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Attorneys for Plaintiffs

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, 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.

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

**DECLARATION OF MIKE  
RETFERFORD IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

I, Mike Retherford, being sworn, say:

1. I am the president of the Newport Crab Marketing Association, reside in Newport, Oregon and make this declaration based upon my own person knowledge. I am the captain and one-third owner of the F/V Winona J, a 70-foot steel hull fishing vessel built in 1981.

2. The Newport Crab Marketing Association represents more than 50 vessels that are homeported in Newport that annually prosecute the Dungeness crab fishery off of Oregon's central coast. The commercial crab fishing season is concentrated in the months of December, January and February, which coincides with the most treacherous weather in the Pacific Ocean. Every one of our member vessels takes safety very seriously, but ours is a dangerous profession. During the early part of the Dungeness crab season, every one of our vessels is out on the water 24 hours per day for multiple days baiting and pulling crab pots around the clock. One can never predict when a rogue wave might hit a vessel broadside and cause a capsizing before anyone aboard had an opportunity to put on their survival suit. This is just one of many examples of emergencies at sea that can result in a man overboard without a survival suit. If I or one of my crew end up in the ocean in the waters off Oregon's central coast, we all know that there is only 30-40 minutes to make a successful rescue. We have life rings, EPIRBs and a life raft, but if that equipment is not or cannot be deployed in a sudden and unexpected emergency, we are entirely dependent upon the Coast Guard rescue helicopter in Newport to have any chance of survival.

3. As a Newport resident with a wife and three children, I fish commercially off of Oregon's central coast, but many of my friends and family regularly recreate on these same waters in small recreational motorboats. In that setting, like other recreational boaters, the only available safety equipment onboard are life vests and perhaps a life ring. For the entire recreational boating community on Oregon's central coast, the Coast Guard rescue helicopter in Newport is a critically important component of the public search and rescue system.

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

DATED this 9th day of December, 2014.

  
Mike Retherford

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9th day of December, 2014, I served the foregoing

**DECLARATION OF MIKE RETHERFORD IN SUPPORT OF PLAINTIFFS' MOTION**

**FOR PRELIMINARY INJUNCTION**, 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