TRESPASS: It took 3 trips to Yakima to fight the ticket

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minutes, according to court documents, and Hutton issued his conclusions and ruling March 16.

The judge found Miltenberger not guilty.

Miltenberger, a father, electrician and lover of the outdoors, took his family on Aug. 16, 2014, for some fun on the Washington side of the Columbia River. He stopped the boat on a sand bar next to Little Blalock Island to let the children swim and play. The island is part of a cluster between Boardman and Irrigon.

That afternoon, according to court documents and statements from Miltenberger, U.S. Fish and Wildlife Service officer Christopher David and three other officers boated to the island and found Miltenberger, who tried to explain he had a right to "recreate in the navigational river channel below the high-water mark." David gave Miltenberger a ticket for entering a closed portion of the Umatilla National Wildlife Refuge.

Miltenberger said he fought the citation, because he had been issued one previously for criminal trespass in 2012 in Umatilla County Circuit Court. That fine cost him $300, he said, and the experience prompted him to better understand the laws and rights of public water use.

For decades, according to Hutton's ruling, Little Blalock Island was open for recreational use and exempt from Umatilla National Wildlife Refuge management. But in July 1985 the U.S. Army Corps of Engineers transferred management authority of the island to the U.S. Fish and Wildlife Service, which closed it to the public.

At trial, government attorneys contended the 1965 line of ordinary high-water — before installation of the John Day Dam — fixed Blalock Island's property boundary. Hutton stated, however, that in other boundary disputes involving islands in the Columbia River, the Corps of Engineers considered the jurisdictional boundary "the actual, not the historic, ordinary high-water mark."

"In other words," Miltenberger said, "the legal ordinary high water mark that the public uses would be 20 feet under its current ordinary high water mark."

The government also showed there are "Island Closed" signs on the island, Hutton stated. But there was no evidence Miltenberger approached or accessed any land beyond the "single small white sign on a post approximately 25 feet upland from the location of the incident."

About halfway through the trial, Miltenberger said, he could tell the judge started to see who was in the right. Hutton ruled the government did not demonstrate beyond a reasonable doubt the boundary extends below the present day ordinary high-water mark, nor did the government show it has title free and clear of the public trust.

Miltenberger said the law gives people the right to use public land, and the federal government was doing nothing more than a land grab.

"To me, that was just wrong," he said.

The judge also found the Fish and Wildlife Service has to do better to notify the public of closed lands than some ambiguous, small signs. If the island were off limits, he states, the public might expect to see signs that state "No Trespassing — Violators will be prosecuted." The service's lack of warnings, he wrote, "raises the potential for arbitrary enforcement of its regulations."

Hutton's ruling stressed the decision only determined the government did not prove its case against Miltenberger beyond a reasonable doubt. The court did not determine whether he has a right to recreate on the shores of Little Blalock Island.

Miltenberger said it took three trips to Yakima to fight the $125 ticket. He said court officers told him most people just pay it, but he saw no reason to do so when he felt he was in the right.

"It was the principle of the matter," Miltenberger said.

And the fight is not over for him. He said he would contact as many public officials as he could to shed light on this subject.

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ALONSO: Before his death, received threats from gang members to stop talking to a certain woman

Continued from 1A

classic cars and roller coasters and making people laugh.

He had permanent resident status after immigrating to the United States from Mexico at age 3, but had begun looking into the citizenship test. He wanted to join the Army.

Alondra said Alonso was a very giving person. She remembered one day his mother asked him why he was heading to his job at ConAgra with a spare coat in his hand. He replied that one of his co-workers didn't have a coat to wear to work and he didn't like seeing the man cold.

Another time Alonso took a trip to Wildhorse Casino with his friends and won $120. The next day in church at Our Lady of Angels he listened to a plea for donations to the Agape House and decided to use his winnings to buy supplies for the nonprofit.

"He was way too nice sometimes," Alondra said. "He would open his wallet up for anyone."

He was honest, too, she said. He once caught a friend shoplifting and insisted on paying for the items.

That's why it hurts her to hear the things people who didn't know her brother assume about him. Even though police have said publicly that Alonso wasn't in a gang, Alondra said she deactivated her Facebook account after reading comments on public pages speculating her brother must have brought his murder on himself and no one should be too sad about one less troublemaker on the street.

"People are almost cold, the way that they're saying 'Oh he was a gangster, oh it must have been gang related,'" she said. "Even if that was true, it wouldn't make it OK. ... They don't understand the pain we're going through."

Nancy said she asked members of the Umatilla-Morrow County Major Crime Team to tell her straight up if her brother had been lying to the family about not being in a gang, or if he had been dealing drugs. She said they told her they were confident he wasn't involved in either. One deputy told her that he knew her brother from occasionally asking him to turn down the music in his beloved 1984 Oldsmobile, and Alonso may have smoked marijuana once in a while, but that was as far as his involvement with drugs went.

Alondra said shortly before his death Alonso started receiving threats from gang members telling him he had better stop talking to a certain woman. She said he had started worrying enough that he didn't take his boys with him as many places as he used to, but he told his family he didn't think anything was actually going to happen.

"He just wanted to be loved," she said. "He was never looking for trouble. The trouble just got to him anyway."

Nancy said she has so many questions about what kind of person would think they had the right to take a loving father away from his sons. But as hard as detectives have been working to solve the case they have also been honest with the family that it's possible they will never know who pulled the trigger.

"We just want justice," she said. "We don't want revenge. ... More than anything we don't want the guy or guys who did it to harm anyone else."

She said some days it doesn't feel like her body could possibly produce any more tears. Her parents are so torn up about losing their son she said they "don't have the strength" to meet with people stopping by to give their condolences and couldn't bear to participate in planning Alonso's funeral. She said it's hard to imagine family camping trips this summer without Alonso.

"He always had a smile," she said. "He would give me a big hug, my head would be pressed against his chest and he would mess up my hair. I miss those moments."

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DISTRACTIONS: Teens have the highest crash rate

Continued from 1A

including talking, texting and reviewing messages.

Other forms of distraction observed in the videos included drivers looking away from the road at something inside the vehicle, 10 percent; looking at something outside the vehicle other than the road ahead, 9 percent; singing or moving to music, 8 percent; grooming, 6 percent; and reaching for an object, 6 percent.

In one video released by AAA, a teenage boy is seen trying to navigate a turn on a rain-slicked road with one hand on the wheel and a cellphone held to his ear in the other hand. The car crosses a lane of traffic and runs off the road, stopping just short of railroad tracks that run parallel to the road.

In another video, a driver on a lonely two-lane road at night is shown looking down at an electronic device, apparently texting. While his eyes are off the road, the car crosses the opposite lane, leaves the road and appears about to strike a mailbox.

One teen driver is captured braking hard at the last moment to avoid slamming into the back of an SUV stopped or slowed in traffic ahead. Just a moment before, the girl had turned her attention to another girl in the front passenger seat in an animated conversation. The camera shows the shock on the girls' faces as they suddenly realize a crash is imminent.

The National Highway Traffic Safety Administration has previously estimated that distraction of all kinds is a factor in only 14 percent of all teen driver crashes.

The videos provide "indisputable evidence that teen drivers are distracted in a much greater percentage of crashes than we previously realized," said Peter Kissinger, the foundation's president and CEO.

Past research has shown that teens with multiple passengers in the car are more likely to have accidents. The opposite is the case for adults — for older drivers, having a passenger with an extra set of eyes on the road can make driving safer.

Teen drivers using cellphones had their eyes off the road for an average of 4.1 seconds out of the final 6 seconds leading up to a crash, the AAA study found. Researchers also measured reaction times in rear-end crashes and found that teen drivers using cellphones failed to react more than half of the time before the impact, meaning they crashed without braking or steering away.

AAA and other traffic safety groups who previewed the findings said the study shows states should review their licensing requirements to restrict the number of passengers in cars driven by teens and change their laws to prohibit cellphone use by teen drivers.

"The findings of the AAA Report confirm what safety groups have suspected for a long time — distraction is more severe and more common in teen driver crashes than previously found in government data," said Jackie Gillan, president of Advocates for Highway and Auto Safety.

AAA said it also recommends that parents teach teens about the dangers of cellphone use and restrict passengers during the learning-to-drive process.

Teen drivers have the highest crash rate of any age group. About 963,000 drivers age 16 to 19 were involved in police-reported crashes in the U.S. in 2013, the most recent year for available data. These crashes resulted in 383,000 injuries and 2,865 deaths.

Online: AAA Foundation for Traffic Safety teen driver videos, https://vimeo.com/aaapublicaffairs/review/122313614/989d09b15b

FIRE: Burning season closes from June-Sept.

Continued from 1A

their third grass fire in just three weeks.

"We usually don't start talking grass fires until the first of June," Hemphill said. "For being the green time of year, this summer has me highly concerned."

The recent rash of fires meshes with what has been a warm and dry start to 2015 across Eastern Oregon. Total precipitation is down 1.43 inches to date in Pendleton, and 1.19 inches in Hermiston, according to the National Weather Service. Average temperatures were about 5.5 degrees above normal around Pendleton for the month of February, including a record high of 66 degrees on Feb. 6.

Hermiston also set new record highs of 68 degrees on Feb. 15 and Feb. 16.

Rachel Cobb, fire weather program leader for the weather service in Pendleton, said the forecast calls for more warm weather in the months leading up to summer, though rainfall could pull closer to normal in April, May and June.

"We have been pretty dry, but hopefully we'll get some recovery going through this next spring," Cobb said.

The combination of hot and dry has lighter grasses, such as cheatgrass and ryegrass, curing earlier than usual. Unless things turn around, Hemphill said firefighters could be in for a longer, more active fire season.

All three grass fires near Pilot Rock were sparked by controlled burns that either flared up or were spread by wind. While burn days are regulated by the county, people should always monitor weather on the ground and have a water supply handy, Hemphill said.

Burning season closes from June 15-Sept. 30 in Pendleton, and June 1-Sept. 30 in Hermiston, when conditions are typically ripe for bigger, hotter fires. However, Stanton said a few grass fires are to be expected as early as February and March, considering at least some fields haven't quite turned green coming out of winter.

"I'm not shocked yet," he said. "So far for us, it's pretty much business as usual with fires."

Stanton admits this is one of the warmest winters he's seen in 20 years. If conditions persist into April, he said crews could be looking at a long year ahead of them.

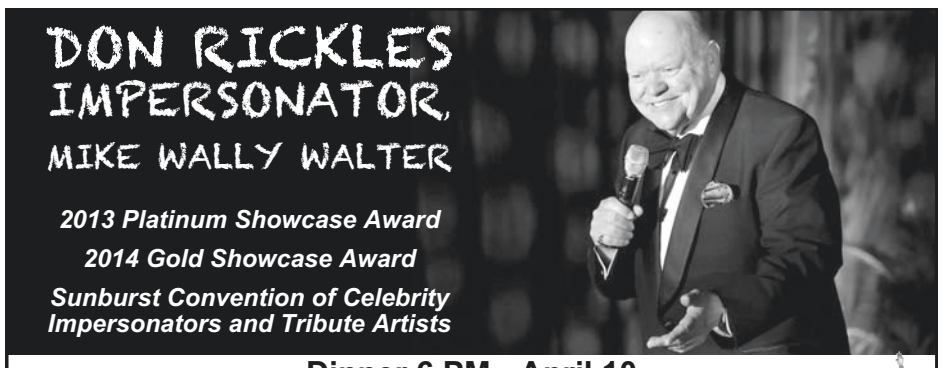
Overall precipitation is close to normal across the entire Umatilla Basin, though snowpack remains a paltry 23 percent of average extending into the Blue Mountains. Matt Hoehna, wildland fire supervisor for the Oregon Department of Forestry's Pendleton unit, said he expects forest fuels will dry up much faster at higher elevations, which could mean another above-average wildfire season.

"It's been a strange winter," Hoehna said. "We just haven't had the snow."

Last year, ODF's Northeast Oregon district declared fire season on June 11, which was the third-earliest start since 1977. If fire season is declared early again, Hoehna said they will act quickly to bring on their seasonal firefighting staff.

To check if it is a burn day, residents should call the Umatilla County burn line at 541-278-6397.

Contact George Plaven at gplaven@eastoregonian.com or 541-564-4547.



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