

# OPINION



# the Astorian

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Founded in 1873

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## OUR VIEW

# Threatened clam season calls for smart responses

Our coast's many fanatical razor clam diggers feel whipsawed between news that local sands swarm with delicious bivalves but that a new blob of warm seawater might produce a toxic bloom and make these clams inedible.

At this point, such worries are premature. The most recent monitoring found no upsurge in concentrations of the type of diatom that sometimes produces toxin.

Even those who wouldn't be caught dead splashing in the surf in rubber boots plunging shovels and clam guns into the dimpled sands have to care about this issue. Recreational clamming pumps millions into the coastal economy during fall, winter and early spring months when businesses desperately need the cash infusion. Clams also form a key part of our ecological food web, sustaining Dungeness crab and other valuable species.

Clam seasons have been rocked by the emergence of domoic acid. Produced by marine microorganisms that sometimes generate the toxin when exposed to warmer water, domoic acid can cause illnesses and death in mammals and birds, while apparently doing no harm to the clams that ingest it in the process of filter feeding.

There was an especially bad local domoic outbreak in 2015, toward the end of the previous development of a blob of warm seawater that started in late 2013. The 2014-15 season was ended slightly early because of domoic concentrations in clams, and aftereffects lingered through the first half of the 2015-16 season. After the toxin cleared from clams, Washington state agencies packed as much harvest as they could into the remainder of that season.

A similar strategy jammed as many digging days as possible into the 2016-17 season despite the longest domoic-related closure since 2002. The toxin also impacted commercial crabbing off and on in these years.

The 2017-18 and 2018-19 seasons didn't include domoic outbreaks, but the previous enormous clam population had dissipated — possibly having died of old age. While many tiny clams were found during the summer 2018 population study, there were



Luke Whittaker/Chinook Observer

Mark Cady counted his limit of razor clams last year. He and other digging enthusiasts may have many more opportunities this year, with a 5.2 million clam harvest quota.

few sizable adults, and only four digging days were permitted last season.

Now, a harvest quota of 5.2 million — the most in modern history — has been announced for 2019-20. And almost simultaneously, there's news a big patch of warm seawater has formed offshore — the "Return of the Blob" that Washington State Climatologist Nick Bond predicted three years ago at a Long Beach science conference. Local people have known for several weeks that nearby waters were becoming unusually warm, based on the kinds of marine life being observed and caught by fishermen.

the seasonal storms that have already been arriving.

- Connections between warm ocean water and the on-switch for domoic production still are poorly understood. So we may luck out altogether — or we might get clobbered sooner rather than later.

- State and federal agencies have for years set the "action threshold" for domoic acid at 20 parts per million in clams, but it's entirely possible this may be lowered. There is a suspicion among scientists that long-term exposure to even lower toxin levels can result in harm.

- These huge pools of unusually

lor digging times and places to take advantage of clean clams. A new testing system under development promises to deliver toxin results within an hour of sampling, in contrast to as much as a couple of days now.

- During previous domoic outbreaks, digging would have been more-often permissible if authorities had been willing to open mile-long segments of beach where domoic levels were low. State agencies believe this would be difficult to manage, as personnel could have a difficult time regulating digging in closed areas when some people walk to the beach through the dunes and wouldn't see closure signs. These potential issues seem relatively easy to address.

- With an historically large harvest quota subject to potential spoilage if there is a toxin surge, the Washington Department of Fish and Wildlife's decision to begin the local season early is very welcome. The agency should maximize harvest opportunities throughout the coming fall and winter.

Ultimately, it may perhaps be possible to bioengineer the offending algae so it does not produce domoic acid, or to develop other novel solutions to the problem.

Without smart thinking, the warming ocean threatens not only shellfish, but an economy and lifestyle built around them.

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Clam fans anticipate feeling like Charlie Brown does when Lucy snatches away the football just as he's about to kick it.

Several points to bear in mind:

- When the previous blob formed offshore in the fall of 2013, it took a couple of years before domoic acid began to be generated and reached hazardous levels in clams. So we could be OK for the whole 2019-20 season. In addition, this year's blob is shallow and could be dissipated by

warm seawater are popping up here and there around the world. In the South Atlantic off Uruguay, a blob similar to ours has decimated the surf clam industry. This may be a sign of things to come as temperatures rise.

- Effective monitoring of actual ocean conditions before toxins enter the near-shore food web is vital. In addition, the states must strive for more timely information about clam conditions, and more closely tai-

## GUEST COLUMNS

## Death penalty bill a betrayal

In June, the Oregon Legislature passed Senate Bill 1013 that narrowed the definition of aggravated murder and drastically reduced the number of murderers in this state who are eligible for the death penalty.

While reasonable minds can differ on the question of capital punishment, we should all agree that our laws need to be clearly written and not cause harm to victims of crime.

Even though the proponents of the bill made assurances that it would not be retroactive, some now admit they always intended for the new law to be retroactive.

A judge in Washington County ruled in August that the new law is retroactive and applies to a pending 1998 case where the defendant was convicted of aggravated murder, received the death penalty and subsequently was granted post-conviction relief. Martin Allen Johnson was convicted of raping and killing a 15-year-old Tigard girl and dumping her body off the Astoria Bridge.

The Oregon Department of Justice said last month that they would not appeal the judge's ruling.

Now Gov. Kate Brown refuses to call a special session to fix the defective death penalty bill even though the defendant didn't take effect until Sept. 29.

The poor victim's family, thinking that the case was finished and the defendant was on death row, now has to face the prospect of a new trial. The trial court has already ruled that the defendant can't receive the death penalty because the facts don't fit the new

death penalty statute.

To force victims to relive tragedies and come away with even less justice for their loved one that they reasonably believed already was done is a fate I would not wish upon anyone.

Regardless of where you stand on the death penalty, we all want certainty when it comes to some of our most important laws. I feel betrayed as a voter because I voted for the death penalty back in the 1970s and again in the 1980s and 1990s as a majority of Oregonians have done.

Due to the end run by the Legislature and the refusal by the governor to call a special session, I feel cheated out of my vote. You may, too, regardless of your personal views on the death penalty.

The fix is fairly easy. The cost to the state wouldn't be nearly as much as the cost to all of the crime victims' families who will potentially be revictimized by the callous way in which

our death penalty was gutted and made retroactive, apparently by design.

There's still a few days left and maybe Gov. Brown and the Legislature can still fix this mess. Please sound off about this unfair situation. Without a fix, justice will be denied to many victims in our state. Our local legislators should be congratulated for voting "no" on this bill.

This type of end run of democracy should not be tolerated.

Ron Brown is the Clatsop County district attorney.



**RON BROWN**

## Mitchell recall will backfire

In the past year, I've become a vocal opponent of House Bill 2020, the cap-and-trade program. As the president of the United Steelworkers Local 1097 at the Georgia-Pacific Wauna Mill in Westport, it's my responsibility to protect the jobs of my fellow workers at our energy-efficient plant.

I've shared my opposition to cap and trade with our state Rep. Tiffany Mitchell, who rejected our arguments and voted against our district and other hardworking people in the state.

I applaud #TimberUnity for their fast organizing effort and stepping into the arena when they did. Without their efforts, the coalition could not have killed the bill.

Unfortunately, I believe the same as others that the recall effort against Mitchell can backfire for the people of the North Coast. It may seem odd for a guy like me to oppose the recall of a legislator who has shown little interest in protecting our family-wage jobs in Clatsop County and across the North Coast. As always, the devil is in the details.

If we recall Rep. Mitchell, the Democratic Party gets to recommend their best choices to our county commissioners, who would pick her replacement. Ultimately the results will be just another cap-and-trade supporter without a voting record and in slightly less radical packaging. Same song, different person.

Rep. Mitchell doesn't deserve to serve

again in Salem. We can all agree on that. I believe the best time to hold Rep. Mitchell accountable is Election Day in November 2020. When she stands for reelection, we will have the opportunity to support a local candidate of any party to run against her who's less partisan, opposes radical policies like cap and trade, and stands for the hard-working people of the North Coast instead of Portland.

With a recall, we can be handed another puppet of Portland who may actually convince people here that he or she deserves a chance to serve in Salem. Sometimes it's better to do nothing at all than something that will backfire.

A successful recall is almost guaranteed to produce a newly-appointed state representative who will stand with the Portland politicians as Rep. Mitchell ultimately did by not representing us — the community she swore to serve. We need more people like state Sen. Betsy Johnson, who rejects radical Portland politics and stands bravely for our community.

For me, it's a simple choice. We either let the party and elected politicians pick our next state representative, or wait until Rep. Mitchell stands for reelection. I believe the people of the North Coast need to be the ones to choose who represents our community. That's why I'm not signing the recall petition.

Bill Kerr is president of the United Steelworkers Local 1097, which represents workers at the Georgia-Pacific Wauna Mill.



**BILL KERR**