

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

In the Matter of Oregon International Port of Coos Bay)	
)	
)	
COOS WATERKEEPER, SIERRA CLUB, GREENPEACE, and FRIENDS OF LIVING OREGON WATERS,)	Oregon Department of State Lands OAH Case No. 1202690
)	
Petitioners,)	DSL No. APP003712-RF
)	CAA _____
v.)	
)	
PORT OF COOS BAY OREGON and OREGON DEPARTMENT OF STATE LANDS,)	
)	
Respondents.)	
<hr style="border: 0.5px solid black;"/>		

PETITION FOR JUDICIAL REVIEW

Petitioners seek judicial review of the final order of the Oregon Department of State Lands (“DSL”) in OAH Case No. 1202690, DSL Case No. APP003712-RF, dated April 2, 2013. The Order affirms DSL’s issuance of a removal/fill permit to conduct channel-dredging activities in Coos Bay in association with a new marine terminal project.

The parties to the judicial review proceeding before the Court of Appeals are:

Petitioners

Coos Waterkeeper
Sierra Club
Greenpeace
Friends of Living Oregon Waters

Respondents

Port of Coos Bay Oregon
Oregon Department of State Lands

The parties are represented by the following attorneys:

Attorneys for Petitioners

Janette K. Brimmer (WSBA #41271)
Earthjustice
705 Second Avenue, Suite 203
Seattle, WA 98104
(206) 343-7340 | Phone
(206) 343-1526 | Fax
jbrimmer@earthjustice.org

Jan Hasselman (WSBA #29107)
Earthjustice
705 Second Avenue, Suite 203
Seattle, WA 98104
(206) 343-7340 | Phone
(206) 343-1526 | Fax
jhasselman@earthjustice.org

Karl G. Anuta (OSB #861423)
Law Office of Karl G. Anuta, P.C.
735 S.W. First Avenue, 2nd Floor
Portland, OR 97204
(503) 827-0320 | Phone
(503) 228-6551 | Fax
kga@integra.net

Attorneys for Respondent Port of Coos Bay

Steven L. Pfeiffer
David A. Bledsoe
Perkins Coie LLP
1120 N.W. Couch Street, Tenth Floor
Portland, OR 97209-4128
(503) 727-2033 | Phone
(503) 346-2033 | Fax
spfeiffer@perkinscoie.com
dbledsoe@perkinscoie.com

Attorneys for Respondent Oregon Department of State Lands

Lore Bensel
Senior Assistant Attorney General
Natural Resources Section
Department of Justice
General Counsel Division
1162 Court Street N.E.
Salem, OR 97301-4096
(503) 947-4500 | Phone
(503) 378-3802 | Fax
lore.bensel@doj.state.or.us

Attached to this petition for judicial review is a copy of the April 2, 2013 order of the Oregon DSL for which judicial review is sought.

Petitioners were all parties to the administrative proceeding challenging the DSL permit issued to the Port of Coos Bay that resulted in the DSL order for which judicial review is sought.

Petitioners are willing to stipulate to shortening the agency record.

Petitioners designate the following parts of the record to be included in the record for review in this Court (with omitted portions indicated):

From Petitioners' List of Exhibits on Motion for Summary Determination

C1
C2 omitted
C3-C6
C7 (excerpts: pages 1-5 and 34-56, remaining pages may be omitted)
C8 omitted
C9 omitted
C10-C39
C40 (excerpts: pages 1-11—pagination of the C40 exhibit. Actual pages of the document are cover, title pages, tables, and pages 1-4. Remaining pages may be omitted.)
C41-C45

From DSL's List of Exhibits on Motion for Summary Determination

A1 omitted as it appears it is duplicative of C17 included above
A2
A3-A6 omitted
A7
A8-A11 omitted

Decisions and Rulings from OAH Process

Final Order of DSL dated April 2, 2013 (which incorporates and attaches Recommended Findings and Determination of Administrative Law Judge dated November 9, 2012)

Respectfully submitted this 28th day of May, 2013.

KARL G. ANUTA (OSB #861423)
Law Office of Karl G. Anuta, P.C.
735 S.W. First Avenue, 2nd Floor
Portland, OR 97204
(503) 827-0320 | Phone
(503) 228-6551 | Fax
kga@integra.net

JANETTE K. BRIMMER (WSBA #41271)

[Pro Hac Vice Application Pending]

JAN HASSELMAN (WSBA #29107)

[Pro Hac Vice Application Pending]

Earthjustice

705 Second Avenue, Suite 203

Seattle, WA 98104

(206) 343-7340 | Phone

(206) 343-1526 | Fax

jhasselman@earthjustice.org

jbrimmer@earthjustice.org

Attorneys for Petitioners

CERTIFICATE OF FILING

I certify that on May 28, 2013, I filed the original of this Petition for Judicial

Review with the Appellate Court Administrator at this address:

Appellate Court Administrator
Appellate Court Records Section
1163 State Street
Salem, OR 97301-2563

by:

- United States Postal Service, ordinary first-class mail
- United States Postal Service, certified or registered mail, return receipt requested
- Hand Delivery
- Electronic Filing

KARL G. ANUTA (OSB #861423)
Law Office of Karl G. Anuta, P.C.
735 S.W. First Avenue, 2nd Floor
Portland, OR 97204
(503) 827-0320 | Phone
(503) 228-6551 | Fax
kga@integra.net

Attorney for Petitioners

CERTIFICATE OF SERVICE

I certify that on May 28, 2013, I served a true (exact) copy of the Petition for

Judicial Review on the following parties at the addresses set forth below:

Mary M. Abrams

Oregon Department of State Lands

775 Summer Street N.E., Suite 100

Salem, OR 97301-1279

(503) 986-5200 | Phone

(503) 378-4844 | Fax

mary.m.abrams@state.or.us

Agency

via certified mail
(return receipt requested)

Ellen Rosenblum

Attorney General of the State of Oregon

Office of the Solicitor General

400 Justice Building

1162 Court Street N.E.

Salem, OR 97301-4096

(503) 378-4400 | Phone

Attorney General

via certified mail
(return receipt requested)

Steven L. Pfeiffer

David A. Bledsoe

Perkins Coie LLP

1120 N.W. Couch Street, Tenth Floor

Portland, OR 97209-4128

(503) 727-2033 | Phone

(503) 346-2033 | Fax

spfeiffer@perkinscoie.com

dbledsoe@perkinscoie.com


Attorneys for Respondent, Port of Coos Bay

via certified mail
(return receipt requested)

Lore Bensel
Senior Assistant Attorney General
Natural Resources Section
Department of Justice
General Counsel Division
1162 Court Street N.E.
Salem, OR 97301-4096
(503) 947-4500 | Phone
(503) 378-3802 | Fax
lore.bensel@doj.state.or.us
*Attorney for Respondent, Oregon Department of State
Lands*

via certified mail
(return receipt requested)

I, Catherine Hamborg, declare under penalty of perjury that the foregoing is true and correct. Executed this 28th day of May, 2013, at Seattle, Washington.


Catherine Hamborg