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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 GINNY
GOBLIRSCH IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION

I, Ginny Goblirsch, being sworn, say:

1. I have been a member of Newport Fishermen's Wives, Inc. since 1985 and served as President of the organization during the period of 2000-05. I reside in Otter Rock, Oregon and make this declaration based upon my own personal knowledge.

2. My husband Herb, a retired commercial fisherman, and I are former owners of a fishing vessel and the current owners of a seafood company called Oregon's Choice Gourmet Albacore. Before retiring in 2005, I spent 27 years with the Marine Extension Service of Oregon State University including 17 years as a marine extension agent based in Newport, Oregon.

3. Throughout my career as an OSU marine extension agent, one of my areas of focus was fishing vessel safety. This work included creating, in association with the Alaska Marine Safety Education Association, the maritime safety training program at Clatsop Community College in Astoria and the curriculum for the first Coast Guard approved commercial fishing vessel safety training program in the United States. Over 500 commercial fishermen, fishery observers and researchers have participated in this program.

4. I distinctly recall the tragic loss of three fishermen in November 1985 who were working aboard the trawler Lasseigne. The vessel was taking on water and the captain was able to radio a distress call to the Coast Guard. The vessel sank quickly and all three members of the crew put on life jackets and jumped into the Pacific Ocean. Coast Guard helicopters were launched from both Astoria and North Bend, but did not reach the scene until one hour and fourteen minutes after the distress call. By then, the captain and one member of the crew had already died. A third crewman who appeared to be alive was rescued and flown to the hospital in Lincoln City where he died of hypothermia.

5. This tragic accident galvanized efforts by Newport Fishermen's Wives, Inc. and the greater Newport community to secure Coast Guard rescue helicopter capability for the central Oregon coast. Because the Coast Guard's national two-hour response standard is simply inadequate in a cold water zone like the Pacific Ocean, the Coast Guard recognized the need for

shorter response times in Oregon coastal waters and established the Newport Air Station in 1987. Since the establishment of this air station, it has become a critical component of the search and rescue capability serving Oregon's central coast. The statistics over the last 27 years demonstrate that the Newport Air Station fills an important search and rescue need for the Oregon central coast and is responsible for saving an average of 40 people per year.

6. The need for a search and rescue capable helicopter to serve the central Oregon coast has only grown over the last two decades. The Port of Newport is one of only three deep water ports in Oregon and is the homeport for over 250 commercial fishing vessels, hundreds of sports fishing vessels, the Hatfield Marine Science Center, the NOAA Marine Operations Center-Pacific National Headquarters and homeport to the NOAA western Pacific fleet and the Port of Newport's new international terminal. The Oregon Museum of Science and Industry (OMSI) is in the process of developing a large science camp called the Coastal Discovery Center, which is scheduled to open in 2016. This will be a year-round immersive camp experience for hands-on studies of the Oregon coast ecosystem. OMSI expects to host 5,000 children and their families per year.

7. The central Oregon coast is known for its miles of easily accessible beaches, rocky shoreline, spectacular ocean cliffs, rough seas and impressive storms. The beauty and ease of access attracts residents and visitors alike to go to the shore, walk the beaches, climb the rocks and cliffs and storm watch.

8. It is a rough and unforgiving environment. The water is very cold, averaging 53 degrees Fahrenheit throughout the year. Spring and summer water temperatures can be colder

than winter during upwelling events associated with strong northwest winds that turn over the ocean water and bring cold, nutrient laden waters to the surface.

9. Near shore and offshore ocean activity is steadily increasing. Recreational fishermen are going further offshore (over 20 miles) in increasing numbers after halibut and albacore tuna. Some of these vessels are either too small or ill-equipped for such trips given the range of conditions that can be encountered that far offshore.

10. Dangers associated with near shore and beach human interaction is the focus of Oregon Parks and Recreation Department beach educational messages. These beach safety tips include: "Beware of Sneaker Waves;" "Watch Those Logs;" "Rip Currents;" "Know The Tides;" "High Waves Can Reach You;" Beware of High Steep Cliffs;" and "Heads Up."

11. The Coast Guard is well aware of the dangerous waters in the Pacific Northwest. The mouth of the Columbia River is near the location for the Coast Guard's Advanced Helicopter Rescue School, Rescue Swimmer School and Rough Water Lifeboat Training School. These training programs are all located in what has been long recognized as the "Graveyard of the Pacific" where the cold water and treacherous conditions on the Columbia River Bar provide the best training opportunities.

12. Surfrider Foundation recently conducted a Recreational Ocean User Study focused on non-consumptive uses and found that the highest concentration of recreational use on the Oregon coast occurs in Lincoln County based upon a comparison of beach and ocean activities among other coastal regions. In addition, Oregon Parks and Recreation Department visitor counts confirm this concentration of recreation use in the state, which show that Lincoln

County has the highest level of coastal state parks visitation in the state. Lincoln County also has the most state parks and public waysides of any county in Oregon.

13. The Oregon Climate Institute recently published a report entitled "Impacts of Climate Change on Oregon's Coasts and Estuaries." Prepared by a number of well-respected climate researchers, the report predicts increasing flood hazards along the Oregon coast because of "the increasing intensity of major winter storms and the heights of waves they generate." In other words, not only are Oregon's coastal rocky beaches, cliffs and headlands becoming more hazardous to people who will need rescue, but storms are intensifying and increasing the danger to all types of vessels at sea.

14. Newport and the central Oregon coast are home to the largest and most diverse commercial fishing fleet in Oregon with the highest levels of seafood landings and overall value. In 2013, Newport ranked 15th in the U.S. for seafood landings at 127 million pounds and 19th in the nation for total landed value.

15. Ocean recreational fishing in Oregon ranks second in the nation behind California in number of trips at 196,000 and over 2 million pounds of seafood landed. Lincoln County not only contains the state's largest commercial fishing fleet in Newport, but also Oregon's largest number of charter boats that are homeported in Depoe Bay. Both Newport and Depoe Bay play host to multiple school groups each year for offshore trips. This season is year round, if weather permits, and covers not just fishing, but whale and bird watching.

16. Newport is a major hub for marine research and education in the Pacific Northwest. Facilities include NOAA's Northwest Fisheries Science Center, the Oregon Department of Fish and Wildlife, Oregon Sea Grant, the Hatfield Marine Science Center

(HMSC) and NOAA Marine Operations Center-Pacific. The new Northwest National Marine Renewal Center and Ocean Observing System are located in association with HMSC and NOAA. All of these entities have researchers and students who go to sea and study the near shore and surf zones.

17. NOAA operates its Fishery Observer Program out of Newport. These observers are trained biological technicians who ride along on most commercial fishing vessels to collect data to support a wide range of conservation and federal management regulations. Observers are deployed on all vessels participating in the federally regulated individual fishing quota program that covers all ground fish and whiting fishing in the Pacific Ocean.

18. The waters of Oregon's central coast are environmentally sensitive and contain two marine reserves, Cascade Head off of Lincoln City and Otter Rock south of Depoe Bay. In the words of former HMSC Director George Boehlert, "Newport has direct access to high value marine environment. The Pacific Northwest coast is both a rich area for research and an economically important region of the country's marine territory. At-sea research is carried on by marine researchers on a regular basis utilizing research vessels or local commercial fishing vessels."

19. Clearly, Newport and the central Oregon coast are an active and growing community that embraces multi-use activity on the shore, in the surf, on the rocks and cliffs, and at sea. The need for a Coast Guard fast response search and rescue helicopter has only increased since it was first stationed in Newport in 1987.

20. The Coast Guard rescue helicopter in Newport also plays an important role in mitigating the extent of oil spills that have the potential to inflict devastating damage to the

marine environment along the central Oregon coast. If a commercial or sports vessel capsizes at sea, there is the inevitable loss of fuel and hydraulic oil. The Coast Guard's fast response helicopter is able to be on scene quickly enough to not only effect a necessary rescue, but also to observe the extent of any oil slick and its direction of drift. This puts the Coast Guard in a position to more speedily and effectively order the necessary spill response resources to contain and minimize the environmental damage.

21. In addition to playing a significant role in minimizing environmental damage, the Coast Guard rescue helicopter at the Newport Air Station is critically important in life saving rescue operations. Because of the cold waters offshore year round off Oregon's central coast, if the Newport Air Station is decommissioned, what has been a viable search and rescue operation with the Newport rescue helicopter will become a body recovery operation accomplished by Coast Guard cutters or helicopters dispatched from Astoria or North Bend.

22. The Coast Guard has long recognized that hypothermia presents an extraordinary risk of death to individuals who fall into cold water areas like the North Pacific. Attached as Exhibit A is Coast Guard Navigation and Vessel Inspection Circular No. 7-91, which establishes cold water areas throughout U.S. waters. It is important to note that Oregon's coastal waters fall into the cold water zone of 59 degrees Fahrenheit or less every single day of the year. Exhibit A at 5-6 and Fig. 13-14. In fact, the waters in Coast Guard District 13, which includes Oregon and Washington, are the coldest in the nation except for northern Maine and range throughout the year from 48 to 56 degrees Fahrenheit.

23. The incredible danger that a person in the Pacific Northwest falling into the Pacific Ocean faces was aptly described in 1991 by Dr. C.J. Brooks in a report entitled Survival

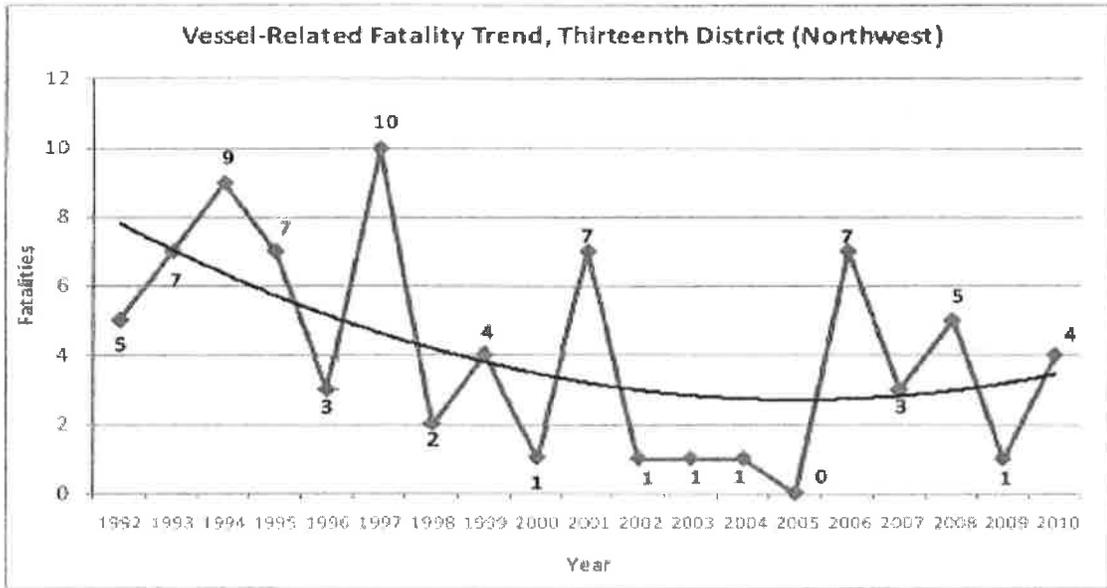
in Cold Water. In a report presented to Canada's transportation department, he states: "There are four clear stages of immersion in which death can occur: (1) cold shock—killed within 3 to 5 minutes after immersion; (2) swimming failure (loss of functional use of your extremities)—killed within 30 minutes after immersion; (3) hypothermia—killed after 30 minutes of immersion and (4) post-rescue collapse—killed at the point of rescue up to several hours afterwards."

24. According to the Coast Guard, the "mission and purpose of the Coast Guard's Search and Rescue (SAR) Program is to prevent death or injury to persons and loss or damage to property in the marine environment." The enhanced capability of the Coast Guard's search and rescue system that was achieved in the late 1980s through a combination of aircraft and vessels has made a real difference in reducing vessel-related fatalities throughout the United States. This was documented in a December 2011 report issued by the Coast Guard that analyzed fishing vessel casualties over the period of 1992-2010, a copy of which is attached as Exhibit B. The chart from this report that is reproduced below for the Coast Guard's 13th district, which includes Oregon and Washington, shows a significant downward trend in vessel-related fatalities over this 18-year time frame. This report also states that the most casualties nationwide are from water exposure and most of the water exposure deaths were along the west and northeast coasts, where the water is coldest. Further, vessel-related fatalities tend to be higher in the months of October through January.

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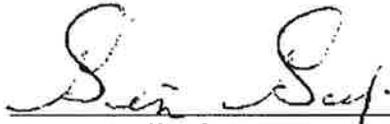


25. Of immediate concern is the pending opening of the Dungeness crab fishery on December 1. Crabbers are allowed to begin taking their pots to sea 72 hours before the start of the season, which this year will be 9 a.m. on November 28, the day after Thanksgiving. Vessels of all sizes participate in the crab fishery so if weather is poor, there is pressure on smaller boats to go to sea because the first vessels on the fishing grounds generally end up with the highest catches. December on the Oregon coast has notoriously bad weather. When ocean conditions deteriorate while fishing vessels are still at sea, it is not unusual for the entrance bar to be closed by the Coast Guard because it is too dangerous to cross. This leaves fishing vessels to ride out the rough conditions until the bar settles enough for a safe crossing. It is in these stormy conditions that fishing vessels are at the highest risk of being overturned by a rogue wave or otherwise capsized. The rescue helicopter at the Newport Air Station is absolutely critical to a successful rescue of fishermen who end up in the Pacific Ocean without the opportunity to put on a survival suit.

26. In summary, for most people in Oregon's cold ocean waters, the window of opportunity to save lives is 10 to 45 minutes. This can only be achieved with a search and rescue capable helicopter stationed nearby, especially in high use marine areas like Newport and Oregon's central coast. Since 1987, the Coast Guard's rescue helicopter in Newport has proven its life saving capabilities dozens of times each year. Loss of this important search and rescue capability would be a huge loss both to the environment and to public safety.

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.



Ginny Goblirsch