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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
(Eugene Division)

NEWPORT FISHERMEN'S WIVES, INC.,
an Oregon nonprofit corporation, **CITY OF**
NEWPORT, LINCOLN COUNTY and
PORT OF NEWPORT,

Plaintiffs,

v.

UNITED STATES COAST GUARD, an
agency of the United States Department of
Homeland Security,

Defendant.

Case No.

**DECLARATION OF DON BAKER IN
SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION**

I, Don Baker, being sworn, say:

1. I am the fire chief for the North Lincoln Fire & Rescue District #1 and have held that position for the last 20 years. I reside in Lincoln City, Oregon and make this declaration based upon my own personal knowledge.

2. The North Lincoln Fire & Rescue District #1 includes seven miles of coast line that is one of the busiest tourist areas on the Oregon coast. Our jurisdiction includes the mouths of both the Salmon and Siletz Rivers, Devil's Lake and the D River wayside, which is the single busiest wayside on the Oregon coast.

3. Our fire and rescue district is a combination department with eight full time staff and 60 volunteers. Of this group of volunteers, six are certified to participate in our water rescue team. In addition to firefighting equipment, we maintain a complement of equipment for surf and water rescue. This equipment includes three Kawasaki jet skis, two beach rescue vehicles with multiple pieces of equipment such as an ocean-going kayak and an inflatable raft. Neither our district nor any other in Lincoln County has access to a rescue helicopter other than the one at the Newport Air Station with its overhead hoist capability, which has proven so critical in many types of situations. We are all entirely dependent upon on the hoist capability of the Coast Guard's rescue helicopter.

4. Ever since the Coast Guard established its Newport Air Station in 1987, it has played a critically important role in our work as first responders in rescue situations. The presence of the rapid response MH-65 Dolphin helicopter at the Coast Guard's Newport Air Station enables our personnel to engage in water rescue emergencies more rapidly knowing that the Coast Guard helicopter and its highly trained crews are available to assist in a timely manner. At present, part of our written safety protocol includes contacting the Coast Guard whenever we launch our Surf Rescue Personal Watercraft (PWC), which are Kawasaki jet skis. It is our standard policy in high surf and severe weather conditions not to launch a surf rescue PWC until we have visually confirmed the location of the victim or victims. This must occur usually from a

high vantage point on land or from the air by the Coast Guard's rescue helicopter. One of our jet skis can be in the open ocean and within several feet of a victim but not be able to see that victim even in relatively small ocean swells.

5. In my experience, our fire and rescue district has no greater tool for spotting victims in the water or in hard to reach cliff locations than the Coast Guard rescue helicopter. In a special section of the *Newport News Times* that was published late last week, there is an article comparing the difference between the rescue capability on Oregon's central coast in 1981 compared to 22 years later in 2003. A copy of that article is attached as Exhibit A. Both situations involved a teenage girl who was swept out to sea by a rip current while recreating in chest deep water off the beach at the highly popular Beverly Beach State Park. In the first case in 1981, the lack of air rescue capability resulted in a tragic death. In 2003, with the Coast Guard's quick response rescue helicopter, we had a happy ending and the teenager was saved.

6. In our experience, the Coast Guard rescue helicopter is also an important component of preventing or minimizing potential pollution from adrift or capsized vessels. As recently as July 2012, the Coast Guard rescue helicopter was used to spot an oil sheen in the vicinity of a grounded 48-foot fishing vessel along the north jetty at the entrance to Yaquina Bay. In connection with that incident, the helicopter was able to observe a 50 by 100-foot sheen along the ocean side of the jetty and determined that it was rapidly disbursing and not recoverable. This type of quick pollution threat assessment information puts the Coast Guard and other first responders in a position to quickly evaluate a developing pollution threat and then coordinate the right type of pollution response equipment such as booms and the ordering of divers to perform the removal of fuel and mitigate pollution.

7. In my long experience focused on public safety issues related to rescue situations, there is no question in my mind that the loss of the Newport Air Station will dramatically increase the potential for death from hypothermia to our commercial fishermen, surfers and recreational ocean users. We will also lose the rapid response that we have had over the last 27 years in non-water rescues such as lost or injured hunters, steep angle cliff rescues and the extraction of seriously injured loggers in difficult terrain. Where minutes count in these emergency situations, the loss of the Coast Guard rescue helicopter will convert many situations that would have been successful rescues into body recovery missions.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED this 24 day of November, 2014.



Don Baker

Utah girl drowns off Beverly Beach

June 13, 1981

The body of a Utah teenager, swept out to sea at Beverly Beach State Park Saturday afternoon, was recovered about 6 a.m. Sunday.

Coast Guard personnel from the Depoe Bay Station recovered the body of 17-year-old Gloria Ann Richards in nearly the same area she was last seen on the beach, according to Depoe Bay Fire Chief Jay Williams.

Richards and her parents, Mr. and Mrs. Aaron F. Richards of Farmington, Utah, were camping at the park located about five miles north of Newport at the time of the incident.

According to the Depoe Bay Coast Guard, the family had taken a walk to the beach Saturday after setting up their recreational vehicle for the night.

The girl and an unidentified person, possibly her brother, went to play in the surf before a riptide hit the beach. She

was taken out to sea, while the other person reached the beach safely.

Coast Guard personnel from the Depoe Bay and Yaquina Bay stations, aided by firemen from Newport and Depoe Bay departments, responded to the 4:50 p.m. Saturday call that two persons were in the surf, according to the Yaquina Bay Station spokesman Kim Brown.

Both Coast Guard stations responded with beach parties, equipped with surfboards and wetsuits, plus 44-foot motor lifeboats. A helicopter from North Bend Air Station also was summoned to the scene.

By the time the first Coast Guard search unit arrived at the beach, about 5 p.m., Richards had been swept to sea, Brown said.

Brown said a heavy undertow existed during the receding tide late Saturday afternoon. Seas

were four to six feet, with winds blowing at 20 knots with good visibility at the time of the search, he said.

Williams said the girl was seen nearly a half hour after the search unit arrived. However, a lifeboat could not reach her before her body disappeared into the surf because of the shallow water.



**Gloria Ann
Richards, 17**
of Farmington,
Utah

Drowned off of
Beverly Beach,
June 17, 1981.

A Coast Guard
lifeboat was
unable to
reach her due
to shallow
water.

Teen saved near Beverly Beach

July 14, 2003

Coast Guard crews rescued a 16-year-old Washington girl near Beverly Beach on Monday afternoon, after she and another youth were swept offshore by strong currents.

The Coast Guard received a call at 2:08 p.m. from Lincoln County dispatch requesting assistance for two people in the surf between Otter Rock and Beverly Beach. The Coast Guard responded with rescue boats from Depoe Bay and Yaquina Bay in Newport.

Tiffany Eliason, 16, of Bainbridge Island, Wash., was located in chest-deep water in surf just north of Beverly Beach, while her companion was able to return to the shore.

The rescue boats were unable to reach Eliason in the surf because of the shallow water, which led to a Coast Guard helicopter being dispatched from Newport. It arrived minutes later and located Eliason. A rescue swimmer was deployed from the helicopter, and placed her in a recovery basket.

According to the Coast Guard, Eliason was treated for mild hypothermia at Samaritan Pacific

Communities Hospital in Newport and released that afternoon.

Approximately 20 Coast Guard crewmembers responded to the scene.

Lt. Kenny Eller of Air Station North Bend said the girls were reported to have been playing in chest-deep water, and were in an beach area known to have dangerous riptides.

"The waters here are dangerous and cold, even on warm days" Eller said. "And a nice, warm day doesn't make the ocean any less dangerous, and any less cold."

In related incidents, two more beach rescue calls came in Tuesday - one in the late afternoon at approximately the same spot as Monday's incident, with all involved getting to shore on their own.



Tiffany Eliason, 16 of Bainbridge Island, Wash.

Rescued off of Beverly Beach by Newport Coast Guard Helicopter crew July 16, 2003

Newport Coast Guard helicopter facility dedicated Jan. 21 1994. Previously a temporary station was established in 1987.