

## **2017 Freeze and Snow in Colorado, Kansas, and Nebraska**

*Summerfallow - A production practice utilized to allow soil moisture levels to increase by leaving acreage fallow for a full crop year.*

*To qualify for this practice for the current crop year, the acreage must not have been planted to a crop the preceding crop year and lie fallow for a full crop year. In addition, any plant growth (e.g., weeds, volunteer crop, etc.) must be terminated on or before June 1 and any later plant growth must be controlled by mechanical or chemical means.*

*However, if a crop was planted on acreage qualifying as summerfallow the preceding crop year but was terminated on or before June 1, and any later growth is controlled by mechanical or chemical means, the acreage will qualify as summerfallow the next crop year....*

**My 2017 wheat crop was planted in acreage that qualified for the continuous cropping practice. Since this crop failed and will not be harvested, can these acres qualify for the summerfallow practice next fall (2018 crop year)?**

No. Since the 2017 wheat was planted on acreage that did not qualify for the summerfallow practice, the acreage cannot qualify for the summerfallow for the 2018 crop year.

**My 2017 wheat crop was planted on acreage that qualified for the summerfallow practice. The crop failed and was released by my insurance company. Can this acreage qualify for the summerfallow practice for the 2018 crop year?**

Yes, provided you terminate it by June 1 (and any later growth was controlled by mechanical or chemical means).

**Does the fact that my 2017 failed wheat had reached the headed stage affect whether or not these acres will qualify for the summerfallow practice for the 2018 crop year**

No. The fact that the 2017 failed wheat had reached the headed stage has no bearing on whether those acres will qualify for the summerfallow practice for the 2018 crop year. If the 2017 failed wheat had been planted on acreage that qualified for the summerfallow practice, was released by the insurance company and was terminated by June 1 (and any later growth controlled by mechanical or chemical means), the acreage will qualify as summerfallow the next crop year.

**Can grazing be used as a form of terminating the failed wheat crop?**

Termination means growth has ended. If the failed wheat is not terminated by June 1, then the acreage will not qualify for the summerfallow practice the next crop year. Regardless of termination method used, it is the producer's responsibility to ensure that the failed wheat has been terminated.

**Since the freeze/snowstorm came late in the spring, is there any way I can keep summerfallow status for these acres in 2018 crop year if I cannot terminate the 2017 failed wheat by June 1?**

No. USDA cannot change the terms and conditions of the insurance policy after the contract change date for the 2017 crop, which was June 30, 2016. The Federal Crop Insurance Corporation is prohibited from waiving or modifying the terms of the policy except as provided in the policy. The requirement to terminate the 2017 failed wheat by June 1 to maintain the summerfallow status for the 2018 crop year is part of the actuarial documents.

## **What is the definition of double crop?**

Producing two or more crops for harvest on the same acreage in the same crop year.

## **What is the "double-crop" special provisions statement?**

The "double crop" statement is part of the special provisions in counties throughout Colorado, Kansas, and Nebraska. It applies to most non-irrigated, spring-planted crops (e.g. corn, sunflowers, grain sorghum, soybeans). The statement is also frequently referred to as the "double crop" statement:

*Insurance shall not attach or be considered to have attached to a planted non-irrigated crop on acreage from which, in the same calendar year:*

- 1. A perennial hay crop was harvested; or*
- 2. A crop (other than a cover crop) reached the headed or budded stage prior to termination, regardless of the percentage of plants that reached the headed or budded stage.*

*Termination means growth has ended. A cover crop is one that meets the criteria outlined in the Insurance Availability section of this Special Provisions of Insurance.*

## **I would like to follow the 2017 failed wheat with a 2017 non-irrigated spring planted crop (e.g. sunflowers, grain sorghum). Would my 2017 spring planted crop be insurable?**

First you should check the actuarial documents in your county for the crop you intend to plant. If your 2017 failed wheat reached the headed stage, then your non-

irrigated 2017 spring planted crop will not be insurable based on the “double crop” Special Provisions statement applicable to most spring planted crops in Kansas, Colorado, and Nebraska. If the 2017 wheat crop had not reached the headed stage, then your non-irrigated 2017 spring planted crop (e.g. sunflowers, grain sorghum, etc.) would be insurable, provided all other crop insurance provisions for that crop had been met.

**Would sunflowers (or other spring planted crops) be insurable on non-irrigated acreage if they are planted following another crop that has reached the headed stage (regardless of the percentage of plants that reached the headed stage), or on acreage on which a perennial hay crop has been harvested in the same calendar year?**

No. On non-irrigated acreage, if the wheat crop had headed out, the sunflowers (or other spring planted crops) would not be insurable.

**Can producers who have insured wheat or other crops that are likely to fail consider a spring planted crop like sunflowers if the first crop is "zeroed out"?**

Yes, non-irrigated acreage of sunflowers, or another spring planted crop, would be insurable following failed wheat provided the wheat had not headed out. If the second crop, such as sunflowers, is not insured, then the producer could retain the full indemnity on the first insured crop of wheat. Producers who elect to insure the second crop and subsequently take the first insured crop's full indemnity following a second insured crop's harvest are also responsible for paying the full premium on both crops. If they elect the 35 percent indemnity on the first crop, they only pay 35 percent of the premium for the first crop. For irrigated acreage, sunflowers or other late planted crops can be planted and insured following a failed wheat crop regardless of the developmental stage of the failed wheat. For either non-irrigated or irrigated acreage, please see your crop insurance agent to further discuss first and second crop rules.

**If my fall-planted wheat failed due to events occurring this spring, what are my choices under the terms of my policy provided I meet all other policy provisions and I do not qualify for double cropping?**

The following are crop insurance provisions relating to planting a second crop after the first insured crop, such as wheat fails. The options below assume both the first crop and second crop are insurable:

- The acreage may be left idle (black dirt), or planted to a second crop and not insured, and receive a full indemnity for the first insured crop.
- Plant and insure a second crop and receive a 65 percent reduction in indemnity for the first insured crop – you pay 35 percent of the premium for the first insured crop.
- If there is not a loss on the second crop, you will receive the remaining 65 percent of indemnity on the first insured crop and pay the full premium on the first insured crop
- If the second crop receives an indemnity, the first crop indemnity remains at 35 percent and the second crop indemnity is fully paid (no reduction). You may choose to not accept the second crop indemnity and receive a full indemnity on the first insured crop.

**I would like to plant a cover crop on non-irrigated acreage after my 2017 failed wheat crop. Are there any crop insurance guidelines that I need to be aware of?**

Yes. First you need to check the actuarial documents of the next crop (after the cover crop) you intend to insure. There is a Special Provision Statement that incorporates the Natural Resource and Conservation Service's (NRCS) 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 NRCS [Cover Crop Termination Guidelines](#).*

Note that insurance will not attach to the crop that follows your cover crop if the provisions of the above statement are not met. Also note that if the next crop is 2018 wheat, then the 2018 wheat would qualify of the continuous cropping practice in your county, if available. See more information on cover crops, summerfallow and continuous cropping practices in the actuarial documents of your county.

**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 2017 crop year. My next wheat crop will be in the 2018 crop year. According to the actuarial documents in my county, if I planted a cover crop in the 2017 crop year, my 2018 wheat will not qualify for the SF practice. Can I still obtain insurance for my 2018 wheat crop?**

If you farm in a county that also has a non-irrigated continuous cropping (CC) practice, your 2018 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 2018 wheat via written agreement (WA) provided the cover crop meets the criteria outlined in the special provisions of your county, the cover crop is terminated at least 90 days prior to planting (see NRCS Guidelines) and the cover crop is not hayed, grazed or otherwise harvested.

## Contact Information

For more information, contact [RMA Public Affairs](#).