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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

WESTERN WATERSHEDS PROJECT,
et al.,

Plaintiffs,

v.

DAVID BERNHARDT, Acting
Secretary of Interior; JOSEPH R.
BALASH,* Assistant Secretary of
Interior; BUREAU OF LAND
MANAGEMENT; and U.S. FOREST
SERVICE,

Defendants.

Case No. 1:16-cv-00083-BLW

**DECLARATION OF JEFFREY
MILLER**

** Official Defendant automatically substituted
per Fed. R. Civ. P. 25(d)*

I, Jeffrey K. Miller, declare as follows:

1. The facts set forth in this declaration are based on my personal knowledge and if called as a witness, I could and would competently testify thereto under oath. As to

those matters which reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

2. I am a resident of Morro Bay, California.

3. I have been a member of the Center for Biological Diversity (“CBD”) since 1995 and have been employed on the staff of CBD since 1998. I am currently employed full-time by CBD based out of the Oakland, California office. My duties include, among other things, research, assembling endangered species listing petitions, community organizing, assisting with various conservation campaigns, educational presentations, writing press releases, contacting media, and other work to protect and restore endangered and threatened species and their habitats, primarily in California.

4. As an employee of CBD, I am currently involved in CBD’s work to protect the greater sage-grouse. I am helping to research and compile information about the population trends, threats to the species, conservation status, and adequacy of management efforts regarding the greater sage-grouse, to be used to increase legal protections for greater sage-grouse and their habitats.

5. I have worked on conservation campaigns for a wide array of other imperiled wildlife species in California, including native fish, birds, raptors, amphibians, reptiles, carnivores, ungulates, rodents, insects and plants. I have written or co-written many federal Endangered Species Act listing petitions, including petitions for the mountain yellow-legged frog (*Rana muscosa*), green sturgeon (*Acipenser medirostris*), Pacific lamprey (*Entosphenus tridentatus*), Delta smelt (*Hypomesus transpacificus*), longfin smelt (*Spirinchus thaleichthys*), Clear Lake hitch (*Lavinia exilicauda chi*),

foothill yellow-legged frog (*Rana boylei*), and Siskiyou Mountains salamander (*Plethodon stormi*).

6. Personally, I am an avid amateur naturalist and birdwatcher and frequently visit habitat for rare and endangered birds and other wildlife throughout California. I also enjoy searching for and observing other species while birdwatching. In 2018, I took up wildlife and bird photography, in order to be able to better share the beauty and importance of California's native and imperiled bird and wildlife species with others.

7. I go birdwatching almost every day somewhere in California. In the last decade, I have seen 531 different species of birds in California alone. I lead annual birdwatching trips for the public at the Point Reyes Birding and Nature Festival in Marin County, and at the California Bird Festival at Morro Bay in San Luis Obispo County. I also participate annually in several Christmas bird counts, volunteer-based citizen science survey efforts coordinated by the Audubon Society to promote bird conservation and assess long-term trends in winter bird populations. I have been the co-compiler for the Eastern Alameda County Christmas Bird Count since 2009; and also regularly participate in the Point Reyes Peninsula, Western Sonoma County, Morro Bay and Carrizo Plain Christmas bird counts.

8. I have visited and recreated on public lands within the sage-grouse management areas in northeast California and eastern Oregon to engage in birdwatching and wildlife photography. In March 2012, I spent several days in sagebrush habitats looking for birds, including greater sage-grouse, along Highway 395 in California, from the California/Nevada state line north to Omira; and I also spent time in the Henry Lake area looking for grouse and other birds. I went searching for sage-grouse in their range in

Mono County, California, in August 2014 and again in June 2015. In January 2016, I spent several days birdwatching in the vicinity of Lake Albert in Lake County, Oregon; and along Highway 395 in Harney County, Oregon, between Valley Falls and Riley, specifically in sagebrush habitats looking for sage-grouse.

9. I have also visited a greater sage-grouse lek in northeast California to view their mating displays. In April 2016 I visited the Shaffer Sage Grouse lek in Lassen County, California. I traveled to the lek before dawn and spent 5 hours in a blind watching male sage-grouse display and attempt to court sage hens at the lek. I was able to see 22 sage-grouse on this trip. The greater sage-grouse dancing and strutting on their lekking grounds was one of the most beautiful and spectacular wildlife behaviors I have seen. I photographed many greater sage-grouse at this lek.

10. I have plans to return to the vicinity of the Shaffer lek this summer of 2019 to look for sage-grouse, specifically near Shaffer Mountain, Honey Lake, and Horse Lake. I also intend to return to the Shaffer Sage Grouse lek in April 2020 during sage-grouse mating season.

11. I have professional, recreational, aesthetic, and spiritual interests in the conservation and preservation of the greater sage-grouse, their habitats, and many other sagebrush steppe species in California. I derive benefits from visiting, observing, and working to protect and restore intact natural sagebrush ecosystems and my enjoyment of these habitat areas for recreational, professional, and spiritual purposes is dependent upon healthy ecosystems and wildlife populations. My spiritual fulfillment comes from interacting with nature and protecting wild places, wildlife, and intact native ecosystems.

I believe that biodiversity has inherent value and it would be a moral and spiritual failure of our society to not protect our most vulnerable wildlife.

12. These interests are being harmed by the Bureau of Land Management's decision to weaken its management protections for greater-sage grouse. BLM's amended plans will allow greater surface development in sage-brush habitat in California and other sage-grouse states, which will further imperil this species and other wildlife that depend on sagebrush ecosystems for part of their life cycle. They also eliminate the requirement that developers compensate for any harm they cause to the landscape.

13. I have traveled, camped, mountain biked, and birdwatched extensively on federal public lands throughout eastern California, and have seen firsthand the damaging effects of livestock grazing, mining, and surface development on sagebrush habitat on public lands. In sage-grouse habitat in the Bodie Hills and Long Valley in Mono County, California, I observed the damaging effects of cattle grazing: reducing sagebrush habitat, sometimes to bare ground, eliminating cover that grouse need and reducing food sources; promoting the invasion of weeds such as cheatgrass which degrade grouse habitat; large scale mowing and burning of sagebrush to increase livestock forage; and trampling of wet meadow habitats that sage-grouse rely upon.

14. I have also seen the ecological effects of surface development and mining on sagebrush ecosystems, such as: increased human access and disturbance due to extensive road networks and increased off-road vehicle access; proliferation of fences and powerlines, which lead to increased predation on sage-grouse by avian predators; and huge increases in raven populations due to human activities, which leads to increased predation by ravens on sage-grouse.

15. By allowing greater ecological degradation of the public lands and wildlife resources that I enjoy and seek to protect, BLM's 2019 greater sage-grouse plan amendments will irreparably harm my recreational interests in birdwatching, photographing, and otherwise enjoying the public lands in my home state. My enjoyment of the lands described above is dependent upon healthy ecosystems and wildlife populations. If greater sage-grouse populations are reduced or extirpated, or their sagebrush habitat degraded, my recreational, spiritual, and aesthetic enjoyment of public lands in my home state would be irreparably harmed.

16. BLM's 2019 amendments to its sage-grouse conservation plans are both contrary to federal law and contrary to the conservation and stewardship values of CBD and our society. Had the BLM done an adequate environmental analysis and disclosed the true environmental impacts of these plan amendments to the public, it could have resulted in more protective measures to ensure the conservation and recovery of the greater sage-grouse, ensuring that my interests would be free from injury.

17. A ruling by the Court that BLM violated the law in adopting the 2019 Sage-Grouse Plan Amendments and enjoining those Amendments from taking effect will help ensure that BLM fully and fairly discloses the impacts of its sage-grouse management activities to the public and follows the best available science. It will also prevent irreparable harm to sage-grouse, to my own interests, and to the interests of other CBD staff and member interests that will otherwise occur if this Administration moves forward to implement the weakened sage-grouse plans in Nevada and other states in the sage-grouse range where I frequently visit in hopes of viewing and enjoying sage-grouse in their natural habitats.

I declare under penalty of perjury that the foregoing is true and correct. Executed this
15th day of April, 2019, in Morro Bay, California.

By: 
Jeffrey Miller