

# Higher Level: ‘This is a case of reckless assault’

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Employment Act. Magley's attorney claims West and Oei were making and "dabbing" butane hash oil, which touched off the explosion.

Oei and West, via video teleconference from the Clatsop County Jail, were each charged with one count of second-degree assault, a Class B felony worth up to 10 years in prison, a fine of up to \$250,000 or both. Second-degree assault

carries a mandatory minimum of at least 70 months imprisonment under the state's Measure 11 law for major crimes.

The pair were also charged with one count of third-degree assault, a Class C felony worth up to five years in prison, a fine of up to \$125,000 or both; and four counts of recklessly endangering another person, Class A misdemeanors each worth up to one year in jail, a fine of up to \$6,250 or both. The reckless endangering charges, accord-

ing to Marquis, relate to the risk that fire and other emergency personnel were exposed to when they responded to the explosion.

"This is not a drug case," Marquis said during the arraignment. "This is a case of reckless assault."

West and Oei's attorney, Macon Benoit, requested conditional release. Marquis said the two men were arrested Friday morning and posed flight risks because of the nature of

their business. He requested \$250,000 bail.

Oei said he still lives in Astoria and works part time canning at Buoy Beer Co.

"Our company's not running any more," Oei said of Higher Level Concentrates. "The building has been condemned."

Circuit Court Judge Steven Reed denied the release request and set West and Oei's bail at \$250,000 apiece. The two men are scheduled for an early resolution conference later

this month.

Marquis, in a statement, said Higher Level Concentrates was authorized by the Oregon Health Authority without an inspection. The district attorney said he believes his indictment is the first state prosecution of a licensed butane hash oil facility involved in an explosion.

The state Occupational Safety and Health Administration has fined Higher Level Concentrates \$5,300 for workplace safety violations.

Magley is also suing Sweet Relief, a marijuana store, for premises liability; property owner Delphia and several of his companies for premises liability and violations of employment law; and two companies owned by local cigarette and marijuana store financier John Harper for employer liability law, products liability and general negligence.

Delphia is attempting to have the civil case moved from Multnomah to Clatsop County.



Ptarmigan Ptrails

Ed Kessler, principal owner of Ptarmigan Ptrails, the company hired by Oregon State Parks to scout new hiking trail routes around the slide area at Ecola State Park, stands on an enormous spruce tree that succumbed to the slide.

## Landslides: ‘It looks like a bomb went off’

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"Anything that we do there," said Park Manager Ben Cox, "well, nothing that we do there is going to hold back Mother Nature."

### Long-term solutions

The 1975 master plan proposed changing road access to the park, noting the existing Ecola Park Road's sharp turns, steep grades, narrow width and vulnerability to landslide damage.

Planners at the time proposed two different access routes: One that used the current road but branched off to intersect with an undeveloped access road, Radar Road, that enters the park from its eastern end near Tillamook Head. The other option abandoned the original road and suggested direct access from U.S. Highway 101 via Radar Road.

"Both access alternatives would require acquisition of private property," the plan noted. Today, planners would also have to consider the dozens of homes that cluster in the hills below the park's boundaries.

Park management has yet to outline a plan or come up with a new suite of possible solutions but they say any long-term proposals would require extensive scoping, meetings and conversations.

The park is looking at the areas where the land is, and historically has been, stable.

"Maybe these are areas where we'd like to relocate or plan a road," said Cliff Serres, manager of the parks department's engineering section.

"We're exploring options that include an alternate route into the park," Cox said.

Residents farther down Ecola Park Road are concerned about the road's integrity as its condition worsened since last year. Alternative routes are virtually nonexistent, or require four-wheel drive. One resident, Les Wierison, recently presented a petition to the City Council, urging councilors to take a more active role in maintaining the stretch of road between city limits and the park's entrance.

Meanwhile, Ecola State Park reopened after contractors tore out cracked and sliding asphalt along a portion of the road near the pay booth and replaced it with gravel. Later this year, contractors plan to replace a culvert under a section of road right before the Indian Beach parking lot.

Rangers are preparing for summer crowds — an estimated 313,808 people visit the park each year — and the sea-



Colin Murphey/The Daily Astorian

Parts of Ecola State Park were closed to vehicle traffic last week as crews worked to repair damage to roads and trails caused by landslides.

sonal increase in vehicle traffic, cars that will idle in long lines on the newly graveled road, bottlenecks at the pay booth.

The recent repairs should get them through the summer.

"We're crossing our fingers," Cox said.

### Historic problems

Park rangers find themselves saying variations of "Hopefully this will get us through the summer" and "Hopefully this will get us through the winter" often. And for a while there it felt like they were constantly, jokingly, asking each other, "What's the disaster of the day?"

After all, portions of this popular park have been sliding into the ocean for as long as anyone can remember.

"Nothing's new here under the sun," said Serres. "These are the same issues we've been dealing with at the park since we became stewards of the park."

A viewpoint that once wrapped around the side of a cliff at Ecola Point crumbled into the ocean several years ago. Every few years, park managers have to make repairs to Ecola Park Road as well as the road that dips off toward Indian Beach.

In 1961, a landslide at Ecola Point damaged 125 acres of the 1,023-acre park.

"I'd go up and visit it periodically," said Wierison. "You could stand where the pay booth is now and you couldn't see (the slide) move, but you could hear the trees snap."

The scars of this massive movement of earth and trees and undergrowth were visible for a long time.

The 1975 plan identified three major landslides in Ecola State Park. Ecola Park Road bisects one of these slides. As recorded in 1975 and continuing through today, the slide

continues to damage the road.

Slides have impacted the park's ability to get water and electricity to its ranger and visitor facilities, snapping underground wires and pipes. Today, power lines are strung along poles in the slide area right before the pay booth, and water comes in through a flexible, above-ground pipeline.

The Ecola slides are slow moving. While they are dramatic in scope, they rarely present major threats to the health and safety of visitors. They do, however, threaten accessibility to the park.

### Recent landslide

The most recent landslide that washed out the trail between Ecola Point and Indian Beach last year is less a slide and more of a bulge, says Ed Kessler with Ptarmigan Ptrails, the company hired by the parks department to identify new trail routes around the slide.

Softer material is sliding out of a half-mile-wide crown, Kessler said, creating a bottleneck between bedrock. Water that rangers can hear trickling through the woods has no obvious above-ground source, until they see it shooting out from underneath the landslide debris.

"There's pressure from trapped groundwater and there's pressure from the loosened soil material," Kessler said. Up above the landslide, there's a pond of trapped water that stretches for almost an acre.

The slide area is shaped a bit like the letter "U," "like the cirque or bowl of an alpine mountain," Kessler said. The arms of the "U" are the cliffs on either side, relatively solid points marching down toward the ocean. The curved base of the "U" is the ridgeline, a sort of crown of higher, solid ground that arcs between Ecola

Point's parking lot and Indian Beach. The trees that grow up there are older and taller than those below; they have withstood numerous slides over the decades. The empty space between the arms and the base of the "U" is where the ground has thundered away, sliding and bulging into the ocean. Deep fissures opened up in these hillsides, 20 feet deep in some places and 10 to 15 feet wide.

Farther down, where the trail used to be, is a river of brown mud and clay. The slide uprooted trees, sent some sliding down toward the water and slammed into others near the cliff edge, causing them to slant backward toward the ridge. It rolled undergrowth into muddy tangles and washed a small bridge dozens of feet down from its original placement on a trail segment that no longer exists. There's an ocean view that wasn't there before.

### New trail

It is the nature of this landscape to change, says Park Ranger Bo Ensign.

As he looked over the slide area at the end of April, he had a hard time remembering what this particular portion of the trail had even looked like.

"Even what had been here is different from what it was before," he said. Now: "It just looks like a bomb went off."

Though park management has yet to finalize a plan, they will likely abandon this entire middle section, opting to bypass the slide zone entirely and reroute up to the ridgeline. They may decide to provide a few in-and-out trails down to familiar viewpoints to preserve some of the characteristics of the original trail. The reroute is expected to cost between \$20,000 and \$50,000.

The route proposed by Ptarmigan Ptrails would travel from high point to high point — from the surviving end of the trail at Ecola Point, up to the solid ridgeline above the slide, and then back down to meet the piece of untouched trail that comes up from Indian Beach. Cox and the rangers say they are excited to show hikers something new.

Ensign says the new trail route takes hikers through a different type of forest, older stands of trees, fascinating little pockets of habitat.

Kessler describes a rich landscape above the slide: Open spaces filled with mature spruce trees, a spot where, with your feet on one of the few unmoving places in the park, "you are literally up in the sky seeing down to the ocean."

## Warrenton: Both men plan to run for re-election if picked to serve as mayor

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the mayoral position and start moving forward to fill the vacant (commission) seat."

Until either Newton or Balensifer's seat is officially vacated, the commission cannot appoint a new commissioner to bring the total number back up to five.

There is a possibility of a tie if the two candidates vote for themselves and the remaining two commissioners, Pam Ackley and Tom Dyer, each vote for a different candidate. If the result is a 2-2 split, a commissioner could make a motion and change his or her "no" vote at the next meeting, according to Warrenton City Manager Linda Engbretson. If the commissioners remain divided, Balensifer will serve as acting mayor for the rest of Kujala's term, which expires at the end of 2018.

"It's entirely up to them," Engbretson said. She added, "They indicated they'd be ready to make the appointment at the (Tuesday) meeting."

At its last meeting in April, the City Commission held a public hearing to allow residents to ask Balensifer and Newton questions and to comment on who they think should be mayor for the next year and a half. Many of the

people present indicated that they supported Balensifer.

Newton is the son of a former Warrenton mayor, Les Newton, but his election to the commission in 2014 marked his first time holding public office. He owned NAPA Auto Parts in Warrenton and also served on the city's urban renewal committee.

Balensifer grew up in Warrenton and was first elected to the commission in 2012. The commission has chosen him to serve as the vice chairman for the commission every year since, acting as mayor if Kujala was unavailable. He had previously been appointed to the Warrenton Planning Commission and has been involved in state and local politics since he was a teenager.

Both men have promised to run for re-election if selected to serve as mayor for the remainder of Kujala's term.

The Warrenton City Commission meets at 6 p.m. on Tuesday. There will be a time for public comment before the commission discusses the two items on its business agenda: the mayoral appointment and a resolution establishing an interest rate and penalty fee for installment payment assessments.

## Harding: ‘We are operating from passion first and money second’

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an organic coffee shop into casual French cuisine in mid-April and is managed by Harding, her husband and the Becklund family.

Part of the inspiration came from her French heritage, and a lot from the building itself.

"One day I walked by this building, and it wasn't for sale, but I just loved it," she said. "I saw the owner in the building, and something just told me to turn around and ask about it. I knew it was meant to be a restaurant"

From there, design and details started to all fall into place, she said.

"I love the idea of French food because you start with such excellent ingredients. It's the essence of simple

food done well," she said.

All of the food is made in house, including hand-made pasta, butter and fresh-caught fish, she said.

"The only thing we buy are the baguettes," she said.

While the restaurant has only been open for less than month, Harding said she sees keeping up with the growing demand as the next chapter in her vision for the restaurant.

Candlelight and funky French cookware aside, what really drives the ambiance of the place is the crew's passion, she said.

"Running a restaurant is long hours. Nobody does this unless they love it," she said. "We are operating from passion first and money second."

— Brenna Visser



Brenna Visser/The Daily Astorian

Harding Trading Co. in Cannon Beach.