

few commenters stated the definition should be consistent with the definitions of "first crop" and "second crop." One commenter asked if the reader should be referred to the definition of "second crop;" (3) Several commenters recommended revising the definition to exclude acreage eventually used for haying or grazing, intended for harvest. Other commenters thought it would be helpful to clarify "left in place" means not haying, grazing or harvesting; (4) A commenter suggested adding "as defined by FCIC" to the proposed definition; (5) Several commenters stated the definition of "cover crop" is too restrictive and inaccurate because it requires widespread or common usage before innovative alternative practices are recognized. A few of the commenters recommended replacing "commonly used in the area" with "agronomically appropriate to;" (6) A few commenters recommended adding purposes for cover crops such as enhancing soil health and nutrient availability, controlling weeds and pests, reducing fertilizer and pesticide costs, conserving water moisture, and protecting water quality; (7) A few commenters suggested deleting the proposed language indicating cover crops are generally left in place for an entire growing season. Some of the commenters stated producers will plant more than one cover crop on the same ground at different points during the same growing season, and cover crops often bridge two growing seasons; (8) A commenter recommended using the following definition: "A crop or a succession of crops that are agronomically appropriate which are planted for green manure, erosion control, to enhance soil health and nutrient availability, control weeds and pests, reduce fertilizer and pesticide costs, conserve water moisture, and protect water quality. The crop is generally left in place for a portion of the growing season, an entire growing season, or bridging two growing seasons;" (9) A few commenters stated using the phrase "generally left in place" causes the definition of "cover crop" to be unclear and creates ambiguity. Some other commenters recommended deleting "generally left in place for one growing season;" (10) A few commenters asked if grain planted for wildlife qualifies as a cover crop;" (11) A commenter asked if "left in place" meant it cannot be hayed or grazed; (12) A commenter recommended defining "green manure;" (13) A commenter suggested inserting "surrounding" before "area" in the

definition of "cover crop;" (14) A commenter stated it is unclear what constitutes or qualifies as a cover crop; and (15) A commenter stated a cover crop could be commonly planted but not meet the requirements in the Prevented Planting Loss Adjustment Manual, and the definition should be more crop specific.

Response: FCIC does not agree the definition should include the insurance coverage impacts of haying, grazing or otherwise harvesting a cover crop. Those provisions are more appropriately included in sections 15 and 17, which state the impact on insurance if a cover crop is hayed, grazed or otherwise harvested. Therefore, no change has been made in response to this recommendation. FCIC has revised the definition of "second crop" to include cover crops. FCIC agrees the definition of "cover crop" should refer to the definition of "second crop" and has revised the definition accordingly. FCIC does not believe excluding hayed or grazed acreage from being a cover crop in the definition is as clear as stating the consequences of haying or grazing the cover crop in sections 15 and 17. Therefore, the recommended change has not been made. Use of the phrase "as defined by FCIC" in a definition only creates ambiguity because FCIC can only define terms in the definitions. Therefore, no change has been made in response to this recommendation. As stated above, FCIC has removed all references to "commonly used" and instead replaced it with the requirement that the cover crop be generally recognized by agricultural experts as agronomically sound for the area. FCIC agrees to add a definition of the term "generally recognized." "Left in place" in the proposed provision did not mean it could not be hayed or grazed. In the proposed definition, it was intended to mean the crop would remain on the acreage for one growing season. However, FCIC agrees with comments recommending deletion of provisions indicating cover crops are generally left in place for one growing season and has removed this provision. FCIC has not accepted the recommended definition of "cover crop" because it is too restrictive to list the possible uses. FCIC agrees there are many uses for cover crops and has elected to remove the specific uses, other than the most common which is erosion control, and instead has referenced the purpose of cover crops as being related to conservation or soil improvement. However, FCIC has adopted a similar standard of agronomic soundness in its definition. A crop planted for wildlife use may qualify as

a cover crop if it complies with the definition of "cover crop." Since FCIC has removed the specific uses from the definition, the term "green manure" no longer needs to be defined. FCIC has defined the term "area." Therefore, there is no need to include the term "surrounding." With respect to what qualifies as a cover crop, provided that the crop meets the definition, it will be considered a cover crop. FCIC has revised the definition to improve clarity and all procedures will be revised to be consistent with such definition.

Comment: A few comments were received regarding the definition of "double crop." The comments are as follows: (1) A commenter recommended amending the definition of "double-crop" by stating "two or more different crops;" (2) A commenter recommended replacing "practice" with "cultural agronomic practice;" (3) A commenter recommended clarifying that the words "the practice of * * *" means it is routinely done by the grower, not just one time; and (4) A commenter recommended including, in the definition of "double-crop" information about a third crop on the same acreage if two crops have already been planted in the same year, even if either or both crops fail.

Response: Although not common, double cropping requirements could be met with multiple plantings of the same crop, such as tomatoes or other vegetable crops that have multiple planting periods and harvests in the same crop year. No changes have been made in response to this comment. To eliminate any ambiguity caused by the different uses of the term "practice," it has been removed from the definition. It is not necessary for the definition to require routine performance of double cropping because the provisions in sections 15 and 17 specify the producer must have double cropped acreage in at least two of the last four crop years in which the first crop was planted or grown on it. No changes have been made in response to this comment. Since the provisions in section 9 specify how crops planted following a second crop will be handled, it is not necessary to include such a provision here. No changes have been made in response to this comment.

Comment: Several comments were received regarding the proposed definition of "first crop." The comments are as follows: (1) A few commenters recommended defining "first insured crop" rather than "first crop;" (2) A commenter stated it is irrelevant if the first crop is insured or not; (3) A commenter stated, for the purposes of prevented planting, it should not be