

December 2, 2022

From: Joseph Faith

Re: Comment Regarding Proposal 41

1. An independent, impartial surveyor should conduct the survey here. The Board should also table this proposal until at least that survey can be completed.

The proposal says that “The outer boundary survey would be conducted by a professional land surveyor, registered in the State of Alaska, using established benchmarks. The survey will be based upon the NOAA tidal benchmark at Clarks Point, designation 946 5621 B, set 1.399 meters above mean high water.” I thought this meant an independent, impartial surveyor would conduct the survey. We weren’t told it was going to be one of the proposers. Then two weeks before the meeting, it’s one of the proposers.

I’m not a surveyor. It’s difficult to figure things out and takes time. The initial waypoints in PC 55 only showed a small section of the area in the proposal. We only received the revised Waypoints on December 1, 2022 (RC 76).

The board should table this proposal until an independent, impartial surveyor can complete a survey.

2. What are the latitude and longitude coordinates for the 2022 mean high water line? I don’t see any coordinates for the mean high water line in RC 76, only for the proposed boundary line. The mean high water line needs to be established. It should be established for every tract like it shows in the lease diagrams. Corners should not be cut to give additional fishing grounds to the set netters.

I also don’t know how a person figures out the distance between the two lines without knowing the coordinates for both the mean high water line and the proposed boundary line.

3. Does the proposed boundary create a line that can’t be crossed by anybody with a net, like the south and north lines? If so, this strongly appears to create a reserve for an exclusive class of about 35-70 permit holders who hold the set net tracts. Nobody can fish inside the boundary, except the people with the set net tracts who can exclude others from fishing there. The allocation will also predictably guarantee a share of the allocation to only this group of set net tract holders because they will have no competition. Set netters from other districts don’t transfer to the Nushagak because the prime set net tracts have already been taken. There’s also a 48 hour rule to discourage any other set netter from transferring to this area.

It also appears that there will be many miles from the south line to the first set net site where drift boats won’t be able to fish even if no set netter is fishing there. This will create a reserve tailored for the Ekuk set netters. It will create a 1100 foot pipe line to feed fish from the south line where there are no leases for miles until they come to the first lease site.

All these circumstances together risk impinging too much on the common use and no exclusive fishery clauses of the Alaska constitution.

4. With all due respect to one of the people listed in RC 75, his interests align closely and strongly with the set netters from Ekuk, rather than drift netters, in this proposal. He is a drift netter. But with his lifelong connections to Ekuk including being the President of the Ekuk Village Council, his interests are effectively the business interests of the Ekuk community and its members which includes his family and friends.