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DEPARTMENT OF JUSTICE
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December 14, 2011

SENT VIA EMAIL ONLY

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Dave Becker
Law Office of David Becker, LLC
917 SW Oak Street, Suite 409
Portland, OR 97205

GA0118.11

Re: Petition for Public Records Order
Oregon Department of Fish and Wildlife Records

Dear Mr. Becker:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. We received your petition on December 7, 2011. Your petition asks the Attorney General to direct the Oregon Department of Fish and Wildlife (ODFW) to provide copies of the following documents and to grant your fee-waiver request:

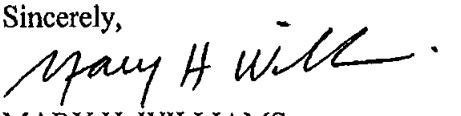
"1. Any documents related to the installation, operation, and removal of fish weirs in the Sandy River Basin during 2011, including, but not limited to: correspondence between ODFW and other persons, entities, or agencies related to the weirs, any applications for permits or consultation under the federal Endangered Species Act related to the weirs, and any evaluations or analyses of the weirs' operations;

"2. Any data, including (but not limited to) spawning reports or fish collection data, related to wild or hatchery-bred spring Chinook, Steelhead, or Coho in the Sandy River Basin during 2009, 2010, or 2011, whether the data was prepared or collected by ODFW or another person or entity;

"3. Any location reference information describing where data regarding fish in the Sandy River Basin was collected in 2009, 2010, or 2011."

You contend that ODFW constructively denied your request because it failed to provide you with a substantive response to your request prior to the filing of your petition. However, on the day we received your petition, ODFW provided you with a substantive response to your request, estimating the number of responsive records and the cost of production. ODFW has also informed us that, once you decide which records you would like copied, they will make a decision on your fee-waiver request. Thus, your petition asserting that ODFW has constructively denied your request through inaction is moot, and your petition concerning the fee-waiver request is premature. If you believe that ODFW's ultimate decision regarding your fee-waiver request is unreasonable, you may submit a new petition to the Attorney General.

Sincerely,



MARY H. WILLIAMS
Deputy Attorney General

MHW:smg/3133182-v1

c: Todd Alsbury, ODFW