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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF OREGON**  
**PENDLETON DIVISION**

**OREGON NATURAL DESERT ASS’N**  
*et al.*,

Plaintiffs,

v.

**TOM TIDWELL, et al.**,

Defendants,

v.

**HARLEY & SHERRIE ALLEN, et al.**,

Defendants-Intervenors.

Case No. 2:07-cv-1871-HA  
[Related Case No. 3:03-cv-381-HA]  
[Related Case No. 2:08-cv-151-HA]

**DECLARATION OF**  
**DAVID H. BECKER**

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I, DAVID H. BECKER, state and declare as follows:

1. I serve as counsel for plaintiffs Oregon Natural Desert Association (“ONDA”), Center for Biological Diversity (“CBD”), and Western Watersheds Project (“WWP”) in the above-captioned case. I submit this declaration in further support of plaintiffs’ application for attorney fees and costs pursuant to the Endangered Species Act (“ESA”) and the Equal Access to Justice Act (“EAJA”).

2. I contemporaneously compiled the hours I spent on this case. The attached exhibit shows the hours spent from July 1, 2009 to present on this case. I mark it as Exhibit B to follow the consecutively time sheets marked as Exhibit A, which I attached to my prior declaration (Dkt # 620). I also note that my interim-fees-on-reply time sheets are attached as Exhibit E to Mr. Lacy’s second declaration (Dkt # 637).

3. I exercised professional billing judgment in recording my time and by initially eliminating time that I considered to be unnecessarily duplicative or inefficiently spent. In carefully reviewing my time records in preparing this fee petition, I eliminated or reduced time spent on, among other things, certain clerical entries, media work, and, in my billing discretion, certain substantive entries (for example, omitting one-half of my travel time and time spent on amicus filings and conferrals that were unrelated to federal defendants’ motions for reconsideration). I note that some such work may be compensable.

4. I addressed in my prior declaration why I am entitled to enhanced rates based on my unique expertise and experience in environmental law, administrative law, and Federal Courts practice, and because there are a limited number of qualified attorneys with this expertise, particularly attorneys available to work on a *pro bono* basis. I seek reimbursement of \$315 per

hour for my time worked during 2009, \$325 per hour for my time worked during 2010, \$335 per hour for my time worked during 2011, and \$350 per hour for my time worked during 2012. As I explained in my prior declaration, the rates I seek here are supportable as market rates in the District of Oregon for an attorney of my experience and expertise. As Mr. Lacy notes in his declaration, the Oregon State Bar's 2012 Economic Survey further reinforces this point.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of December 2012 in Portland, Oregon.

s/ David H. Becker  
David H. Becker OSB # 081507  
Law Office of David H. Becker, LLC