October 31, 2019

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 2019 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: Rosebud Cemetery to Buffalo Valley. MP 2.68 – 3.60 (362.90 – 363.82)

- **No new violations**
- **Category (8) Weeds:** Trail Staff is still battling Scotch Thistle from the Cedar Networks trespass/disturbance that occurred in 2016. See photo below.

Photo showing cut/chopped thistle from previous Cedar Network Disturbance (2016)

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

- **Category (8) Weeds:** The Thompson Glen Ditch Company has been lawfully maintaining their ditch but they are leaving their ditch spoils and cut vegetation along the trail and in the corridor. Not only is this making a big mess, they are not revegetating or reseeding their disturbance and it is causing noxious weeds to cultivate and spread. Staff has been keeping an eye and trying to build a better relationship with the ditch runner, but to no avail. See photos below.

Photo showing ditch spoils immediately adjacent to RGT

Photo showing ditch spoils immediately adjacent to the RGT

- **Category (9) Other:** Comcast was found trespassing and digging/boring earlier this summer. Luckily, Trail Staff caught them in the act and told them to stop until they submit proper paperwork and get their project approved by RFTA. Comcast has since submitted an application but is still in the process of getting their project approved. Comcast has not reseeded/mulched the disturbance to date, see photo below.

Photo showing Comcast disturbance/trespass.

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

- **No violations**

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

- **No violations**

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

- **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 installed a trash bin at the bridge and 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.

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

- **Category (9) Other:** 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 2019 report.

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

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

- **Category (9) Other:** The Roaring Fork Club has continued improvements to their golf course, unfortunately some are within the RFTA ROW and without permissions. See photos below.

2018 Photo – Roaring Fork Club making improvements within RFTA ROW. MP 384.8 – 384.9

2019 Photo – Roaring Fork Club improvements

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

- **No violations.**

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

- **Category (6) Paving, Roads, Trails:** There is an old driveway that has been removed and consolidated with another in the area. We noticed last year that there has been some landscaping, including irrigation, and a small pedestrian or 4-wheeler gate where the old driveway was located. See photo below. This is the area we noticed irrigation in the RFTA ROW in 2017, the improvements seemed to have continued over the last 2 years.

Photo – Old driveway access that has been turned into a ped. gate or 4-wheeler access. Site improvements include landscaping and irrigation.

CONCLUSIONS:

Overall Staff feels that the Rail Corridor and Trail are in excellent condition. We have continued to make progress with controlling noxious weeds and we are constantly picking up trash. Unfortunately, we are struggling with ditch and utility companies, and we are having a hard time resolving long standing encroachments.

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

Please let me know if you have any questions.

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