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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.

and

STATE OF ALASKA,

Intervenor-Defendant.

UNITED COOK INLET DRIFT  
ASSOCIATION, et al.,

Plaintiffs,

v.

NATIONAL MARINE FISHERIES  
SERVICE, et al.,

Defendants.

**DECLARATION OF ERIK HUEBSCH**

Civil Action No.: 3:24-cv-00116-SLG  
LEAD CASE

Case No. 3:24-cv-00154-SLG  
CONSOLIDATED

I, Erik Huebsch, hereby declare and state:

*United Cook Inlet Drift Association, et al. v. NMFS, et al.*  
Case No. 3:24-cv-00116-SLG

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.

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. 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.

3. 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.

4. 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. Some of these permit holders now also hold federal permits to fish in the “Cook Inlet EEZ Area fishery.” Historically, the majority of drift gillnet fishing by UCIDA’s members in Cook Inlet occurs within federal waters in the EEZ.

5. Drift gillnet boats in Cook Inlet 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 25 associate members including fish processors, gear suppliers, crew members, and other interested members of the community.

6. 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—to the extent permitted—in the processes leading to Amendment 16 and the harvest specifications.

7. 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 millions of salmon each year, smaller average fish size, and overall harm to the health of the fishery.

8. On April 30, 2024, NMFS finalized its approval of Amendment 16 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 16 splits Cook Inlet into two fisheries: a federal waters fishery and a state waters fishery. Rather than coordinate those fisheries together, Amendment 16 ensures commercial fishermen can participate in only one. Amendment 16 enforces an unnatural jurisdictional line as a fishing boundary. It requires expensive investments to participate in the federal-waters fishery, and it prevents fishermen from making a decision of where to fish based on what is best for their businesses and safest for their crews.

9. Amendment 16 severely impacted and harmed my ability to fish this summer by increasing my risks and costs to participate in the fishery and by reducing my available fishing area by approximately 50%. This harm will continue in the future if it is not vacated. It caused 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 loss of the commercial fishery in Cook Inlet 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.

10. The reason UCIDA filed the above-captioned lawsuit was 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 16. The procedures are in place to ensure that what happened with Amendment 16—uniform public and stakeholder opposition that was not addressed or accounted for—does not occur in the rule making process. If the court grants UCIDA's requested relief, vacating Amendment 16 and the resulting harvest specifications and requiring a lawful FMP amendment, the immediate harm to my ability to fish this coming summer would be lessened. Further, NMFS, the Council, and the State would be required to follow proper procedures in creating an alternative to Amendment 16, considering and relying on the best scientific evidence, the economic impacts of the alternative, and other principles established by the MSA for the continued health and viability of the fishery.

11. 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. 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 issuing a management plan for only part of the fishery and fully deferring management of the fishery to the State, but not under the principles outlined in the MSA. If UCIDA prevails in this lawsuit, and the court orders NMFS 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: November 5, 2024.

A handwritten signature in black ink, appearing to read "Erik Huebsch", written over a horizontal line.

Erik Huebsch

*United Cook Inlet Drift Association, et al. v. NMFS, et al.*  
Case No. 3:24-cv-00116-SLG

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## CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2024, 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. Participants in this Case No. 3:24-cv-00116-SLG, who are registered CM/ECF users, will be served by the CM/ECF system.

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State of Alaska*

/s/ Connor R. Smith  
Connor R. Smith