

Candelaria Nature Preserve
Technical Advisory Group (TAG)
Valle de Oro National Wildlife Refuge
August 9, 2019 • 9:00 AM to 12:03 PM
Minutes Final

Participants

Members: Christianne Hinks, Judy Kowalski, Colleen Langan-McRoberts, Michael Jensen, Dave Parsons, Steven Cox, Heather MacCurdy, Jennifer Owen-White
Community – Kelly White (Tree NM), Dave Sutton, Linda Shank, Melinda Moffitt, Julie Kilpatrick, Ann Dunlap, John Busemeyer, Richard Barish

9:00 AM - Tour of the Refuge

10:11 AM - Meeting - Michael Jensen chaired this meeting

Review of Agenda– Approved

Announcements:

- The RGNC is hosting a Bioblitz and the Summer Wings festival on August 10th
- TAG will not be voting on anything today; this is an information gathering meeting only
- Open Space is hosting a concert on Saturday and a tour/hike on Sunday

Land and Water Conservation Fund, LWCF - Judy Kowalski review of conversation with the National Park Service representative for our region, Kelly Pearce, regarding the resource management plan draft. Kelly was not willing to review the draft document, as she felt it would be inefficient to review the plan until it was complete. Judy did explore some issues with Kelly, however, to determine how the vision that has been developed for the preserve might be viewed by the NPS in terms of compliance with LWCF guidelines. Kelly agreed that the citizen science elements of the plan constitute public access and that the concept of a nature preserve that offers wildlife viewing is an acceptable type of outdoor recreation. Judy described the idea of just having general public access via viewing blinds along the perimeter of the property, and Kelly expressed concern that this was too limiting to justify, citing other nature preserves that allow much greater public access without damaging the wildlife habitat resource. One compromise might be to allow a viewing platform and raised walkway to penetrate the property so the public could see further into the wildlife habitat without seriously disturbing the environment. Judy also discussed the extent of access to the South Candelaria parcel, and the concerns about privacy for the adjacent residence and concerns about safety. Kelly indicated that the privacy concerns could be addressed with a fence or vegetative buffer and that privacy doesn't come into consideration when trying to restrict public access to an LWCF property. She also noted that other open space areas (all over the country) are open to the public and safety considerations do not significantly restrict access in those areas. This justification could not be used for closing off South Candelaria to the public in general. Kelly said that the final plan should include a detailed graphic representation of the plans for the property and how the property will change over the 20-year period. Kelly was also concerned about the length of time (20 years) it would take to achieve the vision for the CNP as described in the current plan. The plan needs to include more detail about how the transition would take place and the percentage of property that would be accessible to the public as the phased plan is implemented. The

LWCF requirements generally apply to the entire property, so the fact that the RGNC is in compliance with LWCF does not release the rest of the property from the need to comply.

Michael has discovered a landmark court case dealing with a conservation easement in New York on LWCF encumbered property in which a golf course was proposed to be constructed on the easement. The golf course owners claimed that since the easement was never accessible to the public, but could only be viewed from outside, the construction of the golf course on the property would not constitute a “conversion”. The court determined this argument was not valid and that the LWCF intent was to provide the widest possible outdoor recreation opportunities to the general public (the golf course would be a membership property, and therefore not generally accessible to the public). The court found that since “conservation” is an intended consequence of the LWCF, wildlife conservation is considered a legitimate outdoor recreation activity on LWCF encumbered property. Therefore, Michael surmised, a wildlife conservation area with nature study and wildlife viewing without general public access is an allowable outdoor recreation activity under LWCF guidelines. “Refreshment of the spirit after toil” is considered outdoor recreation. Michael will distribute information about the court case to the entire TAG mailing list. Michael also noted that LWCF guidelines state that there is a need to consider the degree to which a property’s single purpose impacts public access.

Michael also noted that Open Space rules for a designated “preserve” state that there should be no public access to that type of open space property. These rules would need to be modified so the CNP can come into compliance with LWCF guidelines, allowing minimal public access, restricting access to the extent that it allows the nature of the preserve to be protected.

Heather MacCurdy noted that the RGNC has a greater demand for access by educational groups than it can accommodate, so guided educational activities in the CNP would be most welcome by the public. Heather suggested having another pond program that uses the north pond to allow more access for these kinds of activities without diminishing the experience of the Discovery Pond visitors and wildlife. The number of children allowed to participate in the Discovery Pond program is now limited to keep the experience of nature a quality one. Any fencing added should be wildlife friendly so as not to fragment the ecosystem.

Dave Parsons noted that we need to consider the issue of scale when determining the amount of access and potential disturbance of the wildlife habitat on the CNP. The pathway going to the Discovery Pond on the South Candelaria tract should be redrawn. Access to the Discovery Pond should only be allowed by guided tour and only if the entire parcel is fenced off to prevent unallowed access. If the entire property is not fenced, the Discovery Pond would have to be fenced to protect the public, particularly children, from potentially falling into the pond and drowning.

Resource Management Plan graphics - Judy requested that the next draft of the plan have more detailed information on the graphics to satisfy the NPS request for more detail. She also asked that more care be taken to only depict information on the graphics that the TAG has agreed to through a vote.

Public comments requesting more public access to the property - Michael Jensen noted that in the grand scheme of Open Space, the CNP is a very small area to restrict access to in light of the need to protect the wildlife there. There are plenty of other open space areas with unlimited public access, and the wildlife preserve’s uniqueness in a dense urban environment justifies limiting public access in this instance.

How to respond to these comments? Colleen will summarize and synthesize the comments for the next plan draft and responses to the summarized comments will be included in the plan. Dave Parsons noted the process that the federal government uses for addressing public comments in their undertakings. They usually summarize the comments in the report and address how the plan incorporates or deals with the concerns mentioned. Michael Jensen asked if the resource management plan constitutes an “open space facility plan”, because if that is the case, the issue of carrying capacity for the property must be addressed. It currently is not addressed in the plan. No answer was provided or discussed.

It was agreed that it makes sense to summarize the comments and develop responses in the next draft of the resource management plan. Dave Sutton suggested that we implement something in year one based on how much money is available, then see what works and what doesn't and adapt to that information in subsequent years.

It was suggested that the two groups that commented on the plan who expressed concerns about inadequate public access should be contacted to further discuss their concerns. Colleen and Dave Parsons will contact the Wilderness Society and Michael Jensen will contact Steve Glass with the Open Space Alliance to get more information from them on what kind of compromises they might find acceptable, considering the designation of the property as a wildlife preserve.

Woodward House - Colleen noted that activity at the Woodward House is “ready to go” but that time is needed to develop options for public activity in the Tree Farm area on Rio Grande Boulevard. Christianne objected to more public access to the Woodward House, stating that the adjacent field is a prime location for wildlife viewing and a pollinator meadow. Increased human activity in the area would interfere with those opportunities.

Albuquerque Tree Farm on Rio Grande - The park manager for Parks and Rec wants to be able to keep the mulch material stored on the Tree Farm property. Dave Parsons asked when park management established jurisdiction over the Tree Farm area, since it is officially part of the LWCF encumbered area. Michael said that the Mayor decreed this use for the Tree Farm in 1980 without consulting LWCF. Director Simon is supportive of transforming the Tree Farm into a public area, but time and money will be needed for that.

Jennifer Owen-White noted that is important to define decision space when requesting public comments on the plan. You should tell people how their comments are going to be dealt with at the outset so they develop realistic expectations. Also, the issue of trust is very important and to that end, one or two people should be designated as the decision makers, so the public knows that an objective decision will be made, with the understanding that an adaptive management approach will be taken. The ultimate decisionmaker on the CNP is the Director of Parks and Rec and the City Council.

Steve Cox noted that some people who wanted more access in the comments were educators. Maybe it isn't clear in the draft that TAG intends that this type of access will be provided. We need to be careful to clearly include information that many of the TAG members take as common knowledge. Don't assume the public knows what the TAG is thinking.

National Park Service 3 year transition - Michael Jensen noted that the 3-year period for the transition to “no commercial agriculture” and full compliance with LWCF guidelines is nearing an end and no significant progress has been made in this regard. There should be an explicit plan for this transition.

Colleen noted that there have been efforts to restore the hedgerows and that the acreage of wildlife cropping has increased, so some progress has been made.

Access to CNP - Christianne asked if any promises of access to the CNP have been made by the City to any volunteer groups, such as the Ancestral Lands Program. Colleen said no promises have been made to them or any other group. In fact, the VISTA volunteer the City was hoping to get will not be materializing.

Budget - Colleen described the budget information she received from Aquatic Consultants. They are under contract to the City and they have done a lot of habitat restoration work around the State. They have estimated that over the proposed 20-year period, it will take \$5.3 million to transition from the current condition to 100% native habitat. This doesn't include all costs, such as fencing, monitoring, staff, educational materials, general maintenance, seed, viewing blinds, signs and a vault toilet. Colleen will check on these numbers and provide more information on the budget at the August 15th TAG meeting. Aquatic Consultants said that it would be inefficient to try to transition directly from alfalfa to native habitat. It would be more successful to transition the alfalfa fields to corn for a couple of seasons, then introduce native plants, as the corn will help reduce the amount of undesirable plants on the property. Aquatic Consultants can help with details such as this, in addition to the removal of elms.

The cost estimates note that irrigation is included. Where is the water coming from? It will be pumped from the existing ponds when they are seasonally flushed to refresh the water.

Colleen estimates that operating costs for the CNP will be about \$300,000 per year over the 20-year period (this includes the farming contract). More detail on these costs will be presented on August 15th.

Next meeting August 15, 2019 - Judy, Colleen, and Brian will work on developing a more detailed agenda for the August 15th meeting to ensure that important topics are covered before the next draft is released. It is important that this next draft accurately represents the recommendations of the TAG and responds in a thoughtful way to public comments received to date.

Meeting was adjourned at 12:03 pm.