

pursuant to Section 5 of the Indian Reorganization Act of 1934 . . . to acquire title to this property in Hudson, Wisconsin, in trust for the Tribes.”

In support of its “detrimental” conclusion, the letter cited the opposition of local communities, noting that DOI would not “substitute [its] judgment for that of local communities directly impacted” by the proposed casino. The letter also cited strong opposition “by neighboring Indian tribes, including the St. Croix Tribe of Wisconsin:”

The communities’ and State officials’ objections are based on a variety of facts, including increased expenses due to potential growth in traffic congestion and adverse effect on the communities’ future residential, industrial and commercial development plans. Because of our concerns over detrimental effects on the surrounding community, we are not in a position, on this record, to substitute our judgment for that of local communities directly impacted by this proposed off-reservation gaming acquisition.

In addition, the record also indicates that the proposed acquisition is strongly opposed by neighboring Indian tribes, including the St. Croix Tribe of Wisconsin. Their opposition is based on the potential harmful effect of the acquisition on their gaming establishments. The record indicates that the St. Croix casino in Turtle Lake, which is located within a 50-mile radius of the proposed trust acquisition, would be impacted. And, while competition alone would generally not be enough to conclude that any acquisition would be detrimental, it is a significant factor in this particular case. The Tribes’ reservations are located approximately 85, 164, and 188 miles respectively from the proposed acquisition. Rather than seek acquisition of land closer to their own reservations, the Tribes chose to “migrate” to a location in close proximity to another tribe’s market area and casino. Without question, St. Croix will suffer a loss of market share and revenues.

Unlike some prior drafts, the letter did not cite the amount of the impact on the St. Croix, nor did it specifically refer to the opposition of nearby Minnesota tribes or of Wisconsin tribes that were considerably further from Hudson.

Finally, the letter cited concern that the environmental documents submitted in connection with the application did not address adequately the potential impact of the casino on the nearby St. Croix Scenic Riverway. Some witnesses said it was unusual to cite an