



Tribal Memorandums of Agreement: A Guide for Liquor Distributors

Memorandums of Agreement (MOAs) are legal agreements with federally recognized Tribal governments. These contracts define how Tribal locations can buy and sell liquor, based on their agreement with Washington State Liquor and Cannabis Board (LCB).

Tribes are not issued a standard liquor license. Instead, they are issued an MOA Vendor Letter that can be presented to wholesalers. The letter includes an LCB-assigned MOA that applies to all locations listed in the Tribe's Umbrella MOA.

In 2010, the LCB began the process of developing MOAs with Tribes in lieu of liquor licenses. MOA Contracts are entered into on a government-to-government basis and govern the sale of liquor at Tribally owned businesses located within Indian Country*. With an MOA, Tribal enterprises may order, purchase, and take delivery of beer, wine, and spirits.

Although mostly similar, each MOA throughout the state may have different and explicit requirements dependent on the Tribe's needs, location, or other factors.

For more regulatory information related to the sale of alcohol please contact your enforcement officer or call (360) 664-1600. For Tribal-specific information, please contact the agency Tribal Liaison at Tribal.liaison@lcb.wa.gov.

* **Federal definitions and legal findings:**

"Indian Country" is defined in 18 U.S.C. § 1151 as including (1) federal reservations, whether created by statute or Executive Order, *see Donnelly v. United States*, 228 U.S. 243 (1913), including fee land, *see United States v. John*, 437 U.S. 634 (1978); *Seymour v. Superintendent*, 368 U.S. 351 (1962); (2) dependent Indian communities, *see Alaska v. Native Village of Venetie Tribal Government*, 522 U.S. 520 (1998)(land that is neither a reservation nor an allotment which has been validly set aside for the use of the Indians as Indian land, and under the superintendence of the government); and (3) Indian allotments to which title has not been extinguished, *see United States v. Pelican*, 232 U.S. 442 (1914), and *United States v. Ramsey*, 271 U.S. 467 (1926). Although not specifically mentioned in section 1151, land held in trust by the United States for a Tribe or individual Indian is also accorded Indian Country status. *Oklahoma Tax Comm'n v. Potawatomi Indian Tribe*, 498 U.S. 505 (1991). Acquisition of land in fee by a Tribe, despite the restraint on alienation imposed by 25 U.S.C. § 177, has been held insufficient standing alone to create Indian Country. *Buzzard v. Oklahoma Tax Comm'n*, 992 F.2d 1073 (10th Cir. 1993). Indian Country status is not lost by cession to, or acquisition by, a state of civil and criminal jurisdiction pursuant to Pub. L. 83-280 ("Public Law 280") or similar act of Congress. *See California v. Cabazon Band of Indians*, 480 U.S. 202, 207 n.5 and text (1987).