

DECLARATION OF JOEL R. REYNOLDS

I, JOEL R. REYNOLDS, declare as follows:

1. I am a Senior Attorney for the Natural Resources Defense Council (NRDC) and Director of its Marine Mammal Protection Project. I am duly licensed to practice law in the State of California, and before the U.S. District Court for the Central and Northern Districts of California, the U.S. Court of Appeals for the Ninth Circuit, and the U.S. Supreme Court. I have personal knowledge of the matters set forth herein and if called to testify I could and would testify competently thereto.

2. From 2002 until the present, I have represented NRDC in the case of *NRDC v. Evans*, which concerns the Navy's deployment of a low-frequency active sonar system known as SURTASS LFA.

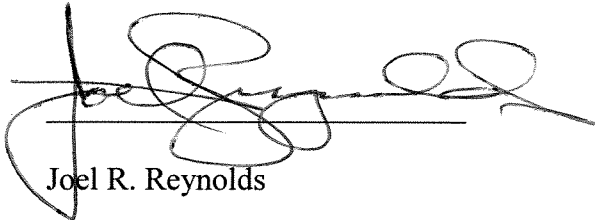
3. I am familiar with the series of emails dated 6-9 August, 2001 that are attached as Exhibit A to this Declaration.

4. In 2003, NRDC received copies of these emails from the U.S. Department of Justice, Environment and Natural Resources Division, which represented and continues to represent the Navy and National Marine Fisheries Service ("NMFS") in *NRDC v. Evans*. The documents were provided and received in the ordinary course of business, being considered part of the "administrative record," or basis of agency decision, in the administrative proceeding out of which this litigation arose. Their production took place under standards prescribed by the Federal Rules of Civil Procedure and other rules of federal court.

5. I certify that the emails attached as Exhibit A are true and correct copies of those furnished to NRDC by the U.S. Department of Justice, on behalf of the Department of the Navy and NMFS as described above.

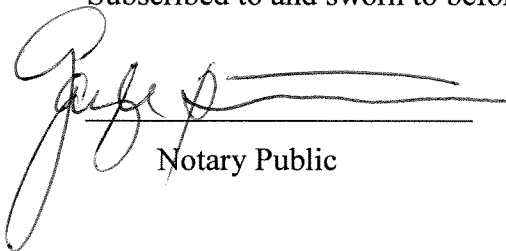
I hereby declare under penalty of perjury that the foregoing is true and correct.

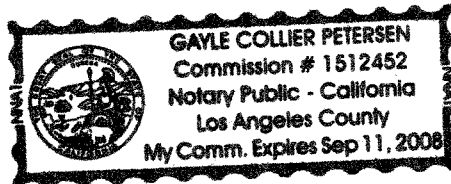
Executed this 27th day of January, 2005.


Joel R. Reynolds

State of California)
County of Los Angeles)

Subscribed to and sworn to before me this 27th day of January, 2005


Notary Public



[REDACTED]

From: [REDACTED]
Sent: Thursday, August 09, 2001 11:55
To: [REDACTED]
Subject: RE: Dr. [REDACTED]'s Comment to [REDACTED]

[REDACTED]

I told them as much in a pretty scorching phone call. I think they had some inkling that they might be about to take our money and make themselves look good to the enviros too, but I can't prove that. [REDACTED]

[REDACTED]

Scientists are like that; they'll review anything they're asked to review and give their honest, sometimes harsh critique, without knowing any of the politics or circumstances. Its the way you do things in peer review of a colleague's paper, and they just apply the process to everything they read.

[REDACTED]

[REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]
Sent: Monday, August 06, 2001 16:13
To: [REDACTED]
Subject: RE: Dr. [REDACTED]'s Comment to [REDACTED]

[REDACTED] their comments were in the attachment. Yes, they were negative and in my opinion, out of the box. If they are funded by the Navy the proper way to bitch is via the sponsor (you), and not a letter to [REDACTED]

[REDACTED] A letter from [REDACTED] and [REDACTED] to [REDACTED] is nothing more than an attempt to discredit the Navy and stop the [REDACTED]. Maybe I'm missing the big picture, what say you?

[REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]
Sent: Monday, August 06, 2001 2:04 PM
To: [REDACTED]
Subject: RE: Dr. [REDACTED]'s Comment to [REDACTED]

[REDACTED]

Yes, I fund their research. They did mention that they would be sending in comments on [REDACTED], but I did not get a copy of what they sent. I gather the input was not entirely positive.

[REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]

Sent: Monday, August 06, 2001 13:22

To: [REDACTED]

Subject: FW: Dr. [REDACTED]'s Comment to [REDACTED]

[REDACTED] is the Navy funding any [REDACTED] and [REDACTED] research? Did they say anything to you on this issue?
[REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]

Sent: Monday, August 06, 2001 9:42 AM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE#: Dr. [REDACTED]'s Comment to [REDACTED]

[REDACTED]
Attached are the comments received from [REDACTED]
[REDACTED].

V/R
[REDACTED]