

BRIEFLY

Underground comes alive

PENDLETON — More than 75 actors bring the Pendleton Underground Tours to life this weekend. In the fundraising production, the event Comes to Life Saturday with special 2-hour tours at 31 S.W. Emigrant Ave., Pendleton. Reservations are required. Open to adults only, tickets are \$50 per person. For more information, call 541-276-0730 or visit www.pendletonundergroundtours.org.

Rummage sale to benefit UHS senior class

UMATILLA — Donations are being accepted for a rummage sale to benefit the Umatilla High School senior class. Donations can be dropped off Monday through Friday during business hours at the district office, 1001 Sixth St., Umatilla. In addition, items will be accepted Friday, May 22 from 6-9 p.m. Also, arrangements can be made to pick-up large donations Sunday, May 17. To make arrangements, call 541-720-5571. The event is Saturday, May 23 from 8 a.m. to 5 p.m. in the parking lot at the district office. Money raised from the event will help support the senior trip and the safe, sober graduation night event.

Fair, school discuss transition planning

HERMISTON — Members of the Umatilla County Fair board will meet for a work session to discuss transition planning with Hermiston School District representatives. The session, which is open to the public, is Monday at 10 a.m. at the fair office, 515 W. Orchard Ave., Hermiston. For more information, call 541-567-6121.

Tai chi training course for falls prevention

PENDLETON — An instructor training course for falls prevention for older adults is being offered free of charge in Pendleton. The Oregon Public Health Division is sponsoring the two-day course in Tai Chi: Moving for Better Balance (also known as Tai Ji Quan: Moving for Better Balance) Monday and Tuesday from 9 a.m. to 4 p.m. in the gym at the Harris Junior Academy, 3121 S.W. Hailey Ave., Pendleton. Attendance is required at both days for certification. The gentle fitness class is designed for older adults to reduce the risk of falling. People may partner with CAPECO as a volunteer instructor in Umatilla and Morrow Counties. As a volunteer instructor trainee, mileage reimbursement to attend the training could be available. For more information, contact Helena Wolfe at hwolfe@capeco-works.org or 541-561-5443. For more information about the class, contact Lisa Shields at lisa.m.shields@state.or.us or visit www.healthoregon.org/fallprevention.

Jury finds for social worker in Kerby trial

By PHIL WRIGHT
East Oregonian

A jury in a federal civil trial in Pendleton vindicated a state social worker who prevented a Milton-Free-water man from returning home in 2011 after he was acquitted of raping his daughter. Gay Davis, an Oregon Department of Human Services case worker in Pendleton, celebrated the victory with smiles and hugs with her state justice department attorneys Tuesday afternoon at the John F. Kilkenny United States Courthouse, Pendleton. Randell Kerby, the man who brought the lawsuit accusing Davis of violating his civil rights, said the outcome was another example of how untouchable government workers are.

The federal lawsuit and subsequent civil trial stemmed from Davis confronting Kerby in September 2011 in the parking lot of the Umatilla County Courthouse, Pendleton, moments after he prevailed in a criminal trial in circuit court. The jury in that case was unanimous in finding Kerby not guilty of multiple sex crimes against his adopted daughter. Yet Davis warned Kerby if he were to return home to his family he could face consequences because state human services still considered him a threat to his other children. Attorneys in the civil case gave closing arguments Tuesday morning. Kristina Holm, Kerby's Portland-based lawyer, delivered a logic-based presentation to the six-member jury. She asserted Davis had no lawful basis to prevent Kerby from

going home and in doing so violated his constitutionally protected family rights. She said the Kerbys sought \$20,000 per person in their family for compensatory damages and \$40,000 each in punitive damages for a total of \$240,000. Dirk Pierson with the Oregon Department of Justice represented Davis. Pierson pulled at the jury's emotions and appealed to their sense of right and wrong. "Make no doubt ladies and gentlemen, he raped her, and he raped her again, and he raped her again and he raped her again," Pierson insisted, pointed at Kerby sitting on the courtroom benches. "That's not emotion, that's the fact." Davis did not want Kerby to go home because he was grooming his other daughter "to be his next

rape victim," Pierson said. Davis's conduct was in accord with a judge's orders to have Kerby complete testing to show if he was dangerous and seek treatment if necessary. The jury went out at about noon Tuesday and returned at about 2:40 p.m. with the verdict. The jury found Davis prevented Kerby from going home, and she lacked a valid court order granting her any authority to do so. However, the jury also found Davis was justified in blocking Kerby's return because it would create "exigent circumstances," or imminent danger, to his other children. The determination of exigent circumstances was the key to ending the case. Once jurors marked "yes" to that box on ballots, they did not have to address any more issues.

Wyden introduces bill to boost biomass production

Wallowa company recently received USDA grant

By GEORGE PLAGEN
East Oregonian

U.S. Sen. Ron Wyden, D-Oregon, has introduced a bill that would promote using wood waste such as branches, roots and small-diameter trees as a source of energy for homes and businesses. The Bioenergy Act of 2015 calls for a collaborative working group and cost-share grant programs between the Department of Energy and Forest Service to help design technologies for turning forest clutter into more environmentally friendly biomass. At the same time, Wyden said the bill would create jobs in rural communities and provide an incentive to clean up overgrown forests, thereby lessening the risk of large, destructive wildfires. "This bill will reduce wildfire risks by putting to good use the hazardous fuels that overcrowd our forests, and create jobs in rural Oregon by making it easier to take biomass projects from the woods to other parts of the country," Wyden said in a recent statement. The announcement came just five days after the Forest Service awarded \$1.5 million to Oregon and Washington

companies to expand their work in the wood energy market. One of those grants went to Integrated Biomass Resources, of Wallowa, which uses byproducts from the local Wallowa-Whitman National Forest to make woody biomass. Specifically, Integrated Biomass received \$246,000 to design a system trapping steam that would otherwise escape from their existing boiler and use the heat to more efficiently dry sawdust for compressed logs. Company President David Schmidt said the Bioenergy Act could be another step to supporting the economic viability of their business. "If we're ever going to reach a point where biomass value supports forest restoration, we're going to need scalable, localized processing and markets," Schmidt said. "This program could be a great step in that direction." By establishing a working group between federal agencies, the bill attempts to spur greater interest in developing economical and sustainable ways to use wood for heat and power. The bill also establishes a pair of grant programs — \$30 million at the Department of Energy, \$10 million at the Forest Service — to support technologies and proposals for creating biomass. According to the bill, wildfires burned 4.3 million

acres of forest in 2013 while the federal government spent \$1.7 billion on firefighting. Using more wood waste for biofuels could help tame some of those raging fires by thinning away years of overgrowth, Wyden said. Biomass is also a low-carbon alternative to fossil fuels, Wyden said. About 30 percent of U.S. carbon dioxide emissions come from heating and electricity generation. In Oregon, the state's last remaining coal-fired power plant in Boardman is expected to close or switch to another source of fuel by 2020. Portland General Electric is currently studying different types of biomass that could be an option to sustain the relatively young plant. Bruce Daucavage, president of the Ochoco Lumber Company, expressed support for Wyden's bill in a statement, saying a coordinated strategy of public and private investment could help make biomass more attractive. "New project developments will enable product introductions and establish new markets for these products," Daucavage said. "These markets have the potential to produce significant benefits for new rural job creation, energy conservation and climate change." Contact George Plagen at gplagen@eastoregonian.com or 541-564-4547.

Imnaha on alert as armed man escapes to woods

By KATHLEEN ELLYN
Wallowa County Chieftain

The tiny community of Imnaha remains on alert after an armed man allegedly threatened to shoot his girlfriend, her son and law enforcement on Monday. He then disappeared into the Hells Canyon National Recreational Area near remote Imnaha River Woods armed with several firearms and 300 rounds of ammunition. The man, Scott Foust, 53, remains at large at press time. Wallowa County Sheriff's Office initially responded to a 911 call from Shirley Scott, 63, of Imnaha River Woods at approximately 5:30 p.m. Monday. Scott allegedly reported that Foust had threatened her and her grown son, Jason Scott, 41, with a gun, had attempted to gain entry by cutting a door with a chainsaw, and had then retreated to the woods armed with a .22, a shotgun, a .357 Magnum, and approximately 300 rounds of ammunition. Scott said she had frightened Foust off by firing several gunshots. Wallowa County Sheriff Steve Rogers said that he began calling for backup as he and his deputies, available Oregon State Police officers, Fish and Wildlife officers and Wallowa County Department of Emergency Services raced toward the location, nearly 65 miles east of Joseph via the Imnaha Highway. Oregon State Police SWAT team responded from a training conference in Bend but were slowed by rain and dangerous driving conditions. They arrived on the scene within four hours, Rogers said, but a requested armored vehicle was still hours behind. "I knew this was going to be ugly and I wanted to use their armor to pull up to the door of the house and pull the victim out," said Rogers. Rogers had set up a command post at Sheep Creek Hill approximately 7 miles east of Joseph, where he had cell phone service. From there he could communicate with backup

and use the SAT phone supplied by Wallowa EMS to communicate with his on-site supervisor, Deputy Fred Steen, who is a former Wallowa County Sheriff. Steen had approached the crime scene via a different route and set up his team about 4 miles from Imnaha River Woods. Law enforcement closed Upper Imnaha River Road from Freezeout Bridge to the Wallowa Mountain Loop Road and sandwiched the crime scene between two groups of officers. "That was the hardest command I've ever done," Rogers said. "When your guys are 50 miles away in the dark with that kind of danger (my position) is not a comfortable spot. Any time your team is in danger, and you sent them there, it's not a good spot." The team remained in contact with Shirley Scott, who was reluctant to leave her home. As Rogers waited for the armored vehicle to arrive and provide suitable cover for an extraction, the incident "blew back up," according to Rogers. At approximately midnight, the suspect returned with a firearm, threatening to shoot Scott and law enforcement officers. At that point Deputy Steen ordered officers under his command to converge on the home and rescue the victim and her son. Up on Sheep Creek Hill, Rogers supported the decision and informed officers who could not hear Steen's radio to move in concert with the rescue mission. "In that kind of a situation you have no choice. You have to protect the victims," Rogers said. When officers arrived at Scott's home they found the suspect had again taken to the woods. Scott and her son were removed to safety, the SWAT armored vehicle was canceled and the SWAT team returned to Bend. Shirley Scott chose to return to her home Tuesday morning, despite the fact that Foust was still at large. A warrant is out for Foust's arrest, but as of late Wednesday he remains on the lam.

PENDLETON

Sunridge principal to replace departing curriculum coordinator

East Oregonian

One longtime Pendleton School District employee out, another longtime district employee in. Assistant Superintendent Trica Mooney said Tuesday that Laura Miltenberger, the curriculum, instruction and assessment coordinator will resign her position. Sunridge Middle School Principal Matt Yoshioka is set to take her place. Miltenberger is leaving Pendleton to take a similar position at the Washougal School District in Washougal, Wash., a town of more than 14,000 located northeast of Portland. Miltenberger has been a district employee for 24 years, having taught at Lincoln Primary School, West Hills Intermediate School, Hawthorne Elementary School and McKay Creek Elementary School. From 2007 to 2012, Miltenberger was the principal of McKay Creek, after which she retired and took a part-time job as the district's curriculum coordinator, which was eventually

expanded to a full-time position. Taking over for the departing Miltenberger is Yoshioka, who has helmed Sunridge since 2009 when former principal Jon Peterson became superintendent. Yoshioka's promotion to the district's central office will be the first time he has worked outside of Sunridge since he moved to Pendleton from La Grande in 2000. Previous to being principal, Yoshioka was Sunridge's vice principal for two years and a sixth grade teacher for seven. Mooney called Miltenberger "a real talent" while also singling out Yoshioka's "strength in curriculum," which would help him adjust to the job. In addition to his new coordinator role, Mooney said Yoshioka will also serve as the interim principal at Lincoln in its last year as a

school. Starting next year, current Lincoln Principal Lori Hale will become the principal at the newly renovated Pendleton Early Learning Center, which will house the district's centralized kindergarten. After the next school year, Lincoln will be converted to the district's central office. With Yoshioka's promotion, the district continues to hire internally when looking for administrative candidates. Including Yoshioka, all five of the administrators working from the central office have been hired from within the district. The district is currently accepting applications for the soon-to-be-vacated principal position at Sunridge. According to the district's job description, the application deadline is May 22, with interviews to be held May 27 and May 28. The district will select a new principal June 1.

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