



COW CREEK BAND
OF UMPQUA TRIBE OF INDIANS



Confederated Tribes
of **Grand Ronde**

March 16, 2023

Representative John Lively, Chair
Representative Farrah Chaichi, Vice-Chair
Representative Boomer Wright, Vice-Chair
82nd Legislative Assembly
House Committee On Gambling Regulation
State Capitol
900 Court St. NE, Rm 453
Salem, OR 97301

Re: Comments on Interim Joint Committee on Gambling Regulations Observations
and Recommendations

Dear Chair Lively, Vice Chairs Chaichi and Wright, and Members of the House
Committee On Gambling Regulation:

We write on behalf of the Cow Creek Band of Umpqua Tribe of Indians ("Cow Creek") and the Confederated Tribes of Grand Ronde ("Grand Ronde") to provide comments on the Interim Joint Committee on Gambling Regulations' observations and recommendations, as transmitted to Speaker Rayfield and President Courtney on December 6, 2022, and to address recent discussions in the current committee. As an initial matter, Cow Creek and Grand Ronde commend the committee's attention to this important issue of state gambling regulation, and its recognition that each of Oregon's federally recognized tribes are sovereign governments, with unique positions, tribal histories, and interests to be considered. The Interim Joint Committee's focus on non-IGRA gaming is particularly prudent.

You noted on December 6, "[g]ambling is a complex policy area." As such, we would like to provide more context and information on Oregon's 'One Tribe, One Casino' policy.

In the third *General* bullet point of its December 6, 2022, observations and recommendations, the committee said “the Oregon Legislature does not have authority to regulate Tribal Gaming,” and goes on to state the committee “could find no evidence that any ‘One Tribe, One Casino’ policy by the Federal Government or State of Oregon has been formally adopted or exists in written form.”

As shown below, a ‘One Tribe, One Casino’ policy has consistently been applied by Oregon governors, and cited by other elected officials:

- White Paper: “Gambling in Oregon, a Position Paper,” Governor Kitzhaber, 1997

In 1995, concerned about the proliferation of gambling in Oregon as a result of legalizing a state lottery in 1985 and the opening of tribal casinos following passage of IGRA in 1988, then-Governor Kitzhaber appointed a task force to examine “history, nature, and effects of gambling” in the state. After publication of the task force’s recommendations, Governor Kitzhaber issued his own white paper on the subject, outlining his policy recommendations. His policy directions for “Tribal-Sponsored gambling” included:

Agree with each Oregon tribe on one gambling site per tribe. The current compacts are site-specific. In other words, the tribes are limited to offering gambling only at specified sites. The Governor favors explicit agreement on this point in subsequent compacts.

- Warm Springs 2010 Compact, at Section 5.C.: 2. In accordance with **State policy to authorize only one casino per tribe**, the nine Class III Gaming compacts in the State of Oregon each authorize only one Class III casino per tribe. **The parties to this Compact agree to continue the “one-casino-per-tribe” policy.** ... 4. **In order to maintain the “one-casino-per-tribe” policy stated in Section C(2) of this Article,...**” (Emphasis added.)
- Warm Springs 2011 Amended and Restated Compact, at Section 13.B.6.: “In keeping with the parties’ agreement at sections 4(C) of this Compact to **maintain the state’s policy of one casino per tribe**, this Compact shall terminate in the event a replacement Compact takes effect and Class III Gaming commences at another location.” (Emphasis added.)

- Letter from Governor Kitzhaber to BIA NW Regional Director Speaks, Opposing the Coquille Tribe's Medford Casino Project, May 6, 2013

I have long supported each of the nine sovereign tribes' pursuit of a single Class III casino with wide latitude on the types of gaming allowed and the proposed size of the casinos. At the same time, I have consistently opposed other expansion of gaming by both tribes and private parties. My "one casino per tribe" policy direction and the gaming compacts entered into between the State and the tribes provide support for the notion that, as a State, we have consistently attempted to strike a balance between tribal pursuit of economic enterprise and a check on the expansion of gambling in our State. This is a policy that has been well known and well enforced; and I have been vocal in opposing the expansion of casinos in Oregon.

- Letter from U.S. Senators Wyden and Merkley to Assistant Secretary of Indian Affairs Washburn, Opposing the Coquille Tribe's Medford Casino Project, October 21, 2013

Before voters authorized a state-run lottery in 1984 the only gambling legally permitted in the state was in the form of well-controlled *pari-mutuel* (race track) gambling and occasional locally-permitted charity events. Oregon's Governor, John Kitzhaber, who has negotiated many of the current tribal compacts with federally-recognized tribes in order to support tribal self-sufficiency, has long adhered to the policy of "one casino per tribe." The precedent of a second significant gaming facility for any one tribe, whether it is a Class II or Class III, is a clear expansion of that policy and would have serious implications for further expansions to be made by other tribes. Oregon's careful balance between producing gambling revenue and a focus on the public good of our citizens could be seriously compromised.

- Letter from Oregon Majority Leaders Rosenbaum and Hoyle to DOI Secretary Jewell, opposing the Coquille Tribe's Medford Casino Project, November 19, 2013

We write to express our opposition to allowing lands to be put into trust in Southern Oregon in order to facilitate construction and operation of a Class II casino. While we strongly support efforts to economically empower and diversify all of Oregon's tribes, allowing

this exception would directly contradict longstanding policy between tribes and the State of Oregon.

Approval of the proposal currently before you from the Coquille Tribe of Oregon would disrupt this established policy, allowing one tribe to operate a second gaming facility in non-aboriginal lands in Medford, Oregon. Your approval of the trust request would allow construction and operation of a Class II gaming facility not subject to oversight or review by the Department or the Governor.

- Letter from Governor Brown to BIA NW Regional Director Speaks, opposing the Coquille Tribe's Medford Casino Project, April 13, 2016

I continue to support each of Oregon's nine federally recognized tribes in establishing or maintaining a single Class III casino, and I support a policy authorizing wide latitude on the size of such casinos, as well as the types of gaming offered therein. Such ventures are an important tool for many of the tribes' economic and business development, and State support is a small step toward attempting to rectify the significant wrongs visited upon Oregon's native peoples.

However, I do not believe that an expansion in the number of casinos sited in Oregon is in the best interests of the State or her people. I know that this project is relatively modest in scale, and that it is proposed only as a Class II facility. But I believe that the State should as a manner of policy resist the building of additional casinos, because State support for even a single, modest, additional casino is likely to lead to significant efforts to expand gaming across Oregon, to the detriment of the public welfare. In essence, I believe it essential that the State "hold the line" on the number of casinos within her borders whenever possible.

- Letter from former Governor Barbara Roberts to Assistant Secretary of Indian Affairs Roberts and NW Regional Director Speaks, opposing the Coquille Tribe's Medford Casino Project, May 20, 2016

As you know, Oregon Governors have long pursued a One-Tribe, One-Casino policy. My approach to working with Oregon Tribes to establish their gaming facilities was based on the fundamental principle that tribal governments had an abiding interest in

generating revenue to support essential services, but not at the expense of Oregonians' quality of life and community health. Governor Kate Brown's recent opposition letter and former Governor Kitzhaber's 1997 position paper and each of their comments in opposition to the Coquille Tribe's project are consistent with those goals. I too have been opposed, and I remain opposed, to recent tribal attempts to develop casinos off of tribal reservation lands in Oregon.

- Letter from Oregon Senate and House Republican leaders Winters and McLane to Secretary Zinke, Opposing the Coquille Tribe's Medford Casino Project, September 21, 2018

The proposal by the Coquille Tribe should not be approved. Oregon has a long-standing policy of permitting one casino per tribe on reservation land. The Coquille already has a casino on their reservation in Coos Bay. Their proposal before you for a second casino is on property that was a Chinese restaurant where they have no ancestral ties and is 180 miles away from its reservation.

- Letter from Oregon State Representatives Heard, Baertschiger, Wilson, Leif and Hayden to DOI Secretary Zinke, opposing Coquille Tribe's Medford Casino Project, November 1, 2018

Oregon has a long-standing one-casino per tribe on reservation land policy. This policy has struck the right balance of providing economic opportunities to Oregon Tribes with limited gaming in our state. This proposal would disrupt that balance.

- Letter from Oregon House Republican Leader Wilson to Medford City Council, opposing Coquille Tribe's Medford Casino Project, August 7, 2019

Oregon has allowed each Tribe to have one casino on reservation land. This proposal, if approved, not only unhinges that balance, but as has been communicated to DOI officials, it will also open the gates of proliferation of casinos across Oregon without any approval or oversight of the state or local communities.

- Governor Tina Kotek, during last fall's campaign, made clear her support for "the continuation of past practice, which is one casino per Tribe on Reservation land."¹

Again, Cow Creek and Grand Ronde appreciate the committee's time and commitment to these important issues. Cow Creek and Grand Ronde stand ready to engage in government-to-government conversations regarding gaming in Oregon and to offer information and assistance to the committee as needed. Tribal governmental gaming serves as the most critical component of funding for services Tribal governments provide their Tribal Members and local communities. We appreciate the continued gravity with which you address these issues of mutual intergovernmental concern.

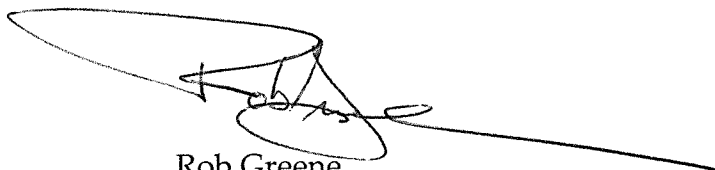
Very truly yours,



Anthony Broadman

General Counsel

Cow Creek Band of Umpqua Tribe of Indians



Rob Greene

Tribal Attorney

Confederated Tribes of Grand Ronde

cc: Cow Creek Tribal Council
Grand Ronde Tribal Council

¹ <https://www.smokesignals.org/articles/2022/10/13/gubernatorial-candidate-outlines-gaming-stance/>