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2015 Cover Crops Crop Insurance, Cover Crops and NRCS Cover Crop Termination Guidelines FAQs

Dec 23, 2014

Note: This document may be updated for the 2016 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.

The interagency group developed the "NRCS Cover Crops Termination Guidelines (NRCS Guidelines)", which serve as the cover crop management guide for all USDA agencies. Since June 2013, three versions of the NRCS Guidelines have been released. In the 2014 crop year, the first version was released June 2013 and a second version in December 2013. An updated version was released in September 2014, which will be applied to all crops for the 2015 crop year.

In response to the release of the NRCS Guidelines, RMA developed a special provisions statement to incorporate the new cover crop management and termination guidance. The statement has been applied to all crops and practices in the "Insurance Availability" section of the 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 office for management guidance. For information on cover crop management and termination guidelines, refer to the Cover Crop Termination Guidelines 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.

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: Three different versions of the Cover Crop Termination Guidelines have been released – the first version in June 2013, the second version in December 2013 and more recently, another version in September 2014. Which version should I use?

A: For the 2015 crop year, starting with all crops with a June 30, 2014 and later contract change date, the September 2014 version of the NRCS Guidelines is applicable. That version can be found at

[NRCS Cover Crop Termination Guidelines, September 2014, Version 3.](#)

Note: 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, 2014" is referred to as a June 30 contract change date (for the 2015 crop year).

Q: Compared to the December 2013 version, what were the big changes to September 2014 version of the NRCS Guidelines?

A: Guidance pertaining to the cover crops and the summerfallow (SF) practice has been revised for the September 2014 version. Specifically, the termination time-frame for cover crops for this practice in these areas was removed from the table and information on SF and cover crops placed in "Additional Consideration #13." The NRCS Guidelines now specifically state that if a cover crop is planted on

summerfallow acreage in a fallow year, the following planted crop will not meet the summerfallow practice definition until the acreage lies fallow for a full crop year.

RMA developed its non-irrigated summerfallow practice for producers that use a crop-fallow rotation in the semi-arid western United States, where effective soil water conservation and management is critical to the success of the cash crop. Historically, the planting of a crop, including cover crops, during the fallow year would render the subsequently planted crop ineligible for the SF practice until the acreage lies fallow for a full crop year. RMA, along with NRCS, recently re-examined this policy by reviewing available peer-reviewed scientific research and concluded that in semi-arid regions, planting a cover crop during the fallow year significantly increases the risk of reducing yield to the following crop due to soil water use.

However, it should be noted that crop insurance is still available for those producers that use a crop-fallow rotation in the semi-arid west and who choose to plant a cover crop during the fallow year. For crops insured in the 2015 crop year, the crop following the cover crop can be insured under the continuous cropping (CC) practice, if it is available. In those counties where CC is not available, producers may insure the following crop by written agreement, provided the land meets crop productivity requirements and the cover crop was not hayed, grazed or otherwise harvested. There will be a slight change for crops insured in the 2016 and succeeding crop years. If a cover crop is planted during the fallow year, the acreage may be insured under the "continuous cropping practice" (if available in your county), or by written agreement (if continuous cropping is not available in your county) **provided the cover crop is terminated at least 90 days prior to planting the insured crop**. Producers interested in exploring how cover crops can fit into their farming operations are encouraged to look over the actuarial documents in their county and discuss all available options with their crop insurance agent.

Q: What does "Termination" mean?

A: Termination means growth has ended. If the cover crop is not terminated according to the NRCS Guidelines, it will not be considered a cover crop, which may adversely affect the insurability of the following crop. 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. If the cover crop is not terminated according to the NRCS Guidelines, it will not be considered a cover crop, which may adversely affect the insurability of the following 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 used. Moreover, grazing could use soil water needed by the insured crop. Regardless of termination method, it is the producer's responsibility to ensure that the cover crop is terminated according to the NRCS Guidelines. If you have any questions regarding which method is best for ensuring your cover crop is terminated, please consult your local NRCS office for guidance.

Q: In the special provisions statement that addresses the insurability of a crop following a cover crop, it states, among other things, that a cover crop must "meet the definition provided in the Basic Provisions". What is the definition of a cover crop in the basic provisions?

A: **Cover crop** - 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.

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 office 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 used 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 the 2015 Good Farming Practice Determination Standards Handbook for guidelines regarding 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 to 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 that 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 3 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 3 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 the 2015 Good Farming Practice Determination Standards Handbook for guidelines regarding 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, unless planted as a protective cover for a wind erosion susceptible crop (See Additional Cover Crop Termination Considerations #9, and a question and answer below).

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 to 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 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 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 planted 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: For the 2015 crop year, cover crops may be grazed or harvested as hay or silage, unless prohibited by RMA crop insurance policy provisions. Cover crops cannot be otherwise harvested, such as for grain or seed, etc.

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. Seasonal covers that were installed under the NRCS Practice Code 603 – Herbaceous Wind Barriers are 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. For crop insurance purposes, you must have documentation that the season covers were installed to protect the planted crop from wind erosion.

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. Unless prohibited by your crop insurance policy or crop provision. If the cover crop and a cash crop are planted in a way that permits separate agronomic maintenance or management, then RMA may 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: I grow non-irrigated winter wheat in a wheat-fallow rotation in eastern Colorado. In the past, I have insured my wheat under the summerfallow practice. The fallow year of my rotation was the 2014 crop year. My next wheat crop will be in the 2015 crop year. According to the actuarial documents in my county, if I planted a cover crop in the 2014 crop year, my 2015 wheat will not qualify for the SF practice. Can I still obtain insurance for my 2015 wheat crop?

A: If you farm in a county that also has a non-irrigated continuous cropping (CC) practice, your 2015 wheat crop can be insured as CC, provided all other provisions of that practice are satisfied.

If you farm in a county where the only non-irrigated practice is the summerfallow practice, you may obtain insurance on your 2015 wheat via written agreement (WA) provided the cover crop meets the criteria outlined in the special provisions of your county, and the cover crop is not hayed, grazed or otherwise

harvested.

Producers interested in exploring how cover crops can fit into their farming operations are encouraged to look over the actuarial documents in their county and discuss all available options with their crop insurance agent.

Q: I understand that RMA insures over 100 crops throughout the United States. In the 2015 crop year, what percentage of the producers who grow these crops and choose to incorporate cover crops into their operations may still obtain crop insurance?

A: 100 percent, provided all other provisions of the particular crop and practice are followed.

Producers interested in exploring how cover crops can fit into their farming operations are encouraged to look over the actuarial documents in their county and discuss all available options with their crop insurance agent.

Contact Information

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

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