

HB

70

<TARGET><BILL>HB 70</BILL><SUBJECT>HB
70</SUBJECT><COMM>HRES29</COMM></TARGET>



Representative Adam Wool

Alaska State Legislature

District 5 Fairbanks

Chena Ridge • College • University West • Geist • UAF Campus • South Van Horn
Cripple Creek • Richardson • Parks Highway • Airport • Dale • Lakeview

House Bill 70 Expanding Creamer's Field

House Bill 70 adds four state-owned parcels to the Creamer's Field Migratory Waterfowl Refuge in Fairbanks. This land is currently managed by the Department of Fish and Game (AF&G) under the Creamer's Field Management plan and several refuge trails cross the refuge boundaries into these parcels.

Creamer's Field is a unique only-in-Alaska attraction that is just a short five minute drive from downtown Fairbanks. Active farming continues on over 100 acres and local residents and the refuge is renowned for its world class bird watching opportunities. Locals and visitors enjoy year round recreation at Creamer's Field including dog mushing, cross country skiing, skijoring, hiking, hunting, and trapping. Creamer's Field is also the home to the popular Camp Habitat summer camp for local youth, and the annual Tanana Valley Sandhill Crane Festival.

The history of Creamer's Field dates back to the early days of Fairbanks when Charles Hinckley brought three cows from Nome to open a dairy. Hinckley paid for his passage from Nome by selling milk to his fellow sternwheeler passengers. In 1928, the Creamer family purchased the land from Hinckley and continued dairy operations until selling the property in 1966. The historic dairy buildings remain on the site and are listed in the National Register of Historic Places.

When the Creamers put the dairy on the market, the Fairbanks community raised funds to purchase it so it could be preserved as a community landmark. The refuge continues as public private partnership with the Friends of Creamer's Field, a 501(c)(3) charitable organization, working with the department to provide educational activities at the refuge.

The four parcels to be added to the refuge were acquired at various times since 2001 and passage of House Bill 70 will formally protect these lands and ensure they are available for future generations to use for hunting, trapping, mushing, walking, and learning.

In Juneau ◦ Alaska State Capitol, Suite 420, Juneau, Alaska 99801 ◦ (907) 465-3466 ◦ Fax (907) 465-3883

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Bullard
2/9/15

CS FOR HOUSE BILL NO. 70()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES WOOL, Kawasaki, Josephson

A BILL

FOR AN ACT ENTITLED

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

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 16.20.039(a) is repealed and reenacted to read:

4 (a) The following state-owned land and water is established as the Creamer's
5 Field Migratory Waterfowl Refuge:

6 (1) commencing at the Section Corner on the Fairbanks Base Line
7 common to Sections 33 and 34, Township 1 North, Range 1 West, Fairbanks
8 Meridian, Point of Beginning, thence East along the Fairbanks Base Line 4703.30 feet,
9 thence South 0 degrees 00 minutes 16 seconds West 235.67 feet to the south bank of a
10 tributary of Isabella Creek, thence along the south bank of the tributary to Isabella
11 Creek North 70 degrees 59 minutes 51 seconds West 525.44 feet, continuing North 88
12 degrees 22 minutes 22 seconds West 85.48 feet to the confluence with the south bank
13 of Isabella Creek, thence along the south bank of Isabella Creek South 85 degrees 27
14 minutes 47 seconds West 209.43 feet, continuing South 68 degrees 10 minutes 59
15 seconds West 220.04 feet, continuing South 65 degrees 19 minutes 35 seconds West

1 434.66 feet to the northwestern boundary to Tract No. 5 of instruction number 60-
2 4556 (Plat, recorded June 21, 1960) in the Fairbanks Recorder's Office, thence South
3 53 degrees 52 minutes 05 seconds West 1228.34 feet along the westerly boundary of
4 the Subdivision of Tract No. 5 from the Charles Creamer Property, thence South 35
5 degrees 00 minutes 05 seconds West 300.08 feet to the northerly boundary of Lemeta
6 Subdivision, thence along the north boundary of the Lemeta Subdivision North 89
7 degrees 52 minutes 58 seconds West 646.40 feet to the northern College Road right-
8 of-way, thence along the north edge of the College Road right-of-way North 71
9 degrees 53 minutes 31 seconds West 688.05 feet, thence North 18 degrees 21 minutes
10 30 seconds East 12 feet, continuing on a 2 degree 17 minute 26 second curve to the
11 right 415.49 feet, continuing North 62 degrees 07 minutes 30 seconds West 275.16
12 feet, thence North 27 degrees 52 minutes 30 seconds East 10.00 feet, continuing on a 2
13 degree 26 minute 29 second curve to the left 473.08 feet, thence leaving the College
14 Road right-of-way North 0 degrees 03 minutes East 611.23 feet to the Fairbanks Base
15 Line, thence North 89 degrees 56 minutes 34 seconds East along the Fairbanks Base
16 Line 200.03 feet to the Section Corner common to Sections 33 and 34 on the
17 Fairbanks Base Line and the Point of Beginning, containing 83.7 acres, more or less;

18 (2) the W1/2SW1/4 and the SE1/4SW1/4 of Section 27; the S1/2 of
19 Section 28; the portions of the S1/2SE1/4 lying southerly of the Farmers Loop Road
20 right-of-way and the SE1/4SE1/4NE1/4SE1/4 of Section 29; all of Section 34; and the
21 W1/2 and the W1/2E1/2 of Section 35, all in Township 1 North, Range 1 West,
22 Fairbanks Meridian;

23 (3) Tract B-2 and Tract C of Alaska State Land Survey No. 83-62 in
24 Section 33, Township 1 North, Range 1 West, Fairbanks Meridian, according to Plat
25 No. 83-272 as filed in the Fairbanks Recording District on December 20, 1983, and as
26 modified by the public utility easement vacation plat filed in the Fairbanks Recording
27 District on February 22, 1985, as Plat No. 85-27;

28 (4) the SW1/4SW1/4 of Section 26 in Township 1 North, Range 1
29 West, Fairbanks Meridian (also known as a portion of Tax Lot 2600);

30 (5) the SE1/4 of Section 27 in Township 1 North, Range 1 West,
31 Fairbanks Meridian excepting therefrom:

1 (A) all that portion lying within Air Park Subdivision according
2 to the plat filed November 20, 1976, as Plat No. 78-206 Fairbanks Recording
3 District; Replat Lot 7 Block 1 Air Park Subdivision and Air Park Subdivision
4 First Addition according to the plat filed April 2, 1979, as Plat No. 79-56
5 Fairbanks Recording District; Air Park Second Addition, according to the plat
6 filed November 26, 1979, as Plat No. 79-264 and amended plat filed May 15,
7 1980, as Plat No. 80-86 Fairbanks Recording District; Air Park Subdivision
8 Third Addition according to the plat filed June 14, 1993, as Plat No. 93-160
9 Fairbanks Recording District; and

10 (B) the West 240 feet as conveyed to Sherman Field Airstrip
11 Owner's Association, Inc., by Bargain and Sale Deed recorded January 19,
12 1989, in Book 606, Page 586, Fairbanks Recording District;

13 (6) the E1/2SW1/4SE1/4NW1/4, W1/2SE1/4SE1/4NW1/4, and the
14 portions of E1/2NW1/4SE1/4NW1/4 and the W1/2NE1/4SE1/4NW1/4 lying southerly
15 of Farmers Loop Road right-of-way, according to the Department of Transportation
16 and Public Facilities Project RS-0644(13)/60384, as Plat No. 2008-89, Fairbanks
17 Recording District, all lying within Section 28 in Township 1 North, Range 1 West,
18 Fairbanks Meridian;

19 (7) the E1/2SW1/4 and the NW1/4SW1/4 within Section 26 in
20 Township 1 North, Range 1 West, Fairbanks Meridian.

Governor Walker's remarks on Point Thomson before House Resources

Wed., Feb. 11, 2015

Mr. Chairman and members of the committee, you asked for someone from my Administration to testify on the Point Thomson lawsuit that I brought several years ago as a public interest litigant. I am here to talk to you directly about this and set the record straight.

Let's talk first a bit about how we got here, and why I brought this public interest lawsuit.

In 1975 and 1977, the first wells were drilled at Point Thomson. Since then, we have known that the Point Thomson area is rich in oil and gas.

It is one of Alaska's natural resource crown jewels.

The field contains trillions of cubic feet of natural gas reserves, and hundreds of millions of barrels of oil and condensate. It's a resource that is worth billions of dollars to the state and means thousands of jobs to Alaskans.

That wealth has been kept from the market and from Alaskans for decades.

Here are some numbers, and a history of how that happened.

The Point Thomson unit is 93-thousand acres of land. That land contains 38 leases.

Richfield Oil, Humble Oil and BP acquired the very first oil and gas leases in Point Thomson in 1965.

Twelve years later, Exxon discovered very substantial oil and gas in the main Point Thomson reservoir.

In 1977, the state approved ExxonMobil as the unit operator.

For 22 years, Exxon presented 22 individual plans of development—one each year—for the Point Thomson unit. Yet, no development occurred.

So in 2005, as the state was evaluating yet another Plan of Development—the 23rd POD—I brought a lawsuit against the state on behalf of citizen taxpayers. The relief sought was for the state to at least hold a public hearing on why the state should or should not grant yet another POD when no development had taken place at Point Thomson since 1983.

As a result of that lawsuit, a hearing was held where I was able to present witnesses, which included Governor Wally Hickel and one of our constitutional drafters Vic Fisher, and

shortly after that, the Murkowski administration rejected the POD and put the Point Thomson unit in default.

In 2008, DNR notified the lease holders that their leases had expired. In order to keep several leases in the Point Thomson unit, Exxon then agreed to drill the first new Thomson wells in more than two decades.

That initial lawsuit was an important catalyst leading to development in Point Thomson today.

In May of 2012, the State released a signed settlement of the Point Thomson dispute but the terms of the settlement violated the Alaska Constitution and Alaska Law. Alaska's Constitution and statutes are very specific about the public process required in the development of our natural resources because the citizens of Alaska, unlike any other state, own the resources. We are an Owner State and we should act like one.

In 2012, I brought suit against the state for entering into the Point Thomson settlement agreement which violated the Alaska Constitution and Alaska Statutes.

I asked for no monetary damages, only that Alaska's Constitution and Alaska laws be followed.

It's now 2015. Alaska has a new governor; a governor who recognizes that settlement was illegal. It left Alaskans out.

Here are but a few of the illegal acts set forth in the settlements that are in clear violation of Alaska's Constitution and Alaska law:

1. The Settlement attempts to contract around the Department of Natural Resource's Regulatory Authority in managing the Point Thomson Unit.
2. The Settlement attempts to alter the regulatory Plan of Development process.
3. The settlement results in the abrogation of the Commissioner of DNR's obligation to make findings under 11.AAC.83.303, thus leaving the method of field development up to the Working Interest Owners.
4. The State agreed to stand down and not object to any issues regarding the development of the Point Thomson Unit brought before the Alaska Oil and Gas Conservation Commission by the Working Interest Owners.
5. The State agreed to an alternate method of dispute resolution other than what is set forth in Alaska statute.

That leads me to where we are today.

Since I have taken office, I have met with ExxonMobil representatives numerous times; as recently as Monday.

My challenge to the Point Thomson settlement is not about ExxonMobil. This lawsuit is not about stopping the development of Point Thomson. It is about following our Constitution and our laws in the development of our natural resources.

My only goal is to increase production of oil and gas from Point Thomson for the maximum benefit of Alaskans.

However, as the Governor of this state, I must be assured that people of Alaska are never again shut out of the process.

On Friday, I will introduce legislation to strengthen our statutes so that future settlement negotiations related to the extraction of oil and gas on state land shall not be used as an excuse to bypass our Constitutional and legal obligations to citizens of Alaska. As soon as I file this legislation, I will file my motion to dismiss the Point Thomson litigation.

All I did in bringing this lawsuit was to stand up for Alaska. Someone had to.

Together, let's make sure future Administrations cannot violate the Alaska Constitution and Alaska's laws and bypass the public process in developing our natural resources when settling litigation.

Together, let's ensure that Alaskans are never again left out of the process to develop the natural resources that belong to all of us on our land, let's never again allow the public trust that we hold sacred to be violated.

Never, ever again.

Thank you, Mr. Chairman.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: HB 70
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB070-DFG-WCD-01-29-15
Title: CREAMER'S FIELD REFUGE
Sponsor: WOOL
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)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
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 (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) 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 of the fiscal note.

Prepared By: Bruce Dale, Acting Director
Division: Wildlife Conservation
Approved By: Sunny Haight, Administrative Services Director
Agency: Fish and Game

Phone: (907)861-2101
Date: 01/28/2015 08:40 PM
Date: 01/29/15

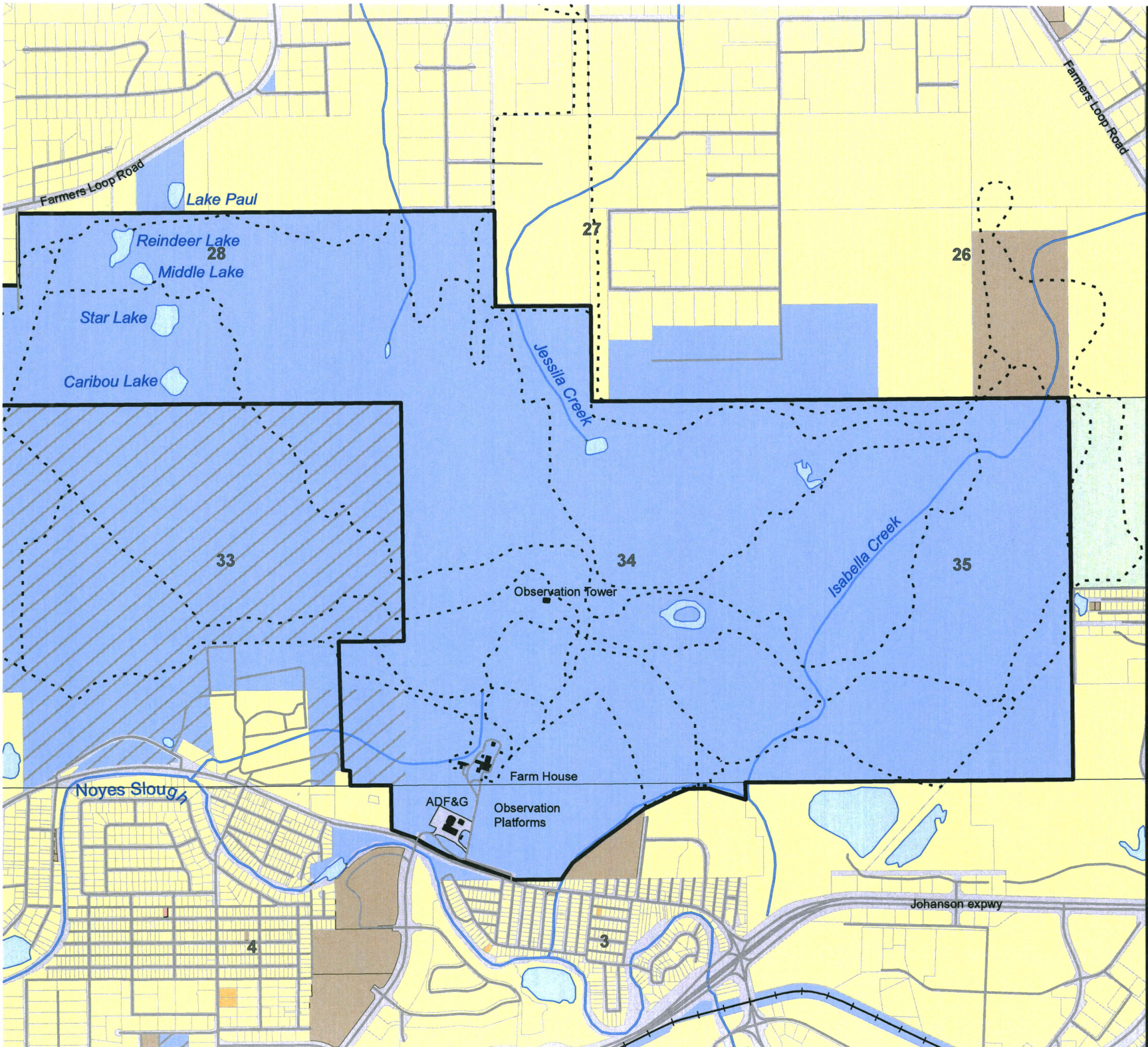
FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. HB 70

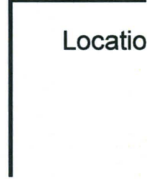
Analysis

House Bill 70 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.



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THE WILDLIFE SOCIETY
ALASKA CHAPTER

5800 Kalgin Drive

23 January 2015

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 Benjami Nageak and Dave Talerico
House Resources Committee
Alaska State Legislature
Juneau, AK 99801-1182

Dear Representatives Nageak and Talerico,

I am writing in support of HB 70, "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,

/s/ Grant Hilderbrand
Grant Hilderbrand
President, Alaska Chapter of The Wildlife Society

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.