

Response to Suggested Proposal 59

Smith/Ten Kley

RC 015

Date: 1 December 2015

To: Alaska Department of Fish and Game
Boards Support Section
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From: L. Tiel Smith, Benjamin Smith, Alec Smith, Erin Smith
Silke Smith, Lyle Smith, Niel Smith, Kaleb Smith
Reid Ten Kley, Eike Ten Kley

We are responding to Proposal 59 regarding the change to the Naknek-Kvichak north-eastern boundary line at Graveyard Point, which includes two set-net locations. We are the owners of the neighboring net locations.

Background

Family history as shared by the Armstrong and Smith families is that back in the mid-1950's, Dick Armstrong obtained his net location on the east side of the Kvichack 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 below the boundary line. The Vantrease family (later to become the Ten Kleys) began to gain some net locations. Then both the Armstrong and Smith families each gained an additional net location further down from the boundary line so that the net locations finally laid out Armstrong, Smith, Armstrong, Smith, Vantrease, Vantrease, and so on.

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Issue

Instead of 1980 as stated in Proposal 59, it was during the early-1990's, based on a journal entry and several personal recollections, that the Armstrongs added an additional net location above their first on the north-eastern boundary line. They initially referred to it as a half-site net location.

Earlier however, the State of Alaska had initiated the Department of Natural Resources Shore Fishery Leasing Program for Commercial Set Net. The Armstrong's two net locations referenced in Proposal 59—the original mid-1950's net location and the newer early-1990's net location—as well as their prior net location further down from the boundary line, were not established within the shore fisheries lease program, while all the other adjacent net locations were surveyed, recorded, and leased from the State of Alaska by their owners.

Statement

The Armstrongs are our dear friends and so this is a difficult action for us to provide comment.

We acknowledge the mid-1950's net location on the north-eastern boundary line as it has been historically established. However, we do not endorse moving the boundary line to include the newer early-1990's net location located above what was widely known to be the north-eastern boundary line.

The inclusion of the newer early-1990's net location has had an economic impact on a number of the adjacent net locations over the years. It has limited the amount of fish caught for several of the net locations south of the north-eastern boundary line.

Final Recommendation: We would support a north-eastern boundary line change that accommodated the Armstrong's initial mid-1950's net location. We would not support moving the north-eastern boundary line to include the newer early-1990's net location.

Evidence

- *Attachment:* DNR Shore Fishery Diagram SFP-1333 (SFDI-1333) which includes the signatures of Dick Armstrong, Lyle Smith, Curt Armstrong, and L. Tiel Smith. Dated August 19, 1988. All four original net locations of the Armstrongs and Smiths, with the Armstrong's mid-1950's track on the farthest eastern boundary line, are included in the survey. The Armstrong's newer early-1990's net location is not included in the survey.
- *Survey Plat Link:* <http://dnr.alaska.gov/gis/raster/dnr/surveys/20000731/00020487.pdf>

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I submit these statements and affirmations as if given under oath.

THIS IS TO CERTIFY that on this _____ day of March 2015, before me, the undersigned Notary Public in and for Alaska, personally appeared L. Tiel Smith, known to me and to me known to be the signatory described herein and who executed the foregoing document and he acknowledged to me that he signed the same as his free and voluntary act and deed, for the uses and purposes therein stated.

Notary Public in and for Alaska

My commission expires: _____

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