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Via Signature Required, Certified Mail

April 2, 2010

Mr. Larry Voyles, Director,
Arizona Game & Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086-5000

***Re: Public Records Reproduction / View Request on Behalf of the Southern Arizona
Cattlemen's Protection Association***

Dear Director Voyles,

Pursuant to A.R.S. 39-121 through 39-121.03, the "Arizona Public Records Law," this Public Records Request submitted on behalf of the Southern Arizona Cattlemen's Protection Association (SACPA) formally requests that you, in your capacity as Director of the Arizona Game and Fish Department (AGFD), make available to SACPA and/or its representatives for examination and/or reproduction all official records and other government information, including all notices, notes and communications (electronic or otherwise), relative to AGFD employee / official authorization of the development of a jaguar habitat status report by the Center for Biological Diversity (CBD) for the State of New Mexico on behalf of the interagency Jaguar Conservation Team. We make this noncommercial public records request for the core purpose of monitoring the performance of AGFD officials and their employees relative to the AGFD's authority and actions causing the CBD to develop a jaguar habitat status report for the State of New Mexico. (*See: Lake v. City of Phoenix*, 218 P.3d 1004 (2009)).

In furtherance of this purpose, this public records request specifically includes, but is not limited to, the production of all records pertaining to the AGFD's authority to cause the development of a jaguar habitat status report for the state of New Mexico; all records of AGFD employee, official and/or Commission delegation of performance of that jaguar habitat status report to a private corporation, the CBD; all records pertaining to AGFD's compliance with open meeting law and other state and federal statutes in

causing the CBD to develop a jaguar habitat status report for the state of New Mexico; any and all records of in-house communications between AGFD officials and employees relating in any way to this subject matter; and, any and all specific communications relating in any way to the CBD's development of a jaguar habitat status report for the state of New Mexico between Duane Shroufe, Terry Johnson and/or William Van Pelt of AGFD, and, the CBD, Robin Silver, Kieran Suckling, Michael Robinson, Tony Povilitis, the Sierra Institute (University of California Extension, Santa Cruz), the Sky Island Alliance, the New Mexico Department of Game and Fish (NMDGF), any and all members of the jaguar habitat subcommittee and jaguar science team, and, any and all other private and public persons and/or entities. The timeframe for this request runs from January 1, 2004 through April 2, 2010.

In responding to this broad request for public records, please keep in mind that A.R.S. 41-1350 supplements the *Matthews* definition of public records (*see: Matthews v. Pyle*, 75 Ariz. 76, 251 P.2d 893 (1952) (establishing a common law definition of public records)) by identifying particular records which are open to the public for inspection under A.R.S. 39-121. A.R.S. 41-1350 defines these particular "records" open to the public for inspection as "all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics . . . made or received by any government agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency . . . as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein." (See: *Carlson v. Pima County*, 141 Ariz. 487, 490, 687 P.2d 1242, 1245 (1984)).

Moreover, Arizona law defines 'public records' broadly and creates a presumption requiring the disclosure of public documents unless considerations of privacy, confidentiality, or the best interests of the state outweigh the policy in favor of disclosure. (See: *Griffis v. Pinal County*, 215 Ariz. 1, 4, 8, 156 P.3d 418, 421 (2007); See also: *Lake v. City Phoenix*, 218 P.3d 1004 (2009) for guidance on this subject matter). Further, in the event that any portion of any document requested is deemed exempt from release by you, Arizona law also provides that the remainder of such document must be segregated and disclosed. While we fully expect that you will make available all non-exempt portions of the public records relating to the authority of the AGFD to cause a habitat status report for the jaguar to be developed for the state of New Mexico and the delegation of such authority by the AGFD to the CBD, we also respectfully reserve the right to challenge any decision you may make to withhold any materials relative to this public records request.

As stated previously, this public records request is for noncommercial purpose. As such, copies of the requested records will not be used for a commercial purpose. Nevertheless, if need be, we shall pay for the reasonable cost of the copies, should we choose to copy as well as inspect the records requested.

Please provide a prompt written response to this request informing us of when and

where we may view and or reproduce the public records requested herein. Your failure to respond to this request within a reasonable period of time will be deemed as your refusal to make the public records requested herein available for our inspection and/or reproduction. Finally, please be further advised that, in the event this request for public records is denied, we shall take whatever action deemed appropriate, including the filing of a special action in Superior Court, to secure our rights under Arizona law.

Thank you for your anticipated cooperation in promptly making the public records requested herein fully available to us for inspection and/or reproduction. Should you have any questions or require further information please contact me at 520-394-0286, or Ms. Cindy Coping of SACPA at 303-905-4041.

Sincerely,

Dennis Parker,
Attorney at Law,
Representing SACPA

cc: Cindy Coping, SACPA