

United States Department of Agriculture



Natural Resources Conservation Service  
P.O. Box 2890  
Washington, D.C. 20013

CONSERVATION PROGRAMS MANUAL (CPM)  
440 - PGM

September 2, 2011

~~Amend.~~ No. 22  
*Circular*

SUBJECT: *PGM*  
~~CPA~~ – Guidance for Partial Land Transfers for the Conservation Stewardship Program

Purpose. To provide guidance to complete Partial Land Transfers in CSP.

Effective Date. This circular is effective upon receipt.

Background. The General Terms and Conditions of a CSP contract are established by the original contract, and include the NRCS-CPA-1202-CPC and all documents incorporated therein. Current draft policy and contract documents do not address the specific contract requirements for a CSP partial land transfer. To address this, a supplement to the Form NRCS-CPA-152 “Conservation Program Contract Transfer Agreement” has been developed. The supplement identifies the additional binding terms and conditions to which the transferor and the transferee in a partial land transfer agree.

Explanation. The supplement to the Form NRCS-CPA-152 attached to this circular is to be completed for any CSP partial land transfer in addition to Form NRCS-CPA-152 “Conservation Program Contract Transfer Agreement.” The supplement identifies the additional terms and conditions to which the transferor and the transferee in a partial land transfer agree to be bound under the CSP contract.

This supplement must be reviewed and signed by the transferor and transferee involved in a partial land transfer prior to the land transfer being completed and accepted by NRCS. Copies of the Conservation Performance Summary Report and Detail Report associated with the original CSP contract must be included in both the transferor’s and transferee’s contracts.

The transferor and transferee agree to a partial contract assumption and thereby the transferee will assume the terms and conditions under the CSP contract associated with the acreage transferred. The following additional terms and conditions also apply to the transferor and the transferee:

- The transferor and transferee acknowledge that the terms and conditions identified in the supplement are incorporated into both the transferor’s contract and the new contract(s) created hereby for the transferee(s). The transferor’s contract and the transferee’s contract(s) will be for the number of years remaining on the original contract upon approval of the NRCS-CPA-152 and this supplement by NRCS.

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- The partial land transfer will not be to avoid contract compliance or as a mechanism to avoid payment or contract limitations.
- The transferee and transferor are responsible for:
  - Maintaining and managing existing conservation activities on the land under their respective control as identified on the CMT Detail Report.
  - Installing the activities as scheduled in the Conservation Performance Summary Report on the land for which they have control.
- The conservation stewardship plan and plan map along with the respective job sheets and any State supplements, as applicable, are the supporting document that will specify the extent, location, and criteria for all new conservation activities.
- The existing and additional conservation performance levels at the time the original contract was obligated will be the basis for all future contract payments for the transferee and transferor. The payment made under the respective contract shall be determined by using the conservation performance points from the original contract and the number of acres in the respective contract for the payment calculations as subject to payment limitations and availability of funds.
- The transferee or transferor may not make operational changes or adjustments to the schedule of operations under any circumstances. Any operational changes will result in non-compliance with the CPC terms and conditions and could lead to termination of the applicable CSP contract. Both the transferor's contract and the transferee's contract must remain intact for the remaining years of the transferor's contract to ensure that the same environmental benefits are applied on the land as was originally contracted.
- All program terms and conditions, including the payment rates, in place at the time the original contract was obligated will apply to the transferee's contract.

For additional guidance on completing partial contract transfers refer to training material posted on the ProTracts Home Page and on the CSP section on the Programs page on my.NRCS.

Contact. Refer any questions to the Team Leader, Stewardship Programs Team at (202) 720-3524.

*Michael D. Hulibe*  
*Acting*

ANTHONY J. KRAMER  
Deputy Chief for Programs

Attachment

Supplement to the NRCS-CPA-152 for CSP Partial Land Transfers

Date: \_\_\_\_\_

Transferor Name: \_\_\_\_\_

Contract # \_\_\_\_\_

Transferor Name: \_\_\_\_\_

Contract # \_\_\_\_\_

Transferee Name: \_\_\_\_\_

Transferee Name: \_\_\_\_\_

(For additional participants please use the space provided in page 3)

*Note: The term "transferor" means the participant(s) who transferred control of land subject to the Conservation Stewardship Program (CSP) Contract identified above, and the term "transferee" means the person(s) or legal entity(ies) who acquired control of the land subject to the CSP Contract identified below.*

The General Terms and Conditions of the CSP contract are established by the original contract, and include the NRCS-CPA-1202-CPC and all documents incorporated therein. This supplement to the Form NRCS-CPA-152 " Conservation Program Contract Transfer Agreement" identifies the additional Terms and Conditions to which the transferor and the transferee in a partial land transfer agree to be bound under the CSP contract in consideration of NRCS approval to the transferee assuming Terms and Conditions under the transferor's CSP contract for the land transferred.

This supplement must be reviewed and signed by the transferor and transferee involved in a partial land transfer prior to the land transfer being completed and accepted by NRCS. Copies of the Conservation Performance Summary Report and Detail Report associated with the original CSP contract must be included in transferor's and transferee's contracts.

The transferor and transferee agree to a partial contract assumption and thereby the transferee will assume the Terms and Conditions under the CSP contract associated with the acreage transferred. The following additional Terms and Conditions also apply to the transferor and the transferee:

- The transferor and transferee acknowledge that the Terms and Conditions identified in this supplement are incorporated into both the transferor's contract and the new contract(s) created hereby for the transferee(s). The transferor's contract and the transferee's contract(s) will be for the number of years remaining on the original contract upon approval of the NRCS-CPA-152 and this supplement by NRCS.

## Supplement to the NRCS-CPA-152 for CSP Partial Land Transfers

- The partial land transfer will not be to avoid contract compliance or as a mechanism to avoid payment or contract limitations.
- The transferee and transferor are responsible for:
  - Maintaining and managing existing conservation activities on the land under their respective control as identified on the CMT Detail Report.
  - Installing the activities as scheduled in the Conservation Performance Summary Report on the land for which they have control.
- The conservation stewardship plan and plan map along with the respective job sheets and any state supplements, as applicable, are the supporting document that will specify the extent, location, and criteria for all new conservation activities.
- The existing and additional conservation performance levels at the time the original contract was obligated will be the basis for all future contract payments for the transferee and transferor. The payment made under the respective contract shall be determined by using the conservation performance points from the original contract and the number of acres in the respective contract for the payment calculations as subject to payment limitations and availability of funds.
- The transferee or transferor may not make operational changes or adjustments to the schedule of operations under any circumstances. Any operational changes will result in non-compliance with the CPC terms and conditions and could lead to termination of the applicable CSP contract. Both the transferor's contract and the transferee's contract must remain intact for the remaining years of the transferor's contract to ensure that the same environmental benefits are applied on the land as was originally contracted.
- All program Terms and Conditions, including the payment rates, in place at the time the original contract was obligated will apply to the transferee's contract.

The transferor and transferee contracts will be evaluated based on their individual responsibilities specified in the supporting documentation listed above.

By signing this Supplement, I certify that I agree to maintain the conservation performance level established at the time of contract obligation on the land that I manage and to carry out any new activities as originally scheduled for this land.

Transferor Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Contract # \_\_\_\_\_

Transferor Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Contract # \_\_\_\_\_

Transferor Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Contract # \_\_\_\_\_

Supplement to the NRCS-CPA-152 for CSP Partial Land Transfers

Transferor Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Contract # \_\_\_\_\_

Transferor Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Contract # \_\_\_\_\_

Transferor Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Contract # \_\_\_\_\_

Receipt and approval by NRCS requires the appropriate signatures of the Designated Conservationist below and on the NRCS-CPA-152. :

Designated Conservationist: \_\_\_\_\_ Date: \_\_\_\_\_

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For additional transferors or transferees, use this space:

Transferor Signature: \_\_\_\_\_ Contract # \_\_\_\_\_

Transferor Signature: \_\_\_\_\_ Contract # \_\_\_\_\_

Transferor Signature: \_\_\_\_\_

Transferor Signature: \_\_\_\_\_