

**HB80**

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/21/91

FURTHER:

DATE TURNED INTO OFFICE: 4/17/91

The Finance Committee considered HOUSE BILL NO. 80

"An Act modifying the boundaries of the Creamer's Field Migratory Waterfowl Refuge; and providing for an effective date."

and recommended:

- replace with \_\_\_\_\_ CS \_\_\_\_\_
- or adopt \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- \_\_\_\_\_ letter of intent adopted

- same title
- new title
- technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):  
Dept/Date:

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

appropriation-no fiscal note

APPROVES PREVIOUS:  
Dept/Date:

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) DFCG 1/30/91

SIGNING DO PASS:

*Lynn Hoffman*  
*Dick Lundy*  
*Al Adams*  
*Mike Kelly*  
*John F. ...*

OTHER RECOMMENDATIONS:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

1. \_\_\_\_\_ 2.

Co-Chairs: Signatures and Recommendations

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Bill No. 1  
Bill Version: HB 80  
(H) Publish Date: 2/25/91

Revision Date: 1-30-91 Department Affected: FISH AND GAME

Title: An Act Modifying the boundaries of BRU: Habitat

the Creamer's Field Migratory Waterfowl Refuge Component: \_\_\_\_\_

Sponsor: Representative Boyer

Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

	4	8	6
--	---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: No current year impact

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Bruce H. Baker Phone: 465-4105

Division: Habitat Date: 1-29-91

Approved by Commissioner: Arthur W. Wiley

Agency: Department of Fish and Game Date: 1/30/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

## HOUSE BILL NO. 80

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE BOYER

Introduced: 1/25/91

Referred: Resources

## A BILL

## FOR AN ACT ENTITLED

1 "An Act modifying the boundaries of the Creamer's Field Migratory Waterfowl Refuge;  
2 and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 \* Section 1. AS 16.20.039(a) is amended to read:

5 (a) The [EXCEPT AS PROVIDED IN (B) OF THIS SECTION, THE] following  
6 state-owned land and water is [ARE] established as the Creamer's Field Migratory Waterfowl  
7 Refuge:

8 (1) commencing at the Section Corner on the Fairbanks Base Line common to  
9 Sections 33 and 34, T1N R1W Fairbanks Meridian, thence east along the Fairbanks Base Line  
10 4703.30' [N89° 55' W 200.01' TO THE POINT OF BEGINNING, THENCE CONTINUE  
11 N89° 55' W 567.54', THENCE N0° 03' E 208.70', THENCE N89° 55' W 208.77',  
12 THENCE S0° 03' W 208.70', THENCE N89° 55' W 343.98', THENCE N1° 53' 25"W  
13 1322.43', THENCE S89° 51' 24"E 1364.14', THENCE S89° 51' E 2641.00', THENCE E  
14 1320.20', THENCE S 1320.10', THENCE S89° 56' 03"E 743.30'], thence S0° 00' 16"W

1 235.67' to a tributary of Isabella Creek, thence along the south bank of the tributary to  
2 Isabella Creek N70° 59' 51"W 525.44', thence N88° 22' 22"W 85.48', thence along the  
3 south bank of Isabella Creek S85° 27' 47"W 209.43', thence S68° 10' 59"W 220.04',  
4 thence S65° 19' 35"W 434.66', thence S53° 52' 05"W 1228.34', thence S35° 00' 05"W  
5 300.08' to the Lemeta Subdivision, thence along the north boundary of the Lemeta  
6 Subdivision N89° 52' 58"W 646.40' to the College Road right-of-way, thence along the  
7 north edge of the College Road right-of-way N71° 53' 31"W 688.05', thence N18° 21' 30"E  
8 12', thence on a 2° 17' 26" curve to the right 415.49', thence N62° 0' 30"W 275.16',  
9 thence N27° 52' 30"E 10.00', thence on a 2° 26' 29" curve to the left 473.08', thence leaving  
10 the College Road right-of-way N0° 03' E 611.23' to the Fairbanks Base Line, thence N89°  
11 56' 34"E along the Fairbanks Base Line 200.03' to the Section Corner common to Sections  
12 33 and 34 on the Fairbanks Base Line and the point of beginning, containing 83.7 acres,  
13 more or less:

14 (2) the W 1/2 SW 1/4[,] and the SE 1/4 SW 1/4 of [,] Section 27; [,] the S 1/2  
15 of Section 28; [,] the S 1/2 SE 1/4[,] and the SE 1/4 SE 1/4 NE 1/4 SE 1/4 of [,] Section 29; all  
16 of [, THE N 1/2 THE N 1/2 S 1/2, AND THE SE 1/4 SE 1/4] Section 34; and [,] the W 1/2 and  
17 the W 1/2 E 1/2 of Section 35, all in T1N R1W Fairbanks Meridian;

18 (3) Tract B-2 and Tract C of Alaska State Land Survey No. 83-62 in  
19 Section 33, T1N R1W Fairbanks Meridian, according to Plat No. 83-272 as filed in  
20 the Fairbanks Recording District on December 20, 1983, and as modified by the  
21 public utility easement vacation plat filed in the Fairbanks Recording District on  
22 February 22, 1985, as Plat No. 85-27.

23 \* Sec. 2. AS 16.20.039(b) is amended to read:

24 (b) The [FOLLOWING] land and water described [ARE EXCLUDED FROM THE  
25 REFUGE ESTABLISHED] in (a)(1) of this section is subject to an [:

26 (1) COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS  
27 33 AND 34, T1N R1W FAIRBANKS MERIDIAN, ON THE FAIRBANKS BASE LINE,  
28 THENCE S89° 55' E ON THE BASE LINE A DISTANCE OF 670.00' TO THE POINT OF  
29 BEGINNING, THENCE N 716.05', THENCE S89° 55'E 730.00', THENCE S 716.05',  
30 THENCE 89° 55' W 730.00' TO THE POINT OF BEGINNING;

31 (2) EASEMENT FOR ACCESS ROAD TO ABOVE TRACT, BEING A TRACT

1 OF LAND 30' WIDE, 15' ON EACH SIDE OF A LINE DESCRIBED AS FOLLOWS:  
2 BEGINNING AT A POINT ON THE SOUTH BOUNDARY OF THE ABOVE TRACT, THAT  
3 POINT BEING S89° 55' E A DISTANCE OF 1042.2', FROM THE SECTION CORNER  
4 COMMON TO SECTIONS 33 AND 34, T1N R1W FAIRBANKS MERIDIAN, ON THE  
5 FAIRBANKS BASE LINE, THENCE S11° 01' W A DISTANCE OF APPROXIMATELY  
6 1108'; TO INTERSECT WITH THE EXISTING RIGHT-OF-WAY AT COLLEGE ROAD;

7 (3)] easement for water and sewer lines given to the City of Fairbanks, along a  
8 portion of the southern boundary of the tract, more particularly described as follows: commencing  
9 at the Section Corner on the Fairbanks Base Line common to Sections 33 and 34, T1N R1W  
10 Fairbanks Meridian, thence N89° 55' W 200.01', thence S0° 03' W 611.23', thence easterly  
11 on a 2° 26' 29" curve to the right a distance of approximately 201' to the intersection with the  
12 section line common to Sections 3 and 4 T1S [T1N] R1W Fairbanks Meridian, and the start of  
13 the easement, the easement being 20' wide entirely to the left of the line being now described:  
14 continue easterly on a 2° 26' 29" curve to the right 272', thence S27° 52' 30"W 10', thence  
15 S62° 07' 30"E 275.16', thence on a 2° 17' 26" curve to the left 402.96', thence N11° 01'  
16 E 75.62', thence S71° 38' 30"E 965.11', thence S89° 52' 58"E approximately 378.00' to  
17 the end of the easement, being a point of the boundary of the land and water described in  
18 (a)(1) of this section [PARCEL 1].

19 \* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

# Alaska State Legislature

REPRESENTATIVE  
MARK BOYER

VICE-CHAIRMAN  
HOUSE FINANCE COMMITTEE



## House of Representatives

FAIRBANKS

1098 LAKEVIEW TERRACE  
FAIRBANKS, ALASKA 99701  
(907) 456-6473

JUNEAU

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3466

### MEMORANDUM

DATE: April 2, 1991

TO: Senator Pat Pourchot, Co-chairman  
Senator Jay Kerttula, Co-chairman  
Senate Finance Committee

FROM: Representative Mark Boyer *MB*

RE: Scheduling of HB 80

I would like to respectfully request that you schedule HB 80, Creamers Field Migratory Waterfowl Refuge, at your earliest convenience. The bill passed out of the Senate Resources Committee with a majority of the members voting do pass. On March 1, HB 80 passed the House by a vote of 31-0. The bill has no fiscal note.

The Refuge was established in 1979 and currently consists of 1,776 acres. It is located within two miles of downtown Fairbanks and is best known for its spring concentration of ducks, geese and cranes. Creamer's Field is a former dairy farm that is now managed by the Department of Fish and Game.

I've attached a copy of the bill and back-up information. The map included outlines the boundaries of the refuge. As you will note from the Fish and Game memorandum, this bill is a technical bill, which ratifies land ownership changes which have taken place since the creation of the refuge. In 1982, the Department of Fish and Game purchased 12 acres within the refuge and in 1986 a trade between the Department of Natural Resources and the Department of Fish and Game occurred under the terms of an Interagency Land Management Agreement (ILMA). Under state law, the Legislature is required to ratify any state land exchange within five years. The deadline to ratify the new lands added by these ownership changes to the refuge is July 16, 1991.

Letters from the University, the Department of Fish and Game, and the Department of Natural Resources explain these land ownership changes in more detail and are attached.

If you have additional questions please don't hesitate to call my office at 465-3467. Thanks for your assistance and early scheduling of HB 80.

FAIRBANKS 20B

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1796  
PHONE: (907) 465-2400  
FACSIMILE: (907) 586-2754

February 20, 1991

The Honorable Cliff Davidson, Chair  
House Resources Committee  
P.O. Box V  
Juneau, AK 99811

Dear Representative Davidson:

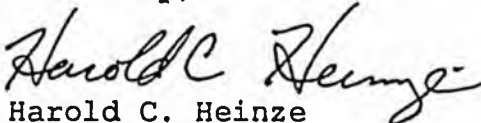
Subject: HB 80, which modifies the boundaries of the Creamer's Field Migratory Waterfowl Refuge.

Position: The Department of Natural Resources supports this bill because it modifies the existing refuge boundaries to conform to land ownership changes that have occurred since the refuge was established.

Background: The Creamer's Field Migratory Waterfowl Refuge was designated by statute in 1979. Subsequent exchanges of land among the University of Alaska, the Department of Natural Resources, and the Department of Fish and Game have resulted in significant ownership changes within the boundaries of the refuge. This bill would establish the new boundaries clearly in statute.

Thank you for the opportunity to comment on this bill.

Sincerely,

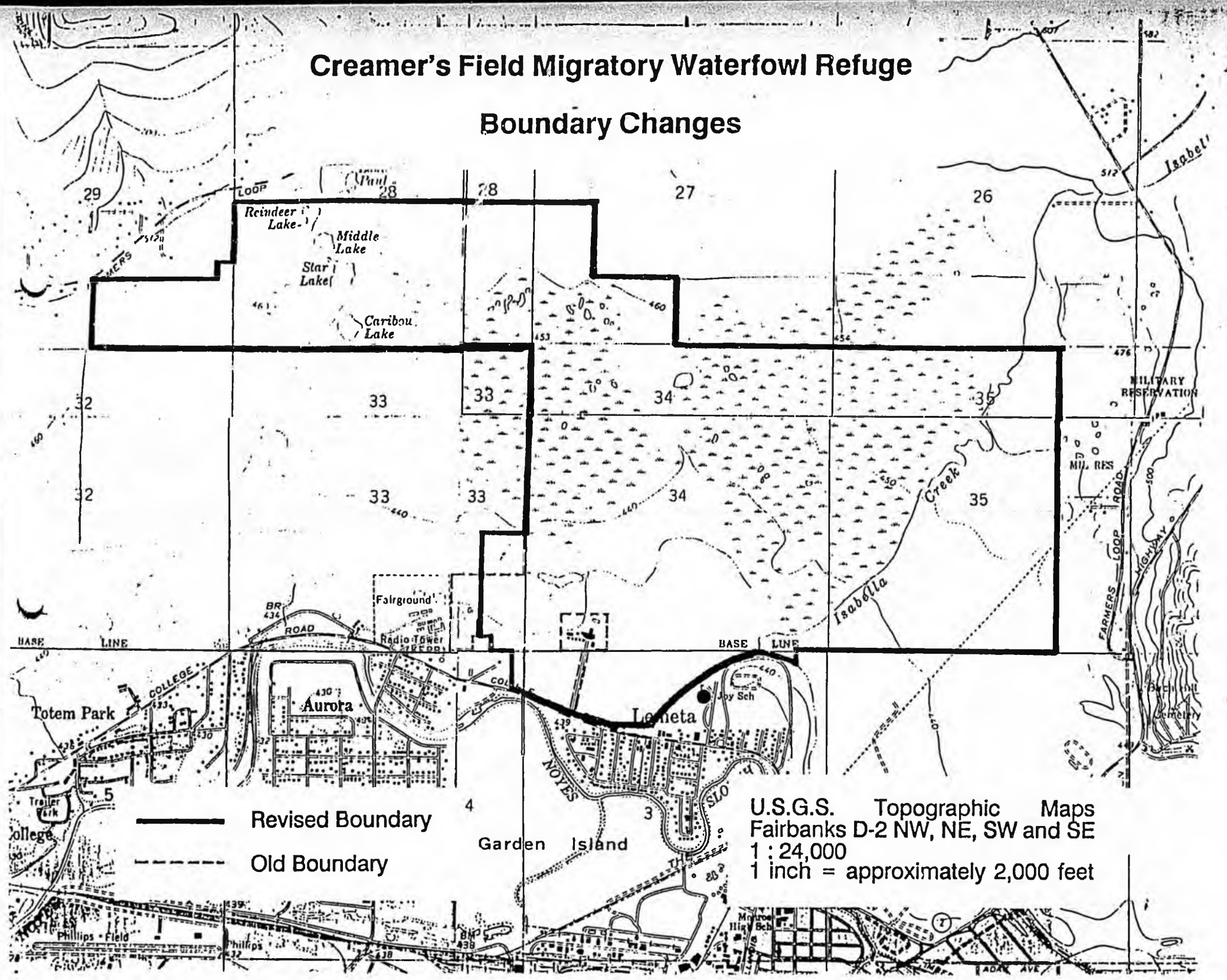


Harold C. Heinze  
Commissioner

cc: Committee members  
Representative Boyer  
Bruce Kendall, Legislative Liaison, Office of the Governor  
Carl Rosier, Commissioner, Department of Fish and Game

# Creamer's Field Migratory Waterfowl Refuge

## Boundary Changes





**Statewide Office of Land Management**  
Butrovich Building • Suite 211 • 910 Yukon Drive • Fairbanks • Alaska • 99775  
(907) 474-7421 • FAX: (907) 474-7554

VIA FACSIMILE #465-4565

February 1, 1991

Ms. Alexis Miller  
Office of Representative Mark Boyer  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

RE: House Bill 80

Dear Ms. Miller:

In response to your request, I have reviewed the map you faxed, as well as the legal descriptions contained in HB 80.

In 1982, as part of the settlement of litigation, the University relinquished to the State of Alaska, its interest in a 41.697 acre portion of Section 33 described as Tract B of Alaska State Land Survey No. 80-67, in exchange for equal value land elsewhere in the state.

A 14.149 acre portion of the property relinquished to the state, which is currently described as Tract B2 of ASLS No. 83-62, is included in the revised legal description of the Refuge contained in HB 80.

In addition, although unrelated, I would like to make you aware of the fact that the University and the Department of Fish and Game have been discussing the acquisition, by Fish and Game, of a substantial amount of University land west of the current refuge boundaries.

If you need additional information, please contact me at 474-7421.

Very Truly Yours,

Martin Epstein  
Director

# Alaska State Legislature

REPRESENTATIVE  
MARK BOYER  
VICE-CHAIRMAN  
HOUSE FINANCE COMMITTEE



House of Representatives

FAIRBANKS

1098 LAKEVIEW TERRACE  
FAIRBANKS, ALASKA 99701  
(907) 456-6473

JUNEAU

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3466

FOR IMMEDIATE RELEASE  
February 27, 1991

Contact: Alexis Miller  
465-3466

## BOYER LEGISLATION EXPANDS CREAMER'S FIELD REFUGE

JUNEAU--Legislation sponsored by Rep. Mark Boyer, D-Fairbanks, that permanently expands the boundaries of the Creamer's Field Migratory Waterfowl Refuge today passed the House of Representatives by an overwhelming majority.

In addition, House Bill 80 expands the inholdings of the refuge by 12 acres. The original farm house and barns that were once part of the Creamer's dairy farm are now part of the waterfowl refuge.

"This bill ensures that the thousands of ducks and geese that use Creamer's field every year as a stopover during migration will forever have access to even more of its bountiful wetlands," Boyer said. "Also, Fairbanks residents can continue enjoying their observations of the waterfowl in their natural habitat."

In July 1986, the Department of Natural Resources swapped the corner piece of Creamer's field with the University of Alaska for land adjacent to the Tanana Valley Fairgrounds. Legislative action was needed within five years after the trade to make the land swap permanent and forever establish the additional land and inholdings as part of the Creamer's Field Migratory Waterfowl Refuge.

# DEPARTMENT OF FISH AND GAME POSITION PAPER

**Bill No:** HB 80

**Sponsor:** Representative Boyer

**Division:** Habitat

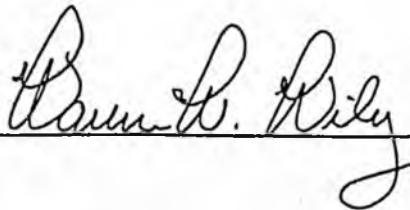
**Bill Title:** An Act modifying the boundaries of the Creamer's Field Migratory Waterfowl Refuge

**Department Position:** Support

This measure modifies the legal description for the Creamer's Refuge Migratory Waterfowl Refuge to reflect the 1986 land trade involving the Tanana Valley Fair Association and the 1982 purchase of the original Creamer's barns. Section 2 amends the legal description of the sewer and water easement to make the land subject to the easement, rather than excluding it from the refuge.

The modified legal description was prepared by the Department of Fish and Game in conjunction with the Division of Land and Water Management, Department of Natural Resources. Specific boundary references and the amended easement descriptions were included at DNR's recommendation. The amended easement description is a more legally correct way to describe the easement, and does not affect the easement itself.

Commissioner's Signature



Date 2-14-91



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

**BILL ANALYSIS**

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER HB 80	SPONSOR Boyer
SHORT TITLE OF BILL ACT modifying the boundaries of the Creamer's Field Migratory Waterfowl Refuge			
DEPARTMENT POSITION Support			
PREPARED BY Frank Rue, Director	DATE 1/30/91	COMMISSIONER'S SIGNATURE <i>William G. Willey</i>	DATE 1/30/91

**SUMMARY**

OTHER AGENCIES AFFECTED BY BILL Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL None known
ORGANIZATIONAL SUPPORT FOR BILL Creamer's Refuge Advisory Committee	ORGANIZATIONAL OPPOSITION TO BILL None known

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

**BACKGROUND/LEGISLATIVE INTENT**

This measure modifies the legal description for the Creamer's Refuge Migratory Waterfowl Refuge to reflect the 1986 land trade involving the Tanana Valley Fair Association and the 1982 purchase of the original Creamer's barns. Section 2 amends the legal description of the sewer and water easement to make the land subject to the easement, rather than excluding it from the refuge.

**ANALYSIS OF BILL/PROGRAM EFFECTS**

The modified legal description was prepared by the Department of Fish and Game in conjunction with the Division of Land and Water Management, Department of Natural Resources. Specific boundary references and the amended easement descriptions were included at DNR's recommendation. The amended easement description is a more legally correct way to describe the easement, and does not affect the easement itself.

**AMENDMENTS PROPOSED**

None.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

MEMORANDUM

STATE OF ALASKA  
DEPARTMENT OF FISH AND GAME

TO: Molly McCammon  
Special Assistant to the Commissioner  
Office of the Commissioner  
Juneau

THRU: Christian A. Smith  
Regional Supervisor

DATE: December 14, 1990

FILE NO.:

TELEPHONE: 456-5156

COMMISSIONER'S OFFICE  
**RECEIVED**  
DEC 18 1990

FROM: Marguerite A. Matthews  
Wildlife Biologist  
Division of Wildlife Conservation  
Fairbanks

SUBJECT: Amendment to  
Creamer's Field  
Legal Description

DEPARTMENT OF FISH AND GAME

Attached is a draft bill containing the revised legal description for Creamer's Field Migratory Waterfowl Refuge. Because the legal description is so complex and there were so many changes to the existing statute, I thought it would be more clear to put it in the form of a draft bill, rather than someone having to guess at how the statute should read. The format of the bill may not be exactly right, but the intent should be clear.

The changes in Sections 1 and 2 reflect the land trade involving the Tanana Valley Fair Association and the addition of the barns to the refuge. In addition, a number of phrases referencing boundary features such as College Road, Lemeta Subdivision and Isabella Creek have been inserted to clarify the intent of the legal description. Section 3 changes the wording of the water and sewer easement legal description to make the land subject to the easement, rather than excluding the easement. This is a more legally correct way to describe the easement, and does not affect the easement itself. This and the boundary references were done at the suggestion of the Department of Natural Resources.

The legal description was drafted in conjunction with the Division of Land and Water Management, Department of Natural Resources. DNR will be happy to provide us with a letter verifying the accuracy of the legal description if we need it.

I am enclosing a diskette with the bill in both WordPerfect and Microsoft Word files in hopes that it won't have to be re-typed in Juneau, as typing and proof-reading these legal descriptions is a real chore. Feel free to call me any time if you have any questions or need any help.

Thank you in advance for your assistance in getting this bill through.

cc: Bruce  
McLean  
Taylor

Attachments