



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 24, 2015

Ms. Elizabeth Hernandez  
Counsel for the North Texas Municipal Water District  
Lloyd Gosselink  
816 Congress Avenue, Suite 1900  
Austin, Texas 78701

OR2015-05617

Dear Ms. Hernandez:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 557745.

The North Texas Municipal Water District (the "district"), which you represent, received a request for the 2008 environmental report supporting a 404 permit for the Lower Bois d'Arc Creek Reservoir. The district states it is releasing some of the requested information. The district claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the district claims and reviewed the submitted information. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. This section encompasses information protected by other statutes. Section 191.004 of the Natural Resources Code provides:

- (a) Information specifying the location of any site or item declared to be a state archeological landmark under Subchapter D of this chapter is not public information.

(b) Information specifying the location or nature of an activity covered by a permit or an application for a permit under this chapter is not public information.

(c) Information specifying details of a survey to locate state archeological landmarks under this chapter is not public information.

Nat. Res. Code § 191.004. We note the submitted information consists of an archeological report prepared by a consultant for the district, which was included in an environmental report supporting a 404 permit for the Lower Bois d'Arc Creek Reservoir. Upon review, we find the submitted information qualifies as "information specifying the location of any site or item declared to be a state archeological landmark" and "information specifying details of a survey to locate state archeological landmarks" for the purposes of section 191.004. Therefore, we conclude the district must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 191.004 of the Natural Resources Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



David L. Wheelus  
Assistant Attorney General  
Open Records Division

DLW/bhf

Ref: ID# 557745

Enc. Submitted documents

c: Requestor  
(w/o enclosures)