

MOTION FOR A PRELIMINARY INJUNCTION, TEMPORARY
RESTRANING ORDER

TRO

UNITED STATES DISTRICT COURT

FOR THE DISTRIC OF OREGON

PORTLAND DIVISION

Case

**David WhiteP1
18965 NW Illahe St
Portland, Or 97229
Dave@salmonprotectiondevice.com**

v.

**Amy van Saun, as President D1
NORTHWEST ENVIRONMENTAL
DEFENSE CENTER,
newa@northwestenvironmentaladvocates.org
P.O. Box 12187
Portland, OR 97212-0187
503/295-0490**

**Betsy Gaines Quammen D2 as
president of WILDEARTH
GUARDIANS
info@wildearthguardians.org
301 N. Guadalupe St., Ste. 201
Santa Fe, NM 87501
Ph. 505.988.9126,**

**and Mark Sherwood D3 as Executive Director
NATIVE FISH SOCIETY
PO Box 1536, Oregon City, OR 97045
Office: 503.344.4218**

UNITED STATES ARMY CORPS OF ENGINEERS D4

NATIONAL MARINE FISHERIES SERVICE D5

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Attorneys for defendants D4

1) US constitution.

2) 18 USC 3 accessory after the fact..... 3, 34

3) 16 USCA § 1532(19);.....

4) 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.

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

6) 18 U.S. Code § 41 - Hunting, fishing, trapping; disturbance or injury on wildlife refuges.

7) The Endangered Species Act of 1973,

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

8) 18 U.S.C. § 1001 False Statements, Concealment.

9) 18 U.S.C. 1621 Perjury.

10) 18 USC 3 accessory after the fact.

11) 29 CFR § 1606.8 (1) – Harassment has the purpose or effect of creating an intimidating, hostile or offensive working environment

12) 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.

13) 33 U.S.C. §1251 et seq. (1972) Clean water act Section 404.

14) 29 CFR § 1606.8 (1).

15) 28 U.S. Code § 4101.

16) 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

17) 18 U.S.C. 1743. Perjury.

19 17) FRCP 3 (4).

1 TABLE OF AUTHORITIES

2

3 18) Article 3 of the

4

5 INTRODUCTION

6 State a claim

7 1. Class Action members and Plaintiffs are harmed (directly affected) by the proposed
8 loss of hydroelectric, clean energy, projected for the next decade.

9

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

13

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

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

19 775 feet above the stream bed on the upstream side, and the fish

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

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

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

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

31

32 7. There is no legal or scientific reason to remove any dam. Fish ladders work if
33 properly maintained. If a fish ladder on a dam doesn't work check with the operators of
34 the dam to find out, why.

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

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

37

1 **42 USC CHAPTER 6A, SUBCHAPTER XII: SAFETY OF PUBLIC WATER SYSTEMS** the
2 **provisions of the Federal Water Pollution Control Act [33 U.S.C. 1251 a, 1-7 (1)]it is the**
3 **national goal that the discharge of pollutants into the navigable waters be eliminated by**
4 **1985;**

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

11 **9. The BiOP is based on junk science. This is fish biologists on the East coast of the**
12 **USA telling the Northwest what to do for dams with almost no input from the west coast.**
13 **An Injunction to stop it will be filed. Following this scientific nonsense has killed**
14 **endangered species of salmon and violates the clean water act.**
15 <https://www.nwp.usace.army.mil/Missions/Environmental-Stewardship/Fish/WVP-BiOP/>

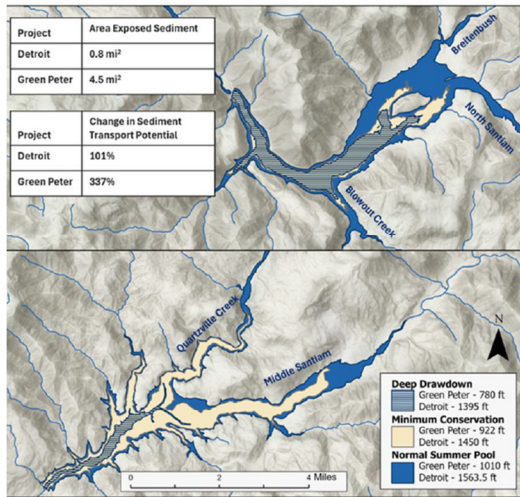
16 We have a Writ by Rule 20 in The U. S. Supreme Court which will make this Bi-OP null and
17 void.

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

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

23 11. Defendants solution for Salmon in the Willamette Valley Oregon is junk science at best.
24 Defendants killed more COHO Salmon than they saved. This is a violation of 18 U.S. Code § 41
25 - Hunting, fishing, trapping; disturbance or injury on wildlife refuges. Specially section 676.
26 Hunting, trapping, killing, or capturing game on Norbeck Wildlife Preserve unlawful. Plaintiffs
27 request the court to consider the Oregon Coast is a wildlife preserve as it is.
28 <https://www.fws.gov/refuge/oregon-islands>

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.

A. Broken Laws: In so doing they have ignored and

cast aside the restraining directives of at least 5

federal environmental laws.

1. The Clean Air Act of 1967
2. Scott, J. M. & Karl, J. (1999) "Local and national protection of endangered species: An assessment," Environmental Science & Policy, 2, pp. 43-59.
3. 18 U.S. Code § 41 - Hunting, fishing, trapping; disturbance or injury on wildlife refuges.
4. The Endangered Species Act of 1973,
5. 33 U.S.C. §1251 et seq. (1972) Clean Water Act

Eight dams are being studied by The US Army Corps of Engineers USACE to remove hydropower also because of an east coast fake biological opinion. Why are people from Oregon caring about some east coast woke bureaucrat who doesn't know what they are talking about.

1 These Dams are: Detroit, Big Cliff, Green Peter, Foster, Cougar, Lookout
2 Point, Dexter and Fall Creek. If this is done the Willamette valley will loose
3 another gigawatt of power when the northwest grid is already short 2.21
4 gigawatts and getting worse.

5 The Plaintiffs Have Made the Required Showing for a Preliminary
6 Injunction

7 A. Plaintiffs Have Demonstrated a Likelihood of Success on the
8 Merits.

9 B. The Western Oregon and California Dams are critically
10 needed for clean power and

11 flood control. The issue with the fish ladders is the sediment buildup
12 behind the dams. It would have cost roughly \$30 million to
13 dredge behind the dams for each dam to get the fish ladders
14 working again for another 50 or 60 years.

15 Plaintiff hereby asks the federal Judge to take "Judicial Notice"
16 of the following and provide remedy for this criminal action
17 before further irreparable

18 harm is inflicted.

19 *For the foregoing reasons, this Court should grant the*
20 *injunctive relief Plaintiffs request, approve*

1

2 **II. The Bond Amount Is Reasonable**

3 \$40 million bond is needed to dredge behind Green Peter dam and fix the fish
4
5
6 ladder.

7 **III. Plaintiffs Should Be Provided with an Opportunity to Conduct**

8
9 **Expedited Discovery**

7
8
9 Prayer for relief.

10
11 Injunctive Relief

- 12 1. Plaintiff respectfully request the federal court for injunctive relief and
13 compel Defendants from doing any more to the Willamete valley dams until
14 the litigation is complete.
15 2. Plaintiff hereby respectfully requests the court to provide relief with a
16 signed injunction by a Writ of Mandamus.
17 3. 32
- 33
34

35 **Preliminary Injunction**

36 Plaintiff requests and moves the Court to approve this preliminary
37
38 injunction to stop Defendants from the well-documented, continued
39
40 environmental damage in the Willamette Valley Dams and lower areas because
41
42 of many violations of Federal law. In support of this injunction, are stakeholders in
43
44 Linn County who know the bad results of what happened at Green Peter.

4
5 Federal Judge signature to approve injunction.
6
7

8 **Date:** _____
9

10
11 **Signature Honorable Judge** _____
12

13 *security in the amount of a \$40 million bond to provide Plaintiffs with an opportunity to*
14 *conduct*

15 *expedited discovery and order such further relief as this Court deems appropriate.*

16 *Dated: August 29th, 2025*

17 Respectfully submitted,

18 
19
20
21

22 _____
David White Pro Se

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24
25 503-608-7611

26
27 dave@salmonprotectiondevice.com

28
29 **CERTIFICATE OF SERVICE**

I hereby certify that on August 28th, 2024, a true and correct copy of the above document was electronically filed with the Clerk of the Court using CM/ECF. 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:

Attorneys for Defendants 6

☐ Via hand delivery

☐ Via U.S. Mail, 1st Class,

Postage Prepaid

☐ Via Overnight Delivery

☐ Via Facsimile

☒ Via Email

☒ Via CM/ECF notification

to the extent registered DATED: August 28th, 2024.

By: David White

Acceptance for Filing
