

IN BRIEF

Cyclist killed after being hit by motorist on Highway 101 near Seaside

A bicyclist was struck and killed Saturday night on U.S. Highway 101 south of Seaside.

Zane Belshe, 59, of Seaside, was riding on the northbound shoulder just after 6 p.m. when he was hit by a gray Nissan Frontier driven by a Seaside man, Oregon State Police said. Police said the driver failed to drive within his lane.

Belshe was pronounced dead at the scene.

The incident is under investigation.

Police said the highway was closed for 4 1/2 hours after the crash.

Boone seeks to fill vacated Senate seat

Deborah Boone, a Democrat with a political history stretching from her days as a Clatsop County commissioner to the Oregon Legislature, says she wants to fill the state Senate District 16 seat vacated by Betsy Johnson.

Johnson resigned last week to focus on her campaign for governor as an independent.

Boone, who is from Hamlet, represented House District 32 as a state representative from 2004 to 2019.

Boone told Pamplin Media Group she is interested in returning to Salem as an appointed senator, serving out the rest of Johnson's unexpired term.

Boone said she would not run for the Senate seat in next year's election.

"I'm only interested in running for the interim, to fill out the rest of that term," she said.

— Pamplin Media Group

Housing authority seeks to fill seat

The Northwest Oregon Housing Authority is seeking applicants to fill an open seat on its board.

The person chosen will represent Clatsop County for a four-year term and meet once a month with fellow commissioners in Clatsop, Tillamook or Columbia county.

The agency oversees federal programs that help people in need of housing assistance in the three counties.

Application forms can be found on the county's website or at the county manager's office at 800 Exchange St., Suite 410, in Astoria.

Applications should be submitted to the county manager's office.

County seeks to fill vacancies on budget committees

Clatsop County is looking to fill vacancies on several budget committees.

Positions are available on the budget committee that makes spending recommendations to the county Board of Commissioners. Other slots are open on road district, Westport sewer and 4-H budget committees.

More information is available on the county's website and through the county manager's office. The deadline to apply is Feb. 10.

County commissioners will make the appointments.

— The Astorian

DEATH

Dec. 17, 2021

OWENS, Julie Lynn, 59, of Seaside, died in Seaside. Caldwell's Luce-Layton Mortuary of Astoria is in charge of the arrangements.

MEMORIAL

Wednesday, Dec. 22

HAYWARD, Joseph Orlo — Viewing from 1 to 4 p.m., Caldwell's Luce-Layton Mortuary, 1165 Franklin Ave. A celebration of life is planned for the spring; details to follow on the Ocean Crest Chevrolet Buick GMC Cadillac Facebook page.

ON THE RECORD

Unlawful use of a weapon

• John Milton Ewen, Jr., 65, of Astoria, was indicted last week for unlawful use of a weapon, two counts of menacing and recklessly endangering another person.

DUII

• Rene Elizabeth Donnelly, 44, of Astoria,

was arrested on Sunday at Exchange and 14th streets in Astoria for driving under the influence of intoxicants.

• Miguel Gutierrez Blanco, 37, of Salem, was arrested on Saturday on U.S. Highway 101 near milepost 9 for DUII and reckless driving.

PUBLIC MEETINGS

TUESDAY

Port of Astoria Commission, 4 p.m., workshop, (electronic meeting).

Cannon Beach Planning Commission, 6 p.m., (electronic meeting).

Judge refuses to declare state forest logging unlawfully harms coho salmon

Expert testimony expected next year

By MATEUSZ PERKOWSKI
Capital Press

PORTLAND — A federal judge has refused to declare that logging activities in the Clatsop and Tillamook state forests have unlawfully harmed threatened coho salmon.

Though U.S. District Judge Michael Mosman has rejected a motion by environmental groups to declare that timber sales in those state forests violate the Endangered Species Act, his ruling doesn't put an end to the litigation.

The Center for Biological Diversity, Cascadia Wildlands and the Native Fish Society have a strong case they'll succeed on the merits, but at this point, their evidence of illegal take isn't beyond dispute, Mosman said.

The plaintiffs must prove that logging road construction caused landslides that harmed streams enough to kill or injure coho salmon, he said.

"You just can't get there from here without something



Rick Swart/Oregon Department of Fish and Wildlife
Coho salmon swim in an Oregon creek.

more," Mosman said at the conclusion of oral arguments on Thursday.

However, the judge has agreed to revisit the issue after hearing expert testimony next year from the environmental nonprofits and the state, as well as Tillamook County and the Oregon Forest & Industries Council, which have intervened in the lawsuit.

Amy Atwood, an attorney for the environmental nonprofits, argued that findings from the National Marine Fisheries Service, numerous studies and documentary evidence all prove that landslides from logging roads adversely

affect coho salmon.

"It's apparent from our photography that sediment was delivered," Atwood said. "Our contention is that fine sediment is always harmful."

If the environmental nonprofits convince the judge that the Oregon Department of Forestry's management resulted in unlawful take, it could have implications beyond state forestland. Similar logging activities on private forestland could then also be vulnerable to lawsuits.

Attorneys for the defendants and intervenors countered that the environmental plaintiffs have not established a sufficient causal

link between the Department of Forestry's logging authorizations and the alleged take of coho salmon.

"They just haven't done the who, what, where, when and how," said Jay Waldron, Tillamook County's attorney. "Landslides occur in Tillamook County every day. It doesn't automatically result in take or habitat modification."

The fact that sediment has entered streams alone isn't enough to prove that coho salmon were killed or injured in violation of the Endangered Species Act, said Deanna Chang, an attorney for the state government.

"They have not established that landslide occurred due to any activities of ODF," she said. "Not all steep slopes are prone to landslides. Not all areas to be harvested are on steep slopes."

Chang said the court briefs filed by the plaintiffs are not sufficient for the judge to rule that Department of Forestry violated the law. To make such a conclusion, he must consider expert testimony from both sides, she said.

"It's not just the introduction of sediment to a stream," Chang said. "It has to have an adverse impact on listed species."

Jail: Will be a more rehabilitative environment

Continued from Page A1

use because of coronavirus restrictions — and a long history of overcrowding.

The new jail, designed to have 148 beds, will allow the county to house inmates who normally wouldn't qualify for the county's pre-trial release program but who still get sent back into the community shortly after they're booked.

"This will certainly put us in a position to where we won't have to make forced releases," Phillips said.

The Astoria jail has one exam room. "It literally used to be a closet," Phillips said. The new one will have a medical suite with two exam rooms, as well as a mental health interview room.

At the current jail, visitors talk to inmates from a tight row of stools. The upgrade will include private booths for visitors.

The new jail will also have a kitchen where staff can prepare and serve breakfast, lunch and dinner on site. Inmates now eat from premade meal trays.

Among the most significant upgrades: The wing that used to house the juvenile detention center will become an intake unit where jail staff can hold inmates in



Lydia Ely/The Astorian

Counterweights are lifted by a crane behind a wall mural from the former Oregon Youth Authority juvenile detention facility.

one-person cells when they first enter the premises.

At intake, they can be monitored, their condition assessed. Deputies can see if the person is ill or detoxing from drugs or alcohol, or has drugs that need to be removed.

"If someone is going through withdrawal, it's pretty awkward to be laying in a day room or in a dorm with a bunch of people who

are feeling well," Phillips said.

The new jail will be a more rehabilitative environment for inmates, he said.

"People have to remember that every person that comes into this jail is someone's family member — mother, brother, sister, son, daughter — and that most of the people that come into the jail are members of our community," Phillips

said. "And oftentimes, it could be the person checking your groceries, pumping your gas, it's the person that built your house, that cycles through the jail."

The facility, he said, will give law enforcement better tools to take care of these community members. "And hopefully to get them to a place where they don't have to come back and visit us," he said.

Coach: The trial had been reset for March

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In a court filing, Samuelson argued that the woman's claims were a response to the fact that he had expressed concerns with the school district superintendent about her behavior toward a parent. The filing also said the woman had "problematic" boundaries with a high school student.

Samuelson once served on the Jewell School District Board.

The evidence that was destroyed was body camera footage of interviews Clatsop County Sheriff's Office personnel had conducted with witnesses. Prosecutors prematurely signed off on a form that allowed the sheriff's office to dispose of the footage.

"I'm embarrassed by it," District Attorney Ron Brown said, adding, "It was not an intentional, sinister thing where, 'Oh yeah, we're going

to tube this.' We thought we had a strong case."

Paul Charas, the deputy district attorney handling the case, said, "Any evidence is crucial."

"Obviously some (evidence) helps more than others, but a video recording ... there's little left up to interpretation," Charas said.

If the state destroys potentially exculpatory evidence, the case can be dismissed, Brown said. When the lost footage became known earlier this month, Charas filed a motion to dismiss, writing that "it is in the best interest of justice."

"Part of the job of a prosecutor is to ensure that all parties get a fair trial," Charas said.

In the lead-up to a trial that was expected to start in November, the district attorney's office produced evidence — copies of text messages — that had not been

entered during discovery. Charas argued that the evidence wasn't new — the messages are referenced in the discovery materials — but copies of the texts themselves had only recently surfaced.

As a result, Richard Cohen, Samuelson's Portland-based attorney, said he would need to change his

defense strategy. The trial had been reset for March.

Cohen and Samuelson could not be reached for comment on the dismissal of the charges.

"We're just sick about it, it is really the way to put it," Brown said. "And I feel bad for the victim, and," he sighed, "it's very frustrating."

the Astorian

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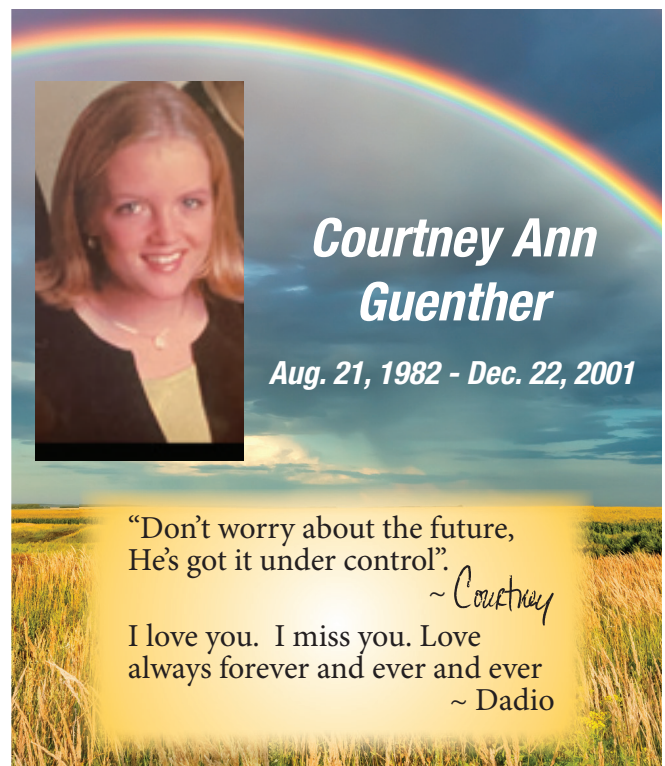
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always forever and ever and ever

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