

Gudgell brothers convicted of 18 fishing violations

Descriptions in court of 'high-grading'

By NATALIE ST. JOHN
Chinook Observer

LONG BEACH, Wash. — Charter boat operators Robert and David Gudgell were convicted Thursday of 18 alleged fishing violations.

The brothers work for Pacific Salmon Charters, an Ilwaco charter company owned by their parents.

"Natural resources like fisheries are the lifeblood of our community, and we could not allow the defendants to continue a practice that endangered them," Prosecutor Mark McClain said in a statement.

McClain said the Gudgells turned down a plea offer that would have involved "a relatively brief jail sentence, prohibition from fishing halibut and significant financial responsibility," choosing to take their chances on a trial instead.

Robert Gudgell, 57, was

found guilty of eight counts of second-degree unlawful recreational fishing, a misdemeanor. David Gudgell, 58, was found guilty of nine counts of second-degree unlawful recreational fishing. He was also found guilty of one count of waste of fish and wildlife, a gross misdemeanor.

The state Department of Fish and Wildlife opened an investigation in spring 2017, after customers on a halibut fishing trip claimed they saw the boat crew catch more than the limit, store extra fish in a "livewell," then cherry-pick the largest fish at the end of the day. They also alleged the crew dumped the unwanted fish, some of which were dead, overboard.

A fishing party can catch one halibut for each licensed person on the boat. If a passenger doesn't like the first fish they catch, they can immediately release it and try for a bigger fish. However, catching more than the legal limit is strictly forbidden, and so is holding fish as "insurance" and releasing



Halibut at the Port of Ilwaco.

ing them if better fish are caught.

Department of Fish and Wildlife Officer Todd Dielman interviewed and sought written statements from dozens of people who took fishing trips aboard Robert Gudgell's boat, the Katie Marie, and David Gudgell's boat, the West Wind, in 2017. The charges were based on those statements and on documents gathered during a

search of the Pacific Salmon Charters office.

At the trial, the Gudgells often highlighted the challenges of running a fishing business and their complicated relationships with the animals that provide their living.

When Robert Gudgell was called, defense attorney Nathan Needham produced a large matted illustration of a halibut, asking, "What's

that fish mean to you?"

"My future in halibut fishing. It's an income source for me. It's getting to be less and less," Robert Gudgell said. "You have to be able to fish for all the fisheries, all the time."

Robert Gudgell said he came up with the novel idea of putting the livewell — a gel-coated fiberglass holding tank — on his boat because there were times when deckhands couldn't immediately deal with fish that came on board, for example, in very rough waters or when more than one customer brought in a fish at the same time.

He said he believed it kept the animals healthier and happier, and was safer for passengers than leaving fish lying on the deck. Gudgell strongly denied throwing dead fish overboard.

"I'm a conservationist," Robert Gudgell said. "I don't kill stuff just to kill. I don't do it." Robert Gudgell said his personal definition of "high-grading" merely meant making sure customers get the largest fish, and crewmembers take home the

smaller fish. He said it was common practice on charter boats.

David Gudgell described his frustrations with the state's management of the halibut fishery, saying the rules for commercial fishing of halibut are so rigid that they sometimes cause fish to die unnecessarily.

"It's one (fishery) that I don't think the state of Washington necessarily cares much about," David Gudgell said. He also talked about the pressure to please his customers, who paid around \$215 per person for the privilege of catching one halibut.

"Customers need to go home with the biggest fish," David Gudgell said.

He said he couldn't see what his deckhands were doing while he was at the wheel, but he denied doing anything illegal — or telling his deckhands to do anything illegal — to keep his customers happy.

"The buck stops here," David Gudgell said.

A sentencing hearing is scheduled for Wednesday.

Washington state House passes bill limiting vaccine exemptions

State Senate will consider similar legislation

By RACHEL LA CORTE
Associated Press

OLYMPIA, Wash. — As health officials monitor an outbreak concentrated in southwest Washington, the state House approved a measure that would remove parents' ability to claim a personal or philosophical exemption to vaccinating their school-age children for measles.

The vote comes in the midst of an outbreak that has sickened at least 71 people — mostly children age 10 and younger. As of Wednesday, Clark County Public Health said that they were investigating an additional three suspected cases.

The Democratic-led chamber passed the bill on a 57-40 vote late Tuesday night and it now heads to the Senate, which is expected to vote in the coming days on its own bill, which is broader. While the House bill removes the philosophical exemption for just the combined measles, mumps and rubella vaccine, the Senate measure seeks to remove such exemptions for any required school vaccinations.

The measure is sponsored by a lawmaker from that region, Republican state Rep. Paul Harris, of Vancou-

ver, who said that the measure "will make our communities safer."

Harris said that while most of his caucus didn't agree with the bill, he pointed to the nearly three dozen states — including those with Republican leadership — that currently don't have the option of the philosophical exemption.

"This is a bipartisan issue," he said during debate. Joining Harris in voting for the measure were fellow Republican Reps. Drew Stokesbary and Mary Dye. Two Democrats voted against it, Reps. Steve Kirby and Brian Blake.

Republicans initially introduced more than three dozen floor amendments, but withdrew most of them before the late night vote after majority Democrats agreed to accept a few of them, including one that exempts a child from the requirement if a parent or legal guardian presents a written certification that a biological parent or sibling has immune system problems or adverse reactions to a particular vaccine.

Republican Rep. Norma Smith, of Clinton, said that most of the communication she's gotten from voters in her district was in opposition to the bill.

"Please recognize that this is a complex issue and that we need to respect the decisions made by families," she said during floor debate. "For

us to take an action which doesn't allow them to have a voice, I believe is wrong."

It's unclear which measure Washington lawmakers will ultimately move forward with if the Senate passes its measure before next week's deadline to get policy bills voted out of the chamber of origin. The 105-day legislative session ends April 28.

Washington is among 17 states that allow some type of nonmedical vaccine exemption for "personal, moral or other beliefs," according to the National Conference of State Legislatures.

In addition, medical and religious exemptions exist for attendance at the state's public or private schools or licensed day care centers.

Unless an exemption is claimed, children are required to be vaccinated against or show proof of acquired immunity for nearly a dozen diseases — including polio, whooping cough and mumps — before they can attend school or child care centers.

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Ex-first lady agrees to settle ethics charges for \$44,000

Associated Press

PORTLAND — Former Oregon first lady Sylvia Hayes has agreed to pay \$44,000 for ethics violations arising from her use of public office for personal profit.

The Oregonian reported the settlement, signed Jan. 18 by Hayes and made public Tuesday by the Oregon Government Ethics Commission, states Hayes will not contest that she broke ethics laws 22 times. But it allows Hayes to maintain that she didn't knowingly break the law.

Private groups paid Hayes more than \$200,000 to lobby for eco-friendly policies, work investigators later concluded she obtained because of her access to Gov. John Kitzhaber and his aides in violation of state law.

The resulting influence peddling scandal enveloped Kitzhaber and Hayes, who was his fiancée, and ultimately led to Kitzhaber's resignation in 2015 and Hayes' financial ruin.

The Ethics Commission will vote today on whether to accept the settlement.

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