

I found it interesting to see Mr. Caldwell's notes about his encounter with me while photographing the mountain bluebirds. He said in his notes that the pup tent was 2-feet from the nest when his own photos show it to be 5 to 7-feet. That is quite a difference. He also indicated that I had sawn off several of the branches on the "nest" tree to expose the babies. I'd cut off two dead branches (that were sticks with no cover branches) well above the nest because one of them had poked me in the eye.

He was right in that I did use branches to block the back of the nest. I also used branches to cover up the nest when I left each day (I'd been there 4-5 days prior to my encounter with Mr. Caldwell). I'd cut these branches off neighboring trees. I attempted to explain to Mr. Caldwell that the pair of bluebirds had appropriated the unoccupied nest of a pair of American Robins and that although this had been documented in written material that it had never been photographed. I also told him that owls, hawks and shrikes were all nesting nearby and within hearing range of the nest. While talking to him at his vehicle we were able to hear the babies (some distance away) screaming for food each time a parent arrived at the nest. I told him that if I had not come upon the "robin nest" with the bluebird babies that they no doubt would have been predated by these raptors.

I remember Mr. Caldwell telling me that if I plead guilty that the local judge would very likely give me a light sentence. The citation amount was \$299. He didn't bother to tell me that the maximum amount that the judge was allowed to lower a fine was 25 % or \$225 in my case.

Here are my notes of the incident: 2:00 pm visited by Randy Caldwell, Oregon State Police Fish & Wildlife – Worked BB from noon until 7:30. Spent considerable time setting up blind with ropes. The trooper, although he gave me a citation for harassment of

wildlife, to wit: a mountain bluebird, he did not request that I dismantle. He said that the judge would determine the amount of the fine. He suggested I talk to the judge about getting a permit to photograph wildlife.

So far I've had a city police escort into town, a federal officer give me a reprimand for not parking far enough off the roadway, a visit by ... when shooting the meadowlark – Rick Vetter [wildlife officer] – and now this state trooper. I just need a check by the tribal police and I'll have met everyone [in law enforcement].

The female BB spent considerable time underneath the three young pulling up dead grass materials from the bottom cup of the nest. Is she trying to deepen the nest cup to have the babies stay longer?

The young, a few days of being large enough to fledge seem to spend a lot of time perched precariously on the lip of the nest each time a parent comes to feed.

The parents come in every 2-5 minutes with the female coming in slightly more often than the male. It is amazing how quickly the adults can land and feed making photography a real hit and miss affair with the getting of food shots. I get about 1 in 4 and then out of them only 1 in 5 are any good.

16 June – Up around 6:30 and breakfast. Down to the court building only to learn that it opened at 8:30. Told to come back on Tuesday. Enquired about permit and given the run around. To Vetter's office (no luck) and referred to Oregon State Fish and Wildlife Branch next door. Made enquiries and they brought up permit from Salem (State capital of Oregon). Too long to process. Later saw policeman that gave me the citation emerge from his office. Said "Good morning, Mr. Waite". Showed some of stuff of Damon's

book. Took printouts of permit..... Visited the BB nest in afternoon but young had fledged. Saw parents carrying food to babies.

On the 19 June I had my day in court and, because I was leaving for home, plead guilty to the charge. The judge told me that new legislation passed by the state permitted him to reduce the \$300 fine by only 25 %. He fined me \$225 but gave me an option to pay \$25 installments starting 11 July. He was basically telling me to go to Canada and forget about payment as any warrant would be enforceable only in Oregon. I told him that the world was too large and the rest of my life too short for my to ever want to visit the State of Oregon again.

After photographing the BB I photographed Loggerhead Shrikes. I invited Ron Garneau, a local biologist, to come out to the nest site to take photographs. We afterwards had coffee and he said that he'd give me a permit. It was too late as I was planning on leaving for Canada. There was another problem. No permit existed!