November 23, 2015

Staff Report and Summary – Conservation Covenant Area Assessment

- **General Comments:**

The Conservation Covenant Area assessment report prepared by Tom Newland of Newland Project Resources for 2015 identifies 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, but this year Tom's assessment did not find any new violations. However, there are still a couple of old violations that need to be resolved, a berm and structure on RFTA's ROW, and exploring whether or not a smooth wire fence is on RFTA property.

A discussion of the past and present violations follows.

- **Category (2) Fence:**

In Conservation Area #7 there is a possible violation. There is a smooth wire fence, with metal T posts on or near the corridor. Staff needs to determine if the fence is indeed within RFTA ROW and have the adjacent property owner remove the fence, if that is the case.

2013 Photo. Section of smooth wire fence near Basalt High School

- **Category (9) Other**

Conservation Area # 6, please refer to photos below.

The following text is drawn verbatim from the 2010 report:

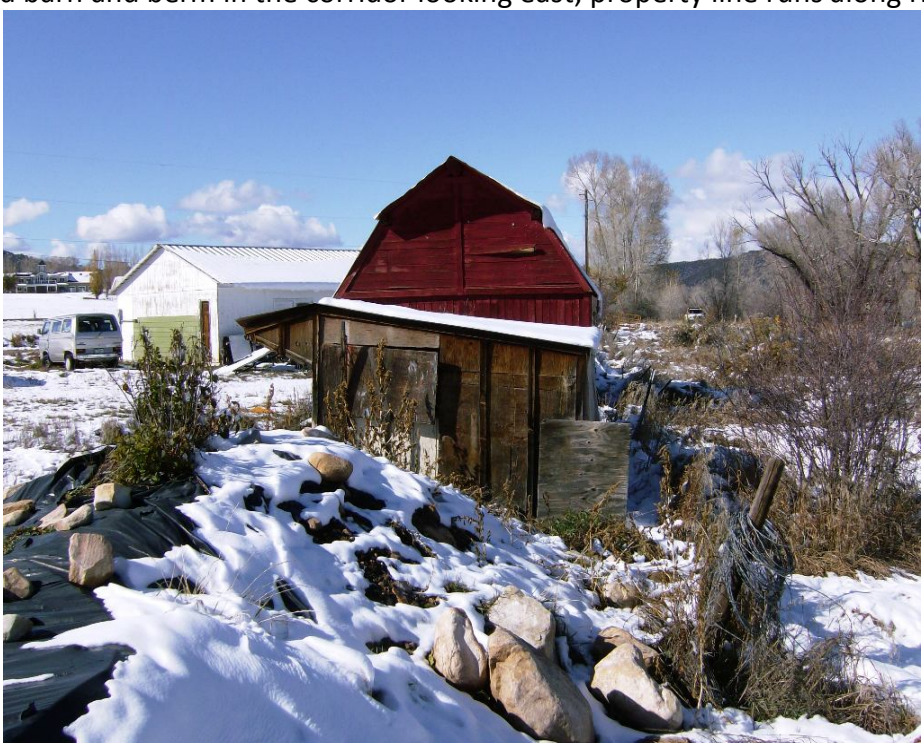
"The fence, berm, irrigation system and out building noted in area 6 involve a landowner who has been approached regarding these corridor incursions in prior years and provided RFTA with a letter stating their willingness to remove the berm and fence, but who so far has taken no action to rectify the 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 2015 report.

The area in question describes an unlicensed encroachment by the adjacent property owners AKA Smith/Irwin. This is a high-profile and high-priority encroachment which has not been acted upon pending resolution of another possibly precedent setting encroachment elsewhere along the corridor. RFTA staff is reviewing the past documentation and will be pursuing a solution this year.

View of berm and old fence gate located in corridor at Smith/Irwin property looking east

View of red barn and berm in the corridor looking east; property line runs along right edged



View of berm, fence, outbuilding and red barn looking west. Everything is encroaching in the RFTA corridor.

- **Conclusions:**

RFTA staff will continue working to keep the values of the conservation areas intact.

Almost all of the previous issues have been resolved, and we are not seeing any new encroachments or violations.

The landscape berm and outbuildings along Hook's Spur Road remain from the initial reporting in 2009. Again, Staff will review prior actions taken and begin working in earnest towards a resolution for the next C.E.C. meeting in 2015.

Overall Staff feels that the Rail Corridor and Trail are in excellent condition.