

# CITY of ALBUQUERQUE

## TWENTY SECOND COUNCIL

COUNCIL BILL NO. R-16-147

ENACTMENT NO. R-2017-001

SPONSORED BY: Isaac Benton

1

### RESOLUTION

2 CONCERNING THE FUTURE MANAGEMENT OF CANDELARIA FARM  
3 PRESERVE AS A NATURE STUDY AREA AND WILDLIFE PRESERVE.

4 WHEREAS, Candelaria Farm Preserve (CFP) was purchased using funding  
5 to the State of New Mexico from the Land and Water Conservation Fund  
6 (LWCF) as part of the Bosque Open Space Land Acquisition Project in 1978;  
7 and

8 WHEREAS, the LWCF Purpose is to provide access to outdoor recreation  
9 resources by the public, which include opportunities for interpretive  
10 education; and

11 WHEREAS, LWCF rules apply to the entire property purchased with LWCF  
12 funds, even if such funds are not the only funds involved; and

13 WHEREAS, in September 1976 the City of Albuquerque (the City) and the  
14 State of New Mexico (the State) submitted a proposal to the LWCF for funding  
15 the purchase of "170 acres of bosque land adjacent to the Rio Grande River  
16 [sic] in Albuquerque's North Valley" for "Albuquerque Open Space Land  
17 Acquisition"; and

18 WHEREAS, the City/State proposal stated that the acquisition was  
19 important because: "The area planned to remain primarily natural with  
20 preservation of existing plant and animal life," and that "Purchase of this tract  
21 of land will insure [sic] a permanent open space adjacent to the river for  
22 nature study, recreation uses, open space, and urban shaping"; and

23 WHEREAS, in 1978, the CFP property was re-zoned from R-2 to SU-1:  
24 "Special Use for a Nature Study Center and Preserve," which reflected the  
25 intent of the City/State's proposal: that it be used for nature study, open  
26 space, and recreation while preserving existing plant and animal life; and

[Bracketed/Underscored Material] - New  
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1       WHEREAS, in March 1978, the USDA Soil Conservation Service (now the  
2       Natural Resource Conservation Service) prepared a “Land Use and Treatment”  
3       plan for the City to manage the CFP for wildlife, referring to this as a  
4       “conservation” plan with the “primary objective” being: “to provide optimum  
5       wildlife habitat. This will be accomplished by seeding the existing cropland to  
6       species that will provide a good source of food”; and

7       WHEREAS, in 1979 the City developed a Master Plan for the “Rio Grande  
8       Nature Center and Preserve” (the “Predock plan”) that proposed two primary  
9       uses for the land: 1) a nature study area, which became the Rio Grande Nature  
10      Center and would provide public access to the CFP; and 2) the balance of the  
11      property – the Preserve – that would “remain primarily natural with  
12      preservation of existing plant and animal life” with “a minimum of 100 acres of  
13      historical farmland” preserved as irrigated farmland “for raising of crops for  
14      forage and cover for wildfowl and other wildlife” with areas not cultivated “to  
15      remain in as undisturbed a state as possible”; and

16      WHEREAS, the Predock plan was never sent to the LWCF oversight agency  
17      for approval, such that there is no approved plan for the CFP; and

18      WHEREAS, the 1983 “Rio Grande Nature Center State Park and Preserve  
19      Management Plan”, prepared by the State Parks and Recreation Division,  
20      maintained the distinction between a “nature study area”, the Rio Grande  
21      Nature Center (RGNC), and the Preserve and included the RGNC (38.8 acres),  
22      127.2 acres of remaining CFP lands, and 100 acres of Bosque lands leased  
23      from the MRGCD with the 266-acre site “managed for the overall goal of a  
24      nature center and wildlife preserve”; and

25      WHEREAS, notwithstanding the stated intent of managing the entire 266  
26      acres as a wildlife preserve and nature center, the 1983 Management Plan  
27      devotes 98 acres to commercial agriculture and mentions for the first time that  
28      the goal of CFP is to “preserve” vanishing agricultural traditions; and

29      WHEREAS, in 2004, a new management plan was drafted for CFP: the  
30      “Open Space Resource Management Plan for the Candelaria Farm Preserve”  
31      (RMP), which is the current management document for the lands and which  
32      acknowledges that, “the farm is uniquely situated to create and protect habitat  
33      for birds and wildlife” and that CFP, “will be managed as a preserve in the

1 strictest sense, whereby humans are only guests ... in order to provide the  
2 greatest possible protection to wildlife”; and

3 WHEREAS, neither the 1983 management plan nor the 2004 management  
4 plan were sent to the federal LWCF oversight agency for approval; and

5 WHEREAS, the RMP also states that it is focused on the “management  
6 issues regarding the integration of wildlife conservation with agricultural land  
7 use” and identifying “three obstacles to the efficient and productive operation  
8 of the farm” and concludes that running a commercial agricultural operation  
9 means that, “most of the property is operated as a farm, so target species and  
10 habitat types will need to be compatible with farming to some extent”; and

11 WHEREAS, the LWCF guidelines specifically prohibit agriculture as a  
12 primary activity on land purchased with LWCF funds, as follows from the  
13 Federal Financial Assistance Manual, Volume 69:

14 Chapter 3.B.5 – Acquisition involving compatible resource management  
15 practices. Acquisition of land upon which the project sponsor proposes  
16 natural resource management practices such as timber management and  
17 grazing, *not including agriculture*, may be carried out concurrently within  
18 the area if they are clearly described in the project proposal, are compatible  
19 with and secondary to the proposed outdoor recreation uses, and are  
20 approved by the NPS.

21 Chapter 3.C.6.e – Outdoor recreation and support facilities, such as  
22 demonstration farms and wildlife management and hunting areas, may be  
23 planned by the project sponsor in conjunction with agricultural activities,  
24 provided that the type and extent of the agricultural activity is limited to  
25 that necessary to support the outdoor recreation activity; and

26 WHEREAS, the LWCF Act states that, “No property acquired or developed  
27 with assistance under this section shall, without the approval of the Secretary,  
28 be converted to other than public outdoor recreation uses”; and

29 WHEREAS, in its proposal the City stated that it, “will maintain and operate  
30 this project in accord with acceptable standards as a public recreation facility  
31 for a 25-year period and beyond.”

32 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
33 ALBUQUERQUE:

1       Section 1.   The City of Albuquerque hereby reaffirms that the Candelaria  
2   Farm Preserve is to be managed as a nature study area and wildlife preserve  
3   providing access to outdoor recreational opportunities for all residents and  
4   visitors, as required by the LWCF Act; as intended by the 1976 proposal from  
5   the City and State for preserving the existing natural landscape and its plants  
6   and animals with a possible nature study area; as reaffirmed in the 1978 re-  
7   zoning as a Special Use Zone for a Nature Study Center and Preserve; as  
8   affirmed by the USDA "Land Treatment" plan for wildlife habitat conservation;  
9   and as affirmed by the 1979 Master Plan for the Rio Grande Nature Center and  
10   Preserve.

11       Section 2.   The City of Albuquerque directs the Open Space Division  
12   (OSD) and Parks and Recreation Department (PRD) to immediately begin the  
13   process of creating a new Resource Management Plan (RMP) for Candelaria  
14   Farm Preserve. The RMP shall utilize as its basis and shall not reinvent, but  
15   rather clarify and update the conclusions and goals of previous plans, in  
16   particular the 1979 Predock plan. A draft RMP shall be submitted to the PRD  
17   Director, the Open Space Advisory Board, and the City Council for review that  
18   will include conformance to LWCF rules, consistency with City policy,  
19   fulfillment of the City's fiduciary duties, and inclusion of relevant surveys and  
20   cost estimates.

21       Section 3.   To develop a new RMP, OSD and PRD shall immediately  
22   convene a Technical Advisory Group composed of:

- 23       a. Staff from Open Space Division and Parks and Recreation.
- 24       b. A representative from the Open Space Advisory Board.
- 25       c. Technical experts from Bosque del Apache NWR and Valle de Oro NWR  
26         and elsewhere in the Fish and Wildlife Service as appropriate.
- 27       d. Technical experts from the USDA Natural Resource Conservation  
28         Service.
- 29       e. The State Parks LWCF liaison and staff from the Rio Grande Nature  
30         Center State Park.
- 31       f. Staff from the Middle Rio Grande Conservancy District.
- 32       g. Other technical experts on wildlife habitat and farming for wildlife forage  
33         and cover crops.

1       h. Two representatives of the North Valley Coalition.

2       i. Other experts as deemed necessary for the task.

3       Section 4. In accord with the requirements of the LWCF Act and  
4 commitments made by the City in requesting and accepting LWCF funding for  
5 acquisition of Candelaria Farm Preserve, the Technical Advisory Group shall  
6 work with all interested parties to determine the funding necessary to return  
7 the CFP lands to wildlife croplands and natural areas and work collaboratively  
8 to secure the on-going funding to maintain CFP as a wildlife preserve and  
9 nature study area.

10      Section 5. To prevent degradation of the property and maintain wildlife  
11 habitat, the City may lease CFP for agricultural activity during the RMP  
12 process; however, organic farming practices shall be encouraged, use of  
13 pesticides shall be prohibited and use of herbicides shall be minimized.

14      Section 6. NO INTERFERENCE. Nothing in this resolution is intended to  
15 limit or interfere with projects intended for the repair, maintenance or upkeep  
16 of the CFP.

17      Section 7. SEVERABILITY. If any section, paragraph, sentence, clause,  
18 word, or phrase of this resolution is for any reason held to be invalid or  
19 unenforceable by any court of competent jurisdiction, such decision shall not  
20 affect the validity of the remaining provisions of this resolution. The Council  
21 hereby declares that it would have passed this resolution and each section,  
22 paragraph, sentence, clause, word or phrase irrespective of any provisions  
23 being declared unconstitutional or otherwise invalid.

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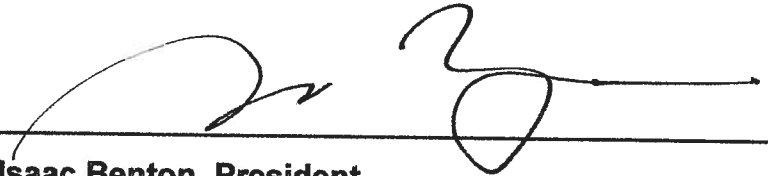
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1 PASSED AND ADOPTED THIS 4<sup>th</sup> DAY OF January, 2017  
2 BY A VOTE OF: 8 FOR 0 AGAINST.  
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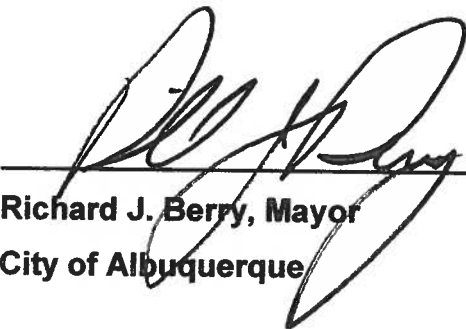
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9 Isaac Benton, President  
10 City Council  
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14 APPROVED THIS 13<sup>th</sup> DAY OF January, 2017  
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18 Bill No. R-16-147  
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23 Richard J. Berry, Mayor  
24 City of Albuquerque  
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26 ATTEST:  
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29 Natalie Y. Howard, City Clerk  
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