



Daniel G. Bogden
United States Attorney

U.S. Department of Justice

United States Attorney's Office
District of Nevada

100 West Liberty Street
Suite 600
Reno, Nevada 89501

Phone (775) 784-5438
Fax (775) 784-5181

February 16, 2017

Moapa Band of Paiutes
Darren Daboda, Chairman
P.O. Box 340
Moapa, NV 89025

**Re: Marijuana Manufacturing Operation on Moapa Indian
Reservation**

Dear Chairman Daboda:

Our office is aware of an upcoming event scheduled to take place on the Moapa Indian Reservation on March 4-5, 2017, that involves the transport, possession, use, and distribution of marijuana. As you are aware, the Moapa Indian Reservation is "Indian Country" as defined by 18 U.S.C. § 1151. The transport, possession, use and distribution of controlled substances, including marijuana, is prohibited by 21 U.S.C. § 841.

I am informed that the tribal council is moving forward with the planned marijuana event referred to as the 2017 High Times Cannabis Cup because it is under the impression that the so-called "Cole Memorandum" and subsequent memoranda from the Department of Justice (the "Department") permit marijuana use, possession and distribution on tribal lands when the state law also permits it. Unfortunately, this is an incorrect interpretation of the Department's position on this issue.

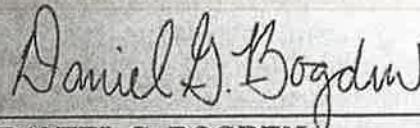
The Cole Memorandum of 2013 and the subsequent memorandum to United States Attorneys dated October 28, 2014 (the "Guidance Memorandum") are merely meant to aid the various United States Attorney's offices and provide them guidance in the exercise of their prosecutorial discretion on a case-by-case basis. The memoranda are not laws or regulations, and they do not create any rights that may be relied upon by any person. Marijuana remains illegal under federal law. The Department's guidance to United States Attorneys in these memoranda does not (and cannot) authorize the production, cultivation, transport, distribution or sale of marijuana on tribal lands. Instead, it sets forth federal priorities to be considered by United States Attorney's offices in determining whether to prosecute a particular marijuana case. Moreover, both the Guidance Memorandum and the Cole

Memorandum to which it refers explicitly state that even where none of the listed factors are present, federal investigation and prosecution may still be appropriate. Nothing in either the Policy Statement or the Cole Memorandum alters the authority or jurisdiction of the United States to enforce federal law in Indian Country.

The Department remains committed to enforcing the Controlled Substances Act consistent with its enforcement priorities and in a manner that seeks to focus limited investigative and prosecutorial resources to best address the most significant public health and public safety threats. As the Guidance Memorandum indicates, tribal governments and their local United States Attorneys will consult on a government-to-government basis as issues arise to determine an appropriate local enforcement response in line with the priorities described in guidance issued by then-Deputy Attorney General James M. Cole to all United States Attorneys' Offices regarding marijuana enforcement and taking into account local circumstances.

This office is, of course, happy to engage in such discussions with the tribal governments in Nevada. However, nothing in the Guidance Memorandum or the Cole Memorandum alters the authority or jurisdiction of the United States to enforce federal law in Indian Country or elsewhere. Accordingly, the United States Attorney's Office for the District of Nevada will apply the eight factors in the Guidance Memorandum to the production, cultivation, transport, distribution or sale of marijuana, whether for medical or any other purpose, on the Moapa Indian Reservation.

Sincerely,



DANIEL G. BOGDEN
United States Attorney