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August 14, 1995

J. Kristen Pecknold
Reeves, Kahn & Eder
Attorneys at Law
4035 S.E. 52nd Avenue
Portland, Oregon 97206-3913

Re: Petition for Public Records Disclosure Order: ODFW Records

Dear Ms. Pecknold:

This letter is the Attorney General's order on your petition[1/] for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on August 9, 1995, asks the Attorney General to direct the Oregon Department of Fish and Wildlife (ODFW) to make available documents relevant to the stock transfer of Rogue River spring chinook into Coos Bay, and documents relevant to any existing, past or pending private salmon hatchery permit for a hatchery on the north spit of Coos Bay. For the reasons that follow, we respectfully deny your petition.

Dave Anderson, Assistant Regional Supervisor, ODFW Northwest Region, informs us that ODFW has not denied your records request, but that the agency intends to comply immediately with that request. Absent a denial by a state agency, the Attorney General lacks authority to order disclosure. *See* ORS 192.450(1).

[1/] The petition was filed on behalf of your client, Oregon Trout.

For these reasons, we deny your petition to compel disclosure as premature.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:krg/JAA01955
c: Rudy Rosen, ODFW
Dave Anderson, ODFW