

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF OREGON
3 PORTLAND DIVISION

4
5 **David White, Pro Se**
6 **18965 NW Illahe St,**
7 **Portland OR.**
8 dave@salmonprotectiondevice.com

Case 3:24-cv-00755-JR
PLAINTIFF RESPONSE TO
JURISDICTION
United States Magistrate
Judge Jolie A. Russo

9
10 **vs.**

11
12 **Defendant 1. (D1)**
13 **Dave Coffman, as geoscientist**
14 dcoffman@res.us
15 **Resource Environmental Solutions, (RES)**
16 **Corporate Headquarters – Houston**
17 **6575 West Loop South, Suite 300**
18 **Bellaire, TX 77401**
19 **713.520.5400 x6134**

20 **Defendant 2. (D2)**
21 **Mark Bransom in his capacity as Chief Executive Officer of**
22 **Klamath River Dam Renewal Corp. (KRRC)**
23 info@klamathrenewal.org

24 **Defendant 3 (D3)**
25 **Klamath River Renewal Corporation**
26 **2001 Addison Street, Suite 317**
27 **Berkeley, CA 94704**
28 **Phone: 510-560-5079**

29
30

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

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13 Suite 801
14 Berkeley, CA 94704
15 Telephone: 510.296.5589
16 *Attorneys for Defendants Mark Bransom and*
17 *Klamath River Renewal Corporation*

18

19 **1)18 USC 3 accessory after the fact.**

20

21 **2) 16 USCA § 1532(19); see also Goble, D. D.; George, S. M.; Mazaika,**
22 **K.;**

23

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

27

28 **4) 18 U.S. Code § 41 - Hunting, fishing, trapping; disturbance or injury**
29 **on wildlife refuges.**

30

31 **5) The Endangered Species Act of 1973,**

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

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

7) 29 CFR § 1606.8 (1) – Harassment Has the purpose or effect of creating

an intimidating, hostile or offensive working environment

8) 28 U.S. Code § 4101 The term “defamation” means any action or other

proceeding for defamation, libel, slander, or similar claim alleging that

forms of speech are false, have caused damage to reputation or emotional

distress, have presented any person in a false light, or have resulted in

criticism, dishonor, or condemnation of any person.

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

Defendants are KRRC and RES and their principles. This should be evident to all who take the time to read the heading material at the top of this document and every Pleading Plaintiff have submitted! Please do so.

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Are defendants' Legal Counsel are intentionally misconstruing this obvious fact to buy time for their clients to complete their crime.

Defendants are not FERC! Yes, we have critiqued the FERC document, but that is immaterial. Our complaint is against the gross negligence or incompetence of Defendants KRRC and RES and their principles for accepting such a flawed document in the first place and then violating many federal laws on which it was allegedly based.

Plaintiff would like to know if the Federal Court of Judges Nelson and Russo is a Court of law, or an administrative Court concerned primarily with procedural formalities. If the former, the Honorable Justices are surely aware that ECF 18 Defendants' motion to set briefing schedule is illegal. It contains many untruthful statements (e.g., 18 U.S.C. § 1001 False Statements, Concealment) and inappropriate use of federal law and case law.

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These ECF's filed prior to May 31st, 2024, describe why the Court is obligated in the cause of justice to dismiss ECF 18. ECF 27 Response to Joint Motion to Set Briefing Schedule filed at 1:36 PM PDT and filed on 5/22/2024 and ECF 24 Response in Opposition to Joint Motion to Set Briefing Schedule filed at 10:35 AM PDT and filed on 5/22/2024

In injunctive relief to satisfy the demands of justice, Defendant's must be required to "stop work" immediately and restore the two remaining dams back to their condition as of May 3rd, 2024. The unwillingness to move swiftly to grant injunctive relief in the face of such an egregious crime constrains us therefore to request that this Court convene as an Article III Court under the Constitution of the United States of America and inform Plaintiff immediately upon disposition.

Justices Nelson and Russo, with all due respect may we be so bold as to

1
2 inquire why you are ignoring or delaying injunctive relief from defendant's
3
4 evident violations of Federal law and case law? Why are these delaying
5
6 tactics based on procedural minutia being condoned for a full month now in
7 the face of an obvious crime in progress that has already inflicted
8
9 irreparable damage on man and nature.

10
11 The unwillingness to move swiftly to grant injunctive relief in the face of
12
13 such an egregious crime constrains us therefore to respectfully request that
14 this Court convene as an Article III Court under the Constitution of the
15
16 United States of America and to please inform Plaintiff immediately upon
17
18 disposition.

19
20 The evidence is overwhelming. Defendants prevaricated by affirming that
21
22 they had obtained the Army Corps of Engineers Section 404 permit, when
23
24 Defendants never even applied as required by law and even required by
25
26 the FERC document.

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Defendants obviously regard themselves as being above the law in their callous disregard for the environment.

Is it not evident that the damage below the Iron Gate dam is on the same order of magnitude as the Exxon-Valdez oil spill; we are not just saying this for effect. It takes decades for those estuaries to repair, not to mention the total annihilation of all aquatic life in 120 some miles of River due to sheer incompetence.

Is there no concern for preventing further destruction of the environment by those who have the money to do so?

Why do you not deal decisively with the defendants' illegal destruction of public property via defendants' wasting the Courts valuable time by manipulating out of context or irrelevant case law.

How is it that a pro se Plaintiff appears to have a better grasp on Federal Law and Federal case law than seven bar licensed attorneys? And yet our

1 application of that law is set aside, blocked or delayed while justice withers
2 on the vine and a breath-taking crime is committed in broad daylight is
3
4 winked at?

5
6 The deadline for Defendants to file a response to the complaint is May
7
8 28th.

9
10 The Motion to dismiss and motion for jurisdiction are both untimely and
11
12 must therefore be dismissed (denied) under federal law.

13

14 **Background:**

15

16 Defendants' "Motion for Jurisdiction" must not be granted FRCP 12(b) (6)
17
18 because the Plaintiff's complaint is legally sufficient, factual, and the
19
20 allegations are true as stated in Federal law.

21

22

23 Additionally, The FRCP rules on time do not apply. " Motion for Jurisdiction
24 " for insufficiently stating a cause of action does not hold water,

25

26 because Plaintiff's brief clearly shows the violation of the FRCP 404, (
27
28 Clean water act) which resulted in the death of numerous endangered
29
30 species.

31

32 Plaintiff filed this case May 3rd, 2024, and served defendants by email with

1
2 delivery and read receipts. Then on May 7th, 2024, Appellant filed the
3
4 injunction and served the Defendants and Defendants' Legal Counsel by
5
6 email.

7
8
9 The Plaintiff's ECF's were amended Pleadings which by Federal Rule 15
10
11 puts the dates to the original filing dates prior to the untimely Motion
12
13 to Dismiss ECF 37.

14
15 (c) Relation Back of Amendments.

16
17 (1) When an Amendment Relates Back. An amendment to a pleading
18
19 relates back to the date of the original pleading when:

20
21 (A) the law that provides the applicable statute of limitations allows relation
22 back;

23
24 (B) the amendment asserts a claim or defense that arose out of the
25
26 conduct, transaction, or occurrence set out—or attempted to be set out—in

1 the original pleading; or(C) the amendment changes the party or the
2
3 naming of the party against whom a claim is asserted, if Rule 15(c)(1)(B) is
4 satisfied and if, within the period provided by Rule 4(m) for serving the
5
6 summons and complaint, the party to be brought in by amendment:

7
8 (i) received such notice of the action that it will not be prejudiced in
9
10 defending on the merits; and

11
12 (ii) knew or should have known that action would have been brought
13
14 against it, but for a mistake concerning the proper party's identity.

15
16 ECF 40 at 7:04 PM on 6/1/2024 Motion Plaintiff's Emergency request to
17
18 stop Iron Gate dam destruction AMENDED.

19
20 Original

21
22 ECF 28 Plaintiffs Emergency request to stop Iron Gate dam destruction
23
24 filed at 0:44 AM PDT and filed on 5/23/2024.

25
26 ECF 32 Proposed Motion Gag Order request for defendants. 12:28 PM

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PDT and filed on 5/27/2024

ECF 31 MEMORANDUM OF POINTS (FERC document) 5:07 PM PDT and
filed on 5/24/2024

ECF 26 Original MEMORANDUM OF POINTS filed at 1:28 PM PDT and
filed on 5/22/2024.

ECF 27 Response to Joint Motion to Set Briefing Schedule filed at 1:36 PM
PDT and filed on 5/22/2024.

ECF 24 Response in Opposition to Joint Motion to Set Briefing Schedule
filed at 10:35 AM PDT and filed on 5/22/2024.

ECF 22 Plaintiffs REQUEST FOR CLARIFICATION FROM 4/20/24 filed at
3:50 PM PDT and filed on 5/20/2024. Still no response from the court. This
The delay appears to be the bias of the Court.

ECF 21 ORDER: Plaintiff's Emergency Motion, ECF [19], and Emergency
Motion, ECF [20], are DENIED for the reasons stated in this Court's May
16, 2024 Order. Plaintiff may file a response in opposition to defendants'

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Motion to Set Briefing Schedule by May 31, 2024. Defendants' motion will be taken under advisement on May 31, 2024. Ordered by Judge Adrienne Nelson. (dsg) filed at 2:38 PM PDT and filed on 5/20/2024.

Plaintiff filed by May 31, 2024, and still no decision on the Pleading.

Plaintiff, knowing Defendants do not have the required Section 404 permit the Army Corps of Engineers requires, applied for a Section 404 permit to rebuild Iron Gate and JC Boyle dams. With Plaintiffs permit pending, Defendants cannot file to obtain a Section 404 permit.

Here is the email sent to Army Corps of Engineers for a Section 404 permit for "pending court order."

Application has been submitted for a Section 404 permit to take over and rebuild Klamath River Dams. Defendants, Klamath River Renewal Corp, do not have a Section 404 permit. Please put out a press release that what they are doing on the Klamath River is unauthorized and therefore illegal.

Without the required Section 404 permit, corporate vandals are working to destroy a strategic source of clean energy and irrigation water. Release of

1 sludge water from the Iron Gate Dam in January triggered an
2
3 environmental catastrophe to rival the Exxon-Valdez oil spill, killing all
4
5 aquatic life for 60 miles between the dam and the Pacific.
6

7
8 Section 404 of the Clean Water Act (CWA) requires Corps' authorization
9
10 prior to discharging dredged or fill material into the waters of the United
11
12 States. Activities normally requiring a permit include:

13
14 Transportation facilities; Residential, commercial, or recreational
15
16 developments including roadways and utility lines. Revetments, groins,
17
18 breakwaters, levees, **dams**, dikes, riprap, and weirs.
19

20 Plaintiff has not only filed for the required Section 404 permit, which is

21
22 pending; but he has in his possession the Bonneville Dam fish ladder

23
24 drawings from the 1940s acquired from the Army Corp of Engineers. We

25
26 are ready to perform restitution and restoration of the two remaining dams

27
28 **AFTER** waiting the typical six months to get the permit.

29
30 This is the procedure is to be followed by Engineering protocol: 1) Obtain a
31 permit, then 2) commence work. Don't start the work and hope you don't

32

1 get caught without a permit. This would be like building a home without the
2 required permit. The local building inspector would immediately shut you
3
4 down. The injunction you must issue serves the same purpose.

5
6 Thus, for purposes of this case, the Court is left with no choice but to fall
7 back on the foundational federal laws and case laws that were so flagrantly
8 violated. Not only does the Court have jurisdiction, but it is the Court's oath
9 bound duty to uphold the integrity and justice of such flagrant violations of
10
11 Federal Law.

12
13 Violations include among other things failure to construct required fencing
14
15 resulting in death of a herd of elk near the dam site. In addition,
16
17 defendants confessed to leaving a pile of some 2,000 fish to die, bloating in
18 the sun. But these violations pale in comparison to the negligent release of
19 sludge water from the two destroyed Copco dams through the Iron Gate to
20 destroy all aquatic life in the 60 miles from the dam to the Pacific Ocean.

21
22 This is an environmental catastrophe on the scale of the notorious Exxon-
23
24 Valdez oil spill some years back. The EPA has been alerted to this
25
26 disaster and the FBI has requested that Plaintiff file our complaint with their

1 office.

2

3 Document Number: 47(No document attached)

4

5 Docket Text:

6 ORDER issued by Magistrate Judge Jolie A. Russo: On 5/31/2024,
7 defendants filed a potentially dispositive Motion to Dismiss for Lack of
8 Jurisdiction [37], for which a briefing schedule has now been set. Plaintiff
9 thereafter filed six additional motions ([40], [41], [42], [43], [45] & [46]),
10 including an "Emergency Request to Stop Iron Gate Dam Destruction" [40].
11 Briefing schedules will be reset and substantive rulings will issue
12 surrounding any motion filed subsequent to 5/31/2024 after a final
13 jurisdictional determination has been made. (gm)

14

15 Defendants have alleged over and over that the court lacks jurisdiction in

16

17 this case because of two other cases dismissed for lack of Jurisdiction. But,
18 in those two cases the complaints were against FERC! They do not belong
19 in any Pleading in this case against KRRC and RES.

20

21 It seems highly unlikely that a team of seven presumably competent

22

23 attorneys, plus staff, would be capable of such juvenile oversight. We are

24

25 left with the only logical alternative. This is just one more delaying tactic

26

27 designed to give their clients enough time to vandalize invaluable public

28

29 property irreparably.

1 Defendants are preying on the indulgence of the Court to prevent the
2
3 execution of the injunction necessary to stop a crime in progress. Already
4
5 that crime involves the destruction of some 60 miles of wildlife habitat on
6
7 the lower Klamath River – an environmental disaster of Biblical
8
9 proportions. It will take decades for these estuaries to recover and if KRRRC
10 gets its way, and the Iron Gate Dam is destroyed, they will never recover
11
12 due to uncontrollable flooding. The Court must act quickly to prevent this
13 injustice.
14
15 ECF46 is Plaintiffs’ debunking of the 2018 baseline FERC document. To
16
17 reiterate, Plaintiff is **not** asking the Court to order that the 2018 FERC
18
19 document is null and void. That is a task for FERC or the Ninth Circuit
20
21 Court of Appeals. Plaintiff is however, asking the court to order that ECF46
22 is the only FERC document to be allowed in this case. This of course is
23
24 totally understandable and reasonable. This District Court certainly has
25
26 jurisdiction to allow any document from either side to be applied to the

1
2 case.

3
4 **LEGAL STANDING**

5
6 Defendants have stated in Pleadings that the Plaintiff does not have legal
7
8 standing for this case. This is an erroneous Pleading.

9
10 Plaintiff has personal legal standing explained in ECF 42.

11
12 Plaintiff's legal standing is based on the federal laws broken by defendants
13 and overwhelming support by local stakeholders. Plaintiff also is a long
14
15 time Oregonian who grew up near Klamath Falls. Plaintiff's family hunted,
16
17 camped and fished around the Klamath area. Plaintiff is extremely
18
19 distraught to see the destruction of an area he and his family loved as a
20
21 child and still treasures.

22
23 Plaintiff is likewise negatively affected by impending rolling blackouts on the
24 Northwest Power Grid, negative 927 megawatts in 2014. Losing the 160
25
26 megawatts of the four Klamath River Dams will only exacerbate the

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situation. Case 3:24-cv-00755-JR Document 42 Filed 05/03/24 Page 12 of

13.

By these means, Plaintiff's love for the Klamath recreational area has

dimmed pursuant to Defendant's illegal vandalism. The ensuing

psychological and emotional duress has moved Plaintiff to the point of

selling his home, and moving out of state, with the sale likely to close

soon.

The Supreme Court in 1954, *Brown v. Education*, ruled that psychological

duress was proof of discrimination against African-American children. By

this same principle the psychological duress described above and

subsequent home sale for relocation is more than sufficient to establish

Plaintiffs' standing in this complaint.

Plaintiff is also requesting that the dramatic loss of real property

1 value suffered by mostly senior retirees in the retirement villages on the
2
3 former Copco recreational reservoirs be compensated by Defendants.

4
5 Their loss clearly stands out from the crowd as excessive and unusual, far
6
7 above other residents in the area affected by defendants' vandalism.

8
9 Their homes have been left high and dry roughly ½ mile from the river.

10
11 These senior citizens have suffered the loss in many cases of their entire
12
13 life savings, sacrificed to the scientific naiveté of upstream saboteurs
14
15 explained in our complaint. This loss of value is easily calculated by
16
17 referring to local real estate values. We are now collecting signatures to
18
19 make this a class action complaint by a required appeal for Joinder of
20
21 Parties in a Civil Complaint. It is incumbent on the Court to issue our
22
23 requested legal injunction to halt their vandalism until these just claims are
24
25 settled and irreparable damage has been inflicted by a crime in progress.
26 Note the words, "must be added to the complaint."

1 “
2 There are situations in which additional parties can be added to the lawsuit
3 via a **Joinder of Necessary and Indispensable Parties**
4 Court rules provide that a person who is deemed to be a necessary party
5 should be added to the lawsuit if it is feasible to do so. However, if the
6 person is not joined, the court will not dismiss the lawsuit. A person
7 deemed to be an indispensable party must be added to the lawsuit. An
8 indispensable party is a person the court considers absolutely necessary
9 for a resolution of the lawsuit. If the person is not joined in the lawsuit, the
10 court will dismiss the action.

11 [https://www.vslawyers.com/general-litigation-newsletters/joinder-of-parties-](https://www.vslawyers.com/general-litigation-newsletters/joinder-of-parties-in-civil-lawsuits/)
12 [in-civil-lawsuits/](https://www.vslawyers.com/general-litigation-newsletters/joinder-of-parties-in-civil-lawsuits/) Vassalo & Salazar, P.C.

13
14 Plaintiff is thus taking swift action to add parties from the Klamath Basin by
15 order of the court on motion of any party or of its own initiative at any stage
16 of the action and on such terms as are just.

17
18 [https://www.jdporterlaw.com/285-2/adding-new-defendant-lawsuit-lawsuit-](https://www.jdporterlaw.com/285-2/adding-new-defendant-lawsuit-lawsuit-initiated/#:~:text=Parties%20may%20be%20dropped%20or,such%20terms%20as%20are%20just)
19 [initiated/#:~:text=Parties%20may%20be%20dropped%20or,such%20terms](https://www.jdporterlaw.com/285-2/adding-new-defendant-lawsuit-lawsuit-initiated/#:~:text=Parties%20may%20be%20dropped%20or,such%20terms%20as%20are%20just)
20 [%20as%20are%20just](https://www.jdporterlaw.com/285-2/adding-new-defendant-lawsuit-lawsuit-initiated/#:~:text=Parties%20may%20be%20dropped%20or,such%20terms%20as%20are%20just)

21
22
23 Another reason is a long time (over 60 years) resident of Yreka California
24
25 who is harmed by the illegal (No Section 404 permit) activity of defendants.
26 Also, Anthony's love for the Klamath recreational area has dimmed
27
28 pursuant to Defendant's illegal vandalism. The ensuing psychological and
29
30 emotional duress is affecting Anthony and all his friends.

31

1 **Anthony Intiso Plaintiff Pro Se litigant.**
2 **416 Butte St. Yreka Ca. 96097**
3 **dbmining@sbcglobal.net**
4 **H530-841-0308**
5 **C530-598-9558**

6 Other Plaintiffs' pleadings were rejected simply because Plaintiff had a
7
8 running total of requested rulings in the pleadings. This was due to Court
9
10 inaction on a crime in progress. Plaintiff can find no federal law or rule
11
12 about this being illegal and the Court thus appears to have had no legal
13
14 basis to reject them. Plaintiff therefore filed a Pleading for Clarification and
15
16 thus far has not received any court provided explanation. Plaintiff has
17
18 subsequently removed the ruling list from Plaintiff's pleadings.
19
20 ECF 18 for a briefing schedule is not legal because of erroneous use of
21
22 federal case law and federal law and untruthful statements. This is
23
24 explained in the amended ECF 43.
25
26 The final day for Defendants to file the Motion to dismiss was either May
27
28 24th 2014 or May 30th, 2024. The Motion to dismiss is rejected as being

1
2 untimely among other things.

3
4 Subsequently, Defendants sent Plaintiff this email.

5 Mr. White,

6 Defendants plan to ask the Court to stay all deadlines related to Plaintiff's
7 motions and requested orders (that is, ECF 31, 32) pending the resolution
8 of Defendants' Motion to Dismiss and, if necessary, Plaintiff's Motion for
9 Preliminary Injunction. Defendants will also request the Court to clarify (1)
10 that the only responsive filing deadlines in effect are those specified in the
11 Court's Order granting Defendants' Joint Motion to Set Briefing Schedule
12 issued on May 24, 2024 (ECF 30), as modified by the Court's Order
13 regarding revised filing deadlines issued on June 3, 2024, ECF 44; and (2)
14 that the Court's resetting Order issued on June 4, 2024 (ECF 47) applies to
15 Plaintiff's filings ECF 31 and 32 as well.

16 Will you please let me know if Plaintiff opposes or does not oppose this
17 motion?

18 Thank you.

19

20 Julia E. Markley | Perkins Coie LLP
21 PARTNER | LITIGATION LEAD, PORTLAND

22 Pronouns: she/her

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24 Portland, OR 97209-4128

25 D. +1.503.727.2259

26 M: +1.503.704.7554

27 F. +1.503.727.2222

28 E. JMarkley@perkinscoie.com

29

30 This is Plaintiffs' response:

1 Yes, Plaintiff opposes your unethical jockeying to buy your client more time
2 to pursue their outrageous, illegal take down of the Klamath dams by the
3
4 illicit means already described. The base line FERC document the Court is
5 now reading requires in section f that your client must do mitigation of
6
7 stakeholders' issues. This was not done to any level of competence.

8
9 These were in fact the very issues adamantly expressed by 40-some
10
11 testimonies in 2017 with the California Water Board who then prevaricated
12
13 to FERC and withheld their testimony, as admitted by FERC personnel.

14
15 Some, who we will subpoena told Plaintiff that all we were ever given was
16
17 the Indian testimony and fake assurances that mitigation was complete.

18
19 Your client then proceeded to kill 2000 fish and a herd of elk without permit
20 by gross negligence.

21
22 Yet, you are erroneously suggesting to the court that they have no
23
24 jurisdiction over their own Federal laws that have been violated with
25
26 impunity by your client, when in fact they do have jurisdiction. I suggest you

1 read and make some effort to understand the last 6 pleadings and the one I
2 will file later this week. It is clear that you aren't interested in exposing the
3
4 truth; all you seem to care about is denial of your client's egregious half-
5
6 truths and concealment of their misdeeds. To wit, the refusal to admit to
7
8 the Court the vast extent of the environmental calamity already inflicted on
9
10 the lower Klamath by presenting several sham, procedural manipulations of
11 the law, lame excuses, and refusing discovery. Like a kid with his hand
12
13 caught in the cookie jar, all the while asking what cookie jar. It is glaringly
14
15 obvious that your client doesn't care a wit about the environment, or they
16
17 wouldn't have released tons of sludge from the Iron Gate to wantonly kill all
18 downstream aquatic life.

19
20 Today I believe the court started to see through your facade and stayed
21
22 your untimely motion to dismiss. All the attorneys in the world can't
23
24 conceal this fiasco, which is why the FBI and EPA is getting involved. If the
25 deconstruction company is wise, they will get out today while the getting is
26

1 good, as required by their construction contract. Get back to building and
2
3 stop destroying by an application of “social conscience,” befitting a
4
5 corporate leader.

6
7 Tomorrow I will contact the attorney from FERC and request instruction on
8
9 how to upload to FERC so they can declare the baseline document of 2018
10 null and void, as they seem inclined to do. I will also file to add Kiewit
11
12 construction to the complaint unless they “stop work” voluntarily and
13
14 immediately. And finally, tomorrow I will contact the FBI to see how far
15
16 along they are in their investigation of your client’s apparent criminal
17
18 activity.

19
20 Our proposal to construct 5 salmon protection devices and place them on
21
22 the Bonneville Dam is before the Oregon Water Board and NOAH fisheries.
23 This will restrain the Sea Lions (rather than the ongoing campaign to shoot
24 them) and restore Salmon Runs on the Columbia within 7 years. Our Corps
25 Section 404 and Joint Application are very soon to be approved.

26

1 The May 2nd, 2024 Chemistry test by Defendants was bogus at best..

2

3 [https://elibrary.ferc.gov/eLibrary/docfamily?accessionnumber=20240603-](https://elibrary.ferc.gov/eLibrary/docfamily?accessionnumber=20240603-5055&optimized=false)
4 [5055&optimized=false](https://elibrary.ferc.gov/eLibrary/docfamily?accessionnumber=20240603-5055&optimized=false)

5

6 Defendants say they chose 10 samples from river mile (RM) 234 (above

7

8 J.C. Boyle Dam) downstream to RM 110 (Happy Camp). This is 124 river

9

10 miles. Certainly not a statistical value. Also, in this document there is no

11

12 indication of the detailed methodology on how the samples were taken, as

13

14 required by the scientific method so they might be replicated.

15

16 As an example, a sample taken from the middle of the river which has been

17 continually washed will yield much cleaner results than a silt-laden shore

18

19 location 2 feet from the river's edge. The latter would be more

20

21 representative of the concentrations blowing in the wind from the dried silt.

22

23 [https://elibrary.ferc.gov/eLibrary/docfamily?accessionnumber=20240603-](https://elibrary.ferc.gov/eLibrary/docfamily?accessionnumber=20240603-5054&optimized=false)
24 [5054&optimized=false](https://elibrary.ferc.gov/eLibrary/docfamily?accessionnumber=20240603-5054&optimized=false)

25

26 Plaintiff talked with Matt Robert of Camas LLC who reported that all he

27

1 knows is the samples were taken with “standard protocol.”

2

3 Plaintiff checked the February 2024 KRRRC report, page 9, table 3 in

4

5 20240531-5300. This shows 1 million five hundred forty-six thousand

6

7 metric tons below Iron Gate dam from the release of sediment on January

8

9 23, 2024. The United States Environmental Protection Agency is now

10

11 considering this location for a super-fund cleanup.

12

13 Is the Court going to allow these abuses to be covered up? I doubt it very

14

15 much, if they are given the whole story of what is going on up there.

16

17 Klamath River near Klamath, CA (USGS 11530500) 1/1/2024 – 2/29/2024

18

19 1,546,786

20

21 [https://elibrary.ferc.gov/eLibrary/docfamily?accessionnumber=20240603-](https://elibrary.ferc.gov/eLibrary/docfamily?accessionnumber=20240603-5054&optimized=false)
22 [5054&optimized=false](https://elibrary.ferc.gov/eLibrary/docfamily?accessionnumber=20240603-5054&optimized=false)

23

24 **In short: Danielle admitted FERC violated their process for this**
25 **project. FERC will most likely declare the 2018 FERC document to be**
26 **null and void.**

27

1 The Federal Energy Regulatory Commission (FERC) License Surrender
2
3 Order, 181 FERC ¶ 61,122 (2022), dated November 17, 2022. The
4
5 Surrender Order is available to the public in full at
6 [https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20221117-](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20221117-3021)
7 [3021](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20221117-3021).

8
9 The California Water Board was concealing the truth on Page 13, item 2
10
11 and did not report the overwhelming public testimony to keep the Dams.
12
13 Many testifying were doctors. This was (California Water Board (CWA))
14
15 testimony that was supposed to go to FERC. Either FERC did not receive it
16 or they ignored this. Page 24 to Page 124 records 43 People
17
18 (stakeholders) speaking against Dam removal. This was ignored and
19
20 apparently not reported by FERC.

21
22 All they were given was Native American testimony based on emotion, folk
23 rock music, and a dearth of information or concern regarding the technical
24
25 applications that could have made everybody happy. Namely, dredging,
26
27 installation of fish ladders, and salmon protection devices to allow safe

1
2 access of salmon and gradual drainage of polluted water via the fish

3
4 ladders. Also, we have

5 [https://www.waterboards.ca.gov/waterrights/water_issues/programs/water](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/comments/gierak1.pdf)
6 [quality_cert/docs/lower_klamath_ferc14803/comments/gierak1.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/comments/gierak1.pdf)

7
8
9 **Executive Summary**

10
11 Plaintiff reviewed 20180315-3093 (FERC) mentioned by D23LC and

12
13 found twenty-five erroneous and/or nonsensical items. The FERC

14
15 document agreement has been violated many times by D2 and D3.

16
17 Therefore, D2 and D3 are not following the FERC document as stated by

18
19 D23LC. Here is the definition of mitigation from Merriam-Webster. “the act

20
21 of mitigating something or the state of being mitigated: the process or result

22 of making something less severe, dangerous, painful, harsh, or

23
24 damaging.”

25
26 <https://www.merriam-webster.com/dictionary/mitigation>. In addition to

27

1 impending floods, over 2,000 fish (including endangered Salmon) and a
2
3 herd of elk were killed without permits, not to mention arsenic and other
4
5 contaminants now blowing in the wind. This is another environmental
6
7 catastrophe in and of itself. Defendants have admitted in an OPB report
8 that they are learning as they go; i. e, they don't have a clue what they are
9
10 doing. What in the world are we doing turning the stewardship of priceless
11 Federal resources over to a bunch of amateurs who have no apparent
12
13 appreciation whatsoever of the gift bestowed on us by our ancestors. D2
14
15 and D3 were not even following the paucity of information the FERC
16
17 Document did happen to contain, scattered among 25 items of technical
18
19 nonsense. Therefore, among other items plaintiff moves the honorable
20
21 federal Judge Jolie A. Russo to an adjudication of criminal charges that
22
23 may be brought on Defendants and an adjudication which suggests the
24
25 FERC document is null and void for the purposes of this case. Plaintiff
26

1 delivered it to the FERC legal department in an email on May 16th, 2024

2

3 and asked them what level of the Federal Judiciary they believed can rule

4

5 the FERC Document null and void. To date we have received no

6

7 response.

8

9 As mentioned in the complaint, over a three-day period Plaintiff distributed

10

11 500 documents at the Holiday Supermarket in Klamath falls, which

12

13 demonstrated the need to dredge behind the dams as the logical

14

15 alternative to dam removal. All 500 agreed with the proposal, with one

16

17 exception who disagreed. While in Klamath falls, Plaintiff visited the State

18

19 Police office and talked to an on-duty State Policeman. Plaintiff asked what

20

21 would happen if plaintiff was caught with 100 fish bloating in the sun. The

22

23 Deputy responded, "you would still be in jail." Plaintiff asks Honorable

24

25 Federal Judge Russo for adjudication of criminal charges that may be

26

1 brought against defendants admitting in print to killing 2,000 fish left
2
3 bloating in the sun who have not been charged with any crime and are not
4
5 in jail. It is abundantly clear that the FERC document is not worth the paper
6
7 it is written on. It is scientific nonsense as detailed below and whatever
8
9 tidbits of good advice it did contain were ignored. The defendants are
10
11 working on destroying the Iron Gate dam during the pendency of this case,
12 even as we write this Pleading. If the Federal Court does not take decisive
13 action to issue the injunction, they are required by law to issue under such
14
15 dire circumstances it will be too late. Justice will once again be trampled
16
17 underfoot.

18 19 **End of Executive Summary**

20 21 1. [Report Environmental Violations](#)

22 23 2. Report Environmental Violations - Submitted

24 Your report has been successfully sent. Your confirmation is below.

25 **Report Environmental Violations -** 26 **Submitted**

- 1 Thank you for submitting information on a possible environmental violation. The
 2 information will be reviewed by EPA enforcement personnel.
- 3 This notice will be the only response you will receive regarding your submission. Due to the
 4 sensitive manner in which enforcement information must be managed by EPA, we cannot
 5 provide status reports or updates regarding any submission we receive through the Report
 6 Environmental Violations form.

7 [Back to Report Environmental Violations page](#)

8 Report Confirmation

Received	Jun 5, 2024 at 11:26pm EDT
Your Name	Dave White
Your Email	dave@photolithography.net
Your Phone Number	5036087611
Suspected Violator's Name *	Klamath River Renewal Corp
Suspected Violation Location (Address) *	18965 NW Illahe St
Suspected Violation City *	Portland
Suspected Violation State *	California
Suspected Violation ZIP Code *	unk
Responsible Party	Company
Is the suspected violation still occurring?	No
Date of Incident	Jun 5, 2024
Characterized incident as:	

Intention *	Intentional
Violation Method *	Release
Affected Subject(s)	Water
Violation Description *	https://www.siskiyou.news/2024/03/09/anyone-remember-the-1964-klamath-river-flood/ .,There is no debate that the release of about 5-million metric yards of sediment from Iron Gate Dam on January 23, 2024 virtually killed all aquatic lifeforms in the Klamath River all the way to the coast. ,Defendant 2. (D2),Mark Bransom in his capacity as Chief Executive Officer of Klamath River Dam Renewal Corp. ,info@klamathrenewal.org,Defendant 3 (D3),Klamath River Renewal Corporation,2001 Addison Street, Suite 317,Berkeley, CA 94704,Phone: 510-560-5079
File(s) Uploaded	No files uploaded.

1
2 Complaint filed with Army Corp of Engineers against Defendants who have
3
4 no Section 404 permit.
5

An official website of the United States government [Here's how you know](#) ▾

RRS REGULATORY REQUEST SYSTEM

The Regulatory Request System (RRS) is currently operating as a beta version [Learn More](#) ▾




[Request Page](#) > Dashboard

My Dashboard

You can review your request statuses in the table below.

Requests (1) Assigned Requests (0)

The requests shown below are ones that have been created by you. Select the Project Name to view and/or edit your request. Note - submitted requests are

Actions	Request Status ↓↑	Project Name ↓↑	Request Type ↓↑	District ↓↑	Created Date ↓
  	Submitted	Take over Klamath River d...	Jurisdictional Determination	San Francisco District	2024-06-11

Conclusion

6
7
8
9
10
11 1. In conclusion, Plaintiff has more than sufficient legal standing, even
12
13 apart from adding Anthony Intiso who lives six miles from the Iron Gate
14
15 dam and will be directly affected by yearly flooding if the Iron-Gate dam is
16
17 removed.

1
2 2. Additionally Plaintiff clearly shows this court has clear jurisdiction over
3 defendants which are not FERC!

4
5 3. Defendants "Motion for Jurisdiction" shall not be granted FRCP 12(b)
6 (6) because the Plaintiff's complaint is legally sufficient, factual, and the
7
8 allegations are true as stated in Federal law.
9

10
11 4. Rather than a motion to dismiss and a motion for jurisdiction, Plaintiff
12 asks for a summary judgement against defendants. The Plaintiff's
13
14 overwhelming complaint is legally sufficient, factual, and the allegations are
15 true as stated in Federal law.
16

17 5. On Sunday June 9th, 2024 Plaintiff started the process of applying for
18 a Section 404 permit from the Army Corp of Engineers to take over this
19
20
21 project. It is likely to be awarded. Defendants, therefore, cannot now apply
22
23 for said permit.
24

25 6. Plaintiff requests that this Court convene as an Article III Court under
26
27 the Constitution of the United States of America and inform Plaintiff
28
29 immediately upon disposition.
30

31 **CERTIFICATE OF SERVICE**

32 I hereby certify that on June 11th, 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.
40 Julia E. Markley, OSB No. 000791
41 JMarkley@perkinscoie.com

1 Megan K. Houlihan, OSB No. 161273
2 MHoulihan@perkinscoie.com
3 1120 N.W. Couch Street, Tenth Floor
4 Portland, Oregon 97209-4128
5 Telephone: +1.503.727.2000

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: June 11, 2024.

15 By: David White

1

A handwritten signature in black ink, appearing to read "David C. White". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

2

3 David C. White Pro Se. 6/11/2024

4