

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 OR.**

8 **PLAINTIFF’S REQUEST FOR**
9 **ADJUDICATION**

10 dave@salmonprotectiondevice.com

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

13 **Pursuant to Fed. R. Civ. P. 16 and LR 16-3**

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)**

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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.

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Executive Summary

1
2
3 Early in the litigation process Plaintiff asked D23LC on what authority their

4
5 client assumed permission to remove the Klamath River dams. Their

6
7 response was the FERC document. The FERC document is one of the

8
9 chain of documents in the process for transferring ownership of the 4

10
11 Klamath River dams to Klamath River Renewal Corporation for the purpose

12
13 of demolition.

14
15 Plaintiff reviewed 20180315-3093 (FERC) mentioned by D23LC and found

16
17 twenty-five of them ludicrous and/or completely irrelevant to the stated

18
19 purpose. For example, items 24-30 were legitimate concerns of

20
21 stakeholders that were either ignored or addressed only in a cursory

22
23 manner.

24
25 And yet, in spite of these damning deficiencies, the FERC document as it

1 stands has been violated many times by D2 and D3. Therefore, D2 and D3
2
3 are not following the FERC document as stated by D23LC, especially in the
4
5 all-important matter of mitigation. The definition of mitigation from Merriam-
6
7 Webster is “the act of mitigating something or the state of being mitigated:
8
9 the process or result of making something less severe, dangerous, painful,
10
11 harsh, or damaging.”
12
13 <https://www.merriam-webster.com/dictionary/mitigation>.

14
15 In addition to property damage from impending floods, proof of failed
16
17 mitigation is over 2,000 fish (including endangered Salmon) and a herd
18
19 of elk were killed without permits. Not to mention the threat to human and
20
21 animal life of arsenic and other dangerous contaminants now blowing in the
22
23 wind. Plaintiff moves the court for a ruling that D2 and D3 have proceeded
24
25 in a reckless manner with little or no mitigation planned or performed over a

1 5-year period. D1 is an accessory after the fact for these crimes. D2 and
2
3 D3 were not following the mitigation requirements of the FERC document.
4
5 Plaintiff filed a discovery document with some legal mistakes. It was
6
7 rejected correctly. Plaintiff will file an amended discovery document which
8
9 will provide proof defendants were not following the FERC document and
10
11 performed little to no mitigation required by the FERC document prior to
12
13 removing one dam. Therefore, among other items plaintiff moves the
14
15 honorable federal Judge Jolie A. Russo to an adjudication of criminal
16
17 charges that may be brought on Defendants and an adjudication which
18
19 suggests the FERC document is null and void for the purposes of this case.
20
21 Plaintiff sent the debunking document to the FERC legal department in an
22
23 email on May 16th, 2024 and asked them what level in the federal judiciary
24
25 can rule the FERC Document null and void, but has not yet received a

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response.

Pacific Corp licensed the entirety of the Klamath project since the 1950's.

Just prior to and during that time most other dams in the Northwest had fish

ladders installed. Plaintiff is filing a separate complaint against Pacific Corp.

As mentioned in that complaint, Plaintiff distributed 500 documents at the

Holiday Supermarket in Klamath falls over a three-day period which

demonstrated the need to dredge behind the dams as the logical

alternative to dam removal. All but 1 person agreed with the alternative.

Although this is not a strictly scientific survey, it is very strong evidence that

the fears and concerns of local stakeholders have been callously ignored

by defendants.

While in Klamath falls, Plaintiff visited the State Police office and

1 talked to an on-duty State Policeman. Plaintiff asked what would happen if
2
3 he was caught with 100 fish bloating in the sun. The deputy
4
5 answered "you would still be in jail."
6

7 Therefore, Plaintiff asks Honorable Federal Judge Russo for adjudication of
8
9 criminal charges to be brought against Defendants, who have confessed to
10
11 killing 2,000 fish left bloating in the sun and the wanton destruction of an
12
13 entire herd of elk. In spite of these egregious assaults on the Oregon
14
15 environment, defendants have not been charged with any crime and are
16
17 left free to continue their blatant destruction of public property, under color
18
19 of law.

20
21 In short, the FERC document is not worth the paper it is written on. It is
22
23 complete nonsense as detailed below.
24
25

End of Executive Summary

The following link should be known as “the FERC document” document:

https://elibrary.ferc.gov/eLibrary/search?q=searchtext%3D*%26searchfulltext%3Dtrue%26searchdescription%3Dtrue%26datatype%3Dfiled_date%26startdate%3D1904-01-01%26enddate%3D2022-02-11%26docketnumber%3D%26subdocketnumbers%3D%26accessionnumber%3D20180315-3093%26efiling%3Dfalse%26alldates%3Dtrue

Following are examples of shocking inadequacies in the FERC document.

1. Item (e) states “the Renewal Corporation, the States, and PacifiCorp are each assured that their respective risks associated with facilities removal have been sufficiently mitigated consistent with Appendix L.” Appendix L is not included in the document. This is also requested for discovery. Obviously, mitigation has not occurred because of impending floods, over 2,000 fish (including endangered Salmon) and a herd of elk killed without permits. Arsenic and other contaminants are blowing in the wind. Therefore, in accordance with the document no removal of the dams is allowed! Legitimate science would have started by performing mitigation brainstorming sessions with well-informed scientists and other stakeholders and documenting every possible scenario. Three prominent areas were not mitigated:

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- a. Killing of wildlife.
- b. Arsenic and other contaminants in the silt which is drying and blowing in the wind. Humans and other animals are breathing these contaminants.
- c. Flooding the Klamath Valley every spring after removal of Iron

Gate dam. This link has images of annual flooding prior to Iron

Gate dam installation. This will happen every year if defendants are

allowed to complete their criminal destruction of Iron Gate dam. Not

satisfied with the 3 dams they have already removed, they are intent on

destruction of the last bulwark against destructive flooding, a vital source of

clean, electric energy for the two-state area, and a needed source of

government revenue.

<https://www.cityofwestsacramento.org/government/departments/city-manager-s-office/flood-protection/know-your-flood-hazard/flood-history>

Following is a small subset (4) of the 25 items in the FERC document,

which granted permission for dam removal ONLY if certain conditions had

1
2 been met. Most important of those conditions was mitigation, which we
3
4 have demonstrated was not performed or performed only in a careless or
5
6 perfunctory manner. Plaintiff contacted the Siskiyou County Museum for
7
8 Klamath river flooding prior to 1961 when the Iron Gate dam was built. Iron
9
10 Gate Dam, under construction in 1961, is one of seven dams on the
11
12 Klamath River used by the Department of Interior's Klamath Reclamation
13
14 Project, which provides irrigation water to approximately 240,000 acres of
15
16 land used to grow alfalfa, cereal grains, potatoes, and other crops.
17
18 [https://www.oregonhistoryproject.org/articles/historical-records/iron-gate-](https://www.oregonhistoryproject.org/articles/historical-records/iron-gate-dam/pdf/#:~:text=Iron%20Gate%20Dam%2C%20pictured%20here,%2C%20potatoes%2C%20and%20other%20crops.)
19 [dam/pdf/#:~:text=Iron%20Gate%20Dam%2C%20pictured%20here,%2C%20](https://www.oregonhistoryproject.org/articles/historical-records/iron-gate-dam/pdf/#:~:text=Iron%20Gate%20Dam%2C%20pictured%20here,%2C%20potatoes%2C%20and%20other%20crops.)
20 [0potatoes%2C%20and%20other%20crops.](https://www.oregonhistoryproject.org/articles/historical-records/iron-gate-dam/pdf/#:~:text=Iron%20Gate%20Dam%2C%20pictured%20here,%2C%20potatoes%2C%20and%20other%20crops.)

21
22 Also see Run Off on page E6 of this link. The 1964 flood was very early in
23
24 Iron Gate history. Plaintiff postulates it was a learning curve for the
25
26 operators of the newly constructed dam.

27
28 <https://pubs.usgs.gov/pp/0485e/report.pdf>

- 29 1. Item 24 is truthful with this statement included: "Many question
30
31 whether the Renewal Corporation is technically and financially

1
2 capable of operating the project, removing the developments, and
3
4 restoring the environment.” Plaintiff shares this view which is proved
5
6 in what has transpired since the project began.

- 7
8 2. The FERC document which Defendants claim to be following
9
10 contains Items 24-30 (six items a(15%) of total items) and below
11
12 which are very valid concerns of local stakeholders who feared what
13
14 has transpired. The FERC commission obviously ignored these
15
16 concerns and the defendant pseudo- scientists performed no
17
18 substantial mitigation whatsoever for these very valid concerns.
19
20 Plaintiff refers to D1 and D2 as pseudoscientists because they clearly
21
22 operate on a scientific belief system and not an
23
24 open-minded scientific process, as required by the scientific method.

25
26 [https://www.einpresswire.com/article/712204312/lawsuit-filed-and-accepted-in-federal-court-](https://www.einpresswire.com/article/712204312/lawsuit-filed-and-accepted-in-federal-court-to-stop-removal-of-the-klamath-river-dams-in-western-oregon)
27 [to-stop-removal-of-the-klamath-river-dams-in-western-oregon](https://www.einpresswire.com/article/712204312/lawsuit-filed-and-accepted-in-federal-court-to-stop-removal-of-the-klamath-river-dams-in-western-oregon)

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29 [https://www.koin.com/business/press-releases/ein-presswire/712204312/lawsuit-filed-and-](https://www.koin.com/business/press-releases/ein-presswire/712204312/lawsuit-filed-and-accepted-in-federal-court-to-stop-removal-of-the-klamath-river-dams-in-western-oregon/)
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31 [accepted-in-federal-court-to-stop-removal-of-the-klamath-river-dams-in-western-oregon/](https://www.koin.com/business/press-releases/ein-presswire/712204312/lawsuit-filed-and-accepted-in-federal-court-to-stop-removal-of-the-klamath-river-dams-in-western-oregon/)
32

Your post is getting attention from neighbors!

Trusted neighbors like you are making a difference in the neighborhood. What will you share next?

Your post: The western Oregon Dams need dredging behind them not blown up!



[Create new post](#)

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2 Attachments are a summons and a USM-285 form.

3

4 Previous rulings requested.

5 1. Charge defendants with thousands of counts of killing over

6

7 2,000 fish and a herd of elk who sank to their necks in the mud. ORS

8

9 496.705 unlawful killing of wildlife. Also 16 USCA § 1532(19); see also

10

11 Goble, D. D.; George, S. M.; Mazaika, K.; Scott, J. M. & Karl, J. (1999)

12

13 "Local and national protection of endangered species: An

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assessment”, Environmental Science & Policy, 2, pp. 43-59. Their permit did not have an exemption from civil or criminal litigation.

2. RES benefited from the removal of the dams and is therefore liable by 18 U.S. Code § 3 - Accessory after the fact. One of multiple Oregon laws broken is ORS 496.705 accessory to the crime of unlawful killing of wildlife owned by the public.

3. Pay dredging costs to Plaintiff for dredging behind IRON GATE and the other dams affected by the silt behind them which cause the fish ladders to stop working. This cost is estimated to be around \$30 million per dam.

4. Compensation for silt cleanup of the dams already removed from the Klamath River and loss of county and state revenue for fish

1 and game licenses.

2

3 5. Plaintiff moves the honorable federal Judge Jolie A. Russo to a ruling
4 that defendants must immediately cease and desist from removal of

5

6 the Iron Gate Dam and restore all property they have damaged thus

7

8 far. Time is of the essence!

9

10 Plaintiff moves the honorable federal Judge Jolie A. Russo to reject

11

12 any defendant motion to dismiss this case and approve the rulings in

13

14 this Memorandum and other documents filed by Plaintiff in the case.

15

16 New Rulings requested:

17 1. Plaintiff moves the federal court honorable Judge Russo to
18 adjudication and order the court clerk to send the attachments, this
19 filing and the signed order to the Federal Prosecutor in Portland
20 Oregon.

21

22 2. Plaintiff moves the federal court honorable Judge Russo to reject item
23 1 in previously filed complaint and replace it with new ruling 1.

24

25



26 David C. White Pro Se. 5/18/2024