

## DAM: Was rebuilt in 1976 with fish ladders

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“There’s water savings. There’s ecological benefits. There’s economic benefits for the local irrigation districts,” Ward said. “This has all hallmarks of a great project.”

### Mutual interest

Dillon Dam was originally built in 1915 and now serves five landowners as part of the Dillon Irrigation Company, with water rights dating back to the 1890s.

Mike Taylor, who owns the Double M Ranch in Echo and Stanfield, acts as president of the small irrigation company. He uses Dillon water to irrigate 1,650 acres of his own property, where he and his family raise about 1,300 cows.

It was Taylor’s idea, albeit jokingly at first, to remove the dam, which was proving to be a headache to maintain. Every year — sometimes twice a year — he said landowners were forced to bring in their own equipment to clear out gravel that washed downstream, plugging up their headgate and blocking access to the dam’s juvenile fish ladder.

Taylor discussed the issue with Bill Duke, district fish biologist for the Oregon Department of Fish & Wildlife, and Brian Zimmerman, fish passage supervisor for the Confederated Tribes of the Umatilla Indian Reservation. As it turns out, there was mutual interest toward losing the dam.

Over the course of multiple fish tagging surveys, Dillon Dam was pegged as a top offender for delaying native salmon and steelhead in the Umatilla River. Though the dam was rebuilt in 1976 with fish ladders on either side of the 200-foot structure, Duke said they are not always adequate for passage needs.

“Fall chinook and coho, they tend to come up to that obstruction and get delayed there. They end up spawning there below the dam,” Duke said. “It’s not conducive for rearing juvenile salmon and steelhead down there.”

During low summer flows, the ladders are too steep for juveniles to swim



A pair of excavators work on removing the 100-year-old Dillon Dam on Wednesday near Echo.

freely upriver as they try to seek refuge in cooler water. Pacific lamprey were also stonewalled at the dam after they were reintroduced by the tribes into the Umatilla River.

“We’re trying to get passage for all native fish,” Duke said.

### Point of diversion

Sides agreed they wanted to see Dillon Dam removed. The question was how, and where, irrigators would receive their historic Dillon water rights.

The idea remained on the shelf until 2011, when the local watershed council got involved. Silbernagel, who now serves as the district watermaster for the Oregon Water Resources Department in Pendleton, was instrumental in developing a project feasibility study that was published in 2014, with funding from the Oregon Watershed Enhancement Board.

The study recommended the Dillon point of diversion be shifted upstream to the existing Westland Diversion Dam. From there, a two-mile pipeline would run along Andrews Road, bypassing the dam back into the Dillon Irrigation Ditch.

Despite some initial concern about moving the irrigation diversion upstream, the pieces soon fell into place. Silbernagel was

able to secure another grant from OWEB for \$297,383 toward pipeline construction.

Staldine, who succeeded Silbernagel as watershed council director, brought in another \$174,400 from the ODFW Restoration and Enhancement Board last year. The rest of the pipeline funding was provided by Taylor, Dillon and Westland irrigators to the tune of \$140,000.

Construction of the pipeline was done in February and March. In addition to bypassing the dam, Taylor said the line will help to improve water efficiency and will save on system maintenance costs.

Taylor said it will be hard to imagine the river without Dillon Dam, a mainstay of his operation for decades.

“It’s been there as long as I’ve been here,” he said. “In the long run, it’s going to be beneficial.”

### Dam removal

With the water diversion issue settled, all that’s left is to demolish the old dam.

ODFW crews from John Day have been brought in to do the work, which started last week with several days of fish salvage and water pumping from the river. The dam itself measures approximately 200 feet long, 6 feet wide and 16 feet deep.

Bonneville Power Administration is paying

\$600,000 for deconstruction, using money from the 2008 Columbia Basin Fish Accords with local tribes, including the CTUIR.

Rick Christian, Umatilla Basin habitat project leader for the CTUIR, began working on the project about two years ago. He said passage obstructions on the lower river need to be dealt with to make sure salmon and steelhead aren’t expending all their energy before they can reach prime spawning ground — what he described as “pre-spawn mortality.”

“Our fish come a long way to spawn,” Christian said. “Let’s make it as easy as possible for them.”

Taylor McCroskey, fish habitat biologist for ODFW, said the agency has identified other obstructions that they would like to remove from the main stem of the Umatilla River to further improve passage, but he remained tight-lipped on specifics.

“We want to get them up into the tributaries so they can spawn in those cooler headwaters,” McCroskey said. “We’re all hoping that we have a lot less fish passage delay here, and a lot more fish moving upstream faster.”

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## Washington man faces perjury for using in-state hunting tags

By PHIL WRIGHT  
East Oregonian

James Brown Walker beat the rap for lying on his application for an Oregon hunting license when Umatilla County Circuit Judge Dan Hill dismissed the case in April.

Come Monday, however, Walker faces a felony charge of perjury because of what he said under oath in the case Hill dismissed.

The Umatilla County District Attorney’s Office in 2016 charged Walker, 72, with four counts of false application for hunting licenses and tags, according to court records. The state accused Walker of claiming he lived in Oregon while he actually lived in Washington. Walker bought in-state hunting licenses and tags in June 2010 and February, April and June 2011 in Hermiston.

Walker ducked the charges and skipped arraignments for years, according to court records, until police finally caught him in February 2016.

A non-resident hunting license for 2017 in Oregon costs \$160.50, a tick more than five times a resident license, according to the Oregon Department of Fish and Wildlife. Hunt tags vary depending on the game. A resident buck deer tag goes for \$26.50, but non-residents pay \$414. And an Oregon elk tag for an Oregonian costs \$46, while an out-of-state hunter would have to cough up \$549.

Unless that hunter lied about where he or she lived.

The case plodded along in court until this spring, when Hunter’s attorney, Robert Klahn of Pendleton, filed a motion to dismiss. He argued the state violated Walker’s speedy trial rights.

Judge Hill on April 4 heard arguments on that motion, and the next day issued a 24-page ruling that agreed with Klahn and granted the motion to dismiss. Hill argued the state failed in its diligence to pursue Walker while there was a warrant for his arrest.

Umatilla County deputy

prosecutor Craig Russell filed a 91-page motion on April 12 asking Hill to reconsider the dismissal. Russell argued Walker and his wife in 2008 bought a \$390,800 home in Pasco. But in his application for hunting licenses and tags he used the address of 84848 Grande Ronde Road, Troy.

According to Russell, Oregon State Police trooper Mark Knapp checked out that address and found a vacant lot.

And Walker at the April 4 hearing testified that for years he lived at 250 North Lucy St., Stanfield. Police checked that multiple times after Walker skipped court in 2012. And just like in Troy, Russell said the place turned out to be a vacant lot.

But the real kicker, Russell explained, happened in the moments after Walker left the Hermiston circuit court.

Hermiston police officer Victor Gutierrez stopped Walker for using his cellphone while driving. Gutierrez asked Walker for his driver’s license, which had an address of Mesa, Washington. Gutierrez asked Walker if he still lived there, and Walker stated, “I am planning on moving to Oregon.”

The interaction between Gutierrez and Walker lasted seven minutes and 17 seconds, and Gutierrez captured it on his body cam.

Even with the new evidence, however, Hill explained in an April 27 response that he could not vacate the dismissal because the court made no error and the new facts did not exist at the time of the hearing.

Less than eight weeks later, a Umatilla County grand jury indicted Walker for perjury stemming from his April 4 testimony.

Court records show the district attorney’s office plans to charge him with the class C felony Monday at the Stafford Hansell Government Center, Hermiston, where the state alleged he committed perjury in the first place.

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## BIRDS: Law allows the shooting of some invasive species

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In 2016, 42 gunshot birds came to the facility, including multiple red-tailed hawks, a great blue heron and a pelican. Only five could be saved.

Several raptors who likely will never fly free live in a flight pen on the premises. Three of the five suffered gunshot wounds. A male red-tailed hawk came to Tompkins after being shot with an air rifle. A rough-legged hawk has an amputated leg — the result of a bullet. A Harlan’s hawk suffered two broken wings from a shotgun blast.

“She holds the record,” Tompkins said of the Harlan’s hawk. “She has 21 pieces of lead in her body.”

Tompkins is obligated to report such human aggression toward migratory birds. She emails radiographs of the injuries to the Department of Fish and Wildlife, Oregon State Police and the U.S. Fish and Wildlife Service.

The federal Migratory Bird Treaty Act of 1918 protects ferruginous hawks and 1,026 other native bird species. The law says one cannot “pursue, hunt, shoot, wound, kill, trap, capture or collect migratory birds.” Bald and golden eagles have extra protections through another piece of legislation, aptly called the Bald and Golden Eagle Protection Act. The law prohibits harming or taking eagles or their parts, nests and eggs. Even picking an eagle feather off the ground is illegal.

Special Agent in Charge Jim Ashburner, of the U.S. Fish and Wildlife Service, said people convicted of shooting migratory birds don’t conform to one type.

“They run the gamut from the 12-year-old with a BB gun to people trying to commercially harvest eagles so they can sell the feathers,” Ashburner said.



The rough-legged hawk, foreground, was brought into Blue Mountain Wildlife with a gunshot wound to its wing that require a partial amputation of the wing to save the bird.

Getting caught harming migratory birds can be an expensive proposition.

Last year, a federal magistrate fined a teenager in Beaumont, Texas, \$25,850 and 200 hours of community service for shooting two whooping cranes.

A Virginia man faces a possible \$1,000 fine and a year in prison after shooting a bald eagle with a .22-caliber rifle and finishing the bird off with a handgun. According to court documents, he complained the bird ate fish from his pond.

Catching someone in the act is difficult. Authorities from federal and state wildlife agencies and other law enforcement often rely on reports by members of the public.

“They are the eyes and ears for bird conservation,” said Mike Green, deputy chief of the USFWS migratory bird program. “We can’t be everywhere. We rely on information from the public.”

Though the Migratory Bird Treaty Act protects most birds, there are exceptions.

“We allow scientists to collect birds for scientific investigation,” Green said.

Also, he said, a farmer dealing with birds damaging crops may apply for a depreation permit. Hunters are allowed to shoot waterfowl and upland game during state-controlled hunting seasons. Additionally, the law allows the shooting of some invasive species such as starlings and house sparrows.

This month, Oregon State Police and the USFWS reached out to the public for help finding a suspect who they believe shot a bald eagle north of Gaston in late June. After someone spotted the injured eagle, police caught the bird after following it through thick brush and a swamp. An X-ray revealed metal fragments that indicated a gun had caused the damage.

Tompkins, at Blue Mountain Wildlife, feels frustrated every time she sees the result of bullets or shotgun pellets tearing through a bird.

“These are intentional

acts,” she said. “The vast majority of shooters never get caught.”

Whitten, who spends every Wednesday birdwatching with Dillenburg and two other birdwatching enthusiasts, laments the senseless death of the ferruginous hawk and possibly his mate, too.

“Ferruginous hawks are beautiful, big, lovely birds,” she said.

Whitten said she and her fellow bird watchers from the Pendleton Bird Club aren’t seeing as many as they once did in the county. At one time, she knew of 10 nests and now knows of only two.

Green said his quest to protect migratory birds and other wildlife is more than just a job.

“We’re in this game because we love wildlife,” he said. “Our overriding concern is the conservation of these birds and making sure they persist over time.”

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## Kushner adds at least \$10M in assets to revised disclosure

WASHINGTON (AP) — President Donald Trump’s son-in-law and senior adviser Jared Kushner “inadvertently omitted” more than 70 assets worth at least \$10.6 million from his personal financial disclosure reports, according to revised paperwork released Friday.

The previously unreported assets were included in updated financial disclosure reports certified by the U.S. Office of Government Ethics on Thursday as part of the “ordinary review process,” according to Kushner’s filing.

Among the new disclosures, Kushner reported owning artwork worth between \$5 million and \$25 million. The new forms also reflect that Kushner sold his interest in an aging shopping mall in Eatontown, New Jersey, and no longer has a stake in a company that had held an interest in property in Toledo, Ohio.

Kushner also clarified his \$5 million to \$25 million stake in a holding company that owns Cadre, an online real estate investment platform investors valued at \$800 million that he co-founded with his brother, Joshua.

Kushner’s wife and the president’s daughter, Ivanka Trump, also filed new federal disclosures. She reported assets of at least \$66 million and earned at least \$13.5 million in income last year from her various business ventures, including more than \$2.4 million from the new Trump hotel near the White House.

The filings reflect the extraordinary wealth of

Trump and her husband, who stepped down from running their companies and left their Manhattan apartment to move their young family to Washington earlier this year.

A lawyer advising Kushner said that federal officials are allowed to amend their initial financial disclosures before they are certified, and stressed that Kushner had complex finances.

“Jared and Ivanka have followed each of the required steps in their transition from private citizens to federal officials. The Office of Government Ethics has certified Jared’s financial disclosure, reflecting its determination that his approach complies with federal ethics laws,” said Kushner attorney Jamie Gorelick. “Ivanka’s financial disclosure form is still in the pre-certification stage, as she began the process later.”

Clay Johnson, who served as President George W. Bush’s director of presidential personnel, said he was surprised by the sheer number of updates six months in.

“The way we ran it ... is that the general direction to all nominees is tell us what we ask for now. We will then stand behind you whatever may come in. But there are to be no surprises,” said Johnson, who also served as Bush’s deputy director of the Office of Management and Budget.

The federal disclosures filed by Ivanka Trump were her first since taking on an official, unpaid role at the White House.