

United States v. Luka Edelman

**2021 IDAHO & MONTANA
HIGH SCHOOL
MOCK TRIAL CASE**



**IDAHO LAW
FOUNDATION**

TABLE OF CONTENTS

CASE BACKGROUND	2
DISCLAIMER.....	2
VERSION CHANGES & CLARIFICATIONS.....	2
VERSION 1.0	2
VERSION 2.0	2
FINAL VERSION.....	3
STIPULATIONS	5
INDICTMENT	6
PROSECUTION WITNESSES.....	7
MASON BECKER, SECURITY GUARD.....	7
TEDDY DOLAN, ENGINEER	13
AVIS LERNER, FBI AGENT.....	19
DEFENSE WITNESSES.....	25
LUKA EDELMAN, DEFENDANT.....	25
JAYCEE KINCAID, MEMBER, U.S. HOUSE OF REPRESENTATIVES.....	31
CLIVE PAXTON, ENGINEER & DINER OWNER.....	37
EXHIBITS	43
EXHIBIT 1: DIAGRAM OF TRIPLE FALLS DAM	43
EXHIBIT 2: MAP OF AREA SURROUNDING TRIPLE FALLS DAM.....	44
EXHIBIT 3: CLIVE PAXTON’S DAM DIAGRAM	45
EXHIBIT 4: DAMAGED PIPE FROM TRIPLE FALLS DAM BREACH.....	46
EXHIBIT 5: TRIPLE FALLS DAM BID SUMMARY	47
EXHIBIT 6: HAND-WRITTEN THREAT NOTE	48
EXHIBIT 7: FACEBOOK POSTS FROM LUKA EDELMAN.....	49
EXHIBIT 8: SAVE OUR STREAMS MISSION STATEMENT.....	50
EXHIBIT 9: LIST OF NAMES	51
EXHIBIT 10: INVENTORY LIST	52
JURY INSTRUCTIONS	53
INSTRUCTION NO. 1.....	53
INSTRUCTION NO. 2	53
INSTRUCTION NO. 3.....	54
INSTRUCTION NO. 4.....	54
INSTRUCTION NO. 5.....	54
INSTRUCTION NO. 6.....	54
INSTRUCTION NO. 7.....	55
INSTRUCTION NO. 8.....	55
INSTRUCTION NO. 9.....	55

CASE BACKGROUND

In November 2010, the Army Corps of Engineers sought bids for the design and construction of the Triple Falls Dam to be built in the Coho River Canyon above the city of Tablerock in the state of Montana. Tablerock is a small city of 15,000 people, known for agriculture and recreation. In January 2012, the winning bid was awarded to the engineering firm of Dolan and Associates.

In June 2012, Luka Edelman, a local conservationist and river guide who was opposed to the construction of the dam, formed a non-profit organization called Save Our Streams (SOS). Luka spent years working in both the community and the courts to stop the construction of the Triple Falls Dam. Luka's efforts were unsuccessful, and construction of dam began in May of 2016.

Four years later, the construction of the Triple Falls Dam was near completion. But, in the early morning hours of June 20, 2020 the dam burst, resulting in the death of 9,000 head of cattle and extensive property damage in Tablerock. Luka Edelman has been charged with Sabotage in connection with the dam's destruction.

DISCLAIMER

This case is a work of fiction. The names, characters, businesses, organizations, places, events, and incidents herein are (mostly) the product of the authors' very vivid imaginations.

VERSION CHANGES & CLARIFICATIONS

VERSION 1.0

Version 1.0, dated November 16, 2020, does not include any changes.

VERSION 2.0

Version 2.0, dated December 9, 2020, includes the following changes:

- 1) Clive Paxton's statement, line 60 – 61 says, "It's just as effective because the viscosity of air is eighty-nine times less than that of air..." Is this correct?

The statement has been changed to read: "It's just as effective because the viscosity of air is eighty-nine times less than that of water..."

- 2) Jaycee Kincaid's statement says the dam project was awarded to Dolan & Associates in 2016, but other witnesses say 2012. Is Kincaid's statement correct?

Kincaid's statement has been changed in two locations. 1) Lines 5 – 6 have been changed to read: I was first elected in ~~2012~~ **2010** and after winning re-election in 2020, I'm now in my ~~5th~~ **6th** term..." 2) Line 81 has been changed to read, "By the time I took office in January ~~2013~~ **2011**...", and 3) Line 133 has been changed to read, "...project was awarded to Dolan & Associates in ~~2016~~ **2012**."

- 3) Jaycee Kinkaid's statement, line 163 – 164 says, "...Mason Becker approached me to tell me a rumor about a scam going on." But, Becker doesn't say anything about this in his/her statement.

The paragraph at lines 72 – 81 in Becker's statement has been added to address this issue.

- 4) Exhibit 3 refers to Tablerock Dam. Is this correct?

Exhibit 3 was inadvertently marked as Tablerock Dam, but is, in fact, Triple Falls Dam. A stipulation has been added to reflect this.

- 5) Are the documents that Avis Learner picked up from the floor at River Bend Diner included as Exhibits?

The two documents referred to in Avis Lerner's witness statement, lines 90 – 96 are Exhibits 3 and 9. A stipulation has been added to reflect this.

FINAL VERSION

The final version of the case, dated January 10, 2021, includes the following changes:

- 1) Is Luka single or does s/he have family?

All relevant information about each witness is contained in the case materials. Any other information about witnesses is outside the scope of the case materials.

- 2) Is Luka's shop above the dam?

Exhibit 2 shows the location of Luka's shop as well as the flow of the river and the location of the town.

- 3) How will the Civility & Ethics Award outlined in Rule 8.3 of the Rules of Competition work for the 2021 competition?

Because team to team interaction is limited during virtual competitions, the Civility & Ethics Award will not be awarded for the 2021 competition.

- 4) Rule 4.5 in the Rules of Competition gives the Prosecution a rebuttal during opening statements. Is this correct?

There is no rebuttal allowed for the Prosecution during opening statements. The rule has been updated to reflect this.

- 5) Are witnesses limited to answering "yes" or "no" during cross examination.

Rule 4.19 in the Rules of Competition outlines the parameters for how witnesses may answer questions on cross examination.

- 6) Who are the experts for this case?

Any witness may be an expert if they are qualified under the Rules of Competition and the Rules of Evidence.

- 7) Does Jaycee Kincaid help make the decision for who is awarded the Triple Falls Dam Project?
Yes

- 8) Did the Army Corps of Engineers send out notices telling citizens to stay away from the Triple Falls Dam area during stress testing?
Yes.

- 9) Was the search warrant secured and executed by Avis Lerner legal? (Avis lines 157-158)?
Yes. A stipulation has been added to reflect this.

- 10) Can a witness plead the fifth?
No.

- 11) Becker says Edelman showed up at 6:00pm (line 106) and Edelman says s/he showed up around 9:30pm. (line 142) Is this discrepancy intentional?

- 12) No. Becker's statement has been changed at line 106 of his/her statement to say 9:00pm.

STIPULATIONS

- 1) Tablerock is a city of 15,000 people, located in the state of Monida.
- 2) Exhibits 1, 2, 3 are not drawn to scale.
- 3) Exhibit 7 has been verified to be Facebook posts created by Luka Edelman.
- 4) This court is the proper jurisdiction and venue for this case.
- 5) All parties have agreed to the jury instructions.
- 6) All exhibits included in the case materials are authentic and accurate representations of the items they depict, and the proper chain of custody with regard to the exhibits has been maintained. All parties must use the proper procedures for admitting exhibits into evidence, and all exhibits are subject to objection except as to their authenticity.
- 7) All witnesses made the statements attributed to them.
- 8) The signatures and signature representations (items marked with /s/) on the witness statements and all other documents, including exhibits, are authentic. No challenges based on the authenticity of a witnesses' signed document will be considered.
- 9) The dates of witness statements are not relevant and are not included. No challenges based on the dates of the witness statements will be considered. All statements were taken after the alleged incidents but before trial. Each witness was given an opportunity to update or amend his/her statement shortly before trial, and no changes were made.
- 10) Each witness can be portrayed by a student of either gender. Any instances where a witness is referred to as only "him" or "her" or only "he" or "she" is inadvertent.
- 11) It is anticipated that the trial time will not permit the use of all the exhibits provided in the following materials. Each party should select and use only those exhibits that best support and illustrate that party's theory of the case.
- 12) Exhibit 3 was inadvertently marked as Tablerock Dam, but is, in fact, Triple Falls Dam.
- 13) The two documents referred to in Avis Lerner's witness statement, lines 90 – 96 are Exhibits 3 and 9.
- 14) The search warrant secured and executed by Avis Lerner were legal.

INDICTMENT

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONIDA

UNITED STATES OF AMERICA)	
)	
)	Plaintiff
)	Case No. IDMT2021
vs.)	
)	INDICTMENT
LUKA EDELMAN)	
)	
)	Defendant

The Grand Jury charges:

COUNT ONE

On or about June 20, 2020, in the District of Monida, the Defendant, LUKA EDELMAN, committed the offense of Sabotage with Terroristic Intent in violation of 18 U.S.C. § 2332j by detonating an explosive in, into, or against an infrastructure facility located within the United States, to wit: the Triple Falls Dam, with the intent to influence the policy of a government by intimidation or coercion or to cause extensive destruction to the facility, where such destruction resulted in major economic loss.

/s/
Jem Trotter
Assistant United States Attorney
District of Monida

PROSECUTION WITNESSES

MASON BECKER, SECURITY GUARD

1 My name is Mason Becker. I'm a retired 55-year-old former police officer from Chicago. I currently
2 live in Tablerock and I've lived here for about six years. I'm originally from Carmel, Indiana, a suburb of
3 Indianapolis. I grew up in Carmel and played basketball in high school, then got a B.A. in English from
4 DePauw University in Greencastle, Indiana. In college I made friends with several people from Chicago
5 so after I graduated, I decided to move north to the big city.

6 After a few years waiting tables I decided I wanted to explore a career in law enforcement. I was
7 recruited by the Chicago Police Department and enrolled in training through the CPD Education and
8 Training Division. The training lasted a little more than 900 hours. We were trained in all aspects of
9 policing, including firearms, control tactics, physical training, terrorism awareness, and scenario-based
10 training. After training I took and passed the Illinois State Peace Officer's Exam.

11 I started out as a beat cop in the 1st Precinct in 1989. The first precinct is in the heart of downtown
12 Chicago, and we saw all sorts of crime—theft, robbery, assault, murder, drugs—you name it. In 1994 I
13 was appointed to the Special Operations Section. We were CPD's main gang-fighting force. We received
14 additional training with non-standard weapons and anti-gang policing tactics. Our mission was to root
15 out gang and drug-related violence in some of the highest-crime areas of the city.

16 Yes, I know of the Section's reputation for violence and corruption, but I wasn't aware of any of my
17 fellow officers' in-dealings with the gangs, and I would've reported them if I'd had any idea. Anyway, I
18 was transferred back to the 1st precinct in 2001, before the Section went really crooked.

19 In 2013 I was injured on the job. I was chasing a robbery suspect on foot down Michigan Avenue. He
20 ducked into an alley and I followed. It was nighttime and I couldn't see anything. Suddenly, I heard a
21 loud bang and felt a burning sensation in my shoulder. The perp shot me! Luckily, my partner was right
22 there with me and was able to subdue the suspect without anyone else getting hurt.

23 The bullet made a mess of my right shoulder. I had three surgeries over the next year but never
24 recovered full use of my right arm. In 2014, at the young age of 49, I hung up my badge and retired from
25 the police force.

26 Soon after I retired, I moved to Tablerock. My grandfather had taken me here to go fishing a few
27 times when I was a kid, and I loved the contrast between Tablerock and Chicago. I'd spent most of my

28 life in the big city and it was incredibly refreshing to experience nature for a change. That's what I liked
29 about Tablerock—it was calm, quiet, friendly, no violent crime—everything Chicago wasn't. I still like to
30 fish, and I like to hike along the river with my dogs.

31 I tried to do the traditional retirement thing of sleeping in and bugging my spouse around the house,
32 but that grew old quickly. S/he's a writer and while the change of pace from Chicago was an excellent
33 inspiration for her/his writing, having me around all the time was not, apparently. If I'm honest, I was a
34 little bored, too. It was 2017, I think, and one of my fishing buddies told me his brother worked for Galey
35 Construction Company and that the company was hiring security guards. I figured that was something I
36 could do to get out of the house for a bit, so I applied.

37 I was hired after one interview—at the interview, actually. The folks at Galey seemed pretty
38 impressed by my background as a police officer. They really didn't give me much training on the security
39 risks particular to a dam, but then they really didn't need to. On my first day they showed me around the
40 dam complex and told me about the job. There's a list in the security office of all the things you're
41 supposed to do on your shift, so really it wasn't difficult. I had plenty of time to catch up on my reading
42 while I was there.

43 The main part of the job is sitting in the office watching the cameras. There are a bunch of cameras
44 around the dam complex. There's a camera on each gate so you can see who's coming or going. There are
45 cameras on all the important buildings like the powerhouse and the valve house. Some buildings don't
46 have cameras, like the maintenance shop or the security office. There are a couple cameras looking out on
47 the dam itself, but it's hard to see anything in those cameras because of distance and the water spray from
48 the dam.

49 So, anyways, on my shift I spend most of the time sitting in the office watching the cameras.
50 Sometimes people come to the gate and need to be let in. There's a button that opens and closes the gate
51 from the security office, but it's been finicky the past year or so and sometimes you have to go out to the
52 gate and manually unlock it. There's a golf cart for that, which is nice. Lately I've been working the night
53 shift so there aren't many people that need to be let in or out. Sometimes we'll get a late-night parts
54 delivery, but that's about it.

55 In addition to watching the cameras, we patrol the complex at night. The idea is to check every door
56 and gate in the complex to make sure its locked. If it's not locked, lock it, and figure out why it's not
57 locked. I usually take the golf cart for part of my rounds and walk the rest. My only equipment when I go

58 on rounds is a set of keys and a big flashlight. No weapons of any kind, not that I'd need any. We're told
59 not to engage trespassers if we find any, but instead to call the police. Whenever I've found trespassers,
60 I've never called the police. I've seen the police around here and, well, let's say I'm not impressed.

61 Most of the people I catch where they shouldn't be are high school kids climbing fences or going
62 around the fence upriver and hiking up to the dam complex. They aren't really a problem. I've never seen
63 anyone try to damage anything. A couple times there's been graffiti on a building or two, but not on my
64 watch. I'm mostly worried about someone getting hurt. The generators produce massive amounts of
65 electricity and if a kid got to poking around where he shouldn't it could go really bad. Then there's the
66 dam itself. Since it's not designed for public access, there aren't the normal railings and safety features
67 you'd find elsewhere. At night, the dam's not particularly well-lit.

68 Perhaps more troublesome is the wildlife. Deer and antelope will sometimes get trapped inside the
69 fence and then it's up to us to get them out. We've got a bunch of gophers that live around here and
70 sometimes they cause problems too. I've rolled my ankle more than once stepping in a gopher hole. But
71 it's nothing like back in Chicago. These problems here are minor in comparison.

72 The biggest problem I've encountered isn't really a security problem at all. A few months after I
73 started working at the dam, large deliveries of lumber started arriving. I think they were using the
74 lumber to build the concrete forms before they poured the concrete. The thing is, there seemed to be a lot
75 more lumber being delivered that was being used on the forms. I didn't think much of it until I
76 overheard a conversation between a couple of the workmen—something about the "extra" lumber that
77 would be "picked up" later. I suspected that someone might be running a scam by ordering extra
78 materials and then stealing them from the job site. I didn't have any hard evidence, so I didn't tell Galey
79 about it, but I did tell Jaycee Kincaid. I figured that Jaycee, being a member of Congress who I just
80 happened to know from around town, might be able to investigate further. I don't know if anything
81 came of it.

82 Yes, I know Luka Edelman. I knew about Luka before I started working at the Dam. Luka runs some
83 sort of outfitting operation that brings a bunch of rowdy people to town to go rafting. The type of people
84 I sometimes had to clean up after when I was a cop. I guess many of them are ok, and I understand a
85 person's got to make a living, but I moved here for peace and quiet, you know?

86 Anyway, when I started at the dam, they told me about Luka's "special arrangement" to access dam
87 property that was otherwise closed to the public. Luka's workshop was next to the river, and apparently

88 it couldn't be moved when the dam got built. Seems like a whole lot of trouble to me, and I think the dam
89 got the short end of the stick on that compromise. But it's not my call, and I've got to accommodate Luka.
90 Luka wouldn't come every shift I worked. I worked the night shift, so sometimes I would go a week or
91 two without seeing Luka. On average, though, I'd say I see Luka once or twice a week. For the most part
92 my interactions with Luka were friendly enough. Luka would usually wave and say "hello" through the
93 window if I was working when Luka came by. We didn't have long conversations, but we at least
94 exchanged pleasantries.

95 Although, now that I think about it, shortly before the dam collapse Luka began acting weird. For a
96 week or so leading up to it I didn't get a wave or even a smile when Luka came by. About a week, maybe
97 a week and a half before the dam blew up, I saw Luka walking around by the outlet pipes at the base of
98 the dam. I'd never seen Luka there before, and there was no reason for her/him to be there. I was up on
99 the road and called down to Luka because that area is off limits. I guess I was too far away because Luka
100 didn't hear me. I also remember one night, probably the night before the dam broke, or maybe one night
101 before that, I tried to stop Luka to say hello and make sure everything was O.K. Luka was gruff and
102 dismissive: "I'm fine, just real busy. Get out of the way."

103 I was working the night the dam broke. It was June 20, I think. I remember the day pretty well
104 because it was an atypical shift. Usually nothing happens, but on the 20th my shift started at 4:00 pm and
105 I got there about 10 minutes early, as I usually do. Everything was quiet as I did my first rounds
106 somewhere between 4:30pm and 5:00pm. Around 9:00pm Luka showed up at the gate. I recognized Luka
107 in the blue Toyota pickup truck on the camera in the security office, so I pressed the button to open the
108 gate. It's a very distinct blue. I think Luka or someone else painted it, because I've never seen that color
109 blue on any other Toyota.

110 Luka drove into the dam complex, and I closed the gate. As Luka drove past the security office, I got
111 a glance of the bed of the pickup. There was a tarp covering most of it, but the tarp was turned up on the
112 driver's side at the rear. I saw three or four propane tanks, some steel tubing, and some tubs of what I
113 think was black powder. It didn't really seem out of the ordinary to me. Luka showing up was a normal,
114 regular occurrence and I didn't put much thought into it. Luka drove down the road from the gate, then
115 down the dirt road to the shop on the bank of the river. After Luka turned onto the road leading down to
116 the river, I couldn't see the truck on the cameras anymore—the cameras in that area only cover the dam
117 itself. Once Luka was off camera, I went back to more important business; reading. At that time, I was
118 reading *The Last Days of Night* by Graham Moore. It's a good book, you should give it a try.

119 It got dark after 9:30pm that night. I went to do my second rounds about an hour an hour after it got
120 dark, so maybe it got dark around 10:00pm. There are a few exterior floodlights on the dam complex, but
121 by and large it's pretty dark at night. After I checked the buildings near the security office, I went to
122 check the dam and the powerhouse. I saw Luka's truck parked at the top of the access road leading to
123 Luka's shop. It looked like the truck was running, because the taillights were on, but the headlights were
124 off. The truck was positioned sort of half-in and half-out of the light from a pole about fifteen feet away.
125 The cab was in the light, but the bed was in the dark.

126 As I got closer, Luka came around from the far side of the truck carrying a large burlap sack that had
127 something apparently heavy in it. Luka also had a welding mask on his/her head, tilted up. Once I was
128 close enough so I didn't have to shout, I asked Luka if I could help. Luka said "no, thanks," so I
129 continued my rounds. I checked the dam and the powerhouse, then headed back to the office. As I passed
130 the truck on my way back, I didn't see Luka.

131 I didn't think much of this interaction with Luka at the time. I hadn't seen anything like that before,
132 but Luka's a little weird to begin with so sacks, welding helmets, whatever, seemed like par for the
133 course. Luka wasn't damaging the dam complex, so I didn't really care what s/he was doing.

134 The dam burst a little before midnight. I was still outside, at the end of doing my rounds. I was doing
135 the final check on the doors to the machine shop when I heard a loud noise, like a crash or a boom or
136 something. I'm not really sure what it was. The ground started to rumble and shake. I saw some of the
137 light poles near the dam swaying and ran over to see what was going on.

138 I stopped before I got there as I watched the dam collapse. I ran back up the road to higher ground
139 near the security office, to avoid the water and debris. I didn't see Luka. I hoped Luka had made it out
140 and would be waiting at the gate or somewhere else safe. In any case, there was nothing I could do—the
141 dam was collapsing before my eyes. I called my supervisor to let her know what was happening.

142 About 10 minutes later I saw Luka's truck driving up the road from the direction of the shop. Luka's
143 truck looked beat up. It was covered in dirt and mud. Seemed reasonable to me at the time since the dam
144 had just collapsed. I ran into the road and waved Luka down to ask what had happened. Luka said the
145 dam failed and the surge of water behind it nearly ripped the shop into the river. Luka said s/he had tried
146 to rescue the shop with the truck, which is how it got so dirty. Looking back, that doesn't make much
147 sense. That truck couldn't pull a building, particularly one that was being swept away by the river. On

148 top of that, I don't remember hearing that the investigation found any evidence of the shop being swept
149 away.

150 Luka didn't get out of the truck to talk to me. S/he looked frazzled and seemed anxious to leave. I
151 went inside the office to open the gate and let Luka leave. I assumed police or investigators or whomever
152 would get in touch with Luka when they needed to. As Luka drove away, I noticed that the tarp was
153 folded up in the bed of the truck, which looked to be empty.

154 Luka was acting suspicious that night. Like I said, normally Luka was friendly by not that night. I
155 could see Luka was sweating, too, but it wasn't a particularly hot night. Luka clearly didn't want to talk
156 to me, and Luka's explanation about the shop and the truck doesn't make any sense. I've talked to the
157 investigators for months and believe me, they're good. They know what they're doing. I agree with their
158 conclusion, that the dam collapsed because of sabotage and the saboteur is Luka Edelman.

159 **WITNESS ADDENDUM**

160 I have reviewed this statement and I have nothing of significance to add at this time. The material
161 facts are true and correct.

162 /s/
163 Mason Becker

TEDDY DOLAN, ENGINEER

1 My name is Teddy Dolan. I grew up in the farming community of Green River, Utah where my
2 family owned a large farm on the banks of the Green River. Early on in my life, I learned how important
3 water resources and irrigation are to the health of small communities. As my Dad always said, recreation
4 is nice, but rivers must always be controlled and maintained as the lifeblood of any farming community.

5 After graduating from Green River High School as Class Valedictorian, I attended the Massachusetts
6 Institute of Technology on a full ride scholarship. From the time I was a little kid, I had been interested in
7 building things with my own hands including irrigation pumps and piping systems on the farm. I even
8 invented my own pressure testing system using an old electric air pump instead of water to test the
9 irrigation piping for leaks. After closing all the irrigation valves, I hooked up the air pump to the intake
10 valve on the irrigation system to check for leaks. My system saved my family so much time and money
11 compared to pressure testing with water, Dad bought me a new bike!

12 Studying engineering at MIT was a dream come true. I earned dual engineering degrees from MIT in
13 Structural Engineering and Water Resources. After graduating with honors from MIT, I wanted to go
14 back home to Utah, so I attended the University of Utah where I earned both a Master's Degree and a
15 PhD in structural Engineering and Water Resources. I even won an engineering award for my PhD thesis
16 on the feasibility and mechanics of using air pressure to stress test hydraulic systems.

17 After completing the PhD, I decided to stay in Salt Lake City and went to work at one of the most
18 prestigious engineering firms in Utah, SRC Engineering. During my tenure at SRC Engineering, I worked
19 on several large-scale dam projects in the Pacific Northwest and became familiar with the process of
20 designing and constructing dams at the largest scales. Unfortunately, the construction of these dam
21 projects was already underway, and the design and construction plan still called for old fashioned water
22 pressure testing of the internal dam piping. My air pressure system testing was considered to be new and
23 untested technology. The senior engineers on these projects did not want to change from their antiquated
24 use of water pressure testing despite my suggestion.

25 Designing and overseeing the construction of large-scale dam projects is an extraordinarily complex
26 engineering challenge. Over the years, many dams have failed due to inadequate design, testing and
27 construction. In addition to the cost of the design and construction of a large-scale dam project, which can
28 run into the hundreds of millions if not billions of dollars, compliance with the complex regulations
29 governing dam construction and safety practices can add tens of millions of dollars to the price tag.

30 Engineers have to live with the reality that government construction projects almost always go the lowest
31 bidder. For these reasons, engineers are always looking for ways to cut costs in order to streamline the
32 design and construction process.

33 Based on my education and experience with the engineering and construction of dams while at SRC
34 Engineers, I learned that the construction and testing of the primary service spillway system on a dam
35 was one of the most expensive and time-consuming parts of any dam construction project. When it comes
36 to dam construction, time really is money. Every day that can be saved during the construction process
37 leads to cost savings of tens of thousands of dollars. The primary service spillway system is comprised of
38 the gateway and the primary spillway piping and is the most critical and expensive hydraulic structure of
39 the dam. The system must be designed and constructed so that it will pass both normal and flood level
40 flows in a manner that protects and supports the structural integrity of the dam. The primary service
41 spillway provides for continuous or staged releases from the reservoir and acts to prevent significant
42 damage and possible catastrophic failure of the dam. Primary service spillway systems must be designed
43 and sized to safely pass floods waters at least equal to the maximum flood levels at the site of the dam
44 based on historical records. Testing of the system is the most hazardous and time-consuming part of the
45 dam construction. Even under the most rigorous construction practices, latent defects in the materials
46 have caused the catastrophic failure of several large-scale dam projects in the testing phase

47 In late 2010, I learned that the Army Corps of Engineers was seeking bids from regional engineering
48 firms for the design and construction oversight of the Triple Falls Dam which was to be built in the Coho
49 River Canyon above Tablerock. I was very excited by this project and saw it as my opportunity to open
50 my own engineering firm. I moved to Tablerock and opened Dolan and Associates in a modest office on
51 the edge of town. I was aware that Clive Paxton of Paxton Environmental Engineering had been
52 practicing in the area for quite some time but had heard that s/he was getting close to retirement. It was
53 not until after I submitted my bid that I learned that Paxton Environmental Engineering submitted its
54 own bid for the engineering, design, and construction oversight for the Triple Falls Dam.

55 The Army Corps of Engineers' process for awarding the engineering and construction oversight
56 contract for the Triple Falls Dam included choosing five finalists and allowing them each one hour to
57 make in person presentations before a board of experienced dam engineers at a public meeting. Both
58 Dolan and Associates and Paxton Environmental Engineering were chosen as finalists and given the
59 opportunity to make presentations before the board and the public. Each of the finalists was allowed to

60 observe the other presentations so they could answer questions from the board members about the
61 differences between the plans.

62 I sat through the presentation by Clive Paxton and was quite surprised by the location of the dam in
63 her/his proposal. Paxton's proposal for building the dam included siting the dam more than five miles
64 upstream from my proposed location of Triple Falls on the Coho River. Due to the high canyon walls and
65 the dense bedrock surrounding the canyon at Triple Falls, this location was clearly the most ideal site for
66 a dam in the whole valley. Based on the narrow span between the canyon walls and the bedrock,
67 hundreds of thousands of dollars in materials such as concrete and rock fill would be saved by building
68 at the Triple Falls site compared other sites on the river

69 The location of the dam proposed by Paxton Environmental Engineering seemed to make little sense
70 from an engineering perspective. The canyon at the Coho River on the site proposed by Paxton was wide
71 and shallow and was surrounded on each side by very soft sedimentary canyon walls. The Paxton
72 Engineering Environmental site would have required the construction of a dam with a span of almost
73 three times the site at Triple Falls. This site would have required the purchase of thousands of tons of
74 additional concrete for the dam and the transport of vast truckloads of rock and fill to shore up the
75 canyon walls to be transported up the canyon. By building the Triple Falls Dam at Triple Falls, the Army
76 Corps of Engineers was able to save hundreds of thousands of dollars as opposed to the upstream
77 location proposed in the Paxton Environmental Engineering plans.

78 I was quite shocked when Paxton interrupted my presentation by shouting that my proposal would
79 kill the local recreation and put her/him out of business. As I left the presentation, I saw a group of
80 persons, including who I later learned was Luka Edeleman, outside protesting the dam construction.

81 In January 2012, the Army Corp of Engineers announced that Dolan and Associates had won the
82 design and construction oversight contract to build the Triple Falls Dam at Triple Falls. I was not
83 surprised that the Army Corps of Engineers awarded the contract to Dolan and Associates. Not only did
84 my proposal include the vast cost savings of building the dam at the Triple Falls site, it also included the
85 plan to conduct the final stress test of the primary service spillway system using air pressure.

86 Compared to using conventional water pressure techniques requiring several weeks if not months of
87 ongoing testing of the primary service spillway system, the use of air pressure to conduct the stress test
88 would shorten the time from weeks to two days. Instead of filling the system with water and checking for
89 leaks over the course of several weeks, the gateway and all outlet valves on the system would be closed

90 and the intake valve would be hooked up to a massive industrial air pump capable of charging the
91 system to and even beyond the water pressure the system would face during actual operation. After all,
92 pressure is pressure!

93 In order to minimize the danger of the closing the gateway and allowing water to build up behind the
94 dam prior to final testing, my plan called for the stress test of the primary service spillway system to be
95 completed during low water flows in the fall. Because the stress testing time would be reduced from
96 weeks to two days, the stress testing can usually be done most safely during that time of year and would
97 result in tens of thousands of dollars in cost savings. These savings were in addition to the hundreds of
98 thousands of dollars saved by building the dam at Triple Falls and not the location further upstream
99 proposed by Paxton Environmental Engineering.

100 In fact, the only thing that surprised me when Dolan and Associates was awarded the contract was
101 the fact that the protester Luka Edelman was given permission to travel in and around the Triple Falls
102 dam site to get to her/his raft workshop. I knew, however, that the construction company awarded the
103 contract for the construction of the dam, Galey Construction Company, would hire good security to
104 protect the dam throughout the construction process so I didn't complain when I would see Luka on the
105 site during construction.

106 After four years of construction, the Triple Falls Dam was near completion in the late spring of 2020.
107 The reason construction was wrapping up in the spring of 2020 and not the fall of 2019, as originally
108 planned, was because we had to re-fabricate the spillway piping system midway through construction
109 when we realized the pipes needed to be thicker. The pressure testing of the system was the final and
110 most critical step in the construction of the dam. This pressure testing can lead to catastrophic failure of
111 the spillway system and, potentially even the dam itself, if the system is not constructed properly.

112 Because there had been substantial cost overruns due to not completing the construction of the dam
113 in the fall of 2019 as originally planned, it was now even more critical to complete the stress test of the
114 system as quickly as possible. While this wasn't ideal given the higher-than-normal rainfall that spring, I
115 had been present throughout the installation of the system by Galey Construction and was confident that
116 the system could still be safely tested even during the spring run-off season. Because of the dangerous
117 nature of the testing at this phase of the dam construction, every Army Corps of Engineers contract
118 requires that they receive at least seven days' notice before the stress test is conducted. The Army Corp of

119 Engineers then publishes safety warnings notifying the people living in surrounding communities not to
120 approach the dam area while the stress test is underway.

121 In order to complete the stress test, we were using pressurized air to generate pressures equal to the
122 enormous water pressures generated when the spillway system is operating at full capacity during the
123 spring run-off. In order to pressure test the system and ensure that the entire system could withstand the
124 enormous pressures that would be placed on it, the primary and auxiliary gateways had already been
125 closed. The closing of the gateways at that time of year naturally caused the reservoir to quickly fill to
126 near capacity. The risk of having this much water in the reservoir during the stress test we deemed
127 acceptable because the stress test would be completed so quickly.

128 After the gateways were closed, the system was pressurized with air and the entire system was
129 inspected and monitored constantly to make sure that no leaks or failures were detected. Around 10:00
130 p.m. on the second day of the testing, the stress test was going so well, that I felt confident that I could
131 leave the site. By that time, I and the Galey Construction foreman had been inspecting the system
132 continuously for almost 48 hours without a single indication of a leak or defect in the system. Before
133 leaving, I set the time control mechanism on the massive compressor charging the system to turn off at
134 midnight. While I was setting the timer, the foreman checked the propane level in the tank to make sure
135 there was enough propane to power the compressor for at least another 3-4 hours. We then asked Mason
136 Becker, the security guard on duty to keep an eye on things and left the site.

137 I first learned that the dam suffered catastrophic failure when I received an urgent call from Mason
138 Becker at around 2:00 that morning. Mason told me that almost the entire dam had been washed away
139 after I left the site. The collapse of the dam resulted in the deaths of 9,000 head of cattle and did untold
140 damage to property in the surrounding area. When all is said and done, the cost to fix all this damage
141 could top \$25 million. This whole thing has really shaken the entire community to its core.

142 As the lead engineer, I was part of the extensive investigation conducted by the Army Corp of
143 Engineers which concluded that the dam breach was caused by a catastrophic failure in the primary
144 service spillway piping system. Although the gateways and spillway piping system were destroyed and
145 the debris was buried under millions of tons of rock and debris, we did uncover one pipe that appeared
146 to have damage that could only have been caused by an explosion. Between this evidence and computer
147 reconstructions of the collapse clearly indicated that the failure of the dam began with an explosion at the
148 spillway piping system. Based on the successful stress testing of the spillway piping system prior to the

149 collapse of the dam, the failure was not due to defects in the testing or the system itself. It is my opinion,
150 therefore, that the catastrophic failure of the dam could only have been caused by an explosive device
151 placed on the spillway piping.

152 **WITNESS ADDENDUM**

153 I have reviewed this statement and I have nothing of significance to add at this time. The material
154 facts are true and correct.

155 /s/
156 Teddy Dolan

AVIS LERNER, FBI AGENT

1 My name is Avis Learner. I'm 27 years old. I attended the United States Military Academy at West
2 Point where I graduated at the top of my class. After graduating, I worked for the Virginia State Police for
3 four years. During my time with the VSP, I attended the National Criminal Justice Command College at
4 the University of Virginia where I earned a certificate in Criminal Justice. Because of my background, I
5 was always interested in one day joining the FBI. That dream came true when I was 26 y.o., right after I
6 got my CJ certificate from UVA. Sorry for all the acronyms...they are hard to avoid after my years at
7 West Point and in law enforcement.

8 Back to the facts. I have been with the FBI for about one year. The case against Luka Edelman was my
9 first solo undercover assignment. I had previously worked on some general investigations relating to
10 white collar crime (tax fraud, etc.) and spent a brief stint training and collaborating with ATF agents--ATF
11 is the acronym for Alcohol, Tobacco, and Firearms. My time working with the ATF increased my interest
12 in domestic terrorism because a lot of the ATF cases involve connections to terrorist activities. This
13 experience honed my training regarding such activities and, frankly, reinforced my instincts about what
14 does and doesn't "look right" about certain terrorist behaviors. In addition, my general FBI training and
15 my stint with the ATF also helped me develop a profile for the typical domestic terrorist. Common
16 characteristics shared by individuals who engage in domestic terrorism include: (1) individuals between
17 18 and 25 y.o.; (2) single, no children; (3) no close ties to the community; (4) membership in a relevant
18 organization; (5) feelings of anger, alienation, or disenfranchisement; (6) perceived feelings of injustice; (7)
19 friends sympathetic to "the cause"; and (8) believing that current political involvement does not give
20 them power to effect change. These characteristics, my training, and my instincts ultimately led me to
21 conclude suspect Edelman bombed the dam in an act of domestic terrorism. The following summary
22 details the reasons I reached this conclusion.

23 I will start at the beginning with respect to my investigation of suspect Edelman. My supervising
24 agent briefed me about suspect Edelman in April 2018. What we knew at the time was that, in January
25 2012, the Army Corps of Engineers announced a dam would be built in Tablerock, in the Coho River
26 Canyon. In June 2012, suspect Edelman formed Save Our Streams, aka SOS. Suspect Edelman formed
27 SOS because s/he was opposed to the dam. Suspect Edelman tried to stop the dam from being built, but
28 her/his efforts were obviously unsuccessful because Galey Construction started building in May 2016.
29 After that, the FBI received intelligence that resistance to the dam was escalating to a whole new level and
30 that things could get dangerous. That intelligence was based on a handwritten note threatening to bomb

31 the dam if construction didn't cease immediately. The note was posted on a Facebook page created using
32 the SOS name, although it wasn't clear that suspect Edelman created the page. In any event, Facebook
33 shut the page down because of the note and provided the FBI with information that ultimately helped
34 our agents track down the author of the note to a man in jail in Nevada named Joey Juniper. Juniper said
35 he was an avid sportsman who supported suspect Edelman's efforts to stop construction of the dam. He
36 said he attended a few SOS meetings when he was recreating in Monida and saw suspect Edelman speak,
37 but s/he never met suspect Edelman personally. Juniper would not confirm or deny whether he was
38 responsible for the Facebook page itself. Either way, we were skeptical about his claim to not know
39 suspect Edelman, especially given his admitted connection to SOS. Plus, he was in jail for disturbing the
40 peace in Nevada--apparently for participating in some unrelated protest there--so there was no doubt
41 that suspect Edelman's activities were right up his alley. Plus, my instincts told me there was more to the
42 story than he was sharing. That's where my undercover assignment came into play. I needed to infiltrate
43 SOS.

44 The undercover assignment plan. My supervising agent and I decided that I would work undercover
45 as a server at a local diner in Tablerock called the River Bend Diner, owned by Clive Paxton. We chose the
46 RBD server ruse because that's where suspect Edelman held his/her SOS meetings. Now, as I mentioned,
47 we knew suspect Edelman was not the individual who made the initial threat that led to my undercover
48 assignment, but it didn't take long for me to discover that s/he was a threat nonetheless. And that
49 discovery came early on during my undercover operation. In fact, my instincts about her/him kicked in
50 after overhearing comments s/he made at the first SOS meeting held while I was working at the RBD,
51 which took place on 5.September.2018, right after Labor Day, about four months after I started working at
52 RBD. To say that meeting was spirited would be an understatement. Suspect Edelman was fired up. I
53 heard her/him tell the meeting attendees that s/he had just been to her/his accountant since it was near
54 the end of the summer rafting season and s/he learned how much money her/his river raft guide business
55 had lost, and would continue to lose, because of the dam construction. Suspect Edelman also said, "This
56 may just be the end of my business. It will go bankrupt if I can't keep the same volume of customers after
57 the dam is complete." I then heard suspect Edelman yell: "The courts may not have agreed with me that
58 this dam should not have been built, but there are other ways to win this battle." That was the break I
59 needed because I hadn't collected much evidence up to that point, which is normal during the early
60 stages of an investigation when you're trying to learn and play the undercover role you have been
61 assigned, including gaining the trust of those around you. But, I didn't need my instincts to know that

62 suspect Edelman's statement was a sign of trouble and to confirm that my undercover assignment put me
63 in the right place to put a stop to it. But, no good investigation ends with just one incriminating
64 statement. I continued to work the investigation, focusing most of my attention on suspect Edelman
65 given her/his clear disdain for the dam, her/his explicit statement suggesting an intent to destroy the dam
66 even if s/he couldn't do it legally through the court system, and her/his connection to Joey Juniper, the
67 criminal in jail in Nevada.

68 The second SOS meeting I witnessed was calmer than the first. It happened on 23.December.2018. In
69 fact, I would barely call it an SOS meeting. It seemed like the SOS had lost some steam in Tablerock. The
70 only people there to support suspect Edelman and the SOS cause were Clive Paxton, the owner of RBD
71 and SOS board member, and Jaycee Kincaid, who also opposed the dam. It seemed like a secret meeting
72 based on the people in attendance and the amount of whispering going on. The whispering struck me as
73 odd because the RBD was dead since it was the Sunday before Christmas, so there was nobody around to
74 overhear the conversation, other than me. At least no one other than me after I got that "dine and ditch"
75 customer out of there. In case you don't know, "dine and ditch" means eating and trying to leave without
76 paying. I ended up tackling the customer who tried to leave without paying that day because she was the
77 only one interfering with my surveillance of the meeting and I probably got a little overzealous, but I
78 don't think it blew my cover. It just showed Clive how much I cared about his/her business.

79 By the 23.December meeting, we were all on friendly terms, and I had even voiced my support for
80 suspect Edelman's SOS gang, so it's unlikely they wouldn't want me to overhear legitimate plans for SOS.
81 It's far more likely that they just didn't want me to hear that they were starting to put together a plan to
82 bomb the dam. In hindsight, that's exactly what I think they were doing.

83 More secret meetings. Over the next five months, I saw suspect Edelman, Paxton, and Kincaid have
84 lunch together at RBD on numerous occasions. In fact, Clive told me they had a standing arrangement to
85 meet on the 20th of every month from January through May 2019 and to make sure I had a table available
86 for them every month on that date between 6:00 p.m. and 8:00 p.m. I was unable to overhear any of their
87 conversations, but I got the sense they were planning something. I saw them making notes, looking at
88 photographs and diagrams of the dam under construction from various angles, and writing a list of
89 names. I tried to check on the table several times to see what I could hear or get a better view, but I
90 couldn't because they would stop talking or cover stuff up when I approached. But, as luck would have
91 it, I saw one of the documents and one of the diagrams slip off the table onto the floor one of the times
92 when I went over to refill their coffee. None of them noticed, and I collected them as soon as they left. The

93 diagram was of the exact place in the dam where it was determined that the breach that destroyed the
94 dam occurred. The document was the list of names, which included the name Joey Juniper the criminal
95 from Nevada and nine other people. I looked into the backgrounds of the nine other people. None of
96 them had criminal backgrounds, but all of them had supported SOS in some way.

97 The meetings slowed down again between June and September 2019, likely because this is the peak
98 rafting season for suspect Edelman's business. Although the dam was still being constructed, suspect
99 Edelman was still able to make her/his business work. I heard it wasn't as successful as it was before the
100 dam construction, at least that's what I assumed based on suspect Edelman's post-Labor Day tirade in
101 2018. But, it appeared to keep her busy enough to suspend her meetings at RBD, or s/he found
102 somewhere more private to have her meetings. Paxton told me s/he thought suspect Edelman had finally
103 accepted the dam would be built and was focusing all her/his energy on her business and trying to think
104 of new business opportunities to explore. Paxton seemed genuine, but my instincts told me otherwise.

105 Although I didn't witness any SOS meetings or "secret" meetings at RBD during the summer of 2019,
106 Kincaid was there a few times with some of her/his government cronies. On one of those occasions, I
107 heard Kincaid talking about how s/he had information about all the cost-cutting measures that were
108 taken to get the dam built, from subpar contractors to shoddy construction materials. Kincaid told her/his
109 cronies that s/he made a public records request for the bids and the construction contracts and that "every
110 job went to the lowest bidder." I had not heard that before, and I wasn't sure if s/he was making it up just
111 because s/he was opposed to the dam's construction. It seemed like Kincaid would say anything to give
112 the dam bad press, especially given her/his connection to suspect Edelman and her/his involvement in
113 the secret meetings. Since I didn't have any other evidence to support Kincaid's single statement about
114 the poor construction work, I concluded it was not necessary to pursue it. Plus, poor construction isn't
115 what I investigate. I investigate potential crimes and I had evidence that there was a conspiracy
116 underway to destroy the dam, and that conspiracy was led by suspect Edelman. To that end, I followed
117 suspect Edelman on a few occasions and saw her/him wandering around the dam construction site. I
118 even saw her/him take a few photographs. I didn't want to get so close that I would blow my cover, so I
119 am not sure what the photographs were of, but my instincts tell me s/he was trying to decide on the best
120 location to set the explosive.

121 Because there was not a lot happening at the RBD during the summer of 2019, I decided to go on one
122 of suspect Edelman's guided raft trips. I had to reschedule a few times because it had been raining a lot,
123 but I finally got a trip on the calendar. Suspect Edelman is really good at what s/he does. S/he definitely

124 knows a lot about the area and the river, probably because s/he grew up this part of the state. It was very
125 educational. I was hoping s/he would make some statements about the dam during the excursion that
126 would be helpful in my investigation, but s/he didn't other than to note it was being built and to explain
127 how s/he had to change her/his river trips as a result. S/he definitely did a fairly good job covering her/his
128 tracks in that setting. The out-of-towners on the raft trip with me would have never suspected that s/he
129 opposed the dam. Suspect Edelman is actually pretty likable as long as you don't get in the way of her/his
130 business ventures.

131 The final stages of the investigation. As the summer rafting season in 2019 started to wind down, the
132 dam construction started advancing more quickly, which fired SOS back up again. The SOS supporters
133 and suspect Edelman seemed to be getting a little more desperate and started meeting again regularly.
134 Like the secret meetings earlier in the year, the SOS held meetings on the 20th of every month starting
135 20.October.2019 through 20.May.2020. The meetings were basically all the same. Suspect Edelman would
136 lead the group discussions about what, if anything, could be done to stop the dam construction this far in
137 the process or to sue the people who were building it to get money damages for the impact to recreation
138 and wildlife in the area. There was a lot of talk about lawsuits, but the only thing notable I heard was
139 suspect Edelman state: "I still may have something up my sleeve. I just need some time and to make a
140 few more connections." At the 20.April.2020 meeting I heard suspect Edelman say she was going south
141 for a few days to meet someone who might help. S/he didn't say specifically where s/he was going, but
142 Nevada is definitely south of Tablerock. I also first met with Security Guard Becker in April 2020. S/he
143 told me that s/he occasionally saw suspect Edelman accessing the dam during the evening hours. S/he
144 said s/he never saw anything fishy about it and didn't make much of it, so I didn't either.

145 The 20.May.2020 SOS meeting was more of the same, but suspect Edelman seemed a lot more edgy.
146 S/he was definitely at the end of her/his rope. When s/he came in to the RBD that day, I asked how s/he
147 was and s/he just looked at me and didn't answer, which was unusual. S/he also kept running her/his
148 hands through her/his hair and would only respond to questions with short answers. The dam was
149 almost complete, and no lawyer would file a lawsuit on behalf of SOS or anyone else. A lawyer attended
150 that meeting and advised the group that a lawsuit could only be filed if and when the dam actually
151 harmed the area. In response, suspect Edelman said: "Obviously only the crooked politicians and
152 businessmen get their way. The system is rigged!"

153 On 15.June.2020, suspect Edelman posted on Facebook that the SOS meeting scheduled for June 20th
154 needed to be canceled because s/he had a conflict.

155 I don't think it's a coincidence that the dam burst on 20.June.2020. I believe in instincts, but not
156 coincidences, and my instincts were right about suspect Edelman and s/he met many of the criteria for a
157 domestic terrorist based on the profile I built. And, the evidence supported my conclusion. After the
158 explosion, we got a search warrant for suspect Edelman's house, workshop, and truck. We found some
159 incriminating evidence there, including black powder and dynamite. It's all on the inventory sheet if you
160 want the complete list.

161 I also arrested suspect Edelman. Although s/he didn't meet all of the criteria for a domestic terrorist,
162 given her/his age and ties to the Tablerock, the profile fit. Suspect Edelman was the founding member of
163 SOS, a clearly relevant organization with domestic terrorism ties and plans, and s/he had clearly become
164 increasingly angry and felt like a victim because of her/his failed attempts at stopping construction of the
165 dam. So, s/he took matters into her/his own hands and found a different way to put an end to it. And,
166 there was plenty of evidence s/he was guilty in addition to my profile of her/him. Besides the items found
167 in suspect Edelman's house and truck, which I believe linked her to the explosion, when I arrested
168 suspect Edelman, s/he smelled like propane. Based on my training and experience with the ATF, I know
169 exactly what propane smells like, and it linked suspect Edelman to the propane torch that was found near
170 the scene of the crime. I read suspect Edelman Miranda warnings when I arrested her/him, but s/he
171 refused to talk and asked for a lawyer.

172 Even though suspect Edelman would not talk to me following her/his arrest, I heard s/he said s/he
173 was using black powder to clear tree stumps. In my opinion, based on my experience with the ATF, that's
174 an excessive method for clearing stumps and was likely a cover story for what happened at the dam.
175 Plus, my recollection is that ATF regulations prohibit possession of more than 50 pounds of black powder
176 by an individual, which would be more than enough for clearing stumps. If suspect Edelman ever
177 possessed more than that, s/he's lying about using it for clearing stumps.

178 WITNESS ADDENDUM

179 I have reviewed this statement and I have nothing of significance to add at this time. The material
180 facts are true and correct.

181 /s/
182 Agent Avis Lerner

DEFENSE WITNESSES

LUKA EDELMAN, DEFENDANT

1 My name is Luka Edelman. I am sixty years old and was born and raised in Tablerock. My family
2 owns a successful cattle operation in the Tablerock area that my great-grandfather built in the early years
3 of the last century. Although my grandfather and father went into the “family business,” my interests lay
4 elsewhere--the Coho River.

5 My interest in river rafting began in the summer of 1972 with the first Olympics to include a
6 whitewater sporting event. I remember sitting before the television rapt, watching competitors navigating
7 a whitewater slalom course in canoes. It was incredible! When my father told me that people had been
8 doing similar things for years on the Coho River, I pleaded with him to take me. He eventually relented,
9 and I have been in love with whitewater sports and the Coho River ever since.

10 Throughout high school, I spent as much time on the river as I could. I learned the ins and outs of
11 whitewater rafting from a handful of old-timers who got their start on surplus army rafts after the Second
12 World War. Those old-timers even taught me traditional river navigation techniques using bull-boats and
13 dugout canoes.

14 In addition to river navigation, the old-timers also taught me to respect the Coho River and its
15 natural surroundings. In 1977, some rich out-of-staters wanted to build homes along the river. Those old-
16 timers did not like the idea of anyone spoiling the river’s natural beauty. All told, they got me and about
17 two hundred people to show up at the next county planning and zoning board meeting to oppose any
18 construction along the river. Ultimately, no new construction was approved.

19 By the end of high school, I did not want to follow my father into the family business. I wanted a job
20 that would keep me on the river as much as possible. So, after working for my father and saving for
21 about a year, I started Monida River Adventures, a whitewater rafting outfitter based on the Coho River.
22 This gave me a job from which I could both enjoy and protect the river. For example, I organized a letter-
23 writing campaign to stop the county from increasing the number of permits for fishing outfitters on the
24 Coho River during the early eighties.

25 For the next decade, I built Monida River Adventures into a profitable business. Then, in 1993, a
26 Washington lumber outfit came town to harvest lumber on public land near the river. I quickly organized
27 a protest. When the local paper interviewed me, I warned the lumber company that I would “put their

28 operation to the axe” before they would touch a single tree. In the end, the lumber company abandoned
29 the proposed harvest after I and fifteen other like-minded individuals handcuffed ourselves to some of
30 the timber harvesting equipment. Unfortunately, I had to plead guilty to misdemeanor trespass to avoid
31 felony charges for allegedly conspiring to sabotage the lumber equipment.

32 As more time passed, the Coho River obtained a reputation as the best whitewater rafting destination
33 in the Pacific Northwest--mostly due to the younger guides I trained taking stories of the Coho with them
34 to other parts of the United States. In 2008, Triple Falls was selected to be the site of the World
35 Whitewater Kayak Championships. Monida River Adventures really took off after that. Over the next
36 two years, my clientele more than doubled. That put me on pace to retire within the next seven years, but
37 my fortunes quickly turned.

38 In early 2010, I learned the Army Corps of Engineers wanted to dam the Coho River. My friend, Clive
39 Paxton, had submitted a bid. S/he told me that his/her bid would put the dam approximately five miles
40 north of Triple Falls, where it would minimally affect my rafting business and the environment. S/he also
41 told me where and when the final presentations for the bidding process would be. I suspect Clive told me
42 this because s/he knew I would organize a protest, which might increase his/her chances of winning as
43 s/he thought his/her bid was the most environmentally friendly.

44 I organized a hundred or so local conservationists, sportsmen, and farmers who opposed the dam.
45 We gathered outside the building where the final presentations were held. We chanted, marched in the
46 parking lot, and held up signs and banners. We even surrounded the vehicle of one of the engineers
47 judging the proposals as she was trying to leave. We let her know how we felt!

48 When the Army Corps of Engineers announced the plan to construct the dam in 2012, I was shocked.
49 To make matters worse, Triple Falls was the designated dam site! Building the dam there would ruin
50 both a natural wonder of the Coho River and my rafting business all at once. I asked Clive why his/her
51 bid lost, and s/he said it was all about money. Building the dam at Triple Falls would save millions in
52 construction costs. Additionally, Clive suspected that the company with the winning bid, Dolan and
53 Associates, was planning to cut corners in the actual construction. There was no other explanation for
54 their low-ball bid.

55 I realized that stopping the dam was going to take everything I had. First, I needed to organize all
56 those opposing the dam project, so I started “Save Our Streams,” also known as “S.O.S.” The group
57 started with just me, Clive, and a few other locals. Clive let us hold meetings in his/her restaurant, the

58 River Bend Diner. Once SOS got rolling, we tried to get the media to report on some of the negative
59 effects the dam would have on tourism and agricultural irrigation. Although the local media ran a story
60 or two, no national publications would come near us.

61 After getting little attention from the media, we took the fight into the courts. In 2014, S.O.S. sued the
62 government and the Army Corps of Engineers. What a joke that turned out to be! After more than a year
63 of litigation, the court dismissed the case because S.O.S. had not suffered any actual or imminent harm.
64 What good are the courts if they will step in only when someone is about to be harmed?

65 For the next two years, I steadily grew the membership of S.O.S. Generally, the new members were
66 good people. Although we did attract a few sovereign-citizen, anti-government nut jobs, they never
67 stayed long. Those types always seemed to advocate violent resistance. I would always tell them that
68 S.O.S. would use only peaceful forms of resistance. They usually would disappear after that. However,
69 one of those guys posted something threatening on S.O.S.'s Facebook page, which resulted the page being
70 shut down. That hardly seemed fair. We did not post the threat, but S.O.S. was punished anyway.

71 In 2016, things really got serious. That's when Dolan and Associate's contractor, Galey Construction,
72 began constructing the dam. The loss of Triple Falls really hurt Monida River Adventures' profits. The
73 silver lining to this was that I had an injury that would support a lawsuit. This time I sued not only the
74 government and Army Corps of Engineers, but also Dolan and Associates. Unfortunately, this lawsuit
75 was as big a joke as my first one.

76 After another year of litigation, the defendants offered to settle. In exchange for dropping my lawsuit,
77 they offered me the right to pass through the dam site to access my workshop. I decided to take the offer
78 as the media had largely ignored the lawsuit and I knew the courts would not protect the environment
79 nor provide me justice.

80 As the dam neared completion in 2018, Monida River Adventures was in dire financial straits. In
81 September, my accountant told me that Monida River Adventures was hemorrhaging money. This really
82 shook me up. I had built Monida River Adventures from nothing nearly forty years ago, but now I was in
83 real danger of losing it!

84 I started losing hope that the dam could be stopped. Then I got a lucky break. While crossing through
85 the dam site, I overheard some of the workers discussing their "golden goose." I neither recognized the
86 workers, nor knew what part of the project they were working on. But their conversation suggested that
87 they overcharged for some of the internal piping for the dam. If this was true, it might be enough to sway

88 public opinion against the dam. I told Clive about what I heard, and s/he did not seem surprised one bit.
89 S/he was convinced that Dolan and Associates was awarded the project because they under bid everyone
90 else by millions. My theory was that, because the initial bid for the dam was so low, the scammers
91 thought nobody would look closely at a million or two of cost overruns to see if they were legitimate. I
92 was convinced that revealing this scam would kill the dam. I just needed some hard evidence!

93 In May of 2019, I contacted the office of my local Congressman, Jaycee Kincaid, about what I called
94 the "dam scam." I was pleasantly surprised when s/he agreed to meet me. Clive and I met Jaycee at
95 Clive's diner. Jaycee supported further investigation into potential corruption in the dam project, so we
96 developed a plan. Clive identified the most promising places to look for overcharging or material theft. I
97 snooped around the dam site trying to gather evidence (e.g., photographs) of shoddy workmanship,
98 substandard building materials, etc. From his/her position on the congressional subcommittee overseeing
99 the dam project, Jaycee reviewed copies of the bids, contracts, expenditures, and other financial
100 documentation for the construction of the dam. Unfortunately, I found no direct evidence of corruption.
101 This was particularly disheartening as I scaled back SOS meetings to facilitate the investigation.

102 However, during the final meeting of the dam scam group, Clive revealed a bombshell. While
103 discussing whether we had enough evidence of corruption to pique the media's interest, Clive revealed
104 that Dolan and Associates was going to use some crazy air-pressure test on the dam. Apparently, most
105 people pressure test dams slowly with water. Dolan and Associates, however, was going to test quickly
106 using air. According to Clive, this method ran a greater risk of blowing out the system. I thought that this
107 might be something that might garner media attention and hurt the dam's progress. I just had to find
108 someone willing to report it.

109 By the fall of 2019, with dam scam investigation winding down and the rafting season over, I ramped
110 up S.O.S. once again. Unfortunately, despite growing concern among members due to the dam's
111 impending completion, there were no fresh ideas on what could be done in response. I brought in
112 another lawyer, but she said that we had little chance of bringing a successful lawsuit. I let her know
113 what I thought about that! In the end, we could not find a lawyer willing to bring another lawsuit. I think
114 they were all too scared of the government.

115 By spring of 2020, I thought I had made a connection with a reporter out of Salt Lake City who was
116 willing to report on Dolan's crazy air pressure test. I met him through an internet message board, but he
117 would not give his real name. He said he would reveal his identity once we met in person. However,

118 when I went to meet him, he didn't show up and didn't respond to any more of my phone calls or emails-
119 -another bit of government intimidation.

120 By May of 2020, my financial situation forced me into some tough choices. Monida River Adventures
121 had such a bad season the previous year that I needed to expand the family cattle operation to make up
122 the lost revenue. Unfortunately, the cattleman I had running the operation told me this would require
123 clearing some of my family's pristine property in the valley to make room for the expanded herd. To save
124 money, I decided to clear the land myself by hand. My grandfather and father had cleared similar land by
125 hand, clearing stumps with black powder charges and dynamite. I still had some of the dynamite they
126 used in my workshop. Unfortunately, it was too old to be useable, so I got my hands on some black
127 powder and improvised some charges. There weren't that many trees on the property, and my father had
128 taught me how to make the black powder charges when I was a kid. Unfortunately, I was busy prepping
129 the land for the expanded herd that I had to cancel the June S.O.S. meeting.

130 Thus, began June 2020--the worst month of my life. I was burning the candle at both ends throughout
131 the entire month. I helped with the expanded herd, guided rafting trips, and I needed to finish installing
132 a chain-link fence around my workshop. The only time I had to install the fence was after dark. Then, the
133 rafting trip I had schedule for the 18th of June turned out to be a complete disaster. It was a group of
134 college kids from Washington. They were partiers and decided to bring some marijuana into Monida
135 along with them. Generally, I am pretty live and let live with that sort of stuff, however, they were so
136 rowdy that they ended up damaging two of my rafts. Then I got into a physical altercation with one of
137 the kids when I asked him to pay for the damage. As they left, I decided to let the sheriff know what they
138 had in their cars. I also let the sheriff know that "someone needed to teach them a lesson."

139 The first opportunity I had to repair my damaged rafts was the 20th of June. I loaded some of my
140 repair equipment into my truck and headed to the workshop. I had hoped to arrive around 8:00 to take
141 advantage of the summer daylight, but because of all the rain, the roads were dicey, and my truck got
142 stuck in the mud. So, I didn't get to the dam until a little after 9:30 p.m.

143 When I got to my workshop, I finished up some metal fabrication for the chain-link fence. When I
144 finished that, I noticed the bag with my propane torch and other equipment for repairing my rafts had
145 fallen out of my truck. In my haste, I must have neglected to fully close and latch my tailgate. I jumped in
146 my truck, drove back down the access road, and found the bag at the head of the access road. I ran into
147 the night security guard again, and s/he asked if I needed help. I said I was fine. When I checked the bag,

148 the propane torch was gone. I groped around in the darkness for a few minutes and managed to find it.
149 Then I went back to my shop and started repairing my rafts.

150 I finished the repairs shortly before midnight and started heading for home. When I got near to my
151 truck, I heard what I thought was a crash - that metal-on-metal sound you hear when two cars collide.
152 But then I noticed that the ground started shaking and I knew right away it must be something with the
153 dam. All the cheap materials and corner cutting was leading to a catastrophe! Although I was upstream
154 from the dam, I wanted to get out of dodge for my own safety. As I was driving to the main gate, I heard
155 a huge roar. I assume it must have been the dam failing. When I got back to the main construction site, I
156 bumped into the night security guard. S/he looked like s/he had seen a ghost, which is not surprising
157 considering what had just occurred. I probably was a sight, too. Anyway, s/he let me out the front gate
158 and I went home, thanking my lucky stars to be alive and hoping that nobody was hurt. I didn't bother
159 calling emergency services. I figured they knew what happened, and I did not have any more useful
160 information to contribute than the night security guard would.

161 Nothing happened for the next few weeks. Then out of the blue a bunch of FBI agents showed up at
162 my house. They turned my house and workshop upside-down. They took bags of stuff and told me not to
163 leave town. I am still not sure of everything they took. But I do know that they took the old dynamite and
164 empty bags of black powder I had left over from blasting stumps. A couple days later one of the FBI
165 agents came back and arrested me. I recognized the one in charge as a waiter/waitress who had worked
166 at Clive's diner. I think his/her name was Avis, like the car rental company. Apparently, s/he had been
167 spying on me for a while. Avis said I was being charged with bombing the dam! I went without a fight,
168 but I didn't say a word to them when they tried to interview me later. They asked me about the old
169 dynamite and empty bags of black powder in my shop. I just told them I wanted a lawyer. The courts
170 may be rigged, but they are not going to make me the scapegoat for their failed dam scam without a fight!

171 WITNESS ADDENDUM

172 I have reviewed this statement and I have nothing of significance to add at this time. The material
173 facts are true and correct.

174 /s/
175 Luka Edelman

JAYCEE KINCAID, MEMBER, U.S. HOUSE OF REPRESENTATIVES

1 My name is Jaycee Kinkaid. I'm 37 years old and I am currently one of the United States
2 Representatives for the state of Monida. I ran, have governed, and have been re-elected as an
3 independent legislator. I don't belong to any political party and I'm not beholden to anyone. I take my
4 marching orders from the people I represent in Monida, not from party officials. I know that's uncommon
5 these days, but it works for me and it works for the people I represent. I was first elected in 2010 and after
6 winning re-election in 2020, I'm now in my 6th term as a representative.

7 As a member of Congress, I've focused on two main areas. First, I've worked hard on the
8 preservation of wild spaces so that everyone can enjoy them. I'm a product of the west and recreating in
9 the outdoors is something I'm extremely passionate about. I think it's important to protect wild lands for
10 the public so they will be accessible for generations.

11 Second, I'm a proponent of human growth and development, specifically business and construction. I
12 think people prosper the most when they are unhindered and can innovate and provide for their
13 neighbors without government regulation. To that end, I've worked to relax regulations across the board,
14 specifically when it comes to building projects. Builders know how to build better than government
15 bureaucrats. Builders come from the same places that I work so hard to protect. They love natural spaces
16 as much as anyone, and they've got incentive to protect them because they are building in their own
17 hometowns. Builders don't need the government telling them where and how to build. Anyway, I know
18 this isn't a campaign event, so I'll step down from my soapbox.

19 I grew up in Tablerock. I ran track for Tablerock High School. I believe my senior year was the last
20 year the track team made it to state. You can take what you want from that fact. Growing up, I loved
21 exploring nature. My friends and I rode our bikes everywhere. One of our favorite places was Triple
22 Falls. There was a path we could ride our bikes up to get to the top of the canyon and look down over the
23 falls. Often, you'd see kayaks or rafts trying to make it through. Most didn't make it through without
24 getting wet. World-class rapids, those. When there weren't kayakers coming through, we'd toss rocks
25 down into the water. The trick was to make a splash big enough to see. With all the whitewater, that was
26 tough. You could also get down near the water. We didn't really swim there because the water was so
27 turbulent, but there were great opportunities for rock climbing along the canyon walls. I've got many
28 good memories of that place.

29 Anyway, after high school I moved to Missoula for four years to attend the University of Montana. I
30 majored in business with a minor in forestry. I moved back to Tablerock after college to work at the
31 family business: Kincaid Real Estate. My first year back I studied for and received my real estate license.

32 My mom and her brother opened Kincaid Real Estate before I was born. My parents, sister, uncle,
33 and two cousins work there. It's a pretty good business, and I'd say we're the top real estate firm in
34 Tablerock. The company sells all kinds of real estate—single family homes, multifamily, commercial,
35 agricultural—you name it, we've sold it. While I was there, I focused mostly on single family homes.
36 "Selling dreams," I called it. The population of Tablerock was increasing, and there really weren't enough
37 houses to satisfy the demand. Selling houses was easy, and they were often going for above asking price.
38 Makes for a nice commission.

39 Selling dreams is how I met Teddy Dolan. Dolan wanted to buy a house upon moving to Tablerock,
40 and I was the real estate agent picked for the job. I thought Dolan was rude and overly demanding. I'm
41 used to rude people in my line of work, but Teddy took the cake. Calling me at all hours of the night,
42 telling me my suggestions of questions to ask and offers to make were stupid. I don't know why Teddy
43 continued to use me as an agent. It didn't seem like we had the best relationship.

44 I've known Luka since the mid-2000s. As I said, I enjoy the outdoors and I've taken several rafting
45 trips with Luka, both on the Coho River (although not recently, since the dam was built) and other rivers
46 in the region. I would consider Luka a friend, but then I consider most people in Tablerock a friend. It's a
47 small place, and we've got to stick together. Luka's always been polite, kind, and adventurous, like me.

48 I know about Save Our Streams. Luka started SOS about the same time as I was running for
49 Congress, and I supported the effort. Conservation is important to me, and conservation is one of the
50 main missions of SOS. It's ludicrous to think SOS is a violent, terrorist organization. That's just not what
51 they, or Luka, for that matter, are about. It does good work and puts on good events. Some of the events I
52 know SOS has put on include workshops teaching kids rafting safety, organized stream cleanups for the
53 small creeks and streams that often get forgotten, and an annual summer BBQ. Usually the BBQ features
54 an inflatable raft filled with water where the kids bob for apples. Great time.

55 I've even been to a few SOS meetings. At the first one I went to Luka spoke about the group's
56 mission. I still remember Luka saying "SOS's goal is exactly what the name says. Our streams, our rivers
57 are under attack, and we must fight to save them." Luka was big on preserving waterways for "current
58 and future generations." A rallying cry often heard at the meetings was "make your voices heard."

59 SOS supports my candidacy, too. I'm proud to have received an endorsement and campaign
60 donations from them. I don't think it's fair to say I'm biased toward a particular group because they gave
61 me a campaign donation. As someone who represents all of Monida, I receive campaign donations from
62 people and organizations across the state. I've even received a donation or two from Dolan & Associates
63 in the past. No matter who donates, it doesn't mean I've been "bought" by them. I listen to everyone I
64 represent, regardless of whether they donate to my campaign or not.

65 I am intimately familiar with the Triple Falls Dam. In fact, the dam is one of the main reasons I
66 decided to run for office. When I heard that the Army Corps of Engineers was soliciting bids to build a
67 dam on the Coho River, I'll admit I was upset. I don't think the dam was good for anything. Sure, it
68 generates power, but there are plenty of other, better-suited places to generate hydroelectric power. And
69 what about wind? We didn't hear any proposals for a wind farm instead of a dam.

70 Building a dam on the Coho River was terrible for those of us that recreate there. That trail I
71 mentioned that went up to the top of the cliff above Triple Falls? That's gone now. Part of the "Dam
72 Complex" that's closed to the public. You can't hike around the area anymore because so much of that
73 land is now owned by the dam. And worst of all, they destroyed Triple Falls when they built the dam. I'd
74 never been through it in a kayak, but I was working up the courage and always thought I would one day.

75 The dam was also bad for Tablerock. I don't think it created more than half a dozen permanent jobs.
76 Aside from the natural landscape, the land that the dam takes up would have been perfect for housing.
77 While the dam itself is in the canyon, the dam complex spreads on either side up above on the cliffs.
78 Those would've made great lots. You could've built beautiful homes up there, with great views of the
79 falls. Could've attracted higher-income residents to the area, too.

80 It's no secret that I was not a fan of the dam project from the beginning. But it wasn't until I got to
81 Washington that I realized what a disaster the project really was. By the time I took office in January 2011,
82 the bids had come in. Nothing more had been done because the project was tied up in litigation. Some of
83 the bids were seriously deficient, and with the lawsuits surrounding the dam I knew things weren't going
84 to go smoothly. Because the dam is in Monida, I was assigned a seat on the committee overseeing the
85 dam project. As a member of the committee, I was able to see all the bid documents, plans, construction
86 reports, budgets, and other documents relating to the project. Let me tell you, the whole thing was a mess
87 from the get-go. It was destined for catastrophic failure.

88 Many firms submitted bids to build the dam and two of the firms were located in Tablerock: Dolan &
89 Associates and Paxton Environmental Engineering That's how these large, heavy construction projects
90 are typically structured. You have a project owner which, here, was the Army Corps of Engineers. The
91 owner contracts with an engineering firm to design the dam and hire building contractors, obtain
92 materials and supplies, etc. The Dolan and Paxton bids were vastly different. In my work as a
93 congressperson, I've seen a lot of bids—both for dams and other heavy civil construction projects. I'm
94 familiar with what goes into them, and the difference between a good bid and a bad one. The main thing
95 is cost. Projects are expensive. If one bid is significantly lower than others, you know that company will
96 use sub-par materials, or cut corners in construction, or cause significant spending beyond the budget.

97 Even to me, a non-engineer it was obvious that the Paxton bid was much better. The biggest thing for
98 me is that Paxton proposed building the dam in a different location—one that would not have required
99 the destruction of Triple Falls or surrounding housing potential.

100 Over the past few years, I've learned just how inferior the Dolan bid actually was. The main structure
101 of the dam is concrete. There's no one way to make concrete—there are hundreds of recipes, each
102 specialized for a different application. I've learned quite a bit about concrete as a congressperson. We've
103 had engineers come in to teach us about concrete and what makes a particular recipe suited for a
104 particular purpose. Based on my experience, I think the mix of concrete Dolan specified for the project
105 was better suited to warmer climates. It didn't necessarily have the same strength to withstand winter
106 freezing. The moisture content of the pour was too low, and so the concrete wouldn't cure correctly in the
107 Monida weather. There was also much discussion among the congressional committee about the
108 proposed structure. Because Dolan's proposal placed the dam in the canyon over Triple Falls, it relied on
109 the surrounding rock for most of its structural integrity. There weren't any geological reports in the
110 record indicating whether that rock was solid enough for the job. Typically you'd see geotech reports in a
111 bid like this. Dolan claimed s/he had done the research, but I never saw evidence of that.

112 There were minor things that stood out to me as red flags, too. For example, the pipes that Dolan
113 specified to carry water underground were a full inch thinner than the pipes Paxton specified. Dolan
114 specified only about 60% of the amount of rebar that Paxton specified. Rebar is used inside of concrete
115 structures to add strength and stability. It's a critical part of the structural integrity of any concrete
116 building. Given that Dolan's concrete recipe wasn't the best for the climate, the lower amount of rebar
117 specified made me incredibly nervous about the strength of the dam Dolan would build. Compared to
118 other bids I've seen for other projects; Dolan's bid proposed a very weak structure.

119 There were also issues with the location. You know my personal opposition to the chosen location,
120 but I set that aside when I became a congressperson. As a member of the oversight committee, it was
121 clear to me that the location was a terrible choice. It was much harder to access than Paxton's proposed
122 site and required destruction of a couple hiking trails to build a road to the site. The worksite itself was
123 dangerous. The narrow canyon walls didn't allow much space for maneuvering the large construction
124 equipment, and the high cliffs were perilous for the workers. It's a miracle no one was killed or seriously
125 injured in the construction.

126 I think it's obvious why Dolan's bid was chosen, despite the clear issues with it: money. Dolan's bid
127 was approximately 30% cheaper than Paxton's. Teddy was up to his/her same old games of undercutting
128 the competition. Dolan was able to offer such a cheap bid because of the inferior design and materials. Of
129 course, this is a government project so, as is typical, the project went to the lowest bidder. That happened
130 to be Teddy Dolan. I was strongly opposed to Dolan's bid, and it didn't have anything to do with my
131 personal history with Teddy. I thought it was clearly an inferior design that would cause problems down
132 the road. But, money talks, and Dolan's proposal was cheaper. I was outvoted by the committee and the
133 project was awarded to Dolan & Associates in 2012.

134 The problems continued after Dolan was awarded the bid and began construction. I saw construction
135 reports prepared by the Army Corps of Engineers that described several problems with the construction.
136 One report explained that the concrete wasn't being given enough time to cure before the forms were
137 removed. Before they pour the concrete, they build big wood and metal structures called "forms" that
138 hold the concrete in a particular shape until it dries and holds that shape on its own. Different types of
139 concrete require different amounts of time to cure before the forms are removed. According to the report,
140 on this project the forms were removed too early, which apparently can cause cracking and structural
141 damage.

142 Another report talked about the depth that pipes were laid. Some of the water that goes through the
143 dam travels through pipes that are laid underground. The pipes must be a certain distance underground
144 to function safely and correctly, and one report I read seemed to suggest the pipes weren't buried deep
145 enough. I don't know if that ever got fixed.

146 The long and short of it is that Dolan's proposal produced a sub-standard final product. This dam
147 was built on a less-than-ideal location, using subpar materials and improper construction techniques. It
148 was only a matter of time before something like this happened. That was one of the arguments made in

149 the lawsuits surrounding the dam construction. Not only did the people not want it; it was dangerous! As
150 the lawsuits progressed and the bid documents came in, SOS and other groups obtained the proposals
151 and argued to the courts that they were all insufficient. Now, I was not directly part of those lawsuits and
152 I don't know exactly what was said there, but I do know they were right about Dolan's bid. I think
153 Paxton's bid was stronger, but because Clive's bid was more expensive the government wouldn't give it a
154 second look.

155 It was no surprise to me when the project costs began to exceed the budget as construction got
156 underway. I went to talk to Teddy about it and Teddy said the problem was the cost of materials—
157 apparently materials were more expensive than Dolan & Associates anticipated. I never figured out if
158 that was true, mainly because after I spoke with Teddy, security guard Mason Becker approached me to
159 tell me a rumor about a scam going on. Mason said that Teddy was ordering extra materials, such as
160 rebar, cement, bolts, and metal plates, and some unknown people were sneaking onto the construction
161 site to steal the extras. That was the true reason for the cost overrun. Mason hadn't seen any of this
162 directly, meaning that any theft must have occurred outside Mason's shift. Mason suspected Teddy knew
163 about the thefts.

164 I asked Mason to keep an eye out and pass any more information along to me. I didn't immediately
165 inform the police or the congressional committee about what Mason told me, because I wanted to
166 investigate it myself first to take Teddy down. Ultimately, my investigation led nowhere because the dam
167 ended up collapsing before I made any progress.

168 Look, no one blew up the dam. It failed because it was poorly designed and poorly built. Every step
169 of the way, from bidding to completion, corners were cut. Luka was opposed to the dam, but so were
170 many other people. It's obviously a tragedy, what happened. Property damage is already north of a
171 billion dollars. But this tragedy was caused by government stinginess and shoddy construction, not some
172 homemade bomb. Luka should be thanked for fighting against this dam, which turned out to be terrible
173 for Tablerock, not charged with terrorism.

174 WITNESS ADDENDUM

175 I have reviewed this statement and I have nothing of significance to add at this time. The material
176 facts are true and correct.

177 /s/
178 Representative Jaycee Kincaid

CLIVE PAXTON, ENGINEER & DINER OWNER

1 When newcomers ask who the best engineer in town is, I say it's me, Clive Paxton. I know whenever
2 I say that, locals here in Tablerock remind me that as a teenager I placed second, behind Teddy Dolan,
3 when our two high schools went head-to-head in an Monida versus Utah science competition. But it was
4 rigged--I'm fairly sure one of the judges was one of Teddy's relatives. I clearly had a better science
5 project, and I'll never forgive Teddy for cheating and cutting corners just to get a win.

6 Why am I smart? Well, for one thing, I don't need modeling software to check buildings for problems
7 before they're built. I just look at the blueprints and use my brain. While getting my degree in civil
8 engineering with a focus on environmental engineering and design from Stanford University, I surprised
9 professors with my ability to predict--with one-hundred-percent accuracy--what the results of computer
10 modeling software would be just by designing the building in my head and letting it sit in the back of my
11 mind for a couple of days. Of course, the professors always had me drudge through and actually design
12 the building in AutoCAD to double-check my work (AutoCAD is an engineer-approved computer
13 software for designing buildings and simulating the structural stresses caused by forces such as wind or
14 water). But this took weeks, and sometimes months, to do. I never really understood why the professors
15 had me do it--I could get the same results within days using my brain. I did the same thing while getting
16 my master's degree in environmental engineering from the University of California, Berkeley. My
17 professors begged me to stay and get a PhD, but I said no. When you're at my caliber of thinking, there's
18 no need to get one.

19 After I graduated, I went to work for a top engineering firm in California. After about a month of
20 working on a two-billion-dollar skyscraper, it became evident that they refused to recognize my brilliance
21 (the senior engineer couldn't deal with the fact that I was always right), so I left and decided to start my
22 own engineering firm. I didn't have any capital, so I had to come home to Tablerock and work out of my
23 parents' basement for a while. I established Paxton Environmental Engineering, PLLC, and built up a
24 clientele. But because Tablerock is a small community there isn't much engineering work to do and I had
25 to supplement my income by starting a restaurant called River Bend Diner. I do my engineering work in
26 a spare room in the back of the diner. I've designed and managed the construction of forty-five homes,
27 three businesses (including my diner), and one bridge in the past thirty years. Oh, and about a hundred
28 custom dog houses--when you're in a small community, you've got to do something to pay the bills!

29 Given that I've only had small engineering projects, you can imagine my excitement when the Army
30 Corps of Engineers announced in 2010 that they wanted bids for a dam in Tablerock. With a job that big, I

31 could retire early. That, and being an environmental engineer, I wanted to make sure the dam was in a
32 spot that wouldn't ruin Tablerock's wonderfully diverse ecosystem.

33 Acting through Paxton Environmental Engineering, I submitted a proposal for designing the dam
34 and overseeing construction. For the dam's location, I choose a spot on the Coho River about five miles
35 upstream of Triple Falls. The dam would be wider than normal, but low enough for a fish ladder, which
36 allows fish to go upstream and bypass the dam. As a bonus, building the dam at this location would
37 mean that the local river rafting business could continue, which was owned by my longtime friend, Luka
38 Edelman.

39 After submitting the proposal, I gave Luka a brief description of my plans. Luka seemed pretty
40 excited by the green energy that could be produced, so I told Luka when I would present my proposal to
41 the Army Corps of Engineers panel. I figured Luka would like to see the full extent of my plans,
42 including the fish ladder I had planned.

43 Then, I found out that Teddy had swooped in, formed a new engineering firm in Tablerock called
44 Dolan and Associates, and submitted a competing proposal for the dam. Because both our firms were
45 among the five finalists being considered for the project, I got a copy of Teddy's plans. When I saw Teddy
46 proposed using a new air pressure testing system, I laughed--who in their right mind would use air
47 instead of water for testing a dam? Sure, you could reach the same pressure level with air, but air and
48 water aren't the same when it comes to compressibility. Water is incompressible, while air is very
49 compressible. This means compressed air stores a lot more potential energy than water when the pressure
50 levels are equal. At the pressure that Teddy planned on using, the energy from the compressed air is
51 comparable to a large mechanical spring. This makes it dangerous if a fracture appears during testing--
52 the compressed air will continue to stress the pipes while the air dissipates through the fracture, causing
53 the fracture to rupture further. Water, on the other hand, loses pressure almost instantaneously because
54 it's not compressible. So, if a fracture appears, the water's stored energy dissipates almost immediately
55 and the fracture doesn't get worse. For this reason, air testing is a much more dangerous way to stress
56 test pipes.

57 If, instead of a stress test, Teddy wanted to check for leaks using air, then the accepted engineering
58 standard is to use air at low pressure, which will give you the same results as a water test with a much
59 higher pressure. For instance, air pressurized at 30-50 lbs./sq. inch is just as effective as water pressurized
60 at 150 lbs./sq. inch when you're checking for leaks. It's just as effective because the viscosity of air is

61 eighty-nine times less than that of water, and unlike water, air doesn't have any surface tension. This
62 means it's easier for air to go through cracks than water, and so you don't need to pressurize the air
63 nearly as much to get the same results. Because of these obvious problems, I thought there was no way
64 the Army Corps of Engineers would adopt Teddy's plan.

65 Another thing that annoyed me was that Teddy planned on doing the pressure test in two days
66 instead of two months. Probably another of Teddy's corner-cutting moves to save costs. There's a good
67 reason why the typical water test takes several months. You never know if there are faults in the concrete.
68 If there are, it's a better idea to gradually increase the water flow, checking for leaks every hour. Then, if
69 something goes wrong, you can stop increasing the water flow before the stress rises to structural failure.
70 By slamming the pressure on fast, like Teddy would do with the air system, you won't notice the leaks
71 before it's too late. And if the pipes in a service spillway blow, the whole dam can go down. It's much
72 better to go slow, which is why water testing is the standard engineering practice in the industry.

73 And, I have to say, as an environmental engineer I was offended by the lack of plans for a fish ladder.
74 Teddy's dam was too tall. While this provides more electrical power output, a fish ladder simply isn't
75 feasible after a certain height--the fish get exhausted if they have to jump up too many pools on a fish
76 ladder.

77 Despite the fact that I pointed out all these problems with Teddy's proposal during my presentation
78 to the Army Corps of Engineers panel, Dolan and Associates was awarded the contract. The reason given
79 was that their plan was cheaper by thirty percent and their planned dam could give forty percent more
80 power. But as I told Luka, the reason it was cheaper was probably because Dolan and Associates chose
81 poor quality concrete and cut every corner they could. And I'm sure Teddy cheated again--it's the only
82 way Teddy ever beats me. Teddy probably did something like hire a lobbyist to wine and dine the
83 engineer judges on the panel.

84 Now, my friend Luka has a lot of experience protesting. I've never joined Luka in the past, but I was
85 hopping mad. I took up Luka's offer in 2012 for a seat on the board of directors for the newly-formed
86 Save Our Streams (SOS). We held monthly meetings at my diner. Luka did a good job of getting
87 responsible members. For instance, Jaycee Kinkaid, a member of Congress, joined SOS. Jaycee had inside
88 information, and confirmed my suspicions that Teddy was using poor quality materials and
89 craftsmanship. This just fueled my desire to stop the dam using any legal means possible. Luka was very

90 clear, though, that we weren't to use violent measures, and would give me a stern look any time I joked
91 about sabotaging the dam.

92 Years went by as SOS tried litigation and the media. Nothing worked. Then, in 2018, Luka learned
93 that a subcontractor was overcharging on piping materials. We were excited to expose the subcontractor,
94 but had to keep things on the down low to keep the element of surprise. We had to whisper at some
95 meetings--because of my involvement with SOS, I needed more help at the diner and had just hired a
96 new server, Avis Learner. We didn't know if Avis was connected to any of the subcontractors. That, and
97 Avis seemed awfully eager to clean up after each meeting ended--one time we accidentally left some
98 documents behind and when we went back to get them, they were gone. Avis mentioned seeing them,
99 but thought the documents weren't important and so had shredded them immediately. At the time, I
100 thought this was odd and it made me not quite trust Avis completely.

101 Not that we thought Avis was a bad person or anything--in fact, Avis was one of my best employees.
102 Avis has an infallible gut instinct. I swear Avis could tell, from the moment a customer walked in,
103 whether a customer was going to leave without paying. Avis caught several of them and made them
104 cough up the dough. It was great! Well, except for the time Avis tackled one of them--it seemed a little
105 overzealous and it hurt my business because the other customers who saw the tackling incident never ate
106 again at my diner. Looking back, it should've clued me in that Avis was a government spy, as we found
107 out later.

108 At one of our SOS meetings, held at the end of the summer of 2019, it finally clicked in my head--if
109 subcontractors were using suboptimal piping, this would make Teddy's air pressure testing system even
110 more dangerous. I let Luka and the group know my concern, and that we should broadcast this
111 information to the public--I'd even prepared a diagram showing the weak stress points of the service
112 spillway piping. Luka volunteered to handle the PR side of things and so I gave Luka the diagram. But I
113 never saw anything about the dangers of the dam in the news. Luka may have just been too distracted--
114 the rafting business was tanking and I could tell Luka wasn't sleeping well.

115 Ultimately, we failed to stop construction on the dam. I was surprised to learn that Teddy planned on
116 pressure testing the service spillway in June of 2020. The rainfall that spring was much higher than
117 predicted--in fact, it was the highest it's been in 132 years. Teddy was probably in too much of a hurry
118 and didn't double-check what the actual rainfall had been. Under the Army Corps of Engineers'
119 regulations, dams have to be built to account for the highest rainfall within the past 100 years. Teddy, to

120 save money, wouldn't have designed the dam with any higher number than required by law. So, when
121 the dam burst on June 20th, I was only marginally surprised--served Teddy right for skimping on
122 materials and cheating! The Army Corps of Engineers should've taken my proposal.

123 I don't know why they keep blaming Luka for the collapse of the dam. I've known Luka for years,
124 and in my opinion, Luka is a peaceful and law-abiding person. After all, Luka is an environmentalist.
125 When the dam broke, the released water destroyed about thousand acres of forest, ripping up trees and
126 carrying off the rich topsoil. Why would Luka want that?

127 When I heard they'd put Luka in jail, I decided to help out my friend and find out the true reason for
128 why the dam had failed. I followed my normal method. First, I built a model of the dam in my brain,
129 based on how I remember it looking in the days before it burst. Next, I factored in what I could recall of
130 the air pressure system. And, I did what Teddy probably forgot to do while designing the dam--I added
131 in the stress from the unusually high rainfall that year. I didn't even have to wait the normal two days to
132 get results back from my brain. Within half an hour, my brain told me that the dam had burst under those
133 conditions, with the rupture starting at the service spillway.

134 I was excited by what I found, but I've learned that people rarely realize how smart I am and won't
135 take my word for it; at least, some past clients got nervous when I told them I'd designed their project
136 only in my mind. So, I spent a couple of months designing a 3D model of the Triple Falls Dam using my
137 AutoCAD program. I used the blueprints that I got from Dolan and Associates in 2010 during the
138 proposal process, which is standard engineering protocol. I doubt they made many changes to the design
139 once it was adopted--a single change to a complicated project like this costs about ten thousand dollars in
140 engineering fees, and Teddy is all about cutting corners to save money. Then I started the computer
141 simulation of the air pressure system. It takes hours to complete, and it was late, so I went home to go to
142 bed.

143 When I woke up and came back to the diner, the simulation had finished. The AutoCAD program
144 results showed that the model dam hadn't collapsed. I was stunned--AutoCAD had always agreed with
145 my brain in the past. I figured I must've inputted something wrong for the design, so I started double-
146 checking my work. I found some minor errors, but then suddenly realized I'd left out the unusually high
147 rainfall. I re-ran the same model dam I'd used the night before, but this time added the right level of
148 rainfall, based on the historical weather reports from the local station. I had to wait all day for the
149 simulation to run, but, sure enough, when it got done the AutoCAD program results showed that the

150 dam had ruptured, starting at the service spillway. I had my answer, and my brain had been vindicated
151 once again.

152 After I shut down my computer, I remembered that I'd forgotten to factor in the cheaper and poorer-
153 quality materials that Jaycee told me were used. I figured I didn't need to run another simulation because
154 AutoCAD already showed that the dam would burst even with normal materials. All adding the weaker
155 materials would do is make it more likely that AutoCAD would show that the model dam would
156 collapse.

157 I read in the newspaper that the prosecutor thinks that Luka planted a homemade bomb in the dam.
158 When I saw that, I fired up my AutoCAD program again, pulled up the 3D dam model I'd created, and
159 inputted the forces from the type of homemade bomb that the FBI thinks Luka used. I ran two
160 simulations, one with the bomb detonating on the road on top of the dam and one at the base. Both
161 simulations showed the bomb wouldn't have caused even a fracture. In other words, there's no way a
162 small bomb like that could cause catastrophic failure of the dam.

163 Based on my education and experience, and after applying both my brain and an engineering-
164 approved AutoCAD program, it is my professional opinion that Teddy Dolan failed to design the dam to
165 handle the unprecedented amount of rainfall Tablerock had in the spring of 2020, and that this, combined
166 with the extra stress caused by the air pressure testing, caused the service spillway to rupture, which led
167 to the structural failure of the dam. It's silly to think that a simple homemade bomb could have caused a
168 catastrophic failure like this. Luka's innocent.

169 **WITNESS ADDENDUM**

170 I have reviewed this statement and I have nothing of significance to add at this time. The material
171 facts are true and correct.

172 /s/
173 Clive Paxton

EXHIBITS

EXHIBIT 1: DIAGRAM OF TRIPLE FALLS DAM



EXHIBIT 2: MAP OF AREA SURROUNDING TRIPLE FALLS DAM



EXHIBIT 3: CLIVE PAXTON'S DAM DIAGRAM

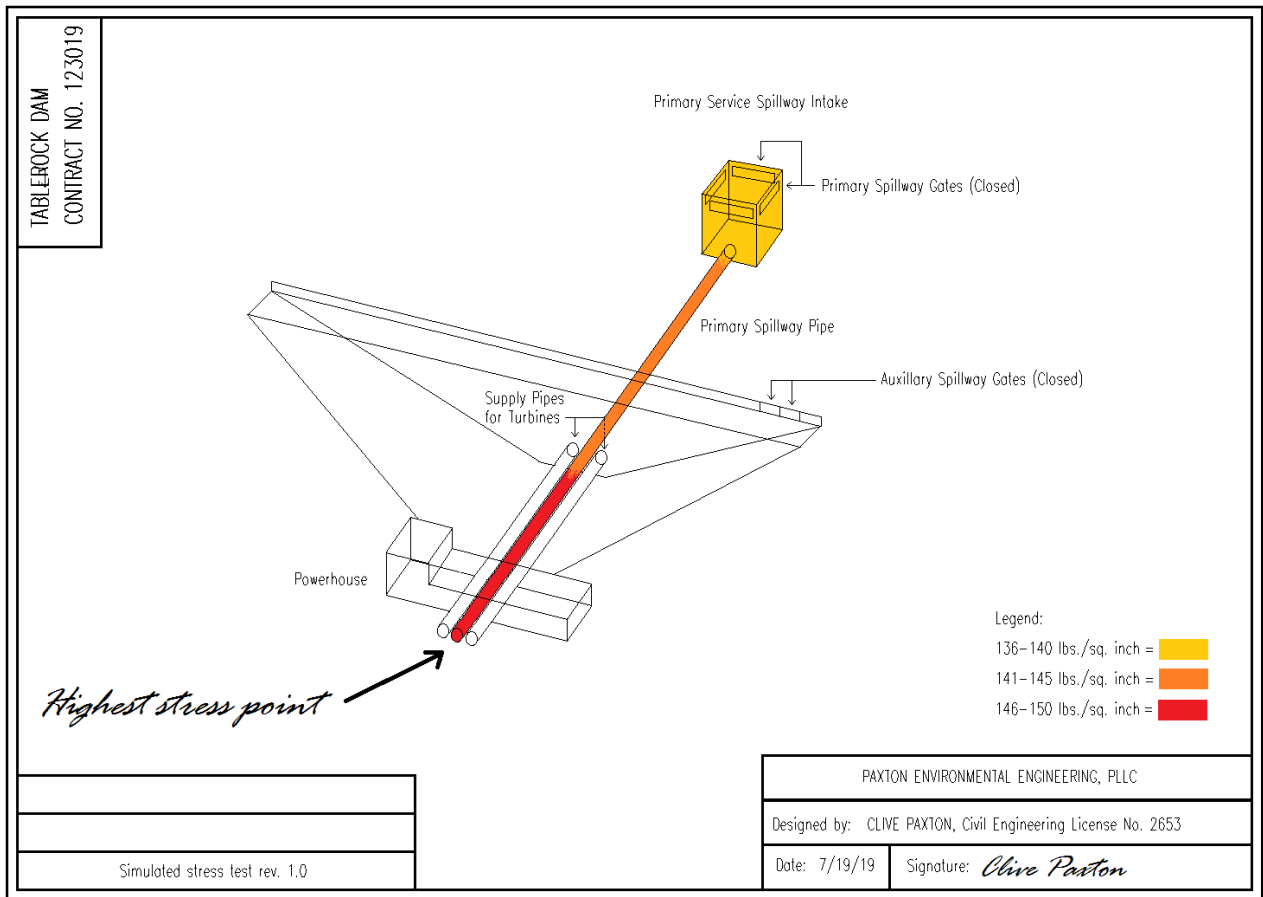


EXHIBIT 4: DAMAGED PIPE FROM TRIPLE FALLS DAM BREACH



EXHIBIT 5: TRIPLE FALLS DAM BID SUMMARY


 <p>US Army Corps of Engineers</p>		<h2>BID SUMMARY</h2>			
City of Tablerock Department of Public Works Contract Administration 5700 Colfax Ave. S. Tablerock, Monida 83878	DATE: Thursday, October 15, 2012				
Engineer's Estimate: \$4 Million	CONTRACT NO.: 123019				
Prequalification Required: IE(4) \$4.5 Million	PROJECT NAME: TRIPLE FALLS DAM				
PROJECT MANAGER: Charles Bamberger					
Number of Addenda: 2	Bids				
Bidders:	T. Gladwell Construction, Inc.	Dolan & Associates	DKC Heavy Civil Constructors	Paxton Environmental Engineering	Castle Builders, Inc.
Bid Guarantee Submitted	✓	✓	✓	✓	✓
Addenda Acknowledged	✓	✓	✓	✓	✓
Diversity Form	✓	✓	✓	✓	✓
Goal Commitment	✓	✓	✓	✓	✓
Base Bid:					
Add Alternates:					
Total Bid Amount	\$4,602,100.01	\$3,472,498.52	\$4,315,023.45	\$4,275,633.33	\$4,028,975.21
Bid Rank	5	1	4	3	2

EXHIBIT 6: HAND-WRITTEN THREAT NOTE

JUNE 1, 2016

DEAR DESTROYERS OF THE ENVIRONMENT:

YOU ARE OFFICIALLY ON NOTICE

THAT YOU HAVE EXACTLY ONE

WEEK TO CEASE BUILDING THE

DAM. WE HAVE

TRIED ALL REASONABLE AND

LAWFUL MEASURES FOR YOU TO

SEE THE ERROR OF YOUR WAYS

BUT YOU HAVE FAILED TO DO SO.

YOU HAVE LEFT US NO CHOICE.

THE DESTROYER MUST BE DESTROYED.

— THE RESISTANCE

EXHIBIT 7: FACEBOOK POSTS FROM LUKA EDELMAN

NOTE: All three posts on this page are part of Exhibit 7, both in whole and in part.

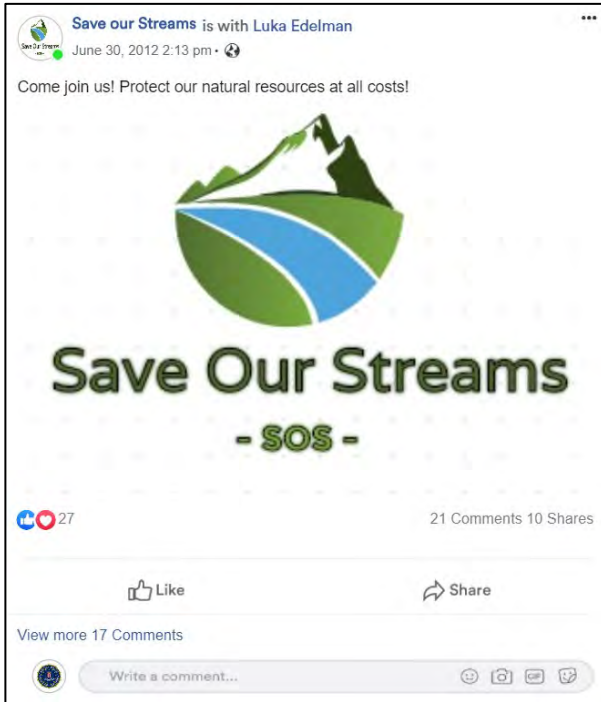


EXHIBIT 8: SAVE OUR STREAMS MISSION STATEMENT



MISSION

Save Our Stream's mission is to preserve natural systems on which all life depends. Guided by science and economics, we find practical and lasting solutions to the most serious environmental problems. We think globally and act locally.

We welcome, value, and rely on a diversity of people, cultural experiences, and perspectives. We learn from one another. Through our campaigning, we create solutions that promote environmental sustainability rooted in social justice.

METHOD

We utilize peaceful protests and creative communication to expose environmental problems and promote solutions that are essential to a green and peaceful future. We bear witness to environmental destruction in a peaceful, non-violent manner. We use non-violent confrontation to raise the level and quality of public debate. In exposing threats to the environment and finding solutions we have no permanent allies or adversaries. We ensure our financial independence from political or commercial interests.

Save Our Streams | Luka Edelman, Founder | PO Box 952, Tablerock, Montana 83878 | +1-255-143-7725

EXHIBIT 9: LIST OF NAMES

Supporters

→ Clive

→ Kincaid

J. Juniper

Sam Stone

Karen - maybe - seems erratic -
not sure we need that.

John Jacobsen - rancher

Susan Shepherd - river guide

Lannie Phillips

* Tina Tomlinson - developer

EXHIBIT 10: INVENTORY LIST

SEARCH INVENTORY LIST
TABLEROCK POLICE DEPARTMENT

Case: State v. Edelman

Suspect Name: Luka Edelman

Location(s) Searched: Suspect Edelman's House, Workshop, Vehicle

Lead Investigator: Avis Learner, FBI

ITEM NO.	Item Description	Location Found
1	Black powder	House
2	Black powder	Workshop
3	Black powder residue	Vehicle
4	Dynamite	House
5	Propane	Vehicle
6	Matches	House
7	Matches	Workshop
8	Save Our Streams propaganda (flyers)	House
9	Save Our Streams propaganda (flyers)	Vehicle
10	Save Our Streams propaganda (blank petition)	Vehicle
11	Steel pipes	Workshop
12	Nails	Workshop
13	Nails	House
14	Picture of Tablerock Dam	Vehicle
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		

NOTE: The foregoing inventory list only includes items *collected* pursuant to the identified search areas. Items with no apparent evidentiary value were not collected and are not listed.

JURY INSTRUCTIONS

INSTRUCTION NO. 1

The jury's duty is to determine the facts, to apply the law set forth in the instructions to those facts, and in this way to decide the case. The jury must follow the court's instructions regardless of any juror's own opinion about what the law is or should be, or what either side may state the law to be. The law requires that you're the jury's decision be made solely upon the evidence. Neither sympathy nor prejudice should influence the jury's deliberations. The evidence the jury may consider consists of the testimony of the witnesses, the exhibits offered and received, and any stipulated or admitted facts. Certain things you have heard or seen are NOT evidence, including:

- 1) Arguments and statements by lawyers. The lawyers are not witnesses. What they say in their opening statements, closing arguments and at other times is included to help you interpret the evidence, but it is not evidence. If the facts as you remember them differ from the way the lawyers have stated them, follow your memory;
- 2) Testimony that has been excluded or stricken, or which you have been instructed to disregard.

If the judge sustains an objection to a question or to an exhibit, the witness may not answer the question or the exhibit may not be considered. Do not attempt to guess what the answer might have been or what the exhibit might have shown. The law does not require the jury to believe all the evidence. As the sole judges of the facts, the jury must determine what evidence it believes and what weight to attach to it.

The jury's job is to think about the testimony of each witness and decide how much to believe of what he or she had to say.

INSTRUCTION NO. 2

Under our law and system of justice, a defendant is presumed to be innocent. The presumption of innocence means two things. First, the Government has the burden of proving the Defendant guilty. The Government has that burden throughout the trial. Second, the Government must prove the alleged crime beyond a reasonable doubt. A reasonable doubt is not a mere possible or imaginary doubt. It is a doubt based on reason and common sense. It may arise from a careful and impartial consideration of all the evidence, or from lack of evidence. If after considering all the evidence the jury has a reasonable doubt about the Defendant's guilt, the jury must find the Defendant not guilty.

INSTRUCTION NO. 3

The subject of penalty or punishment must not in any way affect the jury's verdict. Penalty or punishment is the solely the judge's responsibility.

INSTRUCTION NO. 4

As members of the jury it is your duty to decide what the facts are and to apply the law to the facts. You are to decide the facts from the evidence presented in the case.

The evidence you are to consider consists of:

- 1) Sworn testimony of witnesses;
- 2) Exhibits which have been admitted.

INSTRUCTION NO. 5

It is alleged that the crimes charged were committed "on or about" a certain date. If you find the crime was committed, the proof need not show that it was committed on that precise date.

INSTRUCTION NO. 6

It is a federal crime for anyone to unlawfully deliver, place, discharge, or detonate an explosive in, into, or against a state or government infrastructure facility with terroristic intent. The Defendant, Luka Edelman, can be found guilty of this crime only if the Government proves each of the following beyond a reasonable doubt:

- 1) On or about the 20th day of June 2020,
- 2) in the District of Monida,
- 3) the Defendant, Luka Edelman, detonated an explosive
- 4) in, into, or against an infrastructure facility
- 5) with the intent to:
 - a) cause extensive destruction of the facility, where such destruction results in or is likely to result in major economic loss; or
 - b) influence the policy of a government by intimidation or coercion.

If any of the above has not been proven beyond a reasonable doubt, you must find the Defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the Defendant guilty.

INSTRUCTION NO. 7

“Explosive” means gunpowders, powders used for blasting, all forms of high explosives (including dynamite), blasting materials, fuses (but not electric circuit breakers), detonators, and other detonating agents, smokeless powders, chemical compounds, mechanical mixtures, or devices that contain any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound, mixture, or device or any part thereof may cause an explosion.

INSTRUCTION NO. 8

“Infrastructure facility” means any publicly or privately owned facility designed to provide or intended distribute services for the benefit of the public, such as water, sewage, energy, fuel, or communications.

INSTRUCTION NO. 9

“Major economic loss” means any monetary loss in excess of \$100,000 resulting from the defendant’s criminal conduct.