

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

Case 1:24-CV-01291-MC

David White, Pro Se P

18965 NW Illahe St,

Portland OR.

dave@salmonprotectiondevice.com

503-608-7611

CLASS ACTION COMPLAINT
Magistrate Judge Mark D. Clarke

COMPLAINT FOR
DECLARATORY
JUDGEMENT, DAMAGES
AND INJUNCTIVE RELIEF

vs.

Defendant 1. (D1)

Dave Coffman, as geoscientist

dcoffman@res.us

Resource Environmental Solutions, (RES)

Corporate Headquarters – Houston

6575 West Loop South, Suite 300

Bellaire, TX 77401

713.520.5400 x6134

Defendant 2. (D2)

**Mark Bransom in his capacity as Chief Executive Officer of
Klamath River Dam Renewal Corp. (KRRC)**

info@klamathrenewal.org

Defendant 3 (D3)

Klamath River Renewal Corporation

2001 Addison Street, Suite 317

Berkeley, CA 94704

Phone: 510-560-5079

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

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22 *Attorneys for Defendants Mark Bransom and*
23 *Klamath River Renewal Corporation*

24
25 TABLE OF AUTHORITIES

26
27 1)18 USC 3 accessory after the fact.....3, 34
28 2) 16 USCA § 1532(19);.....
29 3) Scott, J. M. & Karl, J. (1999) “Local and national protection of
30 endangered species: An assessment,” Environmental Science & Policy, 2,
31 pp. 43-59.
32 4) 18 U.S. Code § 41 - Hunting, fishing, trapping; disturbance or injury on
33 wildlife refuges.
34 5) The Endangered Species Act of 1973,
35
36 <https://www.fws.gov/laws/endangered-species-act/section-11>
37
38 6) 18 U.S.C. § 1001 False Statements, Concealment
39
40 7) 18 U.S.C. 1621 Perjury
41

1 8) 18 USC 3 accessory after the fact.

2
3 9) 29 CFR § 1606.8 (1) – Harassment has the purpose or effect of creating
4 an intimidating, hostile or offensive working environment

5
6 10) 28 U.S. Code § 4101 The term “defamation” means any action or other
7
8 proceeding for defamation, libel, slander, or similar claim alleging that
9
10 forms of speech are false, have caused damage to reputation or
11
12 emotional distress, have presented any person in a false light, or have
13
14 resulted in criticism, dishonor, or condemnation of any person.

15
16 11) 33 U.S.C. §1251 et seq. (1972) Clean water act Section 404.

17
18 12) 29 CFR § 1606.8 (1)

19
20 13) 28 U.S. Code § 4101.

21
22 14) June 28th, 2024 Loper Bright Enterprises v. Raimondo and Relentless,
23 Inc. v. Department of Commerce.

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

25
26 15) 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
34 for Pagtalunan’s lack of legal training.

35
36 16) 18 U.S.C. 1743. Perjury

37
38 17) FRCP 3 (4)

39
40
41 Plaintiff respectfully requests the honorable federal Judge to convene this

1
2 case as an article III section of the US constitution.

3
4 Article III Section 2 of US Constitution says: “The Judicial Power shall
5
6 extend to all cases in law and equity, arising under this constitution., the
7
8 laws of the United States and Treaties made or which will be made under
9
10 the Authority;- to all cases affecting ambassadors, other public Ministers
11
12 and Counsels, to controversies to which the United States shall be a party;-
13
14 to controversies between two or more states, ... between citizens of
15
16 different states, between a state or the citizens thereof.”

17
18 Therefore, all courts from US Supreme Court to local traffic Court must be
19
20 Constitutional Courts and not Administrative Law Courts. Administrative
21
22 Law would include the court dismissing Plaintiff’s pleadings because of a
23
24 running list of rulings requested. This is not illegal nor against any Court
25
26 rules. Administrative Law is the courts giving preference to Legal
27
28 Counsels untruthful pleadings simply because they are “the Attorney’s”,
29
30 over a Plaintiff using the law correctly and truthfully.

31
32
33 Continuing with the June 28th ruling last paragraph page 8 “The only way to
34
35 “ensure that the law will not merely change erratically, but will develop in a
36
37 principled and intelligible fashion,” Vasquez v. Hillery, 474 U. S. 254, 265,
38
39 is for the Court to leave Chevron behind. By overruling Chevron, though,
40
41 the Court does not call into question prior cases that relied on the Chevron
42
43 framework. The holdings of those cases that specific agency actions are
44

1 lawful—including the Clean Air Act holding of Chevron itself—are still
2
3 subject to statutory stare decisis despite the Court’s change in interpretive
4
5 methodology. See CBOCS West, Inc. v. Humphries, 553 U. S. 442, 457.
6
7 Mere reliance on Chevron cannot constitute a “ ‘special justification’ ” for
8
9 overruling such a holding. Halliburton Co. v. Erica P. John Fund, Inc., 573
10
11 U. S. 258, 266 (quoting Dickerson v. United States, 530 U. S. 428, 443).
12
13 Pp.29–35.No. 22–451, 45 F. 4th 359 & No. 22–1219, 62 F. 4th 621,
14
15 vacated and remanded.

16 17 **II Basis for Jurisdiction**

18
19 Basis for Jurisdiction is a federal environmental question. An
20
21 Environmental disaster in the Klamath Basin from Defendants willful
22
23 destruction of the environment. This is in clear violation of the Federal
24
25 Clean Air and Federal Clean Water Acts of US Congress. Also violations of
26
27 killing fish including endangered Salmon without permits. Additional
28
29 violations are: 18 USC 3, 16 USCA § 1532, 18 U.S. Code § 41, Item 3
30
31 below, The Endangered Species Act of 1973, 18 U.S.C. § 1001, 18 U.S.C.
32
33 1621, 18 USC 3, 29 CFR § 1606.8, 28 U.S. Code § 4101, 33 U.S.C. §1251,
34
35 29 CFR § 1606.8, 28 U.S. Code § 4101, 18 U.S.C. 1743 and FRCP 3.
36
37 Also during the arson (“wildfire”) season <https://cctruth.org/wildfire/> the air
38
39 support doesn’t have the reservoirs to get needed water from.

40 41 **Venue**

42 The appropriate venue is Medford Oregon Court

1
2 **III Statement of Claim**

3 Defendants have destroyed the Klamath river basin area. Class
4
5 action members are acutely affected by pending flooding and loss of
6
7 wildlife and friends. The silt left beside the river is highly contaminated with
8
9 Arsenic and Chromium 6 at many times the allowable limits.

10
11
12 Class action members are people who reside in the Klamath Basin:
13

14
15 **PLAINTIFF’S CLASS ACTION COMPLAINT WITH INJUNCTION**

16
17
18 **TABLE OF CONTENTS**

19
20 I. INTRODUCTION..... 6
21 II. BACKGROUND..... 7
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24 V. PRAYER FOR RELIEF..... 17

25
26 **INTRODUCTION**

27
28 Plaintiff writes this Pleading reminding the Federal Court to
29
30 convene this case as an article III, of the U.S. Constitution Court case, per
31
32 the recent US Supreme Court ruling in 12) above. Article III Section 2 of
33
34 the U. S. Constitution stipulates that “The Judicial Power shall extend to all
35
36 cases in law and equity, arising under this constitution, the laws of the
37
38 United States and Treaties made or which will be made under the
39
40 Authority;
41
42 - to all cases affecting ambassadors, other public Ministers and

1 Counsels, to controversies to which the United States shall be a party;

2
3 - to controversies between two or more states, ... between citizens of

4
5 different states, between a state or the citizens thereof.

6
7
8 https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf

9 First Page, second paragraph: Held: The Administrative Procedure Act

10
11 requires courts to exercise their independent judgment in deciding whether

12
13 an agency has acted within its statutory authority, and courts may not defer

14
15 to an agency interpretation of the law simply because a statute is

16
17 ambiguous; Chevron is overruled. Pp. 7–35.

18
19 (<https://www.foleyhoag.com/news-and-insights/publications/alerts-and-updates/2024/july/chevrons-demise-and-what-it-means-for-healthcare-and-life-sciences-companies/>)

20
21
22
23 Therefore, agencies like the Federal Energy Regulatory Commission

24
25 (FERC) can't cherry pick data to match their administrative agenda.

26 27 28 **BACKGROUND**

29
30 The court docket reflects case 3:24-cv-00755-JR final dismissal on

31
32 7/26/2024 must be vacated because it's based on untruthful filings of

33
34 defendants. That and this case are environmental laws broken by

35
36 defendants. This is exacerbated by their deception of FERC and the San

37
38 Francisco Army Corps of Engineers in filings claiming they

39
40 dredged behind the dams. Exhibit 1 is a letter from CAMAS to

41
42 the Army Core about the project containing defendants' false

1
2 claims. As an example: Page 2 lines 35
3
4 to 37 says: “While the Clean Water Act Section 404 permit
5
6 application (SPN-2003-279850) includes a maximum of 1,500
7
8 cubic yards of sediment relocation, the actual amount of
9
10 dredged sediment is expected to be much smaller. However,
11
12 Defendants let out 5 million metric yards of silt from the IRON
13
14 gate dam. This is a clear violation of Section 404 permit
15
16 application (SPN-2003-279850) and the Federal Clean Water
17
18 Act! ECF 67 page 3 lines -11: “3.
19
20 The Siskiyou News reported, that “There is no debate that the
21
22 release of about 5-million metric yards of sediment from Iron
23
24 Gate Dam on January 23, 2024, killed virtually all aquatic
25
26 lifeforms in the Klamath River all the way to the coast.”
27
28 [https://www.siskiyou.news/2024/03/09/anyone-remember-the-](https://www.siskiyou.news/2024/03/09/anyone-remember-the-1964-klamath-river-flood/)
29
30 [1964-klamath-river-flood/](https://www.siskiyou.news/2024/03/09/anyone-remember-the-1964-klamath-river-flood/)
31
32
33

34 **ARGUMENT**

35 Plaintiff has explained in detail Defendants’ failure to mitigate. This
36
37 failure led to deception of FERC and the Army Corps Of Engineers by
38
39 filing a sham Chemistry test that contradicts all other evidence,
40
41 notably the Department of Interior testing
42
43 of lethal contamination.
44

1
2 1. Screening-Level-
3 Evaluation-of-Contaminants-in-Sediments.pdf

4
5 See chapter 3. Arsenic, Chromium 6 and DDT in the sediment behind the
6
7 dams. 2011 Report of extremely dangerous arsenic, Chromium 6 and DDT
8
9 contamination in the Klamath River System silt.

10
11
12 The information below is from the 2009-2011 chemistry test of silt
13
14 Behind the Klamath River dams, which have now been deposited on
15
16 downstream riverbanks, thanks to defendant's ineptitude. All the riverbanks
17
18 are now contaminated with ultra-high levels of arsenic, chromium 6 and
19
20 carcinogens in the silt. No human should go near the river without a gas
21
22 mask and the original mitigation requirement of fencing must now be
23
24 installed over twice as much River mileage (RM) to prevent further
25
26 destruction of wildlife. This is a high price to pay for defendants' penchant
27
28 for cutting corners to get the job done quickly.

29
30 2000 fish and a herd of elk perished because of slip-shod or
31
32 utter failure to mitigate. Defendants said they dredged behind the dams.
33
34 This is either untrue or the mitigation was woefully inadequate. Now
35
36 Defendants are trying to cover their tracks by deception and legal mumbo-
37
38 jumbo. Contaminated Silt envelopes both banks of the river all the way to
39
40 the Pacific. Their so-called chemistry test violated every testing protocol.
41

1 For example, Defendants' conveniently left out required details about how
2 the samples were acquired, i.e. at the tributaries with pristine water. These
3 three untruthful documents were uploaded to FERC and Army Corps of
4 Engineers. Plaintiff through a Freedom of Information Act request received
5 these Corps filings of the defendants. This is 18 U.S.C. § 1001 False
6 Statements, Concealment, 18 U.S.C. 1621 Perjury and 29 CFR § 1606.8
7
8
9
10
11
12
13 (1).
14
15
16



17
18 This is the silt on both sides of the river downstream of JC Boyle dam. If
19 defendants dredged behind the dam than these enormous and highly
20 contaminated silt deposits, extending for miles along the riverbanks, would
21 not exist. Defendant 1 is not mitigating the contaminated silt simply by
22
23
24
25

1
2 planting grass and shrubs. Plants obviously absorb arsenic and other
3
4 poisons from the soil, which in turn kills any animal grazing along the
5
6 shore.
7



8
9
10 Here is a photo taken Wednesday, May 29th, 2024 upstream of JC Boyle
11
12 dam, exposing a complete mess behind the dam with no mitigation of
13
14 anything. Upstream dam silt is present in the image.
15

16 Some grass growing up through the silt will be contaminated and any
17
18 animal eating it will die. Also, in the chemistry test fish were found to have high levels of
19
20 https://salmonprotectiondevive.com/CDM_2011_0119_Screening-Level-Evaluation-of-Contaminants-in-Sediments.pdf

1 This chemistry test was commissioned by US department of Interior and as
2 A Chemical Engineer plaintiff knows this is a correct chemistry test. Unlike
3 the defendant's sham chemistry test where they didn't say where they got
4
5 the samples from. The Federal Attorney helping Plaintiff lives in the area
6
7 and knows defendants took samples in the tributaries flowing into the
8
9 Klamath River. This water would be pristine. The samples didn't reveal
10
11 anything about the silt or the river water. Many dead animals along the
12
13 river's edge. We have obtained a dead beaver and are having it checked
14
15 for contaminants in its system

16 Chapter three Table 3.

17 Arsenic and Chromium 6 in the sediment behind the dams. See chapter three.

18 The below information is from the 2011 chemistry test of silt behind the Klamath river dams
19 which is now beside the river and downstream. The silt is contaminated with super high
20 levels of arsenic, chromium 6 and carcinogens. No one should go near the river without a
21 gas mask on.

22 Chapter three Table 3. Chemicals in 2009-2010 Klamath Reservoir Sediment that Exceed
23 One or More Human Health Sediment Screening Levels

24 See chapter 3. Arsenic, Chromium 6 and DDT in the sediment behind the

1 dams.
2 2011 Report of extremely dangerous arsenic, Chromium 6 and DDT
3 contamination in the Klamath River System silt, thoroughly debunking
4 KRRC's recent whitewash of their failure to mitigate.
5 The information below is from the 2011 chemistry test of silt behind the
6 Klamath River dams, which has now been deposited on downstream
7 riverbanks, thanks to KRRC's ineptitude. All the riverbanks are now
8 contaminated with ultra-high levels of arsenic, chromium 6 and carcinogens
9 in the silt. No human should go near the river without a gas mask and the
10 original mitigation requirement of fencing must now be installed over twice
11 as much River mileage (RM) to prevent further destruction of wildlife. This
12 is a high price to pay for KRRC's penchant for cutting corners to get the job
13 done quick.

14 Chapter three Table 3.

15 Chemicals in 2009-2010 Klamath Reservoir Sediment that Exceed One or
16 More Human Health Sediment Screening Levels.

17 Lower Klamath

18 Chromium at limit of SL1-FWS, SL2-FWS, FWS TEL, FWS LEL, FWS PEL, FWS TEC.

19 Upper Klamath

20 Chromium at limit of SL1-FWS, FWS TEL, FWS LEL, FWS PEL, FWS

21 TEC.

22 Copco 1 Reservoir

23 Arsenic concentration is 6.3 to 13 times concentration of safe limits of EPA

1 RSL TOT CAR, CHHSL Res, CHHSL Comm.

2 BIS(2-CHLOROETHYL) ETHER, a carcinogen is at the limits of EPA RSL.

3 J.C. Boyle Reservoir

4 Arsenic 38 to 214 times concentration of safe limits of EPA RSL TOT CAR,

5 CHHSL Res, CHHSL, Comm.

6 4,4-DDT 12 to 103 times concentration of safe limits of ODEQ BSLV H-S,

7 ODEQ BSLV H-G.

8 Iron Gate Reservoir

9 Arsenic 26 to 143 times safe concentration exceeded all screening levels

10 high concentration. EPA RSL TOT CAR, CHHSL, Res, CHHSL, Comm

11 BIS(2-CHLOROETHYL) ETHER, a carcinogen is at the limits of EPA RSL.

12 Lower Klamath Estuary

13 Arsenic is 8.2 to 46 times in concentration exceeding all screening levels

14 EPA, RSL, TOT, CAR, CHHSL, Res, CHHSL, Comm.

15 Upper Klamath Estuary

16 Arsenic is 5.6 to 31 times safe concentration exceeding all screening levels

17 EPA, RSL TOT CAR, CHHSL Res, CHHSL, Comm.

18 BIS(2-CHLOROETHYL) ETHER, a carcinogen is at the safe limits of EPA RSL

19

20 Yes, Plaintiffs home is for sale. [18965 NW Illahe St, Portland, OR 97229](https://www.zillow.com/homedetails/18965-NW-Illahe-St-Portland-OR-97229/18965-NW-Illahe-St-Portland-OR-97229_zpid=18965-NW-Illahe-St-Portland-OR-97229/) |

21

22 [Zillow](https://www.zillow.com/homedetails/18965-NW-Illahe-St-Portland-OR-97229/18965-NW-Illahe-St-Portland-OR-97229_zpid=18965-NW-Illahe-St-Portland-OR-97229/).

23

24 Plaintiff was 11 Bravo in the Army and in Vietnam. He knows firsthand what

25

26 a war zone looks like. The mess in the Klamath basin is a kin to a war

1
2 zone.

3
4
5
6 Fed. R. Civ. P. 4(e)". says (e)(1) "following state law for serving
7
8 a summons in an action brought in courts of general jurisdiction in the state
9
10 where the district court is located or where service is made; However, by
11
12 Oregon law email service is allowed. UTCR 8 21.10 (2) explains a
13
14 document may be a pleading or many other documents.

15
16 Plaintiff has filed lawsuits and other court filings in local courts, Oregon
17
18 Appeals Court and Oregon Supreme Court. There is no such thing in the
19
20 Oregon Court system as a summons. Defendants' Legal Counsel that live
21
22 in Oregon, Julia E. Markley, Bar No. 000791 and Megan Kathleen Houlihan,
23
24 OSB No. 161273 have no reasonable excuse for failing to realize that there
25
26 is no summons required in an Oregon Court.

27
28 **CONCLUSION**

29
30 Defendants killed 2000 fish including endangered Salmon and a herd of
31
32 elk without permits. The out-of-state groups featured in the article include
33
34 "The crew from the restoration company Resource Environmental
35
36 Solutions, or RES, and Northern California's Karuk Tribe." The Klamath
37
38 River Renewal Corporation likewise, is also California based.
39
40 In OPB Article <https://www.opb.org/article/2024/02/18/klamath-reservoir-drawdown-water-quality-discussion/>
41

1 Thousands of fish that inhabited the reservoirs have also died. These are
2
3 mostly non-native species, including yellow perch, crappie, and bass that
4
5 “It was always expected that these species would not persist,” said Dave
6
7 Coffman, geoscientist for Resource Environmental Solutions, or RES,
8
9 during the press conference.

10
11
12 Defendants also released 5 million metric yards of silt
13
14 from the Iron Gate Dam on January 23rd, 2024 which killed all aquatic life to
15
16 the coast. 120 river miles are devastated. Defendants knew (Exhibit 1 in
17
18 February 17, 2022) they were not permitted to release more than 1500
19
20 cubic yards of silt from any of the dams. However, the silt on the sides of
21
22 the Klamath river is highly contaminated with extremely high concentrations
23
24 of arsenic and chromium VI and much more than the 4 dams and 1500
25
26 cubic yards each. Many animals have perished because of this
27
28 malfeasance.

29
30 Furthermore because of “wildfire” (arson fires <https://cctruth.org/wildfire/>)
31
32 season, there are no reservoirs for which air support can get water to drop
33
34 on the fires. Towns of Klamath Falls OR and Yreka Ca are in grave fire
35
36 danger. Furthermore, if further destruction of Iron Gate dam is not reversed
37
38 then massive flooding every spring in Siskiyou County CA.
39

1
2 These are the applicable environmental laws broken by defendants:

3
4 16 USCA § 1532(19); see also Goble, D. D.; George, S. M.; Mazaika, K.;

5
6 Scott, J. M. & Karl, J. (1999) "Local and national protection of endangered

7
8 species: An assessment," Environmental Science & Policy, 2, pp. 43-59.

9
10 18 U.S. Code § 41 - Hunting, fishing, trapping; disturbance or injury on

11
12 wildlife refuges.

13
14 The Endangered Species Act of 1973,

15
16 <https://www.fws.gov/laws/endangered-species-act/section-11>

17
18 33 U.S.C. §1251 et seq. (1972) Clean water act Section 404

19
20 18 USC 3 accessory after the fact

21 More importantly, standing is inherent or built-in by the Defendants'

22
23 violations of Federal Environmental law and the seven values articulated

24
25 therein, reserved for every citizen of the United States. Also moving back to

26
27 the Klamath Area gives legal standing.

28
29
30
31 **PRAYER FOR RELIEF**

32
33
34
35 1. Plaintiff hereby respectfully requests the court to issue a Writ of

36
37 Mandamus that Defendants charge Plaintiff's team with the task of

38
39 restoring the Klamath river back to its original Wild and Scenic

1 condition as mandated by Congress, with dams and fish ladders and
2
3 grant Injunctive Relief to halt all further deconstruction. Plaintiffs team
4
5 are real scientists like chemical engineers who know how to separate
6
7 contaminants from the silt. Defendants obviously don't know how to
8
9 do this and are just growing polluted grass and shrubs.

10
11
12 2. Plaintiff hereby respectfully requests the court to order Defendants to
13
14 immediately surrender KRRC license and transfer all remaining
15
16 control and money to Salmon Protection Device non-profit.

17
18 Salmonprotectiondevice.com has Chemical Engineers and scientists
19
20 who know how to mitigate the contaminated silt and install fish
21
22 ladders on Iron Gate and JC Boyle Dams.

23
24 3. Plaintiff respectfully requests the federal court to vacate the
25
26 3:24-cv-00755-JR final dismissal on 7/26/2024. This Federal Court
27
28 dismissal was based on KRRC's legal counsel untruthful ECF's and
29
30 wrong use of case law and federal law. Plaintiff already warned them
31
32 if they do this again, he will ask for full adjudication to the FBI to be
33
34 prosecuted to the full extent of the law.

35
36 4. Acknowledge standing based on Federal Environmental laws broken
37
38 with associated 7 Values denied to Plaintiff, class action members

1
2 and Plaintiff's actions take to move out of state to California due to
3
4 harms inflicted by Defendants' malfeasance.

5
6 Yes, Plaintiffs home is for sale. 18965 NW Illahe St, Portland, OR
7
8 97229 | Zillow.

9
10 With a proper ruling by the Federal court, Plaintiff will move back to
11
12 the Klamath basin in California and rectify the environmental mess
13
14 left by KRRC. Plaintiff was 11 Bravo in the Army and Vietnam who
15
16 knows firsthand what a war zone looks like. The devastation in the
17
18 Klamath basin is akin to a war zone.

19
20 5. Plaintiff hereby requests the court to provide relief with a signed
21
22 injunction by a Writ of Mandamus, and Summary Judgement because
23
24 defendants are not doing what they are legally required to do by
25
26 FERC and Army Corp of Engineers and the federal Clean Water Act
27
28 Section 404. Defendants' have made public confession of these
29
30 crimes and have nonetheless proceeded with their nefarious, criminal
31
32 activity. The gravity of this case requires a court order that commands
33
34 a government official or entity to perform an act it is legally required to
35
36 perform as part of its official duties, or refrain from performing an act
37
38 the law forbids. Persistent failure by KRRC's legal counsel to

1
2 properly format court documents is a secondary, but not
3
4 inconsequential reason to grant Summary Judgment.

- 5
6 6. Designate the Salmon Protection Device remediation team to the task
7
8 of project mitigation immediately to avoid more lethal environmental
9
10 consequences of Defendants' gross negligence. This is much
11
12 worse than the Exxon-Valdez oil spill and Defendants' actions
13
14 devastated all aquatic life west of the Iron Gate Dam. EPA has been
15
16 notified and is likely to declare it a Super-Fund Cleanup.

17
18 This designation needs to specify that no person shall go near the
19
20 Klamath River without a gas mask on until the salmon protection
21
22 device team removes and scrubs the contaminated silt on the
23
24 riverbanks. Every day that goes by is a threat to the lives of local
25
26 residents and wildlife.

- 27
28 7. Plaintiff hereby requests the court to provide Also any cost to the
29
30 Plaintiff as the court sees fit.

- 31 8. Plaintiff respectfully request the federal court for injunctive relief. This
32
33 designation as signs ever ¼ mile and at ever road and parking spot needs to
34
35 specify that no person shall go near the Klamath River without wearing a
36
37 gas
38 mask until the salmon protection device team removes and scrubs the

1
2 contaminated silt on the riverbanks. This included signage in English and
3
4 Spanish like this:

5
6 The river and silt are contaminated with very high levels of Arsenic,
7
8 Chromium 6 and DDT. Do not come near without a gas mask on. Do not eat
9
10 any fish from the river they are contaminated also. See
11 <https://salmonprotectiondevice.com/klamath-dams/>
12 Signed federal Magistrate Judge Mark D. Clarke
13

14 El río y el cieno están contaminados con niveles muy altos de arsénico, cromo 6 y
15 DDT. No se acerque sin una máscara de gas. No coma ningún pescado del río, ya
16 que también está contaminado. Consulte
17 <https://salmonprotectiondevice.com/klamath-dams/>
18 Firmado por el magistrado federal Mark D. Clarke
19
20
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23 **Date:** _____
24
25

26 **Signature Honorable Judge** _____
27
28
29
30

31 **CERTIFICATE OF SERVICE**

32 I hereby certify that on August 8th, 2024, a true and correct copy of the
33 above document was electronically filed with the Clerk of the Court using
34 CM/ECF. A copy of the document will be served upon interested parties via
35 the Notices of Electronic Filing that are generated by CM/ECF. Additionally,
36 a courtesy copy is being provided as follows:
37

38 Attorneys for Defendants Dave Coffman, Mark Bransom and
39 Klamath River Renewal Corp.

1 Julia E. Markley, OSB No. 000791
2 JMarkley@perkinscoie.com
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4 MHoulihan@perkinscoie.com
5 1120 N.W. Couch Street, Tenth Floor
6 Portland, Oregon 97209-4128
7 Telephone: +1.503.727.2000

8
9 Via hand delivery

10 Via U.S. Mail, 1st Class,
11 Postage Prepaid

12 Via Overnight Delivery

13 Via Facsimile

14 Via Email

15 Via CM/ECF notification

16 to the extent registered DATED: August 8th, 2024.

17 By: David White

1
2 

3 David C. White Pro Se. 8/8/2024
4

5 **Exhibit 1**



Camas, LLC
680 G Street, Suite C
Jacksonville, OR 97530
P 458.229.8392
www.camasllc.com

13 February 17, 2022

SPN: 2003-279850

14
15 L. Kasey Sirkin
16 Lead Biologist, Eureka Field Office
17 U.S. Army Corps of Engineers
18 601 Startare Drive, #13
19 Eureka, CA 95501
20

21 **RE: Lower Klamath Dam Removal: Relocation of Sediments within Copco No. 1 and Iron Gate**
22 **Reservoirs**
23

24
25 Dear Ms. Sirkin,

26 On May 3, 2019, the Klamath River Renewal Corporation's (Renewal Corporation) submitted the USACE
27 Section 404 Application for the removal of four dams known as the Lower Klamath Project FERC No.
28 14803, USACE SPN-2003-279850. The Renewal Corporation then submitted two application updates,
29 August 4, 2020, and September 30, 2021. The updates provided additional information representing the
30 progression of design from 60% to 100%. The application updates included the activity for the removal of
31 a limited amount of accumulated sediment in front of mechanical equipment from the upstream side of
32 Copco No. 1 and Iron Gate dams to achieve operation of the equipment as part of dam removal. On January
33 20, 2022, we hosted a site visit to discuss dam removal activities that will occur in the "pre-drawdown
34 year," in which you attended, as well as William Conner and Tori White. During the visit, it was determined
35 that additional information is recommended regarding the relocation of the accumulated sediment material
36 into the Waters of the United States as the best and most reasonable option. This letter provides the
37 additional information requested.

38 The dam removal process involves drawing the reservoir water levels down prior to commencing dam
39 removal activities. Reservoir drawdown procedures at each facility differ based on dam configuration and
40 existing conditions within each reservoir and adjacent areas. The drawdown operations at Copco No. 1 and
41 Iron Gate dams require removal of reservoir sediment immediately in front of mechanical equipment prior
42 to the beginning of drawdown. The removal will clear the openings of the new low-level outlet at Copco
43 No. 1 and historic diversion tunnels at both Copco No. 1 and Iron Gate. Specific operations at each facility

1 and rationale for retaining the accumulated sediments within Waters of the United States are described in
2 the following paragraphs.

3 **COPCO NO. 1**

4 Copco No. 1 reservoir drawdown will be achieved by boring a low-level outlet tunnel through the center of
5 the concrete dam from the downstream side during the pre-drawdown year, and then opening the low-level
6 outlet to drain the reservoir. Once the reservoir is drawn down to the elevation of the historic cofferdam,
7 the historic diversion tunnel will be opened to allow the reservoir to drain completely. The Renewal
8 Corporation plans to remove approximately 15,000 cubic yards of accumulated sediment and debris fro
9 the upstream end of the low-level outlet and historic diversion tunnel before opening them. Removing the
10 sediment and debris will facilitate the safe passage of river flows and sediment during drawdown and during
11 dam demolition and removal. The sediment removal will be conducted from a floating barge using a
12 clamshell dredge, and the sediments will be relocated to an open water site within Copco No. 1 reservoir.

13 The Renewal Corporation conducted multiple design workshops as well technical meetings to establish the
14 use of the low-level outlet and historic diversion tunnel as the best approach for achieving drawdown in a
15 safe and efficient manner. As part of these meetings, the open water deposition site was determined to be
16 the best option for relocation of the dredged sediments for these reasons:

- 17 1. The Proposed Action is intended to discharge the majority of accumulated reservoir sediment
18 downstream. The sediment material directly in front of gates and tunnels will be the first sediment
19 released. The placement of the dredged material from the gate and tunnel to the upstream
20 location in the reservoir aligns with the intention of the Proposed Action. The newly placed
21 dredged sediment will be suspended during drawdown and released. Placement in this upstream
22 location will only delay the timing in which it will be released.
- 23 2. The upstream deposition site is on a submerged shelf that will become an upland area after dam
24 removal. Any dredged sediment remaining after dam removal will be in an upland site outside of
25 Waters of the United States. The reservoir upland areas will become property of the State of
26 California after dam removal. The State of California is a co-licensee as part of the FERC process.
- 27 3. The open water deposition site location was selected to be far enough away from the dam and is
28 in a shallow area, to limit any material transporting back to the dam site prior to drawdown,
29 causing an impediment to the low-level outlet.
- 30 4. The reservoir inundated area is within the FERC Project Boundary, and therefore within the control
31 of the Renewal Corporation. The majority of the upland property surrounding Copco No. 1
32 reservoir is privately owned and therefore suitable upland locations are not accessible.
- 33 5. The dredging needs to be completed just before the opening of the low-level outlet, to remove
34 the risk of natural flow processes depositing sediment back in front of the outlet. The open water
35 deposition site allows for expedience in moving the material.

36 **IRON GATE**

37 The Iron Gate reservoir drawdown will be achieved by opening the gates of the historic diversion tunnel.
38 In the pre-drawdown year, additional inspections of the diversion tunnel approach channel may reveal
39 accumulated sediment. If the Renewal Corporation determines that accumulated sediment could cause an
40 obstruction to the diversion tunnel, divers will clear the sediment from the diversion tunnel approach

1 channel and side-cast the material within Iron Gate reservoir. While the Clean Water Act Section 404
2 permit application (SPN-2003-279850) includes a maximum of 1,500 cubic yards of sediment relocation,
3 the actual amount of dredged sediment is expected to be much smaller. Underwater video surveys and
4 sonar bathymetric surveys have shown very little sediment accumulation in the diversion tunnel approach
5 channel. This work activity was included in the permit application in case unexpected sediment has
6 accumulated in the time since the most recent surveys were completed in late August 2020. The river based
7 method of removing small quantities of sediment is the least impactful and most time efficient method
8 available. In-water relocation of the dredged sediment is appropriate as the sediment will be evacuated
9 from the reservoir area during drawdown, which is consistent with the goals of the Proposed Action.

1
2 If you require any further information or documentation, please direct any such request to my attention
3 at the contact details identified below. Thank you.
4

5
6 Sincerely,



8
9 _____
10 Matt Robart, Project Scientist
11 Camas, LLC
12 matt@camasllc.com

13
14 cc: William Connor, North Branch Chief, Regulatory Division, U.S. Army Corps of
15 Engineers Mark Bransom, Chief Executive Officer, Klamath River Renewal
16 Corporation

17 Exhibit 2

18 PERKINS COIE

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PerkinsCoiel.com

19 August 5, 2024

20 VIA ELECTRONIC FILING

21 Kimberly D. Bose

22 Secretary, Federal Energy Regulatory

23 Commission

24 888 First Street, N.E.

25 Washington, D.C. 20426

26 Re: David White's Filing in Docket P-14803-000 ("Plaintiffs Request for
27 Emergency Hearing on Docket"), FERC No. 14803-000.

28 Dear Secretary Bose:

1 This letter addresses the filing by an individual, David White, posted July
2 31,2024, purporting to request an “emergency hearing on docket” and
3 seeking “FERC’ immediate action to rescind KRRC’s permit to remove the
4 Klamath River dams and

5 restore the two dams they are destroying to their previous condition with a
6 trench to install a fish ladder.”¹ Mr. White’s improper collateral attack on the
7 Commission’s November 17, 2022 license surrender order (“Surrender
8 Order”)² was recently rejected by the U.S. District Court for the District of
9 Oregon.³ Long after the deadline for rehearing has passed, Mr White, an
10 individual that was not a party to the license

11 surrender proceeding in question, now asks FERC to entertain his untimely
12 appeal. Mr. White’s request for an emergency hearing should be rejected
13 and his “request for rehearing” should be denied.⁴

14 For context, the Klamath River Renewal Corporation (“Renewal
15 Corporation”), together with its co-defendants Mark Bransom and Dave
16 Coffman (together,

17 “Defendants”), has for several months been engaged in litigation to dismiss
18 a lawsuit by Mr. White brought in the U.S. District Court for the District of
19 Oregon.⁵ In May 2024, Dave White submits Request for Emergency
20 Hearing re the Lower Klamath Hydroelectric Project under P-

21 14803. (July 31, 2024), FERC Accession no. 20240731-5185.

22 Order Modifying and Approving Surrender of License and Removal of
23 Project Facilities, 181 FERC ¶

24 61,122 (November 17, 2022).

25 ³ Opinion and Order (July 26, 2024), *White v. Klamath River Renewal*
26 *Corporation et. al.*, Case 3:24-cv-

27 00755-JR (D.OR.).

28 Mr. White’s filing does not comport with the requirements of Rule 713 and
29 does not appear to be a

30 competent pleading of any type allowed by Rule 202. The Renewal
31 Corporation does not concede that Mr. White’s

1 filing is sufficient to evoke the jurisdiction of the Commission for its stated
2 purposes. Moreover, Mr. White's

3 factual allegations lack the support of evidence and are without merit.

4 5 Complaint, ECF 1 (May 3, 2024), White v. Klamath River Renewal
5 Corporation et. al., Case 3:24-cv-

6 00755-JR (D.OR.)

7 Kimberly D. Bose

8 August 5, 2024

9 Page 2

10 Mr. White filed a complaint to enjoin the decommissioning of the Lower
11 Klamath

12 Project—a year and a half after the Commission issued its Surrender Order
13 and the

14 Renewal Corporation initiated decommissioning pursuant to that order. Mr.
15 White also

16 filed a motion for preliminary injunction and various other “emergency”
17 motions

18 requesting, among other things, to declare the “FERC document null and
19 void,” impose

20 criminal penalties on Defendants, and require the reversal or at least major
21 changes to

22 decommissioning, all of which the Court denied.

23 On July 29, 2024, the Court issued an Opinion and Order (“Order”)
24 dismissing

25 Mr. White's case. The Order is included here for reference as Attachment
26 A.

27 The Court saw Mr. White's lawsuit for what it was: an improper collateral
28 attack

1 on the Surrender Order. Prior to bringing his lawsuit against the Renewal
2 Corporation

3 this past spring, Mr. White had no history of participation in Docket P-
4 14803-000 or its

5 sub-dockets, and to our knowledge never sought to intervene in the
6 Commission's

7 proceedings regarding license surrender and decommissioning of the
8 Lower Klamath

9 Project. With his filing, Mr. White seeks to bring his impermissible attack on
10 the

11 Surrender Order to the Commission, and where that attack failed before the
12 Court, it must

13 also fail here. Plaintiff never sought rehearing of the Surrender Order—no
14 party did, for

15 that matter—and the deadline to do so is long past.⁶

16 This latest effort to revive the lawsuit is frivolous. Dam removal is nearly
17 done. It

18 is also vexatious. Before the Court, Mr. White filed a motion or other
19 pleading every

20 three days on average, ignoring procedural orders. He used these highly
21 repetitive

22 pleadings to attack the ethics and competency of the Renewal Corporation
23 and our

24 contractors, the Court, and the Commission alike. The prospect is more of
25 the same here.

26 For the reasons stated above, the Commission should deny Mr. White's
27 untimely

28 appeal and request for an emergency hearing. The Renewal Corporation
29 respectfully

1 seeks Commission Staff's input whether Mr. White's filing merits further
2 response.

3 Should Commission Staff require any further information, please direct any
4 such requests

5 to counsel as identified below.

6 6 Even assuming Mr. White had been granted intervenor status, the
7 deadline to seek rehearing was thirty

8 days after the Commission's issuance of the Surrender Order, or
9 December 17, 2022. 18 C.F.R. § 385.713(b).

10 Kimberly D. Bose

11 August 5, 2024

12 Page 3

13 Respectfully submitted,

14 s/ Markham A. Quehrn

15 Markham A. Quehrn

16 Perkins Coie LLP

17 Attorneys for Klamath River Renewal Corporation

18 Richard Roos-Collins

19 General Counsel, Klamath River Renewal Corporation