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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

CASCADIA WILDLANDS PROJECT,  
LEAGUE OF WILDERNESS DEFENDERS -  
BLUE MOUNTAINS BIODIVERSITY  
PROJECT, OREGON CHAPTER OF THE  
SIERRA CLUB,

Civ. Case No. 07-6147-AA

FIRST DECLARATION OF CRAIG  
MILLER

Plaintiffs,

vs.

WILLIAM ANTHONY, in his capacity as  
District Ranger of the Sisters Ranger District  
of the Deschutes National Forest; UNITED  
STATES FOREST SERVICE, an  
administrative agency of the United States  
Department of Agriculture,

Defendants.

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I, Craig Miller, do hereby declare and say:

1. I presently work as a GIS analyst for the Oregon Natural Desert Association, a nonprofit organization dedicated to the ecologic health of Oregon's high deserts.
2. I am very familiar with the identification and habitat associations of bird species in the Central Oregon area. I am one of 10 members who serve on the Oregon Birds Records Committee, a committee that reviews the reports of birds that are considered to be very rare or unlikely to occur in Oregon.
3. On June 11, 2007, I visited the area known as the Black Crater Fire. I am familiar with the Black Crater Decision Memo and the proposal to post-fire log the area. I visited to area to observe wildlife and the condition of the landscape.
4. During my visit, at about 1:00 PM, I observed an adult Northern Goshawk within the Black Crater Fire perimeter in or near the timber sale unit 6. I first noticed a large raptor as it flew into a live conifer tree about 50 yards distance just southeast from where I stood. I recorded the spot where I was standing by GPS: Latitude 44.25599, Longitude -121.69440, Datum NAD 83.
5. When I first saw the bird fly into the tree I suspected it was a Northern Goshawk because of its large size, long tail, and tendency to perch in dense foliage. Before I could get my binoculars focused on the bird it flew past me and then perched on a bare snag, nearly out of view. The bird had the typical accipiter shape of a Northern Goshawk, including broad, blunt-tipped wings and long tail. The bird was very large; it was approximately the size of a Red-tailed Hawk. After the bird landed again, I was able to observe many more details. The bird had a dark gray back, much lighter underparts, and bright white supercilium above its eye. After 1-2 minutes of observation, it flew further west out of view.

6. I am certain I properly identified this bird and did not confuse it with any other. I have many years of experience with bird identification. I have identified Northern Goshawks on many different occasions in forests in Oregon. I believe this bird may be nesting in the area. The bird behaved in a secretive manner and the date of my observation is certainly the right time for nesting activity. At the very least, the Northern Goshawk is using the fire burned area. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25<sup>th</sup> day of June, 2007.



Craig Miller