

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF OREGON  
3 PORTLAND DIVISION

4 **Case 3:24-cv-00755-JR**

5 **David White, Pro Se**  
6 **18965 NW Illahe St,**  
7 **Portland OR.**

8  
9 [dave@salmonprotectiondevice.com](mailto:dave@salmonprotectiondevice.com)

**MEMORANDUM OF  
POINTS AMENDED  
United States Magistrate  
Judge Jolie A. Russo**

10  
11  
12 **vs.**

13  
14 **Defendant 1. (D1)**  
15 **Dave Coffman, as geoscientist**  
16 [dcoffman@res.us](mailto:dcoffman@res.us)  
17 **Resource Environmental Solutions,**  
18 **Corporate Headquarters – Houston**  
19 **6575 West Loop South, Suite 300**  
20 **Bellaire, TX 77401**  
21 **713.520.5400 x6134**

22 **Defendant 2. (D2)**  
23 **Mark Bransom in his capacity as Chief Executive Officer of**  
24 **Klamath River Dam Renewal Corp.**  
25 [info@klamathrenewal.org](mailto:info@klamathrenewal.org)

26 **Defendant 3 (D3)**  
27 **Klamath River Renewal Corporation**  
28 **2001 Addison Street, Suite 317**  
29 **Berkeley, CA 94704**  
30 **Phone: 510-560-5079**

31  
32 

---

  
33 Legal Counsel for D2 and Klamath River Renewal Corporation (KRRC),  
(D3)

34 **Julia E. Markley, Bar No. 000791**  
35 [JMarkley@perkinscoie.com](mailto:JMarkley@perkinscoie.com)  
36 **Megan Kathleen Houlihan, OSB No. 161273**  
37 [MHoulihan@perkinscoie.com](mailto:MHoulihan@perkinscoie.com)  
38 **PERKINS COIE LLP**

1 1120 N.W. Couch Street, Tenth Floor  
2 Portland, Oregon 97209-4128  
3 Telephone: 503.727.2000  
4 Facsimile: 503.727.2222

5 **Laura Zagar**, *Pro Hac Vice Forthcoming*  
6 LZagar@perkinscoie.com

7 **PERKINS COIE LLP**

8 505 Howard Street, Suite 1000  
9 San Francisco, CA 94105  
10 Telephone: 415.954.3230  
11 Facsimile: 415.344.7050

12 **Richard Roos-Collins**, *Pro Hac Vice Forthcoming*  
13 rrcollins@waterpowerlaw.com

14 Water and Power Law Group PC  
15 2140 Shattuck Avenue  
16 Suite 801

17 Berkeley, CA 94704  
18 Telephone: 510.296.5589

19 *Attorneys for Defendants Mark Bransom and*  
20 *Klamath River Renewal Corporation*

21

22

**Table of Authorities**

23 18 USC 3 accessory after the fact.

24 16 USCA § 1532(19); see also Goble, D. D.; George, S. M.; Mazaika, K.;  
25 Scott, J. M. & Karl, J. (1999) "Local and national protection of endangered  
26 species: An assessment," *Environmental Science & Policy*, 2, pp. 43-59.

27 18 U.S. Code § 41 - Hunting, fishing, trapping; disturbance or injury on  
28 wildlife refuges.

29

**AMENDED**

30 Background:

31

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

1 painstakingly going over the FERC document line by line. Plaintiff sent it to

2

3 FERC legal department in an email on May 16th 2024 and asked them

4

5 what level of a Federal Judge can rule the FERC Document null and void.

6

7 Plaintiff has three emails from FERC recognizing the FERC document as

8

9 junk and Defendants are not following it no matter what they say.

10

11 As noted in the previous Pleading Plaintiff filed a complaint with FERC on

12

13 May 16<sup>th</sup>.

14

15 **In short: Danielle admitted FERC violated their process for this**  
16 **project. FERC will most likely make the 2018 FERC document null and**  
17 **void.**

18

19 On May 28<sup>th</sup> Plaintiff received a response from FERC legal

20

21 department's Danielle Mechling who reviewed the memorandum of Points

22

23 filed in this case. Plaintiff and Danielle met for a Microsoft Teams meeting

24

25 where she stated: "In follow up to your question, here is the FERC website

26

1 where you can make filings in the two docketed proceedings related to  
2  
3 20180315-3093: FERC Online | Federal Energy Regulatory Commission.  
4  
5 You will need to register for an account first, at the “eRegister” link on the  
6  
7 left.” She also said: “The federal Appeals Court is the level of court which  
8  
9 can make the FERC document null and void. Danielle said they knew about  
10  
11 the Siskiyou County Votes Against Dam Removal and ignored it.

12  
13 Additionally, she said “They only used data from The Indian tribes,  
14  
15 California Water Board and Oregon Water Board.” Therefore, they ignored  
16  
17 stakeholders like those with lake front property, Klamath River Water Users  
18  
19 and others like

20  
21 <http://www.klamathbasincrisis.org/dams/KlamathDams2020/DrGierakLetter>  
22 [toBORonKlamathDamremoval041420.htm](http://www.klamathbasincrisis.org/dams/KlamathDams2020/DrGierakLetter)

23  
24 She also said the 2018 document is the baseline for the further FERC  
25  
26 projects on the Klamath River

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

California Water Board was untruthful on Page 13 item 2 and did not provide the overwhelming testimony to keep the Dams. Many testifying were doctors. (California Water Board (CWA)) testimony that was supposed to go to FERC. Either FERC did not receive it or they ignored this. Page 24 to Page 124 is People (stakeholders) speaking against Dam removal. Total of 43. This was ignored by FERC.

Also

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/water\\_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)

1 STATE WATER RESOURCES CONTROL BOARD STAFF  
2 PRESENTATION  
3 SOLICITING COMMENTS ON THE NOTICE OF PREPARATION  
4 LOWER KLAMATH PROJECT LICENSE SURRENDER  
5 PUBLIC COMMENTS.

6 ~~~~~

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

8 Time: 5:00 p.m.

9 Place: Best Western Miner's Inn

10 122 East Miner Street

11 Yreka, California 96097

12

13

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

15 " I'm retired professor of agronomy and range science and forestry at

16

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

18

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

20

21 And I

22

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

24

25 process. I am appalled at all the idiots that think

26

1 they know something -- [applause] -- education. I took all the soils, all the  
2  
3 water science, all the animal science courses at Davis. I went to college for  
4  
5 ten years. My dad was a surgeon in Sacramento. I didn't need to have a  
6 job so I studied all my life.

7

8 He goes on to say:

9

10 But the reason I refer to Peter, in 2007, he and Jeff Mount at Watershed  
11  
12 Sciences at Davis -- UC Davis submitted about a four-page letter to the  
13  
14 resources secretary of the -- in Sacramento and the Fish and Wildlife  
15  
16 Service. Let me just -- item No. 1: No entities including Pacificorp, federal  
17  
18 and state agencies and stakeholder interest groups has provided  
19  
20 sufficient modeling and analysis to demonstrate the water quality impacts  
21  
22 associated with removal of the dams.

23

24 Peter has been too busy to come up here and spend a lot of time on the

25

26 dams, but he's had his agent here, John Menke, for 25 years. I've read all

27

28 the Stillwater sciences reports for the first FERC assessment and they're

29

30 an absolute joke -- [applause] --an absolute joke. Today, we call that type

31

1 of analysis semi-science. It's not true science. They haven't tested any  
2  
3 hypotheses. Do you realize in 2020, the oldest dam when it goes out,  
4  
5 you're going to be flushing about 43 percent, is the estimate of materials  
6  
7 that accumulated there for 98 years, down a wild and scenic river? You  
8  
9 people have to have your head examined. [Applause.]”

10

11 This testimony is like 90% of the testimonies at CAWB.

12

13 Another testimony starting on page 53 and ending on page 54: “Russ

14

15 Bowlus, who is a current engineer with the Division of Safety of Dams

16

17 about three years ago, walked in with me. It's about two and a half hours

18

19 each way. And I had lots of time to talk with him. He inspects the Klamath

20

21 River dams four times a year or his agent does. The dams are in as good a

22

23 shape today as the day.

24

25 Another testimony is SUSAN WALLACE: She says:” I have to say that I



1  
2 don't trust anything you people are doing. This has just been a ruse to  
3  
4 remove dams. We have renewable electric resources that we've  
5  
6 used for years. We have never seen anything other than good  
7  
8 coming out of these dams. Taking them out is going to release the  
9  
10 sediment that we've already spoken to earlier that has more than likely  
11  
12 chromium-6 involved. I have a sister-in-law who has a steel rod  
13  
14 through her spine right now because of chromium-6. I have a brother-in-law  
15  
16 who is dying of cancer because of it. It is a group thing when you turn this  
17  
18 stuff loose. You have evidence of this activity in the sediment in the Oregon  
19  
20 dam removals of which there were two. They have -- the stuff in that  
21  
22 sediment has poisoned dams -- or excuse me -- poisoned wells all  
23  
24 along the river's edge in Oregon. So it's not like it's a surprise. It's already  
25

1 out there. We have so much information people have brought  
2  
3 here that exists. The reason for another fake -- I will say "fake" -- study is  
4  
5 just to promote the removal of the dams. They have nothing to do with  
6  
7 truth, honestly, and I think it stinks. Thank you.”

8  
9 Testimony on page 65. MS. NITA STILL: Thank you for being here. I  
10  
11 appreciate it. And we're being hard on you but that's  
12  
13 okay.

14  
15 In the year 2009, we voted to keep the dams by 80 percent. The people in  
16  
17 Oregon also voted to keep their one dam. There is a manipulation and a  
18  
19 conniving going on here, and those who want to take out our dams  
20  
21 are holding secret meetings with some of our representatives and the two  
22  
23 governors named Brown. These NGO stakeholders will do anything to have  
24  
25 our dams destroyed basically.

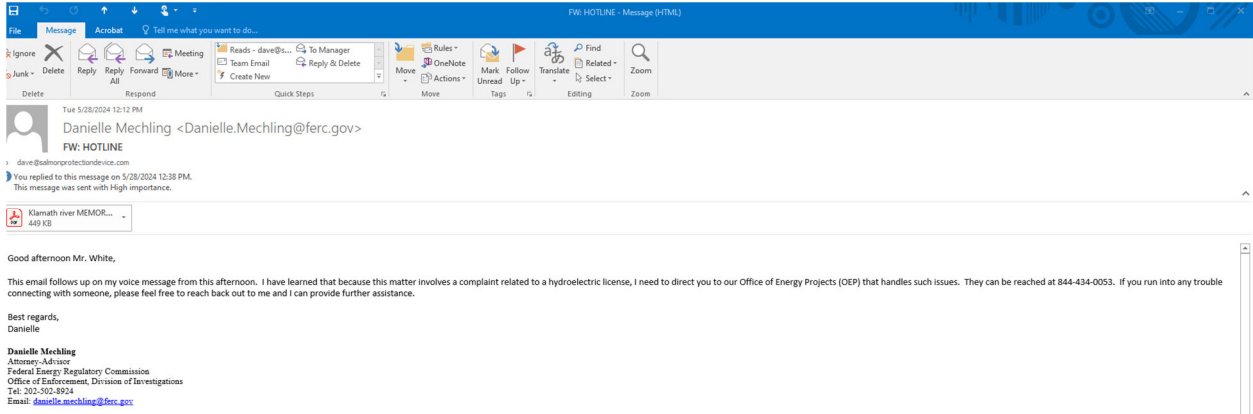
26  
27 The KBRA expired and now they have made the K- -- now they have made  
28  
29 a KRRC. They are involving every agency in hopes that they will get their  
30  
31 way.

32  
33  
34 Plaintiff will subpoena Regional Engineer: Russell C. Bowlus Phone: (916)  
35 565-7813.

1  
2  
3  
4  
5  
6

Plaintiff will Subpoena three FERC people who called as witnesses.

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



7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

Good afternoon Mr. White,

This email follows up on my voice message from this afternoon. I have learned that because this matter involves a complaint related to a hydroelectric license, I need to direct you to our Office of Energy Projects (OEP) that handles such issues. They can be reached at 844-434-0053. If you run into any trouble connecting with someone, please feel free to reach back out to me and I can provide further assistance.

Best regards,

Danielle

Danielle Mechling

Attorney-Advisor

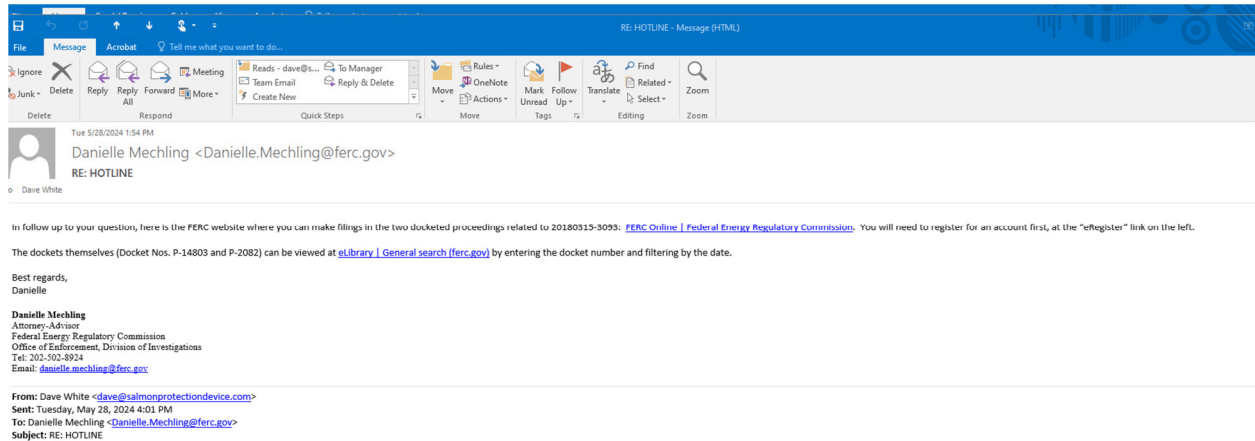
Federal Energy Regulatory Commission

1 Office of Enforcement, Division of Investigations

2 Tel: 202-502-8924

3 Email: [danielle.mechling@ferc.gov](mailto:danielle.mechling@ferc.gov)

4



5

6

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

11

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

15

16 Best regards,

17 Danielle

18

19 Danielle Mechling

20 Attorney-Advisor

21 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 3:24-cv-00755-

8

9 JR this district federal court does not lack jurisdiction because this case is

10

11 about Defendants killing without permits 2000 fish, a herd of elk and now all

12

13 aquatic life from Iron Gate dam to the Ocean. The EPA knows about this at

14

15 its highest levels. Plaintiff requests the Honorable Federal Judge

16

17 Russo to stay the FERC document 20180315-3093 for the purposes of this

18

19 case. Only this debunking filing may be used in this case.

20

21

## 22 **Executive Summary**

23

24 Plaintiff reviewed 20180315-3093 (FERC) mentioned by D23LC and

25

26 found twenty-five nonsensical items. The FERC document agreement has

27

1 been violated many times by D2 and D3. Therefore, D2 and D3 are not  
2  
3 following the FERC document as stated by D23LC. Here is the definition  
4  
5 of mitigation from Merriam-Webster. “the act of mitigating something or  
6  
7 the state of being mitigated: the process or result of making something  
8  
9 less severe, dangerous, painful, harsh, or damaging.”  
10  
11 <https://www.merriam-webster.com/dictionary/mitigation>. In addition to  
12  
13 pending floods, over 2,000 fish (including endangered Salmon) and a herd  
14  
15 of elk were killed without permits, and arsenic and other contaminants  
16  
17 are now blowing in the wind D2 and D3 we’re not following the FERC  
18  
19 document, with 25 items which were technical nonsense. Therefore, among  
20  
21 other items plaintiff moves the honorable federal Judge Jolie A. Russo to a  
22  
23 adjudication criminal charges that may be brought on Defendants and an  
24  
25 adjudication which suggests the FERC document is null and void for the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

purposes of this case. Plaintiff sent it to FERC legal department in an email on May 16<sup>th</sup> 2024 and asked them what level of a Federal Judge can rule the FERC Document null and void.

Pacific Corp licensed the total Klamath project since the 1950's. Just before and during that time most other dams in the Northwest had fish ladders installed. Plaintiff has the Bonneville dam fish ladder drawings from the 1940s.

As mentioned in the complaint, over a three-day period Plaintiff distributed 500 documents at the Holiday Supermarket in Klamath falls which demonstrated the need to dredge behind the dams as the logical alternative to dam removal. All 500 agreed, except for only 1 person who disagreed. While in Klamath falls, Plaintiff visited the State Police office and

1 talked to an on-duty State Policeman. Plaintiff asked if plaintiff was caught  
2  
3 with 100 fish bloating in the sun what would happen to plaintiff. The deputy  
4  
5 answered “you would still be in jail.” Plaintiff asks Honorable Federal Judge  
6  
7 Russo for adjudication of criminal charges that may be brought against  
8  
9 defendants admitting to killing 2,000 fish left bloating in the sun who have  
10  
11 not been charged with any crime and are not in jail.

12  
13 The FERC document is not worth the paper it is written on. It is complete  
14  
15 nonsense as detailed below. The defendants are still working on destroying  
16  
17 the Iron Gate dam during the pendency of this case.

### 18 **End of Executive Summary**

19  
20  
21 The following link should be known as “the FERC document” document:

22  
23 [https://elibrary.ferc.gov/eLibrary/search?q=searchtext%3D\\*%26searchfulltext%3Dtrue%26searchdescription%3Dtrue%26datetype%3Dfiled\\_date%26startdate%3D1904-01-01%26enddate%3D2022-02-11%26docketnumber%3D%26subdocketnumbers%3D%26accessionnumber%3D20180315-3093%26filing%3Dfalse%26alldates%3Dtrue](https://elibrary.ferc.gov/eLibrary/search?q=searchtext%3D*%26searchfulltext%3Dtrue%26searchdescription%3Dtrue%26datetype%3Dfiled_date%26startdate%3D1904-01-01%26enddate%3D2022-02-11%26docketnumber%3D%26subdocketnumbers%3D%26accessionnumber%3D20180315-3093%26filing%3Dfalse%26alldates%3Dtrue)

27



1 Debunking the following items in the document.

2 1. Item (f) states: “the Renewal Corporation, the States, and PacifiCorp  
3  
4 agree that no order of a court or the Commission is in effect that  
5  
6 would prevent facilities removal;”. However, this doesn’t prevent any  
7  
8 future case like 3:24-cv-00755-JR from being ruled on.

9  
10 2. Item (e) states “the Renewal Corporation, the States, and PacifiCorp  
11  
12 are each assured that their respective risks associated with facilities  
13  
14 removal have been sufficiently mitigated consistent with Appendix L.”  
15  
16 Appendix L is not included in the document. This is also requested for  
17  
18 discovery. Obviously, mitigation has not occurred because of pending  
19  
20 floods, over 2,000 fish (including endangered Salmon) and a herd of  
21  
22 elk killed without permits, and arsenic and other contaminants  
23  
24 blowing in the wind. Therefore, in accordance with the document no  
25  
26 removal of the dams is allowed!

27  
28 3. The document lists no urgency for dam removal.

29  
30 4. The J.C. Boyle development according to item (d) on page 26 has  
31  
32 “(d) a 569-foot-long pool and weir fishway;” clearly this dam just  
33  
34 needed dredging to keep the fish ladder (fishway) in good  
35  
36 operating order.  
37

- 1 5. Item 7 page 3: “PacifiCorp evaluated the mandatory fishway  
2 prescriptions, section 4(e) mandatory conditions, and Commission  
3 staff’s recommended conditions for relicensing, which it determined  
4 together would cause the project to operate at an annual net loss.”  
5 How could one project at a dam that was operating, and a  
6 project of 4 dams, producing 163 megawatts per annum, leave  
7 Pacific Corp with a net operating loss?  
8  
9  
10  
11  
12  
13  
14
- 15 6. This is fuzzy accounting at best; it does not require advanced  
16 economics to calculate. According to the Government  
17 Accounting Office (GAO) the average fishway and  
18 pool costs \$6.3 million to construct and \$26,000 a year to operate.  
19 This is clearly miniscule compared to Pacific Corps’ annual operating  
20 profit from the entire project. [https://www.gao.gov/assets/rced-91-  
21 104.pdf](https://www.gao.gov/assets/rced-91-104.pdf)  
22  
23  
24  
25  
26  
27
- 28 7. Pacific Corp was untruthful in 2005 stating it would cost \$250 million  
29 to install fish ladders at the Klamath River Dams.  
30  
31 [https://waterwatch.org/pacificcorp-loses-challenge-of-fish-ladders-  
32 over-dams/](https://waterwatch.org/pacificcorp-loses-challenge-of-fish-ladders-over-dams/)  
33  
34
- 35 8. Item 9 on page 3 states: “Congress, however, did not enact the  
36 required legislation by January 2016, which triggered the Settlement  
37 Agreement’s dispute resolution procedures. Following several dispute  
38  
39

1  
2 resolution meetings, Oregon, California, Interior, Commerce, and  
3  
4 PacifiCorp proposed amendments to the Settlement Agreement that  
5  
6 would eliminate the need for federal legislation and instead achieve  
7  
8 dam removal through a license transfer and surrender process.” This  
9  
10 is utter nonsense. The reason the U.S. Congress didn’t act is  
11  
12 because they don’t approve of Dam removal. There is no agreement  
13  
14 like this which can usurp the will of the people through the federal  
15  
16 Congress.

- 17  
18 9. Item 21 on page 7 states: “They state that removal of the dams will  
19  
20 restore over 400 miles of salmon habitat in the Klamath River, which  
21  
22 in turn will result in improvements in human health in their  
23  
24 communities, including decreased rates of diabetes and heart  
25  
26 disease.” There is absolutely no actual science which would prove  
27  
28 removing dams would “result in improvements in human health in  
29  
30 their communities, including decreased rates of diabetes and heart  
31  
32 disease.” This is junk science at best or simply an inference! If they  
33  
34 want decreased rates of diabetes and heart disease they should  
35  
36 exercise and quit eating junk food. Enzyme to fix type 1 diabetes.  
37  
38 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3099227/>

1  
2 However, there is confirmed data of arsenic in the silt which is deadly  
3  
4 to all animal and human life forms due to dust created and blowing in  
5  
6 the wind from drying silt. This is a health crisis. KRRRC should have  
7  
8 dredged behind the dams to remove the contaminated silt. This is  
9  
10 one more of many mitigation plans which was not executed, thereby  
11  
12 violating that agreement (the document), and D2 and D3 should not  
13  
14 have proceeded with removal of the dams.

- 15  
16 10. Item 21 on page 8 states: "They indicate that many tribal  
17  
18 members also rely on salmon and other anadromous fish for their  
19  
20 livelihoods, and the Yurok Tribe hopes that dam removal will allow it  
21  
22 to reestablish its commercial fishery, which ceased operation in 2016  
23  
24 due to low salmon returns". This could have been easily remedied in  
25  
26 2005 with a fish ladder installation on Iron Gate Dam and dredging  
27  
28 behind the dam. Legitimate science would have started by performing  
29  
30 mitigation brainstorming sessions with well-informed scientists and  
31  
32 stakeholders and documenting every possible scenario. Three  
33  
34 prominent areas were not mitigated:

- 35  
36 a. Killing of wildlife.

1 b. Arsenic and other contaminants in the silt which is drying and  
2 blowing in the wind. Humans and other animals are breathing  
3 these contaminants.

4 c. Flooding the Yakama valley every spring after removal of Iron

5  
6 Gate dam. This link has images of annual flooding prior to Iron

7  
8 Gate dam installation. This is what will happen after Iron Gate

9  
10 dam is destroyed every year

11  
12 on [https://www.cityofwestsacramento.org/government/departme](https://www.cityofwestsacramento.org/government/departments/city-manager-s-office/flood-protection/know-your-flood-hazard/flood-history)  
13 [nts/city-manager-s-office/flood-protection/know-your-flood-](https://www.cityofwestsacramento.org/government/departments/city-manager-s-office/flood-protection/know-your-flood-hazard/flood-history)  
14 [hazard/flood-history](https://www.cityofwestsacramento.org/government/departments/city-manager-s-office/flood-protection/know-your-flood-hazard/flood-history)

15  
16  
17 11. Item 22 is junk science. No proof is given for those inferences.

18  
19 12. Item 23 is nonsensical. No proof is given for anything. In  
20  
21 actuality the opposite is true. The fishing has been decimated, with  
22  
23 silt and mud everywhere and no cleanup, the drying of which is  
24  
25 blowing contaminants in the wind.

26  
27 13. Item 24 is truthful with this statement in it: "Many question  
28  
29 whether the Renewal Corporation is technically and financially  
30  
31 capable of operating the project, removing the developments, and  
32  
33 restoring the environment." Plaintiff shares this view which is proved  
34  
35 in what has transpired since the project began.

36  
37 14. The FERC document which Defendants said they are following  
38

1 has Items 24-30 below which are very valid concerns of local  
2 stakeholders who feared what has happened. The FERC commission  
3 obviously ignored these concerns and the defendant pseudoscientists  
4 performed no mitigation whatsoever for these valid concerns.  
5  
6

7 Plaintiff calls D1 and D2 pseudoscientists because they clearly  
8 operate on a scientific belief system and not an open-mind scientific  
9 system as required by the scientific method.  
10  
11  
12  
13  
14

15 15. Items 35 through 37 the FERC report assets that the  
16 Commission didn't care about the valid concerns and they knew  
17 about them. They should have stopped the project until the concerns  
18 were mitigated.  
19  
20  
21  
22

23 16. Item 53 page 16 requires a detailed plan D2 and D3 were to  
24 provide to FERC. Plaintiff requests this detailed plan as one request  
25 for discovery.  
26  
27  
28

29 17. Item 55 on page 17 details the money received by D2 and D3.  
30 Anything above the \$30 million sought in the complaint filed in this  
31 case must be returned to the entities which gave the money except  
32 for 10% given to the whistle blower, the Plaintiff. Plaintiff requests the  
33 trust accounts amounts be transferred to Salmon Protection Device  
34  
35  
36  
37  
38

1 and be dissolved thereafter.

2  
3 18. Items 55 to 68 detail project cost estimates.

4  
5 19. Item 69 states “Additionally, the Renewal Corporation stated  
6  
7 that AECOM, the contracting company secured by the Renewal  
8  
9 Corporation to develop the Definite Plan, is working to develop a risk-  
10  
11 management plan that will identify all potential project risks and  
12  
13 develop mitigation strategies to avoid and reduce the impact of  
14  
15 unexpected events associated with facilities removal. As part of the  
16  
17 risk-management plan, AECOM is developing a risk register to assist  
18  
19 in identifying potential risk elements, their likelihood, and expected  
20  
21 Consequences.” However, earlier in the document FERC required  
22  
23 D3 to develop a mitigation plan. D3 then made AECOM  
24  
25 responsible for the non-mitigation plan.

26  
27 20. The conclusion didn’t take into account any valid concerns of  
28  
29 local stakeholders listed in the document.

30  
31 21. Item 2 on page 25 proves J.C. Boyle dam had a fish ladder.  
32  
33 Dredging upstream side of the dam would have kept the fish ladder  
34  
35 working for at least another 50 years. Total cost of dredging all 4  
36  
37 dams and putting a fish ladder on Iron Gate dam would have been  
38  
39 less than \$150 million and could have been paid for by Pacific Corp

1  
2 over a ten-year period.

3  
4 22. Copco No. 1 didn't have a fish ladder. It would have cost \$6.3  
5 million to install one  
6  
7 and also dredge behind the dam. The Copco No. 2 and Iron Gate  
8  
9 dams are similar in that they don't have fish ladders.

10  
11 23. Item 53 on page 30 states Pacific Corp, the licensee, must put  
12  
13 permanent deer fences up to prevent problems. This did not occur,  
14 making Pacific Corp responsible for the Elk Herd deaths on the  
15  
16 project as well.

17  
18 24. Article 58 page 31 states "Pacific Corp, the licensee, must for  
19  
20 the conservation and development of fish and wildlife resources,  
21  
22 construct, maintain, and operate, or arrange for the construction,  
23  
24 maintenance, and operation of such facilities and comply with such  
25  
26 reasonable modifications of the project structures and operation as  
27  
28 may be ordered by the Commission upon its own motion or upon the  
29  
30 recommendation of the Secretary of the Interior, Oregon State Game  
31  
32 Commission, or California Department of Fish and Game, after notice  
33  
34 and opportunity for hearing and upon findings based on substantial  
35  
36 evidence that such facilities and modifications are necessary and  
37  
38 desirable, reasonably consistent with the primary purpose of the  
39  
40 project, and consistent with the provisions of the Act." This includes



1  
2 fish ladders. Pacific Corp knew about this requirement. As stated in  
3  
4 previous points Pacific Corp was untruthful saying it would cost \$250  
5  
6 million to install fish ladders. Pacific Corp must now be required to  
7  
8 pay for the installation of a fish ladder on the Iron Gate Dam as soon  
9  
10 as possible and pay for a salmon Protection Device to fix the  
11  
12 downstream fish ladder entrance ([salmonprotectiondevice.com](http://salmonprotectiondevice.com)).

13  
14 25. Article 72 on page 32 and 33 states Pacific Corp, the licensee,  
15 is allowed to spread any net operating loss (NOL) over many years.

16  
17 Therefore, Pacific Corp had no reason to not install fish ladders in  
18  
19 2005 which would have restored all fish runs within seven years.

20  
21 26. Had this been done everyone in the Klamath Basin would now

22  
23 be happy with the Salmon and other fish runs restored, and flood

24  
25 control with cheap, clean energy still being provided.

26 Plaintiff mentioned residence time of atmospheric carbon

27  
28 dioxide. This is an explanation of the residence time for

29  
30 Atmospheric Carbon dioxide. Residence time is like standing water in

31  
32 a kitchen sink with the drain plugged. The water resides for a longer

33  
34 period of time.

35  
36 Retention time is the same idea as residence time. The average

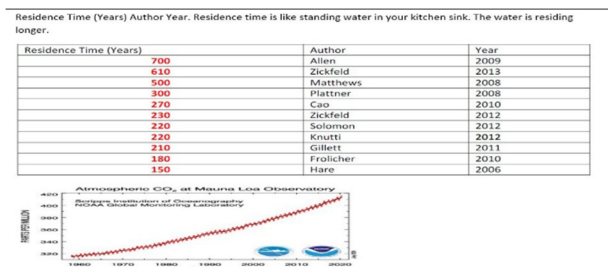
37  
38 residence time for carbon dioxide is the average time a molecule of

39

1 carbon dioxide, for example, stays in the troposphere, according to  
 2  
 3 more than 160 PhD's in 19 published manuscripts summarize in one  
 4  
 5 published manuscript. Anything we have done or will do with  
 6  
 7 emissions of carbon dioxide will take 150 years to have any effect.  
 8  
 9 Proof is any major events which would have lowered atmospheric  
 10  
 11 carbon dioxide worldwide for which there is still no effect in the  
 12  
 13 carbon dioxide rise data.

- 15 ➤ Oil embargo in the 1970's, for almost two years the worldwide carbon dioxide emissions would have dropped by 90%.
- 16
- 17 ➤ Multiple recessions each one the worldwide carbon dioxide emissions would have decreased by 40% for at least one year.
- 18
- 19 ➤ Worldwide recession in 2009. A 70% reduction in emissions of carbon dioxide for almost two years.
- 20
- 21 ➤ COVID-19 pandemic. A 6% reduction in emissions for 1.5 years.

22 You can clearly see no signature from these events in the NOAA data.



23  
 24 Unrealized Global Temperature Increase: Implications of Current  
 25 Uncertainties, Schwartz, S. E. J. Geophys. Res. , 2018, doi:  
 26 10.1002/2017JD028121.

27 Press release sent out about this complaint on May 16<sup>th</sup> 2024

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

1

A handwritten signature in black ink, appearing to read "David C. White". The signature is written in a cursive style with a large initial "D" and a horizontal line extending to the right.

2

3 David C. White Pro Se. 6/03/2024