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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, 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 TERRY
THOMPSON IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

I, Terry Thompson, being sworn, say:

1. I am a third-term county Commissioner for Lincoln County, Oregon who currently serves as Chair of the Lincoln County Board of Commissioners. I make this declaration based on personal knowledge and in support of Lincoln County's participation as a

plaintiff representing the interests of its constituents in this case, including those who have testified by way of declaration.

2. I was born in Newport, Oregon to a second generation commercial fishing family and was raised and educated in Newport until I was a sophomore at Newport High School. I left Oregon for a short time to attend the University of Missouri on a track scholarship but returned to the state in 1967 to attend Oregon State University. I returned so I could better maintain my fishing business described below. I graduated from Oregon State University in 1969.

3. I purchased my first commercial fishing vessel after I graduated from high school. I then began fishing off the coasts of Oregon, Washington and California. Over the years, I have owned and operated four commercial fishing vessels and supported my family by working in the salmon, shrimp, tuna and groundfish fisheries. Currently, I am a partner in a commercial fishing vessel that fishes for shrimp and crab and is homeported in Newport. We are actively engaged in the current Dungeness crab fishery and were allowed to start setting our pots on November 28, 2014. In addition, I still personally engage in a small boat hook and line commercial fishing operation for bottom fish in the Pacific Ocean off of Depoe Bay, Oregon.

4. Because of my love for and interest in Oregon's commercial fisheries, I have been involved in fisheries management and played a role in the creation of the Magnuson-Stevens Fisheries Conservation Act, which seeks to conserve our fishery resources through prudent regulation. As a Lincoln County Commissioner, I have served on such committees as the Association of Oregon Counties Public Lands and Natural Resources Committee, the Coastal Oregon Marine Experiment Station Advisory Board (as Chair), and the Lincoln Employer Council and Coastal Issues Task Force Board.

5. In addition to serving as a Lincoln County Commissioner, I served three terms in the Oregon State House of Representatives. I was first elected in 1994 and reelected in 1996 and 1998. In 1995-96, I served as Vice-Chair on the House Committee for Natural Resources, was a member of the Interim Joint Committee for Salmon and Stream Enhancement, and co-authored the original Tsunami Inundation Bill, among many other committee assignments. In 1998-99, my service included being a member of the House Committee on Species Restoration and Stream Recovery. Later, during a short stint as a lobbyist, I was a key player in the first legislative drafts of the Oregon Salmon Plan and creation of the Oregon Salmon License Plate. All of these areas of service dovetail with my commitment to responsible management of our natural resources, a commitment I bring to bear in my service as Chair of the Lincoln County Board of Commissioners.

6. Lincoln County is blessed with miles of beach and coastline, much of it easily accessible, and ready access to the Pacific Ocean for fishing, both recreational and commercial, and for other recreational activities. Because of these natural attributes, Lincoln County is one of the most popular visitor destinations on the Oregon Coast. Although our population is around 50,000 citizens, during various seasons of the year (depending on the activity) that number swells considerably. Residents and visitors alike use the area for whale watching, hiking, fishing, bird watching, storm watching, walking the beaches and other recreational, commercial and professional pursuits. I personally use the area for these purposes on a regular basis and plan to do so during the remainder of 2014 and during the coming year. And as is discussed in the declaration of Lincoln County resident Ginny Goblirsch, Lincoln County's scientific and educational assets are tremendous, including the Hatfield Marine Science Center, the NOAA

Marine Operations Center-Pacific National Headquarters and the forthcoming Coastal Discovery Center, all of which are and will be enjoyed by residents and visitors to our area.

7. Lincoln County and its constituents have been intimately involved in the process to both secure Coast Guard rescue helicopter capability for the central Oregon Coast out of Newport and to retain the Newport Air Base. The declarations on file in this case accurately portray our extreme need for a search and rescue helicopter in Newport to save lives given the unforgivingly cold waters of the Pacific Ocean off of Newport. These ocean conditions result in terrible difficulties associated with a vessel or a first responder on a Surf Rescue Personal Watercraft even being able to locate a person who has had the misfortune of entering the cold ocean waters. In addition, the Newport based operations are essential to the ability of the Coast Guard search and rescue helicopter to rescue people from cliffs and jetties that are otherwise largely inaccessible. Finally, the Newport based operations are critical to efforts to protect property and ocean resources by preventing, minimizing or mitigating pollution from adrift or capsized vessels. On that last point, the Newport search and rescue helicopter is in the best position to reach the scene of a capsized or adrift vessel and visually assess the pollution threat so that other first responders can quickly develop an appropriate and timely pollution response. This is a key role for the Newport helicopter in my opinion given the importance of ocean and coastal natural resources to the lives and livelihoods of our citizens and visitors and the efforts we expend to protect those natural resources.

8. The interests of Lincoln County and its constituents will be irreparably impaired if the Coast Guard removes the Newport search and rescue helicopter from our community. The commercial, aesthetic, recreational, scientific, environmental, educational and even spiritual

interests of Lincoln County and/or its constituents will be adversely affected if the Coast Guard removes the helicopter. Protecting our people and natural resources from such injuries is central to the mission of the Lincoln County Board of Commissioners. The injuries to Lincoln County and its constituents would be redressed by the relief sought by plaintiffs in this case.

9. Lincoln County enjoys standing to bring this action. Under the National Environmental Policy Act (NEPA), specifically 42 U.S.C. § 4332(2)(C), NEPA provides that "local agencies, which are authorized to develop and enforce environmental standards," may comment on proposed federal action. Lincoln County is such a local agency. For example, under ORS § 197.175(2), Lincoln County is obligated to "[p]repare, adopt, amend and revise comprehensive plans," including land use regulations. Under ORS § 203.010(4), Lincoln County also is authorized "[t]o do all other necessary acts in relation to the property and concerns of the county."

10. Consistent with its obligations to develop and enforce environmental standards, Lincoln County has adopted a Comprehensive Land Use Plan (Lincoln County Plan) which can be viewed at <http://www.co.lincoln.or.us/counsel/page4.html>. In Section 1.0005 (page 5), the Lincoln County Plan states that it encompasses the County's "social, environmental and economic values," along with concerns about "use and conservation of [the County's] resources." The Lincoln County Plan discusses our approach to Estuarine Resources at pages 6-7, Coastal Shorelands at page 7, and our Economy at page 9, among other things. In Section 1.0020 (page 11), the Lincoln County Plan set forth its Intergovernmental Coordination Policies, which include working cooperatively with "affected local, state and federal agencies and districts." The Lincoln County Plan address Natural Hazards Goals in Section 1.0050 (page 14), and sets forth

our goals and policies for managing Estuarine Resources in Sections 1.0080 (page 16) and 1.0085 (pages 16-17).

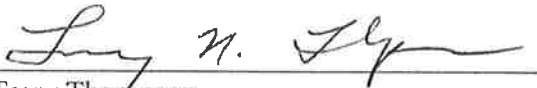
11. Regarding Estuarine Policies, the Lincoln County Plan states at page 16 that our "estuaries represent an economic resource of regional importance." Similarly, in Section 1.0090 (page 17), the Lincoln County Plan sets a Coastal Shoreland Goal to "recognize the value of coastal shore lands for protection and maintenance of water quality, fish and wildlife habitat, water dependent uses, economic resources, and recreation and aesthetics." Further, in Section 1.0120 (page 23), the Lincoln County Plan establishes Ocean Resource Goals to "understand the impacts and relationships of ocean activities to ocean resources" and to "ensure proper management and protection of ocean resources." Furthermore, Section 1.0125(3) (page 23) requires Lincoln County to "work with all state and federal agencies for development of ocean resources." Finally, the Lincoln County Plan establishes Economic Goals in Section 1.0130 (page 23), which includes the need to "recognize the environmental and development constraints in expansion of industrial, commercial, and residential activities."

12. Lincoln County's proprietary interests as set forth above constitute concrete interests that fall within NEPA's ambit. If the Coast Guard were to remove the Newport search and rescue helicopter (as it has repeatedly stated it has decided to do), the life, health and safety of our constituents would be harmed; our pollution response ability (in the inevitable event of a capsized or adrift vessel) would be impaired to the detriment of our local natural resources that drive our economy through commercial and recreational uses as described above; and many of us who live, recreate and work in and around Lincoln County's ocean and coastal resources on a

regular basis would have our pursuits imperiled. Again, these injuries would be redressed by the relief sought by plaintiffs in this case.

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

DATED this 8th day of December, 2014.


Terry Thompson

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of December, 2014, I served the foregoing
**DECLARATION OF TERRY THOMPSON 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