



2014 Cover Crops Crop Insurance, Cover Crops and NRCS Cover Crop Termination Guidelines FAQs

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Note: This document may be updated for the 2015 Crop Year

Introduction:

To ensure that United States Department of Agriculture (USDA) policies are coordinated and up to date with evolving cover crop practices, the Administrators of the Natural Resources Conservation Service (NRCS), Risk Management Agency (RMA) and Farm Service Agency (FSA) organized an interagency workgroup to develop a consistent, simple and flexible cover crop policy across the three agencies. Specifically, the interagency group was tasked to develop cover crop management guidelines so that producers can achieve conservation benefits of cover crops while minimizing risk of reducing yield to the following crop due to soil water use.

In June 2013, the interagency group released its first version of "NRCS Cover Crops Termination Guidelines (NRCS Guidelines)". In December 2013, the group released its second version of the NRCS Guidelines. The NRCS Guidelines are to be applied across all USDA agencies.

In response to the release of the NRCS Guidelines, RMA developed a new Special Provisions statement to incorporate the new cover crop management and termination guidance. Starting with crop policies with a June 30, 2013, contract change date, the new statement has been, or will be, applied to all crops and practices in the "Insurance Availability" section of Special Provisions. The statement is:

Insurance shall attach to a crop following a cover crop when the cover crop meets the definition provided in the Basic Provisions, was planted within the last 12 months, and is managed and terminated according to NRCS guidelines. If growing conditions warrant a deviation from the guidelines, producers should contact either Extension or the local NRCS for management guidance. For information on cover crop management and termination guidelines, refer to the Cover Crop Termination Guidelines published at www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/crops/.

In addition to the cover crop statement there is an additional Special Provisions statement to ensure the haying and grazing of a cover crop within or prior to the late planting period (or on or prior to the final planting date if no late planting period is applicable) will not, impact prevented planting coverage for the crop prevented from being planted following the cover crop. The statement is:

In lieu of Section 17(f)(5)(ii) of the Common Crop Insurance Basic Provisions, haying or grazing a cover crop will not impact eligibility for a prevented planting payment provided such action did not contribute to the acreage being prevented from planting.

Questions & Answers:

The following are Frequently Asked Questions concerning cover crops, the NRCS Guidelines, and crop insurance for the 2014 crop year:

Q. What are cover crops?

A: A crop generally recognized by agricultural experts as agronomically sound for the area for erosion control or other purposes related to conservation or soil improvement. Cover crops include grasses, legumes and forbs for seasonal cover and other conservation purposes. A cover crop, if managed and terminated according to the NRCS Guidelines, is not considered a "crop".

According to the NRCS Guidelines, cover crops must achieve conservation purposes while minimizing the risks of reducing yields to the following crop due to soil water use. Conservation purpose includes reducing soil erosion, improving soil's physical and biological properties, supplying of nutrients, and suppressing weeds. Please see your local NRCS office for a listing of appropriate cover crop species,

seeding rates, expected growth rates and biomass, and other pertinent information necessary for your locale.

Q. Why were the cover crop guidelines developed, and who was involved?

A: With the increased use of cover crops among agricultural producers, questions and misunderstandings across USDA agencies arose. NRCS, RMA, and FSA united to develop cover crop termination guidelines to address these issues. More than 100 published articles, USDA crop growth models, the Precipitation Effectiveness Index (PEI), and regional and national crop experts contributed to the guidelines developed.

Q. Two different versions of the Cover Crop Termination Guidelines have been released – the first version in June 2013, and the second version in December 2013. Which version should I use?

A: For the 2014 crop year, crops with a June 30th, August 31st, and September 30th contract change date, the June 2013 version of the NRCS Guidelines are to be used. For the 2014 crop year, crops with November 30th or later contract change date, the December 2013 version is to be used.

The contract change date is the calendar date by which changes to the policy, if any, will be made available to the public. To find the contract change date for the insured crop in your county, visit our Actuarial Information Browser at webapp.rma.usda.gov/apps/actuarialinformationbrowser/. Select the appropriate Reinsurance Year, complete the Crop information, and then click on the "Dates" tab. A contract change date of "June 30, 2013" is referred to as a June 30th contract change date (for the 2014 crop year).

Q. What does 'Termination' mean?

A: Termination means growth has ended for 100 percent of the cover crops, and it is the producer's responsibility to ensure it is terminated according to the NRCS Guidelines.

Q. Can grazing be used as a form of terminating the crop?

A: A cover crop can be terminated by any means. However, termination means growth has ended for 100 percent of the cover crop. While grazing in some cases can terminate a cover crop, there is no definitive way to assure growth has ended which will vary based on weather, soil and the type of cover crop utilized. Moreover, grazing could use soil water needed by the insured crop. Regardless of termination method, it is the producer's responsibility to ensure that 100 percent of the cover crop is terminated according to the NRCS Guidelines. If you have any question regarding which method is best for ensuring your cover crops is terminated, please consult your local Extension or NRCS office for guidance.

Q. In the Special Provisions statement that addresses the insurability of a crop following a cover crop, it states; "If growing conditions warrant a deviation from the guidelines, producers should contact either Extension or the local NRCS for management guidance". What do I need to do to get an acceptable deviation from the NRCS Guidelines?

A: To receive a deviation from the NRCS Guidelines, you will need signed, written support from at least two agricultural experts indicating that the requested cover crop management utilized will not adversely affect the yields or quality of the insured crop and allow it to make normal progress toward maturity and produce at least the expected yield.

See Manager's Bulletin MGR-05-010 at www.rma.usda.gov/news/managers/2005/ for a list of approved agricultural experts.

Q. For my crop that follows a cover crop, what will happen if I do not follow the NRCS Guidelines in the management and termination of my cover crop?

A: Insurance will not attach to the crop following a cover crop not timely or properly terminated in accordance with the NRCS Guidelines. The Special Provisions statement specifies that insurability is dependent on three criteria: the cover crop 1.) meets the definition provided in the Basic Provisions; 2.) was planted in the last 12 months; and 3.) was managed and terminated according the NRCS Guidelines. In the absence of receiving a deviation from following the NRCS Guidelines, failure to meet any one of the three criteria means insurance will not attach to the crop that follows the cover crop.

Q. I disagree with the zone to which my farm is assigned. Can I have my farm assigned to a different cover crop termination/management zone?

A: It is possible to have a different termination management practice approved for your farm, but you would remain in the same zone. If the county has unique topographical or geographic features which

result in multiple climate zones within the county, a farm may be authorized different termination management practices compatible with the local climate and/or topographic location. To be authorized a different termination management practice, contact your local County Extension office or local NRCS office for specific cover crop management guidance for your farm. If this guidance results in a different cover crop termination time than your assigned zone, provide copies of the recommendation to your crop insurance agent. However, it should be noted that even under the different termination management practice, cover crops must be terminated no later than emergence of the insured crop.

Q. My insured crop will be irrigated. When do I need to terminate my cover crop?

A: According to the NRCS Guidelines, cover crops in an irrigated cropping system should be terminated based on the crop system and conservation purpose, but before the insured crop emerges.

Q. I live in Kansas in a county that is in Zone 2, and plan to plant non-irrigated corn. According to the guidelines, corn is an early spring seeded crop. Does this mean I can terminate my cover crop at planting instead of 15 days prior to planting?

A: Yes. For early spring seeded crops, such as corn, cover crops will have limited growth in the spring prior to seeding the 'early' spring crop, and therefore the cover crop may be terminated at or just prior to planting.

Q. I'm in zone 2, and will plant non-irrigated soybeans. The guidelines state I should terminate my cover crop at least 15 days before planting any insured crop. However, I started a new cover crop strategy on my farm over three years ago which does not impact soybean yields. Can I still insure my soybeans if I terminate the cover crop at planting time?

A: Yes, you can obtain authorization for a different termination management practice if you have adequate records. Generally you will need at least three years of production records from the cash crop that demonstrates the yield is not impacted by a later cover crop termination and you have written support of the later termination from two approved agricultural experts (see Manager's Bulletin MGR-05-010 at www.rma.usda.gov/news/managers/2005/ for a list of approved agricultural experts). However, it should be noted that even under an approved different termination management practice, cover crops must be terminated no later than crop emergence.

Q. My farm is in a zone 4 county, and I will plant non-irrigated soybeans. There are two non-irrigated crop insurance practices available in this county – FAC (i.e. Following Another Crop) and NFAC (i.e. Not Following Another Crop). If I do not follow the NRCS Guidelines in the management and termination of my cover crop, will my soybeans be considered FAC?

A: No. If you did not follow the NRCS Guidelines, your soybeans will not be insurable. The Special Provisions statement specifies that insurability is dependent on three criteria: the cover crop 1.) meets the definition provided in the Basic Provisions; 2.) was planted in the last 12 months; and 3.) was managed and terminated according the NRCS Guidelines. In the absence of receiving a deviation from following the NRCS Guidelines, failure to meet any one of the three criteria means insurance will not attach to the crop that follows the cover crop. Also, for RMA purposes a cover crop is not considered a "crop".

Q. I was prevented from planting my insured crop, and I would like to establish a cover crop on the prevented planted acreage. My crop insurance agent explained that the NRCS Guidelines will not apply to this cover crop, and I need to be cognizant of the haying and grazing restrictions. Why is that?

A: The NRCS Guidelines are applicable in determining the insurability of a **crop that follows a cover crop**. According to the Special Provisions statement in the actuarial documents, insurance shall attach to the crop following a cover crop if among the three conditions stated in question 6 above, the cover crop, is managed and terminated according to the NRCS Guidelines.

Once the insurability criteria in the Special Provisions statement has been established, the crop is insurable. For **cover crops that follow a prevented planting determination on an insurable crop**, rules and regulations in the Prevented Planting Loss Adjustment Standards Handbook will apply. Generally, once you receive a prevented planting payment you can later plant a cover crop on the prevented planting acreage but YOU CANNOT hay or graze that cover crop before November 1, (and cannot otherwise harvest anytime), or you will impact your prevented planting payment.

Q. I was prevented from planting my insured crop, and the prevented planting was not caused by the cover crop. I would like to establish a new cover crop to replace the

terminated cover crop after the later of the final planting date or the late planting period (when applicable). Do I still qualify for full prevented planting coverage for my insured crop?

A: It depends. If the new cover crop (the one planted on prevented planting acreage) is not hayed or grazed prior to November 1, or is not otherwise harvested at any time, the full prevented planting payment may be available. The rules and regulations associated with haying, grazing and harvesting of cover crops planted on prevented planting acreage are specified in the Prevented Planting Loss Adjustment Standards Handbook.

Q. Can I graze or harvest hay or silage from my cover crop prior to termination?

A: It depends. For the 2014 crop year, crops with a June 30th, August 31st, and September 30th contract change date, the June 2013 version of the NRCS Guidelines are to be used, which states: cover crops can be grazed but not hayed. If they are hayed, or harvested for grain or seed, etc., double crop restrictions may be applicable which may adversely affect the insurability of the following crop.

For the 2014 crop year, crops with a November 30th contract change date, the December 2013 version is to be used, which states: In all areas of the country and for all crops, except for crops insured under the RMA summerfallow practice in Zones 1, 2 and 3 (see below for more information summerfallow practice), cover crops may be grazed or harvested as hay or silage as long as the planned amount of biomass is available at the time of termination to meet the conservation purpose. A cover crop harvested for grain or seed will not be considered to have been planted for conservation purposes and will be considered a "crop".

For the RMA designated summerfallow practice for crops with an 11/30 contract change date, cover crops cannot be hayed or grazed, or otherwise harvested. If the cover crop is hayed, grazed or otherwise harvested in any manner, or is not terminated in accordance with NRCS termination guidelines, it will be considered a crop and the acreage will not be eligible for the summerfallow practice until the acreage lies fallow for a full crop year.

Q. In My farm is in a Zone 4 county. The NRCS Guidelines state that I must terminate my cover crop at or within 5 days after planting, but before crop emergence. Can I terminate my cover crop prior to planting (e.g. several weeks prior) and still be in compliance with the NRCS Guidelines?

A: Yes. You can terminate the cover crop prior to planting your insured crop. The intent of the termination language for Zone 4 was to give the latest time periods to terminate. For Zone 4, the latest you can terminate the cover crop is before your insured crop emerges.

Q. My farm is in zone 2 and I will be planting non-irrigated soybeans. I plan to terminate my cover crop 15 days prior to planting. However, the weather and planting conditions this spring allows earlier than normal planting. I terminated the cover crop 5 days ago, but seedbed conditions and temperatures are right to plant now. Can I plant after 5 days, or must I wait 15 days?

A: In this case, with favorable weather and soil conditions, the good farming practice would be to plant under the ideal planting conditions. It is not necessary to wait 15 days. However, for crop insurance purposes, you must document the weather and soil conditions that support the earlier than normal planting conditions.

Q. My fields and the crops I planted are susceptible to wind erosion abrasion. My typical practice is to plant a cover crop of spring oats prior to or during planting of my insured susceptible crop. I then terminate the oat cover crop once the insured susceptible crop is established and the soil is protected from wind erosion. This does not fit any of the cover crop management zones. Can I insure my crop?

A: Yes. This is a special consideration within the cover crop termination guidelines to allow growing a protective cover crop during the establishment of a wind erosion susceptible crop, which would be considered a good farming practice.

Q. Will over-seeding/interseeding a conservation cover crop into an insured grain crop affect insurability?

A: No, as long as the cover crop is seeded near physiological maturity of the insured crop and the practice does not interfere with harvest, of the insured crop. If there was any damage caused by over-

seeding the cover crop (although unlikely), uninsured cause of loss appraisals would be applied to the insured crop.

Q. Will interplanting a conservation cover crop into an insured grain crop affect insurability?

A: No, not if the cover crop and a cash crop are planted in a way that permits separate agronomic maintenance or management, then RMA will insure the cash crop. However, RMA will not insure the cash crop if the cover crop that is interplanted into a cash crop interferes with the agronomic management and the harvest of the cash crop.

Q. RMA has stated for some crops that have a summerfallow practice, RMA will allow cover crops to be planted during the fallow period without jeopardizing eligibility for the summerfallow practice. For other crops, cover crops cannot be planted during the fallow period. Please explain the reason.

A: For the 2014 crop year, crops with June 30th contract change date, the June 2013 version of the NRCS Guidelines is to be used. For those crops, which include winter wheat, and most spring wheat and barley, cover crops cannot be planted during the fallow period without jeopardizing eligibility for the summerfallow practice the following crop year. RMA is currently developing 2015 crop year provisions for these crops that will be released in June 2014.

For 2014 crop year crops with a November 30th contract change date, which includes some spring wheat, spring barley and other spring planted small grains, the December 2013 guidelines are applicable. For these crops, producers can plant cover crops during the fallow period provided they are managed and terminated according to the NRCS Guidelines (December 2013 version). There is no impact on summerfallow eligibility for the next crop year (provided the cover crops are not hayed, grazed or otherwise harvested).

Contact Information

Interested producers should consult their Special Provisions and for more information contact a **crop insurance agent**.