

Cannabis in Indian Country

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Why Are We Here?

- December 11, 2014 the DOJ released its internal Policy Statement on Marijuana Issues in Indian Country.
- Memo dated October 28, 2014
- Internal policy developed without consultation with tribes.



DOJ Policy Statement Regarding Marijuana Issues in Indian Country

- Directs each U.S. District Attorney to:
 - Assess all threats within the District, including those in Indian Country.
 - Consult with the Tribes in their District on a government-to-government basis.
 - Focus enforcement efforts based on that district-specific assessment.

DOJ Policy Statement Regarding Marijuana Issues in Indian Country

- NOT a blanket authorization to begin operations or to legalize marijuana on tribal land.
- Guidance ONLY
- Not a coordinated policy position across federal family
 - “Checkerboard on checkerboard”
- Unclear coordination with DOJ HQ & District Office.
- Restates illegality of marijuana federally
- Disclaimer to enforce federal law

Across the Country...

- 24 states, plus WA D.C., recognize and permit the medical use of cannabis
 - 1996: California
 - 1998: Alaska, Oregon, Washington
 - 1999: Maine
 - 2000: Colorado, Hawaii, Nevada
 - 2004: Montana
 - 2006: Rhode Island
 - 2007: New Mexico, Vermont
 - 2008: Michigan
 - 2010: Arizona, New Jersey
 - 2011: Delaware, Washington, D.C.
 - 2012: Connecticut, Massachusetts
 - 2013: New Hampshire, Illinois
 - 2014: Maryland, Minnesota, New York
 - 2016: Pennsylvania

Across the Country...

- 4 states legalized the recreational, adult use of marijuana
 - 2012:
 - Washington
 - Colorado
 - 2014:
 - Oregon
 - Alaska
 - Washington D.C.*

Across the Country...

- 13 states authorizing commercial hemp programs:
 - California
 - Colorado
 - Indiana
 - Kentucky
 - Maine
 - Montana
 - North Dakota
 - Oregon
 - South Carolina
 - Tennessee
 - Vermont
 - Virginia
 - West Virginia



Economic forecast - Marijuana

- Colorado - \$699M total combined sales (2014)
 - \$996M total combined sales (2015)
 - Taxes & Fee Revenue- \$76M (2014)
 - \$135M (2015)
- Washington – \$257M sales (2015)
 - Taxes - \$70M+
- AMR estimates \$10.8B in national sales by 2019*



Economic forecast - Hemp

- Hemp – estimated \$500M market for hemp products
 - Renewable energy source?
- Global market – more than 25,000 hemp products
- Higher rate of return per acre than any other crop except Tobacco. (Congressional Research Service Report for Congress 2013)

Economic forecast - Hemp

- What is Hemp? – cannabis plant but less than .3% THC
 - Classified as Schedule 1 Controlled Substance
- 2014 Federal spending act prohibits DEA from prosecuting industrial hemp research in states that have legalized.
- 2014 Farm Bill allows industrial hemp production by universities and state agriculture departments for research in states that have legalized.
- 22 states have passed pro-hemp legislation.

Across the Country...

- States establish industrial hemp programs that are limited to agricultural or academic research programs:

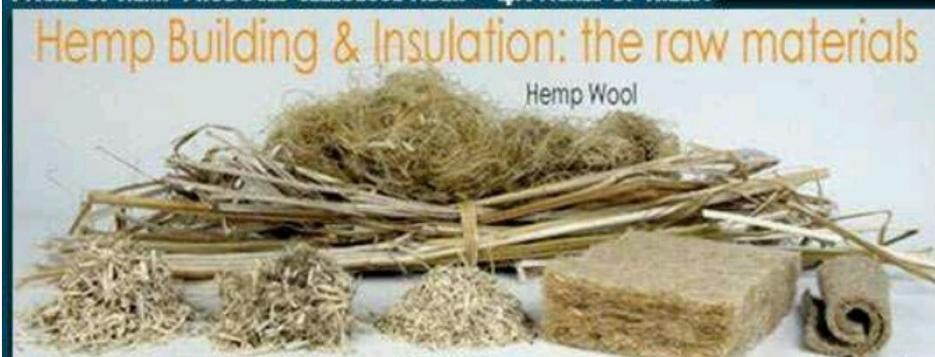


HEMP HOMES
*7X STRONGER THAN CONCRETE, 1/2 AS LIGHT, 3X MORE ELASTIC (EVEN EARTHQUAKES CAN'T CRACK THESE STRUCTURES.
*SELF INSULATED.
*RESISTANT TO ROT, BUGS, FUNGUS, MOLD, RODENTS, FIRE PROOF, WATERPROOF.
*IF LEGAL IN THE U.S. HEMP WOULD BE THE CHEAPEST SOURCE FOR BUILDING MATERIAL.
*BREATHABLE WALLS IMPROVE AIR QUALITY ALL AROUND THE BUILDING.

1 ACRE OF HEMP PRODUCES CELLULOSE FIBER = 4.1 ACRES OF TREES!

Hemp Building & Insulation: the raw materials

Hemp Wool



shives for concrete shives & fibre for plaster shives & fibre for finishing plaster hemp wool in rolls or panel hemp mat for flooring

OCCUPY THE EPA

BILLION DOLLAR CROP

KEY



CORN



SWITCHGRASS



HEMP



GASOLINE



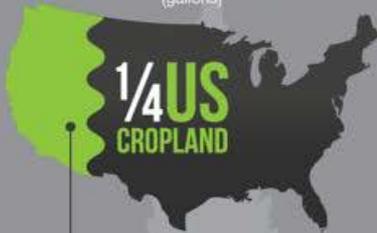
GREEN HOUSE GAS

UTILIZED

by humans for many thousands of years, hemp has been grown for purposes as diverse as pulp for papermaking, fiber for rope, and fabric. With gas prices now stable at over \$4/gal, Americans are clamoring as never before for alternatives to fossil fuels, and talk of hemp ethanol production has increased.

ETHANOL YIELD

(gallons)



44

BILLION
Non-cellulosic



44

BILLION
Cellulosic



27

BILLION
Cellulosic

DRY YIELD



8-12 tons per acre



5 tons per acre



4 tons per acre

ETHANOL PRODUCTION

(cost per gallon)



55¢



TO



93¢



55¢



TO



62¢



24¢



TO

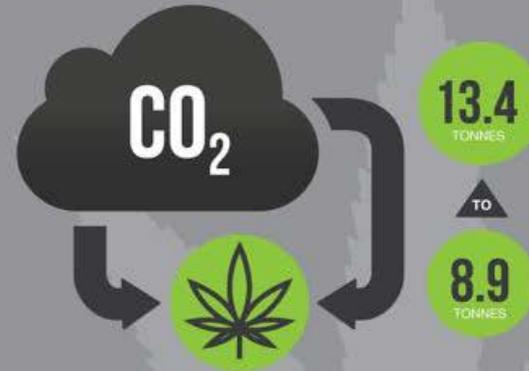


27¢



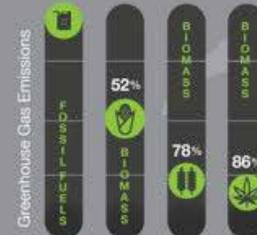
GREENHOUSE GAS ABSORPTION

(per hectare)



GREENHOUSE GAS REDUCTION

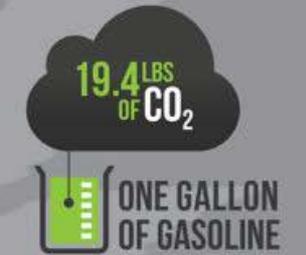
IN ADDITION to producing substantially fewer greenhouse gas emissions during burning for fuel, cellulosic ethanol also produces 86% less GHG emissions during production than gasoline, and it beats both corn and sugarcane sources of ethanol in this regard as well.



CELLULOSIC ETHANOL

TRANSPORTATION

Cars, Trucks, Trains, Airplanes



TOTAL ENERGY



THE UNIVERSAL CAR

75 YEARS AGO...

Henry Ford built a sedan which ran on 100% hemp ethanol.

IN A TRAGIC TWIST OF HISTORY Ford's plan for a hemp-built and hemp-powered car was frustrated not by market forces but rather by the heavy hand of federal prohibition, which banned all cannabis cultivation the very same year that he built his first working prototype.



2 FOR 1 ETHANOL SEED OIL

IN REALITY legal hemp would have even more of a cost advantage over corn or switchgrass, because unlike the other two crops it can also produce an oil-rich seed which can be used as feedstock for biodiesel conversion.

Sources: Department of Energy, Wang et al. Environmental Research Letters, Vol. 2, Baker, Olson, Mester, Suszka, Hon, Kovarik.

Across the planet...



- BMW Electric Car i3 – door panels of hemp

Ogden Memo (10/19/2009)

Memo from Deputy Attorney General, David Ogden to US Attorneys

- US Attorneys “should not focus federal resources . . . on individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana.” (Emphasis added)
- In contrast, “prosecution of commercial enterprises that unlawfully market and sell marijuana for profit continues to be an enforcement priority.”

Ogden Memo (10/19/2009)

- The following conduct is NOT in clear and unambiguous compliance:
 - Unlawful possession or use of firearms;
 - Violence;
 - Sales to minors;
 - Financial and marketing activities inconsistent with state law, including evidence of money laundering activity and/or financial gains or excessive amounts of cash;
 - Amounts of marijuana inconsistent with state law;
 - Illegal possession or sale of other controlled substances; and
 - Ties to other criminal enterprises.
- Memo is Guidance only, does not “legalize” medical marijuana or “provide a legal defense to a violation of federal law.”

Cole Memo (6/29/2011)

- Memo from Deputy Attorney General James Cole to US Attorneys
- Provide “guidance regarding Ogden Memo” in light of “Green Rush.”

“[W]ithin the past 12 months, several jurisdictions have considered or enacted legislation to authorize multiple large-scale, privately-operated industrial marijuana cultivation centers...[with] revenue projections of millions of dollars. . . .”

“The Ogden [Memo] was never intended to shield such activities from federal enforcement action and prosecution, even where those activities purport to comply with state law.” pg. 2. (Emphasis added)

Cole Memo (8/29/2013)

- **DOJ identified 8 federal enforcement priorities**
 - preventing the distribution to minors;
 - preventing revenue from going to criminal enterprises, gangs, and cartels;
 - preventing the diversion to other states;
 - preventing state-authorized activity from being used as a cover for the trafficking of other drugs or illegal activity;

Cole Memo (8/29/2013)

- **DOJ identified 8 federal enforcement priorities**
 - preventing violence and the use of firearms;
 - preventing drugged driving and the exacerbation of other adverse public health consequences;
 - preventing the growing of marijuana on public lands; and
 - preventing possession or use on federal property.

Cole Memo (8/29/2013)

- DOJ's guidance relies upon expectation that state governments “implement strong and effective regulatory and enforcement systems,” with “robust controls and procedures on paper,” and “effective in practice.” “If state enforcement efforts are not sufficiently robust to protect against [8 enforcement priorities] the federal government may seek to challenge the regulatory structure.”

NOTE - Guidance only, individual prosecutors have discretion to deviate from federal enforcement priorities.

Changes?

- New President, 2016
- New Congress?
- Changes in DOJ leadership
- Federal Reserve refuses to allow State banks into system – also argues federal preemption
- Ever-Shifting federal enforcement priorities on tribal land

Tribal Marijuana Sovereignty Act

Pocan (D-WI)

- Attempts to provide clarity for tribes wishing to produce, purchase and possess marijuana but concerned that participating in the marijuana industry might put their federal funding at risk.
- This bill attempts to alleviate that concern by prohibiting federal agencies from considering the tribe's participation in the marijuana industry when:
 - Allocating federal funds, benefits, grants, contracts, or other agreement with the United States, determining compliance or evaluating eligibility for federal funding.



Tribal Marijuana Sovereignty Act Pocan (D-WI)

- National Indian Cannabis Coalition (www.niccdc.org) provided input on the draft legislation.
 - Include IHS
 - Include tribes engaged in processing and selling cannabis

Federal Tribal Legislation

- Keeping out Illegal Drugs Act of 2016 - Senator Lankford (R-OK)
 - “A bill to prevent Indian tribes and tribal organizations that cultivate, manufacture, or distribute marijuana on Indian land from receiving Federal funds.”
- **NICC Position** – “...this bill would eliminate the opportunity for Tribes to evaluate and make an individual determination regarding the legalization or prohibition of marijuana on their Indian lands.”

Federal legislation

- Regulate Marijuana Like Alcohol Act, introduced by Rep. Jared Polis (D-Colorado) would completely removed marijuana from the federal government's list of controlled substances and subject it to the same federal regulations currently governing alcohol.
 - States are not required to legalize
 - Creates federal regulatory scheme for states who do legalize

Federal legislation

- Marijuana Tax Revenue Act, introduced by Rep. Earl Blumenauer (D-Oregon). Blumenauer's bill would place a federal excise tax on federally-regulated marijuana.
 - States are not required to legalize
 - Creates federal regulatory scheme for states who do legalize
- 2 similar bills were rejected last session.

Federal legislation

- 1 Senate bill introduced
 - The Compassionate Access, Research Expansion and Respect States Act (Sens. Paul, Booker, Gillibrand)
 - Reschedule marijuana from Schedule I to Schedule II
 - Move to Schedule II would mean federal regulatory recognition that marijuana has medicinal value but also high abuse potential.
 - Prohibit federal government from cracking down on medical marijuana operations that are operating in compliance with state law.
 - Allows hemp (less than .3% THC)

Federal legislation

- The Compassionate Access, Research Expansion and Respect States Act (Sens. Paul, Booker, Gillibrand)
 - Allow financial institutions to provide financial services to state-legal cannabis businesses.
 - Allows VA to provide information on medicinal marijuana to Veterans
 - First such bill in the Senate as opposed to 15 previously in the House.
 - **Merkley & Wyden co-sponsors
- House Companion Bill – Sponsors Rep. Cohen (D-TN) and Young (R-AK) - bipartisan

HR 2029 - Military Construction and Veterans Affairs and Related Agencies Appropriations Act of 2015

- Section 246: **“None of the funds** appropriated or otherwise made available to the Department of Veterans Affairs in this Act **may be used** in a manner that would— (1) **interfere with the ability of a veteran to participate in a State-approved medicinal marijuana program;** (2) **deny any services** from the Department to a veteran who is participating in such a program; or (3) **limit or interfere with the ability of a health care provider of the Department to make appropriate recommendations,** fill out forms, **or take steps to comply with such a program.”**
- Reflects current VA policy guidance
- Did not make into the enacted legislation



Indian Health Service Position

- IHS Findings issued in June 6, 2011 DTLL
- “Federal law specifically prohibits the use of marijuana under all but very controlled, investigational circumstances”
- Chief Medical Officer recommends:
 - *“I recommend that all IHS, Tribal, and Urban programs fully adhere and comply with Federal law by not prescribing, recommending, possessing, cultivating, processing, manufacturing, or distributing marijuana for medical or other purposes.”*
- **But** – HHS Sec. Burwell reported to tribal advisory committee “...that HHS funding would not adversely be impacted if a Tribe operated a medical grow or dispensary on Tribal lands as long as federal funding is not used.”

HHS Patent – “Cannabinoids as antioxidants & neuroprotectants”

- Awarded October 2003, filed by National Institute of Health
 - “This new found property makes cannabinoids useful in the treatment and prophylaxis of wide variety of oxidation associated diseases, such as ischemic, age-related, inflammatory and autoimmune diseases. The cannabinoids are found to have particular application as neuroprotectants, for example in limiting neurological damage following ischemic insults, such as stroke and trauma, or in the treatment of neurodegenerative diseases, such as Alzheimer’s disease, Parkinson’s disease and HIV dementia.”
- 

NIH grants license to KannaLife to study CBD

- 2010 - NIH granted KannaLife exclusivity to develop a treatment for Hepatic Encephalopathy, a disease of the liver and brain that stems from cirrhosis.
- August 2014 - NIH granted the company an additional license on their previous patent to study CTE.
- KannaLife is the only company with licenses on the US-government held patent on cannabinoids. NIH owns patent, but KannaLife has exclusive rights to develop drugs with it.



2011 IHS Letter – Key Points

- The CSA lists marijuana as a Schedule I controlled substance that requires a special DEA registration for the investigational use and manufacture of the drug.
- The CSA continues to classify marijuana as a Schedule I controlled substance that has no medical benefit
- The IHS Manual “has provisions for investigational drugs, but not for Schedule I controlled substance as a matter of Agency policy.”

2011 IHS Letter – Key Points

- IHS will not use or approve Schedule I controlled substances
- A 1981 HHS ruling, prohibits reimbursement of unapproved drugs by the FDA, and the FDA considers marijuana as an unapproved drug and is ineffective through the “Drug Efficacy Study Implementation”
- Annual Funding Agreements require Tribal entities meet all applicable laws and the CSA is applicable to marijuana
- Not meeting federal statutes and regulations put providers outside their scope of employment and as a consequence FTCA coverage would not apply

STAC Inquiry and HHS Response

- On June 30, 2015 the Secretary's Tribal Advisory Committee sent a series of follow up questions to the Department of Health and Human Services regarding the risks associated with Tribal health programs dispensing and/or prescribing Medical Marijuana
- STAC asked whether there is a risk that Tribes could forfeit their HHS and IHS funding if they were involved in dispensing or cultivation of marijuana
- HHS stated no federal funds could be used, but assuming federal funds were not used, "it is unlikely federal funds would be jeopardized," but tribes would still be at risk of enforcement from DOJ
- HHS deferred to DOJ on tribal consultation on enforcement of the CSA

Key Considerations for Tribal Health Programs

- ▶ DOJ Policy Statement priority number eight, “preventing marijuana possession or use on federal property” needs to be addressed
- ▶ Marijuana will need to be reclassified from a Schedule I substance under the Controlled Substances Act
- ▶ If marijuana can be reclassified and be approved by the FDA, than the IHS position on Medical Use of Marijuana could be retracted
- ▶ If IHS position does not change, Tribes cannot dispense or prescribe medical marijuana at tribal health facilities operated under the ISDEAA.
- ▶ Tribes might be able to dispense outside the IHS system, but would lose important benefits of that system, including FTCA coverage.

Washington HB 2000-SB 5848

- Agreements may address any marijuana-related issue that involves both state and tribal interests or otherwise has an impact on tribal-state relations.
- Agreement related to production, processing, and sale of marijuana in Indian Country for either recreational or medicinal purposes **MUST** address:
 - Preservation of public health and safety;
 - Ensuring the security of production, processing, retail and research facilities; and
 - Cross border commerce in marijuana.

Washington HB 2000-SB 5848

- Agreements *MAY* include:
 - Criminal and civil enforcement;
 - Regulatory issues related to the commercial production, processing, sale and possession of marijuana and processed marijuana products;
 - Medical and pharmaceutical research involving marijuana;
 - Taxation;
 - Dispute resolution, including the use of mediation and other non-judicial process.

Washington-Tribal Marijuana Compacts

- Compact provisions —
 - Allows tribe to buy and sell to State licensees
 - Protects tribal territory by requiring the State withhold issuing a license to any applicant without express permission of Tribe.
 - Tribal tax must be at least 100% of the State tax (WA = 37% plus sales tax up to 9.5%)
 - Medical marijuana is not taxed
 - Co-defense provision

Recent Congressional Activity

- April, 2016 - Drug Enforcement Agency (“DEA”) told Congress that they are evaluating whether they can de-schedule marijuana which could have the effect of “legalization” and would have a recommendation in 2016.
- July 2016 hearing DEA says it is open to descheduling CBD – which is “not an abuse risk”.
- FDA in final stages of a study on a pediatric epilepsy CBD drug.

Recent Congressional Activity

- April 15, 2016 a bi-partisan group of Senators and Representatives sent a letter to President Obama.
- Requests his “help in removing the administrative barriers to scientific research on medical treatments from the cannabis plant, also known as medical marijuana.”

Reclassification? DEA Memo 4/4/16

the HHS scientific and medical evaluations as well as a scheduling recommendation," which indicates FDA has completed its evaluation, and that "DEA is currently reviewing these documents ... to make a scheduling determination in accordance with the Controlled Substances Act." Failure to provide us with this information at the briefing leaves us with continued questions about the process and timeline for a re-scheduling determination. We therefore ask that you provide us with the following information:

a. Please confirm whether or not DEA has received the HHS evaluations and scheduling recommendations.

DEA has received the HHS scientific and medical evaluations, as well as a scheduling recommendation, and is currently reviewing these documents and all other relevant data to make a scheduling determination in accordance with the CSA.

b. What is the DEA timeline for assessment upon receipt of the FDA recommendation?

DEA will carry out its assessment of the FDA recommendation in accordance with the CSA requirements set forth in 21 U.S.C. §§ 811 and 812. Once a final determination has been made, DEA will notify the petitioners. DEA understands the widespread interest in the prompt resolution of these petitions and hopes to release its determination in the first half of 2016. Our staff would be happy to share the final assessment with your offices when available.

c. Has DEA requested that FDA complete a scientific analysis for the rescheduling of cannabidiol (CBD)? If so, please describe how FDA will conduct the review.

DEA, FDA, and NIDA have been working together to address the issues relating to CBD, including scheduling considerations. The scheduling determinations must undergo a scientific

DEA

- DEA recommendation on whether Marijuana to remain Schedule I due soon
- DEA approves smoked Marijuana Study after 6 year wait on 4/22/2016
- House Resolution “Tribal Marijuana Sovereignty Act of 2016”
- Tribes enacting their own laws

Logistics:

- Insurance –
 - Lloyds of London determines it will no longer support insuring marijuana operations of any kind until the drug is formally recognized by the U.S. government as legal.
- Gaming and marijuana collision – Nevada's stance
- Banking issues – will a bank accept the money?
 - Federal Reserve says no!

Casinos – Financial Institution

- **FinCEN's guidance applies to all financial institutions covered under FinCEN regulations, including casinos.”**
- Jim Dowling, a former White House advisor on money laundering issues tells gaming executives they are obligated to follow the same marijuana guidelines as banks. **“Casinos can’t accept any money from them, or they have to comply with the new government guidance,”** Dowling said.

Nathan Halverson, *Feds Warn Casinos to Turn Away Gamblers With Medical Marijuana Ties*, KQED News, June 12, 2014, available at <http://ww2.kqed.org/news/06/12/2014/-medical-marijuana-banks-casinos-federal-regulation>

- How can Tribes with a casino participate in the Cannabis industry?

Logistics: Gaming & Cannabis

- **Bank Secrecy Act** requires all financial institutions to file Suspicious Activity Reports (“SAR’s”) on businesses they suspect to be engaged in potentially illegal activity. Under the new guidelines, financial institutions must continue to file the following SAR’s on marijuana businesses. These are:
 - Marijuana Limited SAR** – on businesses that appear to be operating legally and not engaging in activities that will interest federal prosecutors as detailed in the Cole 2.0.
 - Marijuana Priority SAR** – on businesses that appear to be in violation of state law or interfering with federal enforcement priorities.
 - Marijuana Termination SAR** – where a financial relationship with a marijuana-related business is terminated due to suspected violations.





- Companies and investors are often reluctant to do business on reservations ... because getting contracts enforced under tribal law can be iffy. Indian nations can be small and issues don't come up that often, so commercial codes aren't well-developed and precedents are lacking. And Indian defendants have a home court advantage.
- “We’re a long way from having a reliable business climate,” says Bill Yellowtail, a former Crow official and a former Montana state senator. “Businesses coming to the reservation ask, ‘What am I getting into?’ The tribal courts are not reliable dispute forums.”

Forbes, “Why are Indian Reservations So Poor? A Look At the Bottom 1%”, 2011

(<http://www.forbes.com/sites/johnkoppisch/2011/12/13/why-are-indian-reservations-so-poor-a-look-at-the-bottom-1/>).

Sovereignty is governing your people and your land.

Current Tribal Marijuana Activity

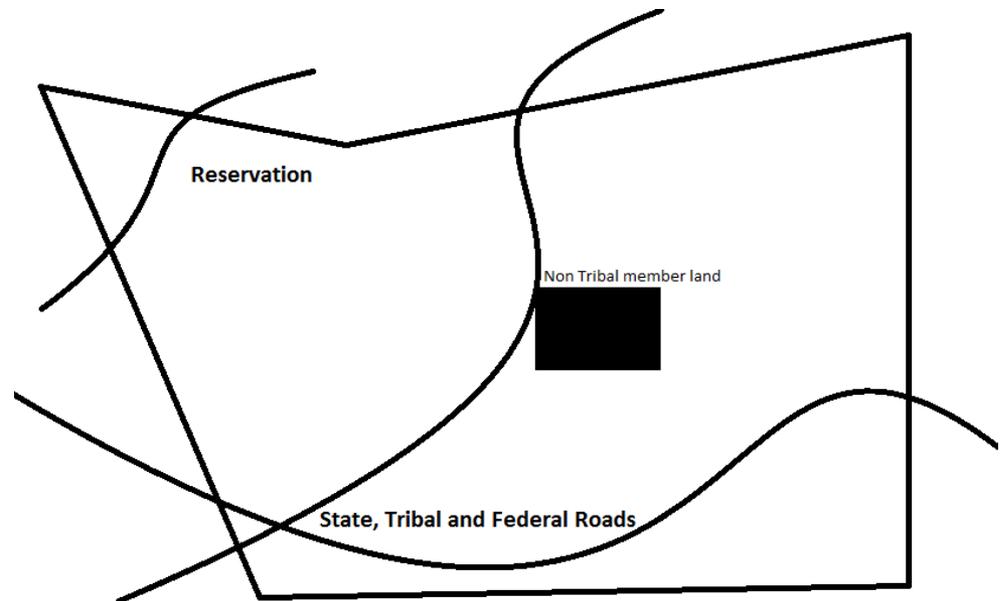
- Suquamish Tribe, Squaxin Island Tribe & Puyallup Tribe sign Marijuana Compacts under HB 2000.
 - Puyallup announce grow.
- Passamaquoddy Tribe moving to hemp operation.
- Warm Springs Tribe to open grow facility & 3-5 retail stores (off-rez)
- Las Vegas Paiutes announce store located on Strip.
- Other tribes exploring legalization.
-but
- Alturas Rancheria, Pit River Rancheria marijuana raided by federal and state law enforcement
- Pinoleville Rancheria marijuana raids by State law enforcement
- Menominee hemp farm raided and destroyed
- Flandreau Santee Sioux – burned their crops
 - Indictments

What must Tribes consider when deciding whether to legalize, de-criminalize or prohibit marijuana in Indian Country?

- Historical substance abuse on reservations.
- Consider community concerns for or against
 - Possible directive from general membership
- Other affected Federal Programs: HUD, IHS, 638, USDA, ICW
- Employment, including federal program employees
- Impact of industry as a revenue source
 - Sales
 - Taxation

What should Tribes consider when deciding whether to legalize, de-criminalize or prohibit marijuana in Indian Country?

- What additional resources are required if the Tribe decided to:
 - Legalize marijuana in some manner?
 - Prohibit marijuana?
- Reservation border or Fee-to-Trust within reservations boundaries activity if disapproved
- PL 280 state civil & criminal jurisdiction over tribal members
- Other statutes giving state jurisdiction over tribal lands



Why Indian Country?

- Less bureaucracy in licensing
- Lower tax rates
- Access to land for grow operations – streamlined zoning and permitting processes
- Blank slate for growing and processing standards.
- Sovereignty as a tool to access financial services
- Reasonable regulation
 - Tribes know how to regulate and how to work with feds
- Foreign trade zones?

Consultation with U.S. District Attorney

- Authorization of marijuana will require consultation with DOJ.
- Prohibition of marijuana will require consultation with DOJ.
- DC Headquarters will need to ensure consistency in District-Tribal consultation process.
- Diverse Tribal interests in each District.

Make a Decision & Adopt As Tribal Law

- Gather information before making a decision
 - Consider social impacts
- Consider your State's authorization or lack thereof
 - Jurisdiction & resources to implement
 - Political discourse & effects
- Memorialize the decision (prohibitive or permissive) in Tribal law
 - Some tribes may have to obtain federal approval of their ordinance by BIA.

If Tribe Decides to Allow – Development of Robust Regulatory Framework Required

What to Consider:

- **Rules which protect against the 8 federal enforcement priorities (Cole Memo):**
 - Distribution to minors;
 - Funding criminal enterprises, gangs, and cartels;
 - Interstate distribution;
 - Trafficking other illegal drugs or illegal activity;
 - Violence and use of firearms;
 - Drugged driving and other public health consequences;
 - Growing on public lands; and
 - Possession or use on federal property.

If Tribe Decides to Allow – Development of Robust Regulatory Framework Required

- **What those rules will likely need to include**
 - Some method for tracing product from seedling through sale, to prevent product from diverting into black market
 - Security requirements
 - Distance buffer from facilities with children
 - Criminal background checks on managers and investors
 - Advertising and packaging restrictions to protect minors
 - Quantity limits on consumer sales
 - Public safety regulations on acceptable extraction methods
 - Required testing of product for potency and mold, etc.
 - Independent, policing, enforcement division

Coordination with Law Enforcement

- MOU and/or Non-Prosecution Agreements with law enforcement agencies
 - Department of Justice
 - BLM/Park Rangers
 - State, County, City
 - BIA
- Consider PL-280 state challenges
- Consider federal challenge for BIA

If Applicable, Carefully Vet Potential Partners

Given the vagueness of the policy & lack of federal unanimity:

- Caution when approached by “gold rushers”
- Do homework first —
 - Community involvement
 - Legal implications relative to your State & US district
 - PLAN
- Then, if appropriate, choose partners who are thoroughly vetted

Questions?

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