

# Wallowa Lake Dam funding goes through

By **BILL BRADSHAW**  
*Wallowa County Chieftain*

ENTERPRISE — Now that the \$14 million in state lottery funds has been approved by the Oregon Legislature for the refurbishment of the century-old Wallowa Lake Dam, the big question that remains is what kind of fish passage the dam will include.

State Sen. Bill Hansell, R-Athena, confirmed last month the lottery funds were approved by the Legislature and Gov. Kate Brown was expected to sign the budget.

“We’ve got the funding across the goal line, and now it’s implementing the application of it,” Hansell said. “Now the baton will be handed off to where they sell the bonds.”

He said the bonds are expected to be sold in the spring of 2022 and the actual funds will come through later. He said he is unsure of the exact timeline.

“As far as I know we’re back to what we’ve always done,” he said.

He added the stakeholders in the dam project can begin spending on it before getting the proceeds from the bonds, but they do so at their own risk.

The four major stake-

holders are the Wallowa Lake Irrigation District — the owner of the dam — the Oregon Department of Fish and Wildlife, the Nez Perce Tribe’s Department of Fisheries Resources Management and the Confederated Tribes of the Umatilla Indian Reservation. Minor stakeholders also are involved, including the U.S. Fish and Wildlife Service, which has jurisdiction over bull trout; the National Oceanic and Atmospheric Administration; and the Oregon Department of Environmental Quality.

A year ago, lottery sales were far too low to fund the bonds.

“We didn’t collect enough to spend what we’d authorized,” Hansell said.

The project originally called for a \$16 million refurbishment of the dam that would improve the spillways, include a fish passage, add more concrete for weight, replace the five conduit gates with new ones and to upgrade the electrical and instrumentation, according to the June 23, 2020, Wallowa County Chieftain.

Dan Butterfield, president of the irrigation district, was encouraged by the news from the Legislature.

“We keep gaining,” he



Bill Bradshaw/Wallowa County Chieftain

**Swimmers on July 30, 2021, enjoy the water of Wallowa Lake near the Wallowa Lake Dam. Sen. Bill Hansell, R-Athena, confirmed the Legislature approved the \$14 million in state lottery funds being counted on to pay the lion’s share of replacing the dam.**

said. “Everything’s looking good.”

The \$2 million difference between the lottery funds and the overall cost is supposed to be made up by “other sources,” Butterfield said, adding that the stakeholders may need to reassess the final cost given the increasing cost of building materials.

Jim Harbeck, the field office supervisor for Nez Perce Fisheries, said the latest cost estimates were from 2017.

“I imagine those costs are higher now,” he said.

Butterfield said the stakeholders have applied for a grant through the American Rescue Plan Act that could help with the extra funding.

He said the project has been in the works for about 20 years. Now, he said they are planning to begin construction in fall 2022 and have it ready by spring 2023.

“That’s what our engineer’s designing for and planning for,” he said. “We sure would’ve loved to have had that dam this year. ... We’ll be able to go another 8 feet (of water) with the new dam.

Having that extra storage will be huge for this valley.”

## Fish passage options

But it’s up to the engineer, McMillen, Jacobs and Associates of Boise, Idaho, to determine the type of fish passage that will be included and to finalize the plans for the dam.

Wallowa County native Mort McMillen, the engineer on the project, said a fish passage to allow both upstream and downstream migration of fish is being worked into the project. It will

be determined by the stakeholders based on the plans his firm comes up with.

“Everybody has their preferences,” McMillen said. “We haven’t arrived at the final selection. ... We’re working really good as a group.”

The fish passage is a crucial element of the dam’s new design. In fact, Harbeck said, state law requires the inclusion of a satisfactory fish passage.

There are different options for the type of fish passage. The tribe prefers a “volitional passage” — one that allows fish to ascend to or descend from the lake at their own volition. That allows adults to swim upstream to spawn and juveniles to swim downstream once hatched.

“It lets fish pass when they so choose as opposed to putting some type of human time stamp on it,” he said.

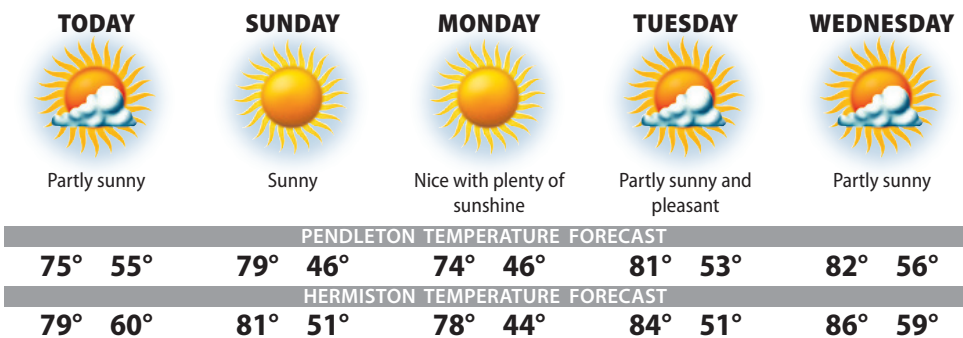
Jeff Yanke, a watershed manager with the ODFW, said it’s up to the engineer to select a type of passage.

“We’ve been talking concepts and it’s up to them to pick one,” he said.

The “volitional passage” is often known as a fish ladder.

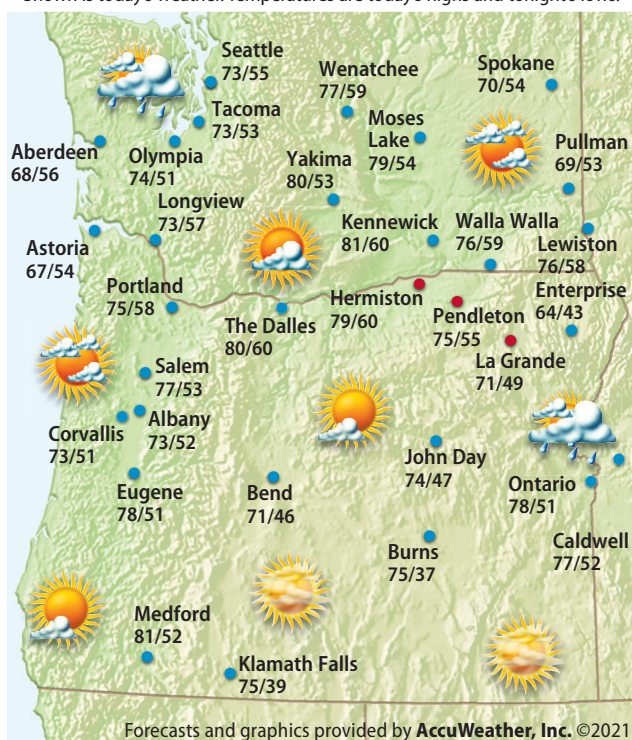
Another option is the “trap and haul” option, which is a type of water elevator to move the fish, Yanke said.

## Forecast for Pendleton Area



## OREGON FORECAST

Shown is today’s weather. Temperatures are today’s highs and tonight’s lows.



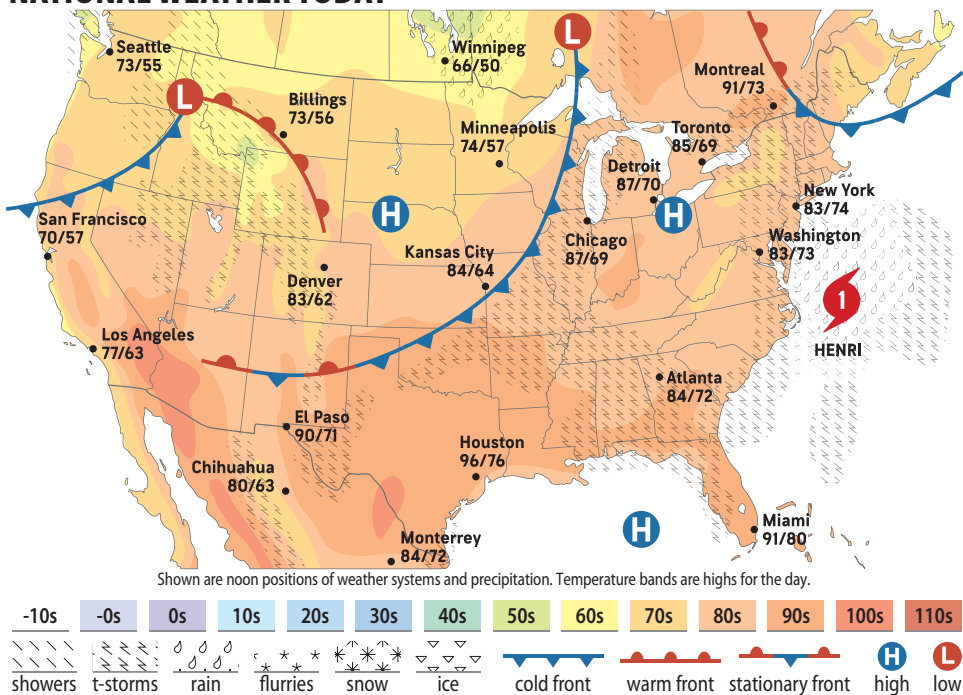
## ALMANAC

PENDLETON through 3 p.m. yest.		
TEMP.	HIGH	LOW
Yesterday	78°	58°
Normals	88°	57°
Records	106° (1897)	38° (1916)
PRECIPITATION		
24 hours ending 3 p.m.	0.00"	
Month to date	0.01"	
Normal month to date	0.20"	
Year to date	4.37"	
Last year to date	8.68"	
Normal year to date	8.51"	
HERMISTON through 3 p.m. yest.		
TEMP.	HIGH	LOW
Yesterday	81°	63°
Normals	90°	56°
Records	105° (2009)	38° (1929)
PRECIPITATION		
24 hours ending 3 p.m.	0.00"	
Month to date	Trace	
Normal month to date	0.11"	
Year to date	1.93"	
Last year to date	1.66"	
Normal year to date	5.25"	
WINDS (in mph)		
Today	SW 6-12	WSW 10-20
Pendleton	W 7-14	W 8-16
SUN AND MOON		
Sunrise today	6:03 a.m.	
Sunset tonight	7:53 p.m.	
Moonrise today	8:04 p.m.	
Moonset today	4:41 a.m.	
Full	Last	New
Aug 22	Aug 29	Sep 6
		Sep 13

## NATIONAL EXTREMES

Yesterday’s National Extremes: (for the 48 contiguous states)  
High 104° in Zapata, Texas Low 24° in Bodie State Park, Calif.

## NATIONAL WEATHER TODAY



# Tyson’s claim on feedlot disputed

By **DON JENKINS**  
*Capital Press*

KENNEWICK — Tyson Fresh Meats may have suffered a blow Wednesday, Aug. 18, in its effort to take from a key competitor a strategically located cattle feedlot formerly owned by convicted fraudster Cody Easterday.

Alan Kornfeld, an attorney for bankrupt Easterday Ranches, disputed Tyson’s claim that it was blindsided in January when Cody Easterday sold the North Lot to Agri Beef for \$16 million.

Tyson had made a “soft, no-cash” \$10 million offer for the lot, Kornfeld said, undermining Tyson’s claim that Easterday never gave it a chance to top Agri Beef.

“The debtors vehemently dispute that Tyson did not have an opportunity to bid,” Kornfeld said.

Tyson says it’s now willing to pay \$25 million for the lot and has asked U.S. Bankruptcy Judge Whitman Holt in Yakima to give it standing to challenge the sale to Agri

Beef on behalf of Easterday’s creditors.

In court filings, Tyson said the \$16 million paid by Agri Beef was “woefully inadequate.” It didn’t mention a \$10 million offer.

Holt, who has yet to rule on Tyson’s motion, said Tyson’s account bears on whether he will allow the company to intervene in the bankruptcy proceedings.

“If what you (Kornfeld) just said is accurate, that in January of 2021 there was a \$10 million offer from Tyson, I think that’s highly germane to the standing issue because the narrative in (Tyson’s) motion is deeply inconsistent with that,” Holt said.

Tyson’s lawyer did not respond to Kornfeld at the hearing, conducted by phone. Efforts to obtain comment from Tyson on Aug. 18 were unsuccessful.

Cody Easterday, 50, is scheduled to be sentenced Oct. 5 for defrauding Tyson out of \$233 million. He also defrauded another company of \$11 million by billing

for cattle he never actually bought or fed.

Tyson uncovered the scheme in December and talked to Easterday about buying his cattle feeding operation to start making restitution, according to court records. Tyson said it learned about the sale to Agri Beef too late to go to court to stop it.

Shortly after the sale, Easterday declared bankruptcy. In March, he pleaded guilty to one count of wire fraud.

After Agri Beef bought the feedlot for \$16 million, an appraiser valued it at only \$9 million. Tyson claims the appraisal was flawed.

Holt remarked that the difference between the sale price and appraisal “sure suggests something is wrong with that appraisal.”

Kornfeld said the appraisal was based on the operation’s size and did not take into account its closeness to Tyson and Agri Beef plants.

“Tyson’s offer was right where the appraiser came out,” Kornfeld said.

## IN BRIEF

### Woman faces charges of molesting Walla Walla teen on her own porch

WALLA WALLA — A Walla Walla teen girl was allegedly molested and assaulted by a woman she didn’t know on her own front porch and lawn, according to paperwork filed in Walla Walla County Superior Court.

The accused woman, Wendy M. Whittle, 54, appeared in court Tuesday, Aug. 17, following her arrest Aug. 16 by the Walla Walla Police Department. Judge M. Scott Wolfram set her bail at \$10,000 and ordered her to be assessed by Comprehensive Health for any mental health issues.

Whittle was charged by prosecutors later in the week with third-degree child molestation, fourth-degree sexually motivated assault, immoral communication with a minor and second-degree trespassing, accord-

ing to court documents.

According to the documents, Whittle walked up to a residence on East Chestnut Street and started harassing the 15-year-old girl and her family and friends who were gathered there.

Whittle then allegedly tried to burn the girl with a lit cigarette and then stroked the girl’s leg and began making sexual remarks to her while she was inches from her face, according to the court records.

Whittle reportedly touched the girl in the face, pushed her and followed her around the front yard of the residence, continuing to make sexual advances, including touching the girl’s breast at one point, according to the records.

The girl and witnesses who later spoke with police reportedly tried to get Whittle to leave the property repeatedly, the records showed, but Whittle kept following the girl around the property.

— *Walla Walla Union-Bulletin*

**CORRECTIONS:** The *East Oregonian* works hard to be accurate and sincerely regrets any errors. If you notice a mistake in the paper, please call 541-966-0818.

**EAST OREGONIAN**  
— Founded Oct. 16, 1875 —  
211 S.E. Byers Ave., Pendleton 541-276-2211  
333 E. Main St., Hermiston 541-567-6211  
Office hours: Monday through Friday, 8 a.m. to 5 p.m.  
Closed major holidays  
**EastOregonian.com**  
In the App Store:  
**EO E-EDITION**  
East Oregonian (USPS 164-980) is published Tuesday, Thursday and Saturday, by the EO Media Group, 211 S.E. Byers Ave., Pendleton, OR 97801. Periodicals postage paid at Pendleton, OR. Postmaster: send address changes to East Oregonian, 211 S.E. Byers Ave., Pendleton, OR 97801.  
Copyright © 2021, EO Media Group

**Circulation Dept.**  
For mail delivery, online access, vacation stops or delivery concerns call 800-781-3214

**SUBSCRIPTION RATES**

	Local home delivery	Savings (cover price)
EZPay	\$10.75/month	50 percent
52 weeks	\$135	42 percent
26 weeks	\$71	39 percent
13 weeks	\$37	36 percent

**Single copy price:**  
\$1.50 Tuesday, Thursday and Saturday

**ADVERTISING**

**Regional Sales Director (Eastside) EO Media Group:**

- Karrine Brogoitti
- 541-963-3161 • kbrogioitti@eomediagroup.com

**Multimedia Consultants:**

- Audra Workman
- 541-564-4531
- 541-564-4538 • aworkman@eastoregonian.com

**Business Office**

- Dayle Stinson
- 541-966-0824 • dstinson@eastoregonian.com

**Classified & Legal Advertising**

Classified advertising: 541-564-4538  
Legal advertising: 541-966-0824  
classifieds@eastoregonian.com or legals@eastoregonian.com

**NEWS**

- To submit news tips and press releases: call 541-966-0818 or email news@eastoregonian.com
- To submit community events, calendar items and Your EO News: email community@eastoregonian.com or call Renee Struthers or Amy Velho at 541-966-0818.
- To submit engagements, weddings and anniversaries: email rstruthers@eastoregonian.com or visit eastoregonian.com/community/announcements
- To submit sports or outdoors information or tips: 541-966-0838 • sports@eastoregonian.com

**COMMERCIAL PRINTING**

**Commercial Print Manager:** Holly Rouska  
541-617-7839 • hrouska@eomediagroup.com