



**TO:** Covenant Enforcement Commission Members  
**FROM:** Abbey Pascoe- EAM Administrator and Railroad Manager  
**DATE:** November 15, 2021  
**RE:** Annual Meeting and Background of the CEC

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Dear Commission Members:

Thank you for agreeing to serve on the Covenant Enforcement Commission (“CEC”). The CEC generally meets annually to review whether RFTA has lived up to its obligations concerning stewardship of the Aspen Branch of the Denver & Rio Grande Western Railroad Corridor (the “Corridor”). A little history is helpful here.

The CEC was established because of an agreement between RFTA’s predecessor, the Roaring Fork Railroad Holding Authority (“RFRHA”), and the Board of Trustees of Great Outdoors Colorado (“GOCO”). GOCO provided funds for the purchase of the Corridor in 1997. Originally, RFRHA was required to place a conservation easement on the entire Corridor. Based on concerns about securing federal funding for future RFRHA transportation projects, the Conservation Easement was removed from the entire 34 miles of the Corridor and replaced with Conservation Covenants, in nine areas.

The obligations for maintenance of the Conservation Covenants areas now belongs to RFTA. GOCO allowed modification to its original grant agreement in return for RFRHA agreeing to set up the CEC to oversee RFTA’s stewardship of the Covenant Areas. As a CEC member, you report on compliance with RFTA’s stewardship of the Covenant areas to the RFTA Board of Director’s and ultimately GOCO. In practice, a consultant and a RFTA staff member with familiarity of the Corridor and the nine Covenant areas performs an inspection annually and each presents a report to the CEC at the annual meeting. After the meeting, the report is reviewed and updated, per the CEC comments and then a letter and the reports are presented to the RFTA Board of Director’s on behalf of the CEC. Once the RFTA Board has reviewed the comments, then a letter and copies of both reports are sent to GOCO.

The focus of the Conservation Covenants is compliance with policies defining the types of uses that may be permitted within the Corridor. The CEC determines whether or not

a proposed or existing encroachment is compatible with the transportation, recreation and conservation values set forth in the grant agreement between RFTA and GOCO. Prior to the CEC meeting, you will be asked to review the draft reports as well as RFTA's staff report on any actions taken to determine the contents of a final report.

The annual assessment is generally completed between August and October with the annual meeting generally scheduled sometime in mid-November to mid-December. If you have any questions please feel free to contact me at 970-384-4971.

Additionally, we are doing everything within our power to protect and preserve the corridor especially in relation to the covenant areas. We are meeting with our railroad attorneys on to determine how much authority we have to resolve some of the issues we have throughout the corridor. Once we know the extend of our authority, we will move forward in resolving the long outstanding items the exist.

Sincerely,

Abbey Pascoe  
RFTA- EAM Administrator and Railroad Manager