

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

Case

Complaint for \$1.5 billion

**David White, Pro Se P1
18965 NW Illahe St,
Portland, Oregon
503-608-7611**

**COMPLAINT AND
INJUNCTIVE RELIEF. JURY
TRIAL REQUESTED.**

dave@salmonprotectiondevice.com

**Anthony Intiso Pro Se P2
416 Butte St. Yreka Ca. 96097
dbmining@sbcglobal.net
H530-841-0308
C530-598-9558**

**Rick Dowdy
16104 Patricia Ave.
Montague CA 96064
rhdowdy@gmail.com
5304595994**

vs.

**Defendant 1. (D1)
Cindy Crane, in her capacity as
president of Pacific Corp
cindy.crane@pacificcorp.com**

**Pacific Corp (D2),
825 NE Multnomah St,
Portland, OR 97232
1-888-221-7070
Legal Counsel for D1 and D2
fax number for service.
8003678490**

Table of Authorities

1) 18 USC 3 accessory after the fact.

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

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

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

5) The Endangered Species Act of 1973,
<https://www.fws.gov/laws/endangered-species-act/section-11>

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

7) 29 CFR § 1606.8 (1) – Harassment has the purpose or effect of creating an intimidating, hostile or offensive working environment.

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

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

10) 29 CFR § 1606.8 (1).

12) 22–451 June 28th, 2024 Loper Bright Enterprises v. Raimondo and Relentless, Inc. v. Department of Commerce.
https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf

1
2 13) 29 CFR § 1606.8 (1).

3
4 14) 28 U.S. Code § 4101.

5
6 15) U.S. Code: Title 17 United States Copyright law.

7
8 16) 18 U.S. Code § 1621 – Perjury

9
10 17) 28 U.S. Code § 455 (b), (1) which says Where he (The Judge) has a
11 personal bias or prejudice concerning a party, or personal knowledge of
12 disputed evidentiary facts concerning the proceeding;

13
14 18) Judges Code of Conduct Canons 2 and 3

15 [https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-](https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges)
16 [judges](https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges),

17
18 19) 18 U.S.C. 4 says, “Whoever, having knowledge of the actual
19 commission of a felony cognizable by a court of the United States,
20 conceals and does not as soon as possible make known the same to some
21 judge or other person in civil or military authority under the United States,
22 shall be fined under this title or imprisoned not more than three years, or
23 both.”

24
25
26 20) Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002): Pagtalunan

27
28 was Pro Se and made numerous mistakes in filing his complaint resulting

29
30 in the case being dismissed. However, upon appeal, the higher Court

31
32 ruled that the lower Court was in error because they did not give allowance
33 for Pagtalunan’s lack of legal training.

34
35
36 **Class Action Members**

37 Kristin Clark, Cameron Johnson

INTRODUCTION

Plaintiff asks the Court to convene as Article 3 constitutional law court not an administrative law court. Plaintiff files this complaint against Defendants who failed in performance

of their obligation to the Federal Energy Regulation Commission (FERC) contracts related to the Klamath River Dam system. This failure resulted in the illogical and preposterous conclusion that the four dams comprising the system must be removed, which has already caused irreparable damage to the environment. They did this excluding serious consideration of far less draconian alternatives to destruction of the dams.

The most obvious alternatives were dredging behind the dams and construction or cleaning of fish ladders to restore the fish runs. In the first place defendant dramatically over-estimated the cost of installing or cleaning fish ladders, which was then apparently used as one excuse for non-performance of contract duties.

In 2005 Defendants reported the installation of operable fish ladders would cost \$250 million on the four Klamath river dams. However, our review of market conditions and costs at the time reveals an actual cost closer to \$25.46 million – about 1/10 of defendant's estimate. Plaintiff

1 contends that the scale of this error in the context of many other profitable
2
3 installations during the period goes well beyond gross negligence.

4
5 In addition, their contracts ordered them to install permanent deer fences
6
7 on both sides to the Klamath river, in addition to other mitigation
8
9 procedures. This contractual obligation was not fulfilled, resulting in
10
11 wanton destruction of at least one herd of elk. Whether this was the result
12
13 of fraud or simple incompetence, the result was the same.

14
15 The following Argument provides additional detail of contract non-
16
17 performance.

18 19 **Argument**

20
21 The FERC document created in 2018 is the ruling document adopted for
22
23 transfer of the Klamath River Dam System from Pacific Corps to Klamath
24
25 River Renewal Corporation (KRRRC) for purpose of dam removal.
26 Plaintiff Response: Plaintiff reviewed 20180315-3093 (FERC) and found
27 twenty-five erroneous or otherwise illegitimate instances of malfeasance
28 related to mitigation in the transfer plan. These items are

29
30 spurious because they were either never performed by defendants, were
31

1 performed in a perfunctory manner, or were simply not true. One of

2
3 Plaintiff's filings will be a memorandum of these points related to the FERC

4
5 document, which will explain everything in detail.

6
7 The following link leads to what we have labeled "the FERC document"

8
9 document:

10
11 [https://elibrary.ferc.gov/eLibrary/search?q=searchtext%3D*%26searchfulltext%3Dtrue%26searchdescri](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%26efiling%3Dfalse%26alldates%3Dtrue)
12 [ption%3Dtrue%26datetype%3Dfiled_date%26startdate%3D1904-01-01%26enddate%3D2022-02-](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%26efiling%3Dfalse%26alldates%3Dtrue)
13 [11%26docketnumber%3D%26subdocketnumbers%3D%26accessionnumber%3D20180315-](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%26efiling%3Dfalse%26alldates%3Dtrue)
14 [3093%26efiling%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%26efiling%3Dfalse%26alldates%3Dtrue)

15
16 In the 2005 the FERC document, Pacific Corp, Item 7 page 3: "Pacific Corp
17 evaluated the mandatory fishway prescriptions, section 4(e) mandatory
18 conditions, and Commission staff's recommended conditions for
19 relicensing, which it determined together would cause the project to
20 operate at an annual net loss."

21
22 Plaintiff Response: How could one project at a dam that was producing
23 power, coupled with another project consisting of 4 dams, producing 163
24 megawatts per annum, leave Pacific Corp with a net operating loss? This is
25 fuzzy accounting at best; it does not require advanced economics to
26 calculate.

27
28
29 According to the Government Accounting Office (GAO)

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

2
3 The average fishway and pool, costs \$6.3 million to construct
4
5 and \$26,000 a year to operate (in the USA). For 4 dams $4 \times 6.3 = \$25.2$
6
7 million to install and \$0.26 million to operate for 10 years. If Pacific Corps
8
9 had installed fish ladders in 2005 the salmon runs would have been
10
11 replenished sometime between 2010 to 2012 and no dam removal would
12 have been required.

13
14 This amount of \$25 million is clearly miniscule compared to Pacific Corps'
15
16 annual operating profit from the entire project. Again, it is apparent that
17 defendants reported an obviously inflated cost of constructing fish ladders
18 resulting in a false claim that they could not fulfil their contractual
19 obligations. This misled many others to conclude that the only viable
20 solution to restoring fish runs was removal of the dams. As we have noted,
21 this is equivalent to using a chain saw to cut off your lower jaw in order to
22 rid oneself of a toothache.

23 Order Modifying and Approving Surrender of License and Removal of
24 Project Facilities re PacifiCorp et al under P-2082 et al.

25 <https://elibrary.ferc.gov/eLibrary/#>

26 On page 2 and 3 is this statement.

27
28 The original license, issued to the California Oregon Power Company, was
29

1 transferred to Pacific Power and Light Company on June 16, 1961 (The
2
3 Cal. Or. Power Co., 25 FPC 1154 (1961)) and then to PacifiCorp on
4
5 November 23, 1988 (PacifiCorp, 45 FERC ¶ 62,146 (1988)).
6

7 National Marine Fisheries Service (NMFS), and Reclamation.

8 Plaintiff Response: However,
9

10 PacifiCorp concluded that implementing those conditions (specifically,
11 complying with mandatory fishway prescriptions) would mean operating the
12

13 Klamath Project at a net loss. Thereafter, PacifiCorp entered into
14 negotiations with a few resource agencies, Tribes, and the Department of
15 Interior to evaluate alternatives to relicensing the Klamath Project. Ignoring
16 the scientific method, they purposely neglected the advice and lack of
17 consent of primary stakeholders. These included insouciant local
18 governments, dam operations personnel, and local residents, all of whom
19 strenuously opposed dam removal.

20 In particular, the opinions of elderly residents in the assisted living home on
21 the Copto1 reservoir were definitely not consulted to see if they were willing
22 to have their life savings go up in smoke by the uncaring decision of
23 faceless bureaucrats at the Pacific Corps conglomerate.

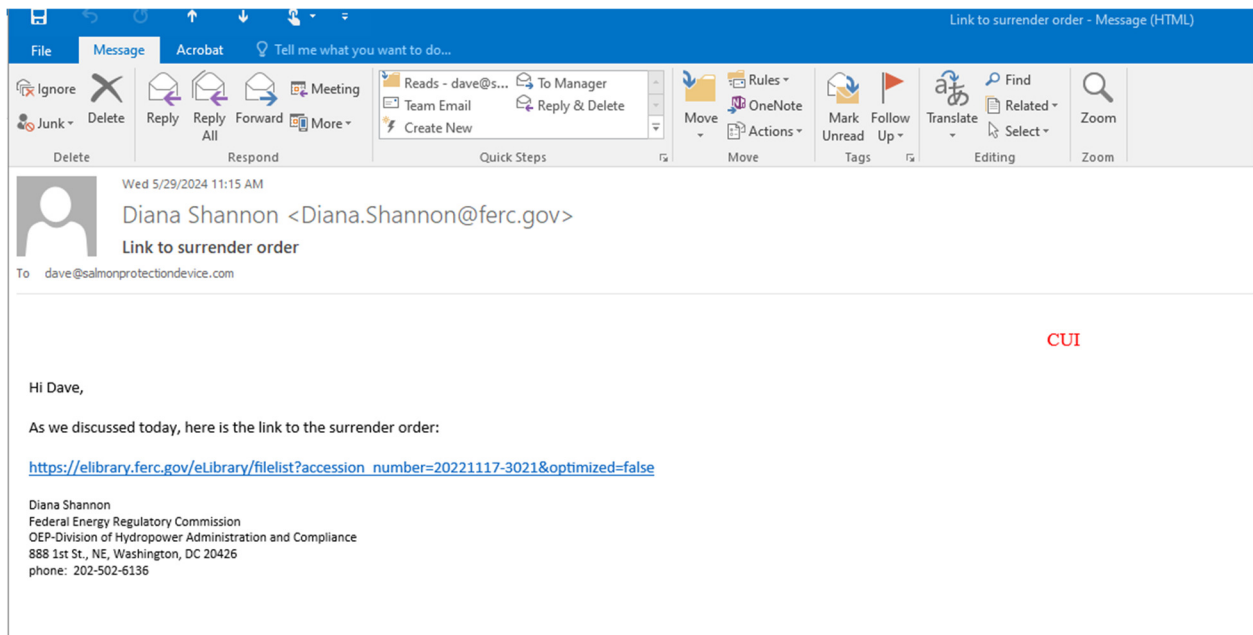
24 Plaintiff's Response: Again, Pacific Corp reported flagrantly inaccurate
25 data, data that was so outrageous it could not have accidentally escaped
26 the notice of everybody in the organization. We are not pretending to
27 divine intent, but it is impossible to overlook either gross negligence or
28 deliberate conspiracy to deceive Federal regulators. In either case, the
29 result is the same: massive destruction of productive public property and a

1 deadly assault on Oregon's fragile environment and endangered species,
2 including human species.

3
4 On 5/29/2024 Plaintiff received a phone call from Diana Shannon of FERC

5
6 OEP-Division of Hydropower Administration and Compliance. She reported
7 that no

8
9 one brought up the possibility of dredging behind the dams to remove the
10 silt buildup.



11
12 The following images were recorded between May 23rd, and May 29th, 2024
13 by Alan Eberlein, a long-time resident of the area. He reported that people
14 with homes on the lakes created by the Dams have had their property
15 values drop by two-thirds.



1

2

3 This desolate moonscape was recorded Alan Eberlein on May 29.

4

















1 The impending removal of four hydroelectric dams on the main stem of the
2 Klamath River has thrown this normally tranquil community into turmoil. The
3 smallest of the dams is scheduled to be deconstructed this year. The
4 reservoirs behind the remaining three—Copco 1, Iron Gate, and J.C. Boyle—
5 will be drawn down starting next January; by summer, it's expected that the
6 river will flow freely for the first time in over 100 years. And while many people
7 are celebrating the removals and what they could mean for salmon runs and
8 the overall health of the river, Copco residents are devastated to lose their
9 namesake lake.



10
11
12 This article on Jefferson Public Radio describes the loss by residents.

1 [https://www.ijpr.org/environment-energy-and-transportation/2023-06-](https://www.ijpr.org/environment-energy-and-transportation/2023-06-18/paradise-lost-copco-lake-residents-brace-for-dam-removal)
2 [18/paradise-lost-copco-lake-residents-brace-for-dam-removal](https://www.ijpr.org/environment-energy-and-transportation/2023-06-18/paradise-lost-copco-lake-residents-brace-for-dam-removal)
3 Fontaine and Gill recently purchased the Copco Lake store with plans of
4 reopening. They have decided to wait to see the effect of dam removal in the
5 area.

6 “A lot of people feel the same way—that they came here to retire on a lake
7 and came here to retire in this lifestyle,” says Gill. “And now that's being taken
8 away from them forcefully.”

9 Though they were angry at first, Gill and Fontaine are trying to imagine a
10 future without the lake, in part so they can help their neighbors.

11 “People are going through all forms of the stages of loss and grief,” says Gill.
12 “We love our community so much, and the people in it, that we're just trying to
13 do our best to hold together what we can.”

14 Linda Ebert and her husband, Steve, moved to the north shore of Copco Lake
15 in 1999. An avid fisherman, Steve taught high school science until he was
16 diagnosed with Parkinson's disease. They chose their home in part because
17 of the gentle slope and easy access to their private dock and the lake.

18
19
20 Plaintiff set up a table at the only supermarket in Klamath Falls for
21

22 three days to record public opinion and distribute 500 documents showing
23 that all we need to do is dredge behind the dams to get the fish ladders
24 working again. 499 agreed with this solution and only 1 person objected.
25 Therefore, the overwhelming majority oppose removing the dams.
26 Although this is probably not considered a scientific
27

28 sample, it is nonetheless strongly indicative of public sentiment of local
29 residents. These, and other photos, will be entered as exhibits during trial
30 to illustrate the extent of the devastation.

1 Plaintiff is statistically qualified to evaluate dam economics by virtue of
2
3 advanced college and statistics studies -- only 22 credits shy of a PhD --
4
5 and a long career in semi-conductors. According to
6
7 worldpopulationreview.com, the population of Siskiyou County, California in
8
9 2023 is 42,905. A total of 17,204 people voting out of 42,905 is 41% of the
10
11 total population including children. If
12
13 families have 1.3 children, then the number of adults is $42,905 = x \text{ adults} +$
14
15 $y \text{ children}$ $2x = 1.2y$. Therefore, $y = 2x/1.2$. $42905 = x + 2x/1.2 = 1.2X +$
16
17 $2x = 3.2x$, $x = 42905/3.2 = 13,408$ adults. Therefore, all 17,204 people voting
18
19 were adults and most likely some older teenagers, representing 100% of
20 the county.

21 22 Facts Relevant to Klamath Dams Removal

23
24 FACT: Siskiyou County Water Users Association (SCWUA) Votes Against
25 Dam Removal.

26
27 SCWUA put forth a ballot measure, Measure G, on November 2, 2010.
28

A “Yes” vote was in favor of Klamath Dam Removal. A “No” vote was in favor of Klamath Dam Retention.

The “No” vote prevailed by 13,564 votes, representing 78.84% of the population. The “Yes” vote represented only 21.16% of the population – with 3,640 votes cast.

Thus, according to this data 78.8% of adults in Siskiyou County overwhelmingly oppose removal of the Klamath river dams.

Executive Summary

In short, the FERC document agreement has been violated repeatedly by Defendants. In three different conversations with FERC personnel. Plaintiff was told that “we were never informed of the dredging option.” In other words FERC and Pacific Corp has simply responded to the draconian emotional demands of the Tribes, and their trendy musical appeal to “take down the Iron Gate, and let the river flow free” as the only viable solution. Had FERC taken the trouble to consult with other stakeholders, these other common-sense solutions would have emerged. This is government by emotion, rather than government by logical consideration of justice for all parties.

To summarize, the FERC document is flagrantly flawed and thus “not worth the

1
2 paper it is written on.” It is riddled with deception or inaccuracy as detailed

3
4 below. This slip-shod approach has resulted in an environmental calamity
5 on the lower Klamath River that must be halted immediately to ensure that
6 additional, irreparable damage does not occur and that true justice is
7 served.

8
9 Plaintiff transmitted these conclusions to the FERC legal department in an

10
11
12 email on May 16th, 2024 to determine at what level of the judiciary a

13
14 Federal magistrate can rule the FERC Document null and void. So far no
15 response, so we are requesting that the Court ignore the deeply flawed
16 FERC document for purposes of this case only, and default to the original
17 statutory law, case law and administrative law.

18 Pacific Corp has licensed the comprehensive Klamath project since the

19
20 1950’s. Just Prior to and during that time period most other dams in the

21
22 Northwest installed fish ladders, which is further evidence of the financial
23
24 feasibility of such a project.

25
26 Plaintiff Requests a ruling that Pacific Corp is contractually liable for the

27
28 salmon run decline, for which they should pay \$250 million to the Klamath

29
30 Basin Authority.

31
32 Plaintiff also visited the State Police office in Klamath Falls and

33
34 To get a sense of the seriousness of this offense, Plaintiff spoke with an

1
2 on-duty State Policeman and asked what would happen if he were caught
3
4 with 100 fish bloating in the sun. The deputy responded, “you would still be
5
6 in jail.”

7
8 To put it in everyday terms, the FERC document is not worth the paper it is
9
10 written on. It adds up to irrational nonsense as detailed below. Defendants
11
12 were either untruthful or grossly negligent (seen below) in 2005 and later.

13
14 As mentioned above, Pacific Corp has licensed the comprehensive
15 Klamath project since the 1950’s. Just prior to and during that time most
16 other dams in the Northwest installed fish ladders, demonstrating their
17 efficiency and economic feasibility.

18 Construction on the Iron Gate Dam began in 1961 and was effectively
19 completed in 1962. However training and effective operation of the dam
20 had not been completed at the time of the devastating 1964 flood.

21 The shocking deficiencies in the FERC document have led to frightful
22 malfeasance and irreparable damage to the environment on the part of the
23 removal contractor, ironically named the “River Restoration” corporation.

24 In terms of actual performance outcome, malfeasance on the part of the
25 River Restoration company has quite literally destroyed the Lower Klamath
26 River below the Iron Gate dam. The Siskiyou News reported on
27 03/09/2024 that “There is no debate that the release of about 5-million
28 metric yards of sediment from Iron Gate Dam on January 23, 2024 virtually
29 killed all aquatic lifeforms in the Klamath River all the way to the coast.”

30 <https://www.siskiyou.news/2024/03/09/anyone-remember-the-1964-klamath-river-flood/>
31

32
33 Prospects for the Flooding Future:

1 Among the most glaring oversights of the FERC document is inexcusable
2 failure to consider the historical devastation created by flooding prior to
3 installation of the four dams. We have documented this devastation on
4 p.73, complete with photographs showing destruction of the town of
5 Klamath and massive washout of Hwy 101 at
6 <https://pubs.usgs.gov/wsp/1866a/report.pdf>

7 What will happen every year if removal of the last remaining bulwark of
8 protection at the Iron Gate dam is destroyed. The 1964 flood created \$71
9 million of damages in 1964 dollars. Given inflation, that much or more will
10 accrue every single year due to the unfathomable foolishness of this action.

11 12 **End of Executive Summary**

13 14 **COMPLAINT**

15
16 Defendant has misled state regulators and the public, justifying dam
17 removal on the basis of pseudo-science and with little regard to life and
18 health of human and natural wildlife. Pseudo-science because of Pacific
19 Corp utter refusal to engage with all stakeholders at the very beginning of
20 the Scientific Method. Native Americans got a front-row seat, while
21 farmers, dam operators, local governments, and property owners were not
22 even invited to the party.

23
24
25 As noted, other stakeholders were ignored, as Defendants failed to
26 proceed in compliance with approved scientific method. They have failed
27 to perform preliminary research by obtaining testimony from local residents
28 and well-informed government employees

29
30 Testimony obtained independently, from local residents reveals virtually
31 unanimous opposition to removal of the dams. This was measured by an
32 informal survey of town residents and an actual ballot measure just a few
33 years ago in which dam removal was defeated by approximately 80
34 percent.

35
36 Pacific Corp callously ignored public opinion in defying the democratic
37 majority, demonstrating its utter disregard of America's founding principles

1 and the literal blood, sweat, and tears of the men who tamed savage
2 floodwaters and turned them to productive use. It thereby further betrayed
3 its fiduciary responsibility to its client constituents by facilitating this
4 destructive course of events.

5
6 In particular, Defendants were untruthful or grossly negligent in 2005
7 regarding the cost to install fish ladders on the four dams in 2005. The two
8 smaller dams were removed first, leaving the upper and lower Iron Gate
9 Dam. The latter is the only one without a fish ladder, which can be easily
10 installed with a Salmon Protection Device after dredging to remove 60
11 years of accumulated silt. That deficiency on The Iron Gate Dam is the
12 cause of the salmon population decline on the Klamath river. It can be
13 easily remedied by the process at
14 <https://www.SalmonProtectionDevice.com>.

15
16
17 In addition, The Corps of Engineers opposes removal of the dams. Dam
18 operators throughout the region oppose removal of the dams and the
19 slipshod, amateurish methods taken to reduce turbidity that have destroyed
20 fish and other wildlife. Defendants, by approving the FERC document, have
21 proceeded with these reckless actions showing no concern for loss of
22 critically needed hydro-electric power for Oregon and California, inevitable
23 destruction of downstream property due to sediment erosion, flooding,
24
25 mitigation of potential arsenic and other contaminant poisoning, and
26 unrestrained loss of fish and animal life.

27
28 The following links to what is referred to as “the FERC document”
29 document:

30
31 https://elibrary.ferc.gov/eLibrary/search?q=searchtext%3D*%26searchfulltext%3Dtrue%26searchdescription%3Dtrue%26datatype%3Dfiled_date%26startdate%3D1904-01-01%26enddate%3D2022-02-11%26docketnumber%3D%26subdocketnumbers%3D%26accessionnumber%3D20180315-3093%26filing%3Dfalse%26alldates%3Dtrue

35
36 Expose of damaging provisions in the FERC document.

1 1. Item (f) states, “the Renewal Corporation, the States, and PacifiCorp
2
3 agree that no order of a court or the Commission is in effect that
4
5 would prevent facilities removal;”.

6
7 Response: However, this doesn’t prevent any future case like 3:24-cv-
8
9 00755-JR from being ruled on.

10
11 2. Item (e) states “the Renewal Corporation, the States, and PacifiCorp
12
13 are each assured that their respective risks associated with facilities
14
15 removal have been sufficiently mitigated consistent with Appendix L.”

16
17 Response: Appendix L, is not included in the document. This Appendix is
18 also requested for discovery. Obviously, mitigation has not occurred
19 because of the threat of impending floods, over 2,000 fish (including
20 endangered Salmon) and a herd of elk killed without permits. Not to
21 mention the arsenic and other contaminants blowing in the wind and
22 polluting the atmosphere.

23
24 But, far more devastating was the release of contaminated, sludge-
25 laden water following removal of the first 2 dams. As noted
26 elsewhere in this document, the Siskiyou News reported that that
27 single action killed everything between the Iron Gate Dam and the
28 Pacific Ocean. It created irreparable damage to estuaries at the
29 mouth of the tributaries and more important in the mouth of the river
30 at the Pacific.

31
32 Therefore, in accordance with the foundational statutory and
33 regulatory law, and indeed the FERC document itself, no further
34 removal of the dams is allowed! The ill-conceived removal of these
35 dams is like a dentist who cuts off your jaw to fix your toothache.
36

1 3. The document lists no urgency for dam removal.

2
3
4 4. Item 7 page 3: "PacifiCorp evaluated the mandatory fishway
5 prescriptions, section 4(e) mandatory conditions, and Commission
6 staff's recommended conditions for relicensing, which it determined
7 together would cause the project to operate at an annual net loss."
8
9

10
11
12
13 Response: How could one project at a dam that was operational, and a
14
15 system of 4 dams, producing 163 megawatts per annum, leave
16
17 Pacific Corp with a net operating loss? This is fuzzy accounting at
18
19 best; it does not require advanced economics to calculate.

20
21 According to the Government Accounting Office (GAO) the average
22 fishway and pool costs \$6.3 million to construct and \$26,000 a year to
23 operate.

24
25 This is clearly miniscule compared to Pacific Corps' annual operating
26 profit from the entire project. [https://www.gao.gov/assets/rced-91-
27 104.pdf](https://www.gao.gov/assets/rced-91-104.pdf)

28
29 5. Pacific Corp in 2005 misled the public in stating it would cost \$250
30 million to install fish ladders at the Klamath River Dams.
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 Plaintiff Response: As shown above, reality was closer to 1/10 that
35 amount. That's why the Department of Interior originally signed off on
36 the plan during FERC negotiations in 2016, but reversed its position
37 under regulatory reform measures adopted in 2019.

38

1 According to Wikipedia, “Dam removal was endorsed by U.S.
2 Secretary of the Interior Sally Jewell in 2016, though that
3 endorsement was later rescinded by U.S. Secretary of the Interior
4 David Bernhardt in 2019, who was able to wade his way through the
5 stream of propaganda issuing from PacificCorp at that time.
6 https://en.wikipedia.org/wiki/Klamath_River_Hydroelectric_Project
7

- 8 6. Item 21 on page 8 states: “They indicate that many tribal
9
10 members also rely on salmon and other anadromous fish for their
11
12 livelihoods, and the Yurok Tribe hopes that dam removal will allow it
13
14 to reestablish its commercial fishery, which ceased operation in 2016
15
16 due to low salmon returns”.

17
18 Response: We can sympathize with the Yurok Tribe, but that is no
19 reason to completely ignore other stakeholders. This dilemma could
20 have been easily remedied in 2005 with a fish ladder installation with
21 Salmon Protection Device on Iron Gate Dam and dredging behind the
22 Dam.

23 The fish ladders would allow free passage of Salmon upstream/
24 downstream and free flow of excess water downstream to kill algae
25 and restore water quality behind the dams. This was the vital role
26 played by fish ladders on the Columbia for years until silt buildup
27 began to clog the ladders and sea lions ambushed Salmon on the
28 downstream side. As noted, these problems can be easily addressed
29 by dredging and installation of large stainless steel cages at the base
30 of the ladders to keep the sea lions at bay, save the Salmon, and
31 thus make everybody happy.

32 <https://www.SalmonProtectionDevice.com>.

33
34 Legitimate science would have started by performing mitigation
35 brainstorming sessions with well-informed scientists and ALL
36 stakeholders and documenting every possible scenario. Three
37 prominent aspects were not mitigated:
38

- 1 a. Killing of wildlife.
- 2 b. Arsenic and other contaminants in the silt which is drying and
- 3 blowing in the wind. Humans and other animals are breathing
- 4 these contaminants.
- 5 c. Flooding of the Yakama valley every spring after removal of
- 6 Iron Gate dam. This link has images of annual flooding prior to
- 7 Iron Gate dam installation. After Iron Gate is destroyed, even
- 8 mild flooding will cause cleanup expense estimated at
- 9 \$50,000,000+ per year due to inflation, based on the 1964
- 10 damage.

11
12 on <https://www.cityofwestsacramento.org/government/departments/city-manager-s-office/flood-protection/know-your-flood-hazard/flood-history>

16 Item 24 is truthful with this statement included: "Many question
17 whether the Renewal Corporation is technically and financially
18 capable of operating the project, removing the developments,
19
20 and restoring the environment."
21

22
23
24 Plaintiff Response: Plaintiff shares this view which is proved in
25 the malfeasance that has transpired since the project began.
26

- 27 7. Items 24-30 below are very valid concerns of local stakeholders
28 whose expressed fears have been ignored and now realized.
29

30 Plaintiff Response: The FERC commission obviously ignored these
31 concerns and the defendant pseudoscientists performed no mitigation
32 whatsoever for these valid concerns. Plaintiff refers to Klamath River
33 Renewal Corporation (KRRRC) as pseudoscientists because they clearly
34
35 operate on a scientific belief system and not on an open-minded
36
37 inquiry process, as required by the scientific method.
38

1
2 8. The conclusion didn't take into account any valid concerns of
3
4 local stakeholders listed in the document.
5

6 9. Item 2 on page 25 proves that the J.C. Boyle dam had a fish
7
8 ladder.
9

10 Plaintiff Response: Dredging on the upstream side of the J.C. Boyle dam
11 would have kept the fish ladder working for at least another 50 years. Total
12 cost of dredging all 4 dams and putting a fish ladder on Iron Gate dam
13 would have been less than \$150 million and could have been paid for by
14 Pacific Corp over a ten-year period. With the J.C. Boyle Reservoir now
15 drained, the silt removal process is actually simplified, but mitigation of the
16 now dried silt must be given special consideration.
17

18 10. Copco No. 1 didn't have a fish ladder. It would have cost \$6.3
19
20 million to install one and also dredge behind the dam, not the \$62,500
21 reported by Pacific Corp. The Copco No. 2 and Iron Gate dams are
22 similar in that they don't have fish ladders.
23

24 Only J. C Boyle Dam has a fish ladder. Simple dredging and
25 installation of a Salmon Protection Device is all that's required
26 required to remediate J.C. Boyle and preserve the flood control and
27 power production of this priceless resource.
28

29 11. Item 53 on page 30 states that Pacific Corp, the licensee, must
30
31 put permanent deer fences up to prevent problems.
32

33 Plaintiff Response: This did not occur, making Pacific Corp
34 responsible for the Elk Herd deaths on the project as well.
35

36 12. Article 58 page 31 states "Pacific Corp, the licensee, must for
37
38 the conservation and development of fish and wildlife resources,

1
2 construct, maintain, and operate, or arrange for the construction,
3
4 maintenance, and operation of such facilities and comply with such
5
6 reasonable modifications of the project structures and operation as
7
8 may be ordered by the Commission upon its own motion or upon the
9
10 recommendation of the Secretary of the Interior, Oregon State Game
11
12 Commission, or California Department of Fish and Game, after notice
13
14 and opportunity for hearing and upon findings based on substantial
15
16 evidence that such facilities and modifications are necessary and
17
18 desirable, reasonably consistent with the primary purpose of the
19
20 project, and consistent with the provisions of the Act.”
21

22 Plaintiff Response: This obviously includes fish ladder installation. Pacific
23 Corp knew about this requirement, as stated in previous points. Pacific
24 Corp misled the public by claiming it would cost \$250 million to install fish
25 ladders when actual cost was about 1/10 that amount. Pacific Corp must
26 now be required to pay for the installation of a fish ladder on J.C. Boyle and
27 the Iron Gate Dam as soon as possible and pay for a salmon Protection
28 Device to protect Salmon from Sea Lions at the downstream fish ladder
29 entrance (salmonprotectiondevice.com).
30

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

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

1 14. Had this been done everyone in the Klamath Basin would now
2 be happy, with the Salmon and other fish runs restored, and flood
3
4 control with cheap, clean energy still being provided.
5

6 But let's let the opponents speak for themselves:
7

8 According to OPB, "Opponents of dam removal say they're worried farmers
9 might have to give up irrigation water to flush out the sediment stored
10 behind dams. And they've expressed doubts that dam removal will not be
11 all that beneficial for salmon, considering that scientists can't guarantee the
12 salmon won't be harmed by all the sediment flowing downriver after the
13 dams come out.
14

15 'This is seen in many respects as a grand experiment. We're gonna try it
16 and see if it works,' said Brandon Criss, board of supervisors chairman in
17 Siskiyou County, which is home to three of the four dams slated for
18 removal. "Our concern is it won't. And then it doesn't work we have all the
19 problems, but none of the solutions, and we're left holding the bag."
20

21 He says the dams benefit surrounding communities by providing tax
22 revenue, jobs, recreation and lakefront property on the reservoirs. And all
23 of that will be lost when the dams are removed.

24 [https://www.opb.org/article/2024/05/05/klamath-river-iron-gate-dam-](https://www.opb.org/article/2024/05/05/klamath-river-iron-gate-dam-removal/)
25 [removal/](https://www.opb.org/article/2024/05/05/klamath-river-iron-gate-dam-removal/)
26

27 Plaintiff Response: In short, the sentimental preferences of one small
28 segment of the community are being given exclusive priority over those of
29 the of the entire community, to the detriment of the entire community, and
30 ultimately to that tiny minority as well.

31 32 **Conclusion** 33

34 **In Conclusion, excerpts from a recent OPB interview are**
35 **included here as evidence for Pacific Corps culpability by virtue**
36 **of a written confession.**
37

1 **“The statements by the alleged scientists in this article are not**
2
3 **based on anything resembling legitimate science. Oregon has**
4
5 **carelessly placed these life-altering decisions in the hands of**
6
7 **Amateurs , wannabe scientists and the sentimental opinions of**
8 **native Americans alone. Legitimate concerns of local**
9
10 **stakeholders were never considered by the FERC document nor**
11 **Pacific Corp.**

12
13 **True science starts with informed research. Nowhere in this**
14
15 **article is there any indication that these out-of-state interlopers**
16
17 **actually talked to dam operations personnel or downstream**
18
19 **water users before taking any action. Had they done so they**
20
21 **could easily have avoided the catastrophic devastation of the**
22 **environment they unleashed in January that now extends from**
23 **the Iron Gate Dam to the Pacific. Plaintiff is now submitting**
24 **documentation to the FBI and to the EPA for declaration of this**
25 **disaster as an Exxon-Valdez level Super-Site cleanup project.**

26
27 **If this is the result of their initial effort, let’s cut our losses and**
28 **take the only inexpensive, common-sense action that**
29 **will actually resolve the problem to the satisfaction of all**
30 **stakeholders, including, but not limited to the Tribes. It will**
31 **spare us years of grief when we finally wake up too late and**
32 **realize we squandered a priceless heritage bequeathed to us by**
33 **our ancestors. All the dams need is dredging on the upstream**
34 **side to get the fish ladders working again for at least another 50**
35 **years.**

36
37 **If we take them out and then after years of flooding and**
38 **electrical blackouts, and farm food destruction, decide we**
39
40 **want to put them back in, it will take another 8-10 years and**

1 obviously far more money. The fish have been using those
2
3 ladders for most of a century.
4 Here is a tragic reminder that the “chocolate water” at the Green
5 Peter
6
7 reservoir below will also become a daily reality at the Iron Gate
8
9 dam as well. We have already witnessed that reality in the
10 downstream devastation caused by the January, manmade
11 flood.
12
13



14
15
16 In OPB Article [https://www.opb.org/article/2024/02/18/klamath-](https://www.opb.org/article/2024/02/18/klamath-reservoir-drawdown-water-quality-discussion/)
17 [reservoir-drawdown-water-quality-discussion/](https://www.opb.org/article/2024/02/18/klamath-reservoir-drawdown-water-quality-discussion/)
18

19 Thousands of fish that inhabited the reservoirs have also died. These
20 are mostly non-native species, including yellow perch, crappie, and
21 bass that thrive in calmer, warmer water.

“It was always expected that these species would not persist,” said Dave Coffman, geoscientist for Resource Environmental Solutions, or RES, during the press conference. Moreover, “A lot of sediment mobilized and moved through the system, exactly according to our plans and our projections,” said Mark Bransom, CEO of Klamath River Renewal Corporation, during a press conference on Thursday morning. This refers to the Lower Klamath Project FERC Project No. 14803 <https://klamathrenewal.org/wp-content/uploads/2021/12/EX-A-ARMP-Dec2021.pdf> .

This is a confession of guilt, although couched in euphemism.

Section 2, pages 2 and 3 list fish that will die. This is not a permit to kill fish.

Relief Sought

Prayer for relief.

1. Charge defendants with thousands of counts of killing over 2,000 fish and a herd of elk who sank to their necks in the mud. ORS

496.705 unlawful killing of wildlife. Also 16 USCA § 1532(19); see also

Goble, D. D.; George, S. M.; Mazaika, K.; Scott, J. M. & Karl, J. (1999)

“Local and national protection of endangered species: An

assessment”, Environmental Science & Policy, 2, pp. 43-59.

Their

permit did not have an exemption from civil or criminal litigation.

2. RES benefited financially from removal of the dams and is therefore liable by 18 U.S. Code § 3 - Accessory after the fact. One of multiple Oregon laws broken are ORS 496.705 accessory to the crime of unlawful killing of wildlife owned by the public.

3. Pay dredging costs to Plaintiff for dredging behind IRON GATE and the other dam sites affected by the accumulated silt behind them which cause the fish ladders to stop working. This cost is estimated to be around \$30 million per dam.

4. Compensation for silt cleanup of the dams already removed from the Klamath River and loss of county and state revenue for fish and game licenses.

This injunction is to stop the removal of any more Klamath River dams until such time as the federal litigation of this complaint is adjudicated. Stop the remaining Klamath River Dams from being removed.

Pacific Corps merely shrugs its collective shoulders over power lost by removing the 4 dams, claiming that the 2% of total power they supply can be easily replaced by “other sources.” But this audacious claim is easily debunked by the following chart, which shows that every source of clean energy is vitally needed in the new age of the electric vehicle. <https://www.opb.org/article/2022/11/18/klamath-river-dam-removal-southern-oregon-dams-northern-california-drought/>

The table below, along with other critical information, was presented by a grid expert at an October 18, 2023 Cascade Policy Institute Conference. Note that for this Winter, 2024-2025 the Northwest electric grid is projected to fall 927 megawatts short of demand. It is projected to be almost nine times as bad in 10 years.

The grid expert reported that they are talking about activating virtual generators at homes to help make up the difference when needed. For example, a virtual generator is equipped to switch the smart meter on a home which is charging an electrical vehicle at night and drain the EV battery charge back into the grid.

Northwest Region Requirements and Resources

Table 1. Northwest Region Requirements and Resources – Annual Energy shows the sum of the individual utilities' requirements and firm resources for each of the next 10 years. Expected firm load and exports make up the total firm regional requirements.

Average Megawatts	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Firm Requirements										
Load ^{1/}	21,814	22,791	23,694	24,558	25,545	26,225	26,485	26,681	26,841	27,006
Exports	520	502	502	501	501	501	501	501	501	501
Total	22,334	23,293	24,195	25,060	26,046	26,726	26,986	27,182	27,342	27,507
Firm Resources										
Hydro ^{2/}	11,459	11,439	11,424	11,462	11,424	11,402	11,200	11,200	11,161	11,005
Small Thermal/Misc.	28	28	28	28	28	18	11	11	11	11
Natural Gas ^{3/}	4,107	4,497	4,801	4,551	4,546	4,544	4,474	4,426	4,225	4,222
Renewables-Other	276	275	273	274	269	268	268	266	264	260
Solar	503	503	503	502	502	501	501	500	498	483
Wind	1,757	1,747	1,747	1,721	1,661	1,623	1,611	1,596	1,596	1,622
Cogeneration	41	41	34	32	31	31	31	31	31	31
Imports	488	488	467	467	453	380	324	310	310	222
Nuclear	1,116	994	1,116	994	1,116	994	1,116	994	1,116	994
Coal	2,583	2,356	1,593	1,065	1,068	891	593	479	497	508
Total	22,357	22,366	21,985	21,096	21,097	20,652	20,127	19,810	19,708	19,357
Surplus (Deficit)	22	(927)	(2,210)	(3,963)	(4,949)	(6,074)	(6,859)	(7,372)	(7,634)	(8,150)

^{1/} Load net of energy efficiency

^{2/} Firm hydro for energy is the generation expected assuming critical (8%) water condition (the methodology is changed for the 2023 report)

^{3/} More energy may be available from natural gas power plants

Proponents of dam removal rely heavily on the false assumption that renewable energy sources are the only answer to American dependence on fossil fuels. But, this overlooks the concept of atmospheric residence time which means any reduction of emissions of CO₂ has no effect for 150 years.

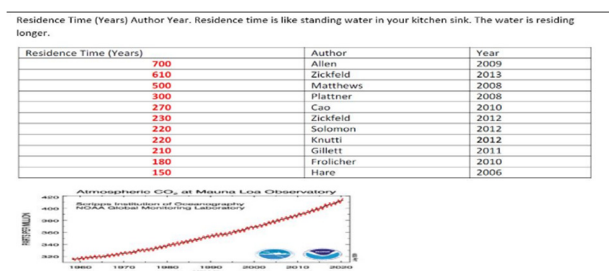
The question of dam removal is set in the context of an alleged excess of Carbon Dioxide in the atmosphere. All emissions related attempts to mitigate this have no effect for about 150 years due to the phenomena of residence time. Thus, there is no reason the dams can't continue to operate for 100+ years as a source of cheap, renewable energy.

Residence time for atmospheric Carbon Dioxide is like standing water in a kitchen sink with the drain plugged. The water resides for a long period of time.

"Retention time" is the same idea as "residence time." The average

residence time for carbon dioxide is the average time a molecule of carbon dioxide, for example, stays in the troposphere, according to more than 160 PhD's in 19 published manuscripts, summarized in one published manuscript. Anything we have done or will do with emissions of carbon dioxide will take 150 years to have any effect. Proof is any major events which would have lowered atmospheric carbon dioxide worldwide for which there is still no effect in the carbon dioxide rise data.

- Oil embargo in the 1970's, for almost two years the worldwide carbon dioxide emissions would have dropped by 90%.
 - Multiple recessions each one the worldwide carbon dioxide emissions would have decreased by 40% for at least one year.
 - Worldwide recession in 2009. A 70% reduction in emissions of carbon dioxide for almost two years.
 - COVID-19 pandemic. A 6% reduction in emissions for 1.5 years.
- You can clearly see no signature from these events in the NOAA data.



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

Press release sent out about complaint 3:24-CV-00755 on May 16th 2024

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

Next door post has 1200 views already

Your post is getting attention from neighbors!

Trusted neighbors like you are making a difference in the neighborhood. What will you share next?

Your post: The western Oregon Dams need dredging behind them not blown up!



Create new post

Rulings requested.

1. Plaintiff moves the Honorable Federal Judge to a ruling that Pacific Corp enforce an injunction to “stop work” immediately and must design and install a fish ladder at Iron Gate dam
Case 3:24-cv-00755-JR includes an injunction to stop destruction.

and pay salmonprotectiondevice.com \$500,000 to install a

salmon protection device at the downstream side of the new fish

1
2 ladder.

3
4 2. Plaintiff moves the honorable federal Judge to a ruling that

5
6 Pacific Corp is liable for the salmon run decline on the Klamath River
7 basin due to breach of contract and they should pay \$250 million to
8 the Klamath Basin groups mentioned in opposition to dam removal in
9 the 3:24-cv-00755-JR case.

10
11 3. Plaintiff moves the honorable federal Judge to a

12
13 ruling that Pacific Corp, the licensee, must also be responsible for the
14 Elk Herd deaths on the project as well because they didn't install the
15 required fencing.
16

17
18 4. Plaintiff moves the honorable federal Judge to a ruling that Pacific

19
20 Corp must pay Plaintiff \$25.46 million to repair the vandalism and
21 complete the remediation above the Iron Gate Dam. The issue of
22 whether or not the downstream damage qualifies as an EPA Super-
23 Fund restoration is pending.
24

25
26 

27 David C. White Pro Se. 5/17/2024

CERTIFICATE OF SERVICE)

I hereby certify that on 5/24/2024 a copy of complaint,)
 was email and faxed to defendants.)

Defendant 1. (D1))

Cindy Crane, in her capacity as)
 president of Pacific Corp)
 cindy.crane@pacificcorp.com)

Pacific Corp (D2),)
 825 NE Multnomah St,)
 Portland, OR 97232)
 1-888-221-7070)

Legal Counsel for D1 and D2)
 fax number for service.)
 8003678490)

Case No.

Judge



David White
18965 NW Illahe St
Portland, Oregon,
503-608-7611



1
2
3
4
5