

DATE: June 18, 2013
STAFF: John Stokes
Daylan Figs

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

9

SUBJECT

Second Reading of Ordinance No. 079, 2013, Authorizing the Use of the Noonan Tract and the Bowes Homestead Tract as Match for a Neotropical Migratory Bird Conservation Act Grant Administered by the U.S. Fish and Wildlife Service.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on June 4, 2013, authorizes the use of a recent acquisition of 280 acres at Soapstone Prairie Natural Area as match towards a Neotropical Migratory Bird Conservation Act grant, as well as management funds currently obligated in the Natural Areas Department (NAD) budget. Using the funds already spent as match towards this grant is a great secondary benefit for the City. The \$200,000 grant will expand upon the Rocky Mountain Bird Observatory's (RMBO) research and monitoring work to implement conservation strategies and management for 19 high priority grassland birds that breed within the Laramie Foothills Mountains to Plains Project and 27 high priority species at wintering sites in the Chihuahua Desert of Mexico.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - June 4, 2013
(w/o attachments)

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AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

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SUBJECT

First Reading of Ordinance No. 079, 2013, Authorizing the Use of the Noonan Tract and the Bowes Homestead Tract as Match for a Neotropical Migratory Bird Conservation Act Grant Administered by the U.S. Fish and Wildlife Service.

EXECUTIVE SUMMARY

The City will use a recent acquisition of 280 acres at Soapstone Prairie Natural Area (Soapstone Prairie) as match towards the grant, as well as management funds currently obligated in the Natural Areas Department (NAD) budget. Using the funds already spent as match towards this grant is a great secondary benefit for the City. The \$200,000 grant will expand upon Rocky Mountain Bird Observatory's (RMBO) research and monitoring work to implement conservation strategies and management for 19 high priority grassland birds that breed within the Laramie Foothills Mountains to Plains Project and 27 high priority species at wintering sites in the Chihuahua Desert of Mexico.

This will be the fifth such match authorized as the City, in partnership with RMBO, has been successful on four previous grant applications. The previous partnership efforts have resulted in a broader understanding of the grasslands bird species that nest on Soapstone Prairie and the contiguous Meadow Springs Ranch, and has contributed to the conservation of these species' winter ranges in Mexico.

BACKGROUND / DISCUSSION

The Rocky Mountain Bird Observatory, in partnership with NAD, the American Bird Conservancy, Cornell Lab of Ornithology, and the Universidad Autónoma de Chihuahua, submitted a Neotropical Migratory Bird Conservation Act Grant to implement actions to improve and restore habitat for priority grassland birds on their wintering and breeding grounds. 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, Meadow Springs Ranch, and other properties in the Laramie Foothills Mountains to Plains (LFMTP) project area. The importance of the LFMTP area to 19 high priority grassland birds has been documented through work performed by RMBO and NAD and is reflected in the adopted *Soapstone Prairie Natural Area Management Plan*. However, the LFMTP area 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.

In this phase of the U.S.-Mexico Grassland Bird Conservation project, the focus will shift toward the implementation of actions to improve and restore habitat for priority grassland birds on their wintering and breeding grounds. The proposed actions focus primarily on increasing habitat availability and suitability for Sprague's Pipit populations in key wintering areas in Chihuahua, Mexico that are threatened by accelerating habitat destruction and degradation. The second component of the project will focus on increasing habitat availability and suitability for Mountain Plover populations at an important breeding site in Colorado that is threatened by impacts caused by sylvatic plague epidemics, prairie dog control, oil and gas development and recreational use. The proposed work will also directly benefit up to 18 other high-priority grassland birds within the Laramie Foothills, and 27 high priority species at the wintering sites in Chihuahua.

Monitoring efforts within the Laramie Foothills funded by past Neotropical Bird Grants have included extensive point count surveys and demographic monitoring of grassland bird productivity on Soapstone Prairie. NAD is using the point count data to identify important bird resources, breeding sites and habitats that warrant special management attention, guide potential impacts away from sensitive species and habitats, and track population changes over time and in response to management and other influences. In addition, NAD is using the reproductive and demographic data to determine baseline reproductive rates and assess affects of recreation and grazing management. Active monitoring has also helped guide management in response to a recent plague event that severely reduced active prairie dog colonies and reduced the Mountain Plover population from 50-60 birds in 2008 to just 12 birds in 2011. Due in part to ongoing monitoring, NAD was able to employ a variety of management techniques such as dusting for flea control

within the few remaining prairie dog colonies, prescribed fire, and strategic grazing in order to prevent the last of the prairie dogs and Mountain Plovers from disappearing.

Monitoring will continue through the use of grant funds to track the effects of management efforts on grassland bird density and distribution and will be used to help guide decisions concerning the potential for impacts associated with energy development. Monitoring efforts will focus on Neotropical birds associated with black-tailed prairie dog colonies and within the Foothills Shrublands (mountain mahogany) and Salt desert scrub (four-wing saltbush) ecological systems. This information will inform management decisions and the sustainable stewardship of Soapstone Prairie.

This project will be coordinated and implemented by RMBO, in cooperation with NAD, American Bird Conservancy (ABC), Pronatura Noreste, the Universidad Autónoma de Chihuahua and the Cornell Lab of Ornithology, and in coordination with the State of Chihuahua's Secretary of Urban Development and Ecology, the Rio Grande Joint Venture, the Chihuahuan Desert Grassland Regional Alliance, Cuenca Los Ojos Foundation, local communities and private ranchers in Chihuahua, and representatives from INIFAP (National Forestry and Agricultural Research Institute) and SAGARPA (Secretary of Agriculture, Ranching, Rural Development, Fisheries, and Food supply) in Mexico. A unique feature of this project is that it involves a broad-based collaboration among international, regional, and local organizations from public, private, and NGO sectors, and most entities are contributing significant cash and in-kind resources and expertise to the project goals. This range-wide, integrated approach to grassland bird conservation includes two distinct but complementary projects that address high priority needs of grassland birds on both their breeding and wintering grounds.

The NAD match for this \$200,000 grant will come from the Department's 2011 purchase of the 80 acre Noonan Tract and the 200 acre Bowes Homestead tract, both additions to Soapstone Prairie, and from funds used to manage Soapstone Prairie. The funds used to purchase the Noonan and Bowes Homestead tracts are not federal in origin and have not been used to match other Federal grant funding sources. Of the grant dollars received, approximately \$75,000 will be spent locally on RMBO staff salaries and overhead. The remainder of the funds will be used to support the project in Mexico. RMBO will administer the grant.

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 for the grant, 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.

FINANCIAL / ECONOMIC IMPACTS

The City will use the purchase of the 80 acre Noonan Tract and the 200 acre Bowes Homestead tract (see **Attachment 1**) and funds already obligated for the management of Soapstone Prairie as match toward the grant. This will not obligate any additional funds but will provide a secondary benefit to the funds already spent to acquire this portion of Soapstone Prairie and already obligated for management of the property. The two new tracts are managed as part of Soapstone Prairie and are already conserved by NAD.

The Rocky Mountain Bird Observatory will receive \$200,000 from USFWS to fund conservation work within the Laramie Foothills Mountains to Plains project area, and in the Chihuahuan Desert of Mexico. Of the grant dollars received, approximately \$75,000 will be spent locally on RMBO staff salaries and overhead. The remainder of the funds will be used to support the project in Mexico. RMBO will administer the grant.

ENVIRONMENTAL IMPACTS

The *Soapstone Prairie Natural Area Management Plan* (adopted in 2007) identifies ecological and cultural values of highest priority and sets in place management objectives for the property. Activities identified in the 2013-2014 BFO budget cycle focus on evaluating management efforts to increase and sustain a black-tailed prairie dog complex between 3,000 and 4,000 acres. Black-tailed prairie dogs are considered a keystone species within the shortgrass prairie ecosystem, are closely tied to several conservation targets identified in the Soapstone Prairie Natural Area Management Plan, including grassland bird species such as mountain plover. In addition, continued monitoring of grassland and shrubland bird communities will be used to help guide management decisions. Grant dollars will be used to supplement funds identified for this budgeted activity and help to stretch the NAD budget even further.

The NAD has built a successful partnership with RMBO to fund conservation work of this type in the Laramie Foothills since 2005. RMBO is a local conservation organization dedicated to the conservation of birds.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BOARD / COMMISSION RECOMMENDATION

The Land Conservation and Stewardship Board considered the grant project at its March 14, 2012 meeting and unanimously recommended that Council adopt the Ordinance to authorize the use of funds to purchase the Noonan tract and Bowes Homestead tract by the Natural Areas Department as match for a Neotropical Migratory Bird Conservation Act Grant administered by the U.S. Fish and Wildlife Service and to place a Notice of Grant Agreement on the Noonan and Bowes Homestead tracts.

PUBLIC OUTREACH

Public outreach specific to this grant was not conducted. The purpose of the grant is to implement monitoring objectives outlined in the *Soapstone Prairie Natural Area Management Plan*. This Plan was adopted after public review and comment.

ATTACHMENTS

1. Parcels used as match for 2012 Neotropical Migratory Bird grant
2. Land Conservation and Stewardship Board minutes

COPY

ORDINANCE NO. 079, 2013
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE USE OF THE NOONAN TRACT AND THE BOWES HOMESTEAD
TRACT 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, in April 2009, the City Council adopted Ordinance No. 032, 2009, authorizing the use of a 440-acre portion of Bernard Ranch as a matching contribution for a Neotropical Migratory Bird Conservation Act Grant administered by the FWS; and

WHEREAS, in May, 2010, the City Council adopted Ordinance No. 053, 2010, authorizing the use of a different 660-acre portion of Bernard Ranch as a matching contribution for a Neotropical Migratory Bird Conservation Act Grant administered by the FWS; and

WHEREAS, the City has worked cooperatively with the Rocky Mountain Bird Observatory ("RMBO") to carry out the terms of the previous grant projects involving the study of neotropical birds, a category of bird species that includes high priority grassland birds found on Soapstone Prairie Natural Area; and

WHEREAS, two recent additions to Soapstone Prairie known as the Noonan tract and the Bowes Homestead tract, as shown on Exhibit "A", attached and incorporated herein by this reference (collectively, the "Property"), have been identified as an appropriate area to be conserved as habitat for neotropical birds in the region; and

WHEREAS, RMBO, together with other grant partners, is continuing to study neotropical birds and has applied for an additional grant of \$200,000 from FWS; and

WHEREAS, RMBO hopes to use this new grant to continue its neotropical bird study as part of the Laramie Foothills Mountain to Plains Project, which includes Soapstone and 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's consent to these restrictions on its property constitutes an encumbrance on the City's real property; and

WHEREAS, the City will also 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 the City Council first finds, by ordinance, that such 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 use of the Noonan and Bowes Homestead tracts as a match towards a U.S. Fish and Wildlife Service Grant to the Rocky Mountain Bird Observatory, including execution and recording of a Notice of Grant Requirements as described herein, is in the best interests of the City.

Section 2. That the Mayor is hereby authorized to execute a Notice of Grant Requirements consistent with the terms of this Ordinance, along with such other terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the best interests of the City, including, but not limited to, any necessary changes to the legal description of the Property to be encumbered, as long as such changes do not materially increase the size or change the character of the Property.

Introduced, considered favorably on first reading, and ordered published this 4th day of June, A.D. 2013, and to be presented for final passage on the 18th day of June, A.D. 2013.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 18th day of June, A.D. 2013.

Mayor

ATTEST:

City Clerk

EXHIBIT A

Legal Descriptions

Noonan Tract:

The South One-half of the Southeast Quarter of Section 11, Township 11 North, Range 69 West of the 6th P.M., Larimer County, State of Colorado.

Bowes Homestead Tract:

The E1/2 of the NE ¼, the N1/2 of the SE ¼ and the NE ¼ of the SW1/4 of Section 24, Township 11 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado.