Ms. Keli Cavaleri
Land Acquisitions Officer
State Board of the Great Outdoors Colorado Trust Fund
1900 Grant Street, Suite 725
Denver, Colorado 80203

May 9, 2024

Re: **Legacy Grant # 7033-** Annual Report of the Rio Grande Corridor - Covenant Enforcement Commission

Dear Ms. Cavaleri,

On October 16th, 2023, the Roaring Fork Transportation Authority Covenant Enforcement Commission ("CEC") held a meeting to review the progress of the Roaring Fork Transportation Authority ("RFTA") in enforcing the conservation covenants that apply to RFTA's Rio Grande Corridor.

The members 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, one from each of Eagle and Pitkin County and one representative from each of Pitkin County Open Space and the Roaring Fork Open Space Special District. The Commission needs to fill the two at-large seats. In addition, the Town of New Castle, a RFTA member, is also invited to participate with the CEC. The members of the CEC appear on the attached list.

For background, the Roaring Fork Open Space Special District does not appear among the members. 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 CEC until it is funded.

Background of the CEC

The Roaring Fork Railroad Holding Authority ("RFRHA"), a consortium of Roaring Fork Valley Governments, initially purchased the Railroad Corridor on June 30th, 1997. 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 the absorption of an existing transit system and the 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 the 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 an amended agreement with GOCO to change the Conservation Easement over the entire Corridor to a Restrictive Covenant in 10 discreet areas covering roughly half of the Corridor. One of the requirements of GOCO for the removal of the Conservation Easement was the formation of the CEC. The CEC monitors management by RFTA of the Restrictive Covenant areas called out in the Comprehensive Plan. In 2006, areas 9 and 10 were combined into one large covenant area.

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 2023. The 2023 report was presented to the Commission, who then reviewed and questioned in detail each potential violation cited in the report.

Summary Findings of the CEC for 2023

Overall, the Rio Grande Corridor and Trail are in excellent condition. However, staff still faces some challenges with neighbors not acknowledging, or not understanding the RFTA property boundaries or the RFTA land use process to review and approve or deny new uses. For example, ditch companies have the right to maintain their ditches inside the RFTA Corridor, but they do not have the right to dump their ditch spoils on the RFTA Corridor. Staff continues to approach each ditch company and attempt to work jointly with them to remove their spoils. Staff continuously works with me to develop a reasonable system to remedy encroachments. RFTA Rio Grande Corridor and Trail Staff will continue building relationships with our neighbors and work hard to keep the values of the conservation areas intact.

Conclusions of the CEC

- The Rio Grande Trail within the Railroad Corridor is well used and maintained.
- The current encroachments are similar to those in past years. New violations are in conservation areas #7 and #8. Violations still in place from the October 2022 report include areas #6 and #8. The Corridor is in outstanding condition with a couple of violations still needing consideration.
- Regarding the violations still in place, Staff is working with our contract attorneys to remove the two remaining encroachments in Area #6. The property owners have been notified in writing, that the encroachments must be removed at their expense within two years' time. If the encroachments are not removed within the defined two-year period, RFTA staff will remove the items at RFTA's expense and potentially lien the property for the full cost of the removal.

In closing, a copy of the final 2023 CEC Report and Staff CEC Report are included with this letter. Please do not hesitate to contact me, or any of the members listed with any questions regarding the report.

Sincerely,

Roaring Fork Transportation Authority –
Corridor Covenant Enforcement Commission
By Abbey Pascoe
EAM Administrator and Railroad Manager

Enclosures: 2023 CEC Assessment - NPR
2023 RFTA Staff Assessment
List of CEC Members

RFTA COVENANT ENFORCEMENT COMMISSION 2023
(3-year term 6-1-2021 to 12-31-2023)

APPOINTED
Mr. Torre
City of Aspen

APPOINTED
Mr. Greg Poschman
Pitkin County Commissioner

APPOINTED
Mr. Colin Laird
Town of Carbondale

APPOINTED
Ms. Alyssa Shenk
Town of Snowmass Village

APPOINTED
Ms. Shelley Kaup
Glenwood City Council

APPOINTED
Ms. Tanya Allen
Eagle County Commissioner

APPOINTED
Mr. David Knight
Town of Basalt, Town Councilor

APPOINTED
Mr. Paul Holsinger
Pitkin County Open Space and Trails

APPOINTED, New Castle joined RFTA in 2005
Mr. Art Riddle
Town of New Castle

APPOINTED
Ms. Lynn Rumbaugh
Aspen Transportation Department