U.S. District Court
District of Oregon (Eugene (6))
CASE #: 6:26-cv-00956-MTK
EMERGENCY REQUEST FOR PRELIMINARY INJUNCTIVE RELIEF TO STOP DETROIT DAM DRAWDOWN

Marion County v. U.S. Army Corps Of Engineers et al
Assigned to: Judge Mustafa T. Kasubhai
Cause: 05:702 Administrative Procedure Act

Date Filed: 05/13/2026
Jury Demand: None
Nature of Suit: 893 Environmental Matters
Jurisdiction: U.S. Government Defendant
Value is $1 billion

Plaintiff

Marion County
a Political Subdivision of the State of Oregon

represented by **Stephen Elzinga**
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V.

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Intervener Plaintiff
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V.

Defendant

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Defendant

Daniel P. Driscoll
in his official capacity as Secretary of the Army

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Romney S. Philpott , III
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Defendant

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

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V.

Intervener Defendant

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Intervener Defendant

Native Fish Society

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I. Basis for Jurisdiction

A federal Question of 33 U.S.C. § 1251and 42 USC 6A

Unannotated Title 33. Navigation and Navigable Waters

The objective of this chapter is to restore and maintain the chemical, physical, 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
[33 U.S.C. 1251 a, 1-7 (1) it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;

42 USC CHAPTER 6A, SUBCHAPTER XII: SAFETY OF PUBLIC WATER SYSTEMS the provisions of the Federal Water Pollution Control Act

The cost of dredging behind the dams and fixing the fish ladders is $600 Million. The cost to provide relief to citizens, cities and counties for plumbing repairs and upgrades will be $400 million. The cost of a chemistry test for the green Peter dam is $2 million.

II. Statement of Claim

1. Class Action members and Plaintiffs are Irreparably harmed

(directly affected) by the proposed loss of hydroelectric, clean energy, projected for the next decade.

2. Class Action members and Plaintiffs are Irreparably harmed (directly affected), by the proposed drawdowns because of resulting, silt-laden, dark colored water running from their faucets.

3. Class Action members and Plaintiffs are harmed (directly affected) by the local municipal city and county water systems using up all available water filters in a few days following the most recent Green Peter drawdown.

Plaintiff visited Green Peter dam with his sister and talked to one of the operators of the dam. Plaintiff was told that the silt has built up to

775 feet above the stream bed on the upstream side, and the fish

ladder at 525 feet has been plugged with silt since 1989. This has produced direct harm to Plaintiff and Class Action members.

4. On the way home Plaintiff called the Oregon State University Professor who published the incomplete science report in a predatory journal. In twenty minutes, Plaintiff convinced him that their proposed draw-down solution was much worse than the problem because it suffocated the fish. He agreed to the dredge proposal.

5. Plaintiff's sister will testify to this conversation.

6. Defendants failed to consult with the true local stake holders living close to the affected dams to discover the correct solution. They seem to lack good investigative skills required by the scientific method, choosing rather to rely on purveyors of incomplete science to support a favored, preconceived hypothesis.

7. 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.

Therefore, the Statement of Claim requirement in this case has been satisfied.

https://www.northwestobserver.com/index.php?ArticleId=3356

8. There is no reason to do the Detroit lake drawdown. The issue they have is the fingerlings heading back to the ocean can't find the fish ladder because it's at the wrong height. I told the Corp in a meeting in sweet home about the need to put a stainless steel fence on the upstream side of the dam to prevent the fingerlings from going through the dam. Then the leaders of the schools of fish will find the fish ladder and go down it.

9. The BiOP is based on junk cherry picked science. This is fish biologists on the East coast of the USA telling the Northwest what to do for dams with almost no input from the west coast. An Injunction to stop it will is this filing. Following this scientific nonsense has killed endangered species of salmon and violates the clean water act. **https://www.nwp.usace.army.mil/Missions/Environmental-Stewardship/Fish/WVP-BiOP/.** In addition, by the June 2024 Loper Bright Supreme Court ruling the Chevron Doctrine is null and void to 2005 which allowed The EPA, FERC and the Corp of Engineers to cherry pick for their false agenda's. https://thelawisyourattorney.com/loper-bright-enterprises/

This is a violation of 33 U.S.C Chapter 26.

10. The Northwest Grid is crashing. Plaintiff went to a Cascade policy institute where Grid Expert John A. Charles, Junior on October 18th 2023 showed the Northwest Electric Grid is 2.2 Gigawatts short. Now with the Klamath River Dams gone the grid is negative 2.375 gigawatts. The seven dams in question are almost one gigawatt of clean renewable power.

11. Defendants solution for Salmon in the Willamette Valley Oregon is junk cherry picking 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

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

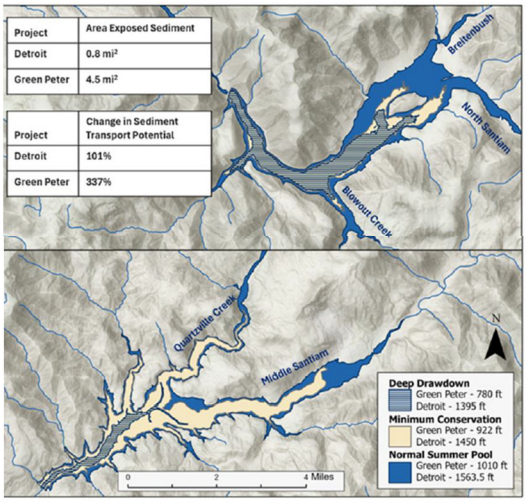
Unannotated Title 33. Navigation and Navigable Waters

The objective of this chapter is to restore and maintain the **chemical, physical, 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; [bold added]

https://salmonprotectiondevice.com/Federal_Clean_Water_act_Teaching.pdf

These drawdowns violate every component of the Clean Water act “Restore and maintain the chemical, physical, and biological integrity”

Potential Deep Drawdown Impacts



Green Peter and Detroit Drawdown Areas

Source: US Army Corps of Engineers



Santiam River Confluence during the 2023 deep drawdown of Green Peter Dam

This image shows clearly violation of clean water act from the green peter dam drawdown. The north Santiam river will look the same if Detroit Dam has a drawdown.

Klamath Dam illegal Removal.

- The results of this evaluation suggest the Klamath Reservoir sediments can be
- considered relatively clean, with no chemicals present at levels that would preclude their release into downstream or marine environments.
- https://salmonprotectiondevice.com/CDM_2011_0119_Screening_Level_Evaluation_of_Contaminants_in_Sediments_1.pdf
- Klamath lake sediment which fed the four dams has 96 times the allowable level Chromium 6.

Table 2. Chemicals in 2009-2010 Klamath Reservoir Sediment that Exceed One or More Freshwater Sediment Screening Levels

Chemical	COPC Based on Detect (D) or Elevated Reporting Limit (RL)	Units	Range of Detections for Detected Analytes that Exceed One or More Screening Levels	Range of Reporting Limits (RL) for Non-Detects	Ratio of Maximum Chemical Concentration to SL for Detected Analytes[a]	Screening Values Exceeded	Highest of Screening Value Hierarchy Level[b]
Lower Klamath							
Chromium	D	mg/kg	96	--	1.0	**SL1-FWS**, SL2-FWS, FWS TEL, FWS LEL, FWS PEL, FWS TEC	2b

- Klamath lake sediment which fed the four dams has 40 to 200 times the allowable level Arsenic.

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

Chemical	COPC Based on Detect (D) or Elevated Reporting Limit (RL)	Units	Range of Detections for Detected Analytes that Exceed One or More Screening Levels	Range of Reporting Limits (RL) for Non-Detects	Ratio of Maximum Chemical Concentration to SL for Detected Analytes[1]	Screening Values Exceeded
J.C. Boyle Reservoir						
Arsenic	D	mg/kg	4.3 - 15	---	38 - 214	**EPA RSL TOT CAR**, **CHHSL Res**, CHHSL Comm

Ron Edwards a 30-year operator of Foster Dam and Green Peter Dam has 300 pages of malfeasance of the Corp of Engineers in letters he sent to his superiors. A link to intervener Plaintiff David Whites OneDrive:

https://1drv.ms/b/c/d172f747c79ee46a/IQAPUb2zDNNFSrCXbv0clgsfAR_NxoSnx_u-xOFWUZGnQkk?e=7Kg37s

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III. Relief

Injunctive relief to stop the illegal drawdowns of the dams specifically the Detroit dam drawdown scheduled for November 27th 2026.

Additional injunctive relief is for Defendants to pay Salmon Protection Device $2 million to test the silt behind the Green Peter Dam.

IV. Certification and Closing

Conclusion

To improve all salmon and other fish runs, the fish ladders need to be improved and the sediment build-up behind the dams (from almost 100

years) needs to be dredged up and removed. Salmonprotectiondevice.com has the NOAA Fisheries approved fish ladder design criteria. Around $30 million is the cost to dredge behind each dam.

A Section 408 and Joint Permit Application are underway. Intervener Plaintiff's brief clearly shows the violation of the Clean water act) which resulted in the death of numerous endangered species.

Many valid reasons have been given as to why the Preliminary injunctions must be granted by the Court.

https://thelawisyourattorney.com/loper-bright-enterprises/ Chevron doctrine is null and void to 2005. Therefore, the 2008 and 2024 Biological Opinions are illegal cherry picked opinions.

This EO 13175 (EO) of President Clinton was not codified into federal law. This EO Expired end of President Clinton term. Therefore, saying Indians have first choice for water issues is illegal.

Executive Order (EO)13175 - Consultation and Coordination With Indian Tribal Governments

[Federal Register: November 9, 2000 (Volume 65, Number 218)] [Presidential Documents]
[Page 67249-67252]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr09no00-167]

Presidential Documents

Title 3--
The President [[Page 67249]]

Executive Order 13175 of November 6, 2000

Consultation and Coordination With Indian Tribal Governments

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes; it is hereby ordered as follows:

Section 1. Definitions. For purposes of this order:

(a) ``Policies that have tribal implications'' refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

(b) ``Indian tribe'' means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

(c) ``Agency'' means any authority of the United States that is an ``agency'' under 44 U.S.C. 3502(1)

Intervener Plaintiff (IP) is a disabled veteran in care of the Crisis In pain group at the Portland Oregon VA. IP has ADA in this docket.

Stress which causes massive pain in IP's pinched sciatic nerve this is therefore a violation of ADA by 42 U.S. Code § 12101. Stress causes pain in pinched sciatic.

https://www.anssiwellness.com/stress-anxiety-sciatica-connection/

https://polarisptphx.com/can-stress-cause-sciatica-the-hidden-connection-explained/

https://ocwellnessphysicians.com/what-triggers-sciatic-nerve-pain/

Courts are not immune to ADA provisions.

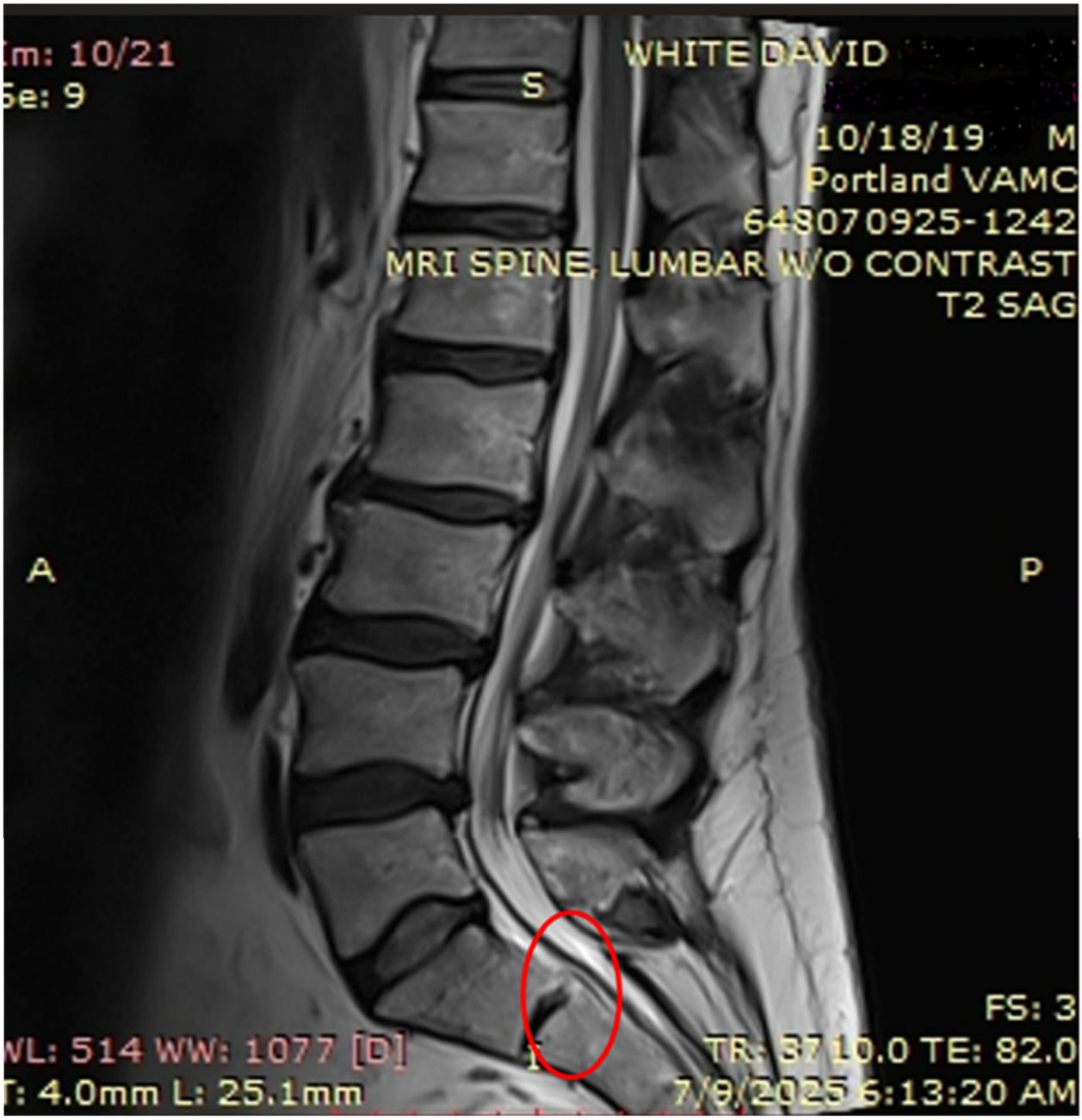
Intervener Plaintiff is a severely disabled veteran in care of the Crisis in Pain Group of the Portland VA.

1. Multi-level Degenerative Disc Disease
2. Facet Arthropathy
3. Central Canal Stenosis
4. Yellow Ligament Hypertrophy

The nearly closed gap in the red circle is pressing against the sciatic fibers which route between the discs and join with the main sciatic. These fibers are the ones which go down Petitioners left leg to the knee.


USE ONLY WHEN PERMIT HOLDER IS AN OCCUPANT OF VEHICLE.
NOT VALID FOR USE IN WHEELCHAIR-ONLY PARKING SPACES
OREGON
PQ 047144
PARKING PERMIT
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IMPORTANT: Remove from mirror before driving vehicle
FAMILY
PROGRAM

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m: 10/21
e: 9
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S
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Portland VAMC
648070925-1242
MRI SPINE, LUMBAR W/O CONTRAST
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FS: 3
WL: 514 WW: 1077 [D]
T: 4.0mm L: 25.1mm
TR: 3710.0 TE: 82.0
7/9/2025 6:13:20 AM

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AFFIDAVIT

Date: 09/22/2026

My legal name is Carrie Gerold, the affiant, and acknowledge I am:

- 49 years old.
- A resident in the state of Oregon with an address of 3699 NE John Olsen Ave., Hillsboro, OR 97124.

Being duly sworn, I hereby swear under oath that:

I, Carrie Gerold, know David White from Kangfulin Naturopathy Center and have been able to compare his physical health problem with lower back pain to other veterans under my care, 20- to 35-year-olds, who have the same multilevel degenerative disc disease from military service.

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statement is, to the best of my knowledge, true and correct.

Affiant's Signature: _____ Date: 9-22-26

9-22-26

State of Oregon
County of Washington

State of Oregon
County of Washington

Subscribed and sworn to (or affirmed) before me on this 22nd of September, 2026, by Carrie Gerold, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

WITNESS my hand and official seal.

Signature: _____ (Seal)

OFFICIAL STAMP
EMMA ROSE BEST
NOTARY PUBLIC - OREGON
COMMISSION NO. 1061534
MY COMMISSION EXPIRES AUGUST 17, 2029

My Commission Expires: 08/17/2029

This affidavit proves what Defendants GP at the VA Confirmed on the phone with Defendant regarding the genesis of this condition.

Vetsvillagecenter.org has Intervener Plaintiffs team service to our country that is 60%

declassified.

Respectfully Submitted

/S David White
Salmon Protection Device

CERTIFICATE OF SERVICE

I hereby certify that on November 17th, 2026, a true and correct copy of the

above document was filed with the Clerk of the Court using

mail. A copy of the document will be served upon interested parties via

the Notices of Electronic Filing that are generated by CM/ECF. Additionally,

a courtesy copy is being provided as follows:

METHOD OF SERVICE

X U. S. Mail.

X e filed and emailed by the email service ofthelawisyourattorney.com. ORCP 9C (3)

and g service by email for any court pleading is legal in Oregon. FRCP 4 defaults to

state service rules.

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Oregon Appeals Court
Oregon Supreme Court.
Federal Courts
Federal Appeals Court
US Supreme Court

Leland Dale Jossy 11/17/2026