

Road rage: Judge set Stone's bail at \$500,000

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Russell passed Stone one more time after he turned onto Old Mill Town Road and stopped his car. The Longview man got out of the car with a small baseball bat in hand and walked toward Stone's truck with three other people around him. The truck was struck during the altercation, Marquis said, leading Stone to allegedly accelerate around the car and hit Russell.

Stone allegedly fled the scene before returning. He admitted to drinking five beers during the day, smelled like alcohol and appeared intoxicated, according to court records.

Stone was arrested and taken to Clatsop County Jail. He was charged with first-degree manslaughter, failure to perform the duties of a driver to an injured person, reckless driving and driving under the influence of intoxicants.

During Stone's first hearing Thursday in Circuit Court, Marquis mentioned his 2004 conviction for first-degree arson and first-degree aggravated theft. Stone, then the chief of the Westport Volunteer Fire Department, tried to set fire to business records after being accused of embezzlement. He was sentenced to 17 months in prison.

Stone's bail was set at

\$500,000 Thursday by Judge Paula Brownhill. Marquis initially asked for it to be set at \$1 million.

The Clatsop County Major Crimes Team is investigating the altercation.

First-degree manslaughter carries a prison sentence of at least 10 years. Stone could face lesser charges — like second-degree manslaughter — or more severe ones — including murder — once prosecutors bring the case to a grand jury.

"Generally we charge low and then go up from there," Marquis said. "A murder is an intentional act intentionally causing the death of another. Manslaughter in the first degree is recklessly, under circumstances manifesting extreme indifference to the value of human life."

If a defendant does not display extreme indifference to human life, a second-degree manslaughter charge could be appropriate, Marquis said.

The district attorney doubted that self-defense led Stone to run over Russell.

"The only justification for inflicting this much damage on this victim would've been a reasonable belief by the defendant that he was about to be killed and the only reasonable thing he could do was to drag him 1,000 feet," Marquis said. "That sounds like a very unrealistic scenario."

Gillnets: This work is still a 'two state issue'

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Otherwise, Brown wrote, the commission's divergence "will make enforcement complicated, confusing and untenable and put at risk ongoing funding and bistate cooperation necessary for fishery reforms."

However, recent staff reports from both states noted that the Columbia River Reform Policy — also known as the Kitzhaber Plan after its champion, former Gov. John Kitzhaber — has failed to meet many of the original expectations.

The policy was intended to phase gillnets off the river's main stem entirely by 2017 and replace the vertical nets with other types of gear. Washington tested purse and beach seine nets, but has not found a suitable replacement for gillnets, according to a recent staff report.

Nor have recreational or commercial fishermen seen expected economic benefits. Gillnetters have been relegated to off-channel select areas like Youngs Bay, Tongue Point and Blind Slough in Oregon. No select areas have been identified in Washington yet.

The need for an agreement on river management stretches beyond the question of gillnets, Washington Commissioner Barbara Baker noted. To meet long-reaching conservation goals, it makes little sense to manage a river with two sets of rules, she said.

Concurrent rules promote orderly, well-regulated fisheries, Tucker Jones, ocean salmon Columbia River program manager for the Oregon Department of Fish and Wildlife, told the commissions.

"Not having concurrency is a really tough situation from a management standpoint," he said. It has a high impact on both commercial and recreational fisheries.

"The border is pretty well set on a map, right? But the

map is harder to find when you're on a boat on the water," he added. "Things move. So that would make it difficult for us to manage. It will make it difficult for law enforcement to enforce. It will make it difficult for our customers, the anglers and commercial fishermen, to figure out what they're going to be doing and how they're going to be doing it in a way that fits within the bounds of what they want to do."

Staff had discussed establishing thermal refuges, or cooler-water sanctuaries, for heat-stressed salmon where fishing opportunities may be restricted. This work is still a "two state issue," said Bill Tweit, special assistant to the director for the Washington Department of Fish and Wildlife. If Washington is considering a cold-water refuge, Oregon anglers need to know that.

For Oregon commissioners, there is some urgency, especially when it comes to planning around the Columbia River Reform Policy and other concurrency issues for the long term. Oregon Fish and Wildlife Commissioner Holly Akenson pointed out that many of their terms will expire next spring and summer.

"I feel it's important for us to address it while we have a somewhat similar commission to what we have right now because in two years only one person on this commission will still be part of the commission," she said. "So we will have all new people."

"I'm concerned that with the complexity of this topic, better to just deal with it while we have a contingent of commissioners on both sides that have the background knowledge to make that decision."

The Washington Fish and Wildlife Commission plans to discuss how its commissioners might be involved with Oregon on the next steps at a meeting Saturday.

Climate: Seasons continue to open late

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closing or opening areas along the coast in response to events like harmful algal blooms.

Meanwhile, the industry is grappling with issues like how to best address the entanglement of whales in crabbing gear along the West Coast, as well as the rise of ocean acidification and low-oxygen conditions — hypoxia — that threaten both the Dungeness fishery and the shellfish industry as a whole.

It's a lot.

Challenges

The industry-funded Oregon Dungeness Crab Commission is well aware of all the challenges the fishery faces. Among the commission's top priorities are to find ways for the industry to reduce the chances of whale entanglements and to support research into why Oregon is seeing increased occurrences of hypoxia, said Tim Novotny, the commission's spokesman.

But by the numbers, Oregon's Dungeness crab fishermen had a great last season.

The season, which traditionally starts Dec. 1, got off to a rocky start, delayed first by crabs that didn't pass state "meat fill" tests and then by price negotiations and bad weather. However, when crabbers finally hit the water in late January, they landed 23 million pounds in Oregon for a total ex-vessel value of \$74 million, according to preliminary data collected by the state.

For comparison, fishermen landed 20 million pounds for \$62 million in the 2016-17 season, and only 14 million pounds for \$51 million in the 2015-16 season.

Last season's record landings far exceeded Alan Shanks' own predictions — and he isn't sure if that's a good thing.

Shanks, a professor at the University of Oregon's Oregon Institute of Marine Biology, has been predicting Dungeness crab abundance season to season for 18 years. He looks at the abundance of megalopae — Dungeness in



Photos by Colin Murphey/The Daily Astorian

Brian Boudreau heat treats the plastic material encasing his crab boat while at the Port of Astoria for modifications.



Members of the F/V Pacific Pacer crew remove parts of the boat to prepare for crab season.

one of its larval stages — to help predict the size of the commercial catch four years later. Up until this last season, his predictions were more or less correct.

"I was within plus or minus 12 percent, which for a fishery prediction is really good," he said.

Shanks theorizes, though he can't be sure, that several years of warm ocean conditions — the anomalous warm water, nicknamed "the Blob," that persisted off the West Coast in 2013 through 2015, followed by a massive El

Nino in 2016 — created a situation where crab larvae grew very quickly.

Last season, it is likely fishermen caught a mix of the usual 4-year-old crabs, as well as a bunch of 3-year-olds that looked like they were older.

"Now if that actually happened, there's a good chance my prediction for this upcoming fishing season will be too high," Shanks said.

But he can't say for sure. What he can say is this:

"I think a more important way of looking at this is the Blob was, according to the

meteorologists, definitely the result of climate change and the strong El Nino was probably strengthened due to climate change.

"So this is the first pretty clear indication that climate change is starting to affect the crab pot fishery and the crab population."

Going bigger

Crabber Brian Boudreau isn't taking last season's numbers for granted, either. He is lengthening and widening his boat, changes that will double what the boat can carry in landed crab.

And where Boudreau could comfortably fit 150 crab pots before, he estimates he will now be able to carry 400 to 500.

Other fishermen he knows are doing the same, coming to a similar conclusion as Boudreau did after his crew struggled to get gear out last season because of the bad weather.

If Dungeness seasons continue to open late — as they have for several years now — fishermen are calculating their chances of heading out in worse weather.

"Who knows when we're going to go off this year," Boudreau said.

Letter: Prosecutors worry about early prison release

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In the letter, the district attorneys express concern that the potential bill may allow all inmates to leave prison early.

"Our citizens have repeatedly voted for strong sentences for serious crime," the letter states. "We believe any attempt to hide plans to cut sentences after the election is both duplicitous and undemocratic and would be rejected by Oregon voters."

Brown, a Democrat, is in a close re-election campaign against state Rep. Knute Buehler, a Republican who has faulted her on transparency.

Marquis, a Democrat, has endorsed Buehler, but he said the letter is not meant to influence the election.

The district attorney, who is retiring in January, has long opposed major reductions in prison sentences, preferring "truth in sentencing."

Brown's administration should, "immediately release any legislative concepts that change voter approved limits on the early release of violent felons or others serving sentences handed down by judges in open court," Marquis said in a statement.

The letter from prosecutors claims they have reached out to the governor's office and that a staffer assured them that no legislation to reduce prison sentences would be proposed in 2019. "However this message was not public and not from our governor, only from one of her staff," the letter states. "Therefore, we remained very concerned."

Other prosecutors who signed the letter to Brown include Clackamas County District Attorney John Foote and Linn County District Attorney Doug Marteeny, who, like Marquis, have been critical of new laws that reduce sentences for drug and property crimes.

A Marion County judge



Colin Murphey/The Daily Astorian

District Attorney Josh Marquis and other prosecutors have criticized Gov. Kate Brown over transparency.

ruled in October that the administration could not rely on its attorney-client privilege argument and ordered the public release of the bill

proposals.

But the administration appealed, and shortly before the deadline to release the documents, the Oregon Court

of Appeals granted a stay on the release until a final ruling. The court has said that the ruling will not come until after the election.

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