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August 18, 2000

Mr. David Sauter
P.O. Box 42
Lyle, WA 98635

Re: *Petition for Public Records Disclosure Order: Columbia River Gorge Commission*

Dear Mr. Sauter:

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. Your petition, which we received on August 11, 2000, asks the Attorney General to direct the Columbia River Gorge Commission to make available the following records:

> A copy of the Columbia River Gorge Commission File #C00-0009-K-S-19 including the draft copy of the Director's Decision included in that file.

ORS 192.420(1) provides: "Every person has a right to inspect any public record of a public body in this state * * *." ORS 192.410(3) defines "public body" as including: "every state officer, agency department, division, bureau, board and commission; every county and city governing body, school district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other public agency of this state."

In a prior public records order, this office concluded that:

> The Commission is not a public body subject to the Oregon Public Records Law. Instead, it is a bi-state regional agency governed by federal law and an interstate compact. *See* 16 USC §§ 544-544p; ORS 196.150. As such, the only state statutes that apply to the Commission are those specifically referenced in either the federal act authorizing the creation of the Commission or the

interstate compact establishing the Commission. *See Seattle Master Builders v. Pacific Northwest Elec. Power*, 786 F2d 1359 (9th Cir. 1986).[1/]

Public Records Order, February 25, 1992 (Loeb).

The federal act authorizing the Commission requires it *to adopt regulations* for the disclosure of information consistent with the more restrictive statutory provisions of the two states (Oregon and Washington). 16 USC § 544c(b).[2/] As a result, the Commission's regulations on disclosure of information apply to your request instead of Oregon's Public Records Law.

We find no basis for changing our earlier conclusion that the Gorge Commission is not subject to Oregon's Public Records Law. As a result, we respectfully deny your petition.

Sincerely,

DAVID SCHUMAN
Deputy Attorney General

AGS05311
c. Jeffrey B. Litwak, Gorge Commission Counsel

[1/] The full citation is *Seattle Master Builders v. Pacific N.W. Elec. Power*, 786 F2d 1359, 1365 (9th Cir. 1986), *cert. denied* 479 US 1059 (1987). *See also People v. City of South Lake Tahoe*, 466 F Supp 527, 537 (ED Cal 1978).

[2/] The Commission has adopted such regulations, which are published in the Oregon Administrative Rules compilation (as required by Article I, section g of the Compact) as OAR 350-012-0001 to 350-012-0006.