

CLATSOP COUNTY FAIR



Photos by Danny Miller/The Daily Astorian

Jeff Fetter from Buckley, Washington, competes in the Clatsop County Logging Show on Saturday at the Clatsop County Fair.



Carson Littlepage cleans his sheep and prepares it for auction on Saturday at the Clatsop County Fair.



Jalen Battilega cleans his sheep and prepares it for auction on Saturday at the Clatsop County Fair.



Sam Schacher, 7, from Astoria, rides a sheep during a mutton bustin' event on Saturday at the Clatsop County Fair.

No high for 'shroom hunter in court trip

Court of Appeals not digging pitch, conviction upheld

By NATALIE ST. JOHN
EO Media Group

OLYMPIA, Wash. — A “magic mushroom” hunter’s journey through the Washington Court of Appeals has turned out to be something of a bad trip.

At the end of July, a panel of COA justices said they didn’t buy Benjamin Joshua Chester’s argument that Cape Disappointment State Park Ranger Tom Benenati violated his privacy by searching the bag of hallucinogenic mushrooms that Chester ditched when he was caught illegally harvesting them inside the park. They upheld Chester’s 2015 Pacific County Superior Court conviction for drug possession.

Our psychedelic peninsula

In the fall, ‘shroomers flock to Clatsop and Pacific counties to hunt for psilocybe azurescens and other psychedelic mushrooms, so it’s not at all uncommon to see young people wandering slowly through peninsula pastures and dunes, taking an unusually intense interest in the ground.

Numerous special-inter-



Photo by shroom360 at Mushroom Observer

Some Pacific County mushrooms, like this one, are unlawful to harvest or possess.

est forums, including www.shroomery.org, note the local abundance of ‘shrooms, and offer advice about how to avoid getting busted while harvesting them. As a result, ‘shroomers often carry camera or other special-purpose bags, because interior lore holds that cops can’t legally search or arrest people who are doing “research” or “nature photography.”

The local cat-and-mouse game between law enforcement and ‘shroomers even gets a mention on the Wikipedia page for azurescens, or “azures.” According to the page, “Cape Disappointment State Park, near Ilwaco, Washington, has a large population, but harvesting is a potential felony that is enforced by local law enforcement agencies.”

Blazing trails — to jail

Chester, 33, apparently didn’t get the memo. On Nov. 22, 2014, Benenati went to investigate a report of two men who were behaving suspiciously in a gated-off area of the park that was closed to the public. He found Chester in the woods, “on his hands and knees, intently going through the leaf debris in a manner that was consistent with a person who was harvesting mushrooms,” according to court documents. Chester tried to walk away, but Benenati stopped and arrested Chester. During a subsequent search, Benenati discovered a bag of freshly harvested magic mushrooms at the spot where Chester had been working.

After Chester’s arrest, Pacific County Prosecutor Mark McClain offered him a plea-deal that would have sent him to county jail for about 15 days, but Chester wanted to go to trial. During the August 2015 trial, Chester and his attorney tried to prevent the bag of mushrooms from being presented as evidence, but the judge allowed them. The jury convicted Chester, and he was sentenced to 45 days in jail.

“What most of the community doesn’t realize ... is that every case we take to trial results in an appeal, frequently more than one, which is far more time consuming than the trial itself,” McClain said in a statement after the trial.

Reasonably suspicious behavior

In his 2015 appeal, Chester argued that Benenati did not have “reasonable suspicion” that he was committing a crime when he stopped him. He also argued that he had not actually abandoned the bag of mushrooms, so it was personal property that Benenati did not have the right to search or seize.

The justices didn’t find these arguments very convincing. Generally, police need a warrant to perform searches during stops, but Washington law makes a clear exception for property that has been voluntarily abandoned. The three justices noted that Chester did not dispute the fact that he was caught in an off-limits area, that harvesting of mushrooms was prohibited under park rules, that the state park is a public place where he had no reasonable expectation of privacy, and that he had tried to flee from Benenati — a clear indication “that Chester intended to leave the bag behind.”

“The trial court concluded that Benenati had probable cause to believe that Chester was illegally harvesting mushrooms ...” the justices wrote in the opinion. “... The trial court further concluded that Chester had no reasonable expectation of privacy in the bag of mushrooms.”

Port: ‘We’re trying to be proactive instead of reactive’

Continued from Page 1A

“Fish carcass disposal is allowed,” said Jennifer Purcell, a spokeswoman for the state Department of Environmental Quality.

Jim Knight, the Port’s executive director, has said the agency is trying to take a proactive approach to compliance and wants to keep a good relationship with state environmental regulators.

Port staff on Friday set up a portable septic tank to collect fish remains pumped from the adjacent fish-cleaning tables next to the East End Mooring Basin. Permit and Project Manager Robert Evert said the long-term solution will involve a pipe under the Astoria Riverfront Trolley tracks and into the city’s sanitary system. The Port is working with a contractor to also hook the West End Mooring Basin into the city’s system, and expects to have the station open by Tuesday.

“We’re trying to be proactive instead of reactive,” Evert said, adding the

permit is clear that nothing but stormwater can be discharged.

The Port holds a National Pollutant Discharge Elimination System 1200-Z industrial stormwater permit, required for runoff from its properties into the river. The several fish processors at the Port fall under the 900-J seafood processing permit regulating what amount of seafood byproduct can be discharged. Purcell said that while she’s working on a project addressing fish waste in the seafood processor permit, that doesn’t affect fish-cleaning stations.

The Port was recently fined \$36,000 by the state for mistakes in monitoring stormwater, a price escalated by previous violations. After the state found above-benchmark levels of copper in runoff, the Port is taking out a loan and constructing more than \$1.5 million worth of stormwater collection and treatment systems on the central waterfront and at North Tongue Point.

Stolen bikes: None of the bikes were locked

Continued from Page 1A

Overall, police have recovered nearly 15 stolen bicycles, valued altogether at \$8,000 to \$10,000, and have returned several to their owners. Some of the bicycles had already been dismantled, had parts or accessories removed, and one had been repainted a different color, according to police.

One owner from out of the area chose not to retrieve his bicycle, and instead donated it to a toy drive during Christmas.

“It’s very disappointing that the crimes were happening,” Warrenton Police Chief Mathew Workman said. “Visitors come to enjoy themselves and have fun and someone is taking their property.”

Several of the bicycles were recovered at a residence on U.S. Highway 101 just south of Warrenton after officers received information from one of the suspects. Police also recovered a stolen motorcycle that had been reported to the Clatsop County Sheriff’s Office.

At the campgrounds, Workman said, none of the bicycles were locked or secured. Campers need to secure their bicycles, even at their own campgrounds, he said.

“Overall, it is a very safe environment. People need to remember they don’t know everybody in a campground, and locals can come and go,” Workman said. “All of these bikes were just laid out. None of them were secured. None of them were locked.”

The three suspects will be arraigned soon in Clatsop County Circuit Court.

Gerou is charged with first-degree theft and second-degree burglary. He was arrested earlier this year in connection to other theft and burglary cases.

Kitzman and Lafreniere are both charged with first-degree theft. Kitzman has a criminal history that includes convictions of theft, assault and driving under the influence of intoxicants. Lafreniere was arrested earlier this year for theft, burglary, menacing and disorderly conduct.

All three are in custody in Clatsop County Jail.

Warrenton Police continue to investigate and more charges or arrests are possible.

Anyone with information about the bicycle thefts is asked to contact Officer Robert Wirt at rwirt@ci.warrenton.or.us or Officer James Pierce at jpierce@ci.warrenton.or.us or call 503-861-5622.

Kelly: He has set a goal of feeding 1,500 students

Continued from Page 1A

“It’s one of those jobs where you work hard and long hours, but you don’t get much appreciation,” he said. “It does not give you a lot after the Coast Guard.”

Kelly said he saw the article in The Daily Astorian about the district searching for a new food services director, and thought the position was the same as what he did on the ship, albeit on a larger scale. He thought of starting a restaurant, but his wife already had a stable job, and he didn’t want to spend 12 hours a day behind a grill.

At Astoria, Kelly said his main goal is to increase participation in food service, which has been lackluster but improving since the district started offering it for free. He has set a goal of feeding 1,500 of the approximately 1,800 students attending Astoria.

“It would be nice if they stayed here instead of going down to Dairy Queen,” he said.

Kelly didn’t want to divulge his recipes, but said he is running them past the district, and using the U.S.

Department of Agriculture’s Mixing Bowl program, which provides peer-reviewed recipes. Kelly is also hoping to run the recipes past students once they return to school.

“We’ve gone to more of a heat-and-serve model,” Kelly said. “But I think you have to do more than that.”

Kelly, who often depended on canned food while cooking for a cutter crew out on patrol for several months, wants to incorporate as many local, fresh products as he can, partnering with organizations like the Astoria Co-op Grocery. The district has turned to the Oregon Child Nutrition Coalition, a group of more than 80 school districts running their own food service programs who banded together to bid on food and supplies.

The real test, Kelly said, will be running his recipes past the kids once they return from his school. He also has Rebecca to turn to.

“My daughter doesn’t like the food at Warrenton,” he said, adding that he packs her lunch. “She’s kind of my sounding board on things at home.”

— Edward Stratton