

HB

246

<TARGET><BILL>HB 246</BILL><SUBJECT>HB
246</SUBJECT><COMM>SRES28</COMM></TARGET>

SENATE COMMITTEE REPORT

DATE: 3/14/14

FURTHER:

DATE TURNED
IN TO OFFICE: 4/8/14

Resources Committee considered HOUSE BILL NO. 246

HB 246-CREAMER'S FIELD WATERFOWL REFUGE

"An Act adding additional land and water to the Creamer's Field Migratory Waterfowl Refuge."

and recommends:


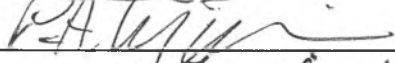
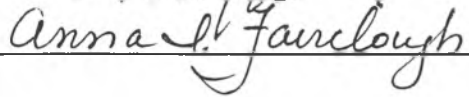
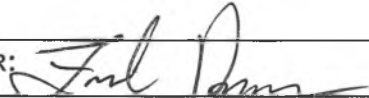
- be replaced with SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- adopt previous SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DFG			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	FRENCH			✓	
	MCCLURE	✓			
	FAIRCLOUGH	✓			
ice-CHAIR: 	DYLAN	✓			

ALASKA STATE LEGISLATURE

Session:
State Capitol Building,
Room 424
Juneau, Alaska 99801-2186
Phone (907) 465-4230
Fax: (907) 465-3883
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Interim:
1292 Sadler Way
Fairbanks, Alaska 99701
Phone: (907) 452-6084
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REPRESENTATIVE PETE HIGGINS Memorandum

TO: Senator Giessel Resources Committee

FROM: Representative Pete Higgins 

DATE: March 18, 2014

SUBJECT: Hearing Request HB 246, "*An Act adding additional land and water to the Creamer's Field Migratory Waterfowl Refuge.*"

I respectfully request that the Resources Committee hear HB 246. Thomas Studler is my staff POC on this bill. His direct line is 465-6879

The following documents are provided and will be sent via email.

- HB 246\A
- HB 246 Sponsors Statement
- HB 246 Fiscal Note
- HB 246 Creamer's Field Plan Excerpt
- HB 246 Wildlife Society Letter of support
- HB 246 Map of Creamer's Field
- HB 246 Satellite Image of Creamer's Field

Thank you,

ALASKA STATE LEGISLATURE

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REPRESENTATIVE PETE HIGGINS

SPONSOR STATEMENT

HB 246 "An Act adding additional land and water to the Creamer's Field Migratory Waterfowl Refuge."

HB 246 repeals and reenacts AS 16.20.039 to add additional lands to Creamer's Field Migratory Waterfowl Refuge.

The boundary change in HB 246 proposes to incorporate a total of four parcels of land adjacent to Creamer's Migratory Waterfowl Refuge purchased by the State of Alaska, some dating back to 2001. These acquired parcels, although not officially part of the refuge, have been managed as refuge land since management authority was delegated to the Department of Fish and Game (ADFG) from the Department of Natural Resources (DNR).

The Alaska Department of Fish & Games, Creamer's Field Migratory Waterfowl Refuge Interim Management Plan strives to achieve balance between a variety of user groups including bird watchers, skijors, dog mushers, cross country skiers, hunters, trappers, snowmachiners, a variety of dog training groups, school groups, etc. The ADF&G staff at Creamer's Refuge takes great pride in the fact that they are truly a multi-user refuge.

ADF&G currently see no reason to alter the Creamer's Field Migratory Waterfowl Refuge Interim Management Plan to restrict, deny, or otherwise impinge on any of the recognized activities that were addressed in this plan.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HB 246
Fiscal Note Number: 1
(H) Publish Date: 2/26/14

Identifier: HB246-DFG-WCD-02-24-14
Title: CREAMER'S FIELD WATERFOWL REFUGE
Sponsor: HIGGINS
Requester: House Resources Committee

Department: Department of Fish and Game
Appropriation: Wildlife Conservation
Allocation: Wildlife Conservation
OMB Component Number: 473

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **No**
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version

Prepared By: <u>Doug Vincent-Lang, Director</u>	Phone: <u>(907)267-2339</u>
Division: <u>Wildlife Conservation</u>	Date: <u>01/30/2014 07:30 PM</u>
Approved By: <u>Kevin Brooks, Deputy Commissioner</u>	Date: <u>02/20/14</u>
Agency: <u>Commissioner's Office</u>	

FISCAL NOTE ANALYSIS #1

**STATE OF ALASKA
2014 LEGISLATIVE SESSION**

BILL NO. HB 246 _____

Analysis

House Bill 246 will amend the legal boundary description for Creamer's Field Waterfowl Refuge to include lands that have either deed restrictions or management rights directing that they be managed as a part of the Refuge until such a time as they can be included in the Refuge's statutory boundary language. The addition of these parcels of land to the Refuge's statutes will not require any additional funding.

Creamer's Field Migratory Waterfowl Refuge

Interim Management Plan March 1993

Prepared by:

Alaska Department of Fish and Game Divisions of Wildlife Conservation and Habitat and Restoration

Carl Rosier, Commissioner
Alaska Department of Fish and Game

David Kelleyhouse, Director
Division of Wildlife Conservation

Frank Rue, Director
Habitat and Restoration Division

Creamer's Field Migratory Waterfowl Refuge Interim Management Plan

PREFACE

Creamer's Field Migratory Waterfowl Refuge encompasses approximately 1,790 acres of state-owned land in the heart of the Fairbanks community. It is known best for the fields adjacent to College Road that attract large numbers of migrating waterfowl each spring, and provide open, pastoral views of the old Creamer's Dairy site. Thousands of people stop to view waterfowl and other wildlife from the roadside parking/viewing area off College Road each spring. After the waterfowl have left Creamer's for nesting grounds, many Fairbanksans and visitors continue to use the refuge for a variety of outdoor activities, or to simply enjoy the peaceful scenery.

Activities on the refuge include agriculture, research, wildlife watching, photography, walking, working-dog training, hunting, trapping, cross-country skiing, dog mushing, skijoring, and snowmachining. As tourism increases in Fairbanks, Creamer's is seeing more use by visitors from other areas, both individuals and tour groups. The regional headquarters for the Alaska Department of Fish and Game (the department or ADF&G) is located on the refuge, next to College Road (see Map One).

Historically, waterfowl viewing at Creamer's Field began when dairy activities first started to attract migrating birds about 1910. The cleared fields with their residual grain and forage crops, and with manure spread on them, melted out early in the spring, providing shallow ponds and feed for waterfowl. Fairbanksans soon learned that excellent spring viewing of these birds was available from Ester Road (what College Road was first called) where it passed Creamer's Dairy. Local news media always featured (and still does) pictures and stories about this wondrous spring migration event along with news about the breakup of interior rivers.

When the dairy fields were put up for sale in 1966, Fairbanks residents who recognized their value for wildlife habitat and open space for the growing community came together to find a way to acquire the property for the public. In 1967 these people, operating through the Alaska Conservation Society, started a fund drive and collected enough money to buy an "option to purchase." This option held the land open until the state obtained federal Pittman-Robertson funds and state funds appropriated by the legislature to purchase the fields (about 250 acres). The Creamer family was anxious to see the dairy fields go to public ownership, and supported this effort by keeping the land off the open real estate market. The fund drive occurred just after the devastating 1967 flood, and its success at this difficult time shows the dedication of Fairbanksans to the concept of keeping Creamer's for wildlife.

Following the purchase, ADF&G worked with the Alaska Department of Natural Resources to get 1,500 acres of adjacent state land, together with the dairy fields, administratively designated as the Fairbanks Wildlife Management Area, in order to protect the wildlife habitat values of the entire area. In 1979 the Alaska Legislature

Creamer's Field Migratory Waterfowl Refuge Interim Management Plan

STATUTORY PURPOSES OF THE REFUGE

(see Appendix A for full text)

1. To provide protection and enhancement of habitat for migratory birds with special emphasis on waterfowl (Alaska Statutes (AS) 16.20.039(c)(1)).
2. To provide opportunity to view, photograph and study various species of plants, wildlife and geological features typical to Interior Alaska (AS 16.20.039(c)(2)).
3. To promote the above purposes by the development of a management plan for the refuge (AS 16.20.039(d)).

AS 16.29.039(d) further directs that recreational and agricultural activity is expressly permitted within the refuge if consistent with the management plan.

MANAGEMENT GOALS

(Mission Statement)

The Creamer's Field Migratory Waterfowl Refuge is managed to protect and enhance wildlife habitat, with special emphasis on waterfowl and other migratory birds, to promote conservation of wildlife, and to provide for compatible public uses. The management goals for the refuge are:

1. To protect and enhance the quality and diversity of habitat for wildlife with special emphasis on waterfowl and other migratory birds.
2. To protect and enhance the opportunity to view, photograph and gain an understanding of ecosystems, including wildlife species, plant species, geological and other features typical of Interior Alaska.
3. To encourage opportunities for public education about terrestrial and aquatic ecosystems, wildlife, habitat, historical resources and other related topics.
4. To allow other public uses that are consistent with the above statutory purposes and management goals.



THE WILDLIFE SOCIETY ALASKA CHAPTER

2627 Ingra Street
Anchorage, AK 99508

13 February 2014

The Alaska Chapter of The Wildlife Society is a professional society founded in 1971. With over 200 members, the Alaska Chapter is one of the largest chapters of The Wildlife Society, an international organization representing wildlife biologists and managers employed by state, federal, and borough resource agencies, academic institutions, non-governmental conservation organizations, and private industry. Our mission is to enhance the ability of wildlife professionals to conserve biological diversity, sustain productivity, and ensure responsible use of wildlife resources in Alaska for the benefit of society.

The Honorable Dan Saddler
House Resources Committee
Alaska State Legislature
Juneau, AK 99801-1182

Dear Representative Saddler,

I am writing in support of HB 246, "An act adding additional land and water to the Creamer's Field Migratory Waterfowl Refuge." This bill adds land that is already owned by the state to the Creamer's Field Refuge. It does not increase land ownership by the state, nor does it impose an additional financial burden on the state.

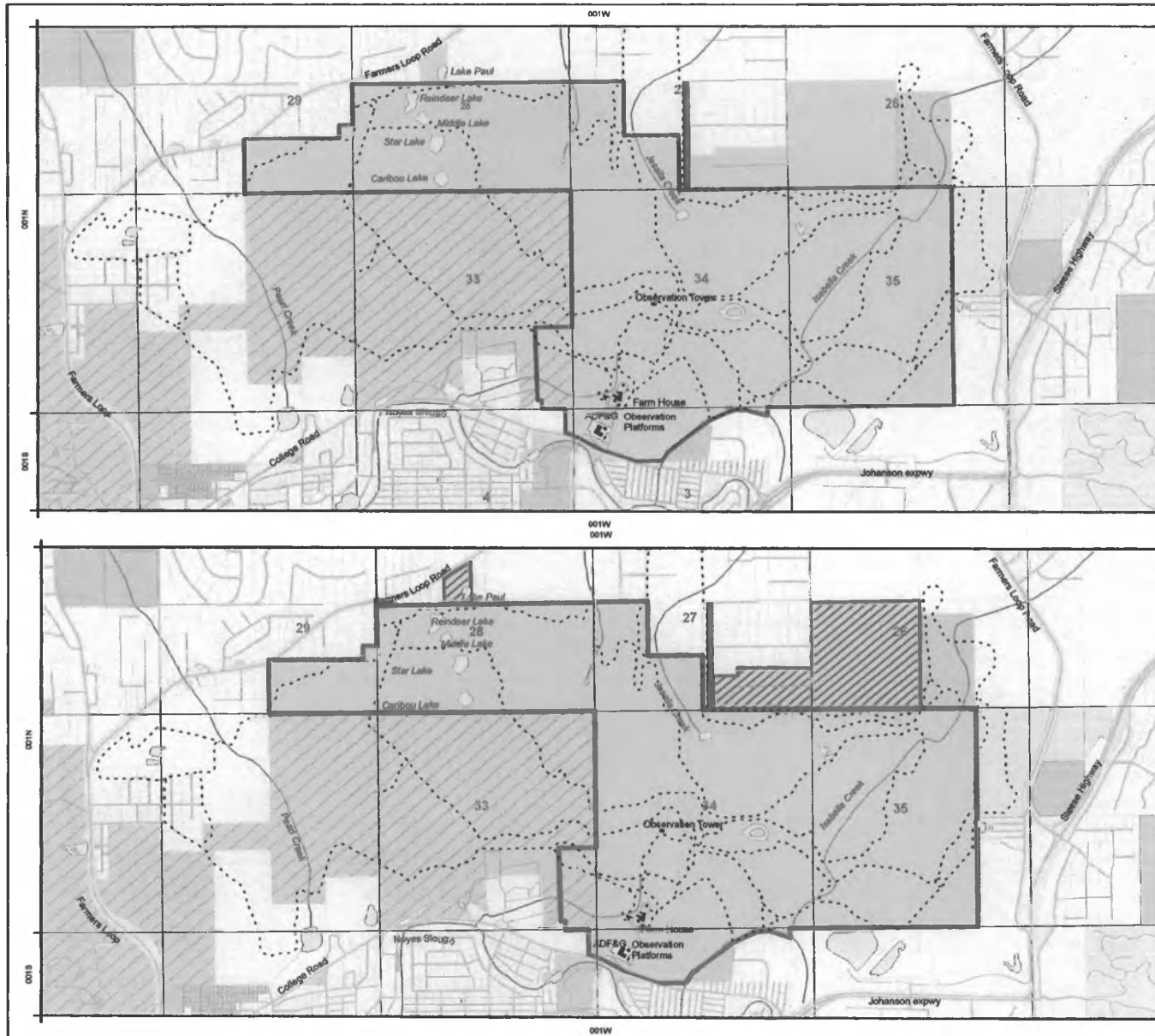
These lands border the refuge and were conveyed by private entities to the state with the intent that they be included within the refuge boundaries. Although the state now owns the land, the Alaska Department of Fish and Game has no management authority over them without legislative action. Thus, ADF&G cannot undertake habitat improvements or manage public access.

Creamer's Field is a valued refuge. Thousands of Alaskans and out-of-state visitors come to the refuge each year to view migratory birds and experience the outdoors. Your efforts will help ensure that the quality of the refuge remains undiminished.

I hope that you and others on the Resources Committee will support this legislation and forward it for consideration by other members of the House.

Sincerely,

Jerry Hupp
President, Alaska Chapter of The Wildlife Society



Creamer's Field Migratory Waterfowl Refuge

Legend

- Creamer's Field Existing Boundary
- Proposed Boundary
- Affected Lands

Landstatus

Federal Lands

BLM

State Lands

- State of Alaska
- University of Alaska

Other Lands

- Private
- City of Fairbanks
- Fairbanks North Star Borough

- Landing Strip
- Trail



Map Produced by
State of Alaska
Dept. of Fish and Game
Date: 6/21/2012



0 0.475 0.95 Miles



Location Map





THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

**Department of
Fish and Game**

DIVISION OF HABITAT
Fairbanks Regional Office

1300 College Road
Fairbanks, Alaska 99701-1551
Main: 907.459.7289
Fax: 907.459.7303

**SPECIAL AREA PERMIT
FH13-III-002-SA**

**ISSUED: April 15, 2013
EXPIRED: May 26, 2013**

Alaska Hound Group Association
Attn: Jeannette Davis
1105 Nenana St.
Fairbanks, AK 99709

Dear Mrs. Davis:

RE: Creamer's Field Migratory Waterfowl Refuge
Lure Coursing Field Trial
Fairgrounds Field

Pursuant to 5 AAC 95, the Alaska Department of Fish and Game (ADF&G), Division of Habitat, has reviewed your proposal to conduct a lure coursing field trial during afternoon/evening hours on May 25th and 26th, 2013 on Creamer's Field Migratory Waterfowl Refuge (CFMWR). Approximately five acres of the pasture directly adjacent to the Tanana Valley Fairgrounds will be used to lay-out an 800-yard course with a line and pulley system used to guide a visual drag that a hound will track. Actively racing hounds will be under the supervision of the owners/handlers, judges, and trial staff, while all hounds not participating in given races will be leashed. Trial participants will access the field via the fairgrounds or the ADF&G hunter education parking area.

CFMWR was created pursuant to AS 16.20.039 to protect and enhance wildlife habitat, with emphasis on waterfowl and other migratory birds, to promote conservation of wildlife, and provide for compatible public uses.

In accordance with 5 AAC 95, approval is hereby given subject to the following stipulations:

1. Conduct activities in a manner to ensure protection of refuge resources and property. No vegetation shall be cut/cleared or other alteration to habitat conducted to facilitate the proposed activity without prior authorization.

2. Activities may not occur in established fields when migratory waterfowl (including cranes) are present.
3. The permittee is responsible for removal of all trash generated by the activity.
4. This authorization does not provide exclusive privilege to use the refuge; thus, the permittee must ensure activities do not conflict with other users of the refuge.

The permittee is responsible for the actions of contractors, agents, or other persons who perform work or participate in the activity authorized by the approved plan. For any activity that significantly deviates from the approved plan, the permittee shall notify the ADF&G, Division of Habitat, and obtain written approval in the form of a permit amendment prior to commencement of the work or activity. Any action taken by the permittee or an agent of the permittee that increases the overall scope of the project or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be considered a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the ADF&G. Therefore, it is recommended that ADF&G, Division of Habitat, be consulted immediately when a deviation from the approved plan is considered.

This letter constitutes a permit issued under the authority of 5 AAC 95. This permit must be retained onsite during the approved activity. Please be advised that this approval does not relieve you of the responsibility for securing other permits, state, federal, or local.

In addition to the penalties provided by law, **this permit may be terminated or revoked for failure to comply with its provisions or with applicable statutes and regulations, or if activities described in this permit conflict with activities directly associated with the primary purpose of the refuge.** The permittee shall mitigate any adverse effect upon fish or wildlife, their habitat, or any restriction or interference with public use, which the commissioner determines may be expected to result from, or which actually results from, the permittee's activity, or which was a direct result of the permittee's failure to: 1) comply with a permit condition or a provision of 5 AAC 95; or 2) correct a condition or change a method foreseeably detrimental to fish and wildlife, or their habitat.

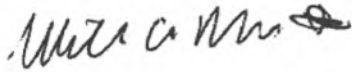
The recipient of this permit shall indemnify, save harmless, and defend the department, its agents and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this permit. However, this provision has no effect, if, but only if, the sole proximate cause of the injury is the department's negligence.

Pursuant to 5 AAC 95.920, an interested person may initiate an appeal of a decision made under this chapter in accordance with the provisions of AS 44.62.330 - 44.62.630 by requesting a hearing under AS 44.62.370.

Any questions or concerns about this permit may be directed to Habitat Biologist Todd Nichols at 907-459-7363 or emailed to todd.nichols@alaska.gov.

Sincerely,

Cora Campbell, Commissioner



BY: William A. Morris, Regional Supervisor
Division of Habitat
Alaska Department of Fish and Game

ecc: Laurie Boeck, ADF&G, Fairbanks
Mark Ross, ADF&G, Fairbanks
A.J. Wait, ADNR, Fairbanks
Al Ott, ADF&G, Fairbanks
Tammy Masse, ADF&G, Anchorage
Joe Meehan, ADF&G, Anchorage

WAM/tn