

# State delays release of Kitzhaber emails

Associated Press

PORTLAND — John Kitzhaber's criminal attorney has filed a federal motion seeking to keep the former governor's emails out of federal investigators' hands, according to Oregon Attorney General Ellen Rosenblum's office.

In response, Rosenblum's office has delayed releasing Kitzhaber's emails to federal investigators as required by a grand jury subpoena issued Feb. 13. The subpoena had required numerous agencies, the governor's office and Rosenblum's office to submit a raft of documents related to Kitzhaber and his fiancée, Cylvia Hayes, by March 10.

Portland attorney Janet Hoffman had asked Rosenblum's office to hold on to the emails, saying she intended to seek a federal court order to quash the subpoena and provide her time to review Kitzhaber's personal emails for any attorney-client material. She also wanted to hold back correspondence on a work-related email account between Kitzhaber and his attorney.

Hoffman's action in federal court is sealed from the public because it involves the grand jury investigation into Kitzhaber and his fiancée Cylvia Hayes.

Hoffman emailed *The Oregonian* on Thursday saying she couldn't confirm whether or not her motion had been filed.

"It is improper for any counsel to comment on or disclose legal matters pending before or regarding a grand jury," she wrote.

Kitzhaber had used two Gmail ac-



Gov. John Kitzhaber talks to the editorial staff at the *East Oregonian* last year in Pendleton.

counts while in office. One was for his governor's work and was forwarded to the state computers for storage.

But a second, personal Gmail account also was sent to the state computers in what Hoffman said was an unintentional move. An unknown number of those thousands of personal emails were leaked to Willamette Week, leading his lawyers to threaten the state.

Questions remain whether Kitzhaber waived his attorney-client privilege when those private emails were sent to state computer servers - a process that some argue leaves the emails in the public domain. Hoffman

asserted that Kitzhaber still has the right to that attorney-client confidentiality on the personal emails.

Hoffman also argued that Kitzhaber has similar privilege for his communications with Liani Reeves, the former governor's general counsel, and Steven Powers, her deputy.

Deputy Attorney General Fred Boss responded to Hoffman in a Feb. 27 letter that the attorney-client privilege in that circumstance belonged to the office of the governor - not the former governor. Boss said the state has the authority to decide whether those emails can be released.

— *The Oregonian reporting*

# Funding denied to project tied to Boardman coal port

By PETER WONG  
Capital Bureau

SALEM — Six transportation projects — but not a much-debated dock renovation that was a proxy in a wider debate over coal exports to Asia — will share \$7 million in state money.

The Oregon Transportation Commission voted 3-1 Thursday for the allocation of lottery-backed bonds under Connect Oregon, which funds projects other than highways and bridges.

But the list omits the top-ranked project, which proposed \$2 million for renovation of a World War II-era dock at Port Westward near Clatskanie. The Port of St. Helens proposed to match it with \$3 million to develop it for use by ocean-going ships.

"These are the kind of projects that are going to revitalize rural Oregon," said commission member Susan Morgan, also a Douglas County commissioner, who was the lone dissenter.

"I think that to deny the people in

**"These are the kind of projects that are going to revitalize rural Oregon."**

— Susan Morgan, commission member

Columbia County the opportunity to do this — to add to the wealth and strengthen the social structure of their county — is a negative way to go."

The project ranked high last summer, when the commission dropped proposed funding for it on a 3-2 vote. Then-Gov. John Kitzhaber removed the commission chairwoman, Catherine Mater of Corvallis, five months later.

A subsequent review by a panel ranked the project atop a list of 31 considered for almost \$7 million remaining in Connect Oregon money.

But the project remained caught in a wider debate about a proposal by Ambre Energy, the Australian company that seeks to export coal to Asia.

The coal would be mined in the Powder River Basin of Wyoming and Montana, then shipped by rail to Boardman, where it would be loaded onto barges on the Columbia River bound for the Port of St. Helens. Ocean-going ships there would take the coal to Asia.

Commission member David Lohman said it was appropriate for the commission to consider the long-term environmental effects of the project, based on a state policy that commits Oregon to prepare for climate change.

"The nature of the projected commodity (coal) can be as relevant as the nature of the projected jobs," said Lohman, who's a lawyer in Medford.

Voting for the funding were Lohman, Alando Simpson of Portland and Chairwoman Tammy Baney of Bend, who switched her vote from last summer, when she voted for funding the dock project.

— *The Capital Bureau is a collaboration between EO Media Group and Pamplin Media Group.*

## BRIEFLY

### Body found after explosion near Oregon highway

RHODODENDRON (AP) — One person was found dead Thursday near the site of an explosion along U.S. Highway 26 on the flanks of Mount Hood, but the FBI said it's too soon to determine the cause of death.

The FBI was leading an investigation that unfolded for hours Thursday along the normally busy highway.

Traffic was rerouted as a bomb-disposal team cautiously inspected a white car parked on the side of the road near woods about 45 miles east of Portland.

FBI spokeswoman Beth Anne Steele said there was damage to the car, and agents believe an explosion occurred outside the vehicle. Steele said a body was found, but she wouldn't say where. The medical examiner will determine cause of death, she said.

Livestreamed video from a KGW-TV news helicopter showed a robot inspecting the vehicle and then an officer wearing bomb-disposal gear going in for a closer look. The officer looked inside a cardboard box that had been pulled from the vehicle and X-rayed a backpack.

\$682 million, or 75 cents per share. The Beaverton, Oregon-based company said its revenue grew 7 percent to \$7.46 billion from \$6.97 billion.

Analysts expected income of 84 cents per share and \$7.64 billion in revenue, according to Zacks Investment Research. Nike's fiscal third quarter ended on Feb. 28.

Nike said that its worldwide futures orders, which are orders scheduled for delivery from March through July, are up 2 percent compared to last year. If the effects of changes in foreign currency exchange rates were excluded, it says those orders would have grown 11 percent.

Nike shares rose to \$98.32 Thursday. They have gained 2 percent in 2015, with the Standard & Poor's 500 index up 1.5 percent over the same period. The shares have climbed 24 percent over the last 12 months. In after-hours trading, Nike stock rose \$1.50 to \$99.82.

### Terminal settles with Oregon over excess oil shipments

CLATSKANIE (AP) — The owner of an oil train terminal in northwest Oregon has agreed to pay a reduced fine for moving six times more crude oil in 2013 than was allowed.

*The Oregonian* reports the fine was cut to \$102,292.

The state Department of Environmental Quality said the premise of fine originally was that the company acted intentionally in shipping nearly 300 million gallons through the terminal near Clatskanie.

But the agency now says it can prove only that the company acted negligently.

Massachusetts-based Global Partners admitted no wrongdoing. Its lawyer said the company disagreed with the penalty but was happy the issue is resolved.

### Nike tops 3Q profit forecasts despite challenges

BEAVERTON (AP) — Nike Inc. said Thursday its net income climbed 16 percent in the fiscal third quarter even though the stronger dollar and other factors hurt the athletic apparel maker's results.

The stronger dollar makes Nike's products more expensive in other currencies, and the company also said it invested more money in its business and effective tax rates increased.

Nike said its net income totaled \$791 million, or 89 cents per share, from

## Corrections

The *East Oregonian* works hard to be accurate and sincerely regrets any errors. If you notice a mistake in the paper, please call 541-966-0818.

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## AccuWeather.com Forecast

TODAY	SATURDAY	SUNDAY	MONDAY	TUESDAY
Mild with more sun than clouds	Cooler with a shower or two	Mainly cloudy and comfortable	Cooler with a couple of showers	Rain and drizzle in the p.m.

### PENDLETON TEMPERATURE FORECAST

69°	48°	62°	36°	68°	43°	58°	40°	57°	36°
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### HERMISTON TEMPERATURE FORECAST

69°	44°	66°	33°	70°	40°	62°	39°	62°	35°
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### ALMANAC

**PENDLETON**  
through 3 p.m. yesterday

TEMPERATURE	HIGH	LOW
Yesterday	65°	36°
Normals	56°	36°
Records	80° (1934)	18° (1965)

**PRECIPITATION**  
24 hours ending 3 p.m. 0.00"  
Month to date 0.46"  
Normal month to date 0.81"  
Year to date 2.01"  
Last year to date 3.61"  
Normal year to date 3.32"

**HERMISTON**  
through 3 p.m. yesterday

TEMPERATURE	HIGH	LOW
Yesterday	64°	30°
Normals	59°	35°
Records	80° (1934)	13° (1965)

**PRECIPITATION**  
24 hours ending 3 p.m. 0.00"  
Month to date 0.19"  
Normal month to date 0.58"  
Year to date 1.25"  
Last year to date 2.23"  
Normal year to date 2.82"

### SUN AND MOON

	New	First	Full	Last
Sunrise today	6:59 a.m.			
Sunset tonight	7:07 p.m.			
Moonrise today	7:07 a.m.			
Moonset today	7:58 p.m.			

### REGIONAL FORECAST

Location	Temp	Conditions
Seattle	61/50	Cloudy
Wenatchee	66/49	Cloudy
Spokane	63/45	Cloudy
Aberdeen	56/46	Cloudy
Olympia	60/43	Cloudy
Moses Lake	67/46	Cloudy
Pullman	64/45	Cloudy
Tacoma	62/45	Cloudy
Yakima	69/44	Cloudy
Walla Walla	71/51	Cloudy
Lewiston	67/48	Cloudy
Portland	66/49	Cloudy
Hermiston	69/44	Cloudy
Pendleton	65/41	Cloudy
Enterprise	65/41	Cloudy
Salem	66/47	Cloudy
John Day	65/43	Cloudy
Ontario	68/44	Cloudy
Corvallis	65/47	Cloudy
Albany	63/47	Cloudy
Eugene	66/46	Cloudy
Bend	63/36	Cloudy
Medford	67/44	Cloudy
Klamath Falls	62/38	Cloudy
Burns	67/37	Cloudy
Caldwell	70/45	Cloudy

Shown is today's weather. Temperatures are today's highs and tonight's lows.

### REGIONAL CITIES

City	Today			Sat.		
	Hi	Lo	W	Hi	Lo	W
Astoria	60	47	r	56	40	sh
Baker City	66	40	pc	58	27	sh
Bend	63	36	pc	55	29	sh
Brookings	59	47	r	56	45	sh
Burns	67	37	pc	60	27	pc
Enterprise	65	41	pc	53	31	sh
Eugene	66	46	c	62	38	sh
Heppner	65	43	pc	57	32	sh
Hermiston	69	44	pc	66	33	c
John Day	65	43	pc	56	31	sh
Klamath Falls	62	38	pc	57	31	sh
La Grande	68	44	pc	58	31	sh
Meacham	64	38	pc	52	28	sh
Medford	67	44	pc	66	41	sh
Newport	58	48	r	55	43	sh
North Bend	61	49	r	58	44	sh
Ontario	68	44	pc	67	34	c
Pasco	71	46	pc	67	33	c
Pendleton	69	48	pc	62	36	sh
Portland	66	49	c	61	41	sh
Redmond	68	37	pc	59	26	sh
Salem	66	47	c	61	38	sh
Spokane	63	45	pc	55	32	sh
Ukiah	65	41	pc	54	31	sh
Vancouver	66	47	c	61	39	sh
Walla Walla	71	51	pc	63	41	sh
Yakima	69	44	pc	66	30	c

### WORLD CITIES

City	Today			Sat.		
	Hi	Lo	W	Hi	Lo	W
Beijing	66	38	s	65	38	s
Hong Kong	79	69	pc	79	68	pc
Jerusalem	55	40	s	57	40	s
London	55	40	pc	49	34	pc
Mexico City	77	56	pc	76	48	pc
Moscow	49	32	s	45	28	r
Paris	60	38	pc	51	37	sh
Rome	61	45	pc	59	49	sh
Seoul	67	35	pc	61	35	s
Sydney	85	68	pc	73	68	s
Tokyo	58	48	c	53	44	r

### WINDS

(in mph)	Today	Today	Today	Today
Boardman	W 3-6	WSW 12-25		
Pendleton	W 4-8	WSW 15-25		

### UV INDEX TODAY

0 2 4 4 2 0

8 a.m. 10 a.m. Noon 2 p.m. 4 p.m. 6 p.m.

0-2, Low 3-5, Moderate 6-7, High; 8-10, Very High; 11+, Extreme

The higher the AccuWeather.com UV Index™ number, the greater the need for eye and skin protection.

Forecasts and graphics provided by AccuWeather, Inc. © 2015

## NATIONAL WEATHER TODAY

Shown are noon positions of weather systems and precipitation. Temperature bands are highs for the day.

**National Summary:** Snow will affect part of the Northeast today with rain farther south along the mid-Atlantic coast. More rain will blossom over the South Central states and brush Washington as showers dot the Southwest.

**Yesterday's National Extremes:** (for the 48 contiguous states)  
High 88° in Zephyrhills, Fla. Low -15° in Saranac Lake, N.Y.

### NATIONAL CITIES

City	Today			Sat.		
	Hi	Lo	W	Hi	Lo	W
Albuquerque	60	41	sh	69	41	s
Atlanta	71	53	c	75	56	c
Atlantic City	41	33	sn	48	36	pc
Baltimore	39	29	sn	55	37	pc
Billings	68	41	pc	71	42	pc
Birmingham	70	51	sh	72	54	c
Boise	72	49	s	66	39	c
Boston	35	26	sn	43	26	sn
Charleston, SC	77	57	c	73	53	pc
Charleston, WV	55	41	r	66	42	pc
Chicago	59	42	pc	62	31	s
Cleveland	47	38	sn	54	25	pc
Dallas	64	56	sh	63	54	r
Denver	68	38	s	73	44	r
Detroit	55	41	pc	57	27	