October 27, 2022

Staff Report and Summary – Conservation Covenant Area Assessment

- **General Comments:**

The Conservation Covenant Area assessment tour was completed this year on September 19 and 29 by RFTA Trails Staff and our third-party consultant, Tom Newland of Newland Project Resources. The tour and corresponding report identify compliance and potential violations as described within the Conservation Restriction Covenant. The nine conservation areas and the locations of activities and potential violations are described based on the Rio Grande Trail mile marker numbering system and the railroad mile post system. The Conservation Restriction Covenant document identifies nine specific classes of potential violations. We found a couple new issues this year and there are still some old violations that need to be resolved, for example the berm and structure on RFTA's ROW along Hooks Spur Rd.

Categories of potential violations as described within the Conservation Restriction Covenant:

1) Construction of Buildings and/or Other Structures
2) Fences
3) New Crossings, Structures and/or Crossing Improvements
4) Harvesting of Timber
5) Mining
6) Paving and Road and Trail Construction (a public recreational trail running the length of the corridor is exempt)
7) Trash
8) Weeds
9) Other

A discussion of the violations follows.

CONSERVATION AREA #1: Rosebud Cemetery to Buffalo Valley. MM 2.68 – 3.60 (MP 362.90 – 363.82)

- **No violations**

<u>CONSERVATION #2</u>: County Rd 109 (Ironbridge) to CMC Intersection. MM 5.18 – 6.25 (MP 365.40 – 366.47)

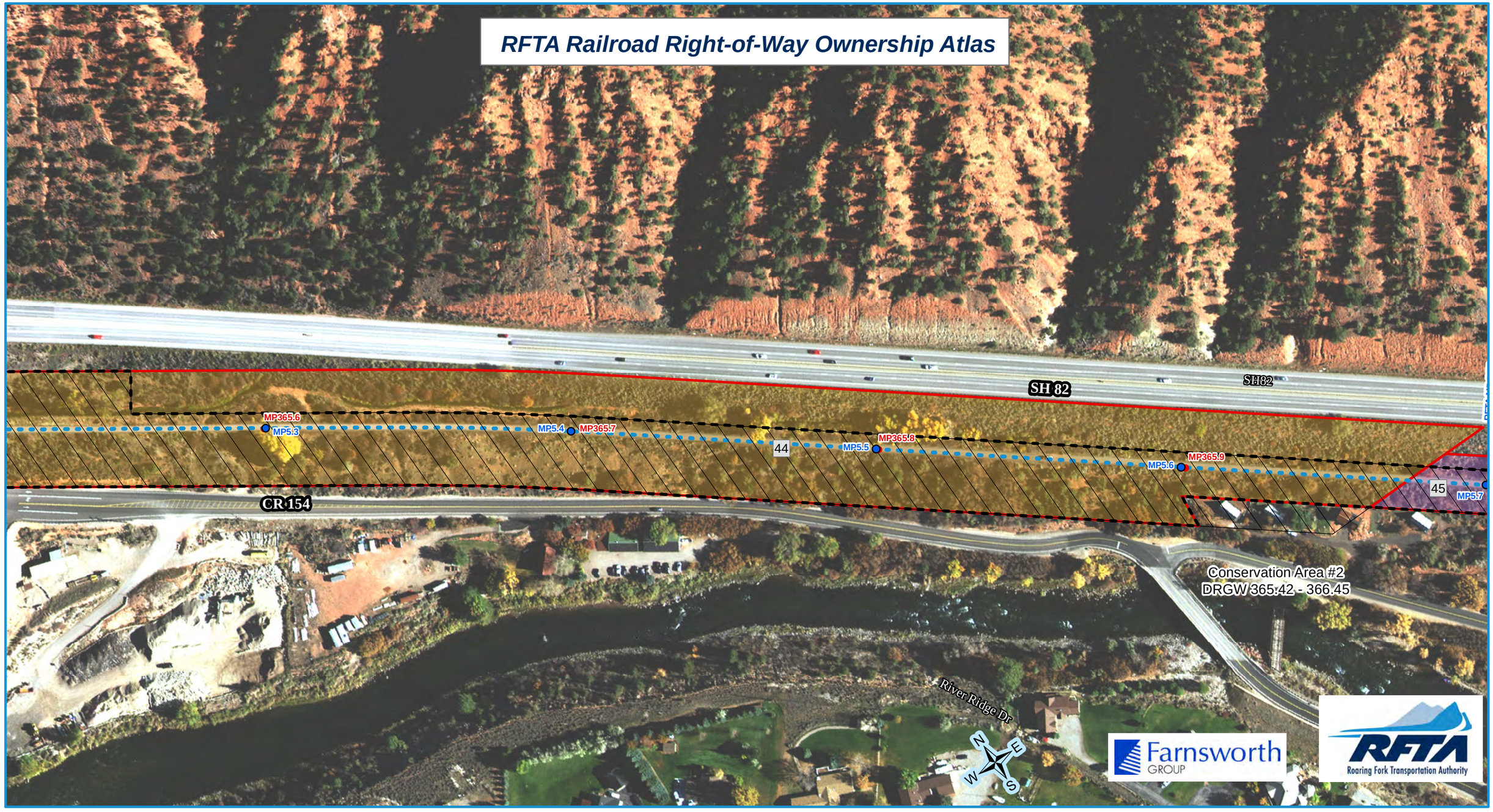
- **Category (9) Other at MM 5.5 (MP 365.8) -** The Thompson Glen Ditch Company has been on my report previously because of their ditch spoils and also because the ditch has been leaking water for years. This year is no different, I found at several locations with water adjacent to the Rio Grande Trail. See 3 photos below.

Photo – location #1 water from Thompson Glen Ditch seen down along CR 154

Photo – location #2 water along RGT shoulder from Thompson Glen Ditch

Photo – location #3 ditch water along shoulder of RGT

RFTA Railroad Right-of-Way Ownership Atlas



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<u>CONSERVATION AREA #3</u>: Big bend in Roaring Fork River, near Cattle Creek. MM 8.28 – 8.78 (MP 368.85 – 369.0)

- **No violations**

<u>CONSERVATION AREA #4</u>: East of Aspen Glen to the Satank Bridge. MM 10.28 – 10.70 (MP 370.5 – 370.92)

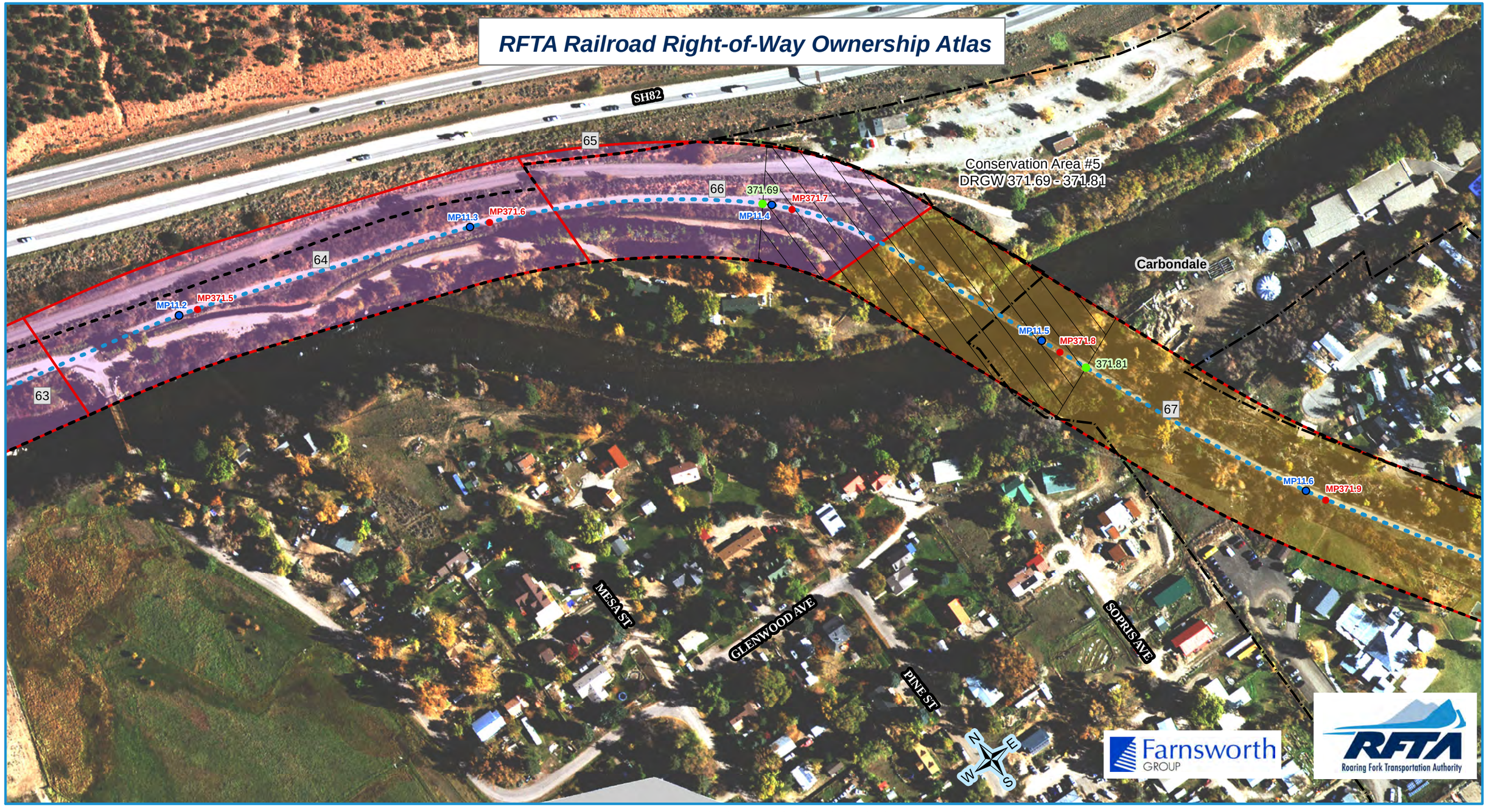
- **No violations**

<u>CONSERVATION AREA #5</u>: Roaring Fork Railroad Bridge. MM 11.47 – 11.61 (MP 371.69 – 371.83)

- **Category (7) Trash and Category (9) Other at MM 11.5 (MP 371.8) - Ongoing issues with vandalism/graffiti, and trash under the bridge.**

Photo of the RF Rail Bridge and an example of the graffiti.

RFTA Railroad Right-of-Way Ownership Atlas



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<u>CONSERVATION AREA #6</u>: Catherine Store Bridge up to Sopris Creek. MP 15.92 – 21.6 (376.14 – 381.82)

- **Category (1) Construction of Buildings and/or Other Structures at MM 18.9 (MP 379.15) -** The trash house on RFTA ROW has not been moved off the corridor. See photo below.

Photo – Trash House on RFTA ROW

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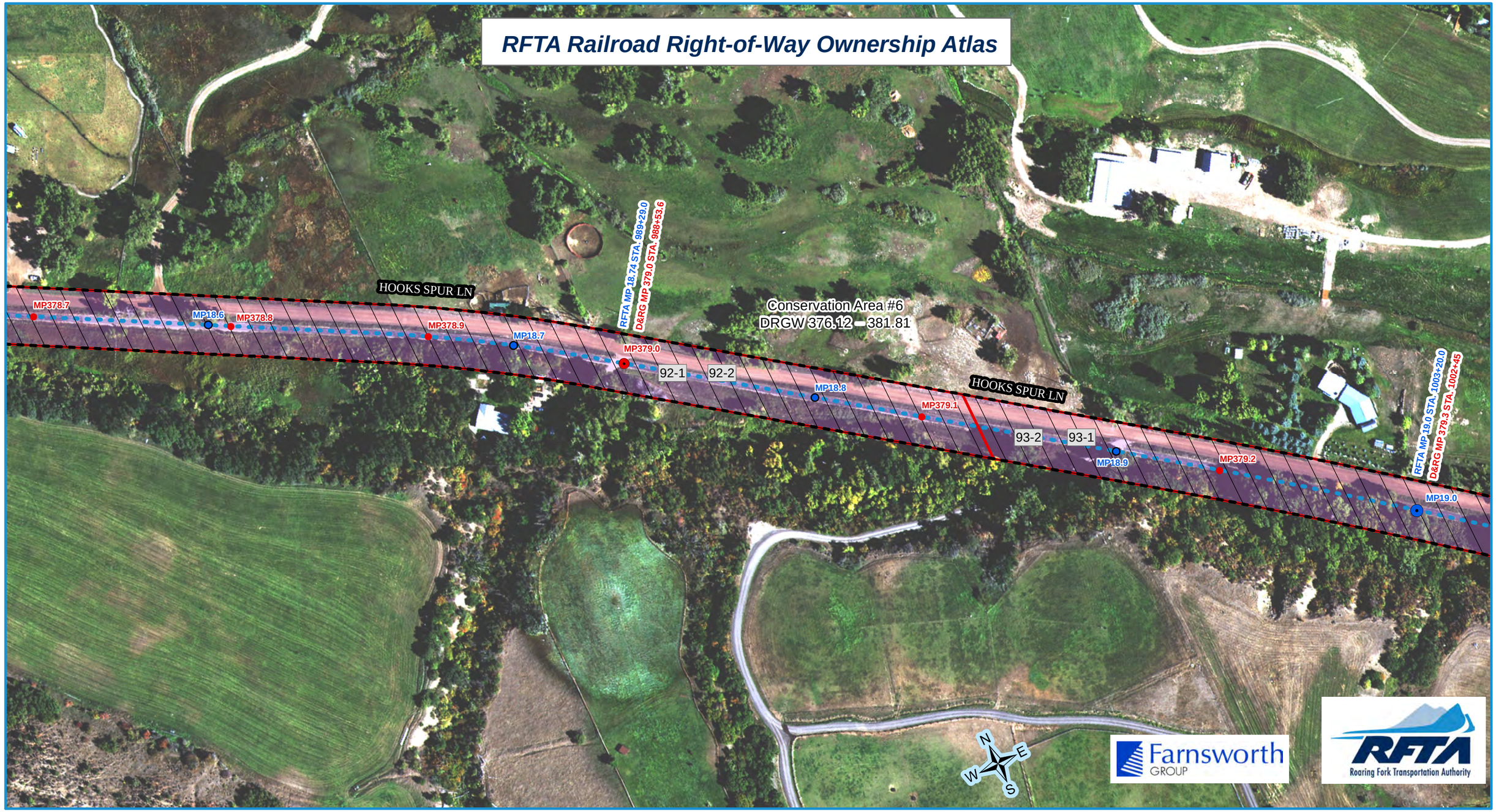

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- **Category (1) Construction of Buildings and/or Other Structures at MM 19.63 (MP 379.9) - Barn, berm, fence, and outbuilding on RFTA Property.** Staff has been coordinating with the Property owner and working towards a resolution. Staff has engaged a local Contractor to move the berm and barn off RFTA Property. Please refer to photo below and the following text is drawn verbatim from the 2010 report:

"The fence, berm, irrigation system and out building noted in area 6 involve a landowner who has been approached regarding these corridor incursions in prior years and provided RFTA with a letter stating their willingness to remove the berm and fence, but who so far has taken no action to rectify the situation. Staff recommendation is that the berm, fence and barn be removed or relocated back onto the adjacent landowner's property for the following reasons: first, the structures restrict the access of the public to public lands; second, the structures are inconsistent or are maintained in a fashion that is inconsistent with the general character of a rural environment embodying significant conservation values; and third, the structures present a negative impact on the use of this public property by wildlife."

Staff recommendation remains unchanged for the 2023 report.

Photo - View of berm, barn, outbuilding, and old fence located in corridor

- **Category (9) Other at MM 20.8 to 21.46 (MP 381.08 to 381.75 –** A ditch company cleaned their ditch this spring and left their spoils all over RFTA ROW. No attempt was made to reseed or restore the property to as good or better condition. See photos below.

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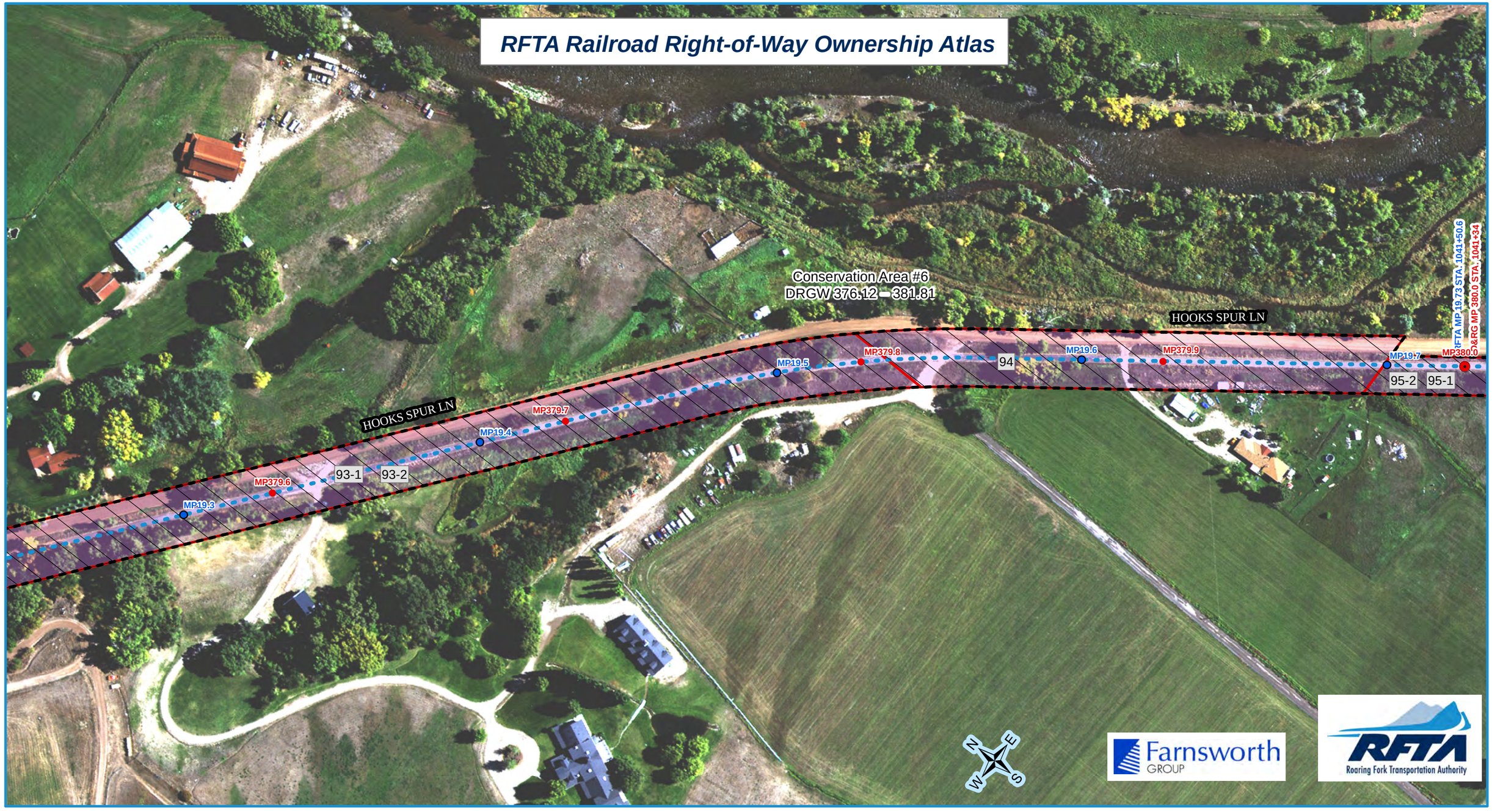

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Photo – ditch spoils

Photo – same ditch company leaving spoils, but just up-valley from previous photo

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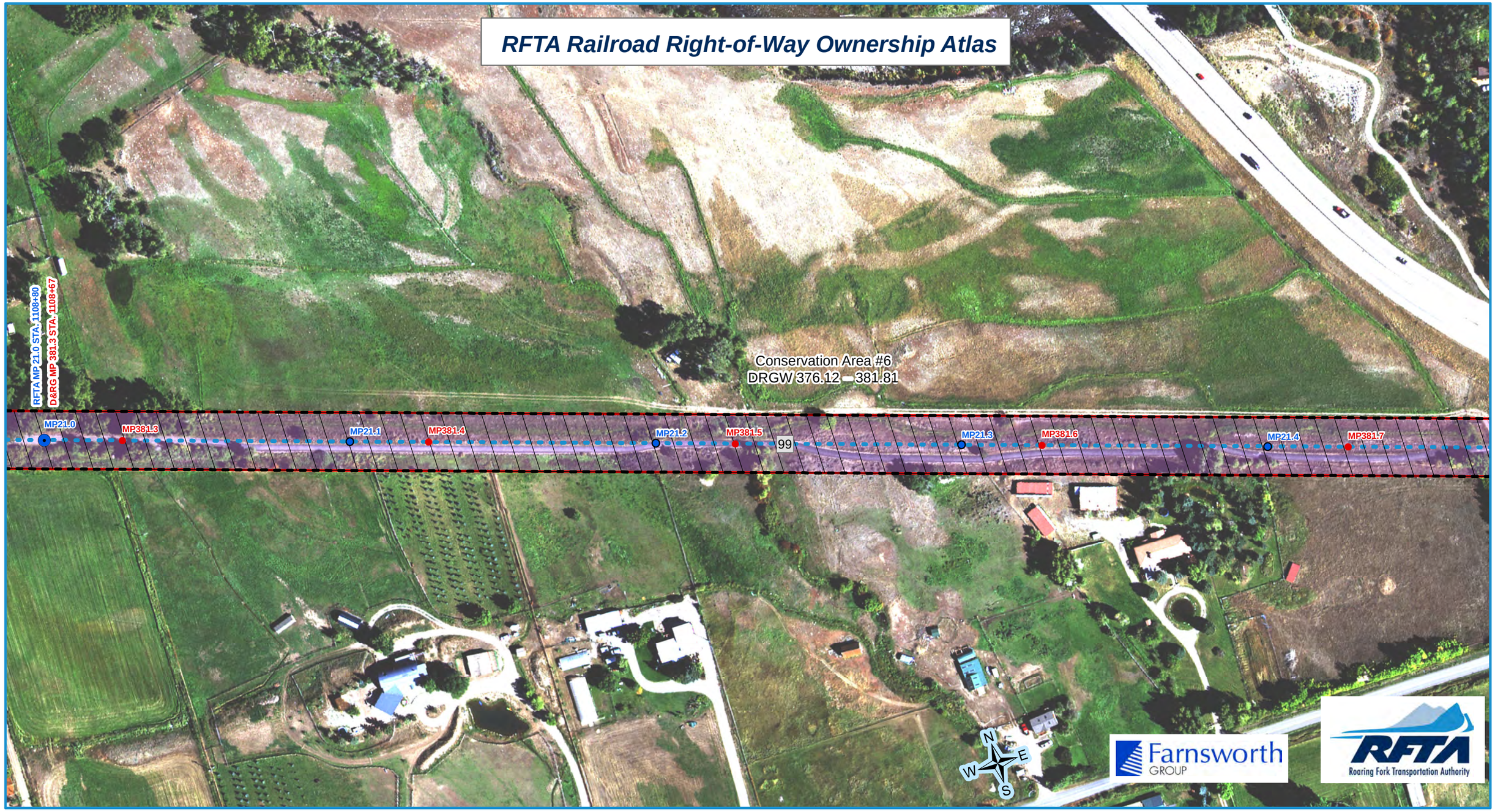

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<u>CONSERVATION AREA #7</u>: Sopris Creek to Wingo Junction. MP 21.97 – 24.68 (382.19 – 384.90)

- **Category (9) Other at MM 24.52 (MP 384.8) -** The Roaring Fork Club continues to use RFTA ROW for their golf course operations, without coordination or permission. See photo below of a new rail crossing.

Photo – new rail crossing

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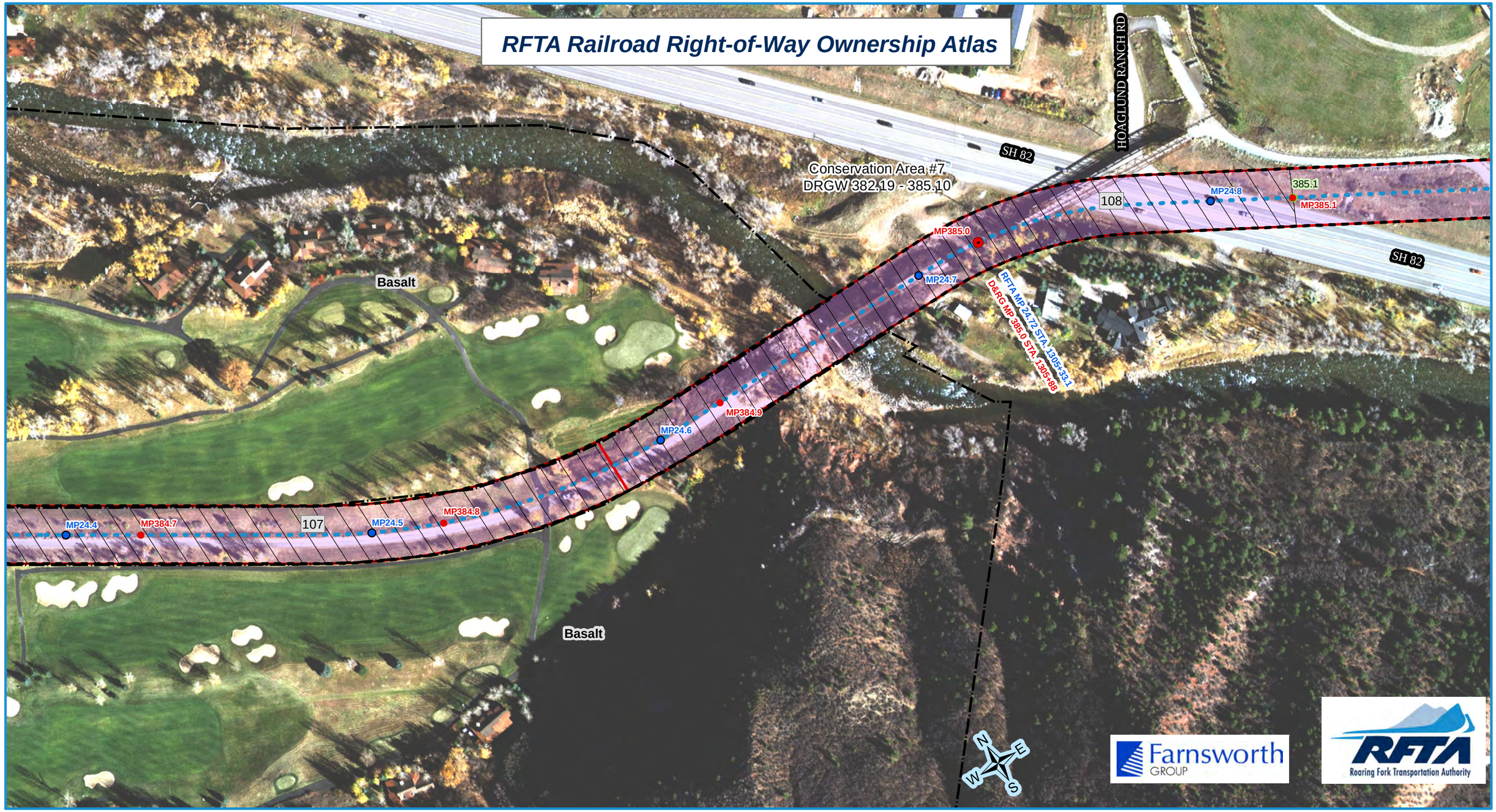

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<u>CONSERVATION AREA #8</u>: Wingo Junction to the Dart Ranch (Lower Snowmass Canyon). MP 24.68 – 27.83 (384.90 – 388.05)

- **Category (6) Paving and Road and Trail Construction at MM 25 – 25.15 (MP 385.25 to 385.4) –** A neighbor constructed a private connection to the RGT in 2021 with no signs of removing. This is not the only house in this neighborhood to create a soft surface trail (and other improvements) from their backyard up to the RGT, however this particular one is the most intensive/offensive. Do we need to ask the entire neighborhood to remove individual trails (and other improvements) and consolidate into 1 access? See photos below.

- **Category (2) Fences –** multiple neighbors also have fences encroaching

Photo – private trail connection and other improvements

Photo – another example of a private trail connection

Photo – showing encroachment, I believe the flag is RFTA ROW boundary

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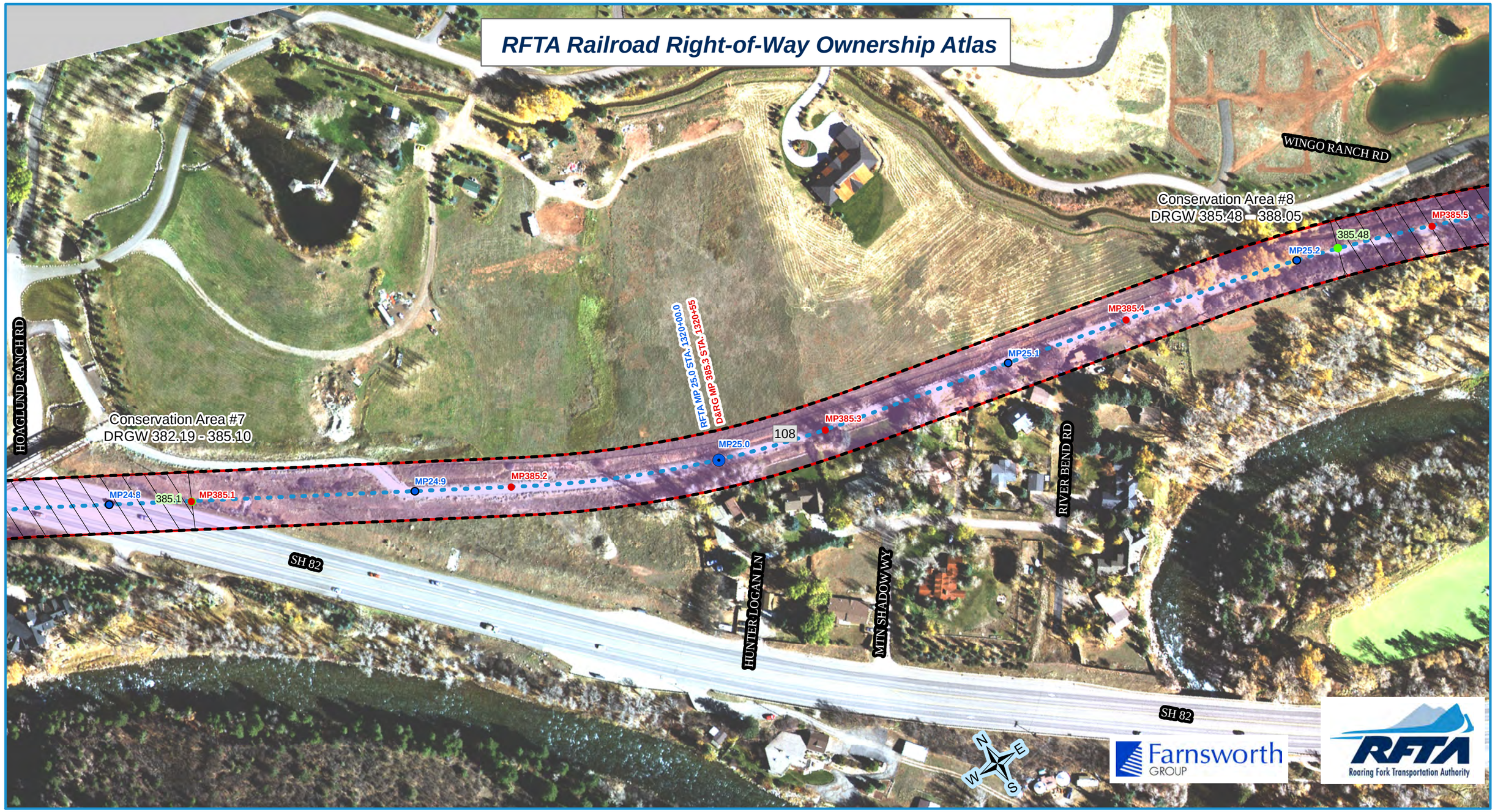

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- **1) Construction of Buildings and/or Other Structures at MM 27.15 (MP 387.5)** – Early this summer, a contractor "accidentally" installed a septic system (or cistern) on RFTA ROW. Because they did not get permission, RFTA notified them to remove any and all improvements and return the property in as good or better condition. They have since removed the encroachments and seeded the property. See photos below.

Photo – septic/cistern in June 2022

Photo – site "restored" in September 2022

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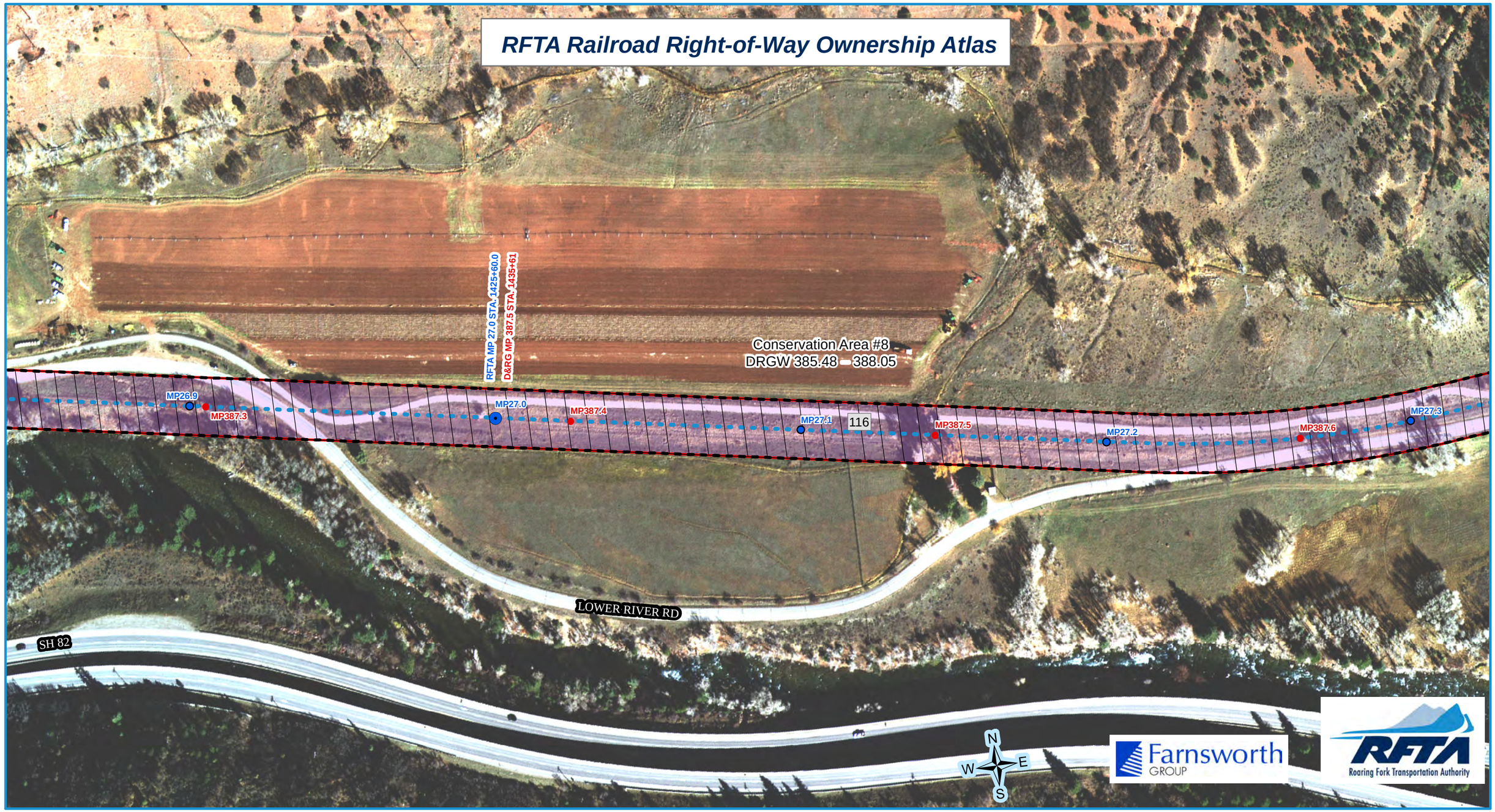

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CONSERVATION AREA #9: Phillips Curves to Woody Creek Rd. MP 30.36 – 33.45 (390.58 – 393.67)

- **No new violations.**

CONCLUSIONS:

Overall Staff feels that the Rail Corridor and Trail are in great condition. However, we are still having problems with neighbors not respecting property boundaries or going through the approval process. Ditch companies have the right to maintain their ditch, but should the burden of their leaks and spoils (and resulting weeds) be placed on RFTA? There were several other encroachments within the corridor in 2022, but they are not located in Conservation Areas (so they are not included in this report). Staff continuous to work with our attorney to develop a reasonable system to remedy encroachments ASAP. RFTA Rio Grande Trail staff will continue building relationships with our neighbors and work hard to keep the values of the conservation areas intact.

Please let me know if you have any questions.

Brett Meredith
RFTA Trails and Corridor Manager
bmeredith@rfta.com
970.384.4975