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

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

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

Plaintiff

Marion County
a Political Subdivision of the State of Oregon

represented by **Stephen Elzinga**
Marion County
555 Court St. NE
Suite 5242
PO Box 14500
Salem, OR 97309
503-588-5220
Email: selzinga@co.marion.or.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kevin H. Kono
Davis Wright Tremaine, LLP
560 SW 10th Avenue
Suite 700
Portland, OR 97205
503-241-2300
Fax: 503-778-5299
Email: kevinkono@dwt.com
ATTORNEY TO BE NOTICED

Michelle Teed
Marion County Legal Counsel
County Counsel's Office (Legal Dept.)
555 Court Street NE
Ste #5242
Salem, OR 97301
503-588-5220

Fax: 503-373-4367
Email: mteed@co.marion.or.us
ATTORNEY TO BE NOTICED

Olivier Jamin
Davis Wright Tremaine LLP
560 SW 10th Ave
Ste 700
Portland, OR 97205
503-778-5346
Email: olivierjamin@dwt.com
ATTORNEY TO BE NOTICED

Veronica Muriel Carrioni
Davis Wright Tremaine, LLP
560 SW 10th Avenue
Suite 700
Portland, OR 97205
503-778-5273
Fax: 503-276-5893
Email: veronicamuriel@dwt.com
ATTORNEY TO BE NOTICED

V.

Intervenor Plaintiff

Santiam Water Control District represented by **Samantha K. Sondag**
Stoel Rives LLP
760 S.W. Ninth Ave.
Suite 3000
Portland, OR 97205
503-294-9340
Fax: 503-224-3380
Email:
samantha.sondag@stoel.com
ATTORNEY TO BE NOTICED

David E. Filippi
Stoel Rives LLP
760 S.W. Ninth Ave.
Suite 3000
Portland, OR 97205

503-294-9529
Fax: 503-220-2480
Email: david.filippi@stoel.com
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

City of Stayton represented by **Jennifer L. Gates**
Pearl Legal Group PC
529 SW Third Avenue
Suite 600
Portland, OR 97204
971-808-5666
Email:
jgates@pearllegalgroup.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. Army Corps Of Engineers represented by **Ashley M. Cerritos**
DOJ-Enrd
Environment and Natural
Resources Division
4 Constitution Square
150 M Street NE
Room 3.113
Washington, DC 20002
202-532-5492
Email: ashley.cerritos@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mario Alfonso Luna
DOJ-Enrd
Energy and Natural Resources
Division
150 M St NE
Washington, DC 20002
202-532-3357
Fax: 202-514-8865
Email: mario.luna@usdoj.gov

ATTORNEY TO BE NOTICED

Romney S. Philpott , III
U.S. Department of Justice
P.O. Box 7611
Washington, DC 20044
Email: romney.philpott@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

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

represented by **Ashley M. Cerritos**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mario Alfonso Luna
(See above for address)
ATTORNEY TO BE NOTICED

Romney S. Philpott , III
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

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

represented by **Ashley M. Cerritos**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mario Alfonso Luna
(See above for address)
ATTORNEY TO BE NOTICED

Romney S. Philpott , III
(See above for address)
ATTORNEY TO BE NOTICED

V.

Intervener Defendant

Northwest Environmental Defense Center

represented by **Elizabeth Hunter Potter**
Advocates For The West
P.O. Box 1682

Bend, OR 97709
503-954-2721
Email:
epotter@advocateswest.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lauren Rule
Advocates For The West, Inc
2512 SE 25th Ave
Suite 304
Portland, OR 97202
503-914-6388
Email: lrule@advocateswest.org
ATTORNEY TO BE NOTICED

Intervener Defendant

Native Fish Society represented by **Elizabeth Hunter Potter**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lauren Rule
(See above for address)
ATTORNEY TO BE NOTICED

Intervener Plaintiff David White of
SalmonprotectionDevice.com
18965 NW Illahe Street
Portland Oregon 97229

I. Basis for Jurisdiction

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

Unannotated Title 33. Navigation and Navigable Waters

The objective of this chapter is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of this chapter(1) it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;

https://salmonprotectiondevice.com/Federal_Clean_Water_act_Teaching.pdf
[33 U.S.C. 1251 a, 1-7 (1) it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;

42 USC CHAPTER 6A, SUBCHAPTER XII: SAFETY OF PUBLIC WATER

SYSTEMS the provisions of the Federal Water Pollution Control Act

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

II. Statement of Claim

1. Class Action members and Plaintiffs are Irreparably harmed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Clean Water act Prevents any dam removal.

33 U.S.C. § 1251

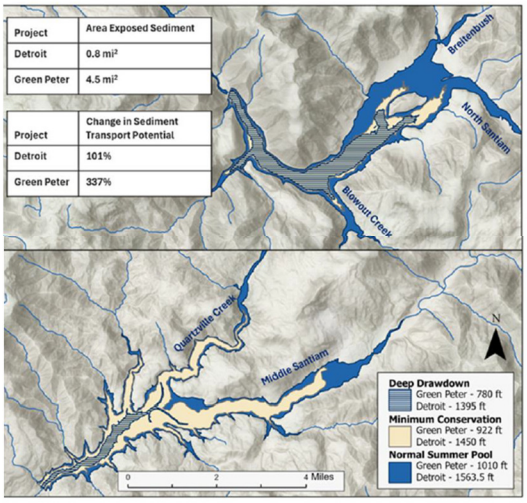
Unannotated Title 33. Navigation and Navigable Waters

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https://salmonprotectiondevice.com/Federal_Clean_Water_act_Teaching.pdf

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

Potential Deep Drawdown Impacts



Green Peter and Detroit Drawdown Areas

Source: US Army Corps of Engineers



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

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

Klamath Dam illegal Removal.

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

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

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

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

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

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

III. Relief

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

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

IV. Certification and Closing

Conclusion

To improve all salmon and other fish runs, the fish ladders need to be improved and the sediment build-up behind the dams (from almost 100 years) needs to be dredged up and removed. Salmonprotectiondevice.com has the NOAA Fisheries approved fish ladder design criteria. Around $30 million is the cost to dredge behind each dam.

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

resulted in the death of numerous endangered species.

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

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

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

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

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

Presidential Documents

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

Executive Order 13175 of November 6, 2000

Consultation and Coordination With Indian Tribal Governments

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

Section 1. Definitions. For purposes of this order:

(a) ``Policies that have tribal implications'' refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.
(b) ``Indian tribe'' means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.
(c) ``Agency'' means any authority of the United States that is an ``agency'' under 44 U.S.C. 3502(1)

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

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

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

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

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

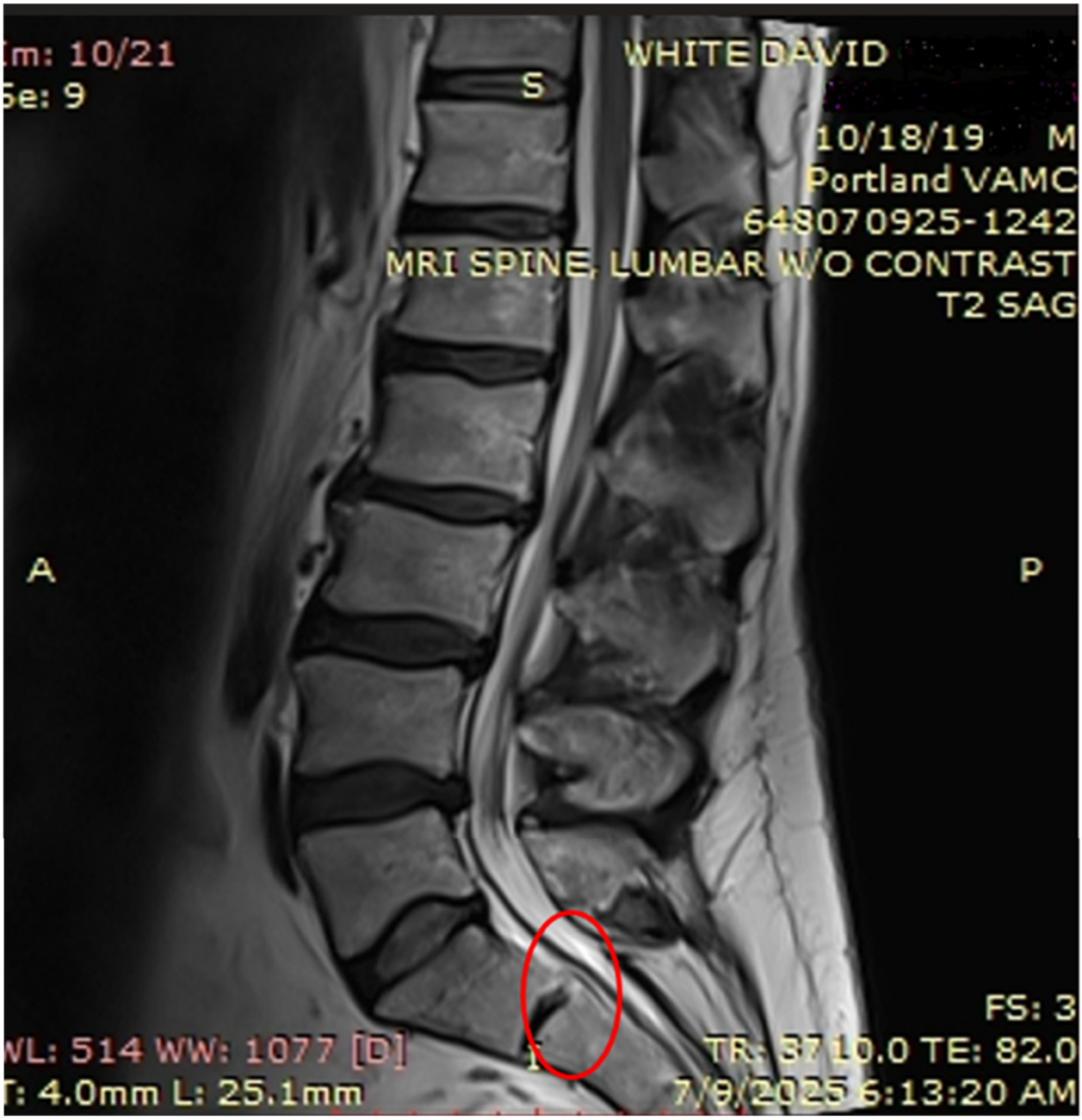
Courts are not immune to ADA provisions.

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

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

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




m: 10/21
e: 9
WHITE DAVID
S
10/18/19 M
Portland VAMC
648070925-1242
MRI SPINE, LUMBAR W/O CONTRAST
T2 SAG
A
P
FS: 3
WL: 514 WW: 1077 [D]
T: 4.0mm L: 25.1mm
TR: 3710.0 TE: 82.0
7/9/2025 6:13:20 AM

1

AFFIDAVIT

Date: 09/22/2026

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

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

Being duly sworn, I hereby swear under oath that:

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

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

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

9-22-26

State of Oregon
County of Washington

State of Oregon
County of Washington

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

WITNESS my hand and official seal.

Signature: _____ (Seal)

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

My Commission Expires: 08/17/2029

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

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

declassified.

Respectfully Submitted

/S David White
Salmon Protection Device

CERTIFICATE OF SERVICE

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

above document was filed with the Clerk of the Court using

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

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

a courtesy copy is being provided as follows:

METHOD OF SERVICE

X U. S. Mail.

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

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

state service rules.

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Leland Dale Jossy 11/17/2026