CHARLES S. CROOKHAM
ATTORNEY GENERAL

JACK L. LANDAU
DEPUTY ATTORNEY GENERAL

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

February 25, 1992

Lex Loeb
c/o 1908 SW Terrace Drive
Portland, OR 97201

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

Dear Mr. Loeb:

This letter is in response to your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on February 18, 1992, asks the Attorney General to direct the Columbia River Gorge Commission (Commission) to make available for inspection and copying its Recreation Assessment, Resource Inventory, documents relating to anticipated impacts and consequences of the Columbia River Gorge Management Plan, and certain scenic easement terms proposed by the Commission.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. See ORS 192.410. However, the Oregon law only applies to public bodies within the state, such as state agencies, county boards or city councils. ORS 192.410(1). 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).

In the case of public records, the Columbia River Gorge National Scenic Area Act mandated that the Commission adopt disclosure of information regulations consistent with the more restrictive statutory provisions of either Washington or Oregon. 16 USC § 544c(b). Thus, the Commission's regulations on public

records, rather than the Oregon Public Records Law, govern disclosure of the Commission's records.

Because we conclude that the Oregon Public Records Law does not apply to the Commission, we respectfully deny your petition to compel disclosure. Nonetheless, we note that the records you request may be subject to disclosure under the Commission's regulations. For your convenience, we have enclosed a copy of those regulations and have forwarded your petition to the Commission.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:JA:tmt/JGG0249f
Enclosure
c: Stafford Hansell, Chairman, Columbia River Gorge Commission
Larry Watters, Counsel, Columbia River Gorge Commission