

FSA's NEPA Rule regarding CAFOs is needed to determine if any clarification should be made in the regulation concerning the treatment of medium and large CAFOs.

5. Accordingly, the Department, through FSA, is preparing a final rule for publication in the Federal Register to rescind 7 CFR 799.41(a)(9) and (10). FSA will state in its preamble in this final rule that it will revert to the procedure that was set forth in 7 CFR part 1940, subpart G for its treatment of medium and large CAFOs. Since that rule is obsolete, FSA will incorporate the previous and relevant language of 7 CFR part 1940, subpart G into the preamble. Any amendments to the FSA NEPA Rule would take place in a separate step and drafted in consultation with the Council on Environmental Quality (CEQ). In order to allow for public comments, FSA will publish any needed revisions as a proposed rule.

6. As part of the preparation for a final rule, FSA must first submit a work plan to the Office of Management and Budget (OMB). OMB will issue a determination of significant or not significant based on FSA's work plan. The final rule will appear on the 2019 Fall Unified Agenda of Regulatory and Deregulatory Actions, which announces to the public what FSA intends to publish in the Federal Register. The 2019 Fall Unified Agenda of Regulatory and Deregulatory Actions will be available on-line and is expected to be available in December 2019.

7. The Department intends to publish that final rule as soon as it and any necessary supporting documents are completed, and to conduct the rulemaking expeditiously and in compliance with applicable law. The final rule will be designated as significant under Executive Order 12866, so with the required reviews and economic analysis, in the rule is expected to be published in January 2020.

8. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25th day of July, 2019.



Steven J. Peterson