

**Motion for a Preliminary Injunction, Temporary restraining order
(TRO)**

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

MEDFORD DIVISION

2

Case 1:24-CV-01291-MC

David White, Pro Se P1

18965 NW Illahe St,

Portland OR.

dave@salmonprotectiondevice.com

503-608-7611

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

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Klamath River Renewal Corporation

2 **TABLE OF AUTHORITIES**

3

1)Article 3 of the US constitution.

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

3) 16 USCA § 1532(19);.....

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.

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

5) 18 U.S. Code § 41 - Hunting, fishing, trapping; disturbance or injury on wildlife refuges.

6) The Endangered Species Act of 1973,

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

7) 18 U.S.C. § 1001 False Statements, Concealment.

8) 18 U.S.C. 1621 Perjury.

9) 18 USC 3 accessory after the fact.

10) 29 CFR § 1606.8 (1) – Harassment has the purpose or effect of creating an intimidating, hostile or offensive working environment

11) 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.

12) 33 U.S.C. §1251 et seq. (1972) Clean water act Section 404.

13) 29 CFR § 1606.8 (1).

14) 28 U.S. Code § 4101.

15) 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

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

17) FRCP 3 (4).

18) *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002): Pagtalunan was Pro Se and made numerous mistakes in filing his complaint resulting in the case being dismissed. However, upon appeal, the higher Court ruled that the lower Court was in error because they did not give allowance for Pagtalunan's lack of legal training.

Plaintiff likewise, has lack of legal training and respectfully requests the same allowance the higher court said Pagtalunan should have received.

INTRODUCTION

The 2018 FERC document (baseline document) required in item

(e) that the Klamath River Renewal Corporation (KRRC) must perform

mitigation prior to removing any dam on the Klamath River. In addition,

Items 24 to 30 contained local resident stakeholder's testimony expressing concern for loss of fish life due to arsenic poisoning, and wildlife from consuming the fish or arsenic in dried silt blowing in the wind.

Plaintiff has learned from KRRCs' Legal Counsel in Case 3:24-cv-00755-

JR that KRRC did in fact assure FERC that they had performed mitigation.

However, the environmental catastrophe they created proves that they

either did not mitigate, mitigated with inadequate or inappropriate

technique, or mitigated the wrong issues.

To illustrate, imagine a highway with three trees overhanging at about a

forty-five-degree angle. The transportation department sent out a crew to

mitigate the situation. However, the crew removed three trees on the

opposite side of the highway. Subsequently, a leaning tree falls on a car and kills four people. This would be faulty mitigation.

This is essentially what KRRC has done in destroying about 2000 fish, along with a herd of elk and some deer via negligence or lack of technical acumen. For example, virtually none of the required fencing was installed to keep wildlife out of harm's way. Likewise, fish were transported or otherwise incompetently mismanaged so as to kill large numbers by drawdown or crushing physical transport.

Yet, these upstream assaults on the environment pale in comparison to KRRC's wanton destruction of all aquatic life from Iron Gate dam to the ocean, 120 river miles (RM), on January 23, 2024. That was the result of their gross negligence in flushing 5 million metric yards of arsenic, chromium 6, and DDT-laden silt from behind the Dams on a single day, contrary to their express instructions to release gradually. Whether this was the result of KRRC's failure to communicate or accessory-to-the crime, Kiewit Construction's failure to obey instructions is yet to be determined. This includes silt on both sides of the river downstream of JC Boyle Dam. If defendants had simply dredged behind the dam and scrubbed the silt on-site, the problem would have been mitigated with minimal effort and expense. But due to their negligence and ignorance of scientific process, these enormous and highly contaminated silt deposits, now extend for hundreds of miles along the river banks.

Defendant 1 is *not* mitigating the contaminated silt simply by planting grass and shrubs on the banks. This is nothing more than an attempt to cover up the crime.

Plants obviously absorb arsenic and other poisons from the soil, which in turn kills any animal grazing along the shore. Unsuspecting humans are likewise fishing and eating their catch with the same lethal outcomes expected from previous testimony that Defendants' ignored.

This is a life-and-death situation that required emergency relief when Plaintiff first requested it in early May but was denied by administrative Procedural red-tape and Defendants' illegal delaying tactics are unconscionable. Is this not akin to misprision of a felony on behalf of the lower court?

According to <https://Montague.law> blog "injunctive relief is a legal remedy in the form of a court order that either commands or forbids a party from taking specific actions to avoid irreparable harm." How could the lower court possibly construe KRRC's actions as anything other than "irreparable harm?" The simple answer is that they relied on administrative decree to circumvent the law and place themselves above the law in violation of Article III of the U.S. Constitution. Any attempt to divine their motive is pure conjecture, but their biased ruling must not be permitted to stand.

Is the lower court to escape all responsibility for failing to interrupt a crime in progress? At the very least is their inexplicable malfeasance and denial of simple justice not to be repudiated and overruled?

The court docket thus demonstrates that case 3:24-cv-00755-JR final dismissal on 7/26/2024 must be vacated because it is based on untruthful filings of KRRC defendants and administrative decree, now emphatically declared illegal by the Supreme Court of the United States in July, 2024 midway through the trial.

That remedy and this Complaint are based on environmental laws broken by KRRC defendants and the new courtroom modus operandi required by the United States Supreme Court under Article III of the Constitution midway through the trial. The lower court was clearly ignoring the Supreme Court ruling throughout the course of the trial.

All parties take note that any references to the FERC document in this case are citing violations of the FERC document as *evidence*. They are in no way meant to construe that FERC is a co-defendant as Defendants' deceitfully implied and charged repeatedly in the lower court. If there is any doubt of this, please refer to the heading of this document. Should Defendants continue to insist on this characterization they are guilty of

fraud and felony.

COMPLAINT

The accusations in this complaint are such a serious threat to human residents and wildlife as to compel an immediate transfer of license for purpose of effective mitigation. It is imperative for the commissioners at FERC to immediately cancel KRRC's license and transfer it along with KRRC's remaining funding for this project to salmonprotectiondevice.com for scientific remediation.

A. Scientific Fraud: As noted, KRRC has failed to proceed in compliance with approved scientific method and requirements of federal law. They have failed to perform preliminary research by obtaining or ignoring actual science and choosing instead to embrace junk science contrary to the scientific method. The result is an environmental calamity of Exxon-Valdez proportions that EPA will almost certainly declare a SuperFund Cleanup Project.

Defendants were not without warning. Nonetheless, they have been untruthful to the public and regulators justifying dam removal in the name of pseudo-science and with little regard to life and health of human and natural wildlife. They proceeded on the basis of a biased scientific belief system, ignoring normal scientific and monetary procedures which requires inquiry and input of local stakeholders, such as operators of the

dam, local residents above and below the dam, in addition to just the local Indian Tribes.

Testimony obtained independently, from local residents reveals virtually unanimous opposition to removal of the dams. The Corps of Engineers opposes removal of the dams. Dam operators throughout the Western Oregon area oppose removal of the dams and the slipshod, amateurish methods taken to reduce turbidity that have destroyed fish and other Wildlife. In spite of this Defendants show no remorse whatsoever and persist in defending their abhorrent assault on the environment with blame-shifting and endless prevarication.

B. 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

C. Shocking Vandalism: Flaunting the constraints of these laws they then proceeded to commit the most egregious acts of public vandalism this country has every witnessed:

"There is no question that Defendants' actions amount to an egregious act

of public vandalism on an unprecedented scale. Vandalism is defined as [”an intentional act that defaces, mars, destroys, alters, or otherwise damages another’s property without that person’s permission.” The five environmental laws violated by defendants emphatically deny permission to the destruction perpetrated.

“If the damage from vandalism is minimal, the offense will likely be punished as a misdemeanor. Misdemeanors typically carry up to a year in local jail, plus fines. However, an offense that involves "significant" damage could be charged as a felony. Vandalism crimes motivated by hate or bias may also carry felony penalties, as could repeat property offenses.

“In vandalism cases, judges often order restitution to the property owner. Restitution usually involves paying for repair costs, but in vandalism cases, the judge may also order the defendant to actually do the cleanup or repairs.

FACTUAL BACKGROUND

Defendants did not involve stakeholders (page 3, paragraph 2, also page 4). The Northwest electrical grid is crashing and we needed this clean power source (exhibit 2 in this complaint). Defendants participated in destruction of public property protected by the endangered species act (page 9 in the complaint). The dredging option, when pointed out to open

minded scientists is quickly endorsed as the only viable option (Page 12 in the complaint).

Furthermore, defendants showed no concern for loss of critically needed hydro-electric power for Oregon and California, inevitable destruction of downstream property due to sediment fallout, erosion, flooding, mitigation of potential arsenic poisoning, destruction of firefighting capabilities, and unrestrained loss of fish and animal life.

“This is public vandalism and a hate crime on a scale never before recorded in American history. Restitution is required in the form of

providing funds for replacement of the two-largest power producing dams

that they wantonly destroyed: The Iron Gate and the J.C. Boyle.” (<https://legal-info.lawyers.com>).

D. Deceptive Coverup: Defendants then proceeded in all haste to commit their act of public vandalism before effective public protest could be organized against it. This involved Defendants failure to perform the required mitigation. They uploaded a document to FERC and Army Corps of engineers claiming that they did perform effective mitigation. They then proceeded with their pernicious acts of public vandalism and have made every attempt to cover it up.

The coverup included and includes:

- Cherry-picking evidence of a favored group and displaying hate

and bias toward all downstream stakeholders by ignoring overwhelming contrary evidence they presented.

- Rushing through the mitigation process with disastrous results noted above
- Confession during public whitewashing of the destruction of fish and wildlife in an OPB article. (See Exhibit 1)
- Hasty planting of trees and shrubs over the infected areas to disguise the irreparable damage, with no intent to mitigate the dangerous levels of Arsenic and Mercury 6 reported by the 2011 Department of Interior study.
- Images and sham chemistry test that Defendants uploaded to FERC, which left out their deceptive sampling methodology and reporting it to the media as reliable.
- Repeated deceptive delaying tactics in the lower court to deceive the lower court judge and expedite their vandalism.

An OPB article featured in Exhibit 1 provides a good overview of Defendant's innumerable strategic and tactical blunders in the commission of this multi-facted crime. The out-of-state groups featured in the article include "The crew from the restoration company Resource Environmental Solutions, or RES, and Northern California's Karuk Tribe." The Klamath River Renewal Corporation likewise, is also California based, which only reinforces their refusal to take into account the concerns of local

stakeholders.

The complaint with this injunction details the urgent need for injunctive relief.

CONCLUSION

I. ARGUMENT

The Plaintiffs Have Made the Required Showing for a Preliminary Injunction

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

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

flood control. The issue with the fish ladders is the sediment buildup

behind the dams. It would have cost roughly \$30 million to dredge behind the dams for each dam to get the fish ladders working again for another 50 or 60 years.

Plaintiff hereby asks the federal Judge to take "Judicial Notice" of the

following and provide remedy for this criminal action before further irreparable

harm is inflicted.

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

1. Plaintiff respectfully requests the federal court for injunctive relief and force FERC to remove KRRC license and give it and their remaining funds for the project to salmonprotectiondevice.com
2. Plaintiff hereby respectfully requests the court to provide relief with a signed injunction by a Writ of Mandamus, and Summary Judgement because KRRC continues to ignore what they are legally required to do by FERC and the Army Corp of Engineers, and the federal Clean Water Act, Section 404.

3. Plaintiff hereby respectfully requests the court to provide relief to Plaintiffs (class action members) because they are likely to suffer irreparable harm in the absence of preliminary relief. A simple solution to issues on the Klamath River could have been arrived at by talking with stakeholders as Plaintiff has done on his own time and dime.
4. The Balance of Equities Favors the Plaintiffs. KRRC had no exemption for civil or criminal penalties for killing over 2,000 fish and a herd of elk who wandered onto the mud and sank as if it were quicksand.
5. The Issuance of a Preliminary Injunction is in the Public Interest for devastation due to lack of flood control.
6. The Issuance of a Preliminary Injunction is in the Public Interest for devastation due to lack of fire control, provided by the dam reservoirs. At least one fire chief has reported water from the Klamath basin was all that saved Klamath Falls from destruction during forest fires last year.
7. Plaintiff respectfully requests the federal court for injunctive relief with signs posted. This designation needs to specify that no person shall go near the Klamath River without wearing a gas mask until the salmon protection device team removes and scrubs the contaminated silt on the riverbanks. This includes signage in English and Spanish like this:

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

El río y el cieno están contaminados con niveles muy altos de arsénico, cromo 6 y DDT. No te acerques sin una máscara de gas. No comas pescado del río, también está contaminado. Ver <https://salmonprotectiondevice.com/klamath-dams/> Magistrado federal juez Mark D. Clarke

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II. The Bond Amount Is Reasonable

\$40 million bond is needed to dredge behind Iron gate dam and install a fish ladder.

III. Plaintiffs Should Be Provided with an Opportunity to Conduct Expedited Discovery

Prayer for relief.

Injunctive Relief

1. Plaintiff respectfully request the federal court for injunctive relief and compel FERC to remove KRRC license and give it and their remaining project funds to salmonprotectiondevice.com
2. Plaintiff hereby respectfully requests the court to provide relief with a signed injunction by a Writ of Mandamus, and Summary Judgement because KRRC continues to ignore what they are legally required to do by FERC and the Army Corp of Engineers, and the federal Clean Water Act, Section 404.
3. Plaintiff respectfully requests the federal court for injunctive relief This designation needs to specify that no person shall go near the Klamath River without wearing a gas mask until the salmon protection device team removes and scrubs the contaminated silt on the riverbanks. This included signage in English and Spanish like this:

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

Preliminary Injunction

Plaintiff requests and moves the Court to approve this preliminary injunction to stop Defendants from the well-documented, continued environmental damage in the Klamath basin because of many violations of the FERC document. **In support of this injunction**, Plaintiff uploaded a request for hearing and removal of KRRC’s license in P-14803-000.

El río y el cieno están contaminados con niveles muy altos de arsénico, cromo 6 y DDT. No se acerque sin una máscara de gas. No coma ningún

1 pescado del río, ya que también está contaminado. Consulte
2 <https://salmonprotectiondevice.com/klamath-dams/>
3 Firmado por el magistrado federal Mark D. Clarke

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 8th, 2024*

17 Respectfully submitted,

18 
19
20

21 _____
22 David White Pro Se

23 18965 NW Illahe St.

24
25 503-608-7611
26

27 dave@salmonprotectiondevice.com
28

29 **CERTIFICATE OF SERVICE**

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

36 Attorneys for Defendants Dave Coffman, Mark Bransom and
37 Klamath River Renewal Corp.

38 Julia E. Markley, OSB No. 000791

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6
7 Via hand delivery
8 Via U.S. Mail, 1st Class,
9 Postage Prepaid
10 Via Overnight Delivery
11 Via Facsimile
12 Via Email
13 Via CM/ECF notification

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

15 By: David White
16 Acceptance for Filing
17 -----

18 **Exhibit 1**

19
20 **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/)**
21 **reservoir-drawdown-water-quality-discussion/**

22
23 Thousands of fish that inhabited the reservoirs have also died. These are
24
25 mostly non-native species, including yellow perch, crappie, and bass that
26
27 “It was always expected that these species would not persist,” said Dave
28
29 Coffman, geoscientist for Resource Environmental Solutions, or RES,
30
31 during the press conference.

32
33 OPB is cheering them on, apparently oblivious to the deep-seated
34
35 concerns of dam custodial technicians and local residents. With electricity
36
37 brown-outs soon to be a regular occurrence, removal of this vital source of

1
2 clean energy is to be charitable -- irrational. Not to mention the devastating
3
4 impact on the very environment the alleged do-gooders are professing to
5
6 save.

7
8 Let's take a closer look at the OPB article one paragraph at a time. Our
9
10 comments appear in bold-face type.

11
12 RES is California-based with virtually no understanding of the vital role the
13
14 dams play in the human and natural ecosystem of Oregon. Not to mention
15 the sale of Oregon power to electricity-starved California.

16
17 They correctly identify a hundred years of silt-buildup behind the dams as
18 the problem. But then they jump to the absurd conclusion that dam
19 removal is the only viable solution. Why not remove the silt instead of the
20 dam? Duh. A simple remedy like dredging behind the dam and installation
21 of a fish ladder on the Iron Gate eludes the pseudo-scientific mind.
22 Apparently not enough drama to satisfy the woke craving to wipe out all
23 evidence of human stewardship of our natural resources. One thorough
24 dredging operation would resolve the problem for at least the next 50
25 years.

26
27 This is the only factual statement we could find in the article: "As that
28 [algae] makes its way downstream, it decomposes," says Desiree Tullos,
29 professor of water resources engineering at Oregon State University. "That
30 process sucks oxygen out of the water."

31
32 "In the coming weeks, water will be let out from behind the three **remaining**
33 dams on the Klamath River. A century's worth of sediment that has piled up
34 behind the dams will also flow downriver."

35
36 This is true. According to the article, 17-20 thousand tons of silt has built up
37 behind the dams. Most of this will flow downstream and settle out at river
38 bends where the water slows; it won't make it to the ocean. This will alter
39 the river flow with catastrophic results for local residents. Many homes,
40 farms, and businesses will be devastated. Flooding not seen since the

1 early 1900s will be an annual event. The massive release of silt will kill
2 most fish and ruin downstream estuaries.

3
4 “The crew from the restoration company Resource Environmental
5 Solutions, or RES, and Northern California’s Karuk Tribe are spending two
6 weeks catching as many young Coho salmon as they can and relocating
7 them to specially constructed ponds next to creeks. By doing so, they hope
8 to protect the Endangered Species Act-listed fish from the deluge of
9 sediment that will be released when water from three Klamath River
10 reservoirs is released this month — a major step toward the removal of
11 three major dams.”

12
13 What they don't tell you is that fish at the bottom of the nets are being
14 crushed by the weight of the other fish when the net is lifted out of the
15 water. That’s not counting the fish that die during the water draw-downs.
16 They have a permit to move fish, but no license to kill them in such
17 quantities. Their permit lists probable fish kills by type but has no exempt
18 request of civil or criminal penalties. In their recent OPB press conference,
19 it was admitted killing thousands of fish.

20
21 “If these young Coho survive the initial disruption to the river, they could
22 help make history. “These young fish could be some of the first adult Coho
23 salmon to return to a free-flowing Klamath River in over a century,” says
24 Chase. “It’s even possible some of the fish moved during this effort could
25 return to spawn above the Iron Gate Dam location.”

26
27 The only thing making history here is the mental derangement of the
28 extremists who are engineering this absurdity. Anytime you see the word
29 “if” watch out. “If” means they don’t have enough knowledge to say for
30 certain. The items you’re reading in bold are for certain.

31
32 “Scientists, fishermen and environmentalists agree that removing the four
33 dams of the Lower Klamath Project will benefit anadromous fish like
34 salmon, steelhead and lamprey. But the process will have “unavoidable
35 negative short-term impacts on aquatic species that we all want to protect,”
36 says Dave Meurer, director of community affairs for RES. “You will see
37 dead fish on the banks.”

38
39 On what do Scientists, fishermen and environmentalists agree? Virtually
40 every scientist we’ve talked to is quick to endorse the dredging option as

1 soon as it's pointed out to them.

2

3 They're thrilled when they learn about the solutions being considered at
4 SalmonProtectionDevice.com. Likewise, It's only the radical
5 environmentalists who drink the Kool-Aid of their own propaganda, but
6 even they are sometimes compelled to admit the obvious.

7

8 For example: "Dave Meurer, director of community affairs for RES. "You
9 will see dead fish on the banks."

10

11 "The four dams were built between 1903 and 1962. The smallest, Copco 2,
12 was completely removed this October." The other two were removed in
13 early 2024.

14

15 "There's about 17 to 20 million cubic yards of sediment built up behind the
16 three remaining dams," says Ren Brownell, spokesperson for the Klamath
17 River Renewal Corporation, the entity charged with dam removal. "Through
18 the drawdown process, we expect five to seven million cubic yards of
19 sediment to go downstream."

20

21 If 17 to 20 million cubic yards of sediment have built up behind the three
22 remaining dams, then 17 to 20 million cubic yards of sediment will be
23 washed downstream to be deposited at river bends or any other low-flow
24 area. This may easily alter the river direction wreaking havoc on existing
25 farms and homes, all exacerbated by the annual flooding that is no longer
26 controlled by the dams.

27

28 "KRRRC has decided to rip the Band-Aid off and drain all three reservoirs
29 near simultaneously — first Iron Gate, then J.C. Boyle about a week later,
30 then finally, Copco Lake. This slightly staggered approach ensures more of
31 the sediment will slough into the flowing river rather than being stranded
32 along the disappearing lake shores. Crews with RES will help wash the
33 sediment downriver as reservoir levels drop."

34 This statement is utter nonsense. All of the sediment will slough into the
35 flowing river and deposit anywhere the water speed slows. "Crews with
36 RES will help wash the sediment downriver as reservoir levels drop" This
37 will cause more buildup behind the last remaining Iron Gate Dam and
38 more released when it is destroyed.

39

40 Where are the local stakeholders? Why are their voices being ignored?

1
2 ““I do worry about the sediment coming down from JC Boyle,” says Linda
3 Ebert, who lives on the north shore of Copco Lake. “We’ve been assured
4 more or less that the EPA reports on it that it’s not that toxic. But I don’t
5 have a whole lot of faith in those reports, quite frankly.”
6

7 Other residents are concerned about dust that will form once the muddy
8 footprints of the reservoirs dry out and before new vegetation takes root.
9 Resident Francis Gill sees parallels with Condit Dam, which was removed
10 from the White Salmon River in Washington state in 2011.

11
12 “For the first year or two, I guess, the dust was kind of a big issue up there,
13 until the grasses and everything kind of filled in,” says Gill. “So, if it’s toxic,
14 you can see how the wind can blow around here in the afternoons. It
15 comes from down river and blows up canyon.”
16

17 These are the very valid concerns of local residents, who are typically more
18 likely to grasp common-sense solutions than out-of-state, self-appointed
19 “experts.”
20

21 Each dam removal adds to the body of knowledge around how rivers
22 recover from these barriers. But it’s also important not to make
23 assumptions about one dam removal based on another, says Tullos. For
24 instance, the removal of two dams on the Elwha River, also in Washington,
25 didn’t have a big impact on water quality.
26

27 “There was a lot of sediment, but it was coarse — like gravel and sand,”
28 says Tullos. The distance of the dam from the river mouth, the nature of the
29 built-up sediment, how quickly the dam is breached — all of these play a
30 role in where and how quickly the material moves downriver.
31

32 As the reservoirs are drawn down, all of the water and sediment will gush
33 through a 14-foot wide tunnel at the base of Iron Gate dam. The release
34 will be relatively controlled compared to Condit Dam, which was breached
35 with a dramatic blast. Even so, the first pulse will turn the river into
36 “chocolate milk,” says Tullos. Most of the finer silt and clay will likely stay
37 suspended in the river all the way out to the ocean but coarser material will
38 fall out in the stretch of river below Iron Gate. That’s a good thing, says
39 Chase.
40

1 That is not a good thing. As the silt goes down the river it will fill in one side
2 at corners and change the river flow and direction. It could flow through a
3 town or farm and have devastating results.

4
5 That last statement from the OPS article is simply not true: “Most of the
6 finer silt and clay will likely stay suspended in the river all the way out to the
7 ocean but coarser material will fall out in the stretch of river below Iron
8 Gate.”

9
10 Most of the finer silt and clay and coarser dirt will fall out at every river bend
11 where the river slows down.

12
13 “One of the benefits of dam removal is going to be recovering and re-
14 establishing the more natural movement of sediment from upstream to
15 downstream,” he explains.

16
17 This should help build habitat for a suite of native creatures, including
18 salmon, which dig their nests in fine gravel, and lamprey, which spend the
19 first part of their lives burrowed into silt and sand. The sediment should also
20 help scour off the colonies of worms that host C. Shasta, a disease
21 organism that plagues Chinook salmon. In some years, over 90% of the
22 fish sampled below Iron Gate dam have been infected with C. Shasta and
23 likely died.”

24
25 One marginal benefit pitted against the many draconian consequences of
26 dam removal. That’s an ecotage transaction that only a radical
27 environmentalist would buy into, regardless of the consequences to man or
28 nature.

29
30 “Meanwhile, Tullos and graduate student Christine Alfred have installed
31 dissolved oxygen sensors below the dams and will use these and existing
32 USGS gauges to track water quality following drawdown.”

33
34 Great! That’s like setting a house on fire and using a thermometer to record
35 how fast it’s burning.

36
37 These same sensors would do far more good in the fish ladders after the
38 sediment is removed from behind the dams to detect any increase in
39 turbidity and the need for more dredging. Typically, a thorough dredging
40 operation would be good for 50 years or longer.

1
2 “The goal of that is to understand what is really driving that extraction of
3 oxygen from the river, which is important for fish, right?” says Tullos. “Fish
4 need oxygen.” Their work will piggyback on monitoring by USGS and the
5 Karuk and Yurok Tribes, which will be tracking how the sediment affects
6 water quality, fish, and the shape of the river itself.”

7
8 It’s not rocket science for any real scientist to realize that decaying organic
9 matter and accompanying turbidity will remove oxygen from the water and
10 kill the fish. Anyone with a home aquarium knows that if the water gets
11 cloudy the fish die.

12
13 “The funny thing about this pond was, we really didn’t have any design
14 standards at that point,” says Soto. “We were kind of like, OK, we’re just
15 going to dig a hole and see what happens.” Coho, which can spend one,
16 two, or even three years in rivers and creeks before heading to sea, flocked
17 to the pond; even adult fish have returned there. Since that first experiment,
18 the Karuk Tribe and Mid Klamath Watershed Council have built 35 of these
19 ponds alongside several tributaries. The ponds stay cooler in summer and
20 warmer in winter, and fish grow fat fast — “coho greenhouses,” Soto calls
21 them.

22
23 More eco-centric pseudoscience designed to tickle the ears of the gullible.
24 Let’s just dig a hole and see what happens. That is reckless disregard for
25 the human and environmental consequences. No hypothesis? No data
26 collection. No peer reviewed science-based conclusions? Soto is fortunate
27 that his non-hypothesis “experiment” did not end up a disaster.

28
29 “Any salmon or other fish remaining in the main stem of the Klamath River
30 will know what to do should water quality plummet, says Soto. “I have a lot
31 of faith that the fish that do stay [in the river], if water quality gets too bad,
32 they’ll move. There’s plenty of tributaries around here where they can find
33 refuge.” His crew will turn to monitoring and reacting once drawdown
34 begins on Jan. 11; if they find fish crowding around creek mouths, they will
35 consider moving them to safety. But first, he’ll take a moment to celebrate
36 the milestone that’s been decades in the making, and which now feels as
37 inevitable as the flowing river itself.

38
39 “Any salmon or other fish remaining in the main stem of the Klamath River
40 will know what to do should water quality plummet, says Soto.

1 “As soon as they blow the plugs, I’ll be drinking a beer and going OK
2 there’s no turning back now,” says Soto.”

3
4 How can Soto speak with such confidence? Is he a fish whisperer? It took
5 many years to “train” fish to use fish ladders in the Columbia River system.
6 Why, when the Green Peter lake level was lowered so dramatically did fish
7 die and simply come to the surface rather than swim upstream toward
8 cleaner water.

9
10 A fish swimming in turbid water is like a person walking through a patch of
11 fog. It’s all too easy to get disorientated and start walking (or swimming) in
12 circles.

13
14 After reading this article, let us hope that OPB will stick with entertainment
15 from now on and leave science to real scientists.

16
17
18 The statements by the alleged scientists in this article are not based on
19 anything resembling legitimate science. Oregon has carelessly placed
20 these life-altering decisions in the hands of amateur, wannabe scientists.

21
22 True science starts with informal research. Nowhere in this article is there
23 any indication that these out-of-state interlopers actually talked to dam
24 operations personnel or downstream water users before taking any action.
25 Had they done so they could easily have avoided the “chocolate milk”
26 conditions in the Green Peter reservoir seen below. If this is the result of
27 their initial effort, let’s cut our losses and take the only inexpensive,
28 common-sense action that will actually resolve the problem.

29
30 It will spare us years of grief when we finally wake up too late and realize
31 we squandered a priceless heritage bequeathed to us by our ancestors. All
32 the dams need is dredging on the upstream side to get the fish ladders
33 working again for at least another 50 years. Or in the case of the Iron Gate
34 dam installing a fish ladder. If we take them out and then after years of
35 flooding, decide we want to put them back in, it will take another 8-10 years
36 and obviously far more money. The fish have been using those ladders for
37 most of a century.

38 **Exhibit 2**

39
40 As noted in the complaint, Defendants have failed to proceed in compliance

1 with approved scientific method. Defendants are in effect, pseudo-
2 scientists who operate on a scientific belief system instead of the
3 universally required open-mind scientific method that marshals all evidence
4 before proceeding. Nowhere is this more evident than Defendants' self-
5 serving lack of concern for the effect of their vandalism on the NW power
6 grid in Oregon and California.

7
8 **A.** The folly of dam removal is illustrated by projections that the Northwest
9 Power grid is projected to crash this year due to the added burden of
10 electric vehicles. We desperately needed the 165 megawatts annually that
11 these dams produced to help with the failing grid.

12
13 **Prior to purchase,** EV owners were not informed about the recharging
14 load. This
15
16 means that power outages and brownouts are inevitable because of too
17 many EVs
18
19 and reduced power generation.

20
21 Starting next year, by recent analysis, The Northwest power grid will
22
23 be short by 927 Megawatts and growing. In ten years the grid will be
24
25 short 8150 Megawatts, according to data provided by 2023 PNUCC
26
27 Northwest Regional Forecast. See Exhibit 1.

28
29 **B) The folly of relying on reduced emissions of carbon dioxide is**
30 **evident in the fact that it takes 150 years for atmospheric carbon**
31 **dioxide to dissipate. This is due to the phenomenon of residence**
32 **time. This means that Electric Vehicles have no effect whatsoever on**
33 **any imagined ill-effects of current CO2 levels.**

34
35 https://cctruth.org/residence_time.pdf

36
37 But guess what does reduce atmospheric CO2? It's called
38
39 Photosynthesis, **which has been retarded by unregulated cutting of the**

1 **Amazon rainforest for over half a century.** Massive reforestation efforts
2 in China,
3
4 India and Pakistan, have already solved the problem in the Northern
5
6 Hemisphere **in just the past few years.** Only fraudulent measurement
7 techniques at NOAA have concealed this, but my official IPCC watchdog
8 team has recently forced the firing of the fraudulent purveyors of this false
9 data.

10
11
12 In light of our looming power crisis removal of this vital source of clean, renewable
13 energy can do
14
15 nothing aggravate the problem. **Moreover, Defendants, including their hired agents,**
16 **Kiewit**
17
18 **Construction, must be compelled to pay restitution for rebuilding the Iron Gate**
19 **and J.C.**

20
21 **Boyle dams that their vandalism of public property has destroyed.**

22
23
24 The table below, along with other critical information, was presented by a grid
25 expert at an October 18, 2023 Cascade Policy Institute Conference. Note that for
26 this Winter, 2024-2025 the Northwest electric grid is projected to fall 927
27
28 megawatts short of demand. It is projected to be almost nine times as bad in 10 years.
29
30 The grid expert reported that they are talking about activating virtual generators at
31
32 homes to help make up the difference when needed. For example, a virtual generator is
33
34 equipped to switch the smart meter on a home which is charging an electrical vehicle at
35
36 night and drain the EV battery charge back into the grid.
37
38
39

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