

*Sample - partial denial  
of public records*

March 9, 2006

VIA FACSIMILE DELIVERY @ (402) 477-7525

Allen J. Eureka  
455 South 11<sup>th</sup> Street, Suite B  
Lincoln, NE 68508-2015

RE: Public Records Request

Dear Mr. Eureka:

This letter is in response to your correspondence dated February 14, 2006, which the Department of Natural Resources (Department) received on February 16, 2006, in which you requested that the Department provide you with access to the following:

- Any records or documents in the possession of the Department regarding the adoption of LB 826 §§ 1-5, which amended Neb. Rev. Stat. § 37-706 (Reissue 2004); and
- Any records or documents regarding the adoption of the Administrative Rules contained in Title 459, Chapters 1 and 2 of the Nebraska Administrative Code implementing that statutory authority.

The Department does have records which appear responsive to the broad, general description set out in your records request. Those records are described in the following categories:

1. With regard to documents regarding the adoption of LB 826, the Department received copies of draft legislation, and exchanged correspondence with legislative personnel, the Nebraska Game and Parks Commission, and the Office of the Attorney General regarding LB 826.
2. Department personnel drafted Title 459, Chapters 1 and 2 of the Nebraska Administrative Code, and exchanged correspondence concerning the proposed rules with the Office of the Attorney General and the Nebraska Game and Parks Commission.
3. This Department is currently involved in litigation challenging Title 459 of the Nebraska Administrative Code.

We will provide access to the categories of records set forth above, except for the portions of the files or records that are confidential and not subject to public review. The statutory basis for the

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denial is as follows: the categories of records listed above certain documents that are kept confidential on the basis of Neb. Rev. Stat. § 84-712.05(4) as attorney work product and as confidential attorney/client communications.

The public official or employee responsible for the decision to deny your request for copies of or access to these records is Ann D. Diers. You may have an administrative or judicial right of review of our denial of copies of or access to records under Neb. Rev. Stat. § 84-712.03.

With regard to the documents in the categories described above that are available for your review, pursuant to our telephone conversation of March 6, 2006, and arrangements Mr. Michael Jess has made with this office on your behalf, we will make them available per your request at our offices located at 301 Centennial Mall South, 4<sup>th</sup> Floor this afternoon, Thursday, March 9, 2006.

Sincerely,

Ann D. Diers  
Legal Counsel