

# Highway: Permitting process could take three to six months

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## Wet history

The situation is familiar to several property owners on the low-lying flood plain of about 25 acres across the highway from Youngs River. In June 2003, a tide gate on the existing 36-inch culvert fell off, allowing water from the river to flow onto the reclaimed wetland, where residents had planted trees, farmed and ran cattle.

"I lost 235 trees," said Curtis Rutherford, who has lived at the property for more than 20 years.

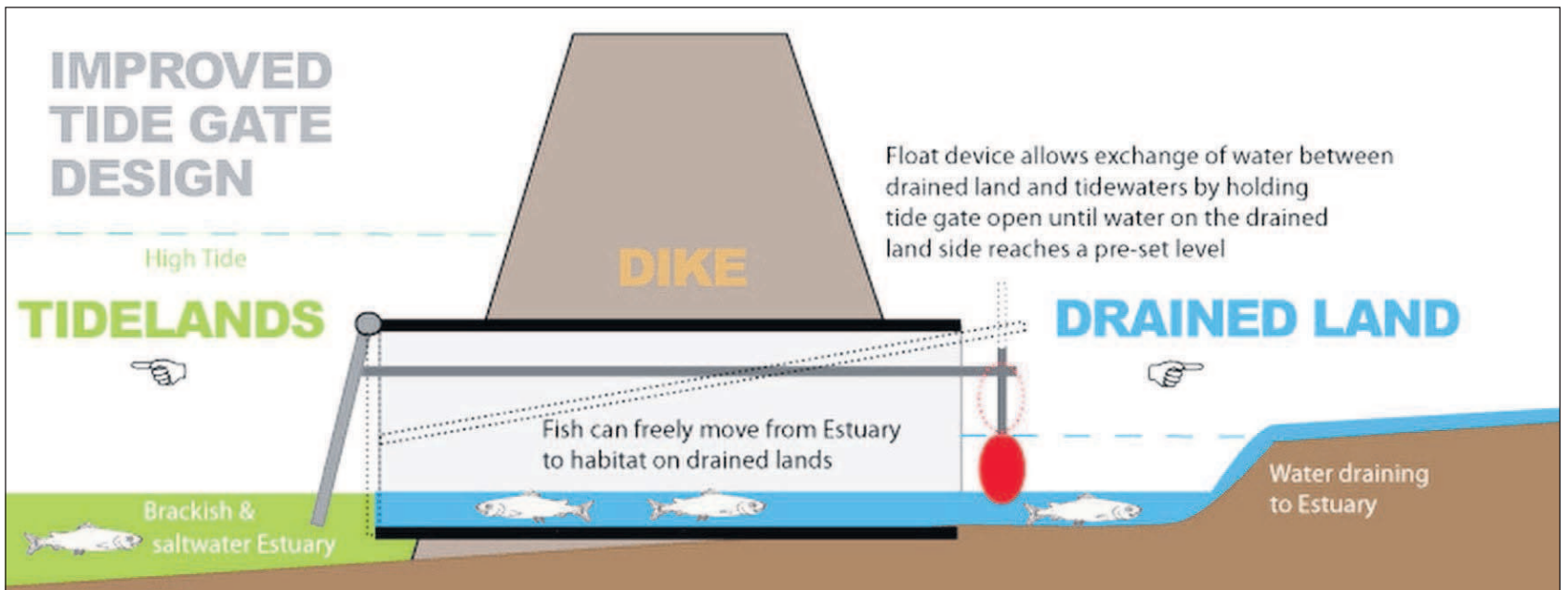
Gary Petteys, another property owner, said he lost 35 black walnut trees, valued at thousands of dollars apiece. Sheree Parker said she has had to sandbag around her house. Jim Neikes said emergency vehicles can have trouble at high tide getting up to the 12 or so homes along Ordway Lane.

The property owners all agreed that, without a tide gate to hold back the river, the property next to the highway is useless, and the new, larger culverts will only worsen the problem. But the new culverts appear to be a moot point, as the work is moving forward to reopen the highway by the end of next week, the Department of Transportation's highest priority.

Transportation officials said they are trying to reopen the highway as expediently as possible, while working within the legal requirements for fish passage dating to the mid-19th century but only more recently enforced.

Corissa Anderson-Horvath, a regional environmental coordinator with the Department of Transportation, said there are three fish-bearing creeks running through the property totaling 11 feet in width. The state Department of Fish and Wildlife requires at least that much width in fish passage through the dike, she said, and the National Marine Fisheries Service expects 150 percent as much.

"The regulators that reg-



Courtesy of National Oceanic and Atmospheric Administration

A fish-friendly tide gate cuts off reclaimed wetlands during higher tides, while allowing fish to cross back into tidelands during lower tides.



Edward Stratton/The Daily Astorian

Crews pound in sheet piling to isolate the area around a failed culvert on Highway 202.



Edward Stratton/The Daily Astorian

Crews with Axis Crane install a sheet piling wall to isolate a failed culvert on Highway 202. Crews from Big River Construction Company Inc. will replace the culvert, a 36-inch pipe, with two new 6-foot pipes. The state Department of Transportation hopes to reopen the highway by the end of next week.

ulate this stuff, they bent the rules a little bit in your favor, and allowed us to install two 6-foot culverts there, a little bit less than they usually require," Miller said to the property owners.

The reasoning behind the larger culverts did little to allay the concerns of neighbors who

say their property and rights are being taken away.

## Can we get a tide gate?

"What I'm trying to get to today is, whether you like it or not, is there a practical fit that we can employ?" Johnson asked.

Johnson, D-Scappoose, said

a government buyout — like some property owners want — is not likely. But the state senator and others reached a consensus that fish-friendly tide gates attached to the two new culverts would fix the problem.

Mark Buffington, director of the local Department of Transportation region, said the

agency is willing to work with property owners after the culverts are installed and the highway is reopened.

Johnson directed the property owners to keep visual and other records of any additional damage to their land after the culvert is replaced, adding she would take the information to her contacts in state government to see whether the cost-to-benefit ratio is right for the state to mitigate the damage

to property by installing tide gates.

"Then we have to go for permits," Johnson said, asking Anderson-Horvath how long that might take.

The exasperation was audible after Anderson-Horvath said the state and federal permitting process for tide gates could take three to six months.

Now neighbors along the highway can only wait for the incoming tide.

# Body cameras: Devices will show people the reality of patrol

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Astoria Sgt. Chris McNeary said he has already been using a body camera for the past decade, and the department has used vehicle cameras and recording devices for nearly 30 years.

The local department has not had the same issues with accountability as other law enforcement agencies around the country.

"It's not new. It's just that the Legislature has weighed in on it and the public is now demanding police be more transparent in their actions," McNeary said.

Equipping Astoria Police officers with body cameras has the benefit of showing people the reality of patrol.

Johnston points to two examples where video recordings helped clear officers of complaints. In one case, a woman claimed an officer pulled up to her son and said he was going to shoot him. Another case involved someone saying they were berated by an officer. Both cases were resolved by reviewing video footage.

At the same time, Johnston said, he realizes camera footage is still two-dimensional and is not always going to illustrate people's perception of an incident.

"A camera is not going to solve all of these problems with perception," Johnston said.



Joshua Bessex/The Daily Astorian

Astoria Police Chief Brad Johnston talks during an interview Thursday.

**'It's going to be an every call decision for the officers. Those kind of decisions are going to be things officers are going to have to make in the field.'**

**Brad Johnston**  
Astoria police chief

## Balancing act

Using body cameras involves a balancing act between transparency and privacy.

Astoria Police, for example, had an incident recently where someone was being belligerent in the Astoria Aquatic Center locker room.

Had the situation escalated, officers may have wanted to record even if people were

dressing in the background.

"It's going to be an every call decision for the officers," Johnston said. "Those kind of decisions are going to be things officers are going to have to make in the field."

Once the footage is recorded, some police departments have experienced difficulty with storage and honoring public-records requests.

In Oregon, the new law specifies that requests for disclosure must identify approximate dates and times, not days or weeks of footage, and must be reasonably tailored to material in the public interest.

The state law also requires that recordings be retained for at least 180 days but no more than 30 months for recordings not related to court proceedings or ongoing criminal investigations.

Police must also blur faces before releasing video to the public, an editing requirement that could financially burden departments.

For Astoria, Johnston said, Watchguard Video has software that helps streamline the blurring process to limit the burden on officers.

## A hodgepodge

Even before the Legislature acted and police accountability became a national focus, Johnston said, he was making plans to add body cameras.

For the past two years, Johnston has been researching prices and quality of different systems.

In that same time, he describes the department's video use as a hodgepodge. One officer used a GoPro, while others relied only on their car videos. Having all the equipment on the same system has been a goal.

"We wanted this for a long time," Johnston said.

Starting this month, the body cameras have been slowly rolling out to officers.

McNeary said the process is in the infancy stage. Officers are still getting a feel for the cameras, and deciding when to

turn them off and when to turn them on.

"We don't want the public to think we are trying to hide anything," McNeary said. "The whole idea behind this is to be transparent."

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If you live in a CenturyLink service area, please call 1-855-954-6546 or visit [centurylink.com/lifeline](http://centurylink.com/lifeline) with questions or to request an application for the Lifeline program.

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# Wing: Roden was indicted on 15 charges

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oxycodone, and methadone and failing to report that he moved in with Wing. The drugs were discovered during a search warrant of Roden and Wing's Seaside residence Dec. 20, 2014, the day the toddler was found dead.

Roden was indicted on 15 charges related to the murder of Wing's daughter. He is accused of intentional maiming or torture of the toddler and having a pattern and practice of assault.

The charges carry the possibility of the death penalty.

Given the potential for capital punishment, Roden's defense lawyers are requesting the trial be delayed giving them time to investigate "anything in the life of the defendant which might mitigate against the appropriateness of the death penalty."

The defense claims it needs



**Randy Roden**

time to interview former teachers, neighbors, romantic partners and friends, many of whom live on the East Coast.

In addition, the defense needs to work around the schedules of expert witnesses. One expert in particular, Dr. Janice Ophoven,

is considered the heart of the defense's case. Dr. Ophoven, a pediatric forensic pathologist,

will testify that the reported result of torture is in fact a dangerous flesh eating virus known as MRSA. She will claim the toddler likely died from complications due to a severe methicillin-resistant Staphylococcus aureus infection, rather than from blunt force trauma.

Dr. Ophoven is not available in April, when the case is set for trial.

The defense will argue for a delay at a hearing later this month.