

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

ITEM NUMBER: 8

DATE: April 21, 2009

STAFF: Daylan Figgs  
John Stokes

### SUBJECT

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Second Reading of Ordinance No. 032, 2009, Authorizing the Use of a Portion of Bernard Ranch as Match For a Neotropical Migratory Bird Conservation Act Grant Administered by the U.S. Fish and Wildlife Service.

### RECOMMENDATION

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Staff recommends adoption of this Ordinance on Second Reading.

### EXECUTIVE SUMMARY

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This Ordinance, unanimously adopted on First Reading on March 24, 2009, authorizes the City to use a 440 acre portion of the Bernard Ranch, an 880 acre property under contract to be purchased by the City before the end of March 2009, as match toward a Neotropical Migratory Bird Conservation Act grant. By using the City's previous investment in the Bernard Ranch, a local organization, the Rocky Mountain Bird Observatory, will receive \$244,351 from the U.S. Fish and Wildlife Service to fund bird research within the Laramie Foothills Mountains to Plains Project, the Shortgrass Prairie Bird Conservation Region and in the Chihuahuan Desert of Mexico.

Since First Reading, the legal description of the area to be used for the Project match has been refined to include those portions of the Ranch that have been specifically identified for the Project.

### ATTACHMENTS

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1. Copy of First Reading Agenda Item Summary - March 24, 2009.  
(w/o original attachments)

## AGENDA ITEM SUMMARY

### FORT COLLINS CITY COUNCIL

ITEM NUMBER: 12

DATE: March 24, 2009

STAFF: Daylan Figgs  
John Stokes

COPY

#### SUBJECT

First Reading of Ordinance No. 032, 2009, Authorizing the Use of a Portion of Bernard Ranch as Match For a Neotropical Migratory Bird Conservation Act Grant Administered by the U.S. Fish and Wildlife Service (USFWS).

#### RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading. The Land Conservation and Stewardship Board considered this item at its March 11, 2009 meeting and recommended approval of the Ordinance.

#### FINANCIAL IMPACT

The City will use a 440 acre portion of the Bernard Ranch, an 880 acre property under contract to be purchased by the City before the end of March 2009, as match toward the grant. Thus, no new or additional City funds will be required.

By using the City's previous investment in the Bernard Ranch, a local organization, the Rocky Mountain Bird Observatory, will receive \$244,351 from USFWS to fund bird research within the Laramie Foothills Mountains to Plains Project, the Shortgrass Prairie Bird Conservation Region and in the Chihuahuan Desert of Mexico.

#### EXECUTIVE SUMMARY

The research funded by the \$244,351 grant will be conducted by the Rocky Mountain Bird Observatory (RMBO). RMBO's bird research and monitoring will inform conservation strategies and management for grassland bird species within the Laramie Foothills Mountains to Plains Project, the Shortgrass Prairie Bird Conservation Region and in the Chihuahuan Desert. Grassland bird populations have shown steeper, more consistent, and more geographically widespread declines than any other guild of North American bird. The granting agency (USFWS) will require a Notice of Grant Requirements be recorded against the match property, and pursuant to the Notice will be entitled to enforce the conservation of Bernard Ranch.

#### BACKGROUND

Neotropical birds are a group of birds that breed and raise young in the United States and Canada and migrate to the warmer climates to winter in Mexico, Central America, South America and the Caribbean. This category of bird species includes high priority grassland birds found on Soapstone

Prairie Natural Area as well as in the Laramie Foothill Mountains to Plains (LFMTP) project area. The importance of the LFMTP for 22 grassland birds of high conservation priority has been documented through work performed by RMBO and the Natural Areas Program and is reflected in the recently adopted *Soapstone Prairie Natural Area Management Plan*. However, the LFMTP lies only within the breeding range of these species and has no influence on the conservation of these important species and their habitat within their wintering grounds.

All of the high priority grassland species breeding in the LFMTP over-winter in Chihuahuan Desert Grasslands in Mexico. Successful conservation of these species is dependent on conservation efforts within both the breeding and wintering ranges.

The Rocky Mountain Bird Observatory, along with its partners in the grant (the Fort Collins Natural Areas Program, and Universidad Autonoma de Nuevo Leon) will address conservation issues related to high priority grassland birds in two geographically distinct research projects (in the United States and Mexico) that focus on important breeding, migratory, and wintering areas. This project will help reveal primary threats at each site that attribute to the decline of these species.

First, the project will focus on habitat protection, research and monitoring for 22 high priority species within the Laramie Foothills in northern Larimer County. A second component of the grant will take place in the Shortgrass Prairie Bird Conservation Region an area contiguous to, but much larger than, the Laramie Foothills. This portion of the project involves the protection of mountain plover nests to increase nest survival rates in cultivated fields, habitat enhancement for grassland birds, and education and outreach efforts aimed at grassland bird conservation. In northern Mexico, the project will include research, monitoring, and outreach to conserve the same 22 species plus 8 additional priority species on the wintering grounds identified as a Priority Conservation Area.

Research from this project is expected to inform management decisions at Soapstone Prairie Natural Area, in the Laramie Foothills, in grasslands of eastern Colorado, and the grasslands of northern Mexico. Hopefully land managers will be able to utilize the information to increase populations of these declining birds.

In order for this land purchase to be considered as match for the USFWS grant, the City will be required to record a "Notice of Grant Requirements" that will require the City to be bound by the terms of the grant agreement, to ensure the long term conservation of the property, and to obtain the consent of the USFWS prior to transfer or encumbrance of the property. The City will also enter into an agreement with RMBO obligating RMBO to comply with the terms of the grant agreement.

**ATTACHMENTS**

COPY

1. Land Conservation and Stewardship Board minutes, March 11, 2009.

ORDINANCE NO. 032, 2009  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE USE OF A PORTION OF BERNARD RANCH  
AS MATCH FOR A NEOTROPICAL MIGRATORY BIRD CONSERVATION  
ACT GRANT ADMINISTERED BY THE U.S. FISH AND WILDLIFE SERVICE

WHEREAS, in March 2008, the City Council adopted Ordinance No. 037, 2008, authorizing the use of the City's Zimmerman Conservation Easement as a matching contribution for a Neotropical Migratory Bird Conservation Act Grant Administered by the U.S. Fish and Wildlife Service ("FWS"); and

WHEREAS, pursuant to Ordinance No. 037, 2008, the City has worked cooperatively with the Rocky Mountain Bird Observatory ("RMBO") to carry out the terms of the 2008 grant project involving the study of neotropical birds, a category of bird species that includes high priority grassland birds found on the Soapstone Prairie Natural Area ("Soapstone"); and

WHEREAS, in late March 2009, the City purchased a 880-acre property referred to as Bernard Ranch Phase Two to the south of Soapstone in March 2009, at the cost of approximately \$946,000; and

WHEREAS, a 440-acre portion of Bernard Ranch Phase Two as shown on Exhibit A, attached hereto and incorporated herein by this reference (the "Property"), has been identified as an appropriate area to be conserved as habitat for neotropical birds in the region; and

WHEREAS, the Property is more particularly described as a 440-acre portion of the South 1/2 of the Southeast 1/4 of Section 10; the South 1/2 of the Southwest 1/4 of Section 11; the Northwest 1/4 of Section 14; and the Northeast 1/4 of Section 15; all in Township 11 North, Range 69 West, 6<sup>th</sup> P.M., Larimer County, Colorado; and

~~WHEREAS, the Property is more particularly described as a portion of the South 1/2 of the Southeast 1/4 of Section 10; the Northeast 1/4 of Section 15; and the West 1/2 of the Northwest 1/4 of Section 14; all in Township 11 North, Range 69 West, 6<sup>th</sup> P.M., Larimer County, Colorado; and~~

WHEREAS, RMBO, together with other grant partners, is continuing to study neotropical birds, and has applied for a grant of \$244,351 from FWS, which RMBO hopes to use to continue its neotropical bird study as part of the Laramie Foothills Mountain to Plains Project, which includes Soapstone, and in other geographical areas that the birds inhabit; and

WHEREAS, the FWS grant terms will require RMBO to match the grant funds awarded; and

WHEREAS, the funds already expended by the City to purchase the Property may be used to match the grant funds awarded by FWS to RMBO; and

WHEREAS, in order to commit the Property as the matching contribution for the FWS grant, FWS will require that the City record a Notice of Grant Requirements in the real property records

of the Larimer County Clerk and Recorder for the Property; and

WHEREAS, the Notice of Grant Requirements requires the City to be bound by the terms of the grant agreement between FWS and RMBO, including the obligation to ensure the long term conservation of the Property and to obtain the consent of the FWS prior to conveying or encumbering the Property; and

WHEREAS, the City will enter into an agreement with RMBO requiring RMBO to comply with the terms of the grant agreement between FWS and RMBO; and

WHEREAS, the data acquired from the study will allow City staff to more effectively form conservation strategies and manage high priority grassland birds that are found at Soapstone; and

WHEREAS, under Section 23-111 of the Code of the City of Fort Collins, the City Council is authorized to sell or otherwise dispose of any and all interests in real property owned in the name of the City, provided that Council first finds by ordinance that the sale or disposition is in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the Council hereby finds that executing and recording the Notice of Grant Requirements as described herein is in the best interests of the City of Fort Collins.

Section 2. That the Mayor is hereby authorized to execute a Notice of Grant Requirements consistent with the terms of this Ordinance.

Introduced, considered favorably on first reading, and ordered published this 24th day of March, A.D. 2009, and to be presented for final passage on the 21st day of April, A.D. 2009.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 21st day of April, A.D. 2009.

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Mayor

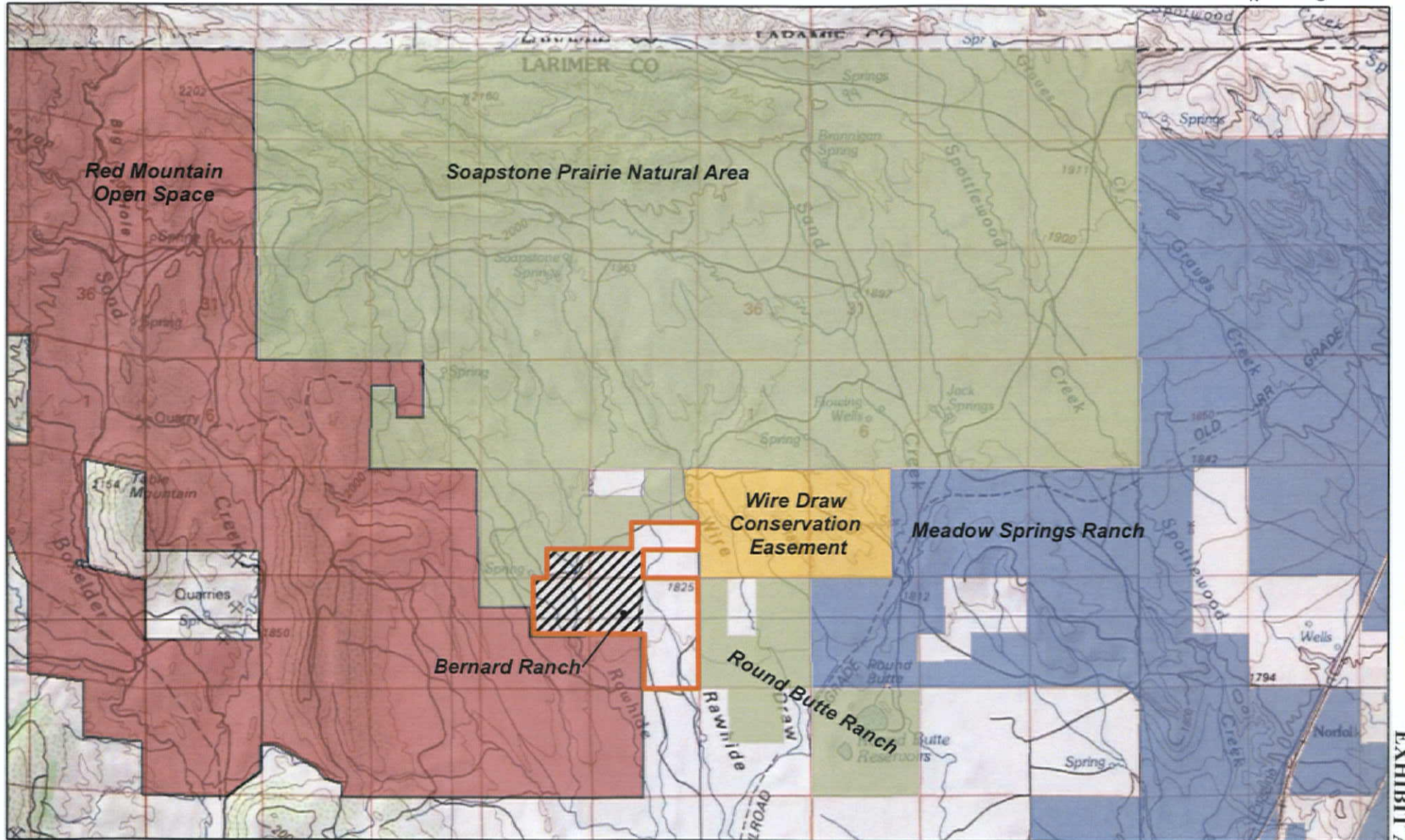
ATTEST:

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City Clerk



# Attachment 1: Bernard Ranch Location



- City of Fort Collins Natural Area
- Conservation Easement
- Bernard Ranch
- City of Fort Collins Utilities
- Larimer County Open Lands
- Portion of property to be encumbered with easement

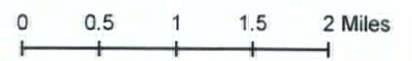


EXHIBIT A