1 **UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON**

EUGENE DIVISION

Case 6:26-cv-00956-MC

AMICUS CURIAE BRIEF by FRCP 29

Complaint value $1 Billion

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Intervener Plaintiff

David White

18965 NW Illahe St Portland, OR 97229

503-608-7611 dave@salmonprotectiondevice.com

v.

U.S. ARMY CORPS OF ENGINEERS,

DANIEL P. DRISCOLL, in his official capacity as Secretary of the Army, and WILLIAM H. GRAHAM, JR., in his official capacity as Chief of Engineers and Commanding General of the U.S. Army Corps of Engineers.

Defendants.

(For Violations of the APA)

Defendant

U.S. Army Corps Of Engineers represented by :

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Mario Alfonso Luna
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Defendant

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William H. Graham, Jr. in his official capacity as Chief of Engineers and Commanding General of the U.S. Army Corps of Engineers represented by Ashley M. Cerritos

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Intervener Defendant

Northwest Environmental Defense Center

represented by:

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Intervener Defendant Native Fish Society represented by Elizabeth Hunter Potter

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Intervener Plaintiff David White changes this complaint 6:26-cv-00956-MTK to $1 billion because to dredge behind 13 dams and mitigate and contamination will cost $600 million. The other roughly $400 million will go to affected people, cities and Marian County to correct their issues caused by the illegal drawdown.

The Court memo from October 6th 2026 required the Defendants:

MINUTES of Proceedings: Motion Hearing Held before Judge Mustafa T. Kasubhai regarding Motion for Preliminary Injunction (18 in 6:26-cv-00956-MTK), Motion for Preliminary Injunction (51 in 6:26-cv-00956-MTK, 33 in

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6:26-cv-01381-MTK), Motion for Joinder (55 in 6:26-cv-00956-MTK, 37 in 6:26-cv-01381-MTK), Motion for Joinder (58 in 6:26-cv-00956-MTK, 40 in 6:26-cv-01381-MTK). The Court takes the motions under advisement. **By October 13, 2026, Defendants shall file a notice to the Court identifying where in the record the Corps addressed each specific item that was required under the WRDA to be included in the report to Congress. The notice shall also contain the date the Corps expects to file its report to Congress or a sufficient explanation why such a date cannot be provided.** In the event Defendants decide to begin the drawdown prior to November 15, 2026, they are ordered to file a notice at least 48 hours before beginning the drawdown. By October 27, 2026, Plaintiffs shall file a response to the notice providing their positions on the sufficiency of the identified portions of the record under the WRDA. Defendants shall produce the draft administrative record to all parties by January 29, 2027. The parties shall confer regarding the completeness of the draft administrative record and the need for any extrinsic discovery by April 23, 2027. In the event the parties are unable to resolve any disputes, they are directed to first e-mail a

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brief summary of the dispute to the Courtroom Deputy at

kasubhai_crd@ord.uscourts.gov. If the dispute cannot be resolved by e-

mail correspondence, a telephonic hearing to discuss the matter will be

scheduled on an expedited timeline. Any emails to the Court raising

administrative record or discovery disputes must be received by May 14,

2027. The final administrative record shall be filed by June 30, 2027.

Stephen Elzinga, Kevin Kono, Michelle Teed, Veronica Muriel Carrioni,

Daniel Quinley present as counsel for plaintiffs. Samantha K. Sondag

present as counsel for intervener plaintiff Santiam Water Control District. Jennifer Gates present as counsel for intervener plaintiff City of Stayton. Ashley M. Cerritos and Shawn Martin present as counsel for defendants. Lauren Rule and Amanda Lyon present as counsel for intervener defendants. (Court Reporter: Shellene Iverson.) (Associated Cases: 6:26-cv-00956-MTK, 6:26-cv-01381-MTK.) (bd) Modified

on 10/7/2026 to update the docket text. Notice of Electronic Filing regenerated

to the parties. (bd) (Entered: 10/07/2026)[Bold added]

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

On October 14th 2026 one day late defendants filed the WRDL. However, the

defendants failed to notify the court whom they served it to. By federal law It was

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required to send to local affected cities and counties and up the chain of command

to congress. No where in the filing is who it was served to.

Furthermore, Willamette Basin Fifth Bi-Annual Status Report February 28, 2024

ignores how latent heat of vaporization keeps water surface cool. This is like when

you receive a shot, the area is wiped clean with Alcohol. The Alcohol evaporates

and the skin cools down.

1205 (b) WRDA Subsect. (A-F)	**Document Title**	**Page No**	**Brief Description** *South Santiam (SS): Green Peter/ Foster dams* *Middle Fork (MF): Lookout Point and Dexter dams*	**Weblink**
A, B, C, D, E	Willamette Basin Fifth Bi-Annual Status Report February 28, 2024	35 – 53, 66; 90-107, 110	SS turbidity monitoring data and locations, drinking water facility coordination, lessons learned; MF turbidity monitoring data, drinking water facility coordination, lessons learned.	https://usac .oclc.org/ut llection/p1 25363
A, B, C, D, E, F	Willamette Basin Bi-Annual Status Report February 28, 2025	27-29, 36-41, 46, 55; 81-82, 89-91	SS drawdown operation modifications, SS sediment quality information, turbidity, lessons learned; MF drawdown operations, turbidity, lessons learned .	https://publ g/tmt/docu M/2010/W ordination/ 20RME/W E-FEB2025_ atus_Repor 28_FINAL

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C, E	Willamette Basin Bi-Annual Status Report August 2024	13, 17, 33-35, 41; 75-77,82	Turbidity monitoring locations SS and lessons learned; Turbidity monitoring locations MF and lessons learned.	https://usac .oclc.org/ut llection/p1 27442/rec/4
A, E, F	WVS SEIS Executive Summary Section 7.2.2; Section 8	ES-9; ES-10	Collaboration on turbidity events of concern, lessons learned, and opportunities to minimize financial strain.	https://www army.mil/W https://cdxa /cdx-enepa II/public/ac ils?eisId=5

https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/details?eisId=559841

This is complete garbage. First of Climate Change is fear mongering junk science of

The United Nations and debunked on cctruth.org. The EPA can't regulate

Greenhouse gases because they are not toxic chemicals.

https://thelawisyourattorney.com/epa-cant-regulate-greenhouse-gases/

Cause of action

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. This docket must be ruled

vacated.

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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. Also the Willamette river was filled with the silt and running brown for

a month. 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.

is also 42 USC CHAPTER 6A, SUBCHAPTER XII: SAFETY OF

PUBLIC WATER SYSTEMS.

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

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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 14

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

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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.

Intervener Plaintiff sent the Amicus Curie Brief to Plaintiffs and defendant legal

counsels by email.

This is the only response was from woke defendants.

Mr. White,

Defendants would oppose/object to the proposed amicus filing.

Thank you, Ashley Cerritos

Ashley M. Cerritos | U.S. Department of Justice
TRIAL ATTORNEY, ENERGY & NATURAL RESOURCES DIVISION
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From: Dave White Senior Researcher
<dave@salmonprotectiondevice.com>
Sent: Monday, October 12, 2026 4:39 PM
To: selzinga@co.marion.or.us; MTeed@co.marion.or.us; Cerritos, Ashley (ENRD) <Ashley.Cerritos@usdoj.gov>; Luna, Mario (ENRD) <Mario.Luna@usdoj.gov>; Philpott, Romney (ENRD) <Romney.Philpott@usdoj.gov>; epotter@advocateswest.org; lrule@advocateswest.org
Subject: [EXTERNAL] AMICUS CURIAE BRIEF by FRCP 29 for docket 6:26-cv-00956-MC

This morning I sent an email to the Judges clerk asking to file this brief which

helps the plaintiffs. Please respond with your clients approval for me to file this

in pacer in the instant docket. Please reply within tomorrow October 13th

2026.

Also I am a disabled veteran and will request disability by ADA 42

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U.S. Code

§ 12101.

No legal or scientific reason to remove any dam. Fish ladders work. The sea

lions are the almost 1:1 ratio to the decline of the salmon in the Columbia

river. Our salmon protection device attached to the down stream fish ladders

will fix declining salmon runs within seven years, salmonprotectiondevice.com.

503-608-7611

Clean Water act Prevents any dam removal 33 U.S.C. § 1251

Unannotated Title 33. Navigation and Navigable Waters

The objective of this chapter is to restore and maintain the chemical, physical,

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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

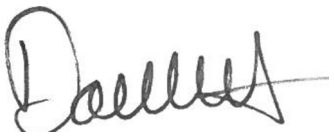
eliminated by 1985;

https://salmonprotectiondevice.com/Federal_Clean_Water_act_Teaching.pdf

Reality is that which when taken away still exists.

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5



6

7 Respectfully Dated: 10/18/2026
8 David White
9 Salmon

Protection Device 10

CERTIFICATE OF SERVICE

I hereby certify that on October 18th, 2026, a true and correct copy of the
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a courtesy copy is being provided as
follows: 17

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to the extent registered 10/17/2026.
By: David White

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David C. White Pro Se. 10/17/2026

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Leland Dale Jossy 10/17/2026

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