



## Decision Memo Harvey Salvage Timber Sale

USDA Forest Service  
Lookout Mountain Ranger District  
Ochoco National Forest  
Crook County, Oregon  
T. 13 S., R. 17 E., Section 1

### Decision

I have decided to implement salvage harvest of approximately 100 MBF (thousand board feet) of blown down timber. The purpose of this project is to recover the economic value of the dead trees. The project area is located within the McKay Creek Watershed approximately 23 miles northeast of Prineville, Oregon. Primary access to the project area is provided by Forest Roads 27 and 33.

Most of the down trees are ponderosa pine and will be harvested using tractor logging methods. Harvest activities will be completed using the existing road system. Existing landings and skid trails will be utilized to avoid additional soil disturbance and compaction. Slash from the harvest activities will be lopped (cut into pieces) and scattered or hand piled. There will be no machine piling of slash or burning associated with this salvage harvest.

The Harvey Salvage activities do not including any new road construction or new landing construction. Forest Roads 27, 33, 3300-220, 3300-234, 3300-260, and 3300-262 will be used for harvest activities and log haul. Roads 3300-260 and 3300-262 will be closed to vehicle travel upon completion of the salvage harvest. Approximately 0.10 miles of road surface at each end of the 260 road and at the 260-262 road junction will be ripped to disguise the road surface and decompact the soils. To accomplish this: (1) soils on the road surface will be ripped to a depth of at least 12 inches to increase infiltration from rain and snow and to enhance re-establishment of vegetation. Following removal of harvested trees, ripping to loosen soils will be completed before October 31; (2) pieces of slash or woody debris will be scattered across both ends of the 260 road and native grass/forb seeds will be sown to help re-establish desirable vegetation and reduce the potential for noxious weed invasions; and (3) barriers (root wads, boulders or constructed berms) will be placed at the 260 road entrance. A roads analysis for this project has been completed; the roads analysis recommended that the 260 and 262 roads be closed.

This project does not include the use of herbicides.

The following elements are part of the proposed salvage activities and are included to reduce or minimize effects.

1. Harvest and skidding of trees within the Riparian Habitat Conservation Areas (RHCAs) is not allowed. With one exception, dead trees within RHCAs will be left on-site. One tree that fell across the 220 road will be harvested. Hand piling of slash would not occur within RHCAs.

2. Harvest will not occur in any allocated old growth area or pileated feeding habitats associated with allocated old growth. There are no Wild and Scenic Rivers or key watersheds within the project area.

3. Known populations and high-probability habitat of sensitive plant populations have been identified and the salvage harvest has been designed to avoid sensitive plants.

4. Equipment cleaning clauses would be included in the timber sale contract to reduce the potential for new infestations of noxious weeds.

5. Harvest would occur in a partial retention visual corridor. Slash created by management activities within the visual corridors would be lopped within 1 year of the harvest activity.

6. If a cultural/heritage resource site were discovered or disturbed during implementation, efforts would be made to avoid any further disturbance. Site-specific mitigation would be determined if sites could not be avoided, and consultation with the Oregon State Historic Preservation Office (SHPO) would occur prior to resuming activities.

7. During wet periods, commercial road use will not contribute to siltation outside the roadway. For example, suspension of use may occur when road use is contributing to sediment detachment and transport, such as rutting 1-2 inches deep or muddy ditch water.

8. Slash would be scattered on skid trails to create roughness.

### **Categorical Exclusion**

This action is categorically excluded from documentation in an environmental impact statement or an environmental assessment. This action falls within a category of actions identified in FSH 1909.15 Chapter 30, Section 31.2(13). Category 13 describes salvage harvest of dead and/or dying trees not to exceed 250 acres and requiring no more than 1/2-mile of temporary road construction. This action involves salvage harvest of down trees on approximately 100 acres. This action does not involve any road construction.

I find that no extraordinary circumstances exist with the project activities that may result in a significant individual or cumulative effect on the quality of the human environment. Therefore, a categorical exclusion is appropriate in this situation. My conclusion is based on

a review of the project record that shows relevant, scientific information was used in describing the expected environmental consequences.

I considered the following resource conditions in making my determination that extraordinary circumstances related to the project did not warrant further analysis and documentation in an environmental assessment or an environmental impact statement. The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect on these resource conditions that determines whether extraordinary circumstances exist.

#### Federally listed species

No wildlife species federally listed as endangered are known to occur on the Ochoco National Forest. There is one federally listed as threatened wildlife species known to occur on the Ochoco National Forest: northern bald eagle (*Haliaeetus leucocephalus*). A determination of no effect was reached for the bald eagle because there are no known nests or winter roost sites within the project area. There are no large bodies of water that would provide a stable food source for nesting bald eagles in close proximity to the project area. Bald eagles have been documented along the McKay Creek corridor on the Ochoco National Forest although the sightings are likely associated with incidental soaring or foraging activities. There have been no sightings within the project area. The occasional bald eagle foraging near the project area could easily avoid activities associated with the salvage harvest. This project is consistent with the project design criteria (PDC) contained in the Programmatic Biological Assessment (Aug. 2006-Aug. 2009) and the PDC are consistent with the Pacific Bald Eagle Recovery Plan (USDI 1986).

The Ochoco National Forest is within the listing range for Canada lynx (*Lynx canadensis*). However, the Ochoco National Forest does not contain sufficient primary habitat to identify Key Linkage Areas or Lynx Analysis Units. In May 2001, the Ochoco National Forest received concurrence from the U.S. Fish and Wildlife Service that implementation of any activities consistent with the Forest Plan, as amended, would result in a “may affect, not likely to adversely affect” determination for lynx.

There are two federally listed as threatened aquatic species known or suspected to occur on the Ochoco National Forest. These species are Mid-Columbia River steelhead trout (*Oncorhynchus mykiss*) and bull trout (*Salvelinus confluentus*). There are no aquatic species that are federally listed as endangered that are known to occur on the Ochoco National Forest. This project will have no effect on bull trout because they do not occur within the project area or the McKay Creek Watershed.

Steelhead trout are slated for reintroduction into central Oregon and into the McKay Creek Watershed. Planting of steelhead fry is scheduled for Spring 2008. The McKay Creek area is not listed as critical habitat, but is part of the Deschutes River basin distinct population segment that was established by NOAA Fisheries Service in January 2006.

The 260 road surface is currently rutted and this road is open year-round to travel by high-clearance vehicles and off-road vehicles. The road surface contributes excess sediment transported by rain and snow runoff events to McKay Creek via a drainage culvert that runs under the 33 road. Log trucks and harvest equipment may reduce existing vegetative cover on or near the road surface, which could increase sediment transport into McKay Creek. Because the 260 road lies in close proximity to McKay Creek at the 33 road junction and because the current drainage system sends overland flow into McKay Creek, sediment impacts are a primary concern at this location. To reduce the potential for sediment transport, harvest activities would occur during the summer months when it is drier and overland flow is less likely. Also, the 260 and 262 roads will be closed following completion of harvest activities to reduce the overall amount of sediment transport to the stream channel. The 220 and 234 spur roads are not affected by gully-type erosion because culverts are in place at both stream crossing locations. The harvest activities are not expected to change the surfaces on these roads. Roads 220 and 234 will continue to remain open after harvest activities are complete.

This project will reduce the amount of sediment reaching McKay Creek because the overall amount of actively eroding road surface within the headwater area will be reduced. No salvage harvest would occur within RHCAs with one exception. Current research indicates that a 10-meter (32.8 feet) setback of felling and yarding activities is needed (Rashin et al. 2006) to prevent sediment from reaching stream channels. To reduce potential for sediment delivery to streams, no yarding activities would occur in RHCAs. RHCA widths are at least 50 feet. Because timber harvest will only occur in upland areas where slopes are well vegetated and because the average daily road travel related to log haul is estimated to be small (less than 5 trips per day), no measurable increase in fine sediment transport to the stream channel is expected as a result of the salvage activities.

Because no harvest activity will occur within RHCAs except for 1 tree that will be removed from across the 220 road, this project will not prevent or retard attainment of Riparian Management Objectives for pool frequency, water temperature, large woody debris, bank stability, low bank angle, and width/depth ratios. Project design will reduce fine sediment transport to McKay Creek and harvest activities will not result in a measurable increase in fine sediment. Closure of the 260 road, ripping to increase infiltration, and seeding to re-establish native plants will have a beneficial effect on spawning and rearing salmonids, both short term and long term. Thus, the determination for steelhead trout is “may affect, not likely to adversely affect.” No changes in species viability or habitat conditions are expected as a result of this project because this project will have no effect on any aquatic habitat quality indicator. Therefore, cumulative effects are not expected as a result of this proposed action. The April 25, 2007, Biological Assessment/Biological Evaluation for this project contains additional information related to threatened aquatic species.

There are no federally listed botanical species known or suspected to occur on the Ochoco National Forest.

## Forest Service Sensitive Species

There are eight wildlife species on the Regional Forester's sensitive species list that are known or suspected to occur on the Ochoco National Forest. They are: Peregrine falcon (*Falco peregrinus anatum*), bufflehead (*Bucephala albeola*), upland sandpiper (*Bartramia longicauda*), western sage grouse (*Centrocercus urophasianus*), gray flycatcher (*Empidonax wrightii*), tricolored blackbird (*Agelaius tricolor*), pygmy rabbit (*Brachylagus idahoensis*), and California wolverine (*Gulo gulo*).

No suitable habitat exists within the project area for the Peregrine falcon, bufflehead, upland sandpiper, western sage grouse, gray flycatcher, tricolored blackbird, or pygmy rabbit. The salvage activities will have no effect on these species because the project will have no effect on their habitat. The January 30, 2007, Wildlife Report includes additional information.

California wolverine is the only sensitive wildlife species that has potential habitat within the project area. A determination of no impact was reached for California wolverine. Wolverines could be transitory visitors to the project area although they are expected to avoid the area because of the high level of recreation use and roads near and within the project area. There is no denning habitat that would be affected. The salvage activities will increase human presence for a short time period within a small area. Wolverines are mobile animals and could easily avoid the activity if they are moving through the area.

There are five aquatic species on the July 2004 Regional Forester's sensitive species list that are known or suspected to occur on the Ochoco National Forest. They are: Malheur mottled sculpin (*Cottus bairdi* spp.), mid-Columbia River spring chinook salmon (*Oncorhynchus tshawytscha*), west slope cutthroat trout (*Oncorhynchus clarki clarki*), redband trout (*Oncorhynchus mykiss* ssp.), and the Columbia spotted frog (*Rana luteiventris*). Only the redband trout and the Columbia spotted frog are known to inhabit streams or wetlands in or near the project area. Because there are no west slope cutthroat trout, Malheur mottled sculpin, or Mid-Columbia River spring chinook salmon in the project area, this project will have no effect on these species.

Redband trout are known to inhabit McKay Creek and have been observed 1/2 mile downstream of the project area. Within the project area, trout were not observed during the biota survey in 2005. This project may impact individuals or habitat for redband trout but will not likely contribute to a trend towards federal listing or loss of viability to the population or species because harvest activities have the potential to transport sediment to McKay Creek near the junction of the 33 and 260 roads. However, project design reduces the potential for fine sediment transport to McKay Creek and no measurable increase in fine sediment is expected. Closure of the 260 road, ripping to increase infiltration, and seeding to re-establish native plants will have a beneficial effect on spawning and rearing salmonids, both short term and long term. The April 25, 2007, Biological Assessment/Biological Evaluation for this project contains additional information related to sensitive aquatic species. In addition, to avoid adverse effects to inland native fish, no harvest activities will occur within RHCAs with

one exception and logging slash will be lopped and left at harvest locations to trap and hold sediments from disturbed soils.

Formal surveys for Columbia spotted frogs have not been conducted within the project area; however, incidental sightings of Columbia spotted frogs have been reported in the McKay Creek area and suitable habitat exists within the project area. Harvest activities will not occur in RHCA's where breeding activities occur. However, there is a potential of loss or injury to spotted frogs during migrations between wet areas and upland habitat when heavy equipment is operating. During migrations of Columbia spotted frogs, there remains potential for loss or injury to individual frogs when trees are being skidded, loaded onto trucks, and transported out of the project area. This project may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or loss of viability to the population or species of the Columbia spotted frog.

There are 28 botanical species on the Regional Forester's sensitive species list that are known or suspected to occur on the Ochoco National Forest. The project area has previously been disturbed. The area where salvage activities would occur has no potential habitat for any sensitive plant species. The Harvey Salvage project is expected to result in no impact to sensitive plant species. The November 7, 2006, Botany Report contains a list of these species.

Floodplains, wetlands, or municipal watersheds

Harvest would not occur in any floodplain, wetland, or municipal watershed.

Congressionally designated areas, inventoried roadless areas, and research natural areas

Harvest would not occur in any congressionally designated area, inventoried roadless area, or research natural area.

American Indian and Alaska Native religious or cultural sites, archaeological sites, or historic properties or areas

The project area has been surveyed for archaeological sites, historic properties, historic areas, and American Indian religious or cultural sites. Heritage (both pre-historic and historic) sites have been identified near, but not within the proposed harvest area. Harvest operations have been designed to avoid all known sites. Monitoring will be done during project implementation to ensure that any newly discovered sites are not damaged. On December 12, 2006, the State Historic Preservation Office agreed that the project would not affect any known cultural resources.

**Public Involvement**

The Harvey Salvage Timber Sale was first listed in the January 2007 Schedule of Proposed Actions. This proposal was also listed in the March 2007 edition. The proposal was provided to the public and other agencies for comment during scoping. Letters were sent to interested and affected agencies, organizations, and persons on December 20, 2006. Letters were also

sent to potentially affected Tribes. In response to these scoping efforts, two letters and one telephone call were received. Comments in these responses related to down log requirements, habitat for federally listed species, soil impacts, harms caused by OHV riders, and closed roads.

During May 2007, the draft Decision Memo was made available for comment. One letter and several telephone calls were received during the 30-day comment period. Comments in these responses related to streams listed by the State of Oregon as water quality impaired (i.e. 303(d) listed streams); reintroduction of steelhead trout to the McKay Creek Watershed; widespread OHV use throughout the McKay Creek Watershed; cumulative impacts of past logging, ongoing livestock grazing, and increasing OHV damage; past conversion of the project area from dry grand fir to ponderosa pine; use of downed logs for wildlife habitat and potential restoration; and inappropriate use of a categorical exclusion.

Down logs will be retained consistent with Forest Plan requirements for wildlife habitat. Down logs will be at least 12 inches in diameter and various sizes will be retained. Down logs that are retained would be located at least 100 feet from open roads. Down logs within RHCAs, with one exception, will not be salvage harvested. The Lookout Mountain Ranger District has a stock pile of downed trees and logs to use for stream restoration projects. One comments expressed the opinion that these down trees could be better used to close OHV trails. Past experience indicates that down logs frequently do not make effective barriers for closing user-created OHV trails because they are cut or dragged out of the way.

Federally listed species, including steelhead trout, have been considered and are discussed above.

The project area was reviewed for detrimental soil conditions. Approximately 16 percent of the project area has detrimental soil conditions. The salvage harvest activity will re-use existing roads, skid trails, and landings to reduce the potential for increasing the amount of detrimental soil conditions. The salvage harvest activity is expected to result in no more than an additional 2 percent of detrimental soil conditions because of additional skid trails.

Preventing or repairing harms caused by OHV riders is outside the scope of the proposal to recover the economic value of blown down trees. Separate from this proposal the Lookout Mountain Ranger District has been addressing this concern. In July 2005, the McKay Creek Stream and Riparian Restoration Project was approved. This project involves placing boulders, large wood, and stream structures to block user-created stream crossings and to move dispersed campsites away from the stream channel. This project is more than 1 mile downstream of the Harvey Salvage project area. Implementation of this project is ongoing. In March 2004, the decision for the Little McKay Stream and Riparian Restoration Project was signed. This project included reducing the size of a dispersed camping area, restricting vehicle access to the stream channel by placing rock and debris along the stream banks. Implementation of this project was completed in 2004. The effects of the Harvey Salvage Project do not overlap with the effects of either the McKay or Little McKay Stream and Riparian Restoration projects. Widespread use of OHVs is occurring in the McKay Creek Watershed, and in some areas is causing resource damage. An emergency closure for

resource protection in the McKay Creek Watershed was put into place between December 1, 2006, and May 21, 2007. In addition, the Ochoco National Forest has begun preliminary work on developing a proposed action to designate roads, trails, and areas that will be open for motorized use, including OHV use. Because a proposed action has not yet been developed, it is not possible to predict how OHV use in the McKay Creek Watershed may change.

There are several roads in the project area; all of these roads are currently open to vehicle travel. Forest Roads 27 and 33 provide access to the area and are designed for use by passenger cars. There are four maintenance level 2 roads in the project area. These roads are open for high-clearance vehicles. The 260 road is rutted and is contributing sediment to McKay Creek via a drainage culvert that runs under Road 33. This road will be used for log haul and will then be closed to vehicle traffic, including high-clearance vehicles. Because the 262 road connects to the 260 road, it will also be closed. The 220 and 234 roads will remain open to high-clearance vehicles.

McKay Creek between River Mile (RM) 0 and 19.5 is listed on the 303(d) list of water-quality impaired water bodies for summer water temperatures. The portion of McKay Creek within the project area is above RM 19.5. A temperature monitoring gauge was installed at RM 19.5 in 2005. Temperature monitoring data for 2005 and 2006 show that the water temperature at RM 19.5 meets the state standard. The salvage harvest activities would not affect stream shade or water temperature and would not contribute to high summer water temperatures in McKay Creek downstream of the project area.

This project is not expected to contribute to significant cumulative impacts from livestock grazing, OHV use, or previous timber harvest. Livestock grazing is authorized within the project area; the proposed salvage activities are not expected to add to the effects of livestock grazing. Some OHV use is occurring within the project area. The proposed activities will close the 260 and 262 roads that are currently open. This will discourage OHV use on these roads. The salvage harvest activities will re-use existing skid trails and may create additional skid trails. Any new skid trails will be outside of RHCAs. Slash from the harvest activities would be scattered on skid trails which will discourage OHV use on skid trails. The effects of the salvage activities are not expected to increase OHV use within the project area. The Harvey Salvage project area overlaps with units from the Gray Gap Timber Sale. The Gray Gap Timber Sale was harvested in the early 1990's and resulted in detrimental soil conditions. This proposal will result in an estimated 2 percent increase in detrimental soil conditions. The cumulative result is that 16-18 percent of the project area will have detrimental soil conditions.

The wildlife report describes the project area as a dry grand fir plant association, not a dry grand fir forest stand. The dry grand fir plant association is commonly dominated by ponderosa pine. Other tree species that can be found in this plant association group include Douglas-fir, western larch, grand fir, and lodgepole pine. Past harvest activities did not convert this area from dry grand fir to ponderosa pine.



## **Findings Required by Other Laws**

This decision is consistent with the Ochoco National Forest Land and Resource Management Plan (LRMP), as amended, as required by the National Forest Management Act. The project area is within the General Forest and Visual Management Corridors (partial retention) management areas. This project was designed in conformance with forest plan decisions for these management areas. An LRMP amendment is not needed to implement this salvage harvest project. I have also reviewed my decision for consistency with 16 USC (United States Code) 1604(g)(3) and find that it is consistent.

The forest-wide standard and guideline for soils states “In order to maintain site productivity, all project activities will be planned to reduce soil compaction and displacement to the lowest reasonable level... The minimum will be 80 percent of the total activity area.” The November 20, 2006, soils input indicates about 16 percent of the project area currently has detrimental soil conditions and that the Harvey Salvage project is expected to result in 16-18 percent of the area with detrimental soil conditions. This project is consistent with both the Forest Plan standard and guideline and Regional guidelines for soils. As indicated by 16 USC 1604 (g)(3), this project will not irreversibly damage soil conditions.

The January 30, 2007, Wildlife Report describes the effects to management indicator species, big game habitat, late and old structure stands, and connective corridors.

Within the visual management corridor, slash created by the harvest activities will be lopped and scattered within 1 year of the actual harvest.

As indicated by 16 USC 1604(g)(3)(E)(ii), there is no need for restocking because these stands are adequately stocked, and this project will only remove dead trees.

Riparian areas and wetlands in the project area are subject to the interim direction provided by the PACFISH (Interim Strategies for Managing Anadromous Fish-Producing Watersheds in Eastern Oregon Washington, Idaho, and Portions of California) and INFISH (Inland Native Fish Strategy) which amended the LRMP. This project is consistent with PACFISH/INFISH standards and guidelines for timber harvest activities because no timber harvest would occur within RHCAs with the exception of one tree that has fallen across the 220 road. Attainment of Riparian Management Objectives (RMOs) will not be affected by the salvage harvest activities.

The Harvey Salvage Timber Sale activities will comply with the Clean Water Act. McKay Creek is the only stream within the McKay Creek Watershed that is on the 2004/2006 303(d) list of Water Quality Limited Water Bodies. This stream is listed for summer water temperature. Salvage harvest activities will have no effect on water temperature because none of the trees that are proposed for harvest provide stream shade. The state water quality standards direct that turbidity should not exceed background levels by more than 10 percent. The salvage harvest activities would not result in any measurable increases in fine sediment transport and will reduce the overall amount of sediment reaching McKay Creek.

Biological assessments/biological evaluations have been prepared to document the effects of project activities on threatened and endangered species in the project area. There are no endangered species known or suspected to occur on the Ochoco National Forest. Threatened species that are known or suspected to occur on the Ochoco National Forest include bull trout, mid-Columbia River steelhead trout, northern bald eagle, and Canada lynx. Potential effects to these species were analyzed (see January 30, 2007, Wildlife Report and the April 25, 2007, Biological Assessment/Biological Evaluation for aquatic species). The analysis documents that there will be no effect to bull trout or northern bald eagle. The project may affect, but is not likely to adversely affect mid-Columbia River steelhead trout. Programmatic consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service has been completed. The August 18, 2006, letter from the National Marine Fisheries Service indicates that projects must be consistent with the Project Design Criteria (PDC) to be covered under this consultation. The August 24, 2006, letter from the U.S. Fish and Wildlife Service indicates that projects which are consistent with the PDC do not need further consultation or conferencing. The Harvey Salvage Timber Sale is consistent with applicable PDC from the June 2006 - June 2009 Programmatic Biological Assessment.

### **Administrative Review or Appeal Opportunities**

My decision is subject to administrative review (appeal) pursuant to 36 CFR 215. Individuals or organizations who submitted comments during the 30-day comment period specified at 215.6 may appeal my decision. Any notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Any appeal must be filed (regular mail, fax, e-mail, hand-delivery, or express delivery) with the Forest Supervisor, Ochoco National Forest, 3160 NE Third Street, Prineville, OR 97754. Appeals submitted via fax should be sent to (541) 416-6695. Appeals can be filed electronically at: [appeals-pacificnorthwest-ochoco@fs.fed.us](mailto:appeals-pacificnorthwest-ochoco@fs.fed.us).

Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in plain text (.txt), Microsoft Word (.doc), rich text format (.rtf), or portable document format (.pdf). E-mails submitted to e-mail addresses other than the one listed above, or in formats other than those listed, or containing viruses, will be rejected. It is the responsibility of the appellant to confirm receipt of appeals submitted by electronic mail.

The office hours for those submitting hand-delivered appeals are 7:30 am - 4:30 pm Monday through Friday, excluding holidays.

Appeals, including attachments, must be filed within 45 days from the publication date of the legal notice announcing this decision in *The Bulletin* newspaper, Bend, Oregon. Attachments received after the 45-day appeal period will not be considered. The publication date in *The Bulletin* is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

**Implementation Date**

If no appeals are filed within the 45-day time period for filing appeals, implementation of this decision may occur on, but not before, 5 business days from the close of the appeal filing period. If any appeals are filed, implementation may occur on, but not before, the 15th business day following the date of disposition of the last appeal.

**Contact Person**

For additional information concerning this decision or the Forest Service appeal process, contact Katherine Farrell, Project Leader, at the Lookout Mountain Ranger District, 3160 NE Third Street, Prineville, OR 97754 or at (541) 416-6500.

/s/ Arthur J. Currier  
ARTHUR J. CURRIER  
District Ranger

6/15/07  
Date

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