



## Legislation Details (With Text)

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## CITY of ALBUQUERQUE TWENTY SECOND COUNCIL

COUNCIL BILL NO. R-16-147 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Isaac Benton

### RESOLUTION

Concerning The Future Management Of Candelaria Farm Preserve As A Nature Study Area And  
Wildlife Preserve (Benton)

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

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

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

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

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

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

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

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

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

WHEREAS, the Predock plan was never sent to the LWCF oversight agency for approval,

such that there is no approved plan for the CFP; and

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

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

WHEREAS, in 2004, a new management plan was drafted for CFP: the “Open Space Resource Management Plan for the Candelaria Farm Preserve” (RMP), which is the current management document for the lands and which acknowledges that, “the farm is uniquely situated to create and protect habitat for birds and wildlife” and that CFP, “will be managed as a preserve in the strictest sense, whereby humans are only guests ... in order to provide the greatest possible protection to wildlife”; and

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

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

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

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

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

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

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

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

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

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

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

- a. Staff from Open Space Division and Parks and Recreation.
- b. A representative from the Open Space Advisory Board.
- c. Technical experts from Bosque del Apache NWR and Valle de Oro NWR and elsewhere

in the Fish and Wildlife Service as appropriate.

- d. Technical experts from the USDA Natural Resource Conservation Service.
- e. The State Parks LWCF liaison and staff from the Rio Grande Nature Center State Park.
- f. Staff from the Middle Rio Grande Conservancy District.
- g. Other technical experts on wildlife habitat and farming for wildlife forage and cover crops.
- h. Two representatives of the North Valley Coalition.
- i. Other experts as deemed necessary for the task.

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

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

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

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

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