

## Response to Proposal 59

Smith

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**Date:** 8 March 2016

**To:** Alaska Department of Fish and Game  
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**From:** L. Tiel Smith, Benjamin Smith, Alec Smith, Erin Smith  
Silke Smith, Lyle Smith, Niel Smith, Kaleb Smith

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We are responding to Proposal 59 regarding the coastal erosion proposal to the Naknek-Kvichak north-eastern boundary line. We are the owners of the adjacent net locations and have been closely involved and following these erosion discussions.

### Background

The Armstrongs and Smiths have been neighboring fishing families since the mid-1950's. Dick Armstrong obtained his net location on the east side of the Kvichak River from the watchman of the Graveyard Point Cannery; it was the first net location south of the north-eastern boundary line. Lyle Smith took ownership of the second net location down from the boundary line. The two men fished independently but from time-to-time partnered. They had grown up together since childhood and were close friends. Off season, they spent time together, and their families continued to be intertwined, with the children growing up side-by-side.

As time progressed, more net locations were added south of the boundary line. Referencing DNR SFDI-1333, Tract A was unleased, Tract B is Smiths, Tract C was unleased, and Tract D is Smiths. However, in the signature block Tract A was signed by Richard Armstrong, Tract B by Lyle Smith, Tract C by Curt Armstrong, and Tract D by L. Tiel Smith.

### Coastal Erosion Criteria

1. Erosion Related: Tracts A - D and others as shown in DNR SFDI-1333 have been subject to erosion impacts and loss of lease track area.
2. Historical Site Usage: There is historical evidence of survey and platting identified in DNR SFDI-1333 that suggests that some track users tried to legally establish net location usage while others didn't. We are the owners of Tract B and D. We have been leasing these sites consistently since the adoption of the DNR SFDI-1333 plat and have made every effort to comply with the intent of the shore-fish lease program. The owners of

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Tract A and C have little to no prior shore-fish lease evidence to establish legal historical usage—the legally required process of every fisherman.

3. *Adverse Effects on Historical Fishing Area*: The inclusion of any additional sites would adversely impact the economic profitability of adjacent sites *and* the placement of future shore-fish lease and plating. Furthermore, it would adversely impact the economic profitability of adjacent and downstream sites.
4. *Number of Sites Effect*: Proposal 59 would change the number of sites as shown in DNR SFDI-1333.
5. *Salmon Escapement and Allocation Impact*: If an erosion exception proposal is entertained then the escapement and allocation would be adversely impacted under the current management allocation plan in that area.
6. *State Statute and Regulations Conformation*: We and others have already stated in previous letters and testimony that we do acknowledge Tracts A – D as shown on DNR SFDI-1333 but nothing additional.

### Recommendation

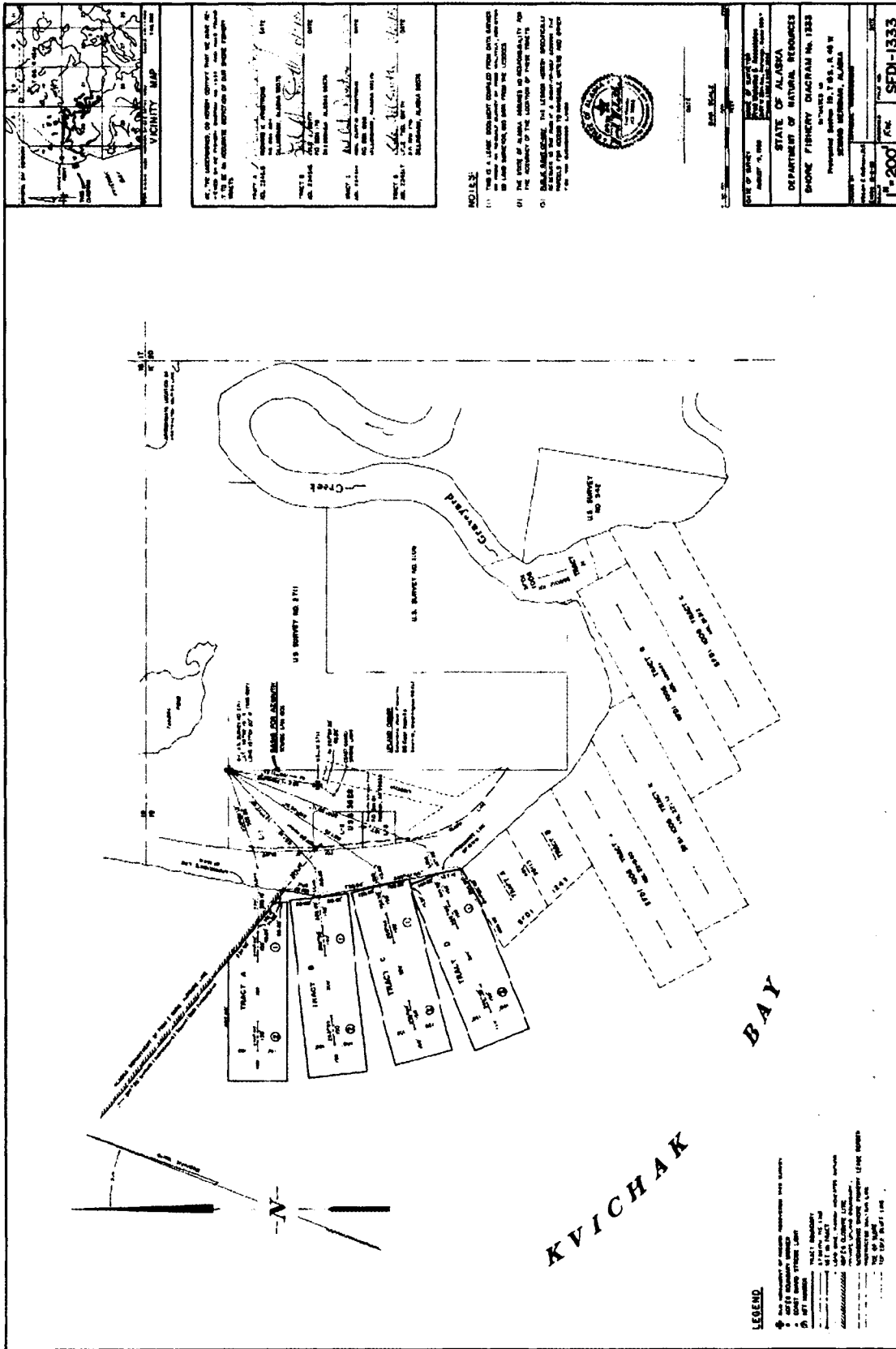
We would support a north-eastern boundary line change that accommodates the owners of Tracts A and seaward as shown in DNR SFDI-1333 for current and future erosion issues. We do not support any other full or partially claimed sites or leased net locations.

### Evidence

- *Attachment*: DNR Shore Fishery Diagram SFP-1333 (SFDI-1333)
- *Survey Plat Link*: <http://dnr.alaska.gov/gis/raster/dnr/surveys/20000731/00020487.pdf>

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