

June 2, 2020

President Dr. Clune
Nicholls State University
Custodian of Public Records
By way of email to Ms. Carole George
Academic Affairs Office

In consideration of the ongoing public health crisis, sent **by email only** to:
carole.george@nicholls.edu

Re: Request for Public Records

Dear Custodian of Public Records,

On behalf of Atchafalaya Basinkeeper and in accordance with the Louisiana Public Records Act, La. Rev. Stat. § 44:1, *et seq.*, Atchafalaya Basinkeeper requests that you produce copies of any and all public records, as described below, in the possession and control of Nicholls State University, a public institution. Basinkeeper requests production of the following records in the possession, custody or control of Nicholls State University:

Sampling Data collected, referenced, and/or consulted in the creation of the following research article: Lauren M. Kong, et al. (2019). Flood Pulse Characteristics and Physicochemical Influences on Harvested *Procambarus clarkia* and *Procambarus zonangulus* Populations in the Atchafalaya River Basin, Louisiana.

A project funded by The Nature Conservancy Fellows Program through a grant from Royal Dutch Shell, and for which TNC staff provided statistical advice, field support and technical advice.

Including but not limited to:

- **GPS coordinates (latitude and longitude) for field/monitoring sites**
- **Complete, original data, including all measured parameters at each site, raw figures, locations of each site, and any other relevant and pertinent data collected, used and/or referenced in the creation of the subject research article**

For the purposes of this request, the term “records” includes all books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed

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by or under the authority of the constitution or laws of this state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of this state.

The purpose of this request is to obtain information for public use and dissemination on information pertinent to the health and sustainability of the Atchafalaya Basin. This information will enable the public to engage in an ongoing discussions regarding the health of fisheries and water quality in the Basin, flow and in particular the distribution and impacts of sediment. Atchafalaya Basinkeeper requests a fee waiver for this request because it is a 501(c)(3) nonprofit organization dedicated to the protection and restoration of the Atchafalaya Basin on behalf of its members, including commercial and recreational fishermen and outdoor enthusiasts who worry about the sustainability and health of the Atchafalaya Basin long-term. This request is made in the public interest as the information requested would primarily benefit the general public. Atchafalaya Basinkeeper will use this information to educate the public and promote discussion and dissemination of information pertaining to impact of high-water events on the Basin.

The requested information will not be used for the financial or commercial benefit of Atchafalaya Basinkeeper or its members. If our fee waiver request is denied and this request for information cannot be sent free of charge, we request immediate notification of the reasons for denial and an estimate of costs to fulfill the request prior to any copying. Nothing in this letter will constitute a waiver of Atchafalaya Basinkeeper's right to seek administrative or judicial review of any denial of its fee waiver request.

If you intend to deny access to any of the above-mentioned records, we request a written determination within three (3) days of receipt of this request, stating the reasons for your denial. La. Rev. Stat. Ann. § 44:32(D). If an exemption is claimed as to some records, we request that all segregable, non-exempt parts of the documents be provided. If it is your contention that any of the requested records are not in your custody or control, we request that you promptly detail in writing the reason for the absence of the record, its location, what person has custody of the record and the time, manner and method in which it was taken from your custody.

If it is your contention that any of the requested documents are exempt from disclosure under the Louisiana Public Records Act based on any claim of privilege or confidentiality, please provide the following: the title of the document as to which the privilege or confidentiality is claimed; the nature of the document (e.g., interoffice memorandum, correspondence, report, etc.); the author or sender; the date of the document; the name of each person to whom an original or copy was shown or circulated; the basis upon which confidentiality is claimed; the facts upon which you rely to support the claim of confidentiality and a summary of the subject matter of the document in sufficient detail to permit the court to rule on the propriety of the claim of confidentiality.

If possible, please provide the requested documents in the following format: in PDF format; electronically searchable wherever possible; any data records in native format; and emails

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including BCC and any other hidden fields; with any other metadata preserved. Please respond to this request within five (5) business days as required by La. Rev. Stat. Ann. § 44:35(A). Thank you for your time and prompt attention to this matter. If you have any questions or concerns regarding this request, please contact Misha Mitchell at (225) 692-1133, or by email at basinkeeperlegal@gmail.com.

Best Regards,



Misha Mitchell, SBN: 37506
On behalf of Atchafalaya Basinkeeper
P.O. Box 410
Plaquemine, LA 70765
Phone: (225) 692-1133
Email: Basinkeeperlegal@gmail.com

Cc: Dr. Christopher P. Bonvillain
Department of Biological Sciences
Nicholls State University
Chris.bonvillain@nicholls.edu

The Nature Conservancy of Louisiana
Attn: Brian Piazza
lafo@tnc.org

Dean Wilson, Executive Director
Atchafalaya Basinkeeper
Enapay3@aol.com