

D. Events Occurring During Early Analysis of the Hudson Application by DOI's Indian Gaming Management Staff (December 1994 - May 1, 1995)

1. IGMS's Initial Analysis Identifies Concerns With the Best Interests Analysis, But Finds That The Casino Would Not Be Detrimental to The Surrounding Community

In early December 1994, the MAO findings and recommendation were received by the Bureau of Indian Affairs's Indian Gaming Management Staff in Washington. Copies of the application were distributed by Emily Ramirez to the IGMS employees with responsibility for evaluating the application, Thomas Hartman and Edward Slagle.¹⁴⁶ Just as with the Area Office, for several key members of the IGMS staff – including the Director – the Hudson application was the first request they had analyzed seeking to take off-reservation land into trust. While Ramirez had worked directly on off-reservation gaming applications before this one, and Slagle may have reviewed environmental aspects of two or three others, new IGMS Director George Skibine had no experience and Hartman merely had reviewed some materials from previously-decided applications.

No regulations, checklist or any other DOI directive provided specific guidance in interpreting and applying the ambiguous terms of section 20 of IGRA – the two-part determination that was the focus of IGMS's analysis. In particular, although the statute required consultation with “nearby Indian tribes,” the staff lacked guidance as to whether those tribes were part of the “surrounding community” to which they had to determine whether the proposal would be “detrimental.” Moreover, there was no firm interpretation of what constituted “detriment,” or

¹⁴⁶Hilda Manuel hired Edward (“Ned”) Slagle to be the IGMS environmental specialist in March 1993. Slagle had been a geologist and then an environmentalist with the Bureau of Land Management for 10 years before becoming BIA's first environmental specialist.