



October 22, 2024

### **Staff Report and Summary – Conservation Covenant Area Assessment**

- **General Comments:**

The Conservation Covenant Area assessment tour was completed this year on September 25 and 26 by RFTA Trails Staff and our third-party consultant, Tom Newland of Newland Project Resources. Plus, this year we had a RFTA Board Member and Town of Carbondale Trustee, Colin Laird, join us for the second year in a row! The tour and corresponding report identify 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. We found **NO NEW** issues this year and Staff was able to get some old violations resolved, for example the berm and trash structure on RFTA's ROW along Hooks Spur Rd.

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

A discussion of the violations follows.

#### **CONSERVATION AREA #1: Rosebud Cemetery to Buffalo Valley. MM 2.68 – 3.60 (MP 362.90 – 363.82)**

- **No violations**

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

- **Category (9) Other at MM 5.5 (MP 365.8)** - The Thompson Glen Ditch Company has been on my report previously because of their ditch spoils and also because the ditch has been leaking water for years. This year is no different, I found several locations water adjacent to the Rio Grande Trail. See 3 photos below.



**Photo – water from Thompson Glen Ditch running over CR 154. The water is leaking out of the ditch, goes under the RGT and then down to CR 154**





**Photo – water along RGT shoulder, leaking from Thompson Glen Ditch**



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

- No violations

**CONSERVATION AREA #4:** East of Aspen Glen to the Satank Bridge. MM 10.28 – 10.70 (MP 370.5 – 370.92)

- No new violations

**CONSERVATION AREA #5:** Roaring Fork Railroad Bridge. MM 11.47 – 11.61 (MP 371.69 – 371.83)

- No new violations

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

- **Category (1) Construction of Buildings and/or Other Structures at MM 18.9 (MP 379.15)** - The trash house on RFTA ROW has been moved off the corridor! See photo below.



**Photo – Trash House moved off of RFTA ROW**  
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- **Category (1) Construction of Buildings and/or Other Structures at MM 19.63 (MP 379.9) - Barn, berm, fence, and outbuilding on RFTA Property.** Staff has been coordinating with the Property owner and working towards a resolution. The berm was moved off of RFTA ROW, but the barn remains.



**Photo - View of removed berm (pushed back onto private property) but the barn remains on RFTA land.**



- **Category (9) Other – Ditch issues (tail water flooding)** – The Home Supply Ditch is wreaking havoc on RFTA’s property. Multiple issues were observed this summer



**Photo – water flooding and running down RGT, this happened multiple times over the summer. RGT Staff had to clean up/sweep the RGT multiple times as a result.**





**Photo – Home Supply Ditch tail water caused multiple issues over the summer; here you can see the result of Eagle County Road and Bridge trying to “help”**





**Photo – Home Supply Ditch tail water flooding RFTA Property**

**CONSERVATION AREA #7: Sopris Creek to Wingo Junction. MP 21.97 – 24.68 (382.19 – 384.90)**

- **No new violations**

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

- **Category (6) Paving and Road and Trail Construction at MM 25 – 25.15 (MP 385.25 to 385.4) –** A neighbor constructed a private connection to the RGT in 2021 with no signs of removing. This is not the only house in this neighborhood to create a soft surface trail (and other improvements) from their backyard up to the RGT, however this particular one is the most intensive/offensive. Do we need to ask the entire neighborhood to remove individual trails (and other improvements) and consolidate into 1 access? See photos below.
- **Category (2) Fences –** multiple neighbors also have fences encroaching





**Photo – private trail connection and other improvements**





**Photo –example of an existing private trail connection**

- **Category (1) Construction of Buildings and/or Other Structures at MM 27.15 (MP 387.5)** – In 2023, Pitkin County Open Space and Trails accidentally installed an electrical connection box/system (for irrigation on Open Space Property) on RFTA ROW. Because they did not get permission, RFTA notified them and are working towards a resolution. They have since removed the 2022 encroachments and seeded the property from that disturbance. See photos below.





**Photo – electrical system**

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

- **No new violations.**



## **CONCLUSIONS:**

Overall Staff feels that the Rail Corridor and Trail are in great condition. However, we are still having problems with neighbors not respecting property boundaries or going through the approval process. Ditch companies have the right to maintain their ditch, but should the burden of their leaks, tailwater, and ditch spoils (and resulting weeds) be placed on RFTA? Staff continuous to work with our neighbors and attorney (as necessary) to develop a reasonable system to remedy encroachments ASAP. RFTA Rio Grande Trail staff will continue building relationships with our neighbors and work hard to keep the values of the conservation areas intact.

Please let me know if you have any questions.

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