

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

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

5 **David White, Pro Se**
6 **18965 NW Illahe St,**
7 **Portland, Oregon**

8 **Plaintiffs Emergency request**
9 **to stop Iron Gate dam**
10 **destruction **AMENDED****

11 dave@salmonprotectiondevice.com

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

14 **vs.**

15
16 **Defendant 1. (D1)**
17 **Dave Coffman, as geoscientist**
18 **dcoffman@res.us, sburley@res.us**
19 **Resource Environmental Solutions,**
20 **Corporate Headquarters – Houston**
21 **6575 West Loop South, Suite 300**
22 **Bellaire, TX 77401**
23 **713.520.5400 x6134**

24 **Defendant 2. (D2)**
25 **Mark Bransom in his capacity as Chief Executive Officer of**
26 **Klamath River Dam Renewal Corp.**
27 **info@klamathrenewal.org**

28 **Defendant 3 (D3)**
29 **Klamath River Renewal Corporation**
30 **2001 Addison Street, Suite 317**
31 **Berkeley, CA 94704**
32 **Phone: 510-560-5079**

33
34 **Legal Counsel for D2 and Klamath River Renewal Corporation (KRRRC),**
35 **(D3)**

36 **Julia E. Markley, Bar No. 000791**
37 **JMarkley@perkinscoie.com**
38 **Megan Kathleen Houlihan, OSB No. 161273**

1 MHoulihan@perkinscoie.com
 2 **PERKINS COIE LLP**
 3 1120 N.W. Couch Street, Tenth Floor
 4 Portland, Oregon 97209-4128
 5 Telephone: 503.727.2000
 6 Facsimile: 503.727.2222
 7 **Laura Zagar, Pro Hac Vice Forthcoming**
 8 LZagar@perkinscoie.com

9 **PERKINS COIE LLP**
 10 505 Howard Street, Suite 1000
 11 San Francisco, CA 94105
 12 Telephone: 415.954.3230
 13 Facsimile: 415.344.7050
 14 **Richard Roos-Collins, Pro Hac Vice Forthcoming**
 15 rrcollins@waterpowerlaw.com
 16 Water and Power Law Group PC
 17 2140 Shattuck Avenue
 18 Suite 801
 19 Berkeley, CA 94704
 20 Telephone: 510.296.5589
 21 *Attorneys for Defendants Mark Bransom and*
 22 *Klamath River Renewal Corporation*

23

24

Table of Authorities

25 18 USC 3 accessory after the fact.
 26 16 USCA § 1532(19); see also Goble, D. D.; George, S. M.; Mazaika, K.;
 27 Scott, J. M. & Karl, J. (1999) "Local and national protection of endangered
 28 species: An assessment," Environmental Science & Policy, 2, pp. 43-59.
 29 18 U.S. Code § 41 - Hunting, fishing, trapping; disturbance or injury on
 30 wildlife refuges.
 31 The Endangered Species Act of 1973,
 32 <https://www.fws.gov/laws/endangered-species-act/section-11>
 33 18 U.S.C. § 1001 False Statements, Concealment

1 Plaintiff filed the case on May 3rd 2024 by FRCP 8(a.) Also filed the
2
3 Injunction on May 7th, 2024. The defendants had until May 28th, 2024 to file
4
5 anything against the complaint which they didn't. Therefore, 5/29/2024 (21
6
7 days) was the last day for defendants in this case to file against the
8
9 complaint or preliminary injunction. The only filing of Defendants was May
10
11 16th 2024, briefing schedule request. This filing was full of False
12
13 Statements, Concealment—18 U.S.C. § 1001. In this filing there was no
14
15 request for a MOET.

16
17 Therefore, since no filings by defendants have been received, defendants
18
19 have waived the right to object, and there is nothing to stop the Court from
20
21 ordering the preliminary injunction.

22
23 1. Pacific Corp has licensed the overall Klamath Dam System since the
24
25 1950's. Just prior to and during that time most other dams in the
26

1 Northwest installed fish ladders, thus demonstrating their
2 effectiveness and financial viability. Yet Pacific Corp refused to
3 follow suit, citing alleged high construction costs, which could not be
4 substantiated. This set the stage for the current environmental
5 calamity, which includes deadly atmospheric pollution and irreversible
6 flood damage.
7
8
9
10
11

- 12
13 2. Work on Iron Gate Dam started in 1961 and construction was completed
14 in 1962. Training and implementation of dam operation was not yet
15 finalized at the time of the devastating 1964 flood. This caused \$71
16 million 1964 dollars of damage downstream from Iron Gate Dam,
17 completely destroyed the towns, and washed out Hwy 101,
18 accompanied by loss of livestock and human life, caught unawares by
19 the manmade flash flood.
20
21
22
23
24
25
26

27 The Klamath Dam system has a proud 61-year record of containing every
28 flood since it was installed. Had Iron Gate been fully operational there is
29 little doubt that this 1964 devastation would also have been contained.
30
31

32 Every city and tributary downstream risks this level of devastation every
33

1 year if removal of Iron Gate is allowed to proceed.

2 See Floods of December 1964 and January 1965 in the Far Western
3 States: Page 73 <https://pubs.usgs.gov/wsp/1866a/report.pdf>

4
5

6 3. In spite of these premonitions, in January, 2024 KRRC released 5

7
8
9

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

11
12

13 This torrent of liquefied mud clogged every tributary and killed virtually
14 everything down stream! The Siskiyou News reported that, "There is no
15 debate that the release of about 5-million metric yards of sediment from
16 Iron Gate Dam on January 23, 2024 virtually killed all aquatic lifeforms in
17 the Klamath River all the way to the coast."
18
19
20
21
22

23 Bear in mind that this was all the result of simply opening the flood gates on
24 the Iron Gate Dam. Most of the packed in sediment behind the still
25 standing Iron Gate remains to be released, creating a second ruinous
26 assault on the downstream environment.
27
28
29

30

31 Of particular concern is the Ocean estuary, home of crab, clam, and other
32 plant and aquatic life, including endangered species, which suffered
33 calamitous de-population in January 2024. It takes decades for these
34
35

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

estuaries to recover and with the Iron Gate Dam flood protection gone, they will never recover.

Now that the 21-day waiting period has expired on May 28, the Honorable Judge Nelson is free to order an injunction to halt the dam removal and further irreparable damage certain to be inflicted on the environment. May we now proceed without further ado before it is too late.

Federal Rule 65 Injunctions:

An injunction is a court order requiring an individual to do or omit doing a specific action. It is an extraordinary remedy that courts utilize in special cases to alter or maintain the status quo, depending on the circumstances, particularly where the defendant must stop its course of action to prevent possible injustice and irreparable harm to the plaintiff. Injunctive relief is a discretionary power of the court, in which the court balances the irreparability of harm and inadequacy of

1 damages if an injunction were not granted against the damages that
2
3 would result if an injunction was granted. An individual who has been
4
5 given adequate notice of an injunction but fails to follow the court's
6
7 orders may be punished for contempt of court.

8
9 Honorable District Judge Nelson, we urge you to please put a stop to this
10
11 senseless, manmade catastrophe today by ordering this injunction against
12
13 the immanent and irreparable threat to human life and the environment.

14
15 Plaintiff moves the Honorable Federal District Judge Nelson to order the
16
17 injunction with orders to remove any explosives, any digging applicable to a
18
19 fish ladder installation can stay. Any other digging or dismantling must be
20
21 put back as it was. The Current and previous Operators of the Dam and
22
23 Powerhouse must call Dave White 503-608-7611

24
25 Thank You

26
27 

1 David C. White Pro Se. 5/23/2024

2

3