

1 **UNITED STATES COURT OF APPEALS**
2 **FOR THE NINTH CIRCUIT**

3
4 **Docket 24-5811**
5 **Case 1:24-CV-1301-MC**
6 **David White, Pro Se**

**MEMORANDUM OF
IGNORED STAKEHOLDER
TESTIMONY**

7
8
9 18965 NW Illahe St,
10 **Portland OR.**
11 dave@salmonprotectiondevice.com
12

13 **vs.**

14
15 **Defendant 1. (D1)**
16 **Chairman Willie L. Phillips, in his**
17 **personal capacity as Chairman of**
18 **Federal Energy Regulatory**
19 **Commission (FERC) Chairman_Phillips_Meetings@ferc.gov**
20 **202-502-8550**

21
22 **Defendant 2. (D2)**
23 **Commissioner Mark Christie in his**
24 **Personal capacity as Commissioner of**
25 **Federal Energy Regulatory Commission (FERC)**
26 **202-502-8110 Commissioner_Christie_Meetings@FERC.gov**
27

28 **Defendant 3 (D3)**
29 **Commissioner David Rosner in his**
30 **Personal capacity as Commissioner of**
31 **Federal Energy Regulatory Commission (FERC)**
32 **202-502-6500 Commissioner_Rosner_Meetings@FERC.gov**
33

34 **Defendant 4 (D4)**
35 **Commissioner Lindsay S. See in her**
36 **Personal capacity as Commissioner of**
37 **Federal Energy Regulatory Commission (FERC)**
38 **Commissioner_See_Meetings@FERC.gov**

1
2 **Defendant 5 (D5)**
3 **Commissioner Judy W. Chang in her**
4 **Personal capacity as Commissioner of**
5 **Federal Energy Regulatory Commission (FERC)**
6 **Commissioner_Chang_Meetings@FERC.gov**
7

8 **Debbie-Anne A. Reese 6 D6**
9 **in her personal capacity as**
10 **Secretary, Federal Energy Regulatory**
11 **Commission**
12 **888 First Street, N.E.**
13 **Washington, D.C. 20426**
14 **No contact email provided**
15

16
17 1) 18 USC 3 accessory after the fact.

18 2) 16 USCA § 1532(19); see also Goble, D. D.; George, S. M.; Mazaika, K.;

19 3) Scott, J. M. & Karl, J. (1999) "Local and national protection of
20 endangered species: An assessment," Environmental Science & Policy, 2,
21 pp. 43-59.

22 4) 18 U.S. Code § 41 - Hunting, fishing, trapping; disturbance or injury on
23 wildlife refuges.

24 5) The Endangered Species Act of 1973,

25
26 <https://www.fws.gov/laws/endangered-species-act/section-11>
27

28 6) 18 U.S.C. § 1001 False Statements, Concealment
29

30 7) 29 CFR § 1606.8 (1) – Harassment Has the purpose or effect of creating
31
32 creating an intimidating, hostile or offensive working environment
33

34 8) 28 U.S. Code § 4101 The term "defamation" means any action or other
35
36 proceeding for defamation, libel, slander, or similar claim alleging that
37
38 forms of speech are false, have caused damage to reputation or
39
40 emotional distress, have presented any person in a false light, or have

1
2 resulted in criticism, dishonor, or condemnation of any person.

3
4 9) 33 U.S.C. §1251 et seq. (1972) Clean water act Section 404.

5
6 10) 29 CFR § 1606.8 (1)

7
8 11) 28 U.S. Code § 4101.

9
10 12) 22–451 June 28th, 2024 Loper Bright Enterprises v. Raimondo and
11 Relentless, Inc. v. Department of Commerce.

12 https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf

13
14
15 13) 29 CFR § 1606.8 (1),

16
17 14) 28 U.S. Code § 4101.

18
19 15) Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002): Pagtalunan
20 was Pro Se and made numerous mistakes in filing his complaint, resulting
21 in the case being dismissed. However, upon appeal, the higher Court
22 ruled that the lower Court was in error because they did not give
23 allowance for Pagtalunan’s lack of legal training.

24
25
26
27
28 Supreme Court recent ruling explained.

29
30 The U.S. Supreme Court in Loper Bright Enterprises v. Raimondo and

31
32 Relentless, Inc. v. Department of Commerce ruled that all Courts can

33
34 no longer function as administrative law courts. Plaintiff, therefore,

35
36 requests this Federal Commission to convene as an Article III Commission

37
38 under the Constitution of the United States of America. This is retroactive to
39

1
2 the adoption of the U.S. Constitution. First Page, second paragraph: Held:
3
4 The Administrative Procedure Act requires courts to exercise their
5
6 independent judgment in deciding whether an agency has acted within its
7
8 statutory authority, and courts may not defer to an agency interpretation of
9
10 the law simply because a statute is ambiguous; Chevron is overruled. Pp.
11
12 7–35.

13
14 ([https://www.foleyhoag.com/news-and-insights/publications/alerts-and-
15 updates/2024/july/chevrons-demise-and-what-it-means-for-healthcare-and-
16 life-sciences-companies/](https://www.foleyhoag.com/news-and-insights/publications/alerts-and-updates/2024/july/chevrons-demise-and-what-it-means-for-healthcare-and-life-sciences-companies/))

17
18
19 Today in docket P-14803-000 Klamath River Renewal Corp (KRRRC)
20
21 uploaded a notice of Iron Gate Dam breaching by explosions. Please stop
22
23 this environmental destruction the defendants in this case can be charged
24
25 with KRRRC’s crimes as 18 USC 3 accessory after the fact. This pleading
26
27 is California Water board testimony from 2017 which FERC ignored
28
29 illegally. Therefore, by 12) above, agencies like the Federal Energy
30
31 Regulatory Commission (FERC) can’t cherry pick data to match their
32
33 administrative agenda.
34

35
36
37 **Cause of Action / Claim For Relief**
38

1 This Complaint has several legally recognizable claims. These show with
2 clear and convincing evidence that the Federal Court has jurisdiction, and
3 Plaintiffs are harmed by Defendants' illegal actions. This includes well
4 documented perjury and violation of Federal Environmental Laws. The
5 items below justify the rulings for relief requested in the Prayer for Relief
6 section, per Federal Rule 8 a 1-3. And, as Appellant demonstrates, the
7 proceedings were riddled with unlawful Trial Court errors. The defendants
8 were in default for 1:24-CV-1395-IM despite numerous attempts to notify
9 them of the case and Appellants pleadings filed in the case. Defendants
10 didn't have any attorney or another person register in the case. These
11 points provide the background context in which our Causes of Action and
12 Prayers for Relief are based:

13
14

15 **Breach of Contract:**

16

17 Defendants are in Breach of Contract by violation of all elements of a
18 Cause of Action required to bring this complaint:

19

- 20 1. Defendants Joint Application is fraud.
- 21 2. Defendants used the fraudulent Joint Application to get permits from
- 22 two Oregon Government agencies
- 23 3. Non-performance by Defendant, had no legally tenable justification.
- 24 4. Extreme emotional and physical distress has accrued to Plaintiffs
- 25 due to the defendants' non-performance.
- 26 5. The final ruling in in the case is not based on correct case facts.
- 27 6. The final ruling is a violation of 12) Pagtalunan v. Galaza. The Court
- 28 was in error because they did not give allowance for Plaintiff's lack of
- 29 legal training.

30

31 .

32 **Fraudulent Misrepresentation:**

33 According to Cornell Law, "Fraudulent misrepresentation is a [tort claim](#),
34 typically arising in the field of [contract](#) law, that occurs when a [defendant](#)
35 makes an intentional or reckless misrepresentation of fact or opinion with
36 the intention to coerce a party into action or inaction on the basis of that
37 misrepresentation." Defendants are guilty of all elements:

- 38 1. That a representation was made

39

1 2. That the representation was false when made, and the
2 Defendants knew that the Representation was false or that the
3 defendant made the statement recklessly without knowledge of its truth
4 3. That the fraudulent misrepresentation was made with the intention

5
6 that Plaintiff and the Court rely on it.
7

8 4. That the Court relied exclusively on attacking Plaintiffs pleadings and
9 not providing by law a default prevailing party of Plaintiffs.

10 5. Defendants were untruthful to the media saying the Pomeroy Dam
11 was an impediment to salmon migration. In the opening complaint
12 Plaintiffs put a picture of a salmon jumping over the Dam. It is also in
13 this Opening Appeal Brief
14

15
16 **Unjust Enrichment:**

17
18 The charge of Unjust Enrichment flows from the other two allegations
19 above. Under the law, a claim for unjust enrichment has three elements:

- 20 1. The Defendant received a benefit of monies paid;
- 21 2. The defendants created a fraudulent Joint Application.
- 22 3. The defendants illegally received a section 401 from Oregon
23 Department of Environmental Quality and a State lands permit from
24 Oregon Department of State Lands with the fraud Joint Application.
25

26
27
28 **Background:**

29
30 There are no rulings requested in this memorandum. This is Plaintiff

31
32 painstakingly going over the FERC document line by line. Danielle said
33

34 they knew about the Siskiyou County Votes Against Dam Removal and

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ignored it. Additionally, she said “They only used data from The Indian tribes, California Water Board and Oregon Water Board.” Therefore, they ignored stakeholders like those with lake front property, Klamath River Water Users and others like

<http://www.klamathbasincrisis.org/dams/KlamathDams2020/DrGierakLettertoBORonKlamathDamremoval041420.htm>

She also said the 2018 document is the baseline for the further FERC projects on the Klamath River

In Federal Energy Regulatory Commission (FERC) License Surrender

Order, 181 FERC ¶ 61,122 (2022), dated November 17, 2022. The

Surrender Order is available to the public in full at

https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20221117-3021.

California Water Board was untruthful on Page 13 item 2 and did not

1
2 provide the overwhelming testimony to keep the Dams. Many testifying
3
4 were doctors. (California Water Board (CWA)) testimony that was
5
6 supposed to go to FERC. Either FERC did not receive it or they ignored
7
8 this. Page 24 to Page 124 is People (stakeholders) speaking against Dam
9
10 removal. Total of 43. This was ignored by FERC.

11
12 Also

13 [https://www.waterboards.ca.gov/waterrights/water_issues/programs/water](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/comments/gierak1.pdf)
14 [ater](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/comments/gierak1.pdf)
15 [quality_cert/docs/lower_klamath_ferc14803/comments/gierak1.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/comments/gierak1.pdf)

16
17 STATE WATER RESOURCES CONTROL BOARD STAFF
18
19 PRESENTATION SOLICITING COMMENTS ON THE NOTICE OF
20
21 PREPARATION LOWER KLAMATH PROJECT LICENSE SURRENDER
22 PUBLIC COMMENTS.

23 ~~~~~

24))))) Date: THURSDAY, JANUARY 26, 2017

25 Time: 5:00 p.m.

26 Place: Best Western Miner's Inn

27 122 East Miner Street

28 Yreka, California 96097

1 Like page 52: I'm John Menke, M-E-N-K-E, J-O-H-N.

2

3 “ I'm retired professor of agronomy and range science and forestry at

4

5 Berkeley for 25 years with the university and then for training for ten years

6

7 before I became a professor for 25. I've now lived up here for 24 years.

8

9 And I tell you, I'm hoping with Trump we can end the NEPA

10

11 process. I am appalled at all the idiots that think they know something –

12

13 [applause] -- education. I took all the soils, all the water science, all the

14

15 animal science courses at Davis. I went to college for ten years. My dad

16

17 was a surgeon in Sacramento. I didn't need to have a job so I studied all

18

19 my life.

20

21 He goes on to say: But the reason I refer to Peter, in 2007, he and Jeff

22

23 Mount at Watershed Sciences at Davis -- UC Davis submitted about a four-

24

25 page letter to the resource's secretary of the -- in Sacramento and the Fish

1
2 and Wildlife Service. Let me just -- item No. 1: No entities including
3
4 PacifiCorp, federal and state agencies and stakeholder interest groups has
5
6 Provided sufficient modeling and analysis to demonstrate the water quality
7
8 Impacts associated with removal of the dams. Peter has been too busy to
9
10 come up here and spend a lot of time on the dams, but he's had his agent
11
12 here, John Menke, for 25 years. I've read all the Stillwater sciences reports
13
14 for the first FERC assessment and they're an absolute joke -- [applause] –
15
16 an absolute joke. Today, we call that type of analysis semi-science. It's not
17
18 true science. They haven't tested any hypotheses. Do you realize in 2020,
19
20 the oldest dam when it goes out, you're going to be flushing about 43
21
22 percent, is the estimate of materials that accumulated there for 98 years,
23
24 down a wild and scenic river? You people have to
25
26 have your head examined. [Applause.]” This testimony is like 90% of the
27

1 testimonies at CAWB. Another testimony starting on page 53 and ending on
2
3 page 54: "Russ Bowlus, who is a current engineer with the Division of
4
5 Safety of Dams about three years ago, walked in with me. It's about two and
6
7 a half hour each way. And I had lots of time to talk with him. He inspects the
8
9 Klamath River dams four times a year or his agent does. The dams are in
10
11 as good a shape today as the day.

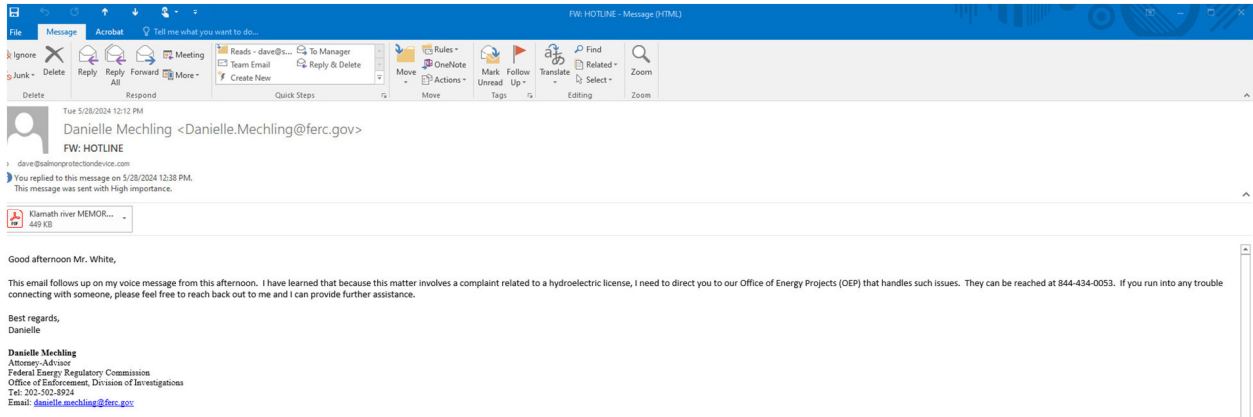
12 Another testimony is SUSAN WALLACE: She says:" I have to say that I
13
14 don't trust anything you people are doing. This has just been a ruse to
15
16 remove dams. We have renewable electric resources that we've used for
17
18 years. We have never seen anything other than good coming out of these
19
20 dams. Taking them out is going to release the sediment that we've already
21
22 spoken to earlier that has more than likely chromium-6 involved. I have a
23
24 sister-in-law who has a steel rod through her spine right now because of
25
26 chromium-6. I have a brother-in-law who is dying of cancer because of it. It
27
28 is a group thing when you turn this stuff loose. You have evidence of this
29

1 activity in the sediment in the Oregon dam removals of which there were
2
3 two. They have -- the stuff in that sediment has poisoned dams -- or
4
5 excuse me -- poisoned wells all along the river's edge in Oregon. So it's
6
7 not like it's a surprise. It's already out there. We have so much information
8
9 people have brought here that exists. The reason for another fake -- I will
10
11 say "fake" -- study is just to promote the removal of the dams. They have
12
13 nothing to do with truth, honestly, and I think it stinks. Thank you.”
14
15 Testimony on page 65. MS. NITA STILL: Thank you for being here. I
16
17 appreciate it. And we're being hard on you but that's okay.
18
19 In the year 2009, we voted to keep the dams by 80 percent. The people in
20
21 Oregon also voted to keep their one dam. There is a manipulation and a
22
23 conniving going on here, and those who want to take out our dams
24
25 are holding secret meetings with some of our representatives and the two
26
27 governors named Brown. These NGO stakeholders will do anything to have
28
29 our dams destroyed basically. The KBRA expired and now they have made

1
2 the K- -- now they have made a KRRRC. They are involving every agency in
3
4 hopes that they will get their way.

5
6 Plaintiff will subpoena Regional Engineer: Russell C. Bowlus Phone: (916)
7
8 565-7813.

9
10 Plaintiff talked on KMED in Medford Oregon for 40 minutes on 8/15/2024
11
12 about the class action lawsuits, we filed and people are signing up for them
13
14 on salmonprotectiondevice.com. Plaintiff will Subpoena three FERC people
15
16 who called as witnesses. The dockets themselves (Docket Nos. P-14803 and
17
18 P-2082) can be viewed at eLibrary | General search (ferc.gov) by entering the
19
20 docket number and filtering by the date.
21



1
2 Good afternoon Mr. White,

3
4 This email follows up on my voice message from this afternoon. I

5
6 Have learned that because this matter involves a complaint related to

7
8 a hydroelectric license, I need to direct you to our Office of Energy

9
10 Projects (OEP) that handles such issues. They can be reached at

11
12 844-434-0053. If you run into any trouble connecting with someone,

13
14 please feel free to reach back out to me and I can provide further

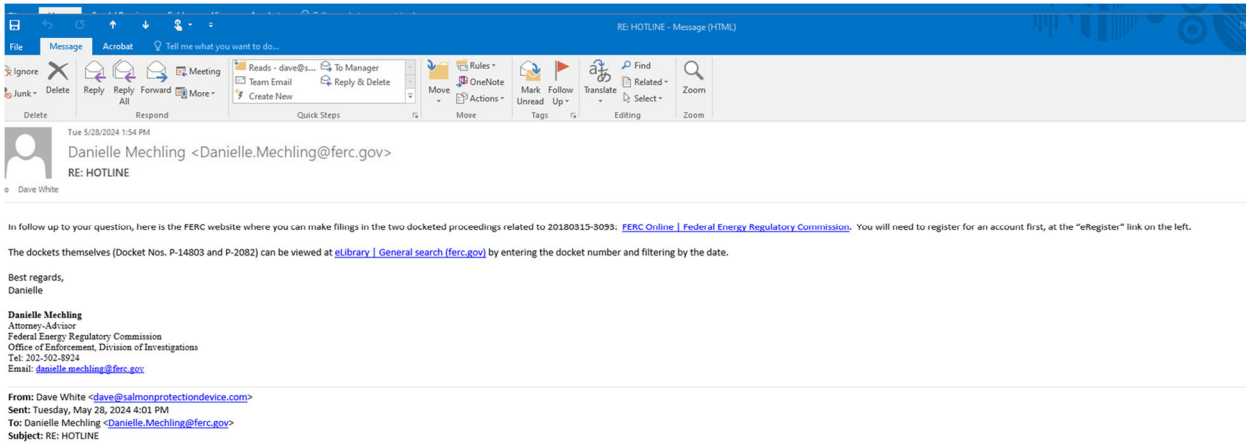
15
16 assistance.

17
18 Best regards,

19
20 Danielle

21
22 Danielle Mechling

1 Attorney-Advisor
2 Federal Energy Regulatory Commission
3 Office of Enforcement, Division of Investigations
4 Tel: 202-502-8924
5 Email: danielle.mechling@ferc.gov
6



7
8
9 In follow up to your question, here is the FERC website where you can make
10 filings in the two docketed proceedings related to 20180315-3093:
11 FERC Online | Federal Energy Regulatory Commission. You will need to
12 register for an account first, at the "eRegister" link on the left.
13

14
15 The dockets themselves (Docket Nos. P-14803 and P-2082) can be viewed
16 at eLibrary | General search (ferc.gov) by entering the docket number and
17 filtering by the date.

18 Best regards,

19 Danielle

20
21 Danielle Mechling

22 Attorney-Advisor

23 Federal Energy Regulatory Commission

1 Office of Enforcement, Division of Investigations

2 Tel: 202-502-8924

3 Email: danielle.mechling@ferc.gov

4
5 Case 1:23-cv-00834-AA was dismissed because “this Court lacks subject
6
7 matter jurisdiction over Plaintiffs' claim”. However, in case 1:24-cv-1301-

8
9 MC this district federal court does not lack jurisdiction because this case
10 is about

11
12 KRRC killing without permits 2000 fish, a herd of elk and now all aquatic
13 life from

14
15 Iron Gate dam to the Ocean. Defendants are liable (18 USC 3 accessory
16 after

17
18 the fact) because they gave KRRC license to ruin the environment. The
19 EPA

20
21 knows about this at its highest levels.

22 23 **Executive Summary**

24
25 Plaintiff reviewed 20180315-3093 (FERC) mentioned by KRRC Legal

26
27 Counsel (KLC) and found twenty-five nonsensical items. The FERC

28
29 document agreement has been violated many times by KRRC. Therefore,

30
31 KRRC are not following the FERC document as stated by KLC. Here is the

1 definition of mitigation from
2
3 Merriam-Webster. “the act of mitigating something or the state of being
4
5 mitigated: the process or result of making something less severe,
6 dangerous, painful, harsh, or damaging.”
7
8 <https://www.merriam-webster.com/dictionary/mitigation>. In addition
9
10 to pending floods, over 2,000 fish (including endangered Salmon) and a
11
12 herd of elk were killed without permits, and arsenic and other contaminants
13
14 are now blowing in the wind KRRC we’re not following the FERC
15
16 document, with 25 items which were technical nonsense. Therefore,
17
18 among other items plaintiff moves the honorable federal Judge
19
20 to a adjudication criminal charges that may be brought on Defendants by
21
22 1)18 USC 3 accessory after the fact.
23
24 Plaintiff sent it to FERC legal department in an email on May 16th 2024 and
25
26 asked them what level of a Federal Judge can rule the FERC Document

1 null and void.

2

3 Pacific Corp licensed the total Klamath project since the 1950's. Just

4

5 before and during that time most other dams in the Northwest had fish

6

7 ladders installed.

8

9 Plaintiff has the Bonneville dam fish ladder drawings from the 1940s. As

10

11 mentioned in the complaint, over a three-day period Plaintiff distributed 500

12

13 documents at the Holiday Supermarket in Klamath falls which

14

15 demonstrated the need to dredge behind the dams as the logical

16

17 alternative to dam removal. All 500 agreed, except for only 1 person who

18

19 disagreed. While in Klamath falls, Plaintiff visited the State Police office

20

21 and talked to an on-duty State Policeman.

22

23 Plaintiff asked if plaintiff was caught with 100 fish bloating in the sun what

24

25 would happen to plaintiff. The deputy answered, "you would still be in jail."

1 Plaintiff asks

2
3 Honorable Federal Judge for adjudication of criminal charges that may be
4
5 brought against defendants admitting to killing 2,000 fish left bloating in the
6
7 sun who have not been charged with any crime and are not in jail. The
8
9 FERC document is not worth the paper it is written on. It is complete
10
11 nonsense as detailed below. The defendants are still working on
12
13 destroying the Iron Gate dam during the pendency of this case.

14 15 **End of Executive Summary**

16
17 The following link should be known as “the FERC document”
18 document:

19 [https://elibrary.ferc.gov/eLibrary/search?q=searchtext%3D*%26searchfulltext%3Dtrue%26search
20 descri
21 ption%3Dtrue%26datatype%3Dfiled_date%26startdate%3D1904-01-01%26enddate%3D2022-02-
22 11%26docketnumber%3D%26subdocketnumbers%3D%26accessionnumber%3D20180315-
23 3093%26filing%3Dfalse%26alldates%3Dtrue](https://elibrary.ferc.gov/eLibrary/search?q=searchtext%3D*%26searchfulltext%3Dtrue%26search%26description%3Dtrue%26datatype%3Dfiled_date%26startdate%3D1904-01-01%26enddate%3D2022-02-11%26docketnumber%3D%26subdocketnumbers%3D%26accessionnumber%3D20180315-3093%26filing%3Dfalse%26alldates%3Dtrue)

24 Debunking the following items in the document.

- 25 1. Item (f) states: “the Renewal Corporation, the States, and PacifiCorp
26 agree that no order of a court or the Commission is in effect that
27 would prevent facilities removal;”.
- 28
29 2. Item (e) states “the Renewal Corporation, the States, and PacifiCorp

1
2 are each assured that their respective risks associated with facilities
3
4 removal have been sufficiently mitigated consistent with Appendix L.”
5
6 Appendix L is not included in the document. This is also requested for
7
8 discovery. Obviously, mitigation has not occurred because of pending
9
10 floods, over 2,000 fish (including endangered Salmon) and a herd of
11
12 elk killed without permits, and arsenic and other contaminants
13
14 blowing in the wind. Therefore, in accordance with the document no
15
16 removal of the dams is allowed!

17
18 3. The document lists no urgency for dam removal.

19
20 4. The J.C. Boyle development according to item (d) on page 26 has
21
22 “(d) a 569-foot-long pool and weir fishway;” clearly this dam just
23
24 needed dredging to keep the fish ladder (fishway) in good
25
26 operating order.

27
28 Item 7 page 3: “PacifiCorp evaluated the mandatory fishway
29
30 prescriptions, section 4(e) mandatory conditions, and Commission
31
32 staff’s recommended conditions for relicensing, which it determined
33
34 together would cause the project to operate at an annual net loss.”

35
36 How could one project at a dam that was operating, and a
37
38 project of 4 dams, producing 163 megawatts per annum, leave
39

1 Pacific Corp with a net operating loss?

2
3 6. This is fuzzy accounting at best; it does not require advanced
4
5 economics to calculate. According to the Government
6
7 Accounting Office (GAO) the average fishway and pool costs \$6.3 million to
8
9 construct and \$26,000 a year to operate. This is clearly miniscule
10
11 compared to Pacific Corps' annual operating profit from the entire project.

12
13 <https://www.gao.gov/assets/rced-91-104.pdf>

14
15 7. Pacific Corp was untruthful in 2005 stating it would cost \$250 million
16
17 to install fish ladders at the Klamath River Dams.

18
19 [https://waterwatch.org/pacificcorp-loses-challenge-of-fish-ladders-](https://waterwatch.org/pacificcorp-loses-challenge-of-fish-ladders-over-dams/)
20 [over-dams/](https://waterwatch.org/pacificcorp-loses-challenge-of-fish-ladders-over-dams/)

21
22 8. Item 9 on page 3 states: "Congress, however, did not enact the
23
24 required legislation by January 2016, which triggered the Settlement
25
26 Agreement's dispute resolution procedures. Following several dispute
27
28 resolution meetings, Oregon, California, Interior, Commerce, and
29
30 PacifiCorp proposed amendments to the Settlement Agreement that would
31
32 eliminate the need for federal legislation and instead achieve dam removal
33
34 through a license transfer and surrender
35
36 process." This is utter nonsense. The reason the U.S. Congress didn't act
37
38 is because they don't approve of Dam removal. There is no agreement
39

1 like this which can usurp the will of the people through the federal
2
3 Congress.

4
5 9. Item 21 on page 7 states: "They state that removal of the dams will
6
7 restore over 400 miles of salmon habitat in the Klamath River, which
8
9 in turn will result in improvements in human health in their
10
11 communities, including decreased rates of diabetes and heart
12
13 disease." There is absolutely no actual science which would prove
14
15 removing dams would "result in improvements in human health in
16
17 their communities, including decreased rates of diabetes and heart
18
19 disease." This is junk science at best or simply an inference! If they
20
21 want decreased rates of diabetes and heart disease they should
22
23 exercise and quit eating junk food. Enzyme to fix type 1 diabetes.

24
25 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3099227/>

26
27 However, there is confirmed data of arsenic in the silt which is deadly to all
28
29 animal and human life forms due to dust created and blowing in the wind
30
31 from drying silt.

32
33 This is a health crisis. KRRRC should have dredged behind the dams to
34
35 remove the contaminated silt. This is one more of many mitigation plans
36
37 which was not executed, thereby violating that agreement (the document),

1 and KRRC should not have proceeded with removal of the dams.

2
3 10. Item 21 on page 8 states: “They indicate that many tribal
4
5 members also rely on salmon and other anadromous fish for their
6
7 livelihoods, and the Yurok Tribe hopes that dam removal will allow it
8
9 to reestablish its commercial fishery, which ceased operation in 2016
10
11 due to low salmon returns”. This could have been easily remedied in
12
13 2005 with a fish ladder installation on Iron Gate Dam and dredging
14
15 behind the dam. Legitimate science would have started by performing
16
17 mitigation brainstorming sessions with well-informed scientists and
18
19 stakeholders and documenting every possible scenario. Three
20
21 prominent areas were not mitigated:
22 a. Killing of wildlife.
23
24 b. Arsenic and other contaminants in the silt which is drying and blowing in
25
26 the wind. Humans and other animals are breathing these contaminants.
27
28 c. Flooding the Klamath valley every spring after removal of Iron
29
30 Gate dam. This link has images of annual flooding prior to Iron
31
32 Gate dam installation. This is what will happen after Iron Gate
33
34 dam is destroyed every year
35
36 on. [https://www.cityofwestsacramento.org/government/departme
37 nts/city-manager-s-office/flood-protection/know-your-flood-
38 hazard/flood-history](https://www.cityofwestsacramento.org/government/departments/city-manager-s-office/flood-protection/know-your-flood-hazard/flood-history)

1
2 11. Item 22 is junk science. No proof is given for those inferences.

3
4 12. Item 23 is nonsensical. No proof is given for anything. In
5
6 actuality the opposite is true. The fishing has been decimated, with
7
8 silt and mud everywhere and no cleanup, the drying of which is
9
10 blowing contaminants in the wind.

11
12 13. Item 24 is truthful with this statement in it: "Many question
13
14 whether the Renewal Corporation is technically and financially
15
16 capable of operating the project, removing the developments, and
17
18 restoring the environment." Plaintiff shares this view which is proved
19
20 in what has transpired since the project began.

21
22 14. The FERC document which Defendants said they are following
23
24 has Items 24-30 below which are very valid concerns of local
25
26 stakeholders who feared what has happened. The FERC commission
27
28 obviously ignored these concerns and the defendant pseudoscientists
29
30 performed no mitigation whatsoever for these valid concerns.

31
32 Plaintiff calls KRRC pseudoscientists because they clearly
33
34 operate on a scientific belief system and not an open-mind scientific
35
36 system as required by the scientific method.

37
38 15. Items 35 through 37 the FERC report asserts that the

1
2 Commission didn't care about the valid concerns and they knew
3
4 about them. They should have stopped the project until the concerns
5
6 were mitigated.

7
8 16. Item 53 page 16 requires a detailed plan KRRC were to
9
10 provide to FERC. Plaintiff requests this detailed plan as one request
11
12 for discovery.

13
14 17. Item 55 on page 17 details the money received by KRRC.
15
16 Plaintiff requests the trust accounts amounts be transferred to Salmon
17
18 Protection Device and be dissolved thereafter.

19
20 18. Items 55 to 68 detail project cost estimates.

21
22 19. Item 69 states "Additionally, the Renewal Corporation stated
23
24 that AECOM, the contracting company secured by the Renewal
25
26 Corporation to develop the Definite Plan, is working to develop a risk-
27
28 management plan that will identify all potential project risks and
29
30 develop mitigation strategies to avoid and reduce the impact of
31
32 unexpected events associated with facilities removal. As part of the
33
34 risk-management plan, AECOM is developing a risk register to assist
35
36 in identifying potential risk elements, their likelihood, and expected
37
38 Consequences." However, earlier in the document FERC required

1
2 D3 to develop a mitigation plan. D3 then made AECOM
3
4 responsible for the non-mitigation plan.

5
6 20. The conclusion didn't take into account any valid concerns of
7
8 local stakeholders listed in the document.

9
10 21. Item 2 on page 25 proves J.C. Boyle dam had a fish ladder.

11
12 Dredging upstream side of the dam would have kept the fish
13
14 ladder working for at least another 50 years. Total cost of dredging all 4
15
16 dams and putting a fish ladder on Iron Gate dam would have been
17
18 less than \$150 million and could have been paid for by Pacific Corp
19
20 over a ten-year period.

21
22 22. Copco No. 1 didn't have a fish ladder. It would have cost \$6.3
23
24 million to install one and also dredge behind the dam. The Copco No. 2
25
26 and Iron Gate dams are similar in that they don't have fish ladders.

27
28
29 23. Item 53 on page 30 states Pacific Corp, the licensee, must put
30
31 permanent deer fences up to prevent problems. This did not occur,
32
33 making Pacific Corp responsible for the Elk Herd deaths on the
34
35 project as well.

36
37 24. Article 58 page 31 states "Pacific Corp, the licensee, must for
38
39 the conservation and development of fish and wildlife resources,
40
41 construct, maintain, and operate, or arrange for the construction,

1
2 maintenance, and operation of such facilities and comply with such
3
4 reasonable modifications of the project structures and operation as
5
6 may be ordered by the Commission upon its own motion or upon the
7
8 recommendation of the Secretary of the Interior, Oregon State Game
9
10 Commission, or California Department of Fish and Game, after notice
11
12 and opportunity for hearing and upon findings based on substantial
13
14 evidence that such facilities and modifications are necessary and
15
16 desirable, reasonably consistent with the primary purpose of the
17
18 project, and consistent with the provisions of the Act.” This includes
19
20 fish ladders. Pacific Corp knew about this requirement.

21
22 As stated in previous points Pacific Corp was untruthful saying it would cost
23
24 \$250 million to install fish ladders. Pacific Corp must now be required to
25
26 pay for the installation of a fish ladder on the Iron Gate Dam as soon
27
28 as possible and pay for a salmon Protection Device to fix the
29
30 downstream fish ladder entrance (salmonprotectiondevice.com).

31
32 25. Article 72 on page 32 and 33 states Pacific Corp, the licensee, is
33
34 allowed to spread any net operating loss (NOL) over many years.

35
36 Therefore, Pacific Corp had no reason to not install fish ladders in
37
38 2005 which would have restored all fish runs within seven years.

39
40 26. Had this been done everyone in the Klamath Basin would now
41

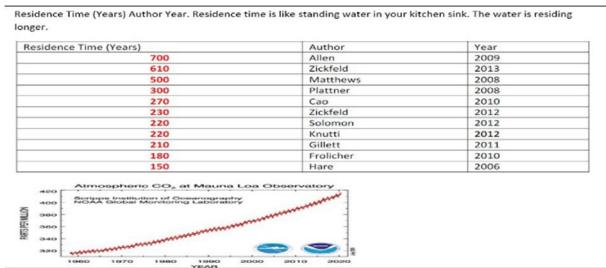
1 be happy with the Salmon and other fish runs restored, and flood
2 control with cheap, clean energy still being provided.

3
4
5 Plaintiff mentioned residence time of atmospheric carbon
6
7 dioxide. This is an explanation of the residence time for
8
9 Atmospheric Carbon dioxide. Residence time is like standing water in
10
11 a kitchen sink with the drain plugged. The water resides for a longer
12
13 period of time.

14
15 Retention time is the same idea as residence time. The average
16
17 residence time for carbon dioxide is the average time a molecule of
18
19 carbon dioxide, for example, stays in the troposphere, according to
20
21 more than 160 PhD's in 19 published manuscripts summarize in one
22
23 published manuscript. Anything we have done or will do with
24
25 emissions of carbon dioxide will take 150 years to have any effect.

26
27 Proof is any major events which would have lowered atmospheric
28
29 carbon dioxide worldwide for which there is still no effect in the
30
31 carbon dioxide rise data.
32

- 1
- 2 ➤ Oil embargo in the 1970's, for almost two years the worldwide carbon
- 3
- 4 dioxide emissions would have dropped by 90%.
- 5
- 6 ➤ Multiple recessions each one the worldwide carbon dioxide emissions
- 7
- 8 would have decreased by 40% for at least one year.
- 9
- 10 ➤ Worldwide recession in 2009. A 70% reduction in emissions of
- 11
- 12 carbon dioxide for almost two years.
- 13
- 14 ➤ COVID-19 pandemic. A 6% reduction in emissions for 1.5 years.
- 15
- 16 You can clearly see no signature from these events in the NOAA data.



17

18

19 Unrealized Global Temperature Increase: Implications of Current

20

21 Uncertainties, Schwartz, S. E. J. Geophys. Res. , 2018, doi:

22

23 10.1002/2017JD028121.

24

25 Press release sent out about this complaint on May 16th 2024

26 [https://www.einpresswire.com/article/712204312/lawsuit-filed-and-](https://www.einpresswire.com/article/712204312/lawsuit-filed-and-accepted-in-federal-court-to-stop-removal-of-the-klamath-river-dams-in-western-oregon)

27 [accepted-in-federal-court-to-stop-removal-of-the-klamath-river-dams-in-](https://www.einpresswire.com/article/712204312/lawsuit-filed-and-accepted-in-federal-court-to-stop-removal-of-the-klamath-river-dams-in-western-oregon)

28 [western-oregon](https://www.einpresswire.com/article/712204312/lawsuit-filed-and-accepted-in-federal-court-to-stop-removal-of-the-klamath-river-dams-in-western-oregon)



David C. White Pro Se. 10/8/2024

CERTIFICATE OF SERVICE

I hereby certify that on August 26th, 2024, 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

Via U.S. Mail, 1st Class,

Postage Prepaid

Via Overnight Delivery

Via Facsimile

Via Email

Via CM/ECF notification

to the extent registered DATED: August 26th, 2024.

By: David White

