



Natural Resources Conservation Service  
6013 Lakeside Blvd.  
Indianapolis, IN 46278

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March 23, 2007

**INDIANA BULLETIN 440-7-7**

**SUBJECT:** PGM – Transfer Agreements for Conservation Program Contracts

**Purpose:** To provide instruction in the handling of Transfer Agreements and the use of form NRCS-CPA-152. This form should be used in the transfer process for contracts under the Environmental Quality Incentives Program, Conservation Security Program, and the Wildlife Habitat Incentives Program.

**Expiration Date:** September 30, 2007

**Background:** NRCS published a new NRCS-CPA-152 Conservation Program Contract (CPC) Transfer Agreement on November 2, 2006. This form is valid now and should be used for all CPC transfers of land and contract shares for conservation program decisions.

In future upgrades the *NRCS-CPA-152 Transfer Agreement* form will be incorporated into the contracting portion of ProTracts. Once this is completed much of the confusion will be alleviated as ProTracts will automatically fill in the form based on the type of modification being done.

This form must be used for all Land Transfers within a contract and for all Payment Shares changes within the contract. The following procedures should be followed in handling the approvals of these Transfer Agreements.

**NRCS-CPA-152 Transfer Agreement:**

Land under contracts administered through NRCS is considered as transferred if a participant loses control of the land for any reason. The “Transferor” is the person losing control of the land (current contract holder) and the “Transferee” is the person who acquires control of the land which is under contract.

The transferor is responsible for completing the transfer of the land and for making all contacts with the transferee. The transferor does not relinquish financial responsibility for a contract until an *NRCS-CPA-152 Transfer Agreement* is signed by the transferor and transferee and approved by the NRCS contracting officer for the program which the contract is administered. The transfer must be accepted by all parties to the contract. If the transfer is not accepted by

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a transferee or NRCS then the current contract holder (transferor) is liable for Cost Recovery under the terms of the contract. See CPM Part 512 Section 512.54 for contracting requirements for transfer of land. See also CPM Part 512, Subpart H – Violations. For more guidance refer to the appropriate program guidance.

- Conservation Security Program (CSP) see CPM Part 518, Section 518.103 – Transfer of Land Under Contract.
- Environmental Quality Incentives Program (EQIP) see CPM Part 515, Section 515.102(G) Successor in Interest.
- Wildlife Habitat Incentives Program (WHIP) see CPM Part 517, Section 517.54 which refers you back directly back to CPM Part 512, Section 512.54

In a case dealing with the death of a contract participant the contract must be transferred with legal documentation during the disposition of the estate if the new landowner wishes to continue the contract. A transfer agreement could be signed by an executor of an estate or other legally appointed representative of the deceased participant. Documents which could be included with the *NRCS-CPA-152 Transfer Agreement* form must include one or more of the following:

- Death Certificate
- Will with appointment of an executor
- Court Orders appointing an agent or administrator for the estate
- Trust Agreements with a duly appointed trustee and documents noted within the Trust Agreement (see above documents)

The *NRCS-CPA-152 Transfer Agreement* will be completed with the Transferor's complete name & address from SCIMS, and telephone number. The transferee's complete name & address from SCIMS, and telephone number will also be filled in completely. Each participant, either existing or new, must be listed and must sign the *NRCS-CPA-152 Transfer Agreement*. This may require multiple *NRCS-CPA-152 Transfer Agreement*'s for a single transfer depending on the number of participants on the contract. Note that once this form is incorporated into ProTracts these things will be done automatically (except for the signatures).

When the *NRCS-CPA-152 Transfer Agreement* is signed by the participant(s) the field office will forward all documents needed to the Area Programs Specialist (APS) for review. As a minimum the following documents or actions must be forwarded to the APS:

- *NRCS-CPA-152 Transfer Agreement*
- Entity documentation for new entities; POA; (if needed)
- Signature page of the existing CCC-1200 or NRCS-CPA-1202
- Modification "Submitted" for APS review in ProTracts

The APS will then complete the following actions:

- Review documentation for completeness and accuracy
- Review ProTracts modification for completeness and accuracy

If the *NRCS-CPA-152 Transfer Agreement* involves **Land Transfer and Payment Shares** changes, the APS will forward all reviewed documents to the State Office Programs Staff for review and signature on the *NRCS-CPA-152 Transfer Agreement* and for approval of the Modification in ProTracts. Send the documentation to the appropriate Program Coordinator as follows:

- CSP – Joe Williams
- EQIP – Jim Dunaway
- WHIP – John Poenisch

If the *NRCS-CPA-152 Transfer Agreement* is for Payment Shares changes ONLY, the APS will review all documentation and modifications in ProTracts and will then approve the change by signing the *NRCS-CPA-152 Transfer Agreement* and approving the modification in ProTracts.

The NRCS Approved *NRCS-CPA-152 Transfer Agreement* will be mailed back to the appropriate field office for incorporation into the appropriate contract case file. The field office must then print the approved modification (NRCS-CPA-1156) and get the required participant signatures for both a Land Transfer and/or Payment Shares change.

This approved *NRCS-CPA-152 Transfer Agreement* along with the **original** CCC-1200 or NRCS-CPA-1202, appropriate CCC-1200 or NRCS-CPA-1202 Appendix, and original AD or NRCS-CPA-1155, and the newly signed NRCS-CPA-1156 become the official contract documentation and must be forwarded with the next payment request.

Attached is an example *NRCS-CPA-152 Transfer Agreement* containing instructions on what needs to be completed on the form.

Questions regarding procedures to follow for Transfer Agreements should be first directed to your Area Program Specialist. If they are not available, contact Harold L. Thompson, Assistant State Conservationist (Programs), Joe Williams, Soil Conservationist (Programs), Jim Dunaway, Soil Conservationist (Programs), or John Poenisch, Program Analyst.

/s/

JANE E. HARDISTY  
State Conservationist

Attachment