U.S. District Court
District of Oregon (Eugene (6))
CIVIL DOCKET FOR CASE #: 6:26-cv-00956-MTK

AMICUS CURIE BRIEF

Marion County v. U.S. Army Corps Of Engineers et al
Assigned to: Judge Mustafa T. Kasubhai
Cause: 05:702 Administrative Procedure Act

Date Filed: 05/13/2026
Jury Demand: None
Nature of Suit: 893 Environmental Matters
Jurisdiction: U.S. Government Defendant

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14 **INTRODUCTION**

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- **AMICUS CURIE BRIEF**

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Cause of action

Intervener Plaintiff files this Amicus Curie brief which explains legal and scientific facts about fish and dams.

1 Case 18-cv-00437-HZ ruling was based on incomplete science and Plaintiffs using Federal Department of Justice Attorneys to sue the government. This is 18 USC 11 conflict of interest. Specifically Section 203 87-849 Conflict of Interest Provisions of Public Law.

2 Furthermore, the ruling said to drain the dam to release the massive silt behind it (The silt is around 775 feet tall according to an Operator of the dam). The result was dark colored water running from Linn County faucets. The clean water act specifically prevents this: the provisions of the Federal Water Pollution Control Act, specifically 33 U.S.C. 1251 a. 1-7. This is also 42 USC CHAPTER 6A, SUBCHAPTER XII: SAFETY OF PUBLIC WATER SYSTEMS.

https://oregonlibertycoalition.wordpress.com/detroit-reservoir-drawdown-two-fronts/

The previous case ruling is a violation of Oregon law ORS 496.705, resulting in damage suits for negligent, but unlawful killing of wildlife. The uninformed action on

Green Peter Dam caused thousands of fish to die. This is Endangered Species Act, specifically Section 11. Penalties and Enforcement 1 a.

Defendants solution for Salmon in the Willamette Valley Oregon is junk science at best. Defendants killed more COHO Salmon than they saved. This is a violation of) 18 U.S. Code § 41 - Hunting, fishing, trapping; disturbance or injury on wildlife refuges. Specially section 676. Hunting, trapping, killing, or capturing game on Norbeck Wildlife Preserve unlawful. Plaintiffs request the court to consider the Oregon Coast is a wildlife preserve as it is. https://www.fws.gov/refuge/oregon-islands

Additionally, No section 404 permit for the drawdown because it was court ordered. This is a violation of Clean water act as: 33 CFR Parts 320-332) authorizes the Corps to issue permits for the discharge of dredged or fill material into navigable waters. Jurisdictional waters were later expanded to include “waters of the United States” for section 404 purposes.

There is no legal or scientific reason to remove any dam. Fish ladders

work if properly maintained. If a fish ladder on a dam doesn’t work

check with the operators of the dam to find out, why. The injunction is to

vacate the erroneous ruling in 18-cv-00437-HZ, because nobody but

Plaintiff had the common sense to check with the operator of the dam.

State a claim

1. Class Action members and Plaintiffs are harmed (directly affected) by the proposed loss of hydroelectric, clean energy, projected for the next decade.

2. Class Action members and Plaintiffs are harmed (directly affected), by the proposed drawdowns because of resulting, silt-laden, dark colored water running from their faucets.

3. Class Action members and Plaintiffs are harmed (directly affected) by the local municipal city and county water systems using up all available water filters in a few days following the most recent Green Peter drawdown.

Plaintiff visited Green Peter dam with his sister and talked to one of the operators of the dam. Plaintiff was told that the silt has built up to 775 feet above the stream bed on the upstream side, and the fish ladder at 525 feet has been plugged with silt since 1989. This has produced direct harm to Plaintiff and Class Action members.

4. On the way home Plaintiff called the Oregon State University Professor who published the incomplete science report in a predatory journal. In twenty minutes, Plaintiff convinced him that their proposed draw-down solution was much worse than the problem because it suffocated the fish. He agreed to the dredge proposal.

5. Plaintiff's sister will testify to this conversation.

6. Defendants failed to consult with the true local stake holders living close to the affected dams to discover the correct solution. They seem to lack good investigative skills required by the scientific method, choosing rather to rely on purveyors of incomplete science to support a favored, preconceived hypothesis.

7. There is no legal or scientific reason to remove any dam. Fish ladders work if properly maintained. If a fish ladder on a dam doesn't work check with the operators of the dam to find out, why.

Therefore, the Statement of Claim requirement in this case has been satisfied.

https://www.northwestobserver.com/index.php?ArticleId=3356

42 USC CHAPTER 6A, SUBCHAPTER XII: SAFETY OF PUBLIC WATER SYSTEMS the provisions of the Federal Water Pollution Control Act [33 U.S.C. 1251 a, 1-7 (1)it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;

8. There is no reason to do the Detroit lake drawdown. The issue they have is the fingerlings heading back to the ocean can't find the fish ladder because it's at the wrong height. I told the Corp in a meeting in sweet home about the need to put a stainless steel fence on the upstream side of the dam to prevent the fingerlings from going through the dam. Then the leaders of the schools of fish will find the fish ladder and go down it.

9. The BiOP is based on junk science. This is fish biologists on the East coast of the USA telling the Northwest what to do for dams with almost no input from the west coast. An Injunction to stop it will be filed. Following this scientific nonsense has killed endangered species of salmon and violates the clean water act.
https://www.nwp.usace.army.mil/Missions/Environmental-Stewardship/Fish/WVP-BiOP/

This is a violation of 33 U.S.C Chapter 26.

10. The Northwest Grid is crashing. Plaintiff went to a Cascade policy institute where Grid Expert John A. Charles, Junior on October 18th 2023 showed the Northwest Electric Grid is 2.2 Gigawatts short. Now with the Klamath River Dams gone the grid is negative 2.375 gigawatts. The seven dams in question are almost one gigawatt of clean renewable power.

11. Defendants solution for Salmon in the Willamette Valley Oregon is junk science at best. Defendants killed more COHO Salmon than they saved. This is a violation of 18 U.S. Code § 41 - Hunting, fishing, trapping; disturbance or injury on wildlife refuges. Specially section 676. Hunting, trapping, killing, or capturing game on Norbeck Wildlife Preserve unlawful. Plaintiffs request the court to consider the Oregon Coast is a wildlife preserve as it is. https://www.fws.gov/refuge/oregon-islands

8 Clean Water act Preventys any dam removal.

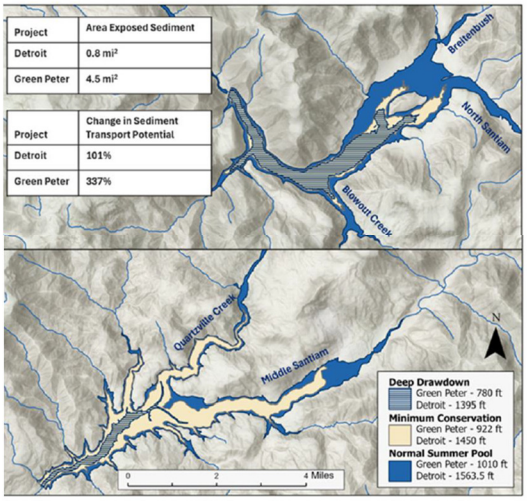
8 33 U.S.C. § 1251

9 Unannotated Title 33. Navigation and Navigable Waters

10 The objective of this chapter is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of this chapter(1) it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;
https://salmonprotectiondevice.com/Federal_Clean_Water_act_Teaching.pdf

11 These drawdowns violate every component of the Clean Water act “Restore and maintain the chemical, physical, and biological integrity”

Potential Deep Drawdown Impacts



Green Peter and Detroit Drawdown Areas

Source: US Army Corps of Engineers



Santiam River Confluence during the 2023 deep drawdown of Green Peter Dam

This image shows clearly violation of clean water act from the green peter dam drawdown. The north Santiam river will look the same if Detroit Dam has a drawdown.

JURISDICTION

Federal court in Oregon has jurisdiction because the Clean Water act is a

federal act. Defendants violated the clean water act.

Venue

The U.S. Army Corps of Engineers (USACE), (Corps) is studying eight dams to remove hydropower capabilities based on a fake East Coast biological opinion.

Why are people from Oregon listening to some East Coast woke bureaucrat who doesn't know what they are talking about.

Salmonprotectiondevice.com has garnered much **r**espect in the Ninth Circuit Court of Appeals and in the U.S. Supreme Court for exposing this kind of fake science.

LEGAL STANDING

Plaintiff and Class Action members have personal legal standing.

Plaintiff's legal standing is based on the federal laws broken by defendants and overwhelming support by local stakeholders (Class Action members). Plaintiff also is a long time Oregonian who grew up in Western Oregon. Plaintiff's family hunted, camped, and fished around the areas affected by this Complaint and the Klamath area. Plaintiff is extremely distraught to see the destruction of an area he and his family loved as a child and still treasures.

Conclusion

To improve all salmon and other fish runs, the fish ladders need to be improved and the sediment build-up behind the dams (from almost 100 years) needs to be dredged up and removed. Salmonprotectiondevice.com has the NOAA Fisheries approved fish ladder design criteria. Around $30

million is the cost to dredge behind each dam.

A Section 408 and Joint Permit Application are underway. Plaintiff's

brief clearly shows the violation of the FRCP 404, (Clean water act) which

resulted in the death of numerous endangered species.

Many valid reasons have been given as to why the Preliminary Injunction in

must be granted by the Court.

Relief Sought

1. Vacate the erroneous ruling in 18-cv-00437-HZ which was based on incomplete and misguided scientific analysis.

2. Pay dredging costs behind Green Peter and the other dams affected by 18-cv-00437-HZ This cost is estimated to be around $30 million per dam.

3. Remove DOJ attorneys from defendant's **Counsel**. That is 18 USC 11 Conflict of interest. Complaint filed with the DOJ about this.

FIRST CLAIM FOR RELIEF

Defendants must pay the dredging costs for all the dams affected by the

order.

SECOND CLAIM FOR RELIEF

Vacate the ruling in 18-cv-00437-HZ Which is based on incomplete science published in a predatory journal.



Respectfully Dated: 08/17/2025
David White
Salmon Protection Device

CERTIFICATE OF SERVICE

I hereby certify that on August 23rd, 2025, a true and correct copy of the above document was electronically filed with the Clerk of the Court using CM/ECF. A copy of the document will be served upon interested parties via the Notices of Electronic Filing that are generated by CM/ECF. Additionally, a courtesy copy is being provided as follows:

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___Via hand delivery

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By: David White



David C. White Pro Se. August 23rd, 2025