



SUBJECT: LTP –Waiver to Utilize the revised Definition for Resource –
Conserving Crop (RCC)

TO: Natural Resources Conservation Service (NRCS)
State Conservationists

File Code: 300

The CSP Final Rule, posted to the *Federal Register* on October 9, 2020, contained a mistake at 7 CFR §1470.3 resulting in two slightly different definitions for “resource-conserving crop” (RCC) and removing the definition for “resource-conserving crop rotation” (RCCR). After further review, NRCS also determined that minor adjustments to the RCC definition are necessary to be more inclusive of all crops that could be resource conserving and fit within the purpose for which the definition was crafted. NRCS is in the process of updating the CSP final rule to make these corrections.

The CSP regulation at 7 CFR §1470.2(d) authorizes the Chief to waive a non-statutory discretionary provision under the regulation if the Chief determines the application of that provision to be inappropriate and inconsistent with the purposes of the program. The RCC definition is a non-statutory discretionary provision. As such, I hereby rescind the use of the RCC definitions in 7 CFR §1470.3:

Resource-conserving crop means a crop that is one of the following, as determined by NRCS: (1) A perennial grass; (2) A legume grown for use as forage, seed for planting, or green manure; (3) A legume-grass mixture; or (4) A small grain or other resource-demanding crop grown in combination with a grass, legume, forbs, grass-forbs mixture, whether interseeded or planted in rotation.

Resource-conserving crop means a crop that is one of the following, as determined by NRCS: (1) A perennial grass; (2) A legume grown for use as a cover crop, forage, seed for planting, or green manure; (3) A legume-grass or diverse grass-forb mixture comprised of species selected for climate, rainfall, soil, and other region-specific conditions; or (4) A small grain or other resource-demanding crop grown in combination with a grass, legume, other forbs, or grass-forb mixture, whether interseeded, relay-planted into the resource-demanding crop, or planted in rotation.

Until such time as the definitions in 7 CFR §1470.3 can be corrected in the CSP regulation, NRCS must use the following RCC and RCCR definitions for CSP purposes:

Resource-conserving crop means a crop that is one of the following, as determined by NRCS:

- (1) A perennial grass;
- (2) A legume grown for use as forage, seed for planting, or green manure;



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- (3) A legume-grass mixture or grass-forb mixture; or
- (4) A non-fragile residue or high residue crop or a crop that efficiently uses soil moisture, reduces irrigation water needs, or is considered drought tolerant.

Resource-conserving crop rotation means a crop rotation that—

- (1) Includes at least one resource-conserving crop as determined by NRCS;
- (2) Reduces erosion;
- (3) Improves soil fertility and tilth;
- (4) Interrupts pest cycles;
- (5) Builds soil organic matter; and
- (6) In applicable areas, reduces depletion of soil moisture or otherwise reduces the need for irrigation.

If you have questions, please contact the FAPD Policy Branch using the FAPD SharePoint site.

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