



OLCC Government-to Government 2024 Annual Report

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Introduction

In 2001, Senate Bill 770 (SB 770) established a framework within the Oregon Revised Statutes (ORS) to foster effective communication and collaboration between state agencies and Oregon's Nine Federally Recognized Tribes.¹ According to ORS 182.164-168, state agencies are mandated to develop and implement policies on relationships with Tribes. ORS 182.166 further requires the Oregon Department of Administrative Services (DAS), in consultation with the Legislative Commission on Indian Services (LCIS), to provide annual training for state agency managers and employees who frequently engage with Tribes. This training focuses on the legal status of Tribes, Tribal members' rights, and Tribal concerns. In essence, SB 770 guides state agencies in developing policies that respect and support Federally Recognized Tribes in Oregon. Under ORS 182.164-168, each state agency must establish communication channels with the Tribes, specifically tailored to foster a "Government-to-Government" (GTG) relationship.

Historical Context of Oregon Tribal Policy and Consultation

To understand the significance of SB 770 and subsequent policies, it's essential to appreciate the broader context of tribal-state relations in Oregon. Following Federal policies like the Indian Reorganization Act of 1934 and the era of Termination and Relocation in the 1950s, many Oregon Tribes had their federal recognition revoked, stripping them of government protections and funding. It wasn't until the 1970s and 1980s that Oregon Tribes began to regain Federal recognition and reassert their rights over land, culture, and governance. SB 770 was a direct response to these historical dynamics. The bill established a baseline framework for a tribal-state government to government relationship based on mutual respect and consistent communication. Through SB 770, Oregon took a legislative step toward acknowledging the unique legal status of Tribes, mandating that state agencies recognize and honor the inherent rights of tribes' self-determination and sovereign interests.²

Governor Tina Kotek's Memorandum on Tribal Relations

Governor Tina Kotek's March 7, 2023, memorandum reinforced the state's commitment to meaningful Tribal consultation. The memo calls for an enhanced, proactive approach to Tribal engagement, emphasizing the need for direct communication, transparency, and collaboration. Under this new directive, the OLCC and other agencies have renewed their focus on building trust and fostering sustainable relationships with Tribes. Under new leadership, the OLCC Board of Commissioners embraced this commitment, facilitating a more comprehensive communication approach between Tribal governments, OLCC administrators, and the Oregon Department of Justice (DOJ), which represents state agencies in Tribal matters. To address

¹ 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

² Tribal Sovereignty is the inherent authority of tribes to govern themselves, recognized by federal law (e.g., *Worcester v. Georgia*, 1832), state laws (e.g., ORS 182.162), and international principles like the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

cross-agency issues involving public interest and compliance with Tribal-state policy mandates, the OLCC's Tribal key contact collaborates closely with the DOJ, ensuring adherence to consultation and conferral requirements. This report respects tribal sovereignty and self-determination by excluding detailed information on ongoing consultations and collaborations.

OLCC Programs	Government to Government Relations	Distilled Spirits Program	MJ Program	Public Safety Program
Federal Tribes in Oregon	Casino Resort/Licensee	OLCC Annual & Multi-Year License & Permit Types ³		
Coquille Indian Tribe	The Mill Casino Coquille Economic Development Corp	FCOM ⁴ Distillery MOU ⁵		
Confederated Tribes of Siletz Indians	Chinook Winds Casino Resort	FCOM		
Cow Creek Band of Umpqua Tribe of Indians (CC)	Seven Feathers Hotel & Casino Resort Seven Feathers Hotel and Casino Resort Corp	Liquor Store MOU FCOM	Marijuana Transfer	
Burns Paiute Tribe	Klamoya Casino Klamoya Corp			
Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians	Three Rivers Casino Coos Bay Three Rivers Casino Resort (Florence)	FCOM		
Confederated Tribes of Grand Ronde Community	Spirit Mountain Casino Spirit Mountain Gaming Inc	FCOM		
Klamath Tribes	Klamoya Casino Corp Klamoya Casino			
Confederated Tribes of The Umatilla Indian Reservation	Wildhorse Resort & Casino	FCOM		
Confederated Tribes of The Warm Springs Reservation Of Oregon	Cottonwood Restaurant at Indian Head Casino Kahneeta Hot Springs Resort Indian Head Casino	FCOM	Marijuana Transfer	

³ For a full list of types of liquor licenses, requirements, fees and forms visit this link to [ANNUAL & MULTI-YEAR LICENSE & PERMIT TYPES](#).

⁴ Full On-Premises Sales, Commercial (ORS 471.175 F-COM) license privileges.

⁵ Distillery license ORS [471.230](#) and [privileges](#).

Key Implications of Governor's Memorandum for OLCC Operations

- **Strengthening collaboration** with our Federally recognized Tribes in Oregon. The OLCC's Tribal key contact works closely with the DOJ to navigate legal aspects of Tribal engagement. This collaboration ensures that the OLCC adheres to legal standards while respecting Tribal autonomy.
- **Enhanced Tribal Key Contact Role:** The Tribal key contact serves as a liaison for intergovernmental communications, addressing regulatory and compliance issues that intersect with Tribal interests. This role is instrumental in ensuring that all Tribal concerns are brought to the forefront of policy decisions.
- **Commitment to Transparency and Trust:** The memorandum emphasizes the importance of transparency, particularly in public health and safety regulations that may impact Tribal communities.
- **Balancing Regulatory Compliance with Tribal Sovereignty:** State agencies must navigate the fine line between enforcing state laws and respecting Tribal autonomy. For the OLCC, this balance is particularly delicate in sectors like cannabis, where Federal, state, and Tribal regulations may differ.

AGENCY'S MISSION, STRATEGIC PRIORITIES, GOALS AND ACTIONS FOR 2024-2028

OLCC is one of the key state agencies that interacts closely with Tribal governments in upholding the principles of economic and regulatory self-determination. Over the years, the agency has strengthened its partnership with tribal governments and their economic development entities. The agency has demonstrated its respect for tribal authority through the creation and enforcement of regulations governing public health, safety and economic development. The OLCC has maintained that commitment to respecting tribal sovereignty in the agency's strategic plan for 2024-2028.

The OLCC's revised strategic plan outlines clear guidance on the agency's responsibilities in customer service through its mission, regulatory oversight of alcohol and cannabis, and a vision that promotes public health and safety, and economic equity across the state. These guiding principles are designed to streamline internal processes and ensure that the OLCC's work aligns with the state's renewed commitment to a sustained and meaningful Tribal Consultation.

OLCC's Mission: To be recognized as a model in management and regulation of alcohol and cannabis, with measurable success in reducing harm, fostering responsible business practices, and supporting economic development. To accomplish the Vision, the agency will:

- Act with transparency, integrity, equity and respect, reflecting our dedication to our staff, licensees, permittees, agents, and the communities we serve.
- Promote health and safety through evidence-based policies, quality education, and collaboration with our public health and recovery community partners.
- Ensure diligent, fair enforcement of all laws and rules designed to protect and guide consumers and businesses, including Oregon's Bottle Bill.
- Create and sustain innovative, robust systems and processes to support Oregon's alcohol, cannabis and related industries.
- Efficiently generate revenue to fund local and state government programs and services.
- Provide outstanding and responsive customer service, with a focus on operational effectiveness and continuous improvement.
- Cultivate an inclusive, diverse, and equitable environment for our workforce, emphasizing a culture rooted in excellence and teamwork.

Strategic Priorities

The agency is actively modernizing its alcohol, marijuana and public safety programs through new initiatives such as Build Move Modernize (BMM) and the Cannabis and Alcohol Management Program (CAMP). The BMM program focusses on upgrading OLCC's operational process such as construction of the new distilled spirits distribution center and relocating the OLCC headquarters. CAMP is the OLCC new streamline system, developed to enhance the efficiency of the marijuana and liquor licensing and permitting process. The program is being implemented in different phases, with the third scheduled to launch in 2025.

Alignment with Government-to-Government Policy

Oregon's GTG policy requires that the agency consult and collaborate with Federally Recognized tribes in Oregon. Under the new strategic priorities, the OLCC must engage with tribes and their representatives to ensure that the modernization initiatives consider tribal interests and comply with existing agreements. As part of that effort, the OLCC extended a letter to all nine recognized tribes seeking input on key areas of opportunity to be considered for the new direction and priorities.

- The communication with a Coquille Indian Tribe's representative was later incorporated in the broader comments and recommendations for the strategic plan.
- The approach continues the process to enhance tribal self-determination, as outlined in the OLCC Tribal Relations Policy, adopted in August 2022, and attached here as Appendix A to this report.

OLCC'S ADMINISTRATION AND SUPPORT SERVICES

Under the new strategic plan, the mission of OLCC takes on renewed significance as the agency aligns its new strategic plan with the Governor's goals of meaningful support for tribes, and a stronger more inclusive Oregon. The strategic plan also supports the agency's collaboration with the nine Federally Recognized Tribes across the following programs:

- Annual Tribal-State Government-To-Government Summit
- Efforts to Promote and Enhance Tribal-State Government-to-Government Relations
- Distilled Spirits Program and Tribal Intergovernmental Agreement
- Recreational Marijuana Program and Tribal Intergovernmental Agreement
- Public Safety Program
- False Identification Training Course
- Minor Decoy Operations (MDOs) Sales Checks
- Public Safety Program Regional Office Activity
- Bottle Bill Program

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

The OLCC acknowledges and values Tribes' contributions to fostering new business ventures, creating employment opportunities in rural areas, and advancing Tribal sovereignty through economic development, public health and safety. The OLCC administers Oregon's Liquor and

Cannabis Act and the Adult and Medical Use of Cannabis Act.⁶ This 2024 Government-to-Government (GTG) report reflects the agency's work with Oregon's Tribes over the past year.

In alignment with the OLCC's Tribal policy, the report highlights the agency programs, and regional efforts involved in implementing regulatory responsibilities. Additionally, the work of regional managers and compliance staff are provided to illustrate the agency's direct communication with Tribes through training, technical assistance on alcohol and cannabis regulation, compliance, and public health and safety matters.

This report further outlines the OLCC's efforts to engage with Tribes on carefully crafted IGA and MOU regulations through its designated Tribal key contact, who manages intergovernmental communications and oversees administrative enforcement actions impacting Tribal interests. These partnerships have been critical not only for regulatory oversight but also for advancing Tribal economic self-determination and fostering trust between governments.

Office Of Governor Tina Kotek's Tribal Affairs Director and OLCC Collaboration Overview – 2024

Ongoing Collaboration Through Strategic Planning

- **January 18:** Tribal-State Government to Government Update – Shana Radford, Governor's Tribal Affairs Director, Karen Clevering, Assistant Attorney General, Department of Justice and Patrick Flanagan, Executive Director of Legislative Commission on Indian Services.
- **May:** The Governor's Tribal Affairs Director shared ways in which Business Oregon Economic Development Cluster meetings strengthened ties with Oregon's tribal governments. Under the OLCC's implementation of the new Strategic Plan, staff will engage in economic development partnerships that align with tribal sovereignty.
- **May: Governor's Tribal Affairs Director** shared Business Oregon's ongoing collaboration with tribes through their Strategic Plan with tribal representatives. Under the new strategic plan, the OLCC will partner with Business Oregon to create economic development opportunities between the agency and tribal governments, particularly in policymaking and resources that are respectful to tribal sovereignty.

OLCC Tribal Liaison's Engagements with the Public Safety Cluster

- **May-August:** OLCC Tribal Liaison actively participated in multiple Public Safety Cluster meetings. These gatherings, held in May, June, and August, and scheduled for October, bolster communication, coordinate public safety measures, and enhance the effectiveness of policies affecting both state agencies and tribal communities.

Tribal Cultural Preservation Initiative

- **May 13:** OLCC's Tribal Affairs Liaison extended a formal invitation to each of Oregon's nine federally recognized tribes for review and feedback regarding the destruction of public records in accordance with their authorized retention schedules, per Executive Order 17-12 (EO 17-12). The Executive Order ensures culturally sensitive practices

⁶Division 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.

around the retention and destruction of tribal cultural and historical items, aligning with HB 2112, signed into law in 2023, which safeguards the orderly management of public records and ensures the preservation of records deemed valuable for Oregon's tribal heritage.

Annual Tribal-State Government-to-Government Summit: July 23-24, 2024

The 2024 Tribal-State GTG Summit served as a cornerstone for renewed cooperation between Oregon's nine federally recognized tribes, Governor Kotek, and state leaders. Held at the Even Feathers Casino Resort, the Summit was themed "Navigating Futures Together: Partnership, Policy, and Progress." The OLCC Board of Commission Chair, Dennis Doherty, alongside the Tribal Affairs Liaison, attended this pivotal event.

- The Summit commenced with a cultural opening ceremony led by tribal representatives, followed by **Governor Kotek's** address emphasizing Oregon's commitment to addressing key areas including public health, economic development, environmental stewardship, and education.
- **Tribal leaders** shared their own insights, expressing their priorities and goals for state collaboration.
- **State officials** and tribal leaders established a series of shared priorities, agreeing to form joint task forces aimed at overseeing and implementing agreed-upon initiatives.
- **Appointment to the HB 3173 (2023) Task Force on Tribal Consultation:** The Tribal Affairs Liaison was appointed to serve on the HB 3173 (2023) Task Force. This task force focuses on clarifying and enhancing state agencies' requirements for tribal consultation, ensuring compliance and effective communication with Oregon's tribes.⁷
- **Tribal Consultation Task Force Meeting Retreat December 14-15, on** Tribal self-determination, reviewing existing consultation policies and practices. The agenda, attached here as **Appendix C**, includes review of the *United Nations Declaration on the Rights of Indigenous Peoples* as the Key Frameworks and Policies for task force members, and attached here as **Appendix C** to this report.

DISTILLED SPIRITS PROGRAM AND TRIBAL INTERGOVERNMENTAL AGREEMENT

The Distilled Spirits Program oversees the retail liquor business in Oregon, balancing public access to distilled spirits with a strong commitment to responsible sales practices.⁸ Through a streamlined system, the program ensures that bottled spirits are readily available for purchase by the public, while adhering to state regulations. The program is divided into two key divisions: the Wholesale Operations Division, which includes purchasing and distribution, and the Retail Services Division, which focuses on compliance at the retail level. Together, these divisions handle orders from retail agents, tribal entities, and military installations. The Distilled Spirits Program's staff are in contact with tribal representatives and work closely with licensees on liquor orders and payment processes within Indian Country.

⁷[House Bill 3173 \(2023\)](#): The agenda for Task Force on Tribal Consultation two-day retreat attached here as exhibit B.

⁸ The OLCC strategic plan for 2024-2028 places strong emphasis on the importance of Oregon's control system in regulating distilled alcohol to protect public health and safety. Modernization of the warehouse distribution center and relocating the headquarters to enhance efficiency and quality services allows the State of Oregon to maintain the control model for distilled alcohol in Oregon, where the state warehouses, sets the price, and oversees the retail outlets for distilled spirits.

The Retail Services Division staff is responsible for helping distillery agents follow all relevant laws and guidelines. This includes compliance with statutes, the Distillery Retail Outlet Agent (Agreement), and the Distillery Retail Outlet Manual. Staff provide ongoing support and resources to help agents understand and meet these requirements. In addition, the OLCC may establish Intergovernmental Agreements (IGA) with Federal Tribes in Oregon, as allowed under ORS 190.110 (authority of state agencies to enter into agreements with American Indian Tribes). These agreements are often formalized as Memorandums of Understanding (MOUs) to help clarify how Oregon state law and OLCC regulations apply to the sale and service of alcohol at tribal gaming facilities and other tribal enterprises. Currently, eight tribes in Oregon have properties licensed by the OLCC for alcohol sales under these government-to-government agreements.

Engagement with Federally Recognized Tribes in Oregon by OLCC: Business Development Support

In 2024, the OLCC continued to strengthen its partnership with tribal entities by hosting several consultation meetings regarding distillery and retail liquor store applications. Consultations are part of OLCC's ongoing commitment to provide regulatory information and technical support to tribal businesses, ensuring that tribal representatives are well-informed about the terms of their MOUs and the requirements for licensed operations.

Below are the key interactions for 2024 with Federally recognized Tribes. This section illustrates the agency's goal to collaborate and build trust in all processes relating to government-to-government communications on intergovernmental agreements (IGAs), regulatory licenses, and other operational matters concerning the sale and manufacturing of alcohol.

- **March 18** Letter sent to Federal Tribes in Oregon as part of the OLCC's effort to include Tribal Governments in the processes of creating the agency's new strategic plan. The goal was to draw from a broad range of partners in the planning process.

COQUILLE (KO-Q-WEL) INDIAN TRIBE

- **December 29, 2023:** Closed out the year with an understating of ongoing edits to the FCOM agreements and review of the edits with OLCC working closely with Coquille on finalizing the application process. The agreement seeks permission to sell state-owned alcohol through their travel center, underscoring the need for cooperative strategies to support tribal business ventures.
- **January 22:** Addressed Coquille Indian Tribe's request to revisit an agreement from 2022. Resumed conversations with Coquille concerning their Intergovernmental Agreement (IGA), FCOM (Full On-Premise Sales, Commercial), and Supplemental Agreements. Discussions aim to update and align agreements with current operational goals.
- **February 6:** Clarification that the Board of Commissioners will need to application at the monthly commission meeting.
- **March 1:** Relating to IGA as separate consideration to the FCOM, clarification that the communication and consultation principles set forth SB 770/ORS 182.162-168 requiring state agencies to communicate, consult, and cooperate with tribes in developing and implementing its programs and in negotiating agreements under ORS 190.110.
- **March 20:** Recommendations for Coordination with Federally Recognized Tribes in Oregon and identifying the OLCC Specific Programs and Staff for coordination of Tribal Inter-Governmental Agreements, Memorandum of Understanding and Policy

Implementation. The memo is to determine if the OLCC has an internal framework for how 'state agency programs affect tribes' and to look into either updating the internal policy that exists or creating the framework of that pursuant to ORS 182.164: identifies individuals in the state agency who are responsible for developing and implementing programs of the state agency that affect tribes. Establishes a process to identify the programs of the OLCC that affect tribes.

- **April 2:** Director Craig Prins and Tribal Affairs Liaison coordinated a discussion with Coquille and Chairperson Brenda Meade on next steps after reviewing the three agreements, including the supplemental agreement relating to the administrative work for CEDCO and OLCC. After conclusion, Director Prins followed up with an email to reaffirm working to have agreement ready for approval for the May 16, 2024, OLCC Commission Meeting.
- **May 16:** Finalized and signed an IGA regarding the Tribe's manufacturer activities related to distilled liquor, ensuring compliance with routine procedures for tribal-state agreements in line with the existing Memorandum of Understanding (MOU). Discussions are ongoing with the Department of Justice (DOJ) regarding MOU amendments or potential compact updates.
- **May 24:** Message from OLCC Chair, Dennis Doherty - Between Sovereigns Nations – acknowledging and celebrating **the historic moment of collaboration** between sovereign nation and the State of Oregon, and with mutual respect and as equals.

Recommendations and Next Steps: The Tribal Affairs Liaison establishing a routine for internal discussion with program Directors and their staff to evaluate the effectiveness of weekly sales reporting and financial accountability measures.

CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

- **April 9:** Reviewed the process for new Memorandum of Understanding (MOU) to accommodate the planned opening of KahNeeTa Resort, which is scheduled for July 2025.
- **May 16:** OLCC staff issued a Temporary Letter of Authority (TLA) in accordance with [OAR 845-005-0445](#), allowing the KahNeeTa Resort to begin operations from **July 8, 2025**, to **January 4, 2026**. This temporary authorization allows KahNeeTa to commence its business while a formal consultation process is conducted. Given CTWS's status as a sovereign nation, traditional Local Government Recommendations were deemed unnecessary.
- **August 6:** A discussion took place regarding the potential stay of the new MOU until 2025.
- **September 18:** Staff confirmed that an updated Intergovernmental Agreement (IGA) was unnecessary for the OLCC to process the FCOM application, thereby streamlining the regulatory procedures. As part of the ongoing commitment to efficient collaboration, OLCC planned to reach out to CTWS/KahNeeTa staff to facilitate the FCOM application process and engage the DOJ in discussions about a potential updated IGA negotiation.
- **October 10:** Confirmed engagement with KahNeeTa and staff to support ongoing processing of the FCOM application for 2025, alongside initiating early discussions with the DOJ and CTWS about potential adjustments or renewals of IGAs or related agreements to support future business operations.

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION (CTUIR)

- **May 8:** OLCC Regulatory Specialist in Pendleton received a request for a Temporary Sales License (TSL) on Umatilla Indian Reservation lands. An inquiry arose regarding whether land use approval is necessary to grant TSL for events hosted by the Umatilla Tribe without the knowledge or approval of the appropriate tribal representatives. Land use and zoning regulations are not required for TSL issuance.

COW CREEK BAND OF UMPQUA TRIBE OF INDIANS (CC)

In 2024, the Cow Creek Band of Umpqua Tribe of Indians continued its efforts to establish a liquor retail store on tribal land in Canyonville, Oregon. Engagement with the OLCC remained a priority, as the Tribe sought to reinstate and build upon previous negotiations dating back to 2018. Below is a detailed chronology of key interactions and developments throughout the year:

- **January:** Anthony Broadman, legal counsel for the CC, formally requested an update from the OLCC on the timeline for convening a meeting to discuss the Tribe's ongoing proposal to establish a liquor store on tribal land in Canyonville.
- **January 28:** In response to OLCC leadership transitions, Tribal Affairs Liaison contacted CC's counsel Anthony Broadman to propose a delay in the consultation process. This delay was intended to provide time for the OLCC's new leadership team to revisit and evaluate the parameters of the initial agreement, as well as to consider the operational implications of establishing a liquor store on Cow Creek tribal land.
- **February 27:** The CC Tribe's legal counsel submitted a follow-up request to the OLCC, seeking an update on the timing of further discussions regarding the liquor store proposal.
- **April 15:** An informal consultation was conducted to revisit previous conversations with Anthony Broadman and discuss the CC Tribe's intent to reopen negotiations from 2018 concerning the liquor store establishment. Discussions focused on OLCC's Liquor Store Expansion policies, in the context of preparations for the agency's 2025-2027 budget cycle. Historical context was provided, noting that similar tribal liquor store efforts, such as those by the Washington Chehalis Tribe, were enabled by legislative changes in 2018 repealing outdated restrictions on distilleries on tribal land.
- **May 15:** The OLCC's Retail Services Director and the Distilled Spirits Program Director offered an update on the status of the CC Tribe's liquor store request, providing details on regulatory and procedural considerations.
- **June 24:** The Tribal Liaison for the CC Tribe reconnected with Anthony Broadman to discuss ongoing efforts and next steps in the consultation process with the OLCC.
- **November 5:** Anthony Broadman elected to Oregon's Senate District 27. His new role may offer additional perspectives to LCIS and opportunities for dialogue regarding tribal economic development initiatives, including the liquor store proposal.

Recommendations and Next Steps

- Establish regular consultative meetings between tribes and OLCC: Consistent engagement through monthly or quarterly tribal cluster meetings with all relevant agency program Directors and managers, and tribal representatives to support collaboration, proactive problem-solving, and effective communication.
- Legislative Commission on Indian Services (LCIS) on consultation: Work with LCIS to implement agency-wide mechanisms to evaluate the effectiveness and compliance of IGAs, FCOM agreements, and other relevant contracts to identify areas for improvement.

- Department of Justice (DOJ): Work with the to ensure MOUs/IGAs, licensing agreements and policies remain consistent with state and federal regulations while respecting tribal sovereignty and promoting business interests

RECREATIONAL MARIJUANA PROGRAM AND TRIBAL INTERGOVERNMENTAL AGREEMENTS⁹

Under ORS 475C.521, the Governor is authorized to enter into agreements with Federally Recognized Indian Tribes in the state to support cross-jurisdictional coordination and enforcement of marijuana-related business licenses on tribal trust land. This process is typically formalized through an Intergovernmental Agreement (IGA), often referred to as the “Marijuana Compact.” The Compact acknowledges the State’s role in overseeing how Oregon tribes participate in the state-regulated marijuana market.

The tribal government, through its council, and subject to tribal referendum powers, may adopt ordinances and resolutions to manage marijuana activities on tribal land. In addition to the general Marijuana Compact, a separate “Marijuana Tax Intergovernmental Agreement” may be formed between the State, represented by the Department of Revenue (DOR), and the tribe to address tax-related matters.

While the Compact does not explicitly permit or prohibit the direct transfer or sale of marijuana items from tribal entities to OLCC licensees, it does require that tribal marijuana products be tracked within the OLCC’s “seed to sale” system to ensure public safety and consumer health. Importantly, OLCC does not regulate marijuana activities within tribal borders.¹⁰

Engagement with Federally Recognized Tribes in Oregon by OLCC: Business Development Support

In 2024, the Commission expanded its dedication to tribal economic development, particularly in areas related to sovereign marijuana production and potential retail operations. The engagement and consultation with tribal governments through the GTG framework provided opportunities to deepen the agency’s commitment to fostering meaningful partnerships with Federal Tribes in Oregon.

CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

- **December 31, 2023:** Retired Legal Counsel for CTWS shared that its Cannabis Commission issued permits to the two individuals. Both took the online training for Metrc. New successor named.
- **September 25:** Tribal Affairs Liaison clarification that tribal licenses can participate in the OLCC METRC account.

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

- **February 20:** M. Brent Leonhard, Attorney, **Confederated Tribes of the Umatilla Indian Reservation** requested discussion on the Marijuana Compact. The Tribal

⁹ Cannabis Regulation Liquor; Drugs Recreational Use of Cannabis [Chapter 475C](#).

¹⁰ In 2022, OLCC amended its rules to allow marijuana items produced or processed on tribal land under a tribal compact to be transferred to OLCC-licensed businesses. Although no formal tribal contacts were reported by marijuana regional managers in 2023, OLCC’s Tribal Affairs contact received numerous inquiries regarding cannabis. Throughout the consultation and collaboration process, OLCC’s Tribal Liaison worked closely with key figures, including the Governor’s interim Tribal Affairs Director, the Department of Justice Tribal Key Contact, the DOR, and the Legislative Commission on Indian Services.

Affairs Liaison worked with the policy analyst on marijuana to determine the modifications needed for the compact and the scope of future legislation.

- **April 24:** CTUIR-State G2G meeting on compact between CTUIR and the State of Oregon.
- **June 3:** Continued collaboration with CTUIR including other jurisdiction - Suquamish Washington State/Tribal agreement, and Nevada tribe - as possible example for cannabis proposal.
- **July 24:** CTUIR Attorney updated OLCC on the status of CTUIR's on-reservation retail marijuana sales project. The current Board of Trustees has decided to hold off on moving forward with this project, including negotiating a tribal/state compact and tax fix legislation. Instead, CTUIR will focus on a PL-280 and Castro-Huerta fix for the 2025 Oregon session. While the current BOT has put this project on hold, it may become a CTUIR priority again with future Boards, so we might revisit the issue in the coming years. Thanks for all your help with this.
- **November 15:** On behalf of CTUIR, one of two shared legislative concepts: 1) to establish state statutory process so that Federal Tribes in Oregon have a clear way forward at the state level when a Tribe requests retrocession; 2) legislative concept would ensure that the State does not start exercising jurisdiction it has never had in Indian country, without explicit permission from a Tribal nation or pursuant to federal legislation, consistent with the State's previously demonstrated respect for the sovereign nations situated within her borders.

Recommendations and Next Steps

- Establish regular consultative meetings for Legislative Review, Legislative Commission on Indian Services (LCIS) on consultation and Governor's Tribal Affairs Director.
- Department of Justice (DOJ): Work with the to ensure MOUs/IGAs, licensing agreements and policies remain consistent with state and federal regulations while respecting tribal sovereignty and promoting business interests

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 with 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 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.

Minor decoy operations conducted by OLCC are restricted by ORS 471.346, which requires randomization of all liquor licenses prior to a minor decoy operation. In the calendar year of 2022, only 12 of 284 liquor stores were subjected to a minor decoy operation due to the randomization requirement. The minor decoy pass rate was 75%, which is well below the KPM of 90%. From January 1, 2024, to July 1, 2024, 12 liquor stores were selected through randomization process and had a minor decoy pass rate of 67%. Liquor stores should be removed from the randomization section of the statute and should require OLCC to conduct at least one minor decoy operation per calendar year per liquor store.

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.

In 2024, OLCC staff provided an overview of the key issues the commission is facing with Minor Decoy Operations and Delivery Program. The report summarizes the compliance rate of alcohol retailers in refusing sales to minors. Also included data breakdown of decoy attempts, successful compliance and violations among third-party delivery facilitators that are required to have a certificate. The report highlights the education, prevention, or training initiatives offered by the OLCC to help licensees comply with regulations and reduce future violations.

PUBLIC SAFETY PROGRAM REGIONAL OFFICE ACTIVITIES

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 2024.

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)

- **July 12:** Approved Special Event Brewery and Public House application – Chinook Winds Casino – Lincoln City – Beach Bacon and Brew Festival.
- **September 19:** Approved Special Event TUAL application – Confederated Tribes of Siletz Indians of Oregon – Chinook Winds Casino – Lincoln City – Surf City Event/Rhody Cruisers Car Show.

Seven Feathers Hotel & Casino Resort (Canyonville)

- **April 19:** Special event. Tattoo Expo.
- **July 12:** Special event. Concert.
- **July 18:** Special event. Concert.
- **August 28:** Met with Christian Waller, Food/ Beverage Coordinator.
- **September 19:** Special event – Tacotopia.
- **September 21-22:** Special event.

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)

- **Nov 1, 2023**, Minor Decoy Operation (MDO) was conducted in Klamath County. The purpose of an MDO is to ensure licensees and/or their employees sell and serve alcohol in accordance with state laws. We visited licensed premises in Bonanza, Sprague River, Chiloquin, and down Hwy 97 returning to Klamath Falls. Klamoya Casino was one of the licensed premises on the list. The server on duty failed to confirm the Minor Decoy was old enough to be served alcohol, in that the server did not ask the Minor Decoy for ID. The server served the Minor Decoy alcohol. At that time, Klamath County Compliance Inspector, Tara Bryson, offered to provide OLCC training for the premises' employees. Klamoya Casino's Compliance Officer scheduled OLCC Training for January 9 – 10, with two sessions scheduled for the 9th and one session scheduled for the 10th.
- **Jan 9, 2024**, OLCC Compliance Inspector Tara Bryson provided two sessions of OLCC Training on this date: 11am – 2pm & 4pm – 7pm. There was a total of 19 employees that attended the training sessions. The training consisted of a variety of OLCC compliance topics, which included ID checking requirements, acceptable forms of ID with examples of both acceptable and unacceptable IDs, visibly intoxicated persons, drinking/being under the influence on duty, as well as permitting disorderly or unlawful behavior. The participants also participated in a lab session with Fatal Vision Impairment Goggles (FVIGs). FVIGs use special lens technology that allows the wearer, as well as the observers, to experience a realistic simulation of impairment. Training did not take place on Jan 10, 2024, due to a severe snowstorm and the determination that traveling was not safe.
- **April 27, 2024**, MDO was again conducted in north Klamath County. Per MDO policy, when a licensed premises sells or serves alcohol to the Minor Decoy during an MDO, that licensed premises MUST be re-visited as that premises is considered a higher risk for violating state alcohol laws and OLCC wants to ensure that additional training was successful. Klamoya Casino was visited as a targeted re-check. The on-duty server asked the Minor Decoy for ID and refused service as the Minor Decoy was not of age.

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. The Salem Regional Manager, Joel Luan, provided a Tribal Communication Report with a list of contacts for the region and a summary of the communication between the OLCC and the Grand Ronde Tribe. This area includes the following businesses licensed to tribes:

Spirit Mountain Casino (Grand Ronde) Between October 2023 - October 11th, 2024:

- Salem regional staff maintained consistent communication with the Grand Rhonde Tribe and Spirit Mountain Casino by fielding alcohol related compliance questions as they came through the Salem OLCC email and front desk phone at the Salem Regional office. Through the agency's continued partnership and rapport, staff continue to work with key contact, Jeffrey Sittisuphachoke.



PUBLIC SAFETY DIVISION
TRIBAL COMMUNICATION REPORT

- ☒ Alcohol
☐ Marijuana
☐ Medical Marijuana

DATE and TIME:	October 11th, 2024 7:00pm	Primary Inspector:	Aubrie Loden #62551
License / Premises #:	363069 / 25041	Licensee:	SPIRIT MOUNTAIN GAMING, INC
License Type:	F-COM	Tradename:	Spirit Mountain Casino

PERSONS INVOLVED

Name (LN, FN, MI)	Phone / Email	Address
SITTISUPHACHOKE, JEFFREY Food & Beverage Manager, Spirit Mountain Casino	Jeffrey.Sittisuphachoke@spiritmtn.com (503) 437-1482	27100 SW Salmon River Hwy Grand Ronde, Oregon 97347
SHENK, SALLY Restaurant Manager, Spirit Mountain Casino	sally.shenk@spiritmtn.com	27100 SW Salmon River Hwy Grand Ronde, Oregon 97347
CHANCERY, JONATHAN Spirit Mountain Casino	Jonathan.Chancery@spiritmtn.com	27100 SW Salmon River Hwy Grand Ronde, Oregon 97347
WILLIS, BRIAN Spirit Mountain Casino	Brian.Willis@spiritmtn.com	27100 SW Salmon River Hwy Grand Ronde, Oregon 97347
MCKNIGHT, TAMARA Special Events & Entertainment Coordinator, Spirit Mountain Casino	Tamara.Mcknight@spiritmtn.com	27100 SW Salmon River Hwy Grand Ronde, Oregon 97347
LUJAN, JOEL Regional Manager, OLCC	Joel.Lujan@oregon.gov	200 Hawthorne Ave SE, B-210 Salem, Oregon 97301
HANCOCK, RANDY Alcohol Compliance CS3, OLCC	Randy.Hancock@oregon.gov	9079 SE McLaughlin Blvd Milwaukie, Oregon 97222
STEEN, CAROLE Liquor License Investigator, OLCC	Carole.Steen@oregon.gov	200 Hawthorne Ave SE, B-210 Salem, Oregon 97301

- Staff have been engaged in ongoing collaboration on various initiatives, including the implementation of the new CAMP system, coordination of special events, and ensuring compliance with Minor Postings to maintain adherence to state laws regarding alcohol access for underage individuals.
- Regular discussions have focused on licensing new areas of the Casino, with site visits conducted by staff, including Carole Steen, to meet with Mr. Sittisupachoke, review Minor Postings, and plan future training.
- Communication with Mr. Sittisupachoke or Tara McKnight occurs approximately once or twice a month. This ongoing dialogue has been instrumental in maintaining understanding of liquor compliance statutes in Oregon, supporting regulatory adherence, and addressing emerging needs within the tribal jurisdiction. It demonstrates

a shared commitment to meeting state regulations while prioritizing the interests of the tribal community

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. Regulatory

DAS and LCIS in Training and Cultural Competency

Oregon has specific policies that emphasize the importance of maintaining strong, cooperative relationships with tribal governments. To ensure our mutual interests for effective regulation of alcohol and cannabis, the designated liaison will collaborate with other state agencies to train agency managers and employees who communicate with tribal governments.

For example, under ORS 182.166, DAS is tasked with ensuring that state managers and employees are informed about training programs that clarify the unique legal position of Tribes, including their rights as sovereign entities under Federal and state law. These programs emphasize the need for cultural sensitivity and awareness of Tribal customs and values. By educating state employees about the significance of Tribal history, priorities, and challenges, these training programs will help support effective communication between agencies and Tribes.

The State training is vital for the OLCC's employees who engage with Tribal governments on regulatory and compliance matters. By ensuring that its personnel are educated about Tribal issues and rights, the OLCC demonstrates a commitment to respecting Tribal sovereignty while carrying out its responsibilities.

Summary

In 2024, The OLCC remains committed to strengthening our collaborative relations with our federally recognized Tribes in Oregon, and provide new opportunities for shared partnership, grounded in mutual respect and a shared vision for economic growth and regulatory success. Through carefully crafted Intergovernmental Agreements (IGAs) and Memorandums of Understanding (MOUs), the OLCC has continued to navigate the complexities of federal, state, and Tribal laws to ensure clarity and compliance in support of new Tribal enterprises in alcohol and cannabis industries.

While challenges such as expanding economic development opportunities in emerging industries like cannabis remain, they also underscore the importance of strengthening the framework for Tribal-State cooperation. The OLCyC recognizes that meaningful consultation requires

investment—of time, personnel, and financial resources—and is committed to collaborating with Tribal leaders, the Department of Justice, and other state agencies to ensure culturally responsive and respectful engagement. By prioritizing these efforts, the agency strives to honor the unique sovereign status of Tribes and support their goals for economic prosperity.

Looking ahead, the OLCC is grateful for the leadership, guidance, and cultural insights that Oregon's Tribal representatives have shared throughout this process. The agency is committed to building on the progress made in 2024 under the Governor's vision of improved customer service and government-to-government collaboration. In 2025, the OLCC will continue to embrace opportunities to support Tribal enterprises, strengthen partnerships, and promote economic development while ensuring regulatory integrity. Together, we look forward to another year of meaningful collaboration that honors Oregon's rich cultural heritage and supports the prosperity of its Tribal communities.



Policy & Procedure

SUBJECT: Tribal Government-to-Government Relations Policy

NUMBER: PP 845-103-002

APPLICATION: Commission-Wide All Staff

REVISED: July 28th, 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:

Appendix B



September 2013

Free, Prior and Informed Consent of Indigenous Peoples

"At the national level, the Declaration has inspired new legislation and mechanisms for dialogue with indigenous peoples. Despite these positive signs, the promise of the Declaration is far from being universally fulfilled. (...) Rights of indigenous peoples are frequently the first victims of development activities in indigenous lands, often pursued with no regard to the principle of free, prior and informed consent and other guarantees of the Declaration."

Ms. Navi Pillay, United Nations High Commissioner for Human Rights, August 2013. Foreword to the Manual for National Human Rights Institutions.

What is free, prior and informed consent?

The Declaration on the Rights of Indigenous Peoples requires States to consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them (article 19). States must have consent as the *objective* of consultation before any of the following actions are taken:

- The adoption of legislation or administrative policies that affect indigenous peoples (article 19)
- The undertaking of projects that affect indigenous peoples' rights to land, territory and resources, including mining and other utilization or exploitation of resources (article 32).

In certain circumstances, there is an obligation to *obtain* the consent of the indigenous peoples concerned, beyond the general obligation to have consent as the objective of consultations. For example, the Declaration explicitly requires States to obtain consent of indigenous peoples in cases of:

- The relocation of indigenous peoples from their lands or territories (article 10)
- The storage or disposal of hazardous materials on indigenous peoples' lands or territories (article 29)

Furthermore, indigenous peoples who have unwillingly lost possession of their lands, when those lands have been "confiscated, taken, occupied or damaged without their free, prior and informed consent" are entitled to restitution or other appropriate redress (article 28).

Normative foundations of the requirement for free, prior and informed consent

The principle of free, prior and informed consent is linked to treaty norms, including the right to self-determination affirmed in common Article 1 of the International Human Rights Covenants. When affirming that the requirement flows from other rights, including the right to develop and maintain cultures, under article 27 of the International Covenant on Civil and Political Rights (ICCPR) and article 15 of the International Covenant on Economic Social and Cultural Rights (ICESCR), the treaty bodies have increasingly framed the requirement also in light of the right to self-determination.

The principle of non-discrimination is also relevant. In its 1997 General Recommendation No 23 on indigenous peoples, the Committee on the Elimination of Racial Discrimination (CERD), calls on States parties to ensure that indigenous peoples have equal rights to participate in public life and stresses that no decisions relating directly to indigenous peoples are to be taken without their informed consent. With specific reference to land and resource rights, the Committee calls for restitution in situations where decisions have already been taken without the prior and informed consent of the affected indigenous peoples. It has also highlighted the obligation of States to ensure that the right of indigenous peoples to free, prior and informed consent is respected in the planning and implementation of projects affecting the use of their lands and resources. More recently, the Committee on Economic, Social and Cultural Rights (CESCR) has further expanded on free, prior and informed consent in general comment No. 21. In its interpretation of cultural rights, the Committee outlines that the right to participate in cultural life includes the right of indigenous peoples to restitution or return of lands, territories and resources traditionally used and enjoyed by indigenous communities if taken without the prior and informed consent of the affected peoples. It also calls on States parties to "respect the principle of free, prior, and informed consent of indigenous peoples in all matters covered by their specific rights" and to "obtain their free and informed prior consent when the preservation of their cultural resources, especially those associated with their way of life and cultural expression, are at risk".

Appendix C

Tribal Consultation Task Force Retreat Agenda

NARA Riverhouse Building | Portland, OR

December 14-15th, 2024

Tribal Sovereignty and Self Determination is foundational to Government-to-Government (GTG) relations and must be explicitly recognized throughout the retreat.

Task Force Members

Tracy Kennedy: Chairperson, Burns Paiute Tribe
Natalie Ball: Tribal Council Representative, Klamath Tribes
Corinne Sams: Board of Trustees Member, Confederated Tribes of Umatilla (Task Force Chair)
Bobby Brunoe: Secretary-Treasurer, Confederated Tribes of Warm Springs
Anna Richter-Taylor: Representative, Cow Creek Band of Umpqua Tribe of Indians
Brenda Meade: Chairperson, Coquille Indian Tribe (Task Force Vice Chair)
Dee Pigsley: Chairperson, Confederated Tribes of the Siletz Indians
Chief Doug Barrett: Tribal Council Representative, Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Jon George: Tribal Council Representative, Confederated Tribes of Grand Ronde
Julie Johnson: Tribal Affairs Director, Oregon Health Authority
Rosetta "Rosie" Shatkin: Legislative and Government Affairs Director, Tribal-State Government-to-Government Liaison, Oregon Liquor Cannabis Commission
Tawna Sanchez: State Representative
Open Seat: State Senator
Patrick Flanagan: Executive Director, Legislative Commission on Indian Services
Shana McConville Radford: Tribal Affairs Director, Office of Governor Tina Kotek

Day 1: Contextualizing Sovereignty and Growing Trust

10:00 - 11:00 AM: Opening Prayer and Opening Remarks

- **Welcome Remarks and Opening Prayer:** Chair, Corinne Sams
- **Humanizing Our Work:** Co-facilitators (Direlle Calica & Shana M. Radford)
 - Warm Up Activity and Grounding
- **Liberatory Design Overview:** Brief intro to liberatory design principles and how they will guide the day's work.
- **Purpose** of Task Force and Retreat Goals
- **Shared Values** Creation

11:00-11:15: BREAK

11:15 - 12:15 PM: Tribal Sovereignty and Self-Determination: Power and Possibility

- **Dialogue on how centering sovereignty can transform consultation practices** and what sovereignty and self-determination mean to the Tribes for their nations and as they relate to the State.
 - *Discuss questions like:*
 - How does centering tribal sovereignty shift power dynamics in consultation?
 - What possibilities arise when tribes are empowered as decision-makers?
 - “What shifts when sovereignty is truly centered?” “What does meaningful self-determination look like in practice?”
-

A. Tribal Sovereignty: The inherent authority of tribes to govern themselves, recognized by federal law (e.g., Worcester v. Georgia, 1832), state laws (e.g., ORS 182.162), and international principles like the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

- **Key Principle:** Tribes have the right to self-governance, manage resources, and maintain their cultural identities. Acknowledgement of the individuality and uniqueness of each Tribe, and the unique relationship they have with Federal and State Governments.
 - **Nation-to-Nation Diplomacy:** Tribes engage directly with federal and state governments as sovereign entities, asserting their political status and legal rights through negotiation, advocacy, and cooperation.
-

B. Self-Determination: The right of Indigenous peoples to freely pursue their economic, social, governance, and cultural environment, rooted in federal laws (e.g., Indian Reorganization Act (1934), Indian Self-Determination and Education Assistance Act, (1975) and international frameworks (e.g., UNDRIP Article 3). It is about empowerment and ensuring tribes have the tools, resources, and autonomy to implement their vision for the future. It is the right to maintain and strengthen distinct political, legal, economic, social, and cultural institutions.

- **Key Principle:** Tribal nations shape their futures according to their values and worldviews.
 - **Key Principle:** Self-determination emphasizes tribes' rights to determine their own futures, set priorities, and develop policies that serve their communities' unique needs.
 - **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP):**
 - **Asserts** that Indigenous peoples have the right to self-determination, including autonomy in matters related to their internal and local affairs (Article 3).
 - **Collective Rights:** Self-determination emphasizes collective rights alongside individual rights, recognizing Indigenous communities as distinct entities with historical and cultural identities.
 - **Non-Interference Principle:** States must respect Indigenous/Tribal sovereignty and avoid imposing policies that infringe upon Indigenous/Tribal self-determination.
-

12:15 - 1:30 PM: WORKING LUNCH IS PROVIDED BY OHA *(Tribal Consultation Video)*

1:30 - 3:00 PM: Tribal Consultation Policies in Practice

- **Tribal Share Out: Existing Consultation Policies and Practices:** Tribal Representatives highlight examples of both meaningful and ineffective consultation they've experienced, and those that fell short.
 - **State Agency Perspective (Julie Johnson, OHA):** Brief presentation on current practices. Q&A focus on how sovereignty is or is not currently recognized.
-

A. Tribal Consultation Principles: Tribal consultation is a two-way, Nation-to-Nation exchange of information and dialogue between official representatives of the United States and of Tribal Nations regarding Federal policies that have Tribal implications.

- Notwithstanding those firm legal bases, only in the last few decades has the duty to consult become a recognized priority of the federal government, largely implemented through executive actions aimed at improving agency consultation standards.
 - Despite these developments, the practice, implementation, and effectiveness of tribal consultation varies widely across the federal government and leave many tribes and tribal leaders frustrated and disappointed.
 - Consultation must evolve from the unenforceable, discretionary, and variable practice widely criticized by tribes into a meaningful, compatible, and continuing conversation between appropriate tribal and federal officials.
-
- **Key Principle:** Effective consultation can be facilitated through executive, legislative, or judicial mandates requiring federal and state agencies to incorporate tribes into ongoing policy discussion, development, and decision-making, as well as day-to-day management, and bridge the procedural nature of consultation to more substantive results.
 - **Key Principle:** The federal government's obligations to consult with Indian tribes on matters that may affect their interest are rooted in the United States' trust obligations to and treaties with those Native Nations.
 - **Key Principle:** Consultation is not merely informing, 'checking the box', nor a means to an end; it requires respect, mutual understanding, collaboration, and continuous dialogue. It is a series of protocols and processes when there is a significant event impacting Tribes.
 - **Key Principle:** It is a 'meaningful', good-faith negotiation process of communication between governments to seek consensus before making decisions that affect tribal nations.
-

3:00- 3:15 PM: BREAK

3:15 - 4:00 PM: Day One Reflections and Closing Prayer

5:00PM: Working Dinner at King Tide (Dinner Provided) - Informal time to debrief and connect.

Day 2: Creating a Shared Vision

Reaffirming Government to Government Relationships between the State of Oregon and Oregon Tribal Nations

9:00 - 9:15: Prayer and Opening Remarks

9:15-10:45 AM: Case Study: Challenges in Consultation and Co-Creating Solutions

Activity: Participants will be presented with a scenario of a proposed state action that mirrors real challenges affecting Tribal resources.

In small groups, participants will design a consultation process (using the project-based scenario) that integrates tribal worldviews and state perspectives.

- **Goal:** Identify a shared understanding of successful state-tribal collaboration (grounded in sovereignty) and shared pain points. Identify a set of best practices for consultation.
- **Outcome:** Groups will present their set of best practices and experiences to the larger group.

10:45-11:00 AM: BREAK

11:00 AM - 11:45 AM: Deep Dive into Policies and Frameworks

Breakouts: Station 1: ORS 182.162-168 and EO 96-30, Station 2: EO 13175 and RESPECT Act, Station 3: UNDRIP-FPIC and Other States' Models.

- **Interactive Analysis:** At each station, participants place green stickers on policies that affirm sovereignty and red stickers where policies fall short.
- **Policy Remix (if hybrid):** Assign policies and highlight state and federal policies that affirm sovereignty and self determination and red stickers where policies fall short, implying stakeholder status.

11:45AM - 12:15 PM: Reconvening and Synthesis

Activity: Gallery Walk / Virtual Whiteboard (if hybrid)

- **Gallery Walk:** Each group will post (or share) their policy analysis. Participants will add comments or suggestions on sticky notes.

12:15 - 1:30 PM: WORKING LUNCH PROVIDED BY OHA

12:15 PM - 1:00 PM: Brainstorming Systemic Support

- **Long-term systemic support means:** embedding the principles, practices, and frameworks of meaningful Tribal consultation deeply into the policies, structures, and culture of state governance and intergovernmental relations.

Brainstorming: What are some ideas for long-term systemic support?

Examples: non- exhaustive list.

- **Tribal liaison/Agency Director role and function:** Should all agencies require a tribal liaison?
- The Governor's Tribal Affairs Director position is not embedded.
- **Impact to Tribal Nations:** Should all agencies be required?
- **Agency training and reporting requirements.** Ex. Requirement to consult with each Tribe to identify priority issues for agencies to proactively engage Tribes in development of legislative and fiscal proposals in time for GRB and legislative proposals each year. (Minnesota EO)
- *Accountability and Consensual mechanisms for consultation*
- Definitions of meaningful consultation.
- Tribal Advisory Council on Consultation: Rulemaking Authority
- **Further clarification on responsibility of the State toward all American Indians residents in urban and off-reservation settings.** G2G does not absolve of this responsibility.

Start/Stop/Continue Reflection

- **Start:** Identify new practices to enhance G2G consultation.
 - New policy frameworks or practices (e.g., formal FPIC guidelines in agency consultation policies).
- **Stop:** Name practices that hinder meaningful consultation.
 - Generic “equity” approaches that ignore sovereignty.
- **Continue:** Highlight what’s already working well and should be maintained.
 - Existing mechanisms that foster trust and respect.

12:40 PM - 1:00 PM: Reflection, Next Steps & Closing

- Facilitators will compile notes, highlights, and reflections from the retreat.
- Discuss regular follow-up meetings, roles, and responsibilities moving forward.

Travel Home Safely and Happy Holidays