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*Attorneys for United Cook Inlet Drift Association and  
Cook Inlet Fishermen's Fund*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED COOK INLET DRIFT  
ASSOCIATION and COOK INLET  
FISHERMEN'S FUND,

Plaintiffs,

v.

NATIONAL MARINE FISHERIES  
SERVICE ET AL.,

Defendants.

Civil Action No.: 3:21-cv-00255-JMK

**DECLARATION OF ERIK  
HUEBSCH**

I, Erik Huebsch, hereby declare and state:

1. I am over the age of 18 and not a party to this action. I know these facts of my own personal knowledge and would competently testify to them if called as a witness.

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2. I am a commercial fisherman and live in the town of Kasilof, a small fishing community near where the Kasilof River enters Cook Inlet. I own and operate a drift gillnet fishing boat and a limited entry permit that allows me to participate in the Cook Inlet drift gillnet salmon fishery. I fish predominately in Cook Inlet and have done so since 1977. I am married; my wife and I have fished together since 1992, and commercial salmon fishing is a primary source of our income.

3. The majority of my commercial fishing takes place in the federal waters in the exclusive economic zone (“EEZ”) in Cook Inlet. Most of my commercial harvest of salmon occurs there, and the ability to fish in the EEZ is a necessary part of my commercial fishing business’s survival. Commercial fishing is my family’s livelihood, but it is also our way of life. Our ability to participate in and derive our income from the seasonal Cook Inlet salmon fishery impacts nearly every aspect of our chosen lifestyle. Amendment 14’s closure of the EEZ will likely end my family’s ability to participate in the fishery.

4. I am a member of and currently serve on the Board of Directors for the United Cook Inlet Drift Association (“UCIDA”), one of the plaintiffs in the above captioned litigation. I also currently serve as the Vice President of UCIDA as I have for over ten years. UCIDA’s mission is to promote public policy that facilitates the science-based and orderly harvest of Cook Inlet salmon in a manner that is economically and ecologically sustainable and that protects commercial salmon fishing in Cook Inlet as a viable way of life. UCIDA and its members are committed to the protection of the environment of Cook Inlet, and to ensuring that its marine resources—most crucially salmon—are both managed and conserved to enhance the health and productivity of the ecosystem.

5. UCIDA represents the interests of the 570 commercial salmon drift permit holders who fish in the Cook Inlet commercial salmon fishery. These fishermen make

their living by commercial fishing and hold State of Alaska limited-entry permits (meaning permits can no longer be issued, and are fully allocated), which authorize them to catch all five species of salmon: sockeye, coho, chinook, chum, and pink. Historically, the majority of drift gillnet fishing by UCIDA's members in Cook Inlet occurs within federal waters in the EEZ. The closure of the EEZ will have the same negative impact on UCIDA's member's ability to participate in the fishery as it will have on mine.

6. Drift gillnet boats are small-scale fishing operations, typically crewed by one to three persons. Each fishing operation represents a substantial investment in the boat, gear, and the permit itself. Each boat is generally allowed to deploy a single 900-foot-long gillnet. The gillnet is suspended in the water column by floats (called "corks") as the boat and net drift with the current—hence the name "drift gillnet." After the gillnet is allowed to "soak" in the water for a length of time (while the boat and net drift with the current), the gear is hauled in, and the fish are removed and placed on ice in the boat's hold. At the end of each fishing period those fish are transported to, and offloaded at, one of Cook Inlet's local seafood processors in fishing communities such as Kenai, Kasilof, Ninilchik, or Homer. After processing, these salmon are delivered throughout the United States and around the world. In addition to permit holders, UCIDA has approximately 65 associate members including fish processors, gear suppliers, crew members, and other interested members of the community.

7. Among other activities, UCIDA regularly participates in the Alaska Board of Fish ("Board") proceedings, by presenting testimony, filing proposals, and attending Board meetings. UCIDA also coordinates closely with the Alaska Department of Fish and Game and the seafood processing industry to promote regulations that protect the quality of commercial fishing and thus both the quality and quantity of the harvest yield in the Cook Inlet fishery. UCIDA similarly is an active participant in the public portion of the North Pacific Fisheries Management Council's (the "Council") and the National

Marine Fisheries Service's ("NMFS") meetings and decision-making process. I was personally actively involved in the Council process leading to Amendment 14, and I was selected to be a member of the Council's Salmon Stakeholder Committee.

8. The other UCIDA members and I have long been concerned with the State's management of salmon fisheries in Cook Inlet. One of our principal concerns is that the State is not managing these fisheries consistent with the Magnuson Stevens Fishery Conservation and Management Act ("MSA"), and the maximum sustainable yield principles or best scientific information requirements contained therein. The nature of those concerns is detailed in the comment letters submitted by UCIDA and its members to the Council, NMFS, and public testimony given at the Council hearing. The State's mismanagement and failure to abide by the MSA's requirements has resulted in tremendous economic harm, reduced run sizes, over escapement, the waste of numerous salmon, smaller average fish size, and overall harm to the health of the fishery.

9. On November 3, 2021, NMFS finalized its approval of Amendment 14 to the Cook Inlet Fisheries Management Plan. This is the latest chapter of NMFS's and the State of Alaska's continued failure to abide by the law in managing the Cook Inlet salmon fishery. Amendment 14 immediately and permanently closes all commercial salmon fishing within federal waters in the EEZ in Cook Inlet and defers all management for salmon in Cook Inlet to the State of Alaska. This closure will severely impact and irreparably harm my ability to fish this summer. This will cause me financial hardship from lost fishing opportunities, but more importantly it will likely make my participation in the Cook Inlet salmon fishery unfeasible, which will upend my family's way of life. These harms will likewise be experienced by UCIDA's membership and other stakeholders relying on and historically benefiting from the Cook Inlet salmon fishery. The closure will cause harm to my community and other coastal communities in this region that are all heavily reliant on the economic and cultural values of the commercial

seafood industry, as they have been for many decades. Virtually all interested parties agree that Amendment 14 will have a severe adverse impact on those who depend on the Cook Inlet salmon fishery.

10. The closure of the fishery will cause havoc and irreparable harm to the 2022 salmon season fishery that begins on June 20, 2022. There has never been an attempt by the State of Alaska to manage the commercial fishery only in state waters, without the benefit of fishing and harvests from the EEZ, and the state has no management measures in place to address this scenario. The closure of the EEZ will result in lost harvest opportunity and a huge reduction in offshore and early-season harvest. These losses cannot be made up in state waters for numerous reasons related to the timing and nature of the salmon returns in Cook Inlet, the capacity of both harvesters and processors and the current state management regulations that prohibit drift gillnetting in a large portion of the state waters during the time periods that harvestable salmon move through those areas. The inevitable under-harvest of these anadromous fish will also generate future irreparable harm to their populations as scientifically determined “escapement goals” for populations of salmon will be grossly exceeded. As a result, the spawning areas will be overwhelmed, and excessive juvenile salmon will deplete the food sources and starve in the freshwater lakes where they live before returning to the ocean.

11. The immediate reason UCIDA filed the above captioned lawsuit was to stop the closure of the EEZ this coming summer, and to compel NMFS to stop allowing the State to mismanage the Cook Inlet salmon fishery to its extinction. UCIDA has filed similar lawsuits in the past, and although it is not UCIDA’s preferred approach, it aligns with its organizational purpose and has been required in circumstances where NMFS and the State will not abide by the law. The lawsuit also challenges NMFS’s and the Council’s failure to follow proper procedures in creating and implementing Amendment 14. The procedures are in place to ensure that what happened with



Amendment 14—uniform public and stakeholder opposition that was not addressed or accounted for—does not occur in the rule making process. UCIDA’s members and I were deprived of our ability to meaningfully engage in the required public process for the creation of Amendment 14 because NMFS, the Council, and the State engaged in rule making by deceit where the preferred alternative for four years was replaced at the last minute with an alternative that would close the fishery. If the court grants UCIDA’s requested relief, preventing the closure of the EEZ, the immediate harm to my ability to fish this summer would be avoided. Further, NMFS, the Council, and the State would be required to follow proper procedures in creating an alternative to Amendment 14, considering and relying on the best scientific evidence, the economic impacts of the alternative, and other principles established by the MSA and the National Environmental Policy Act (“NEPA”) for the continued health and viability of the fishery.

12. As mentioned above, the broader reason for UCIDA’s lawsuit is that under State’s unilateral management, there is no future for the commercial salmon fishery in Cook Inlet. NMFS and the Council did not properly analyze the impacts of the closure on the fishery resource, resulting in a decision that was uninformed. In 2016, the Ninth Circuit directed NMFS to stop shirking its duty and to issue a fishery management plan for the entire Cook Inlet salmon fishery. NMFS has failed to abide by the Ninth Circuit’s order, instead opting to close the fishery—fully deferring management of the fishery to the State, but not under the principles outlined in the MSA—rather than create a plan for the management of the fishery that ensures its continued health and sustainability. If UCIDA prevails in this lawsuit, and the court orders NMFS and the State to manage the fishery in line with the principles set out in the MSA, the health of the fishery can be preserved. The relief UCIDA seeks is vital to my ability to fish this coming summer, my family’s way of life, and the continued viability and health of the fishery and the seafood industry in south-central Alaska.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 3, 2022.

  
Erik Huebsch

**CERTIFICATE OF SERVICE**

I hereby certify that on February 7, 2022, I filed a true and correct copy of the foregoing document with the Clerk of the Court for the United States District Court, District of Alaska by using the CM/ECF system.

/s/ Jason T. Morgan  
Jason T. Morgan, AK Bar No. 1602010