



# 2023 ANNUAL GOVERNMENT TO GOVERNMENT REPORT

Tribal Key Contact | Rosetta Shatkin  
Legislative and Government Relations Director  
Tribal-State Government-to-Government Liaison  
Oregon Liquor Cannabis Commission (OLCC)  
9079 SE McLoughlin Blvd., Portland, OR 97222  
O: (503) 872-5044 | C: (971) 284-1894  
E: [rosetta.shatkin@oregon.gov](mailto:rosetta.shatkin@oregon.gov)



# CONTENTS

<b>CONTENTS</b> .....	<b>2</b>
<b>2023 Annual Government to Government Report</b> .....	<b>3</b>
<b>Introduction</b> .....	<b>3</b>
<b>Tribal-State Relations Policy</b> .....	<b>4</b>
<b>Annual Tribal-State Government-To-Government Summit</b> .....	<b>4</b>
<b>Public Safety Cluster Participation</b> .....	<b>4</b>
<b>OLCC Administration and Support Services Program</b> .....	<b>5</b>
<b>Distilled Spirits Program and Tribal Intergovernmental Agreement</b> .....	<b>5</b>
<b>Recreational Marijuana Program and Tribal Intergovernmental Agreement</b> .....	<b>6</b>
<b>Public Safety Program</b> .....	<b>6</b>
<b>False Identification Training Course</b> .....	<b>7</b>
<b>Minor Decoy Operations (MDOs) Sales Checks</b> .....	<b>7</b>
<b>Public Safety Program Regional Office Activity</b> .....	<b>8</b>
<i>Bend Regional Office</i> .....	<i>8</i>
<i>Eugene Regional Office</i> .....	<i>8</i>
<i>Medford Regional Office</i> .....	<i>8</i>
<i>Salem Regional Office</i> .....	<i>9</i>
<i>Portland Regional office</i> .....	<i>10</i>
<b>Bottle Bill Program</b> .....	<b>10</b>
<b>Efforts to Promote and Enhance Tribal-State Government-to-Government Relations</b> .....	<b>10</b>
<i>Office of Governor Tina Kotek New Tribal Affairs Director</i> .....	<i>10</i>
<i>Tribal Cannabis inquiry</i> .....	<i>11</i>
<i>Confederated Tribes of Warm Springs (CTWS) Cannabis Commission</i> .....	<i>11</i>
<i>Cow Creek Band of Umpqua Indians – Cow Creek Tribes Cannabis Rules Implementation</i> .....	<i>11</i>
<i>Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cannabis Legislation</i> .....	<i>12</i>
<i>Coquille Indian Tribe’s Distillery Tasting Room</i> .....	<i>12</i>
<i>HB 2112: Records Retention for Tribal Cultural Purposes</i> .....	<i>13</i>
<b>Summary</b> .....	<b>13</b>

# 2023 ANNUAL GOVERNMENT TO GOVERNMENT REPORT

## INTRODUCTION

In 2001, Senate Bill 770 (SB 770) codified the framework for communication between state agencies and Oregon’s Nine Federally Recognized Tribes<sup>1</sup> in Oregon Revised Statute (ORS). ORS 182.164-168 requires state agencies to develop and implement policy on relationships with Tribes; and ORS 182.166, requires that at least once a year, the Oregon Department of Administrative Services (DAS), in consultation with the Legislative Commission on Indian Services (LCIS), provide training to state agency managers and employees who have regular communication with tribes on the legal status of tribes, the legal rights of members of tribes and issues of concern to tribes. The Oregon Liquor and Cannabis Commission (OLCC) recognizes the value of Oregon’s Tribal contributions in advancing new business opportunities, generating jobs in rural communities, and promoting Tribal sovereignty through economic development.

The OLCC administers the Oregon’s Liquor and Cannabis Act and the Adult and Medical Use of Cannabis Act<sup>2</sup>. This Government-to-Government (GTG) report outlines how the OLCC staff and the seven-member Board of Commissioners<sup>3</sup> carry out its duties with Oregon’s tribes in 2023. Consistent with the OLCC’s Tribal policy, the report identifies the different administrative and support services, agency programs, regions, and the staff responsible for developing and implementing as part of its regulatory duties. The report reflects the work of regional managers and compliance staff who continue to provide direct communication, including following up on training and technical support to tribes on alcohol regulatory issues and compliance with public health and safety matters. In addition, this report provides information on the Agency’s work with tribal representatives on recreational marijuana laws through the tribal key contact who coordinates the intergovernmental communications with employees who are developing and implementing the administrative enforcement actions affecting the tribes.

As her new administration got underway, Governor Tina Kotek issued a memorandum on March 7, 2023, reaffirming her commitment to engaging in meaningful consultation and collaboration with Tribal leaders. The OLCC Board of Commissioners, also under new leadership, was able to build on this renewed commitment by coordinating and easing a broad array of communication between Tribal governments, agency’s administrators, and the Oregon Department of Justice (DOJ) - the

---

<sup>1</sup> The Nine Federally Recognized Tribes in Oregon are:

Burns Paiute Tribe – Burns Paiute Tribe  
Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians – CTCLUSI  
Confederated Tribes of the Warm Springs Reservation – CTWS or Warm Springs Tribe  
Coquille Indian Tribe – Coquille Tribe  
Klamath Tribes – Klamath Tribes  
Cow Creek Band of Umpqua Tribe of Indians – Cow Creek Tribe  
Confederated Tribes of the Grand Ronde – CTGR or Grand Ronde  
Confederated Tribes of the Siletz Indians in Oregon – Siletz Tribe  
Confederated Tribes of the Umatilla Indian Reservation – CTUIR or Umatilla Tribe

<sup>2</sup> [Division 25 - Oregon Secretary of State Administrative Rules for Recreational Marijuana](#). The agency’s authority is derived from: ORS Chapter 471 - Alcoholic Liquor Generally; ORS Chapter 473 - Wine, Cider and Malt Beverage Privilege Tax; ORS Chapter 474 - Trade Practices Related to Malt Beverages; ORS Chapter 459A.700 to 740, Beverages Containers, the Bottle Bill; and 475C Cannabis Regulation, and Administrative Rules Chapter 845.

<sup>3</sup> [SB 1095 Enrolled](#) increased membership for boards and commission that are based on congressional district lines.

state law firm that represents Oregon state agencies in their interactions with Oregon tribes and Tribal attorneys. Because the conferral, collaboration, and consultation process include issues that require interaction with other state entities and public interest, the OLCC’s key contact coordinates with the DOJ to ensure the tribal-state policy requirements are fully implemented. Out of respect for tribal sovereignty and self-governance, this report does not include specific details about ongoing consultations and collaborations.

## **TRIBAL-STATE RELATIONS POLICY**

Key to OLCC’s positive Tribal-State consultation and relationship building is our work with Oregon’s nine recognized Tribes in establishing a process that enhances Tribal self-determination, as outlined in the OLCC Tribal Relations Policy, adopted in August 2022, and attached here as Appendix A to this report. The values supporting the Commission’s tribal-state policy are rooted in our governing principles of supporting economic development, consumer service, and respecting diversity within the distinct sovereign status of each tribal government and their respective authorities on tribal land. The Commission has historically contracted with all Oregon Tribes that have gaming compacts to allow for sales of distilled spirits for on-premises consumption on Tribal land. All OLCC employees have access to this policy, which is stored electronically with all other OLCC internal policies and procedures. The tribal key contact plans to work with the Human Resource Department and Executive leadership to ensure that the policy is part of the new employee onboarding process.

## **ANNUAL TRIBAL-STATE GOVERNMENT-TO-GOVERNMENT SUMMIT**

The OLCC Board of Commission Chair, Dennis Doherty, Deputy Director Tara Wasiak, and the Tribal Liaison were scheduled to attend the 2023 Annual Tribal-State GTG Summit. The theme, “Celebrating our accomplishments, learn and plan for the future,” was built around Governor Kotek’s goal to “enhance the recognition of the sovereignty of the nine federally recognized Tribal Nations, as well as enhance our [GTG] consultations.”

- On November 16th, the Governor’s Office informed Agencies and Legislative Stakeholders that the White House had set its dates for the White House Tribal Nations Summit on December 6-7. Oregon Tribal Chairs were scheduled to travel during Oregon’s GTG Summit, scheduled for December 5-6. Governor Kotek decided to cancel the event but remains committed to Tribal collaboration and consultation.
- As part of that commitment, the Governor’s office announced that Shana McConville Radford started her work as the first Tribal Affairs Director in the office of an Oregon Governor.

## **PUBLIC SAFETY CLUSTER PARTICIPATION**

The OLCC Tribal liaison attended several Public Safety Cluster meetings scheduled for May, June, August, and October 2023.

- On January 20, the Tribal Liaison and Public Safety Cluster Coordinator shared the Oregon Department of Justice, Crime Victim and Survivor Services (CVSSD) Division started the 2023 Community Collaboration and Needs Assessment Project in January 2023. The project’s Tribal Leadership Presentation (Desireé Coyote and Diana Fleming)

included leadership, supervisors, program staff, and/or community members as designated by Tribal Nations.

- For the June Cluster Meeting, the Tribal liaison introduced the interim Director Craig Prins to the Public Safety Cluster Group. Staff provided related legislative updates for the 2023 Legislative Session, which included discussion on SB 1095 (increasing the OLCC Board of Commissioners size by 2); and HB 3308 (establishing a legal framework for the delivery of alcohol).
- On October 25, the OLCC key contact virtually attended the STPSC Meeting.

## **OLCC ADMINISTRATION AND SUPPORT SERVICES PROGRAM**

The mission of the OLCC is to support businesses, public safety, and community livability through education and the enforcement of liquor and marijuana laws. This mission and its values take on renewed importance as the agency works to develop and follow a strategic plan using the goals outlined by Governor Kotek's office to support tribes, underrepresented communities, and licensees.

## **DISTILLED SPIRITS PROGRAM AND TRIBAL INTERGOVERNMENTAL AGREEMENT**

The purpose of the Distilled Spirits Program is to oversee the retail liquor business, meeting the needs of the public while ensuring responsible sales of distilled spirits. The program does so by making bottled distilled spirits available for purchase by the public. The Distilled Spirits Program includes two divisions: the Wholesale Operations Division, Purchasing and the Distribution Center, and Retail Services Division. The Distilled Spirits Program processes orders for distilled spirits from retail sales agents, tribes, and military installations. Distilled Spirits Program staff are in contact with staff at premises located within Indian Country regarding the processing of liquor orders and payments.

Retail Services Division staff have the responsibility to ensure distillery agents comply with statutes, rules, the Distillery Retail Outlet Agent Agreement (Agreement) and the Distillery Retail Outlet Manual pertaining to a distillery retail outlet. Division personnel are available to assist distillery agents in understanding and complying with the various retail outlet requirements.

The OLCC may enter into an Intergovernmental Agreement under ORS 190.110 (authority of state agencies to enter into agreement with American Indian Tribes). The OLCC Liquor licensing Intergovernmental Agreement is also referred to as Memorandums of Understanding (MOUs). These MOUs, and their connection to the Tribal-State Intergovernmental Agreements, establish how Oregon state law and OLCC licensing regulations apply to the sale and service of alcoholic beverages at Tribal gaming facilities and other Tribal enterprises. Currently, eight tribes have properties that are licensed by OLCC on a government-to-government basis to sell alcoholic beverages.

Throughout 2023, the OLCC continued its collaborative work with tribes and tribal entities by hosting several formal consultation meetings related to an application for a distillery license. The focus of that work has ensured that staff maintain OLCC's commitment to providing information and technical support to the tribes on liquor regulatory issues at licensed tribal businesses and providing information to tribal representatives on the terms of the MOU.



## **RECREATIONAL MARIJUANA PROGRAM<sup>4</sup> AND TRIBAL INTERGOVERNMENTAL AGREEMENT**

Under ORS 475C.521, the Governor may enter into an agreement with the governing body of a federally recognized Indian tribe located in this state for the purpose of cross-jurisdictional coordination and enforcement of marijuana-related business license to conduct business on Tribal trust land by the governing body of the federally recognized Indian tribe.<sup>5</sup> To facilitate cross-jurisdictional and enforcement of marijuana-related business, the State of Oregon and the Tribe may enter into an Intergovernmental Agreement (IGA) under the authority under ORS 475C.521.

The IGA is often referred to as the Marijuana Compact and recognizes the authority of the State to regulate the participation of an Oregon tribe's marijuana activities in the state regulated market. The tribe is authorized to act through the Ordinance and Resolution adopted by its Council, subject to the referendum powers of the members of the tribe. Separately, a Marijuana Tax Intergovernmental Agreement can be entered into by and between the State of Oregon, acting by and through the Department of Revenue (DOR) tax rebate agreement with qualified Indian Tribe.<sup>6</sup>

The compact between OLCC and tribes does not specifically support or prohibit the direct transfer or sale of marijuana items from an entity authorized by the tribe to an OLCC licensee. The compact, however, expressly requires the tracking of the tribe's marijuana items in OLCC's cannabis tracking (seed to sale program) system in support of public safety and consumer health. The OLCC does not regulate marijuana within Tribal borders.

In 2022, the OLCC amended its rules to permit marijuana items produced or processed on tribal land, under the tribal compact, to be transferred to OLCC licensees. Although the marijuana regional managers received no marijuana related tribal contacts in 2023, the Tribal Affairs contact received numerous cannabis related inquiries. The OLCC Tribal Liaison worked with Governor's interim Tribal Affairs Director, Danny Santos, the Department of Justice (DOJ) Tribal Key Contact Karen Clevering, the DOR, and the Legislative Commission on Indian Services (LCIS) Executive Director Patrick Flanagan, during the consultation and collaboration process.

## **PUBLIC SAFETY PROGRAM**

OLCC's Public Safety Program continues to connect with tribes and Tribal entities through its programs. This division of the OLCC operates 12 offices in five regions throughout Oregon and is responsible for supporting liquor law and recreational marijuana compliance and performing enforcement duties when needed. OLCC's focus is on graduated enforcement that begins with licensee education but may include Notices of Warnings and Notices of Violations. When these efforts are performed on Tribal properties and with Tribal businesses, OLCC coordinates these activities with Tribal law enforcement, gaming commissions, and casino and business management. Training is also available to Tribal law enforcement and Tribal license holders.

When an Oregon Tribe or a business registered to an Oregon tribe applies for a liquor license, license investigators review the applications and work with applicants to identify and determine the appropriate rules and laws that govern the operation of proposed businesses. License investigators work closely with Tribal businesses when changes are made either to the management or operation

---

<sup>4</sup> Cannabis Regulation Liquor; Drugs Recreational Use of Cannabis [Chapter 475C](#)

<sup>5</sup> Formerly ORS 475B.543 Governor agreements with Indian tribes; requirements.

<sup>6</sup> ORS 475C.718 Department of Revenue tax rebate agreement with qualified Indian tribe.

of licensed businesses to ensure that these changes are consistent with liquor laws governing the sale and service of alcoholic beverages.

## **FALSE IDENTIFICATION TRAINING COURSE**

The Public Safety Program offers instruction to help licensees and their employees recognize false or altered identification. The course provides training that highlights steps that a licensee's employees can take to recognize false or altered identification, and what to do when a licensee's staff suspects that a patron may be using false identification. This includes how to safely confiscate identification and what facts law enforcement agencies need to follow up on the use of that identification.

## **MINOR DECOY OPERATIONS (MDOS) SALES CHECKS**

The minor decoy program is designed to reduce underage drinking and encourages businesses to develop best practices to check identification. The OLCC's Public Safety Program uses volunteers who are between the ages of 18-20 and who look their age to test businesses on their identification checking practices. All businesses that sell or serve alcohol are subject to a decoy visit. Typically, businesses are selected at random. This ensures, to the greatest extent possible, that each licensed business has an equal chance of being selected. Businesses may be targeted if there are documented issues with compliance with alcoholic beverage sale and service laws and rules. These issues include the failure to check, or properly check identification; allowing minors in prohibited areas; allowing minors to consume alcohol; and the sale of alcohol to minors.

When first licensed, businesses receive notice that they may be subject to minor decoy operations and receive subsequent notices annually. Notifications include information about how to best prevent alcohol sales to minors and notifying licensees about the free ID checking course offered at all OLCC offices. The Public Safety Program cooperates with Tribal governments and law enforcement in performing compliance checks on Tribal land. OLCC commends alcohol servers and sellers who use extra efforts to refuse to sell alcohol to minors.

Public safety inspectors offer free identification checking classes to alcohol and marijuana retailers at no cost. Information on how to contact an OLCC regional office to schedule an in-person class can be found here on the OLCC website. Licensees can find an ID checking tip sheet on the OLCC website. Staff continue to monitor the types of retailers that most often sell to minors so that information can be used to visit those types of establishments.

## **PUBLIC SAFETY PROGRAM REGIONAL OFFICE ACTIVITY**

### **BEND REGIONAL OFFICE**

The Bend Regional Office, which includes a satellite office in Pendleton, is responsible for licensing and enforcement in Crook, Deschutes, Grant, Harney, Jefferson, Malheur, Sherman, Wheeler, Baker, Gilliam, Morrow, Umatilla, Wallowa, and Wasco Counties. This area includes the following businesses licensed to tribes:

- Cottonwood Resort at Indian Head Casino (Warm Springs)
- Wildhorse Resort & Casino (Pendleton)
- Plateau Travel Center (Madras)
- Golf Course at Birch Creek (Pendleton)
- Hamley Steakhouse (Pendleton)
- Hamley Café (Pendleton)

The Bend Regional Office did not report any Tribal related contact for 2023.

### **EUGENE REGIONAL OFFICE**

The Eugene Regional Office, which includes satellite offices in Corvallis, Newport, and Roseburg, is responsible for licensing and enforcement in Lane, Benton, Linn, Lincoln, and Douglas Counties. This area includes the following businesses licensed to tribes:

- Chinook Winds Casino Resort and Hotel (Lincoln City)
- Seven Feathers Hotel & Casino Resort (Canyonville)
- Seven Feathers RV Resort (Canyonville)
- Seven Feathers Truck/Travel Center (Canyonville)

Michael Bloom, Medford Alcohol Compliance Manager and Public Safety Inspector reported on the following activities:

#### ***Chinook Winds Casino Resort and Hotel (Lincoln City)***

On June 30, staff met with the Manager of Chinook Winds at the Newport office regarding application for temporary use of an annual license (TUAL). The application was on July 4th.

#### ***Seven Feathers Truck/Travel Center (Canyonville)***

The Eugene Regional Office had 6 contacts with the Seven Feathers Hotel & Casino Resort. These contacts are through the casinos where Seven Feathers in Canyonville requested three separate special events licenses over the course of the year.

#### ***Seven Feathers Hotel & Casino Resort (Canyonville)***

Staff at the Eugene Regional office approved three applications for Temporary Use of an Annual License (TUAL) events for Seven Feather Casino Resort.

### **MEDFORD REGIONAL OFFICE**

The Medford Regional Office, which includes satellite offices in Coos Bay and Klamath Falls, is responsible for licensing and enforcement in Josephine, Jackson, Coos, Curry, Klamath and Lake Counties. This area includes the Klamath Tribes; the Coquille Indian Tribe and the Coos Lower Umpqua Siuslaw Indian Tribe (CTCLUSI) following businesses licensed to tribes:

- Kla-Mo-Ya Casino (Chiloquin)
- The Mill Casino (North Bend)



- Three Rivers Casino (Florence)
- Three Rivers Casino Coos Bay (Coos Bay)

Medford Alcohol Compliance Manager and Public Safety Inspector, Scott Yox, reported on the following activities:

### ***Kla-Mo-Ya Casino (Chiloquin)***

On February 10, Inspector Tara Bryson was contacted by Valerie Lane, the Public Information Officer (PIO) and Klamath Rural Equity Coordinator for Klamath County Public Health. She was working with the youth of Chiloquin in the reservation of the Klamath Tribes, formerly the Klamath Indian Tribe of Oregon, families and descendants. They were conducting a campaign called "Sticker Shock" and seeking advice on how the youth could place stickers on alcohol containers in the region to warn potential buyers of the risk of alcohol use/abuse.

Regional Manager Scott Yox telephoned Ms. Lane to advise that youth could be present to hand the stickers to an individual 21 or over to apply to the alcoholic beverage containers.

On May 30, Inspector Tara Bryson visited the KLA-MO-YA Casino and the Travel Center store in Chiloquin to conduct premises inspections.

### ***The Mill Casino (North Bend)***

On September 15, Inspector Summer Whitmer visited the Mill Casino in Coos Bay to conduct follow up to a DUII collision fatality in July of 2023. She contacted the casino security in the interest of accessing potential surveillance footage of the driver as he had reportedly been in the premises the evening before his death. As the date in question was past the retention period, no footage was available.

On October 13, Complaint received the Blackstone Market & Deli is discriminating against customers. Matter investigated by Inspector Tara Bryson.

### ***Three Rivers Casino and Hotel (Florence)***

Three Rivers Casino was approved for a TUAL for an event that took place in August. Staff emailed the approved TUAL on July 28th.

## **SALEM REGIONAL OFFICE**

The Salem Regional office, which includes a satellite office in Warrenton, is responsible for licensing and enforcement in Columbia, Marion, Polk, Yamhill, Tillamook, and Clatsop Counties. This area includes the following businesses licensed to tribes:

- Spirit Mountain Casino (Grand Ronde)

### ***Spirit Mountain Casino (Grand Ronde)***

On January 13, Salem Regional Manager responded to general licensing questions from the new Licensee, Happy Dragon Restaurant, located in the Spirit Mountain Casino. Jeffrey Sittisuphachoke, followed up with questions about prizes for employees. Staff explained that no licensee or permittee can give or permit any alcoholic beverage as a prize, or any competition of any kind on the licensed premises. While alcohol could not be given away as a prize or incentive, there are sale and service rules as well as any advertising rules that may be applicable.

- On August 31, Salem Regional Manager Joel Lujan emailed regarding a special event licensing question from Jeffrey Sittisuphachoke. After conferring with OLCC licensing

lead, Carole Steen, a response was provided with the appropriate resources for his special event.

- On May 20, staff received an email from Sally Shenk, Restaurant Manager at the Spirit Mountain Casino, about having the OLCC conduct alcohol awareness staff training for the food and beverage department as well as the security department. Staff were able to accommodate the training session at a time that was convenient to Spirit Mountain within her role as an Alcohol Inspector.
- On October 20, received an email from Special Events & Entertainment Coordinator, regarding a special event they would like to host in the parking lot of Spirit Mountain Casino. After conferring with Compliance Specialist, Randy Hancock, recommended the standard process to submit a Temporary Use of Annual License (TUAL) form for the special event.

### **PORTLAND REGIONAL OFFICE**

The Portland Metro Regional office is located in the City of Milwaukie Headquarters and is responsible for licensing and enforcement in Clackamas, Hood River, Multnomah and Washington Counties. There are no businesses licensed to tribes in this region.

### **BOTTLE BILL PROGRAM**

The OLCC is responsible for administering Oregon's Bottle Bill. The Bottle Bill establishes laws that require stores and distributors to accept certain empty beverage containers and pay a 10-cent refund value for each container. Stores that must accept container returns must accept them on all days and at all hours they are open, whether they have reverse vending machines for accepting the containers or not. OLCC ensures that manufacturers, distributors, and retailers comply with the requirements of the Bottle Bill and approves the establishment of beverage container redemption centers. OLCC did not have any direct contact with Tribal representatives regarding the Bottle Bill Program in 2023.

### **EFFORTS TO PROMOTE AND ENHANCE TRIBAL-STATE GOVERNMENT-TO-GOVERNMENT RELATIONS**

In 2023 the Commission saw an expansion of its GTG consultation and collaboration interaction with tribal governments and business innovation occurring on tribal land. The OLCC's ongoing and meaningful communication illustrates our shared responsibility for tribal economic development. The three major operational programs for consultation include: Distilled Spirits, Recreational Marijuana, and Public Health and Safety. Revenue generated from these programs helps support state and local government programs.

### **OFFICE OF GOVERNOR TINA KOTEK NEW TRIBAL AFFAIRS DIRECTOR**

- On March 10, Legislative Commission on Indian Services (LCIS) staff shared a letter (dated March 7, 2023) that was sent to the Tribal Chairs from Governor Kotek, pledging her commitment to establish a Tribal Affairs Office and hire a director who will focus solely on Tribal issues.
- On November 13, Interim Tribal Affairs Director, Danny Santos announced The Governor's new permanent full-time Tribal Affairs Director, Shana McConville Radford. This historical move recognizes the importance of prioritizing and enhancing the State's engagement with the Tribes.

## **TRIBAL CANNABIS INQUIRY**

- On May 23, OLCC staff received an inquiry via email about whether the OLCC issues a license to the Tribe to assign a Cannabis Tracking System (CTS) number or does the Tribe issues their license from its Tribal Commission.
- On May 23, the Tribal liaison responded that the OLCC does not issue cannabis licenses to the Tribe for purposes of assigning a CTS number. Although Tribes issue licenses from their Commission, the Tribal-state agreement requires tracking of items or products that an OLCC licensee receives through the CTS. Among the major reasons for the tracking system are public health and safety.
- On November 6, staff received inquiry regarding ORS 475C.521 and whether a sovereign immunity applies to a member of a federally recognized Native American Tribe who buys land outside of the Tribal Reservation.
- On November 9, the Tribal key contact responded.
- On November 13, follow-up question regarding requirements for out-of-state tribal members leasing tribal land from a reservation and growing cannabis on that land.
- On November 13, the Tribal key contact noted that the OLCC recognizes the nine federally recognized tribal governments in Oregon, including their distinctive sovereign status separate from other tribal governments.

## **CONFEDERATED TRIBES OF WARM SPRINGS (CTWS) CANNABIS COMMISSION**

CTWS has been conferring with the State since 2016 on their initial plans for a cannabis production. In 2023, CTWS opted for a smaller grow site, for purposes of transporting marijuana to Oregon retailers for sale. For 2023, the OLCC's Executive Director and the Tribal Liaison continued the conferral process with the Confederated Tribes of Warm Springs Cannabis Commission (CTWS - Cannabis Commission), the Department of Justice (DOJ), and the Governor's Office under section IV.B.1.b of the Inter-governmental Agreement (Marijuana Compact).

- On July 12, CTWS representative provided an update on the Tribes ongoing cannabis efforts. The contact also inquired about participation in Oregon's Cannabis Tracking system (CTS).
- On August 7, staff reviewed and prep for meeting with CTWS to discuss plans to implement the state's seed-to-sale tracking system to ensure that the Tribe's production, processing, and regulatory activities meet health and public safety standards.
- On November 9, the CTWS Cannabis Production Enterprise (CPE) informed the OLCC that it has delayed setting up their self-funded grow operation and participation in Oregon's CTS.

## **COW CREEK BAND OF UMPQUA INDIANS – COW CREEK TRIBES CANNABIS RULES IMPLEMENTATION**

- On February 1, 2023, the Tribal Liaison staff reported to the Oregon Legislative Assembly regarding the executive summary required by ORS 183.403 (Agency report to Legislative Assembly) regarding temporary rules.

## **CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION (CTUIR) CANNABIS LEGISLATION**

As of this report, CTUIR to decide on whether to advance legislative fix in the upcoming short session or delay until the 2025 long session and pursue legislation that is consistent with ORS 475C.678.

- On June 6, attorney for the CTUIR initiated a discussion with the state about the establishment of a MOU to enable the CTUIR to take part in Oregon's legal cannabis system by operating a dispensary on Tribal reservation.
- On June 10, agreed to take the lead on navigating the conversations with CTUIR.
- On June 15, the Tribal liaison shared OLCC's updates for the permitting process relating to the Transfer of Marijuana Items Between State and Tribal Licensees 845-025-7725 to provide for the transfer between an OLCC-licensed marijuana business and a marijuana business licensed to conduct business on Tribal trust land.
- On July 5, 2023, CTUIR provided compacts from Washington and Nevada with a focus on purchases from state growers and producers.
- On July 27, CTUIR proposed legislative fixes to allow the Governor to waive state retail marijuana tax requirements on retail stores in Indian Country.
- On August 7, CTUIR submitted a draft Tribal-State compact.
- On August 25, CTUIR submitted draft legislative language for review.
- On September 9, the parties agreed to communicate via email for efficient use of time.

## **COQUILLE INDIAN TRIBE'S DISTILLERY TASTING ROOM**

In 2022, the Coquille Tribe requested information on opening a distillery as an independent contractor on Tribal land. In 2023, the Tribe requested several government-to-government engagement and consultation meetings to discuss the distillery tasting room proposal and its contribution to supporting Tribes' self-determination and expanding opportunities for economic diversity.

- On January 11, the Coquille Tribe submitted a letter from the Coquille Tribal Council Chairperson, Brenda Meade, and an amended and restated MOU governing Liquor Licensing requesting government-to-government engagement to allow Coquille Indian Tribe to establish an alcohol distillery within the boundaries of its reservation land.
- On January 17, Tribal Key Contact met with former Executive Director Steve Marks to discuss next steps in engaging and collaborating with Coquille, DOJ, and the Governor's office about their updating the liquor MOA.
- On February 24, the Tribal Key Contact received a call from the attorney for the Coquille Tribes about their Distillery. The staff acknowledged the need to schedule time to brief the process with the new Governor's transition team and the OLCC's interim Executive Director, Craig Prins.
- On March 2, the proposal and MOA relating to the service of alcohol for on-site consumption was resubmitted. A meeting was requested with OLCC's Director and Legislative Policy Advisor.
- On April 4, OLCC met with DOJ to discuss whether ORS 471.230(3), the distillery license statute, allows for a distillery owner to also be a "retailer" i.e., hold a full-on premises license even though it currently holds an FCOM for the casino.
- On May 3, the Coquille Tribe shared legislative concept for review.
- On July 24, the Coquille Tribe submitted a second draft of revisions for the DOJ's review.
- On July 27, Coquille agreed to apply for a distillery license under state statute.

- On August 7, OLCC Tribal Contact shared the legislative changes with staff.
- On September 6, the Coquille Tribal Attorney checked in on the status of the draft MOA.
- On September 18, OLCC staff shared a communication with the Coquille Tribe representatives the latter's request to pursue a distillery license given that (a) ORS 471.230(3).
- On September 23, OLCC's Tribal Contact and Distilled Spirits Program Director provided an update on cost.
- On October 23, the Tribal Liaison met with Coquilles and representatives to discuss retail pricing and the cost structure for Oregon Distilleries.
- On November 6, the Distilled Spirits Director communicated with the Coquille Tribe's Representatives and committed to getting additional information for the business arrangements around pricing and costs.
- On November 9, the Distilled Spirits Program Director discussed the current pricing formula.

### **HB 2112: RECORDS RETENTION FOR TRIBAL CULTURAL PURPOSES**

For 2023 Legislative Session, the legislators passed, and the Governor signed HB 2112 into law, adding tribal cultural purposes to considerations when appraising records for retention. Each agency and commission are required to maintain a public record - statutorily defined as any information that is prepared, owned, used, or retained by a state agency or political subdivision. By adding tribal cultural purposes, the bill makes record retention consistent with the purposes and values in statute for retention of public records as legal, administrative, fiscal, tribal cultural, historical or research. Further updates definitions and terminology used in public records law pertaining to records retention, in accordance with a retention schedule authorized by statute (ORS 192.018, ORS 192.105, 192.108).

### **SUMMARY**

A core part of the new administration's vision for 2023 was to improve state agencies' customer service for all Oregonians. The Commission is grateful for the opportunity to advance that vision through the agency's Tribal-State government-to-government consultation with Oregon's federally recognized tribal communities. We are also thankful to the Governor's administration and the DOJ for working with OLCC's staff in fostering meaningful engagements that support ongoing partnerships that honor tribal economic self-determination. Finally, the OLCC family is grateful for the opportunity to promote its mission by incorporating the rich history and unique cultural diversity that each tribal representative has used to guide staff through the consultation process. We look forward to continued collaboration in 2024 as we work to provide culturally responsive support to our sovereign partners on liquor and cannabis related regulatory issues at licensed tribal businesses for economic prosperity.

---





## Policy & Procedure

SUBJECT: Tribal Government-to-Government Relations Policy  
NUMBER: PP 845-103-002  
APPLICATION: Commission-Wide All Staff  
REVISED: July 28<sup>th</sup>, 2022  
APPROVED: /s/ Steven Marks DATE: 8/4/2022  
Steven Marks, Executive Director

---

### **CITATION OF AUTHORITY**

Executive Order #96-30, State/Tribal Government-Government Relations; Senate Bill 770 (SB 770) codified the framework for communication between state agencies and Tribes created in ORS 182.164-168, State Agencies to Develop and Implement Policy on Relationship with Tribes; and ORS 182.166, Training of State Agency Managers and Employee Who Communicate with Tribes; Oregon Administrative Rules and Regulations, and Oregon Revised Statutes that govern the actions and responsibilities of the Oregon Liquor and Cannabis Commission.

### **POLICY**

The Oregon Liquor and Cannabis Commission (OLCC) values its relationship with Oregon's nine federally recognized Tribes and respects the distinct sovereign status of each tribal government and their respective authorities on tribal land. It is the policy of this Agency, pursuant to ORS 182.164 et. seq., to promote and enhance our positive government-to-government relations between the OLCC and Oregon's nine Indian Tribes through regular consultation, communication and collaboration in a manner that complies with OLCC's mission to support businesses, public safety, and community livability through education and the enforcement of Oregon's liquor and marijuana laws.

### **APPLICABILITY**

Commission-Wide All Staff.

### **DEFINITIONS**

The following definitions apply for purposes of this policy only:

**Tribe or Tribal Government** – Means a federally recognized Indian tribe of Oregon. There are nine federally recognized Tribes in Oregon. Federally-recognized tribes are those tribes and groups that have a special, legal relationship with the U.S. Government. The nine federally recognized tribal governments in Oregon are:

1. Burns Paiute Tribe
2. Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
3. Confederated Tribes of Grand Ronde Community
4. Confederated Tribes of Siletz
5. Confederated Tribes of Umatilla Indian Reservation
6. Confederated Tribes of Warm Springs
7. Cow Creek Band of Umpqua Indians
8. Klamath Tribes
9. Coquille Tribe

**Sovereignty** – Tribes are distinct political communities with extensive powers of self-government. Tribal sovereignty predates the United States and the United States Constitution considers Indian Tribes as separate governments.

**Reservations** – Indian reservations are lands reserved for a tribe by the federal government as permanent tribal homelands. These lands were reserved when the tribes relinquished other land areas to the U.S. through treaties, Congressional Acts, Executive Orders, or administrative acts.

**Trust land** – Trust lands are lands held by the U.S. for the use or benefit of American Indian tribes. A percentage of the trust land is located in or near reservations and the tribes possesses the authority to purchase land and to petition the federal government to hold it in trust, which protects the land from encroachment and seizure.

**Legislative Commission on Indian Services (LCIS)** – The representative group established under ORS 172.100 for the purpose of improving services to American Indians in the State of Oregon. Under ORS 172.120, LCIS has the following responsibilities:

- 1) Compile information about services for American Indians;
- 2) Develop programs to inform American Indians about services available to them;
- 3) Advise public and private agencies about the needs and concerns of Oregon's 9 Tribes;
- 4) Assess programs of state agencies operating for the benefit of American Indians and recommend program improvements; and
- 5) Report biennially to the Governor and the Legislative Assembly on all matters of concern to American Indians in Oregon.

**Designated Key Contact** – Includes Tribal and State Government Directory maintained on the LCIS website. <https://www.oregonlegislature.gov/cis/Pages/contact.aspx>

**State Agency** – Includes all officers, employees, agencies, boards, committees, and commissions of the legislative, executive, administrative, and judicial branches of state government per ORS 358.635. [1979 c.205 §5; 1991 c.240 §1]

## **PROCEDURES**

1. The Oregon Liquor and Cannabis Commission (OLCC) shall designate an executive or management employee, or designee, to manage and coordinate OLCC's agreements with Oregon tribes recognized by the US government, and to:

2. Appoint an executive or management employee, or designee, to manage and coordinate OLCC's intergovernmental communications by:

<b>RESPONSIBILITIES:</b>	<b>ACTION:</b> ORS 182.162-168 requires each agency adopt a policy that:
Agency Director and Government Relations Director	(a) Identifies individuals within the Agency who are responsible for developing and implementing agency programs that affect Oregon tribes ORS 182.164et.seq.
	(b) Establishes a process to identify the programs of the state agency that affect tribes.
	(c) Agency to promote communication between the Agency and tribes.
Government Relations Director	(d) Promotes positive government-to-government relations between the state and tribes.
Managers, Supervisors and Designated Employees	(e) Establishes a method for notifying employees of the state agency of the provisions of ORS 182.162 (Definitions for ORS 182.162 to 182.168) to 182.168 (No right of action created by ORS 182.162 to 182.168) and the policy the state agency adopts under this section.

3. In the process of identifying and developing the programs of the state agency that affect tribes, the OLCC shall make reasonable efforts to ensure that agency action corresponds with mutual goals and missions.
4. Designated OLCC employees must attend periodic training regarding tribal culture, relations, and law in order to ensure familiarity with tribal governments and an understanding of, and sensitivity to, issues relevant to tribes.
5. OLCC shall consider impacts on Oregon tribal governments when developing policies relevant to tribes, and discuss issues with tribal representatives as appropriate.