September 28, 2020

Staff Report and Summary – Conservation Covenant Area Assessment

- **General Comments:**

The Conservation Covenant Area assessment tour was completed this year on September 24 and 25 by RFTA Trails and Corridor Manager, Brett Meredith, and our third party consultant, Tom Newland of Newland Project Resources. The tour and report 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. 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**

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

- **Category (8) Weeds: Nothing new. Ongoing -** The Thompson Glen Ditch Company has been maintaining their ditch and 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. Furthermore, the ditch has been leaking and now the water is overtopping the Rio Grande Trail. See photo below.
- **Category (9) Other: Nothing new.** Comcast was found trespassing and digging/boring in 2019. 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.

Photo – Thompson Glen Ditch leaking and overtopping the RGT.

<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)

- **Ongoing storage of materials by neighbor at MP 10.65. See photo below.**

Photo – Neighbor's storage at MP 10.65

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

- **No Violations.**

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

- **Category (9) Other: Berm and Barn 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 2020 report.

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

- **Category (9) Other: Trash Structure at Driveway.** The trash house on RFTA ROW has not been moved. See photo below.

Photo – Trash House on RFTA ROW

- **Category (9) Other: Yard waste and tree limbs.** A neighbor of the trail near MP 21.0 has been trimming/pruning their trees and shrubs and then throwing the limbs/debris over the fence and onto RFTA ROW. See photo below.

Photo – tree limbs and yard waste deposited on RFTA ROW by neighbor near MP 21.0

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

- **Category (2) Fences: I was able to confirm that this fence was existing and had been in the same alignment for a long time, however due to thick vegetation…the fence was hidden. The RFTA Corridor survey from 2007 clearly shows the fence and its close proximity to the Trail.**
    - **Background:** The Grange Family and Pitkin County Open Space and Trails (PCOST) have ONLY repaired the existing fencing. The purpose of the fence is to keep the Grange's cattle on their property and trail users on the trail. The fence was in need of maintenance and repair due to many years of adding crusher fines/gravel to the shoulder (essentially making it only a 3' high fence) and to remove the vegetation that was overgrown. Also, due to the fences close proximity to a ditch, many of the old wooden posts were rotten and in need of replacement.
    - What caught my eye during the annual tour was the bare ground; PCOST explained the ground was bare because under the canopy of willows and clematis, nothing was growing underneath on the ground.
    - PCOST Staff have assured me that they will keep an eye on this area for noxious weeds, and if necessary will treat the weeds and revegetate. We believe the willow and native clematis will regrow by itself.

2020 Photo – Fence within RFTA ROW.

Google Maps "trail view" Photo – image (taken July of 2017) showing existing fence and overgrown vegetation.

- **Category (9) Other:** The Roaring Fork Club has continued improvements to their golf course, unfortunately some improvements 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

Photo – September 2020. They appear to have continued on with their improvements and now have a "sod farm" on RFTA ROW.

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

- **No new 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 a few years back 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.

2019 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 continue 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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