Roaring Fork Transportation Authority

Board of Directors
Roaring Fork Transportation Authority
1340 Main Street
Carbondale, Colorado 81623

April 12, 2018

Re: Annual Report of the Rio Grande Railroad Corridor Covenant Enforcement Commission

Dear Directors:

This is to provide you with the Annual Report of the Rio Grande Railroad Corridor Covenant Enforcement Commission, based on information provided to me by Angela Henderson.

On December 7, 2017, the Roaring Fork Transportation Authority Covenant Enforcement Commission ("CEC" or "Commission") held a meeting to review the progress of the Roaring Fork Transportation Authority ("RFTA") in enforcing the conservation covenants that apply to RFTA's Railroad Corridor. The members of the Commission are listed on an attached page.

The members of the CEC include one elected official from each of the entities that participated in the purchase of the Railroad Corridor: Aspen, Snowmass Village, Basalt, Carbondale, Glenwood Springs and the counties of Pitkin and Eagle. The CEC also includes two at-large members of the Roaring Fork Valley and one representative from each of Pitkin County Open Space and the Roaring Fork Open Space Special District. In addition, the Town of New Castle is always invited to participate with the CEC.

The Roaring Fork Open Space Special District (the "District") is not listed among the members of the CEC. The District was formed in 2000 by a majority vote of the District's electors. However, the electors failed to approve a companion ballot measure that would have provided taxes to fund the District. The District does not wish to participate in the Covenant Enforcement Commission until such time as the District is funded.

Background of the CEC

The Railroad Corridor was initially purchased on June 30, 1997, by the Roaring Fork Railroad Holding Authority ("RFRHA"), a consortium of Roaring Fork Valley Governments. Additional contributors to the Corridor purchase were Great Outdoors Colorado ("GOCO") and the Colorado Department of Transportation ("CDOT"). When the Roaring Fork Transportation Authority was formed by voter approval in 2000, the operating plan included absorption of an existing transit system, and absorption of RFRHA. In 2001, RFRHA was dissolved and its assets, liabilities and obligations were transferred to RFTA.
Initially the Corridor was held subject to a Conservation Easement administered by the Aspen Valley Land Trust. However, when a Comprehensive Plan was developed for management of the Corridor it was determined that many portions did not contain the attributes described as "conservation values" warranting protection under the conservation easement. Subsequently, RFRHA entered into an amended agreement with GOCO to change the Conservation Easement to a Conservation Covenant. One of the

requirements of GOCO for removal of the Conservation Easement was the formation of the CEC. The CEC monitors management by RFTA of the conservation areas called out in the Comprehensive Plan.

In 2002, RFTA hired an independent consultant to survey the entire length of the Corridor and report on potential violations of the Conservation Covenants. The same consultant, Newland Project Resources, was hired to assess the Corridor in 2003 through the present; the report for 2016 was submitted to the CEC Board at the May 22nd meeting and they were able to review and question in detail each potential violation cited in the report.

Summary Findings of the CEC for 2017

The following is a summary of the findings of the 2017 Corridor Assessment Report (the full report is included with this letter):

The current encroachments are far fewer than in past years. New violations noted in conservation areas #2, #6 and #9. Violations still in place from May 2017 report include areas #6 and #7. Violations remedied in last 7 months: areas #2, #5, #6, #7, #8, and #9. Overall, the corridor is in outstanding condition, well used and maintained with a couple of violations still in need of consideration, and many more remedied.

Staff feels the corridor is in excellent condition. They have continued to make progress controlling noxious weeds without using herbicides. They are constantly weeding and picking up trash, and will work in earnest to keep the values of the conservation areas intact.

Conclusions of the CEC

- Overall the Railroad Corridor is in excellent condition. The Rio Grande Trail within the Railroad Corridor is well used and maintained.

- Regarding the potential violations and/or the remaining violations: staff will research water rights in conservation area two (2) and work with the homeowner regarding structures in the ROW; staff is in contact with the property owner in area six (6) about ongoing encroachments, and is researching the legal chain of title of this property, and staff will contact the property owner near area nine (9) to determine specifics of irrigation.

A copy of the final 2017 CEC Report is included with this letter. Please don't hesitate to contact Angela, any of the members of the CEC listed on the following page or me with any questions.

Sincerely,

The Roaring Fork Railroad Corridor Covenant Enforcement Commission
By Paul Taddune
RFTA General Counsel

Enclosures: 2017 Corridor Assessment
2017 Staff Report
List of CEC members

RFTA COVENANT ENFORCEMENT COMMISSION 2017
(3-year term 4-1-17 to 11-1-19)

APPOINTED
Ms. Ann Mullins
City of Aspen Council Member

APPOINTED
Mr. George Newman
Pitkin County Commissioner

APPOINTED
Mr. Dan Richardson
Mayor - Town of Carbondale

APPOINTED
Ms. Markey Butler
Mayor - Town of Snowmass Village

APPOINTED
Ms. Kathryn Trauger
Glenwood Springs City Council

APPOINTED
Ms. Jeanne McQueeney
Eagle County Commissioner

APPOINTED
Ms. Jacque Whitsitt
Mayor - Town of Basalt

APPOINTED
Mr. Paul Holsinger
Pitkin County Open Space and Trails

APPOINTED, New Castle joined RFTA in 2005
Mr. Art Riddle
Mayor - New Castle

APPOINTED
Mr. John Krueger
Aspen Transportation Department

AT LARGE MEMBER
George Trantow – Eagle County

October 20, 2017

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 2017 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. There are on-going maintenance issues that staff continues to work on, and I think we are making good strides. Tom and I found a couple new issues this year and there are still a couple of old violations that need to be resolved, for example the berm and structure on RFTA's ROW along Hooks Spur Rd.

A discussion of the violations follows.

CONSERVATION AREA #1:

- **Category (9) Other:** Cedar Networks (a utility company) was found trespassing in 2016 and installing fiber optic on RFTA property. Unfortunately, we didn't catch them early enough and they installed their conduit and covered it up by the time we could issue a cease and desist. Cedar disturbed quite a bit of dirt and finally did hire a company to seed and hydro mulch the area. See the pictures below for current conditions.

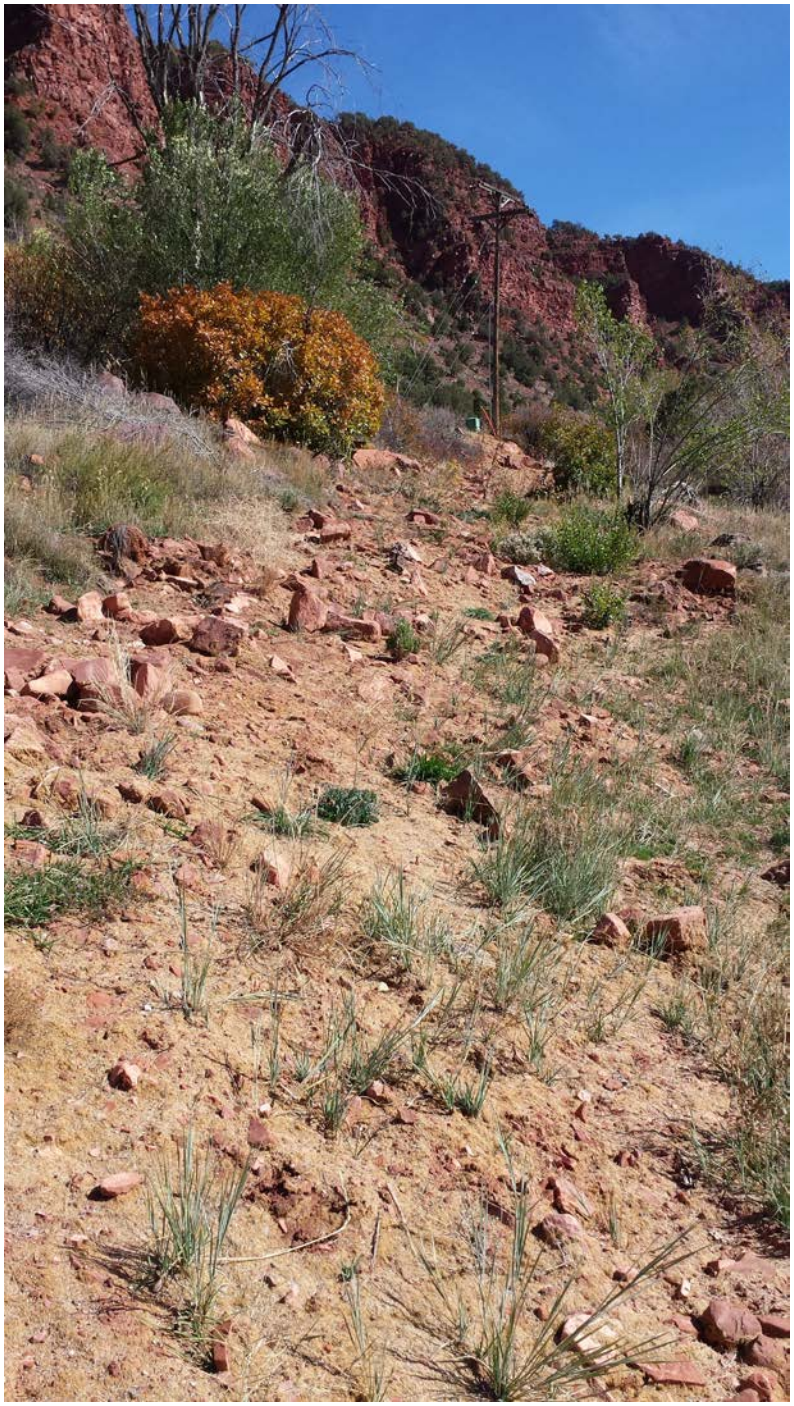


Photo – Conservation Area #1. Cedar Networks disturbance Seeded and hydro mulched in summer of 2017. This photo was taken on 10/16/2017.

Photo – Conservation Area #1. Cedar Networks disturbance photo taken in March 2017.

CONSERVATION #2:

- **Category (8) Weeds:** The Thompson Glen Ditch Company has been cleaning out their ditch and they are leaving their ditch spoils and cut vegetation along the trail and in the corridor. Not only are they making a big mess, they are not revegetating or reseeding their disturbance and it is causing noxious weeds to spread prolifically. Staff held a meeting with the Thompson Glen Ditch company to discuss this ongoing maintenance issue. RFTA used 220 goats in this area in the effort to help clean the ditch and RFTA corridor. See photos below.

Photo – Conservation Area #2. Noxious Weeds due to disturbance from ditch maintenance. No sign of seed or attempt at revegetation.

Photo – Conservation Area #2. Ditch spoils stacked along the trail.

Photo – cut vegetation from ditch maintenance stacked along corridor.

CONSERVATION AREA #5

- **Category (7) Trash:** We have had an ongoing problem with vagrants trashing the corridor under the Roaring Fork Bridge. Staff has been keeping a closer eye on this area and has spent a good bit of time cleaning up each year. RFTA Staff has posted signs asking folks to clean up and installed a trash bin at the bridge this summer. It appears that people are using the trash can! Staff has notified the Garfield County Sheriff and Carbondale PD when there is gang affiliated graffiti or people camping within the ROW.

Photo – Trash receptacle added at the bridge to encourage good behavior.

CONSERVATION AREA #6

- **Category (9) Other**

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 2017 report.

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

CONCLUSIONS:

Overall Staff feels that the Rail Corridor and Trail are in excellent condition. We have continued to make progress with controlling noxious weeds (over 2 years without spraying herbicides!) and we are constantly picking up trash. Unfortunately, we have seen some negative impacts from neighbors and utility companies. Staff needs help to prevent this trend from growing.

RFTA staff will continue working 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

ROARING FORK RAILROAD CORRIDOR
CONSERVATION AREA ASSESSMENT
August 28, 2017

Prepared For:
Covenant Enforcement Commission
Roaring Fork Transportation Authority

Prepared By:
NEWLAND PROJECT RESOURCES, INC

I. Introduction, Approach to the Assessment

The Rio Grande Corridor is a 34-mile long stretch of property running from Glenwood Springs to Woody Creek, Colorado. The Roaring Fork Transportation Authority (RFTA) owns the corridor and is charged with maintaining the property for public transportation and recreation purposes. A trail is currently located on the corridor that enjoys heavy use by trail enthusiasts. As a part of the purchase of the corridor, RFTA and the Great Outdoors Colorado Trust Fund (GOCO), a funding partner, agreed to place a Covenant on approximately half of the corridor to preserve the "conservation values" on the property.

To monitor and enforce the covenant, RFTA created a Covenant Enforcement Commission (RFTA CEC) made up of representatives from each of the entities that the Authority serves. It is the responsibility of the Commission to meet annually to assess the rail corridor and to recommend to RFTA that it make any corrections necessary to ensure that the conservation values of the areas described within the Conservation Covenant are not compromised. An annual assessment of the nine Conservation Areas is conducted to determine if any potential violations exist. The report is then presented to and discussed by the RFTA CEC.

The following report is a compilation of the assessment conducted on August 28th and 29th of the nine (9) Conservation Areas:

- Chapter II is a spreadsheet that summarizes any observed violations (highlighted in red), and recommends remedies if they are found to be actual violations. The spreadsheet is a living document – a tool to be used by RFTA to track violations and the actions taken to resolve them.

- Chapter III is a summary of all outstanding violations.

- Appendix A of this report describes the 9 Conservation Areas.

- Appendix B of this report describes the 2016 visual inspection conducted for each Conservation Area. During the visual inspection, the corridor is assessed for any potential violations to the Conservation Areas as described in the Covenant. These potential violations include structures, fences, crossings, timber harvesting, mining activities, paving, roads, trash, weeds and "other improvements". These are referred to in the report as "potential" violations because further research will need to be made to determine if the potential violations are within the corridor or pre-date the purchase of the corridor (June 1, 1996). Per the Covenant, if the encroachment was present before June 1, 1996, the encroachment can remain on the corridor.

II. Observed Violations and Proposed Remedies

Following is a spreadsheet listing the potential violations to the Conservation Covenant observed in the field.

Column 1: Conservation Area (See APPENDIX A for detailed description of each Conservation Area).

Column 2: 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

Column 3: Description of any potential violation observed in the field within each category.

Column 4: Date when the violation was first noted and the location of the violation within the conservation area.

Column 5: Recommendation of a remedy that RFTA could follow to correct the potential violation.

Column 6: For use by RFTA staff to document the course of action followed to correct the potential violation.

Items highlighted in red denote new observed violations. Items highlighted in **bold** denote violations that were noticed to be present on the corridor during inspections from previous years.

Conservation Area #1 RRMP 362.90 to 363.82 or RFTA MP 2.68 to 3.60	Conservation Category	Observed Violation	Date and County Violation First Observed	Recommended Remedy	Documentation of Actions Taken To Correct Violation
Rosebud Cemetery to Buffalo Valley	1) Construction of Buildings	None Noted			
	2) Fences	None Noted			
	3) New Crossings	None Noted			
	4) Harvesting of Timber	None Noted			
	5) Mining	None Noted			
	6) Paving, Roads, Trails	None Noted			
	7) Trash	None Noted			
	8) Weeds	None Noted			
	9) Other	None Noted			
Conservation Area #2 RRMP 365.40 to 366.47 or RFTA MP 5.18 to 6.25	Conservation Category	Observed Violation	Date and County Violation First Observed	Recommended Remedy	Documentation of Actions Taken To Correct Violation
County Road 107 (Ironbridge) To CMC Intersection	1) Construction of Buildings	MP 5.75: Addition to existing house appears to be in corridor	8-28-17	Determine if new addition is on corridor, then determine options.	
	2) Fences	None Noted			
	3) New Crossings	**MP 5.88: Irrigation Pipes crossing the corridor.**	**10-27-16**	**Investigate legality of additional pipes and remove those that do not have water rights.**	8-28-17: Pipe remains in Corridor
	4) Harvesting of Timber	None Noted			
	5) Mining	None Noted			
	6) Paving, Roads, Trails	None Noted			
	7) Trash	None Noted			
	8) Weeds	None Noted			
	9) Other	**MP 5.54: Display of American Flags**	**10-27-16**	**Remove flags, keep area under watch**	8-28-17: Flags removed
Conservation Area #3 RRMP 368.50 to 369.0 or RFTA MP 8.28 to 8.78	Conservation Category	Observed Violation	Date and County Violation First Observed	Recommended Remedy	Documentation of Actions Taken To Correct Violation
Bend in River near Cattle Creek	1) Construction of Buildings	None noted			
	2) Fences	None Noted			
	3) New Crossings	None Noted			
	4) Harvesting of Timber	None Noted			
	5) Mining	None Noted			
	6) Paving, Roads, Trails	None Noted			
	7) Trash	None Noted			
	8) Weeds	None Noted			
	9) Other	None Noted			
Conservation Area #4 RRMP 370.50 to 370.92 or RFTA MP 10.28 to 10.70	Conservation Category	Observed Violation	Date and County Violation First Observed	Recommended Remedy	Documentation of Actions Taken To Correct Violation
East of Aspen Glen to Sutank Bridge	1) Construction of Buildings	None Noted			
	2) Fences	None Noted			
	3) New Crossings	None Noted			
	4) Harvesting of Timber	None Noted			
	5) Mining	None Noted			
	6) Paving, Roads, Trails	None Noted			
	7) Trash	None Noted			
	8) Weeds	None Noted			
	9) Other	None Noted			

Conservation Area #5 RRMP 371.69 to 371.83 or RFTA MP 11.47-11.61	Conservation Category	Observed Violation	Date and County Violation First Observed	Recommended Remedy	Documentation of Actions Taken To Correct Violation
Railroad Bridge and Approaches Across the Roaring Fork River	1) Construction of Buildings	None Noted			
	2) Fences	None Noted			
	3) New Crossings	None Noted			
	4) Harvesting of Timber	None Noted			
	5) Mining	None Noted			
	6) Paving, Roads, Trails	None Noted			
	7) Trash	**MP 11.47 – 11.61: Excessive trash under bridge abutments and piers**	**10-27-16** 8-28-17	**Remove trash and address the cause, which is use of area by teens and/or vagrants.**	Trash cleaned up and site Maintained, although trash Continues to accumulate
	8) Weeds	None Noted			
	9) Other	**MP 11.47 – 11.61: Graffiti on Bridge girders and posts.**	**10-27-16** 8-28-17	**Remove graffiti and address cause, which is use of area by teens and/or vagrants**	Graffiti still present

Conservation Area #6 RRMP 376.14 to 381.82 or RFTA MP 15.92 to 21.6	Conservation Category	Observed Violation	Date and County Violation First Observed	Recommended Remedy	Documentation of Actions Taken To Correct Violation
Catherine Store Bridge to Sopris Creek	1) Construction of Buildings	None Noted			
	2) Fences	**MP 17.48: Fence (metal T-posts w smooth wire) on or near corridor.**	**10-27-16** 8-28-17	**Determine location of fence & contact landowner for removal, if on corridor. SPID# 239132403003**	Fence not in Corridor
	3) New Crossings	None Noted			
	4) Harvesting of Timber	None Noted			
	5) Mining	None Noted			
	6) Paving, Roads, Trails	None Noted			
	7) Trash	**MP 19.3: Trash containers stored on corridor.**	**10-27-16** 8-28-17	**These trash containers were approved by RFTA previously under certain conditions. Determine if conditions are Being met and if not, contact the property owner: Michael Davies, SPID#246503301001** Trash cans still in Corridor	
	8) Weeds	None Noted			
	9) Other	**Berm and Structures on south side of Corridor still in ROW**	**October 2009 - 2017** **MP 19.80 – 19.85** 8-28-17	**Negotiate License or have berm and structures relocated** Berm & Structure in Corridor	

Conservation Area #7 RRMP 382.19 to 384.90 or RFTA MP 21.97 to 24.68	Conservation Category	Observed Violation	Date and County Violation First Observed	Recommended Remedy	Documentation of Actions Taken To Correct Violation
Sopris Creek to Wingo Junction	1) Construction of Buildings	None Noted			
	2) Fences	**Fence (metal T-posts with smooth wire) on or near corridor.**	**September 2013 - present MP 23.22** 8-28-17	**Determine location of fence & contact landowner for removal, if on corridor.** Fence still in place	
	3) New Crossings	**MP 23.3: ATV crossing of corridor**	**10-27-16** 8-31-17	**Determine who created this and why. Proceed based on this information. Adjacent property Owner: Grange Family Ranches, LLC, SPID #246718200005**	RV tracks/social trail still in place
	4) Harvesting of Timber	None Noted			
	5) Mining	None Noted			
	6) Paving, Roads, Trails	None Noted			
	7) Trash	None Noted			
	8) Weeds	None Noted			
	9) Other	None Noted			

Conservation Area #8 RRMP 384.90 to 388.05 or RFTA MP 24.68 to 27.83	Conservation Category	Observed Violation	Date and County Violation First Observed	Recommended Remedy	Documentation of Actions Taken To Correct Violation
Wingo Junction to Dart Ranch (Lower Snowmass Canyon)	1) Construction of Buildings	None Noted			
	2) Fences	None Noted			
	3) New Crossings	None Noted			
	4) Harvesting of Timber	None Noted			
	5) Mining	None Noted			
	6) Paving, Roads, Trails	None Noted			
	7) Trash	**MP 25.32: Thistle outbreak observed on or near corridor east of Wingo Bridge**	**10-27-16** 8-30-17	**Determine extent of infestation and contact adjacent landowner regarding control of thistles** **Adjacent Landowner:** **Roaring Fork Meadows, LLC** **SPID# 246721203801**	Thistle patches have been sprayed and are dying
	8) Weeds	None Noted			
	9) Other	None Noted			

Conservation Area #9 RRMP 390.58 to 393.67 or RFTA MP 30.36 to 33.45	Conservation Category	Observed Violation	Date and County Violation First Observed	Recommended Remedy	Documentation of Actions Taken To Correct Violation
Phillips Curves (Upper Snowmass Canyon) to Woody Creek Road	1) Construction of Buildings	**MP 31.87: New trash building constructed on or near corridor.**	**10-27-16** 8-30-17	**Determine if building is on corridor.**	Building (bear proof shed for trash) is not on corridor
	2) Fences	None Noted			
	4) Harvesting of Timber	None Noted			
	5) Mining	None Noted			
	6) Paving, Roads, Trails	None Noted			
	7) Trash	**MP 31.26: Furniture placed Along corridor against railcar.**	**10-27-16** 8-30-17	**Contact leaseholder regarding the removal of furniture**	Furniture removed, replaced by sitting area
	8) Weeds	None Noted			
	9) Other	MP 31.88: Private Irrigation system on Corridor	8-30-17	Contact property owner to determine specifics regarding the system and possible remedies 6190 Upper River Road SPID# 264305300002	

III. Summary

Based on the visual inspection of the corridor, the following is a summary of the remaining violations on the corridor:

New Violations Noted.

Conservation Area #2:
- Addition to adjacent house may be in Corridor

Conservation Area #9:
- Irrigation System in Corridor

Violations Still in Place.

Conservation Area #6:
- A berm and structure are encroaching on the south side of the corridor
- Trash containers left on corridor

Conservation Area #7:
- Fencing noted in Basalt High School area

Violations Remedied.

Conservation Area #2:
- Irrigation pipes in corridor. Water rights along the corridor are senior to the railroad. Since the pipes are small and do not impact the corridor, it is recommended that the pipes remain in place.
- American Flag Display in Corridor: Display was removed and has not returned.

Conservation Area #5:
- Excessive trash removed from under the bridge. Trash removal is ongoing.
- Graffiti under bridge. Removal of graffiti is problematic and would be counter to the conservation values of the corridor. It is recommended that the graffiti remain for this reason.

Conservation Area #6:
- New wire fence on or adjacent to corridor. Fence is not on the corridor.

Conservation Area #7:
- ATV crossing over corridor. Crossing used by adjacent rancher and has become a social trail to the High School. The crossing is therefore compatible with the conservation values of the corridor.

Conservation Area #8:
- Thistle infestations have been sprayed and are dying.

Conservation Area #9:
- Building (for bear-proofing trash) near not inside Corridor
- Furniture removed from trail adjacent to railcar

General Corridor Comments:

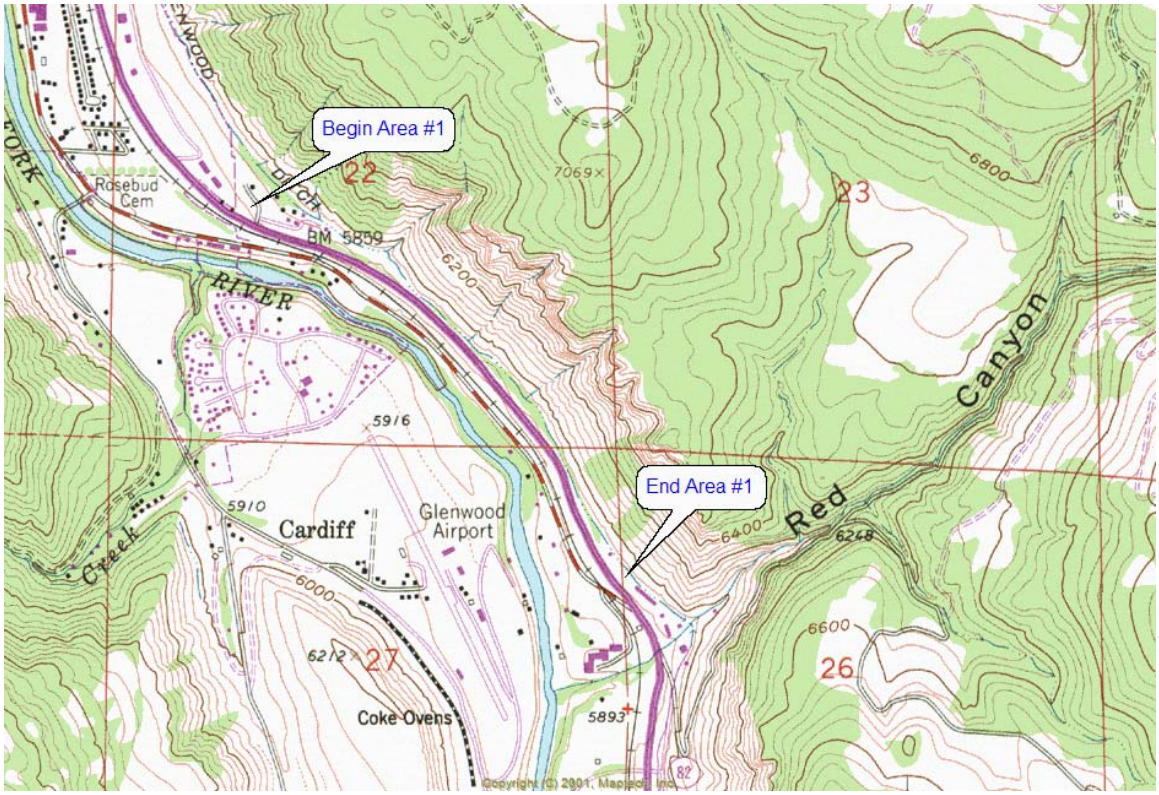
There were two new potential violations this year, but overall the corridor is in outstanding condition. The trail is well used and maintained. Some of the violations are recurring from previous reports.

Conservation Enforcement Commission Comments:

Appendix A: Description of the Conservation Areas

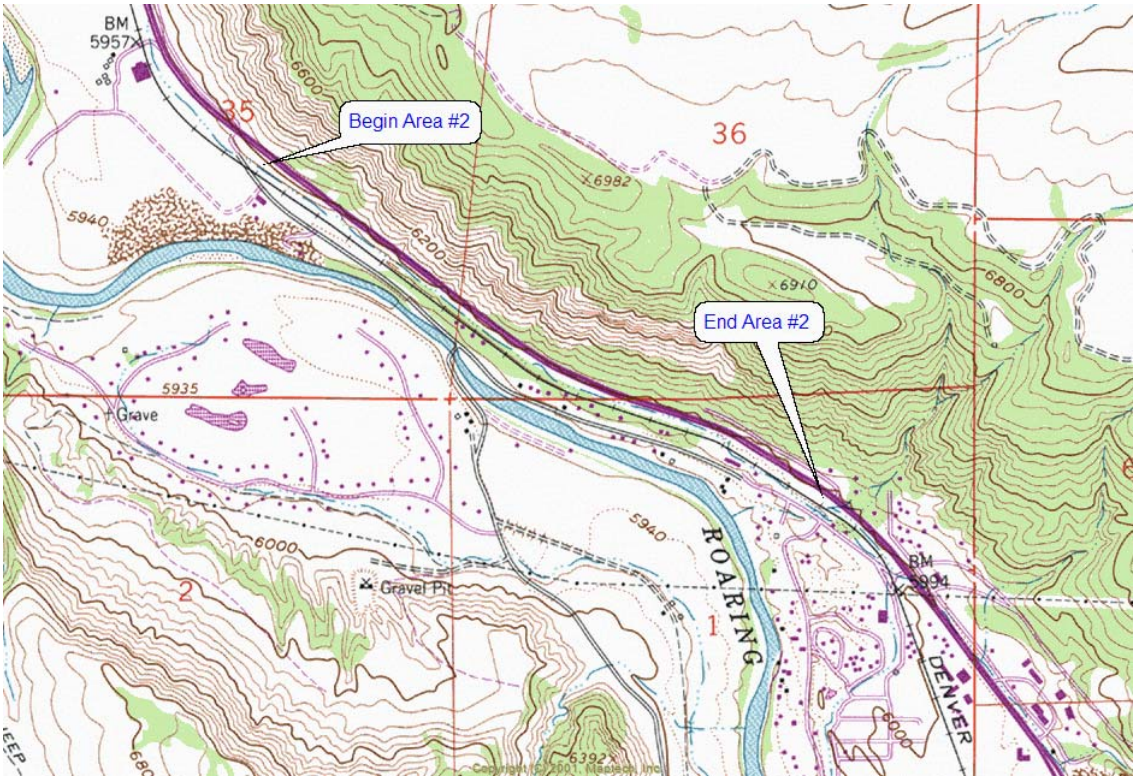
CONSERVATION AREA #1: Milepost 2.68 to 3.64, RxR Milepost 362.90 – 363.86 (0.96 miles)

Running from the Glenwood Springs City Limits south to the intersection of Highway 82 and Grand Avenue (old Highway 82), this area is well vegetated by native, scrub oak dominated mountain-shrub vegetation that offers excellent habitat for birds and small animals. Outstanding views of Mount Sopris are also provided on this section of the railroad corridor. The generally steep but benched hillside also provides a natural buffer between Highway 82 and Grand Avenue. Direct river access is offered from the railroad corridor over Grand Avenue.



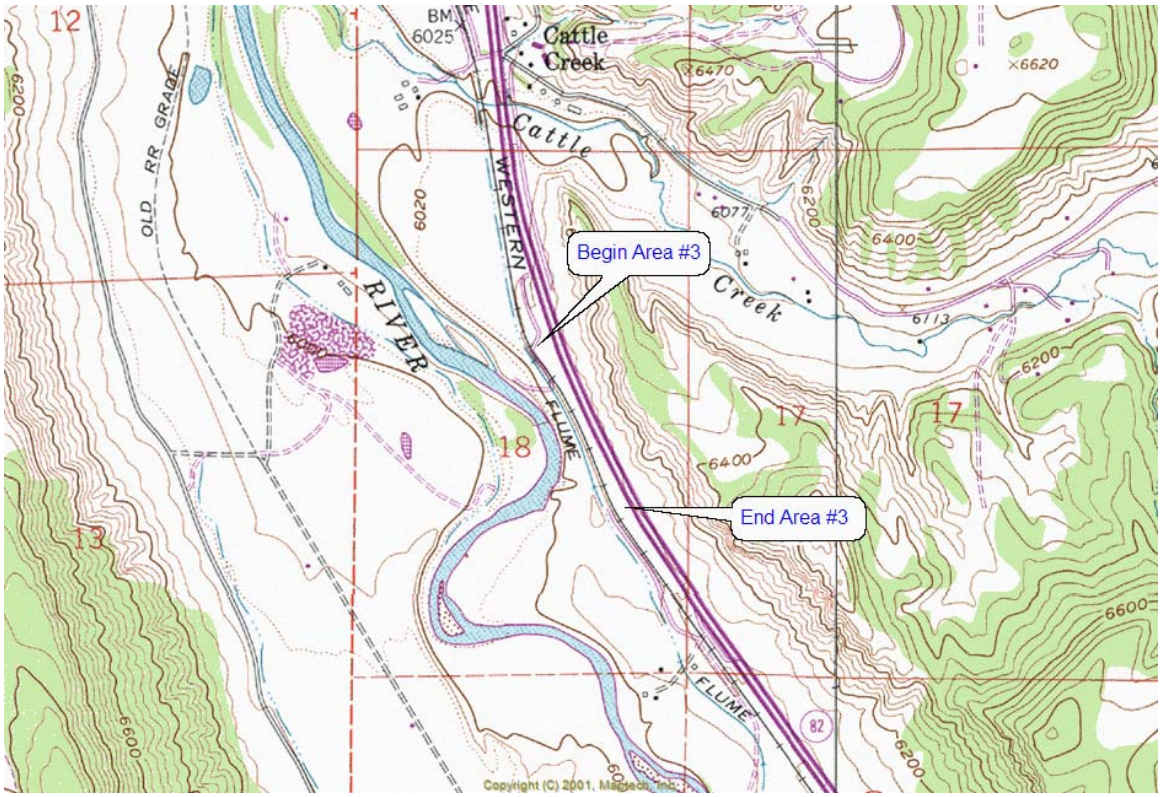
CONSERVATION AREA #2: Milepost 5.22 to 6.25, RxR Milepost 365.44 – 366.47 (1.39 miles)

This section begins at the crossing of County Road 107 (known as Coryell Ranch Road) to a location about ¼-mile west of the CMC Road/Highway 82 intersection. This area is well vegetated by mature native, mountain-shrub and related plant species that offer excellent habitat for birds and small animals. The generally steep but benched hillside also provides an excellent, natural buffer between Highway 82 and County Road 107. Direct river access is offered from the railroad corridor over County Road 107. Dramatic views of Mount Sopris are also provided on this section of the railroad corridor.



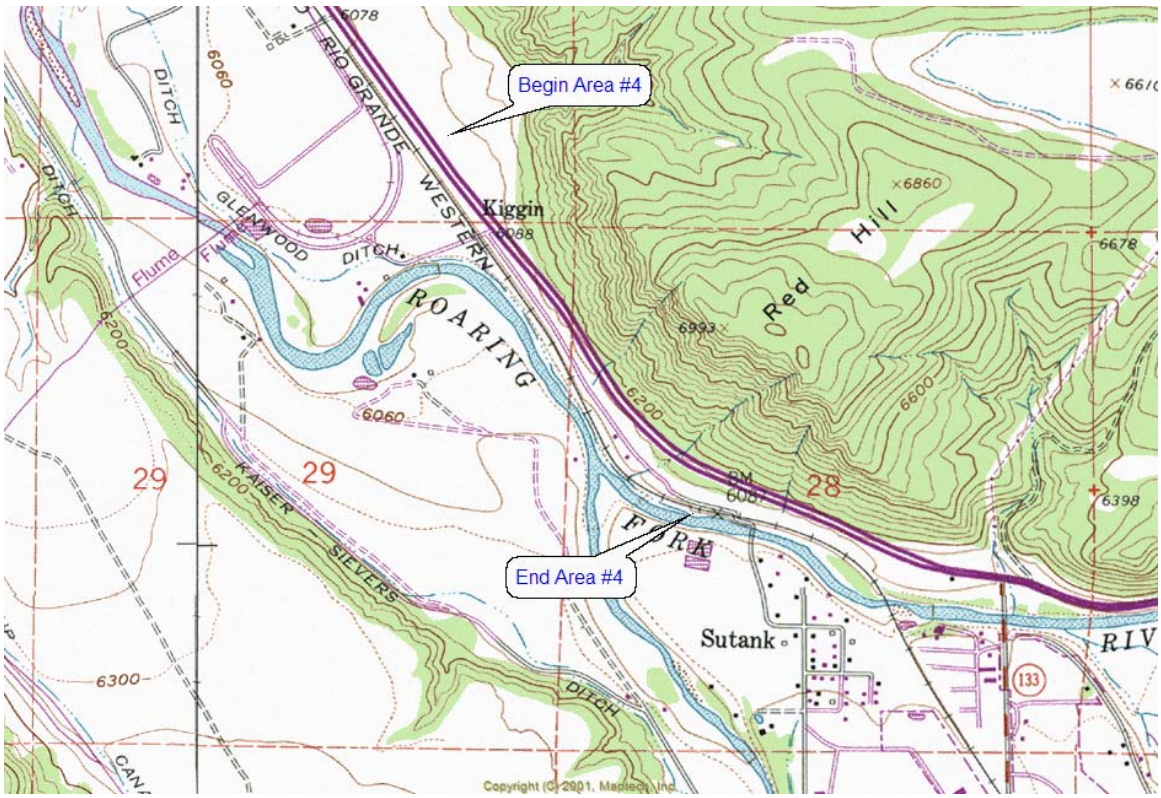
CONSERVATION AREA #3: Milepost 8.28 to 8.78, RxR Milepost 368.50 – 369.00 (0.50 miles)

This section of the railroad corridor covers the broad bend in the Roaring Fork River between the Bair Chase property and the ranchette parcels near Aspen Glen. Sage shrubs are predominant in this section that are some of the most mature sage plants in the valley. The mountain shrub ecosystem on the corridor in this area provides excellent habitat for birds and small animals. The Roaring Fork River sweeps towards then away from the railroad corridor, providing access opportunity and riparian habitat protection. Outstanding views of Mount Sopris are also provided on this section of the railroad corridor.



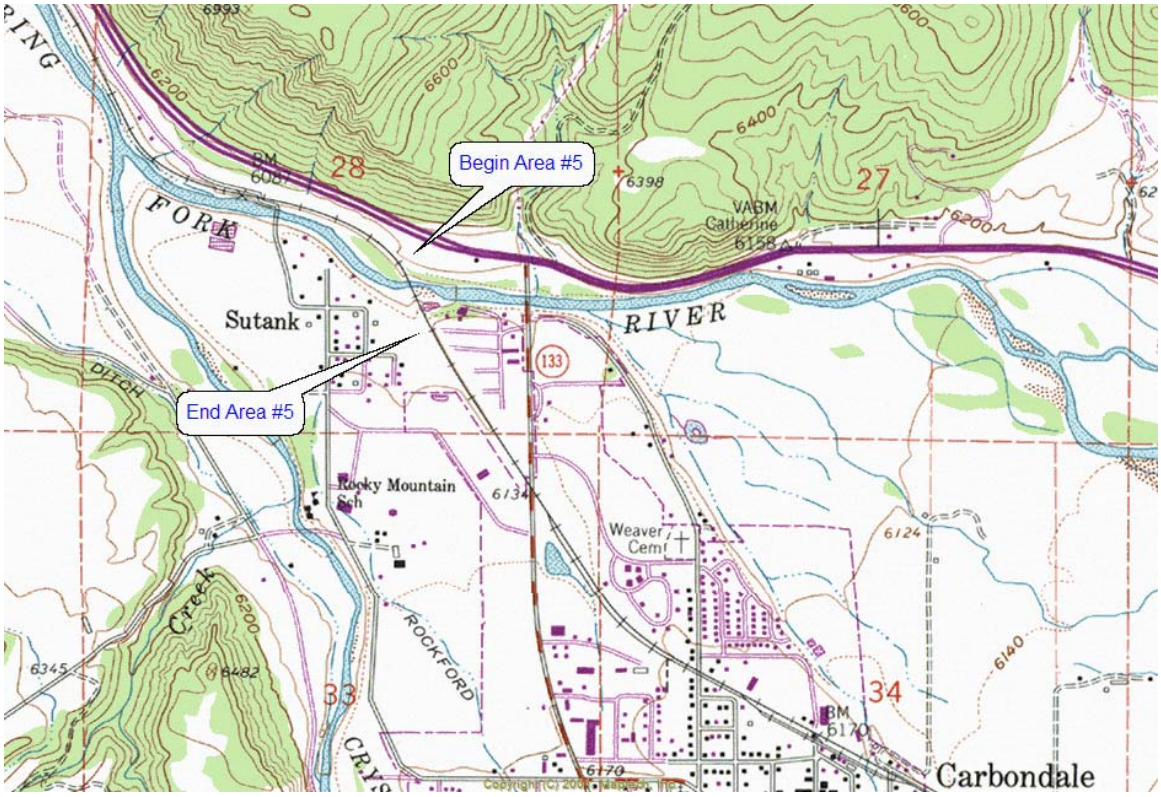
CONSERVATION AREA #4: Milepost 10.28 to 11.07, RxR Milepost 370.50 – 371.29 (0.79 miles)

This section goes from about a ¾-mile south (up valley) of the Aspen Glen entrance to a private crossing located just below the confluence of the Crystal River and the Roaring Fork River. This area is well vegetated by mature native, mountain-shrub and related plant species that offer excellent habitat for birds and small animals. Direct access to the Roaring Fork River is provided over the moderately sloping hillside that the railroad corridor crosses. Two significant irrigation ditches also follow within the railroad corridor, providing wetlands and riparian habitat. Views of Mount Sopris and the confluence of the Crystal and the Roaring Fork rivers are also provided on this section of the railroad corridor.



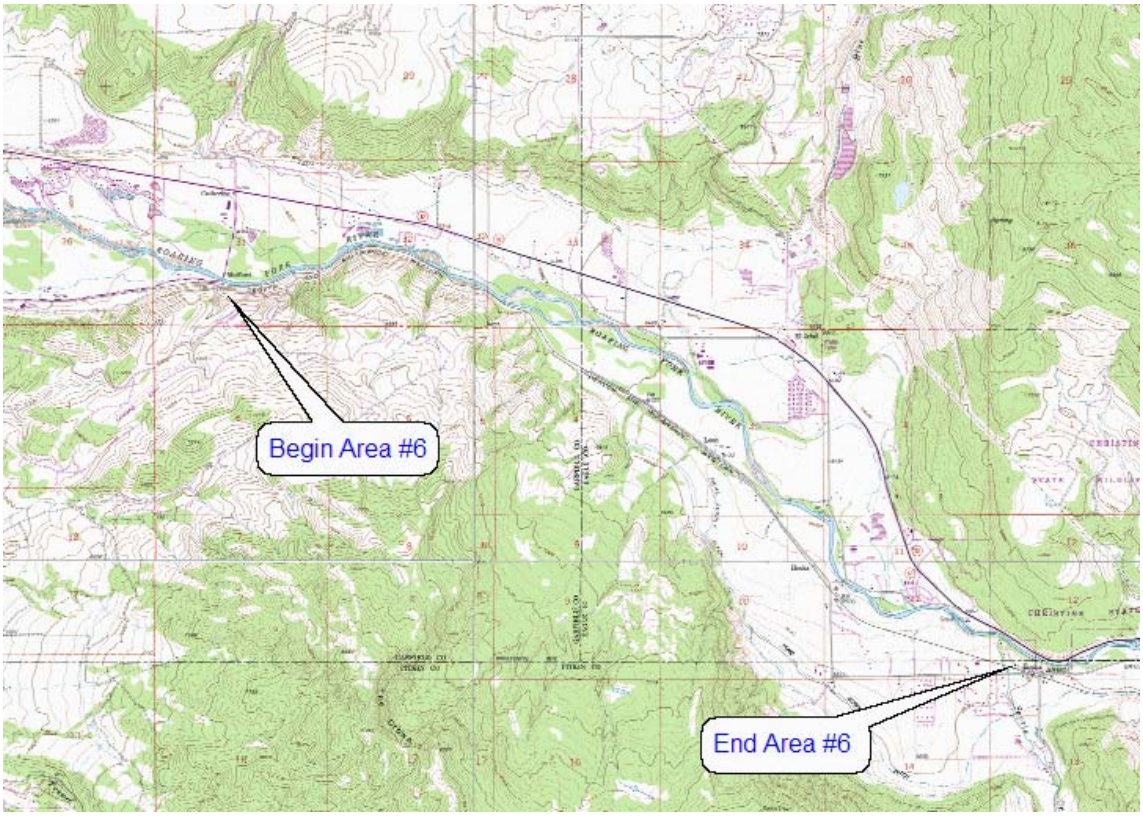
CONSERVATION AREA #5: Milepost 11.47 to 11.61, RxR Milepost 371.69 – 371.83 (0.16 miles)

This section surrounds the Railroad Bridge at Sutank and offers excellent river and recreation access opportunities and preserves wetland and riparian habitat. Views of Mt. Sopris are provided on the bridge.



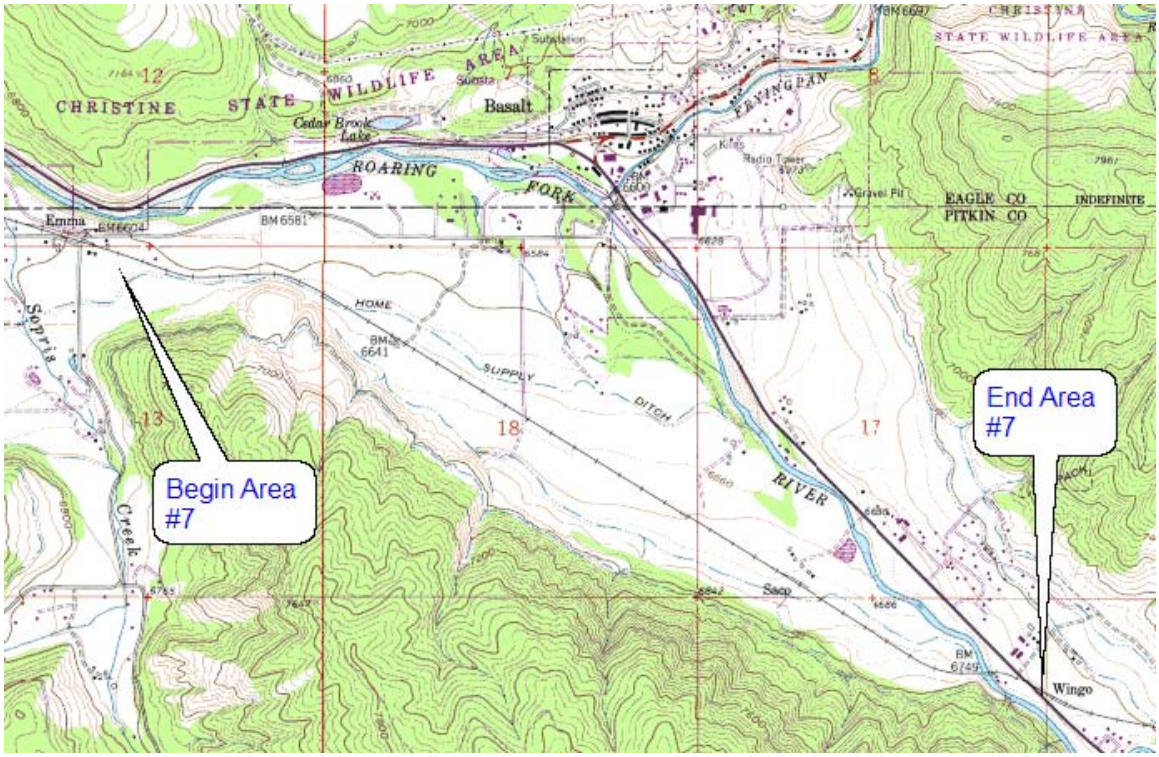
CONSERVATION AREA #6: Milepost 15.92 to 21.60, RxR Milepost 376.14 – 381.82 (5.76 miles)

This section begins near the Catherine Store Bridge (County Road 100) and continues southeast to Emma Road including the Rock Bottom Ranch property. Rock Bottom Ranch is owned by a non-profit entity, the Aspen Center for Environmental Studies, as a nature preserve. The nature preserve is also encumbered by a Conservation Easement held be the Aspen Valley Land Trust (AVLT). The railroad corridor is nestled between a broad, riparian area of the Roaring Fork River and Bureau of Land Management property. A number of conservation values are provided within this section of the corridor including riparian and wetland habitat protection; access to river recreation opportunities; access to public lands; preservation of habitat critical to eagle, hawk and heron populations in the valley; and preservation of winter range migratory patterns for macro fauna (mule deer and elk).



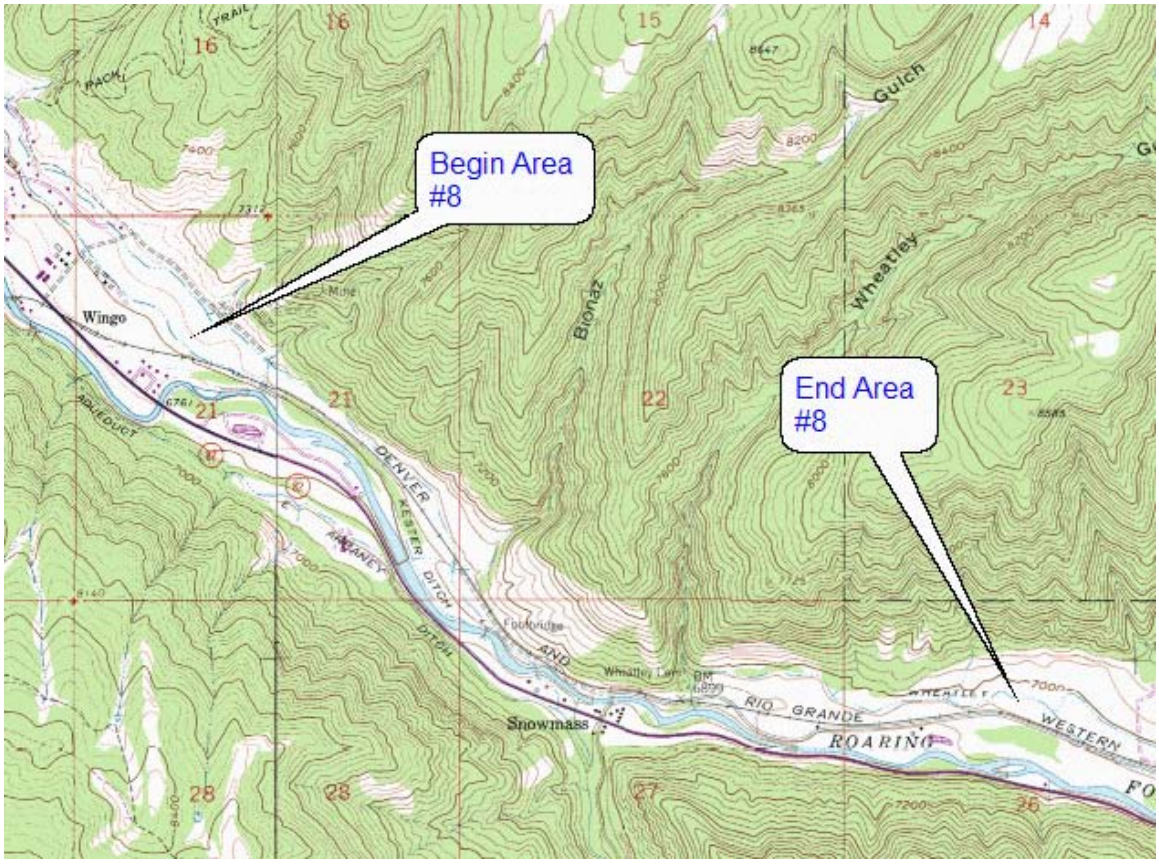
CONSERVATION AREA #7: Milepost 21.97 to 24.88, RxR Milepost 382.19 – 385.10 (2.91 miles)

This section begins directly east of the Emma Road/Highway 82 intersection, continues toward the Basalt High School between ranch properties and federal lands and ends just east of the Wingo pedestrian bridge over Highway 82. A parcel of land owned by the Pitkin County Open Space and Trails Program along the corridor contains a conservation easement to preserve a known migratory route for mule deer and elk. Another portion of private property in this area now contains a golf course and very low-density housing. This area is well vegetated by mature native, mountain-shrub and related plant species that offer excellent habitat for birds and small animals.



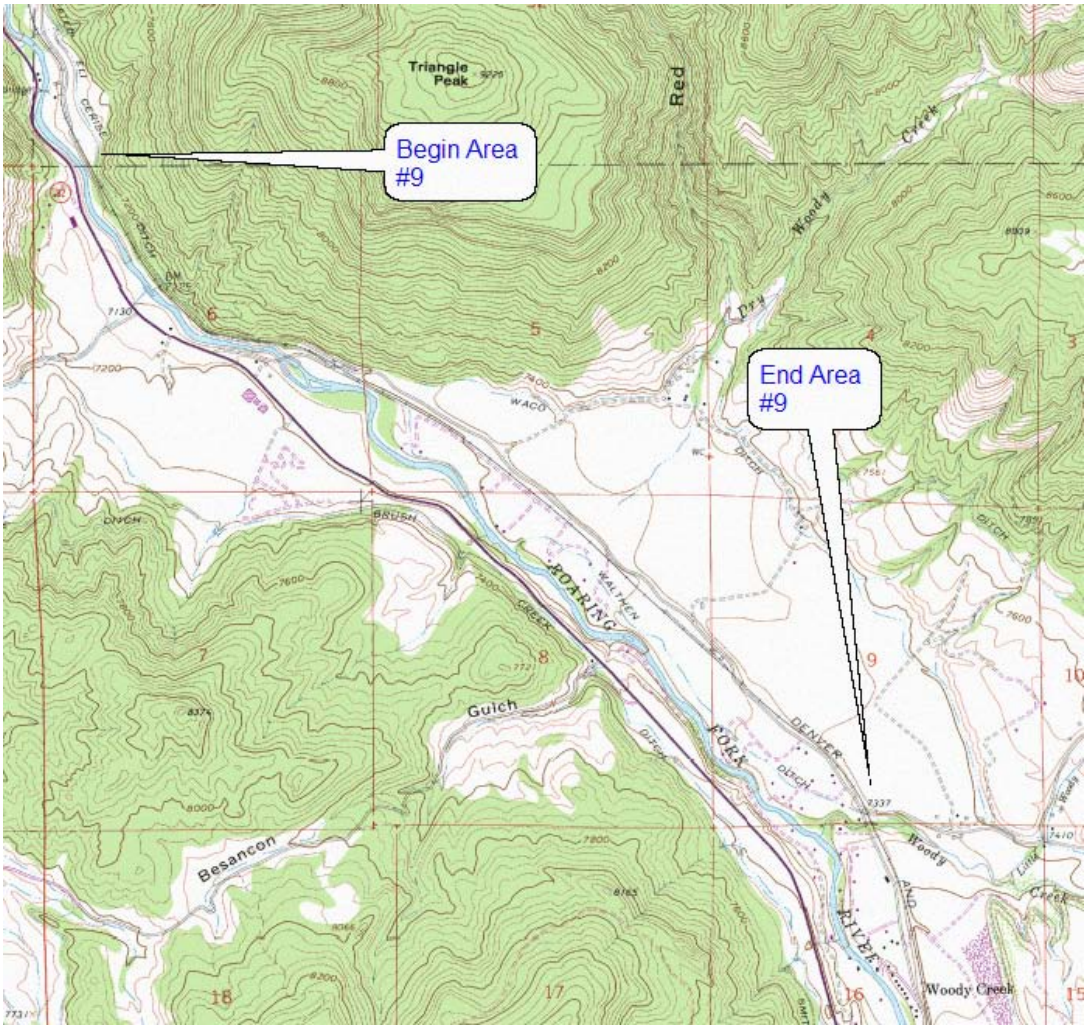
CONSERVATION AREA #8: Milepost25.26 to 27.83, RxR Milepost 385.48 – 388.05 (2.65 miles)

This section starts at the east side of the Wingo Subdivision and continues southeast to the end of the Dart Ranch on Lower River Road. Several conservation values are present on this section of the corridor, including habitat for birds and small animals along the interface between mountain shrub and grassland habitat; access to the Roaring Fork River for recreation; access to National Forest lands; and preservation of critical habitat for macro fauna (mule deer and elk). A significant portion of this section is surrounded by a conservation easement held by Pitkin County on the Dart Ranch. Riparian vegetation along the Roaring Fork is also present. The railroad corridor can access several fisherman easements along the Roaring Fork River.



CONSERVATION AREA #9: Milepost 30.36 to 33.45, RxR Milepost 390.58 – 393.67 (3.29 mi)

This section begins near the crossing of Lower River Road, continues through the Woody Creek area until the end of the corridor at Woody Creek Road. The river side of this section contains mountain shrub and riparian vegetation that offers excellent habitat for birds and small animals. The railroad corridor is situated on a steep slope that comes down from Triangle Mountain (National Forest lands) and ends at the Roaring Fork River. The railroad corridor affords access to both the Roaring Fork River and National Forest lands. In addition, the railroad corridor can access several fisherman easements along the Roaring Fork River. The uphill side of the railroad corridor contains primarily steep shale hillside and includes or is adjacent to Lower River Road. In the Woody Creek area, the rail corridor is perched on a short but steep hillside that affords excellent views of the Elk Mountain range and Aspen-area ski resorts.



Appendix B: Potential Violations

Listed below are the potential violations of the conservation area as noted during visual inspection of the corridor in late October of 2016. Each of the nine Conservation Areas are listed below. The potential violations are categorized in the order that they are described within the Conservation Restriction Agreement:

Key:

☐ = No Potential Violation
☒ = Potential Violation
☑ = Potential Violation Corrected

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;
7) Trash;
8) Weeds;
9) Other.

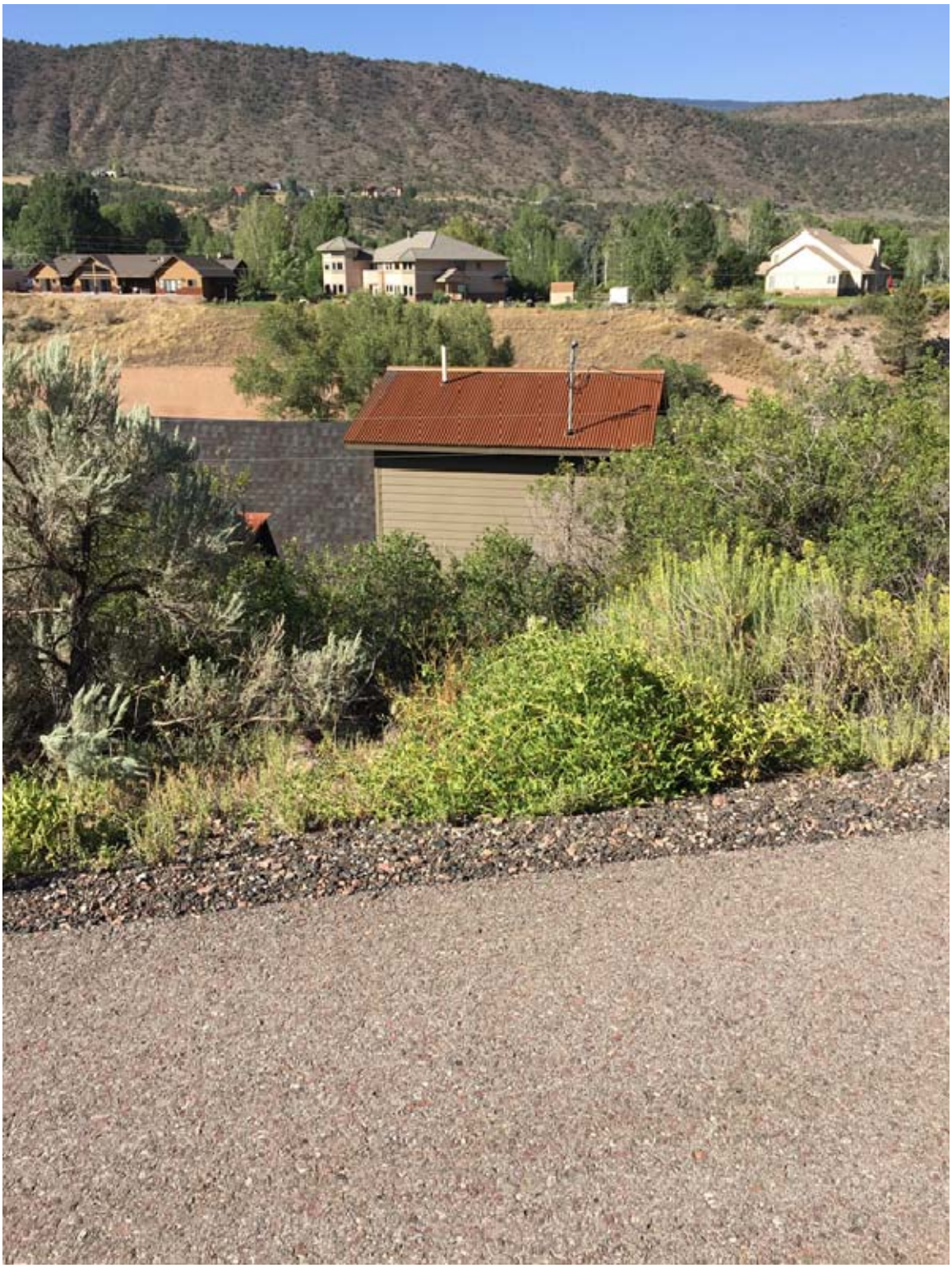
CONSERVATION AREA #1: Milepost 2.68 to 3.64 (0.96 miles)

☐ Construction of Buildings and/or Other Structures
☐ Fences
☐ New Crossings
☐ Harvesting of Timber
☐ Mining
☐ Other
☐ Trash
☐ Weeds
☐ Other

CONSERVATION AREA #2: Milepost 5.22 to 6.25 (1.39 miles)

☒ Construction of Buildings and/or Other Structures: MP 5.75

An addition to a structure adjacent to Corridor. This addition appears to be in the Corridor, however, more investigation is needed.



☐ Fences
☒ New Crossings, Structures and/or Crossing Improvements: MP 5.88:

Irrigation pipes placed across and under the corridor. In 2005, one (1) pipe was located here and determined to be a use present before 1996 (water rights to

ditch). Now, there are two (2) pipes in the corridor. Both seem to service the same property, located at 4606 CR 154, SPID# 218536300005. However, since the water right was existing prior to 1996, there may be a legal right for this use in the corridor.

2016

2017

☐ Harvesting of Timber

☐ Mining
☐ Paving and Road and Trail Construction
☐ Trash
☐ Weeds
☑ Other: MP 5.54: Display of American flags on fence posts in corridor:

2016

The flags have been removed and have not returned.

2017

CONSERVATION AREA #3: Milepost 8.28 to 8.78 (0.50 miles)

☐ Construction of Buildings and/or Other Structures
☐ Fences
☐ New Crossings, Structures, and/or Crossing Improvements
☐ Harvesting of Timber
☐ Mining
☐ Paving and Road and Trail Construction
☐ Trash
☐ Weeds
☐ Other

CONSERVATION AREA #4: Milepost 10.28 to 11.07 (0.79 miles)

☐ Construction of Buildings and/or other Structures
☐ Fences
☐ New Crossings, Structures and/or Crossing Improvements
☐ Harvesting of Timber
☐ Mining
☐ Paving and Road and Trail Construction
☐ Trash
☐ Weeds
☐ Other

CONSERVATION AREA #5: Milepost 11.47 to 11.61 (0.16 miles)

☐ Construction of Buildings and/or Other Structures
☐ Fences
☐ New Crossings, Structures and/or Crossing Improvements
☐ Harvesting of Timber
☐ Mining
☐ Paving and Road and Trail Construction
☑ Trash: MP 11.47 – 11.61: Excessive trash under bridge abutments and piers:

2016

Trash has been removed and is being removed on a routine basis.

2017

☐ Weeds
☑ Other: MP 11.47 – 11.61: Graffiti on bridge girders and post:

2016

Graffiti should not be removed as doing so could impact the conservation values of the corridor.

2017

CONSERVATION AREA #6: Milepost 15.92 to 21.60 (5.76 miles)

☐ Construction of Buildings and/or Other Structures.
☑ Fences: MP 17.48: New fence along or in corridor:

After measuring in the field, this fence is not located on the Corridor.

☐ New Crossings, Structures and/or Crossing Improvements
☐ Harvesting of Timber
☐ Mining
☐ Paving and Road and Trail Construction
☒ Trash: MP 19.3: Trash containers on corridor:

2016

2017

Trash cans still on corridor.

☐ Weeds.
☒ Other: Berm and structure are encroaching on the south side of the corridor at MP 19.80.

Berms and structures still in corridor:

2016

2017

CONSERVATION AREA #7: Milepost 21.97 to 24.88, (2.91 miles)

☐ Construction of Buildings and/or Other Structures: No violations observed.
☒ Fences: Short fence noticed, possibly in corridor. MP 23.22

2016

Fence still possibly in Corridor:

2017

☑ New Crossings, Structures and/or Crossing Improvements: MP 23.3: ATV crossing of corridor:

2016

2017

Crossing still in corridor. However, the crossing is also being used as a social trail to the high school. Both uses are compatible with the conservation values of the corridor.

☐ Harvesting of Timber
☐ Mining
☐ Paving and Road and Trail Construction
☐ Trash:
☐ Weeds
☐ Other

CONSERVATION AREA #8: Milepost 25.26 to 27.83 (2.65 miles)

☐ Construction of Buildings and/or Other Structures
☐ Fences
☐ New Crossings, Structures and/or Crossing Improvements
☐ Harvesting of Timber
☐ Mining
☐ Paving and Road and Trail Construction
☐ Trash
☑ Weeds: MP 25.32: Thistle Outbreak near and/or on corridor.

2016

The weeds have been sprayed and are dying:

2017

☐ Other

CONSERVATION AREA #9: Milepost 30.36 to 33.45 (3.29 miles)

☑ Construction of Buildings and/or Other Structures: MP 31.87: In 2016 a building was being constructed on or near Corridor:

2016

Building is not in Corridor, although very close:

2017

☐ Fences
☐ New Crossings, Structures and/or Crossing Improvements
☐ Harvesting of Timber
☐ Mining
☐ Paving and Road and Trail Construction
☑ Trash: MP 31.26: In 2016, furniture and trash placed in corridor near railcars:

2016

Trash has been removed:

2017

☐ Weeds
☒ Other: An irrigation system has been installed in the Corridor to service an adjacent property:

Property information: 6190 Upper River Road; SPID# 264305300002.