequency method on the two allotments indicates the following trends for range condition:

- Bug Lake: The North Gorge study site shows no discernible movement in trend either up or down; the trend is static. Species composition is good with minimal

invasive or non-native plants. Ground cover meets FS standards and guidelines with 85-90% cover, consisting mostly of vegetation or litter.

- Red Wells-Rock Creek: The Zion Ridge study site indicates conditions similar to the North Gorge study. In general, all data (species composition, ground cover, shrub cover and density) showed a slight improvement (1-2%) over the previous (1995) data.

### **Criteria 3. Relationship to Extraordinary Circumstances**

The Code of Federal Regulations at 36 CFR 220.6 lists the following as resource conditions that should be considered in determining whether extraordinary circumstances warrant further analysis.

**a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing of proposed critical habitat, or Forest Service sensitive species.** A Biological Assessment and a Biological Evaluation were completed and it was determined that there would be “no effect” on Maguire primrose, black-footed ferret, or the yellow-billed cuckoo; and a finding of “may effect, but is not likely to adversely affect the lynx or their habitat” for the Canada Lynx. The Biologists made the determination of “may impact individuals or their habitat, but will not likely contribute to a trend towards federal listing or loss of population viability” for the following species: northern goshawk, flammulated owl, wolverine, Townsend’s big-eared bat, sage grouse, and Bonneville cutthroat trout, Maguire’s draba, Logan buckwheat, Cache penstemon, and the Brownie lady slipper. A finding of “no impact” is given to the bald eagle, wolf, great gray owl, three-toed woodpecker, pygmy rabbit, boreal owl, peregrine falcon, spotted bat, Cronquist daisy, and the Frank Smith violet.

**b. Flood Plains, wetlands or municipal watersheds.** As indicated in the Water Resources Technical Report (in the project record) wetlands in the allotments are functioning properly, are in good condition, and are impacted very little by livestock grazing. The report indicates that stream channels are in good condition and there is little evidence of adverse impacts from sheep grazing. A minor amount of trampling of one streambank was observed during the field review, but it did not indicate it was negatively affecting the long-term health of the stream. Floodplains along the main channels in both allotments have not been affected by livestock grazing as indicated by stable well-vegetated stream banks and dense deep-rooted vegetation such as sedges and willows. No municipal watersheds are affected by grazing of livestock in either allotment.

**c. Congressionally designated areas, such as Wilderness, Wilderness Study Areas, or National Recreation Areas.** The allotments are not within any congressionally designated areas nor are there any such areas located within the allotments.

**d. Inventoried Roadless Area.** A portion of the Bug Lake and Red Wells – Rock Creek Sheep Allotments are within the 5,651-acre Rock Creek – Green Fork roadless area. About 10% of the Bug Lake and 8% of the Red Wells – Rock Creek allotment is within the IRA. The Revised Forest Plan (Appendix C2-33) indicates this roadless area has “low” values except for fish, semi-primitive experience, and heritage, which are “medium”. Because of the small percentage of the allotments within the roadless area, and the inherent “low” values associated with this IRA, continued grazing will have no effect on roadless values or character of this roadless area.

**e. Research Natural Areas.** No Research Natural Areas occur within the allotments. The Mollens Hollow RNA was removed from the Red Wells Allotment in 1986 (additional information in the project file).

**f. American Indians and Alaska Native religious or cultural sites.** The Forest Archeologist determined that continued livestock grazing would have no effect on religious or cultural sites.

**g. Archeological sites, historic properties or areas.** The Forest Archeologist surveyed the area and determined that continued livestock grazing would have no effect on any such properties or areas. The State Historic Preservation Office concurred with these findings.

## **SCOPING AND PUBLIC INVOLVEMENT**

The proposal was provided to the public and other agencies for comment during a scoping period from March 19 to April 18, 2008. The scoping document was mailed to 29 agencies, organizations and individuals (the mailing list is in the project folder). It was also posted on the Uinta-Wasatch-Cache website at [www.fs.fed.us/r4/wcnf/projects/proposed](http://www.fs.fed.us/r4/wcnf/projects/proposed). Additionally, it was available for review at the Ogden District Office.

As a result of scoping, two comment letters were received. Issues centered around grazing effects on threatened, endangered, or sensitive species, and soils and water quality. These issues are addressed as part of this decision (see above); additional information, including resource technical reports, is included in the project file. Documentation of public scoping is in the project file and available for review through the Ogden Ranger District.

## **FINDINGS REQUIRED BY OTHER LAWS**

### **WCNF Revised Forest Plan**

I have reviewed the Wasatch-Cache National Forest Land and Resource Management Plan (Forest Plan). The actions in this project comply fully with the goals of the Forest Plan, the "Management Area Direction", Management Prescriptions, and the "Forest-Wide Standards and Guidelines", including the following: (standards and guidelines related to grazing are discussed above, under Criteria 2)

#### **Forest-Wide Standards and Guidelines**

- ***Guideline (G4) At the end of an activity, allow no more than 15% of an activity area (defined in Glossary) to have detrimental soil displacement, puddling, compaction and/or to be severely burned.***

The activity area for analysis of compliance with this guideline is specified here to be the individual pastures which make up each allotment. This guideline is intended to be applied to soil disturbances that result from management activities only. Soil displacement, puddling, compaction, or burning from inherent, natural processes is not considered to be detrimental for the purpose of applying this guideline.

Ground cover transects conducted within the pastures reveal that the primary causative agent in producing disturbed and barren soils is gopher burrowing and casting, an inherent, natural process that can occur anywhere there is a sufficient depth of insulating snow to produce a sub-nivean environment. Because it is a natural feature of these pastures, bare soil produced by this activity should not be considered a detrimental soil disturbance for the purpose of evaluating the effects of proposed management activities.

Bare soil due to grazing activity can result in detrimental soil displacement (erosion) or compaction. Using data from ground cover transects conducted in the pastures, bare soil due to other than gopher activity ranges from 0% to 8 %, which is well within the threshold set in this guideline.

- ***Guideline (G9) Avoid soil disturbing activities (those that remove surface organic matter exposing mineral soil) on steep, erosive, and unstable slopes, and in riparian, wetlands, floodplains, wet meadows, and alpine areas.***

Unlike other RFP direction, this guideline does not set a numerical threshold for management related soil effects, rather it focuses on avoidance of these effects on sensitive sites.

Unstable slopes are not a common feature in these allotments. Steep and erosive slopes, are found along the lower canyon side slopes in all of the pastures of these allotments. The gradient of these slopes exceeds 50%, and as such these areas are not considered to

be part of the capable range acres for these allotments. In reality, very little livestock grazing occurs on these very steep landforms.

- ***Guideline (G11) Use Best Management Practices and Soil and Water Conservation Practices during project level assessment and implementation to ensure maintenance of soil productivity, minimization of sediment discharge into streams, lakes and wetlands to protect of designated beneficial uses.***

The USEPA provides guidance for managing rangeland, pasture, and other grazing lands to protect water quality and aquatic and riparian habitat in Chapter 4E: Grazing Management of the National Management Measures to Control Nonpoint Source Pollution from Agriculture (USEPA 2003). The purpose of the management measures is to 1) improve or maintain the health and vigor of the plants, maintain a stable and desired plant community, maintain or improve water quality and quantity, reduce accelerated erosion, and maintain soil condition for sustainability of the resources; 2) exclude livestock, where appropriate and/or control livestock access to and use of sensitive areas, such as streambanks, wetlands, estuaries, ponds, lake shorelines, soils prone to erosion, and riparian zones; and 3) achieve either of the following on all rangeland, pasture, and other grazing lands not addressed above by maintaining or improving grazing lands in accordance with grazing permit requirements of the USDA Forest Service. Management measures are applied to the allotments such as open herding of livestock to prevent concentrated use, salting and bedding areas located away from water sources, and grazing setbacks from lakes and the success of these measures is indicated by the stable, well-vegetated stream banks, riparian areas, and uplands through most of the allotment.

BMPs currently prescribed in AOP and being implemented:

- Open herding of livestock to prevent concentrated use and associated soil disturbances.
  - Salting and bedding areas located well away from water sources.
  - Utilization guidelines that limit the residence time of livestock in pastures, and prevent concentrated use related soil disturbance.
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- ***Guideline (G74) Stock driveways and trailing routes will be located outside of Riparian Habitat Conservation Areas unless terrain and/or vegetation are prohibitive. When driveways and trailing routes must pass through Riparian Habitat Conservation Areas, they will be located and livestock moved through them in such a way to minimize the extent and/or severity of potential damage caused by trailing.***

There is very little soil disturbing activities in the riparian areas and no indication of a sheep driveway on the allotment.

## **Management Areas**

The Bug Lake and Red Wells/Rock Creek Sheep Allotments are within the Bear and Cache-Box Elder Management Areas (Forest Plan, pages 4-118 to 4-139). My decision is consistent with direction set forth in the Forest Plan for these two management areas.

## **Management Prescriptions**

The management prescriptions within the allotment are: 2.6 (Undeveloped Areas), 3.1a (Aquatic Habitat Emphasis) and 4.4 (Motorized Recreation Emphasis) all of which allow livestock grazing to meet desired conditions. The actions in this project are consistent with the types of activities permitted under the 2.6, 3.1a, and 4.4 Management Prescriptions.

## **Science**

My conclusion is based on a review of the project record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

## **Laws, Regulations, and Directives**

Numerous laws, regulations, and agency directives require that my decision be consistent with their provisions. My decision is consistent with all laws, regulations, and agency policy relevant to this project. The following discussion is intended to provide information on the regulations that apply to issues raised and comments made by the public or other agencies.

**National Forest Management Act of 1976 (PL-94-588)** – The National Forest Management Act directs that management activities be consistent with the Forest Plan. Based on the discussions above, I have concluded my decision is consistent with provisions of the 2003 Revised Land and Resource Management Plan for the Wasatch-Cache National Forest (Forest Plan), including Goals, Management Prescriptions, and Standards and Guidelines.

**Clean Water Act** – The Clean Water Act requires each state to implement its own water quality standards. The State of Utah's Water Quality Anti-degradation Policy requires maintenance of water quality to protect existing in stream Beneficial Uses on streams designated as Category 1 High Quality Water. All surface waters geographically located within the boundaries of the Wasatch-Cache National Forest whether on public or private lands are designated as Category 1 High Quality Water. Based on the analysis presented in the Water Resources Technical Report I have concluded that my decision will maintain water at existing high quality and is consistent with the Clean Water Act.

**Executive Order 11990 of May 1977** – This order requires the Forest Service to take action to minimize destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands. In compliance with this order, Forest Service direction requires that analysis be completed to determine whether adverse impacts would result. As disclosed in the Water Resources Technical Report, very little wetland area has been impacted by sheep grazing on these allotments. Therefore, my decision will have no adverse effects to wetlands located within these allotments and is in compliance with EO 11990.

**Executive Order 11988 of May 1977** – This order requires the Forest Service to provide leadership and take action to (1) minimize adverse impacts associated with occupancy and modification of floodplains and reduce risk to flood loss, (2) minimize impacts of floods on human safety, health and welfare, and (3) restore and preserve natural and beneficial values served by floodplains. My decision will have no adverse effects to floodplains (see the Water Resources Technical Report).

**Endangered Species Act** – This Act directs that all Federal departments and agencies shall seek to conserve endangered, and threatened (and proposed) species of fish, wildlife and plants. This obligation is further clarified in a National Interagency Memorandum of Agreement (dated August 30, 2000) that states our shared mission to “...enhance conservation of imperiled species while delivering appropriate goods and services provided by the lands and resources.”

Based on the information disclosed in the Biological Assessment (available in the project file) I have determined my decision will not significantly affect populations of endangered, threatened, and candidate species of fish, wildlife and plants as explained above under Criteria 3. Concurrence on this determination was obtained from the US Fish and Wildlife Service (letter in the project file).

**Executive Order 13186 of January 10, 2001** – Based on information in the project file concerning migratory birds, sheep grazing will have a very limited and minor effect on habitat for migratory birds. Therefore, my decision is in compliance with this Executive Order for the Conservation of Migratory Birds.

**Executive Order 13112 – Invasive Species** – This Executive Order directs that Federal Agencies should not authorize any activities that would increase the spread of invasive species. My decision includes noxious weed management to effectively reduce the spread of existing and new infestations of noxious weeds and invasive plant species in accordance with the WCNF Weed Management Strategy. Therefore, my decision is consistent with this order and will not increase the spread of invasive species.

**American Antiquities Act of 1906 and the National Historic Preservation Act of 1966** – A survey was conducted and the Forest archeologist made the determination livestock grazing will not significantly affect any cultural resources in the project area; no historic or cultural features will be impacted (report in the project record). Therefore, my decision is in compliance with these Acts.

**Prime Farmland, Rangeland and Forest Land (Secretary of Agriculture Memorandum 1827)** – My decision does not make any changes to boundaries of grazing allotments or forestlands found within the project area.

**Civil Rights** – Based on comments received during scoping and the comment period no conflicts have been identified with other Federal, State or local agencies or with Native Americans, other minorities, women, or civil rights of any United States citizen.

**Executive Order 12898 of February 16, 1994 “Federal Actions to Address Environmental Justice on Minority Populations and Low-income Populations”** – This order requires federal Agencies to the extent practicable and permitted by law to make achieving environmental justice part of its mission by identifying and addressing as appropriate disproportionately high and adverse human health effects, of its programs and policies and activities on minorities and low-income populations in the United States and territorial possessions. In compliance with this Executive Order the Wasatch-Cache National Forest through scoping and public involvement attempted to identify interested and affected parties, including minorities and low-income populations for this project. A comment period was held for 30 days following the publication of the legal notice. No minorities and low-income populations were identified during public involvement activities. My decision is compliant with Executive Order 12898.

**Roadless Area Conservation Rule of January 12, 2001** - The Roadless Area Conservation Rule (RACR) established prohibitions to road construction/reconstruction and timber harvest in areas identified in the 2000 Roadless Area Conservation Final Environmental Impact Statement. Recent opposing court orders have brought into question whether or not the 2001 Rule is in effect. In the event the 2001 Rule is in effect my decision is consistent with that Rule. Guidance for what actions are prohibited in roadless areas is provided in 36 CFR 294.10 to 294.14. My decision neither harvest trees or constructs or reconstructs roads. In the event the 2001 Rule is not in effect direction for managing roadless is set forth in the 2003 Revised Forest Plan. Consistency to the Forest Plan was explained in previous sections.

**Executive Order 11644 (1972) and Executive Order 11989 (1977)** – Use of off-road vehicles on the public lands – The purpose of the order is to establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote

the safety of all users of the land and to minimize conflicts among the various uses of those lands. My decision is compliant with EO 11644 and 11989.

**Travel Management Rule of November 9, 2005 – (36 CFR Parts 212 and 261)** – The rule requires designation of roads, trails, and areas open to motor vehicle use. It prohibits the use of motor vehicles off the designated system. My decision does not designate any routes for public motorized use. It is consistent with the Travel Management Rule.

## **IMPLEMENTATION DATE**

This decision pursuant to 36 CFR 215.12(f) is not subject to appeal. The proposal is not one of the activities subject to appeal under the 215 rules as clarified on October 19, 2005 by the Federal District Court for the Eastern District of California in *Earth Island Institute v. Ruthenbeck*. This decision may be implemented immediately.

## **CONTACT PERSON**

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/s/ Chip Sibbersen  
**Chip Sibbersen**  
District Ranger

Date: **September 30, 2008**

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