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Attorneys for Plaintiffs

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

Case No. 6:14-cv-1890-MC

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

Plaintiffs,

v.

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

Defendant.

**THIRD DECLARATION OF GINNY**  
**GOBLIRSCH IN OPPOSITION TO**  
**DEFENDANT'S MOTION TO DISMISS**

I, Ginny Goblirsch, being sworn, say:

1. This declaration is based upon my own personal knowledge and supplements my prior declarations on file in this case (at Docket Nos. 7 and 23).

2. Quite frankly, I was shocked to see the declaration of Captain Christopher Martino in support of the Coast Guard's Motion to Dismiss in which he attempts to blatantly

rewrite the history of the Coast Guard's decision last fall to close the Newport Air Station. In his declaration (Dkt. No. 37), Captain Martino states that, before the passage of federal legislation on December 18, 2014, the Coast Guard had only "considered ceasing operations" of the rescue helicopter, but that the Commandant never officially took this action. He also repeatedly refers to the Coast Guard action as only a "proposal," characterizing it as "the now-abandoned proposal" and a "proposed cessation of operations." It is important to point out that Captain Martino does not claim to have been involved in any of the actual decision-making or the communications with the Newport Fishermen's Wives or any of the other stakeholder organizations in Newport. He also makes his multiple statements about the Coast Guard's decision-making process despite having no personal involvement other than heading up the office that "oversaw the planning associated with the removal of resources" following the passage of the Fiscal Year 2014 Appropriations Act. As demonstrated below, none of Captain Martino's claims about the "proposed" character of the Coast Guard decision or its effort to discuss a so-called proposal with stakeholders in Oregon is accurate.

3. I previously testified that when the Coast Guard first raised the possibility of closing its Newport Air Station in testimony before Congress in March 2013, our concerned Oregon congressional delegation – which understands the need for timely search and rescue (SAR) capability for our cold water emergencies – followed up and received assurances that the Newport Air Station would remain open through 2015.

4. The first point in time when our organization or anyone within the greater Newport community learned that the Coast Guard had decided to close the Newport Air Station was on October 2, 2014 when Newport Fishermen's Wives, Inc. received the email that is

attached as Exhibit A. That email attached the letter of the same date that is Exhibit B. The email notes that the Coast Guard "will close its Air Facility in Newport" on December 1, 2014 and the attached letter states unequivocally that "the Coast Guard has decided to close our air facility in Newport, Oregon on November 30, 2014." There is nothing about either of these communications that remotely suggests that the Coast Guard is making a "proposal to cease helicopter operations" on which it seeks local stakeholder input.

5. After the Coast Guard issued the October 2, 2014 email and letter notices, our community took action and organized meetings of local stakeholders that Coast Guard representatives attended only reluctantly and after making clear that the decision to close the Newport Air Station had been made, was final and was out of their hands. The statements in Captain Martino's declaration that the Coast Guard "hosted a stakeholders meeting" on October 15, 2014, and that the Coast Guard "hosted a town hall meeting" on October 20, 2014 are just not true.

6. The stakeholders meeting that was held on October 15, 2014 in Newport was organized by the City of Newport, the Port of Newport and Lincoln County. I attended the meeting, at which the Coast Guard – which had been invited to attend and was represented by U.S. Sector North Bend Commander Todd Trimpert – told us the Coast Guard would not be attending the town hall meeting on October 20, 2014.

7. The town hall meeting on October 20, 2014, which I also attended, was organized by the City of Newport, the Port of Newport and Lincoln County, not by the Coast Guard. A copy of the press release issued by the City, the County and the Port is attached as Exhibit C.

The Coast Guard reversed course and showed up, but only after it was pressured to do so by representatives of the Oregon congressional delegation.

8. The Coast Guard was represented at the October 20, 2014 town hall meeting by Admiral Richard Gromlich. At the meeting, Admiral Gromlich stated that the closure of the air station was authorized by the 2014 appropriations bill and he emphasized that it was a final decision that had been made by the Commandant of the Coast Guard. His testimony was taped and transcribed by personnel at the City of Newport. Regarding the finality of the Coast Guard decision, Admiral Gromlich did not mince words:

But those decisions are tough ones and they're made at the highest levels of our organization, and in this case, the final decision to close those air facilities was made by the Commandant of the Coast Guard. The air facility here in Newport will close on the thirtieth of November, and, even at my level of the Coast Guard, as the Congressman alluded to, I can't do anything about that as far as the closure date or offer to delay the closing in any way. I've got to carry that out.

A copy of the transcript of Admiral Gromlich's testimony is attached as Exhibit D with the quoted material highlighted.

9. Given the Coast Guard's continuing effort to reshape the facts in this case to its benefit, I fear the Coast Guard will again, in the foreseeable future, seek to close the Newport Air Station based on a categorical exclusion decision that ignores the likely presence of extraordinary circumstances and is therefore illegal. This fear has only been heightened by recent input we have received from Congressman Kurt Schrader's staff.

10. As noted in the email attached as Exhibit E, the budget recently submitted by President Obama continues to list the Fiscal Year 2014 reduction of 28 personnel from Newport and Charleston as continuing through both Fiscal Years 2015 and 2016. If the budget request for

the Coast Guard passes as requested, there will not be any funding for the Newport Air Station in the final nine months of Fiscal Year 2016, which covers the period of January 1 through September 30 of 2016. As Exhibits A and B state, the Coast Guard tied its decision to close the Newport Air Station in its October 2, 2014 communications to the Fiscal Year 2014 Appropriations Act. If the Coast Guard is successful in securing language in the 2015 appropriations bill reauthorizing closure of the Newport Air Station, I have every expectation that the Coast Guard will simply implement the same decision with what the agency claims is a new categorical exclusion. Our organization and others on Oregon's central coast will be working hard to convince Congress not to adopt language authorizing closure of the Newport Air Station in this year's appropriations bill, but the outcome of that legislative process is hard to predict.

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

DATED this 9 day of February, 2015.

  
Ginny Goblirsch

## CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of February, 2015, I served the foregoing **THIRD**

**DECLARATION OF GINNY GOBLIRSCH** on the following:

Sean C. Duffy  
United States Department of Justice  
Environment & Natural Resources Division  
Natural Resources Section  
P.O. Box 7611, Ben Franklin Station  
Washington, D.C. 20044-7611

by the following indicated method(s):

- by **mail** with the United States Post Office at Portland, Oregon in a sealed first-class postage prepaid envelope.
- by **email**.
- by **hand delivery**.
- by overnight mail.
- by **facsimile**.
- by the court's Cm/ECF system.

/s/Michael E. Haglund

Michael E. Haglund

-----Original Message-----

From: Trimpert, Michael T CAPT  
Sent: Thursday, October 02, 2014 11:13 AM  
To: [newportfishermenswives@gmail.com](mailto:newportfishermenswives@gmail.com)  
Cc: Trimpert, Michael T CAPT  
Subject: USCG Air Facility Newport Closure

Good Morning Ma'am -

I am writing this morning to notify you that on December 1, 2014, the US Coast Guard will close its Air Facility in Newport. As part of this closure, the Coast Guard will consolidate aviation response operations for Search and Rescue and other missions in North Bend and no longer have an aircraft at the Newport airport full time.

I have attached a letter from the Commander of the Coast Guard's Thirteenth District, RADM Gromlich, that explains the Coast Guard's basis for closure in greater detail. While you will receive a hard copy of this letter shortly, the Coast Guard is planning to release this information to the press tomorrow and I wanted to ensure that we had an opportunity to communicate prior to media notification.

The Coast Guard has had a long and distinguished relationship with your organization. With full realization that you and your members may have many concerns, I am available at your convenience, via phone or in person, to discuss this issue further.

Very Sincerely,

CAPT Todd Trimpert  
Sector Commander  
USCG Sector North Bend  
2000 Connecticut Ave  
North Bend, OR 97459  
[541-756-9253](tel:541-756-9253) (Desk)  
[541-991-0007](tel:541-991-0007) (Cell)  
[541-756-9210](tel:541-756-9210) (Command Center)



5730

OCT 02 2014

Mr. Lance Vanderbeck  
Newport Airport Operations Manager  
135 SE 84<sup>th</sup> St.  
South Beach, OR 97366

Dear Mr. Vanderbeck:

I am writing to notify you, as authorized in the Consolidated Appropriations Act of 2014, the Coast Guard has decided to close our Air Facility in Newport, Oregon on November 30, 2014. This facility is a detachment of Coast Guard Sector North Bend. Aircraft and crews from North Bend deploy to Newport for Search and Rescue (SAR) and other operations.

Through targeted investment in vital recapitalization projects, the Coast Guard has significantly improved our SAR response posture. Specifically, we have deployed the Coast Guard's Rescue 21 communications and distress calling system, which provides us with significantly improved detection capability, as well as the ability to use radio signals to more efficiently locate mariners in distress. In addition, there have been improvements in safety and survival equipment that greatly increase the chance of survival and detection for imperiled mariners. Given these improvements in the overall SAR system, the Coast Guard will consolidate air operations in Southern Oregon at our Air Station in North Bend while continuing to meet all national SAR response standards.

If you have any questions regarding this matter, please feel free to contact Captain Todd Trimpert, Sector North Bend Commander, (541) 756-9253 or Commander Eric Belleque, District Thirteen Chief of External Affairs, (206) 220-7236.

Sincerely,

A handwritten signature in black ink, appearing to read "R. T. Gromlich".

R. T. GROMLICH  
Rear Admiral, U.S. Coast Guard  
Commander, Thirteenth Coast Guard District

EXHIBIT A  
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EXHIBIT B  
Page 1 of 1



FOR IMMEDIATE RELEASE

**CITY OF NEWPORT, THE PORT OF NEWPORT, AND LINCOLN COUNTY  
WILL HOLD A JOINT MEETING  
REGARDING THE ANNOUNCED CLOSURE OF THE  
UNITED STATES COAST GUARD AIR FACILITY  
AT THE NEWPORT MUNICIPAL AIRPORT**

The City of Newport, Port of Newport, and Lincoln County, with support from the Oregon Coastal Caucus, will facilitate a joint meeting to allow for input from the public regarding the closure of the Coast Guard's Air Facility located at the Newport Municipal Airport. The meeting will be held on Monday, October 20, from 5:30 - 7:30 P.M., at the Oregon Coast Community College Commons, 400 SE College Way, Newport.

Representatives of the Coast Guard 13<sup>th</sup> District in Seattle, Washington; Captain Todd Trimpert, Commander of the U.S. Coast Guard Station North Bend; and Chief Warrant Officer Ryan O'Meara, Commanding Officer of the Coast Guard Station Yaquina Bay, have been invited to participate.

In addition, Congressman Kurt Schrader, and representatives from Senator Merkley's and Senator Wyden's offices are expected to participate.

The U.S. Coast Guard representatives and federal officials will be available to respond to questions and concerns expressed at the meeting. The public is invited to make comments and ask questions relating to the Air Facility at the Newport Municipal Airport.

**#####**

For media questions related to this press release, please contact: Kevin Greenwood, Port Manager, Port of Newport, at [kgreenwood@portofnewport.com](mailto:kgreenwood@portofnewport.com), or 541.265.7758, or Spencer Nebel, City Manager, City of Newport, at [s.nebel@newportoregon.gov](mailto:s.nebel@newportoregon.gov) or 541.574.0603, or Casey Miller, Public Information Officer, Lincoln County, at [clmiller@co.lincoln.or.us](mailto:clmiller@co.lincoln.or.us) or 541.265.4100.

**Admiral Richard Gromlich** thanked the Congressman. "First I want to extend thanks to the Oregon congressional delegation; your state and local elected officials; members of the City of Newport; the County; and the Port, for offering a personal invitation to me to come and join you here this evening. I also wanted to thank you all for your continued support of our Coast Guard men and women in blue. It is obvious that you care deeply. Your attendance here tonight is just one example of that. The passion that you have demonstrated when word officially got out that the air facility here in Newport was going to close is another example of how much you care for the Coast Guard and what it means. I also want to thank, particularly, the City of Newport for being a Coast Guard City - one of only 16 in the country. I believe you were the fifth one to be designated as a Coast Guard City back in 2005. Again, it shows the support that you have for our military members and their families, and I appreciate how much that means in communities along the Oregon and Washington coasts. As the Congressman said, I was fortunate to be stationed at Air Station North Bend from 1990 to 1994. For a lot of folks in this room; they weren't even born yet. I was there when we first, at least when I reported to North Bend, we were standing the duty at the air facility here in Newport out of an "old, beat up trailer." Some of you may remember that. We would leave North Bend in the morning and we would return just about dark, and then we would come back the next day. And, we'd either fly patrols or training flights, or hang out in the trailer just waiting to see if something happened. And, I was here still in 1994 when that beautiful new facility was built and we started to stand 24-hour watches seven days a week. I lived in the community of North Bend; my oldest daughter was born there. I served there. I understand what it means to live on the Oregon coast; I understand about storms that come through the area, where on the east coast, we refer to those as hurricanes, and here in the northwest, we call them winter storms. I understand about sneaker waves that rip people from the beach; I understand about rogue waves that capsize boats offshore. I understand the environment we all live in along the Oregon and Washington coasts and am committed to ensure that the Coast Guard, whatever happens, is able to respond and do what it is that we do best. The decision to close the air facility here in Newport, Oregon, as well as the air facility in Charleston, South Carolina, was actually part of the budget submission for fiscal year '14 that was submitted by the President as many of you know. The Coast Guard is authorized to close the two facilities as a part of its appropriations bill for fiscal year 14 - last year. It's a tough environment that we're living in right now. And, I know that many of you - it's just a tough, tough thing to understand when we're talking about things like sequestration, continuing resolutions like we're under right now, and declining budgets. The Coast Guard constantly has to make very, very difficult decisions, and I can tell you that in my former jobs, back in Washington, D.C., and my last job in Norfolk, that I was involved in a lot of those decisions. And, it is hard and it is personal, and rightly so; it's personal. But those decisions are tough ones and they're made at the highest levels of our organization, and in this case, the final decision to close those air facilities was made by the Commandant of the Coast Guard. The air facility here in Newport will close on the thirtieth of November, and, even at my level of the Coast Guard, as the Congressman alluded to, I can't do anything about that as far as that closure date or offer to delay the closing in any way. I've got to carry that out. I know that many of you probably came hear hoping that you would hear something different, and I'm sorry that I can't tell you anything different. But I will say that in making that decision, the Coast Guard followed a process. I think particularly when it comes to dealing with our state and local citizens, we didn't do a very good job; that

process broke down. For that I personally and truly regret the anxiety this has caused for the local citizens along the Oregon coast. But, there is a process that we followed, and there is a process that you're involved in right now to make your concerns heard so that officials higher up the chain understand the impacts of the decisions that have been made. But that's why we're here tonight as well. As you heard, there are quite honestly, there are some that don't feel that I should be standing up here. But, I think I'm the one that needs to stand up here. I need to be able to talk to; I need to hear what conditions are; I need to hear your concerns; I need to hear your comments, and I can assure you that we will listen. We have been listening. Since the decision was announced, I have listened to the news reports; I've read the newspaper articles - hundreds of them; we've monitored the websites; looked at the blogs; looked at the petition on-line and seen the comments that were made; we attended the stakeholders meeting last week that was held. We are listening. We will continue to listen." He introduced the local Coast Guard officers in attendance, including: **Todd Trimpet of U.S. Coast Guard Station North Bend; Ryan O'Meara of U.S. Coast Guard Station Yaquina Bay; and Carlos Hessler of U.S. Coast Guard Station Depoe Bay.** Gromlich stated that regardless of what happens, these Coast Guard members will continue to serve, and the Coast Guard will be there to answer the call.

-----Original Message-----

From: Kevin Greenwood  
Sent: Thursday, February 05, 2015 4:18 PM  
To: 'McKibben, Megan'  
Cc: 'Ray Bucheger'  
Subject: RE: President's Budget

Great. Thanks Megan.

Kevin Greenwood  
(541) 265-7758  
(541) 961-9517 Cell

-----Original Message-----

From: McKibben, Megan [<mailto:Megan.McKibben@mail.house.gov>]  
Sent: Thursday, February 05, 2015 4:16 PM  
To: Kevin Greenwood  
Subject: RE: President's Budget

Hi Kevin,  
Here is the response to your question from our D.C. office:

The authorization requires the USCG to keep the Newport AIRFAC open to January 1, 2016. The cost of doing this is something they have to figure out whether or not it is accounted for in their planning reflected in the budget.

As far as I can tell, USCG is still planning on closing the Newport AIRFAC. The President's budget does have \$40 million for the helicopter fleet, up from \$30 million, for recapitalization. However, it appears that the budget continues to list the FY2014 reduction of 28 personnel from Newport and Charleston as originally planned as continuing through FY2015 and FY2016. Based on that it does not appear they have budgeted for continued operations at the Newport AIRFAC in the final 9 months of FY2016.

Thanks  
Megan