

Fossil Creek Stakeholders Meeting, February 18, 2009, duBois Center, NAU campus
Meeting notes compiled by Michele James,
NAU Fossil Creek Project Coordinator
Final Meeting Notes, April 15, 2009

Attendees: 41 attendees representing 13 organizations/governmental entities.

Jane Marks (NAU) and Heather Provencio (FS) thanked everyone for attending. Heather reminded us that the Stakeholders Group is a communication tool and an important means for the Forest Service to gain assistance with management of Fossil Creek. Jane encouraged everyone to continue to actively participate and to keep the group creative. She stated that the stakeholders group belongs to the members and if things are not going the way we want it to go, then we should speak up.

Nora Rasure, Coconino National Forest Supervisor said that Heather Provencio and Ed Armenta, the District Rangers, are taking the lead for the Forest Service with the Stakeholders Group. She supports our efforts at Fossil Creek and she wants to know how she can help and support us. Rasure will communicate our concerns about Fossil Creek with the Forest Service Regional Office.

Gene Blankenbaker, Tonto National Forest Supervisor echoed Rasure's words and added that collective gatherings are critical in this day and age. He is glad that we're all participating in this group.

All attendees introduced themselves.

Funding Working Group: Overview of AZ Water Protection Fund Grant and Recent Proposal to ADEQ for Temporary Toilets: Michele James (NAU) provided a brief overview of the status and content of these two grants (see Appendix for summary documents handed out at the meeting).

The AZ Water Protection Fund grant was awarded to the Forest Service in fall 2008. There is some uncertainty about whether the money will be awarded given the state budget crisis. The Water Protection Fund told Michele that they were moving forward with drafting the contract with the Forest Service and that they should know soon about the status of the grants awarded in 2008. Because of the delays that have occurred, the timeframe for starting and completing the tasks associated with the grant will need to be modified. The NEPA process is estimated to take approximately 18 months.

Chris Coder, Yavapai Apache Tribe volunteered to assist with archeological clearance for the Middle Fossil Creek NEPA process which is a part of the AZ Water Protection Fund grant.

A question was raised about whether some members of the Stakeholders Group could lobby the Water Protection Fund explaining the support and importance of the grant. It

was agreed that Michele would contact all stakeholders as she learns about the status of the grant funding as well as the contract specifications.

Funding Working Group: Stimulus Proposal. Heather Provencio gave a brief overview of the Forest Service discussions involving the Federal government's stimulus bill. The Forest Service is expecting some \$1.2 billion in stimulus dollars nationwide. The Forests were charged with determining what projects met the requirements of the stimulus bill. Heather indicated that they toyed with the idea of including the comprehensive river management plan for Fossil Creek, but it didn't meet the requirements of the President who wanted action on the ground ("shovel-ready projects"), instead of those still requiring NEPA.

The Tonto National Forest indicated that they have included the costs of a radio repeater for Fossil Creek on their list of stimulus package projects. They do not yet know if they will get that funding.

Law Enforcement: Focused law enforcement events. Jon Nelson (FS) provided an overview of law enforcement at Fossil Creek. He stated that the area is considered remote allowing four hours of patrol between two hours of commuting each way. The FS currently has a staffing shortage and need two officers at Fossil Creek during the busy season. Officer safety is also an issue: there is limited radio and cell phone coverage, there are large groups recreating at Fossil, crime such as drugs, DUI, warrants and weapons are present, and night-time patrol is a safety concern.

The FS, AZ Game and Fish and the Sheriff's Department have been conducting "focused patrols" or saturation patrols of Fossil Creek. These were conducted in April, July and October 2008. The April 2008 patrol resulted in 59 warnings, 15 violations (drugs, alcohol, off-road vehicles, unattended campfires), and 2 felony arrests. July and October 2008 patrols had similar results. The Forest Service is unable to handle all of the situations that occur at Fossil Creek. Their priorities are public and employee safety and resource protection.

The Forest Service plans to continue with the strategy of focused patrols this season. Two additional officers will be employed on the Red Rock District (Coconino NF) to allow more frequent patrols. The FS wants to have patrols occur in pairs at Fossil Creek. Jon Nelson indicated that the drug and other offenders are creating the resource damage so the FS is using the focused patrols as a tool to address this.

Larry Heady with the Tonto NF said that the saturation patrols don't make much difference except for the day that they're there and that it's not a long-term strategy that addresses long-term objectives. The FS indicates that they need two full-time officers for a least 50% of the year at Fossil Creek. Jon Nelson suggested that the best long-term solution is to change the clientele at Fossil Creek, particularly along the road (the clientele at the springs is different).

John Mitchell and Kim Ashcraft (APS) noticed in November 2008 during the closure of the upper portion of Fossil Creek that merely having security personnel in the area

lessened offences and made a significant difference. APS indicated that there was law enforcement present at the dam Monday-Fridays and that Game and Fish (off-duty officers) provided enforcement of the closure on the weekends (one day/week). APS has closure patrol monthly reports available. Only two groups got to the dam and springs during the closure period in 2008. This data could provide some good information for grant proposals.

Chris Coder (Yavapai Apache Tribe) stated that it seems logical to keep a presence at Irving for law enforcement personnel and to indicate a presence. Dexter Allen (FS) says that he has patrolled Fossil Creek for 125 days over three years, collecting 7,000 pounds of trash, issuing 199 citation and incident reports and making 3000 contacts. Dexter indicated that the FPOs (Forest Protection Officers) need to work with law enforcement so that everyone is working together.

Heather Provencio indicated that the Coconino received fire “buy-back” dollars to hire two FPOs this summer (April 1-September 30) for Fossil Creek patrols. Dexter will continue to patrol Fossil Creek as well.

Tom Hildebrant (AZ Riparian Council) stated that the presence of a camp host can do a lot and that Irving is a good opportunity for the housing of such a host. Heather Provencio said that it is too dangerous to have someone at Fossil Creek 24/7 without communication. The Tonto has asked for funding for a communication tower to address this issue. Mobile repeaters may work as a temporary fix. At Childs there is now a lot of graffiti at the power plant, the home at Fossil Creek on private land has been removed because of vandalism. Keeping facilities in good shape at Fossil Creek is a challenge.

Robin Silver (Center for Biodiversity) suggested that we seek advice from the National Park Service about enforcement without an “infrastructure.” Chris Coder said that when he worked for NPS they used motion detector cameras to provide enforcement. Don Steuter (Sierra Club) suggests that we keep up with trash and maintenance as this shows that there is a presence and this keeps impacts down some.

Jane Marks (NAU) asked the question: How do we not have a bad recreation season this year at Fossil Creek? Nora Rasure said that she doesn't have the answer to this question. The Fossil Creek situation is complex and there is no one easy answer. Heather Provencio said that we need three things: enforcement, education and engineering. Enforcement can start to write tickets for violations once the NEPA is completed. The FS also has money to place toilets at Fossil Creek all summer and fund two FPOs. Heather believes this summer will be different. John Mitchell reminded everyone that little steps got us to where we are now. Matt Johnson (USGS) reminded everyone that it's important to remember that we need to protect the resource. Jennifer Burns (FS) stated that the FS will be doing NEPA this year for Middle Fossil Creek. Jennifer believes we need to think of a communications plan that can get messages to TV and newspapers and that this may assist in changing behaviors,

Roundtail chub fishing regulations for Fossil Creek: Shaula Hedwall, USFWS provided an update on the recently adopted fishing regulations for roundtail chub at Fossil Creek. On October 3, 2009 special catch and release fishing regulations start and last for 7 months of the year. Fishing for roundtail chub will be allowed at Fossil Creek between the waterfall (one mile above the flume trailhead) to the powerline below Sally Mae Wash. This will be a baitless fishery. Fishing will be prohibited for 5 months of the year. Shaula indicated that the new regulations provide an opportunity for a different clientele at Fossil Creek such as flycasting groups. The new regulations were proposed by Arizona Game and Fish and the U.S. Fish and Wildlife Service. The regulations have been approved by the Game and Fish Commission for a period of two years. Shaula indicated that the fishery will provide information and education as well as Game and Fish law enforcement and that the resource will be protected. The folks that will be coming in for the fishing are a different group of people than currently visits Fossil Creek. One of the concerns that has been raised about the fishing regulations is that it will bring in bait fish. Shaula indicated that they currently find people at Fossil with bait fish all the time.

Robin Silver stated the following: There are two species of chub in Fossil Creek: roundtail and headwater. Most of the chub in Fossil Creek are headwater. Headwater chub are believed to be severely endangered and they do not tolerate catch and release. Genetic information shows that most of the chub in Fossil are headwater chub. He initially supported the fishery but believes that the decision is pre-mature. The Center for Biodiversity has asked for the decision to be re-addressed.

Shaula Hedwall stated that there was a lot of catch and release of chub during the restoration work at Fossil Creek and that they handled it well. The primary goal is to conserve all chub there and the public needs to know this. Monitoring of the chub will occur and there will be careful evaluation of the fishery. She would like Robin and others to be involved over the next two years. Shaula indicated that AZ Game and Fish had five public meetings in the fall of 2008. The intent of the fishery is to protect fish in Fossil Creek and provide a funding source. Federal Aid dollars will be provided for information and education purposes as the roundtail chub will be considered a sportfish. Roundtail chub has been petitioned for listed as an endangered species; this decision will be revisited as ordered by the court.

Shaula Hedwall indicated that there is lots of data from the Pacific Northwest about catch and release fisheries that support this decision. They will conduct lots of monitoring over the next two years at Fossil Creek and she considers this a "trial". If the fishing affects the population, they will know and change it. She believes that the fishery will result in a positive change to the clientele, an increase in people who implement Leave No Trace ethics, and there will be positive results with more eyes on the ground.

Robin Silver indicated that there was no fishing of the Apache trout until there was data that indicated that they were recovered. He thinks the decision is pre-mature and based on politics. Dexter Allen stated that he thinks it will add to the problem by bringing in more people. Jennifer Burns said that she would like information related to the education

campaign, enforcement and monitoring that will be associated with the new fishery. Shaula indicated that this information will be provided. Garrett Fabian (AGFD) indicated that traditionally, wildlife management has been paid for by hunters and anglers.

Robin Silver stated the following: Game and Fish set up the decision-making in a way that didn't allow for their participation. He wants the roundtail chub to be recovered before it is allowed to be fished. Funding decisions by Game and Fish based on politics are also an issue in this decision. He hopes that he can work with the fishery group, but many feel this is a pre-mature decision.

Recreation Working Group:

Heather Provencio gave a brief summary following-up on the discussion of a temporary closure at Fossil Creek as discussed at the last stakeholders meeting: She looked at how to implement a large closure at Fossil Creek and determined that it was very complicated and not an easy thing to accomplish. The FS is required to keep access to the launch at Childs open. The FS determined a logistical way to do this and still have a closure, but the result would have been that all the users would have been pushed to a small area along Fossil Creek if the road was closed at the junction. The FS discussed a closure to camping but there was concern about law enforcement. Last fall there was the temporary closure above Irving for the dam removal. This year they have funding for toilets and increased law enforcement.

Dexter Allen (FS) provided information about the effectiveness of temporary toilet installation in 2008: On September 5, 2008, the FS placed 5 toilets between Irving and Sally Mae. This was during the temporary closure period. Only three companies were willing to put toilets at Fossil and their concern was vandalism. Because of this concern, the rental fee is tripled and servicing occurs once/week. He put a sign on the toilets saying that this was a trial run of the toilets. The toilets were in place for one month and received no vandalism. Dexter thinks this was because ½ of the creek was closed. The toilets placed by campsites received a lot of use, whereas those placed at the day-use areas received less.

Dexter Allen provided information about recreation numbers in 2008. Dexter's patrols of Fossil Creek indicate the following: In 2006, he counted 83 parked cars at campsites and day-use areas. In 2007, he counted 99 cars. In 2008, he counted 261 cars, with 93 of these cars at the trailhead for the springs (on 7/27/08). His patrols indicate that there is more recreational use at day-use sites than at camping areas. He expects higher numbers in 2009. In July 2008, Fossil Creek was named in a magazine as one of 20 best hikes in Arizona; he saw an increase of 30 cars immediately after that story came out.

Ed Armenta (Tonto) said that the dumpster placed last year at the springs trailhead was effective but it could be better.

Sam Frank (AZ Wilderness Coalition) provided an update on the status of the Wild and Scenic River legislation for Fossil Creek (see Appendix for handout): The legislation is

now a part of the Omnibus bill that passed the Senate in January 2009. The bill is currently in the house and has been pushed aside for now due to action on the stimulus bill. Ann Kirkpatrick (Congressional District 1) can be contacted.

How would Wild and Scenic River designation affect management of Fossil Creek?

Gene Blankenbaker said with passage, a Comprehensive River Management Plan (CRMP) will be required to be completed in two years. The focus will be on an area ¼ mile from the edge of the river corridor, but can reach out and affect the area beyond this corridor. If the bill does not pass, the Travel Management Plan and Forest Plan revisions deal with Fossil Creek to some extent as well.

Nora Rasure stated that there is no special internal funding appropriated for Wild and Scenic River designation specifically. The CRMP would have to be funded as a part of the overall Forest funding. The Forests will receive the same amount of overall funding, so this funding will have to be prioritized within the Region and Forest. There will be an increased urgency to fund the project, but the FS will have to give something up to get it done. Having the Stakeholders Group and some funding for NEPA analysis will help the Forest Service leverage internal funding. Also the knowledge of Stakeholders can assist the FS in preparation of the CRMP. Nora said that we need to move hope into action.

Sam Frank indicated that his group (AZ Wilderness Coalition) can help get grant funding to assist with the Wild and Scenic work. Sam mentioned that he has a copy of a compendium of Q&As for Wild and Scenic Rivers (89 pages). He will send the document to Michele to put on the web site.

Natural Resources Working Group: Shaula Hedwall gave a brief update of documents being produced by the Aquatic Species Management Group (ASMG) (on which several members of the Stakeholders Group participate). The ASMG has completed a Fisheries Management Plan. They are currently working on a Monitoring Plan (under revision). Other reports that the group or others are producing include reports on the leopard frog and well as yellow-billed cuckoo and black hawk.

It was agreed that Michele will put the final documents, when completed, onto the website so that Stakeholder's can access them. There was general consensus that the Stakeholder's need a website that is dedicated to the group rather than being added on to Jane Marks Lab web page. Michele will look into this.

Chris Coder suggested that we look into finding a NPS representative to provide input to the group on how to manage people in remote locations.

Vincent Randall (Yavapai Apache Tribe) stated that the Tribe has gone on record asking for Fossil Creek to be managed like a Park. He and others have been to Capital Hill advocating for this.

Vincent Randall also told the group that there is a new rule issued by the Forest Service (National-level) on December 23, 2008 on special forest products. The new rule requires a permit before Tribal members can collect important cultural items from the forest such as pollen. The Forest Service indicated that the rule has not yet been implemented and that the Coconino Archeologist is commenting on it this month.

Recreation/Public Relations Working Group: Connie Birkland (FS) gave a brief update stating that the Recreation Group will need to meet again soon. She also stated that the PR group that was discussed at the last Stakeholders meeting was never pulled together. Connie indicated that she will pull the group together.

How Can Stakeholders Help in 2009?

Plan for Trash Pickup: Heather Provencio told the group that there needs to be a coordination entity to ensure that trash pick-up occurs regularly. The Friends of the Forest has been doing the trash pick-up at Fossil for many years now and they are getting burned out and discouraged as they are the only group doing this work. Shelley Shepherd (AGFD) suggested that someone could contact Les Bell with AGFD in Phoenix who is the volunteer coordinator; he could perhaps assist us. Also, Shelley suggested that groups such as the Boy Scouts may be interested in helping.

The Red Rock District will get a full-time volunteer coordinator in the next couple of month and this will help us out.

Heather would like to get groups to sign up for trash pick-up on busy weekends. The group was pleased that Sam Frank (AZ Wilderness Coalition) volunteered to take this on for the year. He will coordinate with groups that are doing clean-up work and produce a schedule. Dexter Allen (FS) can also assist, as can the newly hired volunteer coordinator (FS).

Education: Tom Hildebrandt (AZ Riparian Council) suggested that volunteers hand out 3x5 cards explaining what they're doing, the values that are being protected, and telling visitors where the dumpster is. Later discussion led to a conclusion that NAU could design these educational cards, working with the FS on the content.

Jennifer Burns (Red Rock Ranger District) told the group that there needs to be a conservation and education plan for Fossil Creek so that there is a coordinated message for the area. Jennifer Burns and Connie Birkland will coordinate this effort.

Connie Birkland (FS) said that educational planning and signs are needed above the middle reach. The Recreation Working Group will work on determining needs of and design of signs for the area of Fossil Creek above the Middle Reach. It was noted that the Flume Road will be closed starting in March and turned into a trail. We need to let visitors know about this.

Monitoring Needs: Matthew Johnson (USGS) said that 2009 is the last year for black hawk and yellow-billed cuckoo monitoring at Fossil Creek. Need funding for avian community monitoring. Matt said that there is evidence of black hawks feeding on crayfish on the Verde River. A lot of the nests along Fossil Creek are failing or producing on one young. The monitoring that has been on-going has been APS funded at about \$10,000/year.

Suzy McVean (AGFD) mentioned that a long-term Coordinated Bird Monitoring plot was established along a 1 km reach of Fossil Creek this year. Monitoring of all riparian birds will take place every three years starting this year.

Cecilia Overby (FS) said that remote cameras may be a way to monitor recreational use and catch those that may re-introduce non-native fish.

Water quality and riparian vegetation monitoring: NAU is working on plans under the AWPf grant. Michele is coordinating that effort at NAU. She will coordinate with the FS (Cecilia, Janie) as well as Shaula Hedwall. Stefan Sommer (NAU) mentioned that an undergraduate in the biology department at NAU is looking into fecal coliform at Fossil Creek (a small study).

Currently monitoring is occurring on the following at Fossil Creek:

Threatened and Endangered fish (USFWS, AGFD)
Chub relative abundance (USFWS, AGFD)
Native fish species monitoring (funded by Bureau of Reclamation)
Crayfish (NAU)
Native Fish (NAU)
Aquatic insects (NAU)
Travertine (NAU and San Francisco State)
Water quality (will be conducted by NAU as part of AWPf grant)
Riparian vegetation monitoring (some has been done on the Tonto; raw data only.
Matthew Johnson indicated that he has some data as well)
Tim Flood's photo point data
Black hawk and yellow-billed cuckoo (USGS)

Stream Gage: Shaula Hedwall told the group that there are several people working on getting funding for a stream gage in Fossil Creek. APS will chip in on funding this. John Mitchell (APS) agreed to follow-up on the funding for the gage.

Social Science: Jennifer Burns stated that there are social science questions that need to be answered at Fossil Creek. She asked if we are collecting appropriate information and monitoring of people? Everyone felt that Marty Lee was the appropriate person to talk with about this and to lead any social research at Fossil Creek. Shaula Hedwall (USFWS) suggested that the social science researchers could look at work done at Aravaipa (BLM) as well as Sabino Canyon and Sonoita Creek.

It was decided that the Stakeholders will create a new working group called Social Science and that it will be headed by Marty Lee (NAU) and Jennifer Burns (FS).

Funding for toilets/dumpster: In 2010 additional funding may be needed to keep toilets and a dumpster in place at Fossil Creek (if ADEQ funding is not secured). A suggestion was made that we start an “adopt a toilet for a month” program, and an “adopt a dumpster” program. A member of the group had the idea that we could contact Porta-Potty manufacturers and ask them about adoption programs.

Safety: Jon Nelson said that everyone who is at Fossil Creek need to keep an eye out for marijuana gardens. If someone sees something suspicious, he recommends that you retreat and notify authorities. Jon put some information together for the website (tips on what to look for) and work with Michele to get it posted.

“Vision” for the Group: This discussion was postponed. The group decided that they would like to review the draft “vision” that was created by the Natural Resources Working Group. Shaula agreed to provide that to Michele for inclusion in the meeting notes (this will be included in the final notes).

Ideas for Funding:

Heritage Grants (AGFD; November 2009)

Monitoring, environmental education, riparian monitoring
NGOs (suggested by Shelley Shepherd, AGFD)

Ducks Unlimited, Deer Association, OHV clubs, Varmint Collars
Kayaking Groups

Action Items:

- All working groups will meet by April 30th.
- Our next full meeting will be in September/October 2009. It was suggested that we need to discuss water rights at our next meeting. We also discussed finding a NPS person to talk with about management of people in remote locations (including remote cameras).
- Michele will provide monthly updates to the group about accomplishments and developments and what is now available on the website.
- New Social Science Work Group will be created, headed by Marty Lee and Jenifer Burns.
- Sam Frank will coordinate clean-up activities at Fossil Creek in 2009.
- Jon Nelson will provide Michele with language about what to look out for at Fossil Creek regarding marijuana gardens.
- A Conservation and Education Plan for Fossil Creek will be developed by Connie Birkland and Jennifer Burns.
- Michele will coordinate with the FS and FWS about the riparian vegetation and water quality monitoring plans that are being developed under the AWPf grant.
- John Mitchell will follow-up on funding for the stream gage at Fossil Creek.

- Michele will explore the creation of a web site dedicated to the Stakeholders Group.
- The group needs to explore funding for bird monitoring, the stream gage, toilets/dumpster, as well as for the Comprehensive River Management Plan.

Working Groups and Leads:

Education: Mark Sensibaugh

Natural Resources: Shaula Hedwall

Funding: Michele James

Cultural Resources: Phil Smithers

Recreation: formerly Jason Williams. Group decided to ask Marty Lee if she would be willing to lead this group.

Social Science: Group decided to ask Marty Lee if she would be willing to lead this group.

APPENDIX

AZ Water Protection Fund: Middle Fossil Creek Riparian Habitat Protection and Restoration Project

February 18, 2009 update
Prepared by Michele James, NAU

Status: Grant for \$250,348 awarded to Coconino NF November 2008; contract with Coconino being drafted now with finalization expected spring/summer 2009. Five-year grant.

Required Matching Dollars: \$89,500 required for 50% of NEPA costs; Coconino NF obtained this funding in December 2008.

Project Area: Middle Fossil Creek: from just upstream of Irving downstream for 4.6 miles.

Goal of Project: Implement specific, on-the-ground actions that prevent continued resource damage to riparian habitat and improve water quality.

Scope of Work:

- **Task 1: Permit, Authorizations, Clearances and Agreements**
NEPA, SHPO, ESA, and subcontract agreement with NAU
Timeline: 18 months to complete NEPA; work starts once AWPF/FS contract is finalized
- **Task 2: Protect and Restore Riparian Habitat through Closure of Campsites Currently in Riparian Zone and Delineation of Camping Areas Outside Riparian**
Remove approximately 100 campsites (and associated access roads) in riparian zone;
Delineation of 6-10 camping areas (and associated parking) outside riparian (62-90 campsites occupying up to 40 acres).
- **Task 3: Development of Monitoring Plans**
Riparian vegetation and water quality monitoring plans will be developed in first year of grant;
Riparian monitoring will measure parameters before and after campsite removal;
Water quality monitoring will measure a suite of parameters before and after campsite removal (fecal coliform, nutrients, temp., pH, conductivity, etc.).
Possibly soil integrity and bank stability.
- **Task 4: Implementation of Monitoring Plans**
Implementation of monitoring plans: will begin prior to on-site work, continue through project implementation and for 5 years post-implementation.

- **Task 5: Interpretation and Education: Fossil Creek Riparian and Aquatic Habitat**
Interpretive signs to be developed and posted on 10 kiosks to provide ecological information about the unique value of the riparian and aquatic habitats at Fossil.
- **Task 6: Project Coordination and Monitoring**
Progress reports to AWPF every 6 months, communicate with AWPF regarding expenditures, etc.
- **Task 7: Preparation of a Final Report to AWPF**

**AZ Department of Environmental Quality, Water Quality Improvement Grant:
Middle Fossil Creek Water Quality Improvement Project**

February 18, 2009 update

Prepared by Michele James, NAU

Status: Proposal submitted by Coconino NF February 5, 2009 for \$211,825. Notification of grant award expected June/July 2009. Two-year grant.

Required Matching Dollars: AWPf grant dollars used for required 40% non-Federal match.

Project Area: Middle Fossil Creek (same as described above)

Goal of Project: Begin to address the issue of human waste impacts to Fossil Creek through initiation of a short-term (2-year) “pilot” program to address issues of efficiency and appropriate placement of toilets along Middle Fossil Creek. Temporary toilets will be placed in five locations along this reach. Monitoring specific elements, including the use of these temporary toilets and the reduction of waste in the surrounding area, will help us design an appropriate long-term waste management program for Middle Fossil Creek in association with campsite designation in this reach. Our goal is a 90% reduction in human waste deposition within established recreation sites that have a toilet placed nearby.

Proposed Project:

- **Install ten temporary toilets** at 5 locations during the highest 6 months of use (April-September, serviced weekly); five toilets installed during the lowest 6 months of use (October-March, serviced bi-monthly);
- **Public education and outreach** directly aimed at reducing non-point pollution in the form of human waste within the riparian zone of Fossil Creek. Public education will be focused on Leave No Trace ethics, how to appropriately dispose of human waste, and the need for public-focused stewardship campaign for Fossil Creek as a whole. A logo will be designed that emphasizes stewardship of Fossil Creek. Twelve signs will be designed, produced, and placed on kiosks;
- **Monitor the effectiveness of toilet installation and use.** Parameters measured will include: effectiveness of the toilets, if enough toilets have been provided, if toilets in appropriate locations, how much is pumped from each toilet, whether permanent toilets will be safe from vandalism, and ultimately, how to implement a long term waste management program in this area. Should it be deemed that permanent toilets would be effective at improving water quality and would not be vandalized; permanent toilets would be included in the NEPA analysis that is jointly funded by AWPf;
- **Monitor the implementation and effectiveness of the public information and education campaign;**
- **Involve members of the Fossil Creek Stakeholder’s Group.**

Legislative History of Fossil Creek Wild & Scenic

February 7, 2009

Prepared by Sam Frank, AZ Wilderness Coalition

January 4, 2007: Identical bills to designate 16.8 miles of Fossil Creek as a Wild & Scenic River are introduced in the Senate and House (110th Congress). Senators McCain and Kyl introduce a bill in the Senate (S. 86) and Rep. Renzi introduces in the House (H.R. 199). In summary the bill would designate 9.3 miles as Wild and 7.5 miles as Scenic. The bill is based on a proposal written by the Arizona Wilderness Coalition.

January 11, 2007: The House bill gains co-sponsorship from Reps. Franks (AZ-2) and Grijalva (AZ-7).

January 17, 2007: Rep. Pastor (AZ-4) signs on as a co-sponsor.

March 23, 2007: Rep. Giffords (AZ-8) signs on as a co-sponsor.

June 6, 2007: Rep. Mitchell (AZ-5) signs on as a co-sponsor

November 8, 2007: The Subcommittee on National Parks holds a hearing on the bill in the House. Joel Holtrop, Deputy Chief, USFS, testifies before the subcommittee and recommends that the middle segment designation be changed from Scenic to Recreational.

January 30, 2008: The Committee on Energy and Natural Resources hears an amended version of S.86 in the Senate. The bill would now designate 9.3 miles as Wild and 7.5 miles as *Recreational*. With amendments, S.86 is passed favorably out of the committee.

February 7, 2008: Rep Sarbanes (MD-3) signs on as a co-sponsor.

February 22, 2008: Rep. Renzi indicted on 35 counts for Federal crimes connected to land deals.

March 1, 2008: Senator McCain announces he will run for the office of President.

June 26, 2008: Senator Bingaman (NM) introduces the Omnibus Public Lands Management Act of 2008 (S. 3213), which includes the legislation to designate Fossil Creek Wild & Scenic. No action is taken on the bill for the remainder of 2008 (end of 110th Congress)

January 6, 2009: Senator McCain reintroduces Fossil Creek Wild & Scenic legislation with Senator Kyl as a co-sponsor.

January 7, 2009: Senator Bingaman reintroduces the Omnibus Public Lands Management Act of 2009 (S.22), which once again contains the Fossil Creek legislation.

January 15, 2009: S.22 passes the Senate by a vote of 73-21 after more than three days of floor debate.

January 16, 2009: The Senate version of the bill is received in the House.

Currently: Rep. Rahall (WV-3) is trying to guide the Omnibus package through the House. Rep. Rahall plans to bring the bill up under a closed rule meaning no amendments can be tacked on, but there is already a chance that there will be a vote to report the bill under normal rules (meaning amendments can be added). The general consensus is that if the Omnibus bill is taken up under normal rules some members of the House will attempt to add amendments that will cause other members to vote against it, effectively killing the bill in the House. The Omnibus bill contains many pieces of legislation from both the Democratic and Republican parties (27 Dem and 25 Repub in the Senate; 39 Dem and 36 Repub in the House) but members who have bills within the Omnibus have voted against its passage.

A few highlights (160 bills are in the package) from this legislation, if passed as is, include:

- Designation of over 2 million acres of wilderness in nine different States.
- Establish three new units of the National Park System, a new national monument, and three new national conservation areas.
- Designate over 1,000 miles of new additions to the national wild and scenic river system – **including Fossil Creek.**
- Designates four new national scenic or national historic trails, enlarges the boundaries of several existing units of the National Park System, **including the Arizona National Scenic Trail.**
- Establish in law the Bureau of Land Management's **National Landscape Conservation System** – which includes five Arizona Monuments, three Arizona National Conservation Areas, and 47 out of Arizona's 90 Wilderness areas.
- Improve land management through the Forest Landscape Restoration Act which will facilitate collaborative landscape-scale restoration to help reduce fire risk and fire costs and provide new forest product jobs.