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**The following is the crop insurance definition of a cover crop:** Cover Crop means 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. A cover crop may be considered to be a second crop (see the definition of "second crop").

**Second Crop** means with respect to a single crop year, the next occurrence of planting any agricultural commodity for harvest following a first insured crop on the same acreage. The second crop may be the same or a different agricultural commodity as the first insured crop, except the term does not include a replanted crop. A cover crop, planted after a first insured crop (for PP, after the FPD for the PP crop (LPP, if applicable)) and planted for the purpose of haying, grazing, or otherwise harvesting in any manner; or that is hayed or grazed prior to November 1 (which generally would be when crops in the area would normally be harvested), or otherwise harvested at any time, is considered a second crop. A cover crop that is covered by FSA's noninsured crop disaster assistance program (NAP) or receives other USDA benefits associated with forage crops will be considered as planted for the purpose of haying, grazing, or otherwise harvesting. A crop meeting the conditions stated herein will be considered to be a second crop regardless of whether or not it is insured. Notwithstanding the references to haying and grazing as harvesting as stated within the BP and above, for the purpose of determining the end of the insurance period, harvest of the crop will be as defined in the applicable CP.

**CLARIFICATION OF:** "A cover crop that is covered by FSA's noninsured crop disaster assistance program NAP . . ." as stated in the definition above: "Covered" means the producer has NAP coverage for the crop planted on the PP acreage. FSA has clarified that crops intended for cover crops cannot be covered under NAP. Insureds must certify to the usage of the crop when they certify their acres at FSA. If their acres are certified as a cover crop (i.e., not haying, grazing, or otherwise harvesting), such acreage is ineligible for coverage under NAP. If the producer has enrolled the crop in NAP and certifies the acreage at FSA as intended for haying, grazing or harvest; then it would be:

- (1) covered under NAP and considered a second crop
- (2) the (first insured crop) PP payment is limited to 35%.

Even if the crop planted on the PP acreage has NAP coverage in effect and it is never grazed, hayed, or harvested; it is still considered a second crop because NAP coverage is in effect.

**The 2014 Prevented Planting Special Provision (SP) states:**

In order for acreage to be “physically available for planting” in accordance of section 17(f)(8) of the Basic Provisions, the acreage must:

In at least one of the ***four most recent crop years immediately preceding the current insured crop year***, have been planted to a crop:

- a. Using recognized good farming practices
- b. Insured under the authority of the Federal Crop Insurance Act (Act)
- c. That was harvested, or, if not harvested, was adjusted for claim purposes under the authority of the Act due to an insured cause of loss (other than a cause of loss related to flood or excess moisture).

Once any acreage does not satisfy the criteria set-forth within 5 (a)(b) and (c) in one of the four most recent crop years immediately preceding the insured crop year, such acreage will be considered physically unavailable for planting until the acreage has been planted to a crop in accordance with (a)(b) and (c) above for two consecutive crop years.

***Example:*** *If a field has been pp for 3 years and then planted later to a millet hay crop the fourth year, for the following year the AIP has the procedural right to determine that the acreage may not be considered available for planting because of certain conditions (soil or topographical) that prevent the proper and timely planting of an insurable crop year after year. The Special Provision clearly states that we do not skip a year when a non-insurable crop was planted and harvested for hay. The AIP is required to look at the four most recent crop years immediately preceding the current insured crop year. In this example the acreage does not meet the SP requirement, therefore it is ineligible for PP coverage.*

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**If you have an oat policy in force and you planted oats but didn't get in early because it was too wet so your best harvest option is to take it for hay, will that be considered planted, harvested and insured for this year? I assume it would be appraised and a yield assigned.**

The Small Grains Policy Provisions state the insured crop is one that is planted for harvest as grain, one planted and intended to be harvested as hay is not an insurable crop. The crop would need to be planted no later than the end of the late planting period, insured and harvested as grain, if it is damaged by a hail storm and not taken to harvest it would be appraised and released for the farmer to destroy. Depending on what stage the oats is in at the time of damage and if there is still some yield potential, then the producer could hay it after the AIP releases it, if there is no yield potential and zeroed out the farmer is required to destroy any remaining stand.

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**Would an alternative to applying for PP be to plant a warm season hay crop such as German millet and harvesting for hay? The cattle market is strong, the herd is expanding and hay prices should remain strong. The hay may yield more net return than the PP payment, depending on the crop and the APH.**

If the producer plants a crop on the PP acreage prior to the end of the late planting period (LLP) (most often consists of 25 days) it is no longer eligible for PP coverage. If another crop is planted after the late planting period it is considered a second crop and the PP payment is reduced to 35% of normal. The German millet would probably fall into this category.

If they plant an approved cover crop during the LPP and is hayed or grazed prior to November 1 or otherwise harvested at any time prior to Nov. 1, it is now considered a second crop and the PP payment is reduced to 35% of normal. If the cover crop that was planted during the LPP of the PP crop is hayed or grazed Nov. 1 or later, it is not considered a second crop and the insured is eligible for a 100% PP payment.

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**If a field is prevented planted for four years, does planting and harvesting for an uninsurable crop for hay count for the two consecutive years to regain eligibility for PP?**

An uninsurable crop for hay will not count for the 1 in 4 years nor will it regain eligibility for PP coverage if planted for two consecutive years. It has to be an insured crop.

