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June 16, 2020

Via Email and U.S. Mail

Misha Mitchell
Atchafalaya Basinkeeper
P.O. Box 410
Plaquemine, LA 70765
Basinkeeperlegal@gmail.com

Re: Response to public records request to The
Nature Conservancy, Louisiana Chapter
dated June 2, 2020

Dear Ms. Mitchell:

My firm has been retained to represent The Nature Conservancy, Louisiana Chapter, in connection with the public records request made by Atchafalaya Basinkeeper referenced above. First, thank you for your patience in providing my client additional time to respond to your request.

As you are aware, The Nature Conservancy ("TNC") is a private non-profit 501(c)(3) organization whose mission is the protection of land and waters on which all life depends. TNC is not a public body as defined by the Louisiana Public Records Act (La. R.S. 44:1, *et seq.*), and therefore, we are of the opinion that TNC is not subject to, nor required to respond to your public records request.

The Louisiana Public Records Act defines a public body as "any branch, department, office, agency, board, commission, district, governing authority, political subdivision, or any committee, subcommittee, advisory board, or task force thereof, any other instrumentality of state, parish, or municipal government, including a public or quasi-public nonprofit corporation designated as an entity to perform a governmental or proprietary function, or an affiliate of a housing authority."¹ TNC's relationship with the Louisiana Department of Natural Resources ("DNR") and/or the Coastal Protection & Restoration Authority ("CPRA") does not impliedly render it a public body within the meaning of La. R.S. 44:1.

Likewise, the Louisiana Supreme Court has determined that the definition above includes quasi-public non-profits only when acting as an instrumentality of the state and when designated as an entity to perform governmental or proprietary

¹ La. R.S. 44:1.

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functions.² While it was clear in the *Bulldog* case cited herein that the Louisiana SPCA was an instrumentality of the City of New Orleans—performing animal control services, investigating compliance with city code, using city vehicles, and receiving public funds from the city—the same cannot be said of TNC with regard to its relationship with DNR or CPRA.

TNC has not acted as an instrumentality of DNR or CPRA, nor has it been designated to perform governmental or proprietary functions on behalf of those entities. Based on the reasons enumerated herein, TNC is not obligated to provide any records in response to your request.

Please feel free to give me a call to discuss if necessary.

Yours truly,



Celeste H. Shields

/chs

² *New Orleans Bulldog Society v. Louisiana Society for the Prevention of Cruelty to Animals*, 16-1809, *8 (La. 5/3/17); 222 So.3d 679, 685.