# Columbia River Gorge Commission

# Chapter 350
# Division 012

# Public Records

As Amended through September 1, 2026

## Table of Contents


350-012-0010. Definitions for Division 12 of the Gorge Commission's Rules ..... 1
350-012-0020. Right to Inspect Public Records; Personal Privacy Interests ..... 2
350-012-0030. Index of Certain Records ..... 3
350-012-0040. Agency Description; Contact Information ..... 4
350-012-0050. Procedure for Requesting Public Records ..... 4
350-012-0060. Response to Public Record Requests ..... 5
350-012-0070. Public Records Exempt from Disclosure ..... 9
350-012-0080. Public Records Officer ..... 14
350-012-0090. Enforcement ..... 14


**350-012-0010. Definitions for Division 12 of the Gorge Commission's Rules**

(1) "Business day" means weekdays, except when the Gorge Commission office is closed for an entire day. The Gorge Commission office closes for inclement weather, emergencies, and as decided by the executive director. The Gorge Commission strives to place office closure dates on its website.

(2) "Gorge Commission" means the Columbia River Gorge Commission.

(3) "Person" includes any natural person, corporation, partnership, firm, or association.

(4) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function, prepared, owned, used, or retained by the Gorge Commission regardless of physical form or characteristics. "Public record" does not include:

(a) Any writing that does not relate to the conduct of the public's business and that is contained on a privately owned computer; or

(b) Records that are not otherwise required to be retained by the agency and are held by volunteers who:

(A) Do not serve in an administrative capacity;

(B) Have not been appointed by the agency to an agency board, commission, or internship; and

(C) Do not have a supervisory role or delegated agency authority.

(5) "Writing" means handwriting, typewriting, printing, photostating, photographing and every means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

**350-012-0020. Right to Inspect Public Records; Personal Privacy Interests**

(1) Every person has a right to inspect any public record of the Gorge Commission, except as otherwise expressly provided by this division.

(2) The Gorge Commission shall furnish proper and reasonable opportunities for inspection and examination of non-exempt records during the usual business hours, to all persons requesting inspection and examination.

(3) To the extent required to prevent an unreasonable invasion of personal privacy interests protected by this division or an Oregon, Washington, or federal statute or regulation that prohibits disclosure of specific information or records, the Gorge Commission shall redact identifying details in a manner consistent with such requirement when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing. Personal privacy interests are considered invaded if disclosure of information about the person would be highly offensive to a reasonable person and is not of legitimate concern to the public.

(4) For informational purposes, the Gorge Commission shall publish and maintain a current list containing every law, other than those listed in this division, that the Gorge Commission believes exempts or prohibits disclosure of specific information or records of the Gorge Commission. The Gorge Commission's failure to list an exemption shall not affect the efficacy of any exemption.

**350-012-0030. Index of Certain Records**

(1) The Gorge Commission shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated.

(a) Final opinions and orders, made in the adjudication of cases;

(b) Statements of policy and interpretations of policy, statutes, and regulations that have been adopted by the Gorge Commission;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports, and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others;

(f) Correspondence and materials referred to therein, by and with the Gorge Commission relating to any regulatory, supervisory, or enforcement responsibilities of the Gorge Commission, whereby the Gorge Commission determines, or opines upon, or is asked to determine or opine upon, the rights of the Gorge Commission, a state, the public, a subdivision of state government, or of any private party.

(2) The Gorge Commission need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

**350-012-0040. Agency Description; Contact Information**

(1) Agency Description. The Gorge Commission is a regional agency created by Oregon and Washington through an interstate compact (codified at ORS 196.150 and RCW 43.97.015) with the consent of the U.S. Congress (16 U.S.C. § 544c(a)(1)). The members of the Gorge Commission are appointed as provided in 16 U.S.C. § 544c(a)(1)(C) and Article II of the compact. The members of the Gorge Commission appoint the executive director as the administrative head of the Gorge Commission.

(2) Contact Information. The Gorge Commission has one office located at 57 N.E. Wauna Ave., White Salmon, WA 98672, and its mailing address is P.O. Box 730, White Salmon, WA 98672. The general email address for the Gorge Commission is info@gorgecommission.org. The website for the Gorge Commission is www.gorgecommission.org. The Gorge Commission does not have a facsimile number.

**350-012-0050. Procedure for Requesting Public Records**

(1) All requests to inspect, copy, or receive public records shall be in writing and sent to the Gorge Commission office using the contact information in 350-012-0040(2). One request is sufficient; there is no need to send a request by both U.S. Postal Service and by email. A request shall include the following information:

(a) The requestor's name, email address or mailing address, and telephone number; and

(b) A request for identifiable public records. An identifiable public record is one for which the requestor has given a reasonable description enabling the Gorge Commission to locate the requested record. A request for all or substantially all records prepared, owned, used, or retained by the Gorge Commission is not a valid request for identifiable records under this chapter, provided that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of an agency's records.

(2) If a requestor is a party or a representative or agent of a party to an administrative proceeding before the Gorge Commission, a party or representative of a party to a civil judicial proceeding to which the Gorge Commission or any member of the Gorge Commission is a party, or has filed a notice under 16 U.S.C. § 544m(b)(3) asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the requestor must submit the request to the Gorge Commission office and the attorney for the Gorge Commission.

**350-012-0060. Response to Public Record Requests**

(1) The Gorge Commission will respond to a request for public records within five business days by:

(a) Providing the records if the records are of a nature permitting copying, or a reasonable opportunity to inspect or copy the record;

(b) Providing an internet address and link to the records on the Gorge Commission's website; except that if the requester notifies the Gorge Commission that they cannot access the records through the internet, then the Gorge Commission must provide copies of the record or allow the requester to view copies using an agency computer;

(c) Acknowledging that the Gorge Commission has received the request and providing a reasonable estimate of the time the Gorge Commission will require to respond to the request;

(d) Acknowledging that the Gorge Commission has received the request, asking the requestor to provide clarification for a request that is unclear, and providing to the greatest extent possible, a reasonable estimate of the time the Gorge Commission will require to respond to the request once clarified. If the requestor fails to clarify the request within ten business days, the Gorge Commission need not respond to it and will close the request; or

(e) Denying the public record request.

(2) The Gorge Commission may, in its sole discretion, propose a search and disclosure plan specifying search terms, record locations, form of the records, clarifications to the initial request, and other material information. The Gorge Commission will share any search and disclosure plan with the requestor to confirm that the plan responds to the initial or clarified request.

(3) Additional time required to respond to a request may be based upon the need to further clarify the request, locate and assemble the information requested, minimize interference with or disruption to other essential Gorge Commission functions, notify third persons or agencies affected by the request, or determine whether any of the information requested is exempt and that a redaction or denial should be made as to all or part of the request.

(4) The Gorge Commission will process requests in the order in which they are received. The Gorge Commission may modify this approach as necessary to ensure that requests that seek larger volumes of records, require closer review, or are otherwise more time consuming, do not unreasonably delay simpler, more routine requests.

(5) When it appears that the number of records responsive to a request may be large, that the process of locating, assembling, or reviewing the records may be lengthy, or that it is otherwise appropriate, the Gorge Commission may choose to provide records on a partial or installment basis. The Gorge Commission need not locate and assemble records responsive to a subsequent installment until the previous installment is claimed or inspected. If an installment is not claimed or inspected within ten business days of notice of availability, the Gorge Commission need not respond further and will close the request.

(6) When electronic records are requested.

(a) The Gorge Commission will provide copies of electronic records in the form requested, if available. If the public record is not available in the form requested, the Gorge Commission will provide the record in the form in which it is maintained or, at Gorge Commission's discretion, in a format that is reasonably translatable from the format in which the Gorge Commission keeps the records.

(b) When metadata is requested, the Gorge Commission will provide the records in a native file format that preserves metadata where technically feasible. Metadata may be unavailable for records that require conversion to a nonnative format in order to provide or to apply exemptions.

(c) If the Gorge Commission translates a record into an alternative electronic format at the request of a requestor, the copy created does not constitute the creation of a new public record for purposes of this chapter. Scanning paper records to make electronic copies of such records is a method of copying paper records and does not constitute the creation of a new public record.

(d) The Gorge Commission may use reasonable procedures and technology necessary for the protection of electronic records and to prevent interference with the regular discharge of duties of the Gorge Commission.

(7) The Gorge Commission shall not deny a request for identifiable public records solely on the basis that the request is overbroad.

(8) If a public record request is made at a time when such record exists but is scheduled for destruction in the near future, the Gorge Commission shall retain possession of the record, and may not destroy or erase the record until the request is resolved.

(9) Costs of Providing Public Records

(a) The Gorge Commission does not charge a fee for the inspection of public records or locating public documents and making them available for copying.

(b) The Gorge Commission may charge a reasonable fee for providing copies of public records. The Gorge Commission declares for the following reasons that it would be unduly burdensome to calculate the actual costs it charges for providing copies of public records: Funds are not allocated for performing an initial study to calculate such actual costs and periodic updates to such a study, and the Gorge Commission lacks the necessary funds to perform a study and calculations; staff resources are insufficient to perform a study and to calculate such actual costs; and a study would interfere with and disrupt other essential agency functions. The Gorge Commission may charge fees for production of copies of public records, which includes shipping, consistent with the fee schedule as published on the Gorge Commission's website at www.gorgecommission.org.

(c) The Gorge Commission will charge the actual amount charged by an external vendor for records copied or scanned by that vendor, including records in nonstandard sizes or formats. The Gorge Commission will also charge the actual amount of shipping records to and from the vendor and actual travel expenses, including mileage, tolls, and parking fees. The Gorge Commission will provide an estimate of the amount charged by the external vendor and shipping and travel costs.

(d) Before copying public records, the Gorge Commission may require a deposit of up to ten percent of the estimated costs of copying all of the records. The Gorge Commission may also require payment of the remainder of the copying costs before providing all of the records, or the payment of costs of copying an installment before providing the installment.

(e) At the Gorge Commission's sole discretion, the Gorge Commission may provide customized electronic access to public records if the Gorge Commission estimates that the request would require the use of information technology expertise to prepare data compilations or provide customized electronic access services when such compilations and customized access services are not used by the Gorge Commission for other agency purposes. The Gorge Commission will charge the actual costs, including staff time, necessary to

reimburse the agency for providing customized electronic access services.

(f) The Gorge Commission will not release any requested copies of public records unless and until the requestor has paid all copying and other charges as set forth in this section.

(g) The Gorge Commission may waive any charges for providing public records at the discretion of the Executive Director of the Gorge Commission. This determination will be made on a case-by-case basis at the Executive Director's sole discretion.

(10) Denial of public records request. When the Gorge Commission denies a request for inspection of a public record in whole or part, it must provide a statement of the specific exemption from this division or other law authorizing the denial.

(11) Review of the Gorge Commission's production of public records.

(a) A requestor who believes the Gorge Commission did not provide all responsive documents may petition the Executive Director to review the Gorge Commission's production of public records. The written request must specify what records the requestor believes were omitted, if known, and the basis for the requestor's belief that the Gorge Commission did not produce all responsive records.

(b) A requestor who objects to the denial of a request for a public record may petition the Executive Director to review the denial. The written request must identify the documents that were not produced, include the written statement which accompanied the denial and explain why the requestor believes the denial was in error.

(c) Requestors shall file a petition in accordance with subsections (a) or (b) of this section within 14 days after the date the requestor inspects the requested records at the Gorge Commission's office, the date the Gorge Commission sends the records to the requestor, or the date of the denial of a request. Petitions pursuant to subsections (a) and (b) of this section shall be sent to the Executive Director of the Gorge Commission at the mailing or email address in 350-012-0040(2).

(d) The Executive Director shall consider the petition and either affirm or reverse the denial. Within five business days following receipt of the requestor's petition for review, the Executive Director will notify the requestor of the decision or notify the requestor if more time is required to consider the petition. The Executive Director may delegate

consideration of a petition to another member of the Gorge Commission staff.

(12) Protection of public records.

(a) Requestors may not remove any public record from the Gorge Commission's office. Requestors may remove copies of records that the Gorge Commission specifically provides to the requestor to take away from the Gorge Commission's office.

(b) Requestors must have a designated Gorge Commission employee present while inspecting a public record.

(c) Requestors may not mark or deface a public record in any manner during inspection.

(d) Requestors may not dismantle or change the order of public records that are stapled, paper-clipped, or maintained in a notebook, file, or jacket, or in chronological or other filing order.

(e) Access to file cabinets, shelves, vaults, or other storage areas is restricted to Gorge Commission personnel unless other arrangements are made with the Executive Director.

(f) The right to inspect original public records does not require the Gorge Commission to allow inspection of an original record that contains some information exempt from disclosure. In such case, the Gorge Commission will provide a copy of the original with the exempt material redacted.

**350-012-0070. Public Records Exempt from Disclosure**

(1) The following public records are exempt from disclosure under this division unless the public interest requires disclosure in the particular instance:

(a) Records of the Gorge Commission pertaining to litigation to which the Gorge Commission is a party if the complaint has been filed, or if the compliant has not been filed, if the Gorge Commission shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded, and nothing in this paragraph shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation;

(b) Trade secrets. "Trade secrets," as used in this subsection, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only

to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or service or to locate minerals or other substances, having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it;

(c) Information relating to the appraisal of real estate prior to its acquisition;

(d) Investigatory information relating to any complaint filed relating to unlawful employment practices until such time as the complaint is resolved, or a final administrative determination is made;

(e) A personnel discipline action, or materials or documents supporting that action;

(f) Sensitive fish, wildlife, and plant data. Sensitive fish, wildlife, and plant data may be released to the following entities and their agents for fish, wildlife, plant, and land management purposes, or scientific research needs: Governments agencies, public utilities, and accredited colleges and universities. Sensitive fish, wildlife, and plant data may be released to tribal governments. Sensitive fish, wildlife, and plant data may also be released to the owner, lessee, or right-of-way or easement holder of private land to which the data pertains. The release of sensitive fish, wildlife, and plant data may be subject to a confidentiality agreement, except upon release of sensitive fish, wildlife, and plant data to the owner, lessee, or right-of-way or easement holder of private land who initially provided the data. Sensitive fish, wildlife, and plant data does not include data related to reports of predatory wildlife posted on the Washington Department of Fish of Wildlife's internet web site. Sensitive fish, wildlife, and plant data must meet at least one of the following criteria as applied by the Gorge Commission:

(A) The nesting sites or specific locations of endangered, threatened or sensitive species listed in the Management Plan or otherwise designated by the appropriate agencies in Oregon and Washington;

(B) Radio frequencies used in or locational data generated by telemetry studies;

(C) Other location data that could compromise the viability of a specific fish, wildlife or plant population and where one or more of the following criteria are met:

(i) The species has a known commercial or black market value;

(ii) There is a history of malicious take of that species and the species behavior or ecology renders it especially vulnerable;

(iii) There is a known demand to visit, take, or disturb the species; or

(iv) The species has an extremely limited distribution and concentration.

(g) Records or information that would reveal or otherwise identify security measures, or weaknesses or potential weaknesses in security measures, taken or recommended to be taken to protect:

(A) An individual;

(B) Buildings or other property; or

(C) Information processing, communication or telecommunication systems, including the information contained in the systems.

(h) Lists of individuals requested for commercial purposes.

(i) Any other record that is conditionally exempt from disclosure as specified in ORS 192.345.

(2) The following public records are exempt from disclosure under this division:

(a) Communications within the Gorge Commission or between the Gorge Commission and another public body of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to any final agency determination of policy or action. This exemption shall not apply unless the Gorge Commission shows that in the particular instance the public interest in encouraging frank communication between officials and employees of the Gorge Commission clearly outweighs the public interest in disclosure.

(b) Information of a personal nature such as but not limited to that kept in a personal, medical or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance. The party seeking disclosure shall have the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy.

(c) Information submitted to the Gorge Commission in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the Gorge Commission has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure.

(d) Any public records or information the disclosure of which is prohibited by federal or state law or regulations, including location of archaeological sites or objects pursuant to 16 U.S.C. § 544d(a)(1)(A), traditional cultural practices, enjoyment of treaty reserved rights, the locations of traditional sites, structures, lands, and places of cultural and spiritual significance that a tribe holds sacred, and similar sensitive information. This exemption does not apply when the governing body of an Indian tribe requests the information and the need for the information is related to that Indian tribe's cultural or religious activities.

(e) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon or Washington law.

(f) Public records or information described in this section, furnished by the Gorge Commission to any other public officer or public body in connection with performance of the duties of the recipient, if the considerations originally giving rise to the confidential or exempt nature of the public records or information remain applicable.

(g) Information about review or approval of programs relating to the security of:

(A) Generation, storage or conveyance of:

(i) Electricity;

(ii) Gas in liquefied or gaseous form;

(iii) Hazardous substances as defined by Oregon or Washington state law;

(iv) Petroleum products;

(v) Sewage; or

(vi) Water;

(B) Telecommunications systems, including cellular, wireless or radio systems.

(C) Data transmissions by whatever means provided.

(h) Records of mediation communications that are privileged under the Uniform Mediation Act.

(i) Information gathered for the purpose of preparing a small business impact statement or an analysis of significant rules as required by the states' rulemaking requirements that can be identified to a particular business.

(j) Records in violation of a user agreement or license that prohibits the Gorge Commission from disclosing such records. The Gorge Commission shall refer persons to the creator of the record if the Gorge Commission has obtained the records through agreement or license, or for which the Gorge Commission was charged a fee, other than a nominal fee for reimbursement of duplicating costs, for the record.

(3) If any public record contains material that is not exempt under section (1) or (2) of this rule, as well as material that is exempt from disclosure, the Gorge Commission shall separate the exempt and nonexempt material and make the nonexempt material available for examination.

(4) An individual may submit a written request to the Gorge Commission not to disclose a specified public record indicating the home address or personal telephone number of the individual. The Gorge Commission shall not disclose the specified public record if the individual demonstrates to the satisfaction of the Gorge Commission that the personal safety of the individual or the personal safety of a family member residing with the individual is in danger if the home address or personal telephone number remains available for public inspection.

(a) A request described in section (4) shall remain effective until the Gorge Commission receives a written request for termination but no later than five years after the date that the Gorge Commission receives the request.

(b) The Gorge Commission may disclose a home address or personal telephone number of an individual exempt from disclosure under section (4) upon court order, on request from any law enforcement agency or with the consent of the individual.

(c) The Gorge Commission shall not be held liable for granting or denying an exemption from disclosure under this section or any other unauthorized release of a home address or personal telephone number granted an exemption from disclosure under this section.

(5) Notwithstanding the exemptions in sections (1) and (2) of this rule, public records that are more than 25 years old shall be available for inspection, except for records the disclosure of which is prohibited by federal or state law or regulations.

**350-012-0080. Public Records Officer**

The Gorge Commission's Executive Director or their appointee shall serve as the Gorge Commission's public records officer whose responsibility is to serve as a point of contact for members of the public in requesting disclosure of public records and to oversee the Gorge Commission's compliance with the public records disclosure requirement of this division.

**350-012-0090. Enforcement**

Enforcement of this division is governed by the judicial review provisions of the Columbia River Gorge National Scenic Area Act, 16 U.S.C. § 544m, and applicable court rules.