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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

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

Civ. Case No. 07-6147-AA

FIRST DECLARATION OF MARILYN
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.

I, Marilyn Miller, do hereby declare and say:

1. I currently serve on the Board of Directors of the East Cascades Bird Conservancy, and I am also the Federal Forest East Representative of the Oregon Chapter of the Sierra Club and the Executive Committee of the Juniper Group of the Sierra Club. I have led bird watching trips in central Oregon for the East Cascades Bird Conservancy, the American Birding Association, Central Oregon Audubon, the Deschutes Basin Land Trust, the High Desert Committee and Juniper Groups of the Oregon Chapter of the Sierra Club, the Oregon Natural Desert Association, and Paradise Birding.

2. Since the Black Crater Fire burned in 2006, I have taken several trips to the Black Crater Fire area, including the Black Crater Project area. The Black Crater Project area is an incredible place to view birds and wildlife. I have led bird watching tours to the Black Crater Project area with the Oregon Field Ornithologists and the East Cascade Bird Conservancy.

3. I also have personal knowledge that other bird watching groups, such as "Wings" and "Paradise Birding," have also lead group tours to the Black Crater Project area.

4. During my recent visits, I have seen a wonderful diversity of birds and wildlife species in and around the Black Crater Project area. In June of 2007, I witnessed a Northern Goshawk twice in unit 6 of the Black Crater Project, and counted more than 25 Black-backed Woodpeckers in Units 1, 2, 3, 6, and 8. On June 23, 2007, I witnessed 2 Townsend Solitaires feeding newly born nestlings in a hole in the ground of Unit 8. On June 11, 2007, I witnessed a Northern Pygmy-Owl in Units 6.

5. I have also observed Townsend's Warblers, Olive-sided Flycatchers, Ash-throated Flycatchers, Mountain Bluebirds, Yellow-rumped Warblers, and numerous butterfly species

including Thicket Hairstreak, Queen Alexandra's Sulphur, Anise Swallowtail, Western Tiger Swallowtail, Dark Wood Nymph, and Ringlet Ochres.

6. I have observed the following mammals inside of the Black Crater logging project area: Least Chipmunk, Yellow Pine Chipmunk, Golden Mantel Ground Squirrel, Coyote and Mule Deer. According to the available literature, this is a critical breeding time for chipmunks and ground squirrels, and I am concerned that ground disturbing activities will interfere with these activities.

7. I visited the area on June 23, 2007 and observed Western Bluebirds in unit eight on Saturday. From my years of birding, I can say that this observation is highly unusual.

8. I am a certified naturalist by the Siskiyou Field Institute. Through my years of leading hikes and observing wildlife, I developed relationships with other expert naturalists. Through these relationships I have learned a lot about wildlife in and around the forests that I visit. I recently learned from one naturalist that there may be a half-dozen or more sensitive bat species in the Black Crater burn area that are currently utilizing the trees for roosting.

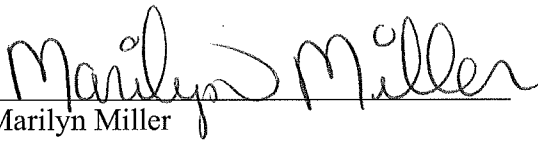
9. I have also observed numerous butterfly species in the area included: Thicket Hairstreak, Queen Alexandra's Sulphur, Anise Swallowtail (*Papilio zelicaon*) Western Tiger Swallowtail, Dark Wood Nymph (*Cercyonis oetus*) and Ringlet Ochres. When I visited the area, I saw numerous swallowtails, I estimate I saw well over sixty of them in one day. I saw hundreds of California Tortoiseshell (*Nymphalis californica*) in the timber sale units.

10. While someone with a myopic view of this late-successional forest may only see dead trees that are suitable for logging, from my perspective this forest is alive with wildlife and the forest is experiencing rebirth and renewal. I am extremely concerned that logging within the Black Crater Project area, particularly in summer months when birds are nesting (some of which

next in the ground, like the Townsend Solitaires), would do serious and irreversible damage to the landscape, the birds and wildlife in the area, and the people who, like myself, derive great enjoyment from witnessing birds and other wildlife in their natural habitat.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25th day of June, 2007.


Marilyn Miller