With respect to the St. Croix Band of Chippewa Indians, who had submitted a Coopers & Lybrand impact study, Hartman concluded their estimates of nine percent revenue losses were inflated and, in any event, failed to take into account their own estimated increase in attendance. Relying on the Smith Barney *Global Gaming Almanac 1995,* Hartman asserted that the market for gaming in Minnesota and Wisconsin was expected to increase by "an amount sufficient to accommodate a casino at Hudson and profitable operations at all other Indian gaming locations." Factoring in the expected increase in the overall market, Hartman concluded that the St. Croix's Turtle Lake casino would suffer a loss of only about 1.25 percent. Similarly, Hartman concluded that the Ho-Chunk casino in Black River Falls would suffer lost revenues of less than five percent.

After analyzing the report submitted by KPMG Peat Marwick on behalf of MIGA, the Mille Lacs, the St. Croix Chippewa and the Shakopee Mdewakanton Sioux, Hartman noted that KPMG believed the MAO had used a test of "not devastating" impact rather than the less rigorous "not detrimental" test in the statute. Nevertheless, he concluded that the five casinos that were the subject of that study would suffer revenue reduction between $1 million and $8 million – *i.e.*, between one and eight percent. Given the large revenues enjoyed by those tribes, Hartman asserted that such a loss would not amount to "detriment" because "[t]he detrimental effect would not be expected to materially impact Tribal expenditures on programs under IGRA Section 11."

In the "Summary Conclusion" of his memo, Hartman identified circumstances that were not factors in determining whether the casino would have detrimental impact. "Moral