

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF OREGON
3 PORTLAND DIVISION
4

5 **Case 3:24-cv-00755-JR**

6 **David White, Pro Se**

**PLAINTIFFS JUDICIAL
NOTIFICATION**

7
8 18965 NW Illahe St,
9 **Portland OR.**

**United States Magistrate
Judge Jolie A. Russo**

10 dave@salmonprotectiondevice.com

11
12 **vs.**

13
14 **Defendant 1. (D1)**

15 **Dave Coffman, as geoscientist**

16 dcoffman@res.us

17 **Resource Environmental Solutions, (RES)**

18 **Corporate Headquarters – Houston**

19 **6575 West Loop South, Suite 300**

20 **Bellaire, TX 77401**

21 **713.520.5400 x6134**

22 **Defendant 2. (D2)**

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

25 info@klamathrenewal.org

26 **Defendant 3 (D3)**

27 **Klamath River Renewal Corporation**

28 **2001 Addison Street, Suite 317**

29 **Berkeley, CA 94704**

30 **Phone: 510-560-5079**

31
32

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

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16 *Attorneys for Defendants Mark Bransom and*
17 *Klamath River Renewal Corporation*

18
19 Plaintiff hereby requests the Court take Judicial notice of the following
20 facts;

- 21
22 1) 18 USC 3 accessory after the fact.
23 2) 16 USCA § 1532(19); see also Goble, D. D.; George, S. M.; Mazaika, K.;
24 3) Scott, J. M. & Karl, J. (1999) "Local and national protection of
25 endangered species: An assessment," *Environmental Science & Policy*, 2,
26 pp. 43-59.
27 4) 18 U.S. Code § 41 - Hunting, fishing, trapping; disturbance or injury on
28 wildlife refuges.
29 5) The Endangered Species Act of 1973,
30
31 <https://www.fws.gov/laws/endangered-species-act/section-11>
32
33 6) 18 U.S.C. § 1001 False Statements, Concealment
34
35 7) 29 CFR § 1606.8 (1) – Harassment Has the purpose or effect of creating
36
37 creating an intimidating, hostile or offensive working environment
38
39 8) 28 U.S. Code § 4101 The term "defamation" means any action or other
40
41 proceeding for defamation, libel, slander, or similar claim alleging that

1 forms of speech are false, have caused damage to reputation or
2
3 emotional distress, have presented any person in a false light, or have
4
5 resulted in criticism, dishonor, or condemnation of any person.
6

7
8 9) 33 U.S.C. §1251 et seq. (1972) Clean water act Section 404.
9

10 10) 29 CFR § 1606.8 (1)
11

12 11) 28 U.S. Code § 4101.
13

14 12) USC Loper Bright Enterprises v. Raimondo and Relentless, Inc. v.
15 Department of Commerce.
16

17 13) 29 CFR § 1606.8 (1),
18

19 14) 28 U.S. Code § 4101.
20

21 15) Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002): Pagtalunan
22
23 was Pro Se and made numerous mistakes in filing his complaint resulting
24
25 in the case being dismissed. However, upon appeal, the higher Court
26
27 ruled that the lower Court was in error because they did not give allowance
28
29 for Pagtalunan's lack of legal training.
30

31 **REQUEST FOR JUDICIAL NOTICE**

32 Plaintiff hereby request, under Rule 201 of the Federal Rules of Evidence, that the
33 Court take judicial notice of multiple documents in support of EFC5 preliminary injunction
34

35 1. OPB article of press conference where Defendants admitted killing 2000 fish including
36 endangered salmon. [https://www.opb.org/article/2024/02/18/klamath-
37 reservoir-drawdown-water-quality-discussion/](https://www.opb.org/article/2024/02/18/klamath-reservoir-drawdown-water-quality-discussion/)

38 "It was always expected that these species would not persist," said Dave Coffman, geoscientist
39 for Resource Environmental Solutions, or RES, during the press conference." Dave Coffman is
40 D1. Read the whole article please!
41

1 2. Plaintiff set up a table at Holiday Supermarket in February 2024 and handed out 500
2 documents which showed the proper solution was to dredge behind the Klamath River dams and
3 install fish ladders. Only 1 person objected.

4
5 3. “There is no debate that the release of about 5-million metric yards of
6
7 sediment from Iron Gate Dam on January 23, 2024, killed virtually all
8
9 aquatic lifeforms in the Klamath River all the way to the coast.

10
11 <https://www.siskiyou.news/2024/03/09/anyone-remember-the-1964-klamath-river-flood/>

12
13 4. Siskiyou County votes to keep the dams.

14 <https://www.siskiyoucountywaterusersassociation.org/klamath-dams-facts>

15
16
17 5. Siskiyou County Board votes to keep the dams.

18 [https://www.kdrv.com/news/waterwatch/siskiyou-county-board-of-supervisors-votes-in-favor-](https://www.kdrv.com/news/waterwatch/siskiyou-county-board-of-supervisors-votes-in-favor-of-state-of-emergency-declaration/article_9528801c-ebc4-11ee-bf91-fb22b237e6f8.html)
19 [of-state-of-emergency-declaration/article_9528801c-ebc4-11ee-bf91-fb22b237e6f8.html](https://www.kdrv.com/news/waterwatch/siskiyou-county-board-of-supervisors-votes-in-favor-of-state-of-emergency-declaration/article_9528801c-ebc4-11ee-bf91-fb22b237e6f8.html)

20
21 6. [https://salmonprotectiondevive.com/CDM_2011_0119_Screening-Level-Evaluation-of-](https://salmonprotectiondevive.com/CDM_2011_0119_Screening-Level-Evaluation-of-Contaminants-in-Sediments.pdf)
22 [Contaminants-in-Sediments.pdf](https://salmonprotectiondevive.com/CDM_2011_0119_Screening-Level-Evaluation-of-Contaminants-in-Sediments.pdf) Arsenic and Chromium 6 in the sediment behind the dams.

23
24 **DISCUSSION**

25
26 Plaintiff requested judicial notice of 5 documents for one main purpose.

27
28 First, however, Plaintiff concedes Defendants did obtain a section 404
29 permit. The Corp of Engineers did not record it in their files or on their map
30 and thus could not confirm its existence when plaintiff queried them.

31
32 Second, Plaintiff in items 1-7 details that this case is in reference to
33 environmental damage perpetrated by Defendants.

- 34
35 1) In the Oregon Public Broadcast website link defendants confessed to
36 killing 2000 fish, including endangered Salmon and elk.
- 37
38 2) ECF 1 Page 3 lines 15 to 23 state that “Plaintiff went to Klamath Falls
39 Oregon and had a table at the only supermarket for three days and
40 handed out 500 documents which show we need to dredge behind
41 the dams to get the fish ladders working again. Everyone agreed
42 with it and only 1 person objected to it. Therefore, 500 to 1 oppose
43 removing the dams.”

44

1 3) "There is no debate that the release of about 5-million metric yards of
2 sediment from Iron Gate Dam on January 23, 2024, killed virtually all
3 aquatic lifeforms in the Klamath River all the way to the coast."

4 <https://www.siskiyou.news/2024/03/09/anyone-remember-the-1964-klamath-river-flood/>
5

6
7 4) Siskiyou County voted 78.8% to keep the Klamath river dams to
8 avoid environmental and human damage.

9
10 5) Siskiyou County Board voted to keep the Klamath river dams to avoid
11 environmental and human damage.

12
13 6) A Government chemistry test of silt behind each dam in the Klamath
14 basin in 2011. Chapter three tables outline arsenic and chromium 6 in
15 the silt.

16
17 7) Physician public testimony in 2017 California Water board confirmed
18 levels of poisonous substance in silt harmful to human and animal
19 life, which was ignored.
20

21 The facts above are environmental issues of grave concern to plaintiff and
22 Klamath Basin dwellers.

23 24 25 **Conclusion**

26
27 The public record filed as Items 1 and 2 meet the requirements of Rule

28
29 201(b)(2) of the Federal Rules of Evidence. Plaintiff respectfully

30
31 requests that the Court grant this request for judicial notice.

32
33 Additionally, Plaintiff has clearly demonstrated that this Court does have

34
35 jurisdiction over this case because FERC is *not* a defendant!

36 37 **CERTIFICATE OF SERVICE**

38 I hereby certify that on July 7th, 2024, a true and correct copy of the above
39 document was electronically filed with the Clerk of the Court using

1 CM/ECF. A copy of the document will be served upon interested parties via
2 the Notices of Electronic Filing that are generated by CM/ECF. Additionally,
3 a courtesy copy is being provided as follows:

4
5 Attorneys for Defendants Dave Coffman, Mark Bransom and
6 Klamath River Renewal Corp.

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14

15 Via hand delivery

16 Via U.S. Mail, 1st Class,

17 Postage Prepaid

18 Via Overnight Delivery

19 Via Facsimile

20 Via Email

21 Via CM/ECF notification

22 to the extent registered DATED: July 7, 2024.

23 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. 7/11/2024

4