

Decision Notice and Finding of No Significant Impact

Forest-wide Invasive Plant Treatment Program

USDA Forest Service
Los Padres National Forest
California
Santa Barbara County, San Luis Obispo County, Kern County, Ventura County, Monterey
County

Introduction

The Los Padres National Forest (LPNF) has completed a comprehensive analysis process and Environmental Assessment (EA) for the Forest-wide Invasive Plant Treatment Program in compliance with the National Environmental Policy Act (NEPA) and other relevant laws and regulations. The EA discloses the direct, indirect, and cumulative environmental impacts that would result from the alternatives. Additional documentation, including the project record, may be found in the Forest Supervisors office in Solvang, CA. The completed EA, appendices, and maps are posted on the LPNF website for viewing and downloading at this link: (<https://www.fs.usda.gov/project/?project=51845>).

The need for the Forest-wide Invasive Plant Treatment Program is based on the negative effects of non-native, invasive plants on the environment. Invasive plant species are one of the biggest environmental and economic threats to forest, grassland, and aquatic ecosystems. They displace native plants, reduce functionality of habitat and forage for wildlife and livestock, increase potential for soil erosion, reduce water quality, alter biophysical soil properties, and result in the loss of long-term riparian area functions and habitat qualities for culturally important plants. Some of the greatest threats to riparian and aquatic ecosystem health stem from the invasion and proliferation of invasive plant species, because of these species' ability to alter riparian landscapes, reduce water and moisture levels, and increase fire danger. Controlling and eradicating invasive plants also comes at a high economic cost, which multiplies if infestations are not treated early and allowed to expand.

This document is the Decision Notice (DN) and Finding of No Significant Impact (FONSI) for the Forest-wide Invasive Plant Treatment Program. The DN identifies the decision and the rationale for selecting or modifying an alternative from the EA. The FONSI shows that the decision does not cause significant impacts on the human environment and explains why an environmental impact statement is not necessary.

Decision Notice and Reasons for the Decision

Based upon my review of all alternatives, I have decided to implement **Alternative 2**, Proposed Action, for this program. This alternative will follow the most recent edition of the *Forest Service National Strategic Framework for Invasive Species Management*, which specifies prevention,

detection, control and management, and rehabilitation and restoration. Control and management will focus on high priority invasive species occurrences, contingent upon funding, and include the following treatment methods:

- Manual/mechanical
- Prescribed livestock grazing
- Fire-wilting
- Herbicide application

Treatment prescriptions will take an integrated weed management (IWM) approach for each invasive species occurrence. Treatments are variable due to variability in environmental conditions (e.g., topography, hydrology, and native plant community) and attributes of individual invasive species (e.g., growth habit and duration). Through IWM, treatments methods can be used individually or in combination in order to eradicate, contain, control, and/or suppress invasive plants in coordination with other resource management activities to more efficiently achieve LPNF goals and minimize the impact to non-target organisms. IWM is species specific, site specific, tailored to exploit the weaknesses of each invasive plant species, and designed to be practical to implement with the lowest reasonable risk to native organisms and their habitats.

The program incorporates an adaptive management strategy allowing treatments to be modified based on invasive plant expansion, new infestations on LPNF, and new and more effective treatment methods. The program also includes design features to protect and promote natural ecosystem dynamics and public health as treatments are implemented.

A complete description of Alternative 2 activities and associated design features is located in Chapter 3 and Appendix A of the Forest-wide Invasive Plant Treatment Program EA.

I selected Alternative 2 based on the following rationale:

Consistency with the LPNF Land Management Plan (Forest Plan)

The LPNF Forest Plan identifies the desired conditions for LPNF, which are to have structure, function, and composition of native plant communities and wildlife habitats unimpaired by the presence of invasive non-native plants; to have the watercourses functioning properly with riparian vegetation consisting primarily of native species, with minimal or no presence of invasive non-native plants; and the promotion of resilient riparian systems through the reduction and control of exotic species over time. Implementation of invasive plant treatments under Alternative 2 will move LPNF landscapes toward these desired conditions.

Addressing the Purpose and Need for Action

Alternative 2 meets the purpose and need for action by addressing the negative effects of invasive plants on the environment. Under Alternative 2, the geographic area that may be treated will expand to the entire land area of LPNF and increase the types of authorized control techniques for the eradication, control, or suppression of invasive plant species that can be used individually or in combination. The program will enhance and optimize treatments of existing and new invasive plant infestations, and will encourage rapid containment or eradication of small infestations before they can become established and do irreparable damage to natural

ecosystem dynamics. Treatments will be performed in combination with design features (called Resource Protection Measures [RPMs] in this document and throughout the EA) to avoid and minimize adverse environmental consequences, and to improve and restore ecosystem habitat qualities and natural functions.

Addressing Public Issues

Issues raised for the Forest-wide Invasive Plant Treatment Program were identified through public scoping and subsequent meetings. Most issues were addressed through RPMs, which were designed to avoid and minimize adverse environmental consequences and to improve and restore ecosystem habitat qualities and natural functions. As such, the RPMs minimize impacts to the public, non-target species, water quality, and other resources.

Alternative 2 originally included biocontrol (i.e., the use of the tamarisk beetle) as an invasive plant control method for tamarisk (*Tamarix* spp.). Comments from the USDA Animal and Plant Health Inspection Service (APHIS) requested that the consideration of programs to release tamarisk beetle as a means of biocontrol be suspended pending resolution of ongoing litigation related to the impacts to the southwestern willow flycatcher. LPNF determined that use of tamarisk beetles as a biocontrol agent for invasive plant species eradication or control will not be included in the proposed Forest-wide Invasive Plant Treatment Program at this time.

During public involvement periods, in addition to receiving comments expressing support for the program, other commenters expressed concerns regarding herbicide use within LPNF, especially glyphosate application. I understand these concerns and in recognition of them, a no herbicide alternative (i.e., Alternative 3) was evaluated. It was determined that excluding herbicide treatments will greatly reduce the effectiveness of the program by requiring longer periods of implementation, increasing costs due to the need for more retreatment, and result in fewer opportunities to control and eradicate invasive plants.

Alternative 2 takes an IWM approach to treatment, which contrasts with a traditional strategy of using a single treatment type, such as applying herbicides to address all invasive plant infestations. Herbicide application is a useful technique for the control of invasive plant species, but this method may not always be the optimal treatment option. In evaluating herbicide use in Alternative 2, risks to human health, wildlife, and other resources were analyzed using available science. RPMs were developed to control drift and contact with non-target species during ground-based herbicide application and to protect riparian landscapes and water quality. No aerial spraying of glyphosate or any other herbicide will occur. I also clarified in Alternative 2 that glyphosate application, similar to other herbicides, will be targeted, focused only on invasive plant species, and minimized to the lowest quantity required to achieve desired results, while also being in compliance with the herbicide label and legal specifications. With this thoughtful program design and measures to protect resources and the public, I am confident the risks from herbicide use will be low, at acceptable levels, and safe for the surrounding environment.

Alternative 2 meets the objectives of the program and complies with the LPNF Forest Plan and other applicable federal and state laws and policies.

Other Alternatives Considered

In addition to the selected alternative, two (2) other alternatives were studied in detail. A complete description of these alternatives can be found in Chapter 3, “Alternatives” of the EA.

No Action Alternative 1

Under the No Action Alternative, current management plans would continue to guide management of LPNF and the changes or additions to activities proposed in the action alternatives would not be implemented. An existing program of tamarisk control, involving mechanical and chemical treatments approved for use on infested areas in seven watersheds is one of three existing invasive plant control programs. Another program is not currently being used but is actionable and provides for control of tamarisk and giant reed plants in the riparian areas of the Santa Ynez river drainage through application of the herbicide glyphosate. The third program addresses invasive plant treatments as part of an integrated vegetation management program on 1,200 acres of the Brazil Ranch. Approved management actions for the Brazil Ranch area include control of Cape ivy through a combination of hand treatments and application of glyphosate and triclopyr in combination with surfactants, and treatment of invasive kikuyu grass using glyphosate. The level of treatment under the No Action Alternative would rely on the availability of funds, personnel, and the success and feasibility of projects proposed under these programs. The No Action Alternative is provided to present the current conditions and for comparison of the action alternatives. The No Action Alternative has not been selected because it would not meet the program objectives.

Alternative 3

Alternative 3 is the same as Alternative 2, but does not include the use of herbicides as an option for treatment. It was developed in response to comments received during scoping that raised concerns about the use of herbicides and their potential to adversely affect aquatic organisms, humans, and animals in general. For Alternative 3, emphasis would be placed on using hand pulling and mechanical methods (e.g., hand pullers, chainsaws, girdling), livestock grazing in existing allotments, and fire-wilting to control invasive plants. Because of the intensity of effort required for treatment, not all invasive species or all occurrences would or could be treated. Removal efforts without the use of herbicides require longer periods of implementation and greater costs due to the need for retreatment. Some species and infestations that have the potential to be eradicated with herbicides would only be reduced in number under Alternative 3. This alternative would therefore mostly focus on control efforts rather than elimination of invasive plant species. Due to these factors, the number of acres treated under Alternative 3 would be less than 50 percent of what is projected to be treated under Alternative 2. Alternative 3 was not selected, because it would not meet the program objectives.

Collaborative Public Involvement and Scoping

This EA and the selected alternative are the result of long-term public involvement and collaboration with interested citizens and groups. This collaborative effort was aimed at involving the interested public and local community to address local forest health and invasive plant concerns. The Forest-wide Invasive Plant Treatment Program was listed in the Los Padres National

Forest Schedule of Proposed Actions (SOPA) beginning May 16, 2017 and has been included on every quarterly SOPA update since. The Forest-wide Invasive Plant Treatment Program proposal was provided to the public and other agencies for comment during scoping with a scoping letter dated May 26, 2017. The scoping letter was mailed to 134 individuals, groups, other agencies and Tribal Governments. Two open houses were held on June 14 and 15, 2017, in Ojai and Santa Maria, CA, to provide the public with information about the program, and to accept written comments on the proposed topics to be addressed in the EA. Three members of the public attended the open house in Ojai on June 14, and one individual attended the open house in Santa Maria on June 15. The program proposal and maps have been posted on the LPNF web site for public review since May 30, 2017. Fifteen (15) letters or emails were received from the public in response to the scoping efforts noted above. A scoping summary analysis to identify potential issues and potential alternatives was completed by the Interdisciplinary Team and reviewed by the responsible official. A public comment period on the draft EA was open from May 20, 2019 to June 19, 2019 and 39 letters were received. Some of these letters expressed support for the program, while others expressed concern about the application of herbicide in the Bixby Ranch area. To address these concerns, a public meeting was held in King City, CA on January 30, 2020. A summary of public comments and agency responses is included in the project record, and updates were incorporated into the final EA.

Finding of No Significant Impact (FONSI)

The following is a summary of the program analysis to determine significance, as defined by 40 CFR 1508.27. A determination of a “significant” impact to the human environment requires consideration of both context and intensity of the expected environmental consequences of the program. The FONSI shows that the decision does not cause significant impacts on the human environment and explains why an environmental impact statement is not necessary.

After considering the environmental effects described in the EA (EA, Section 4), LPNF has determined that these actions will not have a significant effect on the quality of the human environment, considering the context and intensity of impacts (40 CFR 1508.27); therefore, an environmental impact statement will not be prepared. By reference, the EA and project record are incorporated into the consideration of this determination. This finding is based on the following:

Context

The program will be implemented throughout the LPNF, as well as non-National Forest System (NFS) inholdings, border lands, upstream locations, and other lands proximal to LPNF that may be covered by the Wyden Amendment or some other authority, contingent on landowner approval. The program does not establish a precedent or require any forest plan amendments to implement.

Intensity

The following ten elements of impact intensity (40 CFR 1508.27b) have been considered in assessing the potential significance of program effects:

1) Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on the balance the effects will be beneficial.

The finding of no significant environmental effects is not biased by the beneficial effects of the action. All practical means to avoid or minimize environmental harm have been adopted (EA, Appendix A Resource Protection Measures). A Biological Evaluation (BE), two Biological Assessments (BA), and Minimum Requirements Decision Guide prepared for this program are available in the project record, and, unless otherwise noted, are available upon request. Those documents provide the basis for the following determinations.

- Federally threatened and endangered species impacts are not likely to be adverse (EA, pp. 4.2-42, Wildlife; EA, pp. 4.2-37 Plants; FWS concurrence letter dated March 11, 2020; NOAA concurrence letter dated August 6, 2019).
- Impacts to Forest Service sensitive species and their habitats are not likely to result in a trend toward federal listings or loss of viability for any of the Forest Service sensitive species analyzed. (EA, pp. 4.2-50, Wildlife; EA, pp. 4.2-39, Plants).
- Forest Service management indicator species (MIS) habitat impacts will not be lost, converted, or degraded for any of the 12 wildlife MIS noticeable in LPNF or in the province (EA, pp. 4.2-56).
- Migratory birds and their distribution, breeding productivity, local abundance, or regional population size and viability will not be adversely affected due to implementation of the program (EA, pp. 4.2-55).
- Cultural site adverse effects will not occur (EA, pp. 4.1-5).
- Water quality effects will be negligible and no adverse cumulative effects are expected to water resources (EA, pp. 4.3-42 Water Quality; EA, pp. 4.3-5 water resources).

2) The degree to which the proposed action affects public health or safety.

A Human Health, Safety, and Risk Assessment for herbicide use was completed to document the risk of human exposure and potential adverse effects associated with the herbicides included in Alternative 2. Resource protection measures (EA Appendix A) and Forest Service safety protocols are included that will protect public health and safety during program implementation. While these protections cannot eliminate all risk to human health, they will reduce the potential for adverse health effects to an acceptable level.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There will be no significant effects on unique characteristics of the area. For activities such as fire-wilting or possible ground disturbance related to manual/mechanical treatment methods, Alternative 2 includes RPM design features to protect cultural resources. These include conducting archaeological surveys before treatments which could adversely affect cultural or historical values (RPM 104), stopping work if unanticipated heritage resource sites are found during implementation (RPM 105), establishing buffer zones (RPM 106), resource monitoring (RPM 108), and protecting the use of known sensitive traditional tribal use areas (RPM 102). By implementing these RPMs, the program will safeguard against conducting activities that could

conflict with cultural or historical resources; therefore, there will be no direct, indirect, or cumulative adverse effects on cultural resources.

There are State parks and county parks located adjacent to LPNF. Additionally, the program is located adjacent to prime farmlands and contains rangelands throughout LPNF. Approximately 42% of LPNF is within a livestock grazing allotment, but not all are active or being utilized. The program will not change the unique characteristics, such as proximity to State parks, prime farmlands, or rangelands, and will not convert forested lands to other uses; therefore there will be no negative impacts to these areas.

There are approximately 523 acres of wetland habitats within LPNF, consisting of wet meadow and fresh emergent wetlands. None of the proposed treatment methods will result in direct impacts through fill or discharge to waters of the United States. Specific design features (RPMs 30, 31, 32, 33, 35, 36, and 38) prohibit activities that modify the bed, bank, or channel or alter the flow of any waterway, prohibit use of non-aquatic formulations of herbicides within 10 feet of wetlands and surface waters, minimize risk of herbicides inadvertently entering waterways, prohibit the use of motorized vehicles in RCAs, limit livestock grazing treatments to ephemeral drainages and upland areas, and minimize disturbance to water during herbicide application. Alternative 2 will not result in adverse impacts (i.e., fill or discharge) on waters of the United States, including wetlands, and, therefore, will not contribute to cumulative effects from other LPNF projects, such as fuels reduction projects or road and trail improvements.

LPNF includes four streams classified as Wild and Scenic Rivers: Big Sur River, Piru Creek, Sespe Creek, and the Sisquoc River. Control of invasive plants will maintain or enhance natural resource values and the free-flowing characteristics of these streams by supporting native vegetation and natural fluvial processes. This directly aligns with the resource management objectives for Wild and Scenic Rivers (Forest Service Handbook Section 2354.72) as well as the Comprehensive River Management Plans for the Big Sur River (USFS 2003a), the Sisquoc River (USFS 2003b), and Sespe Creek (USFS 2003c) (a Management Plan is in development for Piru Creek but has not been finalized). Because Alternative 2 will reduce populations of invasive plants with the ability to alter the hydrological regime of rivers and floodplains, Alternative 2 will benefit hydrology and floodplain resources. Additionally, Alternative 2 will align with the goals and objectives for management of Wild and Scenic rivers. For these reasons Alternative 2 will have a beneficial effect related to hydrology, floodplains, and Wild and Scenic Rivers.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The effects on the quality of the human environment are likely to be controversial for a portion of the population, because of the use of herbicides and their health effects. A Human Health, Safety, and Risk Assessment for herbicide use was completed to document the risk of human exposure and potential adverse effects associated with the herbicides included in Alternative 2. Resource protection measures (EA Appendix A) and LPNF safety protocols are included that will protect public health and safety during program implementation. While these protections cannot eliminate all risk to human health, they will reduce the potential for adverse health effects to an acceptable level.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

LPNF has experience with the types of activities to be implemented. Similar programs are already in effect on the Angeles National Forest and the Cleveland National Forest. Future research on herbicides could expose currently unknown risks.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The action is not likely to establish a precedent for future actions with significant effects because it conforms to all existing Forest Plan direction. Previous projects with treatment actions similar to the ones in the Forest-wide Invasive Plant Treatment Program have been implemented on the LPNF.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The cumulative impact analysis by resource areas did not identify any significant cumulative impacts.

8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in the National Register of Historic Places or may cause loss or destruction of significant cultural or historical resources.

Cultural resources, including prehistoric and historic archaeological sites, sacred sites, and modern Native American gathering sites are all present within LPNF. It is deemed unnecessary to identify site types and their locales within LPNF to complete this analysis. For the purposes of this analysis all cultural sites within LPNF are assumed to be eligible and will be treated as listed on the NRHP and designated as historic properties regardless if they are Native American or historic in nature. All site information and locations are protected under the Freedom of Information Act and are available to appropriate Forest Service personnel by Heritage Resource staff. The proposed program will not cause loss or destruction of significant cultural or historic resources.

9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act.

Design features to avoid or minimize environmental harm to threatened or endangered species have been adopted (RPMs for wildlife, Appendix A). In addition, Biological Assessments (BA) and a Biological Evaluation (BE) were prepared for this program. Those documents provide the basis for the following determinations.

- As determined in the Steelhead BA, Alternative 2 may affect individuals or habitat but is not likely to adversely affect Southern California steelhead, South-Central California Coast steelhead, or designated critical habitat for these species (EA, pp. 4.2-42, NOAA concurrence letter dated August 6, 2019).
- As determined in the Plant and Wildlife BA, Alternative 2 may affect individuals or habitat but is not likely to adversely affect arroyo toad, California red-legged frog, or designated critical habitat for these species (EA, pp. 4.2-43, FWS concurrence letter dated March 11, 2020).
- As determined in the Plant and Wildlife BA, Alternative 2 may affect individuals or habitat but is not likely to adversely affect least Bell's vireo, southwestern willow flycatcher, or

designated critical habitat for these species (EA, pp. 4.2-45, FWS concurrence letter dated March 11, 2020).

- As determined in the Plant and Wildlife BA, Alternative 2 may affect individuals or habitat but is not likely to adversely affect Smith's blue butterfly or Kern primrose sphinx moth (EA, pp. 4.2-46, FWS concurrence letter dated March 11, 2020).
- With implementation of RPMs, Alternative 2's direct and indirect adverse effects on Conservancy fairy shrimp and vernal pool fairy shrimp will be avoided or reduced to a negligible level; and, designated critical habitat for these species will not be adversely affected (EA, pp. 4.2-47, FWS concurrence letter dated March 11, 2020).
- As determined in the Plant and Wildlife BA, Alternative 2 may affect individuals or habitat, but is not likely to adversely affect blunt-nosed leopard lizard or giant kangaroo rat (EA, pp. 4.2-48, FWS concurrence letter dated March 11, 2020).
- As determined in the Plant and Wildlife BA, Alternative 2 may affect individuals or habitat, but is not likely to adversely affect California condor or critical habitat designated for the species; and, any contribution of Alternative 2 to an adverse cumulative effect on California condor will be negligible. Alternative 2 will not affect foraging or breeding habitat suitability for California condor; and, with implementation of the applicable RPMs, potential project-level disturbances to condor nest and roost sites during treatment activities will be avoided or minimized (EA, pp. 4.2-49, FWS concurrence letter dated March 11, 2020).

10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The action will not violate applicable laws and regulations for the protection of the environment. The action is consistent with the Healthy Forest Restoration Act, National Environmental Policy Act, Federal Noxious Weed Act, National Forest Management Act, Endangered Species Act, Clean Water Act, Clean Air Act, National Historic Preservation Act, and Executive Order 13112.

Conclusion

After considering the environmental effects described in the EA and specialist reports, LPNF has determined that Alternative 2 will not have significant effects on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared.

Findings Required by Other Laws and Regulations

This decision to implement Alternative 2 is consistent with the long term goals and objectives of the Forest Plan. The program conforms to the Forest Plan by incorporating appropriate standards, guidelines and desired conditions (EA, pp. 1-2).

Best Available Science

The analysis of this program has been conducted using the best available science. The record shows that LPNF staff conducted a thorough review of relevant scientific information, considered responsible opposing views, and acknowledged incomplete or unavailable information, scientific uncertainty, and risk (see specialist analysis sections in the EA, responses to comments on the EA,

or the specialist reports in the project file for specific discussions of the science and methods used for analysis and for literature reviewed and referenced).

Administrative Review

Under the 36 CFR 218 objection process, individuals and organizations may file objections after an environmental analysis document is completed and before a decision document is signed. Objections are only accepted from those who submit timely program-specific written comments during any designated opportunity for public comment (36 CFR 218.5). Issues raised in objections must be based on previously submitted comments unless based on new information arising after the designated comment periods.

A Legal Notice publicizing the availability of the EA, draft Decision Notice and Finding of No Significant Impact, and objection period for the Forest-wide Invasive Plant Treatment Program was published on March 23, 2020 initiating a 45-day objection filing period in accordance with 36 CFR 218.7(b)(c). One objection letter containing multiple objection issues was received from Lorna Moffit.

The objection issues were reviewed by the Reviewing Officer, Deputy Regional Forester Bernie Gyant. During the review period a representative from the reviewing office contacted the objector to clarify the concerns expressed in writing, and on August 20, 2020 a written response was sent to the objector pursuant to 36 CFR 218.11(b)(1). The Reviewing Officer determined that LPNF properly and adequately addressed the objection issues and concerns, and instructed the Forest Supervisor to proceed with issuing a final Decision Notice. In preparing documentation for finalization, LPNF made the following updates to the EA and supporting documents to further clarify and respond to the concerns expressed on objection:

- Within Appendix A of the EA, RPM #19 was revised to specify the types of measures that could be implemented to control herbicide drift.
- Response to public comment #16 in the Draft EA Public Comments and Agency Responses document was updated to also state that the program employs an IWM approach that is species specific, site specific, tailored to exploit the weaknesses of each invasive plant species, and designed to be practical to implement with the lowest reasonable risk to native organisms and their habitats. The program was designed with RPMs that focus treatments on target species and minimize non-target species contact and impacts.
- Within the EA (pg. 3-16) the Alternatives Considered but Eliminated from Detailed Study section was updated to describe the consideration of other herbicides, including the organic formulation BurnOut®.

Implementation Date

The objection process is complete pursuant to 36 CFR 218.12, therefore the Forest-wide Invasive Plant Treatment Program may be implemented immediately. Interested and affected parties will be notified of the availability of the decision as soon as practicable after the decision is signed in accordance with 36 CFR 220.7(d).

Contact Information

For more information about this decision and the supporting environmental analysis, contact Kyle Kinports, NEPA Coordinator at (805) 961-5710.

Signature and Date



September 10, 2020

KEVIN B. ELLIOTT
Forest Supervisor
Los Padres National Forest

Date

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