

Fossil Creek Stakeholders Meeting, May 22, 2008, duBois Center, NAU campus
Draft meeting notes compiled by Michele James, NAU Fossil Creek
Project Coordinator

Attendees: 40 attendees representing 14 organizations/governmental entities.

Jane Marks (NAU) and Heather Provencio (FS) thanked everyone for attending. Heather thanked everyone for their enthusiasm and commitment and said that the purpose of the group is to get things done at Fossil Creek; she would like the group to determine appropriate short and long-term actions. All attendees introduced themselves.

Overview and Discussion of Possible Fossil Creek Vehicle Closure/ Q & A: Heather Provencio gave a brief overview of the recent discussions within the Forest Service to consider the possibility of a vehicle closure at Fossil Creek. Such a closure would be a temporary and emergency closure for reasons of public health and safety as well as for cultural and ecological concerns. The Forest Service has the ability to enact such an emergency closure for up to one year.

Heather indicated that she had a conference call with law enforcement last week: public safety concerns at Fossil Creek were raised. Heather said that these concerns were present at Fossil Creek due to population increases in Arizona and curiosity about Fossil Creek. Heather's concerns relate to the safety of visitors to Fossil Creek, primarily due to the actions of visitors (not trash or human waste). There have been destruction actions on the private property at Fossil Creek. The law enforcement folks on the conference call said that they were afraid for their safety at night in Fossil Creek. To open Fossil Creek to day use only, the FS would need a full-time presence; they can't commit to this right now as they don't have enough staff.

At this point, Heather is thinking that swinging gates are a possibility for implementing a vehicle closure. With such a closure, the springs trailhead would remain open on the Tonto side. Heather indicated that on the Coconino side, the closure needs to consider access to Childs. She and other FS staff will be visiting Fossil Creek this weekend (Memorial Day) to look at logistics of the closure and determine feasibility, issues and options.

If the FS decides to implement an emergency vehicle closure, it would physically occur on the Tonto side along the road where a gate currently exists. On the Coconino side, the FS is looking at the feasibility of swinging a gate on the road just north of the turn down to Childs. One of the concerns the FS has is that such a closure would concentrate people on a small stretch of Fossil Creek that would still be accessible by vehicle. In addition, it may concentrate use at the springs as well.

Discussion: Vincent Randall (Yavapai-Apache) said that he is not against such a closure, however their elders will need access to Fossil Creek to collect herbal medicines. Heather responded that the tribe can get a permit and/or escort from the FS to allow access. The

FS understands the needs for access by the tribe as well as researchers. Such a closure would be dealt with in the same way that fire closures of Fossil Creek have been dealt with in the past.

Heather indicated that they are not considering day-use only restrictions at this time because they have concerns about how they would get the visitors out at night-time. The FS believes that a vehicle closure may address many of the issues.

APS indicated that they support a one-year emergency closure and even a full closure of Fossil Creek. Phil Smithers pointed out that some cars will just drive around the APS gate on the Tonto side.

Heather said that the FS may try a closure for awhile and find that they need to come up with another plan. A mobile repeater is being discussed for the Fossil Creek area in order to improve communication. The FS could use monies for a full-time law enforcement presence at Fossil Creek.

The subject of funding for Fossil Creek brought up discussion of the pending Wild and Scenic River designation. Heather indicated that the FS is not sure such a designation will happen or when. Appropriations related to designation are not a given. Delvin Lopez (FS) indicated that, while awaiting possible designation, the FS can't do anything considered "irreversible" in terms of Wild and Scenic River designation.

There was general agreement and support by the stakeholders for an emergency closure of Fossil Creek.

Short Review of Working Group Priorities/Action Plans: Recreation: Ed Armenta (FS) provided a review of the recreation group's priorities. These are: 1) law enforcement, and; 2) addressing trash and sanitation.

Ed indicated that the Tonto NF has funded the placement of a trash dumpster at the springs trailhead. It was recently placed there on a trial basis to see if it is used. Ed wrote a memo to Heather Provencio relating the results a meeting he had with FS law enforcement (LE) in December 2007 (this memo is included in the agenda material prepared for this meeting). At this meeting, agreement was reached on several issues including the need for signage, trash pick-up and education. The use of volunteers was not recommended. The FS followed up with a conference call with LE after the saturation patrol that took place on April 19 and 20. This is where the discussion of a possible emergency closure was raised. Ed said that on the weekends, Fossil Creek is exceeding its carrying capacity. The FS discussed placing a repeater somewhere "on top" at Fossil Creek to address the need for radio communication. In the long-term, Ed said that the FS may need to go to a fee/permit program.

Heather responded to a question related to the time-frame for a closure at Fossil Creek: The FS can institute a closure almost immediately as no public input is required for an emergency closure for public safety concerns. It would take a week or two to produce an

order. They have to get the gates and install them (with the help of volunteers, this shouldn't take long). The FS will also have to address parking areas. At this point, the FS is discussing the possibility of a vehicle closure and is willing to try it. She is open to other ideas; a total or partial closure, a closure to hiking too, etc.

Phil Smithers (APS) indicated that in 1 ½ years, the bridges at Fossil Creek and the Flume Road will be gone.

Heather indicated that in the long-term, the FS will likely need to implement a Red Rock Pass-type of system; this would provide funding for one LE person to patrol the area.

Ed Armenta indicated that he got an estimate from a firm out of Pine to install 8 toilets for \$1800/month. He thinks this means they would be checked one/week, but he's not sure about this detail.

Heather indicated that Coconino LE folks are trying to go down to Fossil Creek 1-2/week, but it's hard for them to commit to this in the summer due to fire assignments. Coconino recreation folks are visiting the area once/week and Friends of the Forest (volunteers) are visiting every 2 weeks. Wilderness staff is getting in about 1-2/week. Ed indicated that the Tonto is patrolling the area 2 days/month (LE); they have no recreation staff to patrol.

The issue of kayak damage to travertine was raised. Delvin Lopez (FS) said that he needs photos to document such damage. If you have such photos, please provide it to him. This will help with an emergency closure.

Education: Connie Birkland (FS) and Mark Sensibaugh (FS) gave a brief summary of priorities discussed in this working group. Please see the meeting notes attached to the agenda materials for a more detailed summary.

There is overlap with many of the issues discussed by LE folks. Providing information is the priority. The group believes information needs to be provided to visitors about: Leave No Trace/stewardship, historical/cultural issues, water issues, ecological benefits, changes due to the restoration, and research. They discussed producing a traveling display, addressing school groups, e-mails, websites, and an AZ curriculum that would address broad-based conservation and ethics. Providing information at the trailheads (particularly at the springs trailhead) is key.

Stefan Sommer (NAU) indicated that NAU is putting together "resource guides" (three types) related to the River Reborn documentary. He is willing to put information on his website.

Shaula Hedwall (FWS) reminded the group that Carrie LeRoy (former NAU graduate student) completed a master's degree related to education at Fossil Creek. This information could be used in developing curriculum.

Connie Birkland proposed that perhaps an educational video could be developed about resources at Fossil Creek Or we can look into Facebook and Myspace. Connie emphasized that requiring a permit to access a place is a good way to get educational material to visitors. The permits can be placed at the trailhead with Leave No Trace language on the back. Connie indicated that this makes visitors feel accountable.

Priorities for the Education Committee: 1) Education related to the possible emergency closure (getting information out in the newspapers, etc.); 2) Leave No Trace messages at kiosks; 3) Funding for education.

Phil Smithers (APS) indicated that he has heard that Phoenix Magazine is planning to do a story about Fossil Creek soon. Someone should contact them about the issues we're discussing here.

Natural Resources: Shaula Hedwall gave an overview of this working group's discussions. A lot of this group's priorities are long-term and related to all the issues. Shaula is putting together a summary of everything that is going on at the creek (research, etc.) and will get it out to everyone soon. The group has discussed longfin dace and threatened and endangered fish reintroductions, as well as installation of a stream gage which is important for many reasons including the designation of water rights. They have submitted a proposal for desert fish habitat restoration funding. The group has developed a vision statement (see agenda attachments). One of their primary concerns is groundwater pumping on the rim and potential affects to the springs at Fossil Creek. The long-term goal is the installation of a gage to determine potential effects. The new ADWR Regional Groundwater model may help determine landscape impacts.

In the short-term, the group's concerns relate to the introduction of non-native fish. They would like to have the ability to enforce a closure and any restrictions and provide education to help prevent the reintroduction of non-native fish. Shaula indicated that she has some concerns related to the razorback sucker introduction site and the effects of this area staying open during an emergency closure.

Shaula summarized upcoming changes in regulations related to a short season Catch-and-Release Chub Fishery in a small part of Fossil Creek. At this point it is likely that the fishery will be located from the waterfall to downstream of Sally Mae and be in place from the first Saturday in October through the end of March, starting in October 2009. The regulation will have an enforcement component so that if fishing materials or equipment are found outside the open area, the owner will be ticketed.

Cultural/Historical Resources: Phil Smithers (APS) and Chris Coder (Yavapai-Apache) provided a summary. In the short-term, the group would like to see signage related to the Yavapai-Apache presence at Fossil Creek. In the long-term, they would like to see signage interpreting the area before APS moves out of Fossil Creek. Chris Coder indicated that the tribe has nearly completed an ethnohistory of the Payson Ranger District (FS) and that it will be available as a reference for education. All Yavapai-Apache pre-historic sites are protected at this time because no one knows where they are.

Vincent Randall (Yavapai-Apache) said that Fossil Creek is considered the “naval of mother earth” to the Yavapai-Apache. The closure idea sounds good to them and will help protect their cultural resources. Public access immediately adjacent to Fossil Creek is not a concern to the tribe. It’s the area outside the creek bed that is important to them. Signage on the kiosks is fine, but not at the actual sites.

Phil Smithers (APS) gave a brief update of the Decommissioning: Pipe ridges have been removed. All of the flume from the diversion dam to Irving is down and 95% of it is out. APS is working at the Purple Mountain flume this week. They are almost done with flume removal between Irving and the Verde. Stehr Lake regarding will take place next year. The dam removal will start at the end of August. The first transfer of land to the FS will take place any day now (in the Childs area first).

APS requested last year and will request again (in the coming weeks) to close the upper trailhead and upper trail for approximately six months to reduce the access by the general public to the Fossil Springs / Dam area during the dam deconstruction process. This closure request is due to safety concerns for the public and APS workers and also to minimize the risk of vandalism during the deconstruction of the dam.

During this closure period, APS will be funding a level of security to aid in managing this upper trail closure. The management of security by APS for this area is due to discussions with both Coconino and Tonto NFs regarding their limited availability / personnel to manage this closure. APS believes that this effort may provide some on-the-ground data on area enforcement or closure success to aid in future management plans for the area. APS funds will be limited to the closure requested by APS.

We support the full emergency closure if the agencies and stakeholders believe that this closure will be beneficial to the future plans in the area and transition from an APS presence to a USFS presence in the area. Past closures in the area have not been very successful without agency management.

Since APS would be assuring that there are gates to support the upper trail closure, they could work with the USFS to help assure that the other gates are in place for the vehicular closure, if needed.

APS indicated that maintenance of the road from Strawberry (trailhead to Irving) costs \$110,000/year.

Funding: Michele James (NAU) gave a brief summary of what the funding group has done. The funding group has completed two draft databases that summarize over 50 potential foundations and state/governmental funding sources. These were completed based on the broad issues discussed at the first stakeholder’s meeting and can and will be refined based upon specific proposed actions. Michele is working with the FS now to complete a grant proposal to the AZ Water Protection Fund for the Middle Fossil Creek Riparian Restoration Project (moving and rehabilitating dispersed campsites out of the

riparian area and designation of campsites). She is working to gain funding for this project in combination with a potential ADEQ grant.

Delvin Lopez (FS) with the funding group gave a brief overview of the FS funding process and provided a handout. Money comes to the FS from three different sources: appropriation dollars; volunteers and partnerships; grants.

If a fee system is proposed at some point for Fossil Creek, a proposal would have to be written. This proposal has to be improved by the AZ RAC Committee and requires public outreach and input. The FS has to provide some amenities in order to implement a fee system. The FS needs to develop a strategy for the area.

The FS clarified that they have to know the Wild and Scenic River legislation before they can do anything that may impact it, thus, there will be no permits until this legislation is in place.

Discussion: How can we facilitate a successful closure for this year? How can we lay the groundwork for long-term protection of Fossil Creek?

With a closure, we need to focus on the upstream area and provide specific information at the trailhead (signs). This information should include the fact that this is not a loop trail, to carry water, that it's a steep trail, don't bring rafts, and pack your garbage in and out.

With a closure, we need to provide information about the multi-faceted reasons for a closure. The message should include information about the decommissioning, safety, resource damage, etc. It must be a major communication campaign and communicate that this is a "time out" for Fossil Creek to provide time for planning. Involve the stakeholders and get Strawberry involved. This is a time to "stand down" until we can get control of the situation. It is the hope that this will lead to visitors behaving differently.

A PR package should include: press releases, facts, etc. We should include information about the "closure" which is really "modified access" and should be called this. We need to provide information about safety, resources and damage that is taking place, sanitation, and the fact that we don't have funding at this point.

Heather stated that we still need to go after the "low hanging fruit": determine if the trash container at the springs trailhead is working; investigate toilets; provide education; secure grants.

Larry Phoenix (AGFD) and Phil Smithers (APS) said that they would rather have a full "closure" at Fossil Creek and then phase in opening of the trail again after dam removal. This would allow time for monitoring.

Specifically, it was decided that the FS should do the following: provide information to reporters about the impacts that are occurring at Fossil Creek; provide education materials at kiosks; and get the media involved in focused patrols at Fossil Creek. Use

data from law enforcement at Fossil Creek to educate the public about what is going on down there.

A PR Committee was formed and is composed of the following individuals: Connie Birkland (FS), Michele James (NAU), Karen Malais-Clark (FS), Cecilia Overby (FS), Chip Norton, Stefan Sommer, Delvin Lopez, Heather Provencio, Jenna Henry (APS).

A Law Enforcement Committee was formed and is composed of the following individuals: Delvin Lopez, Kimberly Ashcroft (APS).

Heather and Ed Armenta will work with their FS staff (Coconino and Tonto) and APS and let us know their decision regarding a closure. Heather would like the stakeholders group to continue to assist them in efforts at Fossil Creek. Fossil Creek is on the Regional Forester's and Deputy's watch list. It is currently an unfunded priority and the FS does not expect funding to increase. The FS wants us (the stakeholders) to help them.

The full Stakeholders Group will meet again when a decision is made regarding a closure at Fossil Creek or in early August at the latest.

In conclusion, the stakeholders group and FS agreed to complete the following specific tasks:

- 1) Continue to pursue funding for the Middle Reach campsite work and implement this project once funding is obtained (FS and Michele James);
- 2) The Coconino and Tonto NFs will explore the need for, and determine the logistics of, a vehicle or full "closure" at Fossil Creek based on public safety;
- 3) The PR Committee will develop a media/public relations strategy and campaign designed to reach the target audiences Compile materials and information for a public relations campaign (Connie Birkland and others);
- 4) Design and install educational signs at the trailhead that include preparedness, warnings and Leave No Trace messages (FS and Michele James, NAU);
- 5) Design and install site-specific Leave No Trace signs for all kiosks at Fossil Creek;
- 6) Monitor use of the trash bin placed at the trailhead;
- 7) Find money to install porta-potties (Janie Agaygos, FS);
- 8) Complete regular, focused LE events and invite the media;
- 9) Look into hiring a law enforcement person to regularly patrol Fossil Creek (a FS LEO costs \$110,000/year; training not included; a FS FPO costs about \$60,000/year (includes vehicle). Or the FS can contract with the County Sheriff's office for specific

time slots). APS has agreed to contribute money toward such an effort.) (Law Enforcement Committee);

- 10) Investigate the cost and location of installing a radio repeater to allow radio communication for LE while at Fossil Creek (FS);
- 11) Some stakeholder members will attend the River Action Day in DC and advocate for Fossil Creek (Yavapai-Apache, AZ Wilderness Coalition);
- 12) The FS will continue baseline enforcement;
- 13) The idea of organizing a fundraiser was discussed by some of the attendees. The fundraiser could potentially allow the placement of toilets for the peak three months (at least \$6,000 for June-August) and could include designing a T-shirt (no lead);
- 14) Stakeholders will support the FS with implementation of action items, potential closures and share key information within their organizations;
- 15) APS is working with the Tonto regarding a proposed 6 month trail closure during deconstruction of the dam which is scheduled to start in August/September 2008. APS will also assist the FS with potential closure needs related to the closure of the springs trail;
- 16) FS engineering will replace road signs as needed.