DAVE FROHNMAYER
ATTORNEY GENERAL
STATE OF OREGON

WILLIAM F. GARY
DEPUTY ATTORNEY GENERAL

# DEPARTMENT OF JUSTICE

Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

October 22, 1987

J. Rion Bourgeois
Attorney at Law
721 SW Oak
Portland, Oregon 97205

**Re: Request for Public Records from Department of Fish and Wildlife**

Dear Mr. Bourgeois:

This letter responds to your petition requesting the Attorney General to order the Department of Fish and Wildlife ("The Department") to disclose production records of the F/V GARY LEE and any other vessels owned by Aaron Rondo to show their income from landings from July, 1986 to the present. Your petition was received by the Department of Justice on October 19, 1987. Your request for dislcosure of records of the landings of the F/V GARY LEE and any other vessels owned by Aaron Rondo is denied.

These documents are exempt from disclosure under ORS 192.501(5) (1987); former 192.500(1)(e). The information you requested consists of the catch records of a specific vessel, as well as any other vessels owned by Mr. Rondo, including how many pounds were landed, the date, the species, the vessels, and the price per pound paid by the fish plant. The information you requested consists of records required by law to be submitted to the Department. The records are used by the Department to assess poundage fees against wholesale fish dealers and to determine the commercial harvest of food fish. The information is in a form which would permit identification of the individual concern or enterprise; indeed, you are specifically requesting information pertaining to one particular individual's vessels.

We believe that in the instant situation, the public interest does not outweigh the Department's interest in non-disclosure. Harvest records are essential to the sound management of Oregon's fisheries resources. Without the harvest data reported by wholesale fish harvesters and dealers, the Department would be forced to rely on prohibitively expensive sampling programs, with reduced reliability. In addition, if the Department had to rely on less reliable data, the Department would have to increase its margin of error in setting escapement goals, which would result in a substantial loss of revenues for both individual fishermen and the state. Because fishermen are confident that catch records will remain confidential, the Department is able to rely on the accuracy of catch data supplied by fish dealers.

The Department of Justice has had occasion to consider requests similar to your request. Copies of orders issued in two such cases are enclosed for your information. You will note that in both cases, the petitions for disclosure were denied.

You have discussed this order by telephone on October 21, 1987 with Cheryl Coodley, counsel for the Oregon Department of Fish and Wildlife, but if you have any further questions or comments, please do not hesitate to contact me.

Very truly yours,

JAMES E. MOUNTAIN, JR.
Special Counsel to the
Attorney General

JEM:cm
Enclosures
cc: Randy Fisher, Director, Oregon Department of Fish and Wildlife
Cheryl Coodley, Assistant Attorney General
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