

# Fishery: 'We're at a spot where we've never been before'

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But fishery managers are also looking at extremely high flow levels on the Columbia River as well as cooler water temperatures — basically the opposite of what they were dealing with in 2015 when drought conditions in the Pacific Northwest worsened in the summer and affected fish all along the Columbia River, with water temperatures at Bonneville Dam rising to almost 5 degrees over the 10-year average.

Fishery managers believe the salmon are out there this spring; an early recreational fishery and test fishing yielded

plenty of fish, according to Tucker Jones, the Department of Fish and Wildlife's ocean salmon and Columbia River program manager. It could be that the run is late, or it could be that the heavy flows are holding fish back, fishery managers say.

"We're at a spot where we've never been before," Jones said.

"This is a very atypical year," he added. "Environmentally, I think that's ultimately going to be a good thing for fish but it's certainly playing havoc with our counting and our predictive ability."

Heavy rains and a full snowpack in the mountains

caused river flows to surge this spring. Recently, fishery managers observed that when the flow was especially high, the number of fish seen at Bonneville decreased.

To set a fishery and declare it open, fishery managers look at total run size predications. They put a buffer around that number, allow some openers and then, before they open fisheries further, look to see how much of the predicted run has started to pass through Bonneville Dam. Since the 1970s, they've usually had a good sense of where the total upriver spring Chinook run is at — or at least the first big chunk of it — by early May.

"Since we've been looking, back into the late '70s, it's never been later than May 12," said Jones. This year, only about a quarter of the forecasted run had passed Bonneville by today. "But we have also seen flows down the river that we haven't seen in 50-plus years so we're kind of outside the bounds of normal."

Either way, the early recreational fishery has already hit its allowed impacts — the percentage of listed salmon species fishermen are allowed to handle in the course of trying to catch other salmon. Even though fishermen would have been required to release any adult salmon they caught in

the postponed fishery, a certain number of released fish likely die — a percentage fishery managers must factor in when they're regulating fisheries from year to year.

According to the Department of Fish and Wildlife, it is common to close steelhead fishing whenever Chinook fishing is also closed. If it were to be left open, Jones said, "people might inadvertently (or purposely) impact one species when fishing for the other."

So until there are more fish in the water, fishermen must wait. Jones thinks it could be another week or two "before we really know the full story

on this year's returns."

Commercial fishermen, meanwhile, operating under separate allowed impacts, have landed 2,194 spring Chinook in Youngs Bay as of Wednesday, according to preliminary totals recorded by the state. In other select areas — the areas gillnet fishermen have been restricted to fishing in since state police began phasing them off the Columbia River's mainstem following a fisheries reform policy passed by former Oregon Gov. John Kitzhaber in 2012 — commercial fishermen landed 634 spring Chinook in Blind Slough and Knappa Slough, and only seven in Deep River.

# Kittens: All 41 charges are considered felonies

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trips there once or twice a week since the arrest. He also treated the animals seized from Kittles' bus two decades ago.

Kittles' dogs were infected, in some cases, with parasites and heartworms, but the vast majority were later adopted. St. Clare's cats most likely will not be as lucky, Pope said.

"That's what makes this one more heart-wrenching for everyone, knowing that a large number of these cats aren't going to make it," Pope said.

## Burden on shelter

The arrival of St. Clare's cats has nearly quadrupled the number of felines housed at the small animal shelter in Warrenton.

The shelter has been forced to purchase more cages, litter boxes and dishes. Part-time staffers have been working more hours to care for the animals, resulting in higher labor costs. Animal Control Supervisor Stephen Hildreth said it's unclear exactly how much costs will rise as a result of the case.

"It's going to be a substantial amount, but the animals will get the best care they can get," Hildreth said. "Between the volunteers and paid staff, we will do it."

The shelter staffers have been caring for St. Clare's cats, while volunteers have worked with the 31 other cats and dogs. The past few weeks have been emotionally and physically draining, Hildreth said.

"It's just the time and energy, seeing those animals wait," he said. "It just stresses everybody out."

The animal shelter is considerably bigger than the one that held Kittles' animals, but it still is experiencing space issues.

Many of the cats have been housed in a room usually designed for quarantined dogs, as well as an overflow room, their cages stacked from the floor to the ceiling. Ventilation in both rooms is designed to prevent the spread of airborne diseases, Hildreth said.

Though Hildreth was not the animal control supervisor during the Kittles case, he has seen five or six cases of animal hoarding in 14 years, including one in which 107 cats and



Colin Murphy/The Daily Astorian

Dozens of cats rescued from a suspect's vehicle in April are now in the hands of the Clatsop County Animal Shelter. Dozens of cats will stay in custody until their fates are decided.



Warrenton Police Department

The surviving cats were given water and food at the Clatsop County Animal Shelter.

one dog were removed from a home.

"I've seen worse. I've seen better," Hildreth said.

Hildreth did note a silver lining to the animal shelter's experience with animal hoarding. "We've fine-tuned it more, which makes it easier to handle," he said.

Donations can be made through cash or check to the Bayshore Animal Hospital or via credit card or check at the Clatsop County Animal Shelter. Also, "there is never, ever an abundance of volunteers," he said.

## National headlines

St. Clare, who has pleaded not guilty to all charges, is scheduled for an early resolution conference next week. If

her prosecution lasts as long as Kittles' case, St. Clare's cats may remain at the shelter for the foreseeable future.

Kittles filed numerous appeals and switched lawyers and judges repeatedly to prolong her case for nearly two years. Eventually representing herself, she asked witnesses a plethora of questions and took 2 1/2 days to offer her own testimony.

As the trial chugged along, it grabbed national headlines. Kittles was eventually convicted on 42 misdemeanor charges and sentenced to more than six months in jail.

The Kittles trial turned out to be a crux in Oregon's animal cruelty laws.

Clatsop County District Attorney Josh Marquis, who

prosecuted Kittles, joined lawyers, politicians and activists to lobby for legislation that would upgrade a number of animal cruelty charges from misdemeanors to felonies.

In 1995, Oregon adopted what is often referred to as the "Kittles Bill," becoming the 12th state in the country to have felony provisions as part of its animal cruelty laws. Now, 46 states have adopted similar laws.

"There was a massive change of consciousness in America. These were considered nuisance cases," Marquis said. "The attention the Kittles case brought to animal cruelty clearly brought more attention to the issue."

## Felonies

Because of the stronger law, all of St. Clare's 41 charges are considered felonies, meaning she may face up to two to four years in prison if convicted. Like Kittles, she has a history of animal hoarding. She was convicted in Washington state last year of animal cruelty after being found with 111 cats in a trailer in 2014.

The cats at the animal shelter could be made available for adoption if prosecutors file a petition with the court or if St. Clare signs a written document legally releasing the animals from her care.

For now, both St. Clare and the dozens of cats will stay in custody until their fates are decided.

# Gearhart: Owner says he subsidized the former grocery

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Citing losses, Lowenberg went before the Planning Commission in March 2016 seeking approvals for a brew pub and deli on the site of the 4,100-square-foot Gearhart Grocery. Lowenberg said the business was unable to compete with larger grocery stores. Commissioners approved the plan.

But when Lowenberg presented building plans to the city, drawings designated an area of four video poker machines isolated from the main seating area by an 8-foot wall display. Lowenberg was told by city staff his revised plans would require additional review.

In January, Lowenberg submitted a request to place video poker machines in an enclosed area of his cafe.

Lottery dollars support many resources in Oregon, he wrote in an accompanying document, and if customers want to participate in lottery while waiting on a meal, "this is good for Gearhart and good for Oregon."

At that meeting, Lowenberg said he has been subsidizing the former grocery store for the community for a "very long time" and the store has never supported itself since he purchased it. Lowenberg told commissioners 30 to 40 percent of his income would need to come from the lottery to help his business.

Commissioners determined the request was inconsistent with the city's comprehensive plan and neighborhood commercial zoning.

According to city staff, the narrow definition of a neighborhood cafe does not include or allude to lottery machines, gambling or gaming. City staff determined the inclusion of the video poker machines "was not included in the original application for a neighborhood cafe."

His request was denied by the Planning Commission by a 5-2 vote.

Lowenberg's appeal to City Council challenged



Terry Lowenberg

the Planning Commission's denial, contesting what he called "biased statements" and arguments against the machines by linking gambling and drinking.

In his appeal to the City Council, Lowenberg said city code does not exclude lottery machines, gambling or gaming in any section.

He said the city's decision fails to provide any supporting evidence linking gambling and drinking, "and characterizes the Oregon Lottery as something other than the entertainment the lottery is."

The council affirmed the Planning Commission's denial at its April meeting, stating that the request "is not in compliance with some of the comprehensive plan policies," and there is "no evidence of demand for the machines in the central city core."

"It's hard for me to see a public need was proven," Mayor Matt Brown said in casting his "no" vote.

Brown signed the decision on April 14. According to city's zoning code, the owner may appeal within 21 days of the final order. The notice of intent was submitted to the state on May 5.

"One of the primary issues is whether or not state law literally trumps local land use law is going to be an issue that will be before the land use board of appeals," Hathaway said. "The city also determined the use was not allowed in the underlying zone for cafes. And I believe that that use is allowed as an accessory use that's regulated by the state. Those are the issues we will definitely address at LUBA."

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