

**Bureau of Indian Affairs Administrative Record**  
*Citizens Against Casino Gambling in Erie County, et al. v. Norton, et. al.*  
Case No. 06-cv-0001

USDC Docket Number/ Part	Doc Id #	Doc Date	Document Description
25.1	BIA_AR_000001-12	11/07/2005	Submission to Document Compliance with requirements of the Seneca Nation Land Claims Settlement Act to Hold "9 acres in restricted fee status, City of Buffalo, Erie County, New York."
	<i>Exhibits to Submission</i>		
25.2	BIA_AR_000013-15	10/03/2005	Exh 1: SN Resolution re "Buffalo Footprint" Transactions/Approval
25.3	BIA_AR_000016-23	11/12/2002	Exh 2: Letter by Secretary of the Interior, Gale Norton to Cyrus Schindler, President of the Seneca Nation issuing her decision with regard to the Class III gaming compact between the State of New York and the Seneca Nation of Indians. She will "allow the Compact to take effect without Secretarial action." She notes that she uses the particular method "reluctantly" and indicates that she has concerns and issues on the matter.
25.4	BIA_AR_000024-32	00/00/0000	Exh 3: Constitution of the Seneca Nation of Indians of 1848, as Amended
25.5	BIA_AR_000033-35	10/03/2005	Exh 4: SN Resolution re "Buffalo Footprint/Approval
25.6	BIA_AR_000036-49	10/03/2005	Exh 5: a copy of the deed between the Seneca Erie Gaming Corporation and the Seneca Nation
25.7	BIA_AR_000050-50		Exh 6: ALTA/ACSM Land Title Surveys of the Buffalo Parcels; <b>note on document: The ALTA/ACSM Land Title Surveys of the Buffalo Parcels (are loosely attached as Exhibit 6).</b>
25.8	BIA_AR_000051-127	10/03/2005	Exh 7: Policies of Title Insurance, Old Republic National Title Insurance Co; insured: Seneca Nation with regard to property at 49 Fulton Street, Buffalo, NY

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25.9	BIA_AR_000128-128	00/00/0000	Exh 8: Map, "Original Buffalo Creek and Tonawanda Indian Reservations in relation to the City of Buffalo and the City of Niagara Falls" prepared by OGS Bureau of Land Management.
25.10	BIA_AR_000129-129	00/00/0000	Exh 9: Map, "Original Buffalo Creek and Tonawanda Indian Reservations in relation to the City of Buffalo and the City of Niagara Falls" prepared by OGS Bureau of Land Management.
25.11	BIA_AR_000130-146	10/11/2002	Exh 10: Letter from Executive Chamber, NYS (James M. McGuire) to George Skibine, Director of Ofc of Indian Gaming Management in response to 09/30/2002 seeking clarification.
25.12	BIA_AR_000147-148	11/03/2005	Exh 11: Affidavit of Theresa A. Ray, Assistant Comptroller, Seneca Nation
25.13	BIA_AR_000149-155	11/29/2002	Exh 12: USDOJ memo from Director, Office of Indian Gaming Management to Assistant Secretary, Indian Affairs re Request of the Seneca Nation of Indians of New York for 12.8 acres of land into restricted fee status.
25.14	BIA_AR_000156-158	10/03/2005	Exh 13: Letter from the President's Office of the Seneca Nation of Indians to Governor Pataki, "...notification of the Seneca Nation of Indians acquisition of approximately 9 acres of land located in the City of Buffalo..".
25.15	BIA_AR_000159-161	10/03/2005	Exh 14: Letter from the President's Office of the Seneca Nation of Indians to County Executive Joel Giambra , "...notification of the Seneca Nation of Indians acquisition of approximately 9 acres of land located in the City of Buffalo..".
25.16	BIA_AR_000162-164	10/03/2005	Exh 15: Letter from the President's Office of the Seneca Nation of Indians to Mayor Masiello, "...notification of the Seneca Nation of Indians acquisition of approximately 9 acres of land located in the City of Buffalo..".
25.17	BIA_AR_000165-165	10/03/2005	Exh 16: Letter by Gov Pataki to Secretary of the Interior, Gale Norton responding to 10/03/2005 letter received from Seneca Nation President Barry Snyder re the intent of the Nation to acquire land located in City of Buffalo. Pataki endorses the Nation's plan.

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25.18	BIA_AR_000166-168	10/03/2005	Exh 17:COB letter by Mayor Masiello to Secretary Norton providing “formal support”of the Seneca Nation’s proposed acquisition of property located in the City of Buffalo.
25.19	BIA_AR_000169-170	11/01/2005	Exh 18: Letter from Erie County Attorney Laurence K. Rubin to Seneca Nation President Barry Snyder re acquisition of nine acres of land; requests “further information as to the intended uses of the land”
	<i>End of Exhibits to Submission</i>		
26.1	BIA_AR_000171-173	10/03/2005	Letter from the President’s Office of the Seneca Nation of Indians to County Executive Joel Giambra , “...notification of the Seneca Nation of Indians acquisition of approximately 9 acres of land located in the City of Buffalo..”. <i>This is a duplicate of BIA_AR_000159-161, Exhibit 14 to Submission.</i>
26.2	BIA_AR_000174-175	11/07/2005	Letter from Todd Araujo (Akin Gump) to Secretary Norton re Buffalo Restricted Fee Land Submission
26.3	BIA_AR_000176-177	12/07/2005	Letter from Michael B. Powers on behalf of City of Buffalo to Secretary Norton requesting a copy of the Seneca Nation’s submission re the “footprint within which they intend to build their Buffalo casino...”
26.4	BIA_AR_000178-179	11/02/2005	Letter by Gov Pataki to Secretary of the Interior, Gale Norton responding to 10/03/2005 letter received from Seneca Nation President Barry Snyder re the intent of the Nation to acquire land located in City of Buffalo. Pataki endorses the Nation’s plan.
26.5	BIA_AR_000180-183	10/25/2002	Agreement of Lease between the Seneca Nation and the Seneca Niagara Falls Gaming Corporation
26.6	BIA_AR_000184-186	10/25/2002	Agreement of sublease between Seneca Niagara Falls Gaming Corporation and New York State Urban Development Corporation d/b/a Empire State Development Corporation

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26.7	BIA_AR_000187-190	10/25/2002	Agreement of sub-sublease between New York State Urban Development Corporation d/b/a Empire State Development Corporation and Seneca Niagara Falls Gaming Corporation
26.8	BIA_AR_000191-193	10/11/2002	Akin Gump (Donald R. Pongrace) letter to George Skibine, Director, Office of Indian Gaming Management on behalf of Seneca Nation in response to Skibine's 09/30/2002 letter presenting questions re the Nation-State Gaming Compact Between the Seneca Nation and the State of New York.. <i>This is an <b>incomplete copy</b> of this letter. See BIA_AR_000431-456.</i>
26.9	BIA_AR_000194-194	11/02/2005	Letter by Gov Pataki to Secretary of the Interior, Gale Norton responding to 10/03/2005 letter received from Seneca Nation President Barry Snyder re the intent of the Nation to acquire land located in City of Buffalo. Pataki endorses the Nation's plan. <i>This is a duplicate of BIA_AR_000179.</i>
26.10	BIA_AR_000195-197	10/03/2005	Letter from the President's Office of the Seneca Nation of Indians to County Executive Joel Giambra , "...notification of the Seneca Nation of Indians acquisition of approximately 9 acres of land located in the City of Buffalo..". <i>This is a duplicate of BIA_AR_000159-161, Exhibit 14 to Submission and BIA_AR_000171-173 .</i>
26.11	BIA_AR_000198-199	11/01/2005	Letter from Erie County Attorney Laurence K. Rubin to Seneca Nation President Barry Snyder re acquisition of nine acres of land; requests "further information as to the intended uses of the land". <i>This is a duplicate of BIA_AR_000169-170, Exh 18 to Submission.</i>
26.12	BIA_AR_000200-202	10/03/2005	Letter from the President's Office of the Seneca Nation of Indians to County Executive Joel Giambra , "...notification of the Seneca Nation of Indians acquisition of approximately 9 acres of land located in the City of Buffalo..". <i>This is a duplicate of BIA_AR_000159-161, Exhibit 14 to Submission and BIA_AR_000171-173 and BIA_AR_000195-197.</i>

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26.13	BIA_AR_000203-205	11/01/2005	Letter from Erie County Attorney Laurence K. Rubin to Seneca Nation President Barry Snyder re acquisition of nine acres of land; requests "further information as to the intended uses of the land". <i>This is a duplicate of BIA_AR_000169-170, BIA_AR_000198-199 (ltr only; this copy includes fax transmission sheet).</i>
26.14	BIA_AR_000206-209	10/03/2005	Letter from the President's Office of the Seneca Nation of Indians to County Executive Joel Giambra , "...notification of the Seneca Nation of Indians acquisition of approximately 9 acres of land located in the City of Buffalo..". <i>This is a duplicate of BIA_AR_000159-161, Exhibit 14 to Submission and BIA_AR_000171-173 .</i>
26.15	BIA_AR_000210-213	10/03/2005	Letter from the President's Office of the Seneca Nation of Indians to Mayor Masiello, "...notification of the Seneca Nation of Indians acquisition of approximately 9 acres of land located in the City of Buffalo..". <i>This is a duplicate of BIA_AR_000162-164, Exh 15 to Submission.</i>
26.16	BIA_AR_000214-217	10/03/2005	Letter from the President's Office of the Seneca Nation of Indians to Governor Pataki, "...notification of the Seneca Nation of Indians acquisition of approximately 9 acres of land located in the City of Buffalo..". <i>This is a duplicate of BIA_AR_000156-158, Exh 13 to Submission (ltr only).</i>
26.17	BIA_AR_000218-221	10/03/2005	Letter from the President's Office of the Seneca Nation of Indians to County Executive Joel Giambra , "...notification of the Seneca Nation of Indians acquisition of approximately 9 acres of land located in the City of Buffalo..". <i>This is a duplicate of BIA_AR_000159-161, Exhibit 14 to Submission and BIA_AR_000171-173, BIA_AR_000195-197 and BIA_AR_206-209.</i>
26.18	BIA_AR_000222-222	10/03/2005	Exh 17:COB letter by Mayor Masiello to Secretary Norton providing "formal support"of the Seneca Nation's proposed acquisition of property located in the City of Buffalo. <i>This is a duplicate of BIA_AR_000166 (p/o Exh 17 to Sub).</i>
	BIA_AR_000223-228	06/17/2005	NIGC Notice of Violation, NOV-05-12, Seneca Nation of Indians; <b>withheld as Non-responsive or Not Relevant</b>

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	BIA_AR_000229-230	11/26/2002	Fax from Kenneth D. Bailey to George T. Skibine and Janet Wong re Issuance of FONSI; <b>withheld as Non-responsive or Not Relevant</b>
27.1-2	BIA_AR_000231-395	00/00/0000	Public comments on Buffalo Submission
27.3	BIA_AR_000396-396	12/09/2002	Federal Register notice of approved compact between the Seneca Nation and the Sate of New York.
27.4	BIA_AR_000397-404	11/12/2002	Letter by Secretary of the Interior, Gale Norton to Governor Pataki issuing her decision with regard to the Class III gaming compact between the State of New York and the Seneca Nation of Indians. She will “allow the Compact to take effect without Secretarial action.” She notes that she uses the particular method “reluctantly” and indicates that she has concerns and issues on the matter.
27.5	BIA_AR_000405-412	11/12/2002	Letter by Secretary of the Interior, Gale Norton to Cyrus Schindler, President of the Seneca Nation issuing her decision with regard to the Class III gaming compact between the State of New York and the Seneca Nation of Indians. She will “allow the Compact to take effect without Secretarial action.” She notes that she uses the particular method “reluctantly” and indicates that she has concerns and issues on the matter. <i>This is a duplicate of BIA_AR_000016-23.</i>
27.6	BIA_AR_000413-419	10/23/2002	Letter from Sheldon Silver, Speaker, NYS Assembly to Secretary Norton re the Tribal-State Compact between the Seneca Nation and the State of New York

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27.7	BIA_AR_000420-430	10/18/2002	Letter from Executive Chamber, NYS (James M. McGuire) to George Skibine, Director, Office of Indian Gaming Management writing to address the issue of “exclusivity rights granted to the Seneca Nation ...by New York State under the Nation-State Gaming Compact ....” re right to operate slot machines and if that right were lost the “use of slot machines under the Compact would become unlawful under New York law.” McGuire writes to “refute that contention.” “In sum, even if Section 225.30(b) could be read to prohibit the Nation’s possession and use of slot machines following a cessation of payments to the State of a percentage of the Nation’s slot machine revenues, we submit that the Nation’s federally-secured right to possess and operate the machines would be unaffected.”
27.8	BIA_AR_000431-456	10/11/2002	Akin Gump (Donald R. Pongrace) letter to George Skibine, Director, Office of Indian Gaming Management on behalf of Seneca Nation in response to Skibine’s 09/30/2002 letter presenting questions re the Nation-State Gaming Compact Between the Seneca Nation and the State of New York..”
27.9	BIA_AR_000457-473	10/11/2002	Letter from Executive Chamber, NYS (James M. McGuire) to George Skibine, Director of Ofc of Indian Gaming Management in response to 09/30/2002 seeking clarification.
27.10	BIA_AR_000474-475	09/30/2002	US DOI fax transmission of letter by George Skibine to Governor Pataki seeking clarification on certain subsections of the Compact in order to make a determination.
27.11	BIA_AR_000476-479	09/30/2002	DOI letter by George Skibine to Cyrus Schindelr seeking clarification on certain subsections of the Compact in order to make a determination.
27.12	BIA_AR_000480-502	09/27/2002	Letter by O’Connell & Aronowitz to DOI/Indian Affairs raising concerns re the Proposed Tribal-State Compact between the State of New York and the Seneca Nation; attaches their letter of 08/23/2002 to which this letter is a “sequel”. <i>See BIA_AR_000531-548 for 08/23/2002 letter.</i>

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27.13	BIA_AR_000503-505	09/17/2002	<p>Letter to Neil McCaleb, Asst Secretary, Indian Affairs by member of the NYS Assembly William Parment; presents “several deficiencies in this alleged compact and.....reasons to withhold approval..</p> <ul style="list-style-type: none"> <li>•attached, 10/11/2002 US DOI Interoffice Memo, Surrogate Request to Aurene Martin from Iris Straitt; memo indicates that George Skibine, Director, Office of Indian Gaming will attend 10/16/2002 meeting as surrogate for Secretary Norton.</li> </ul>
27.14	BIA_AR_000506-523	09/16/2002	<p>Letter from Arnold Cooper, Treasurer, SN to Neal McCaleb (DOI/Indian Affairs) re Proposed Tribal-State Compact between the State of New York and the SN. He writes “on behalf of Seneca Indians who are deeply concerned about the impact of the Proposed Compact on the future of our Nation.”</p>
27.15	BIA_AR_000524-530	09/16/2002	<p>Letter from Sam Hoyt, Member of NYS Assembly to Secretary Norton re Compact. Hoyt claims the Compact is “defective and violates federal law..” Hoyt urges the Secretary to “disapprove the Compact..”</p>
27.16	BIA_AR_000531-548	08/23/2002	<p>Letter by O’Connell &amp; Aronowitz (Cornelius Murray) to DOI/Indian Affairs (Neal McCaleb) raising concerns re the Proposed Tribal-State Compact between the State of New York and the Seneca Nation. Indicates that they have initiated a lawsuit, <i>Dalton et al. v. Pataki, et al</i> which challenges “the constitutionality of a New York Statute ...which purports to give the Governor the authority to enter into a Compact with the [SN] under IGRA....on what is not now Indian land.”</p>
27.17	BIA_AR_000549-580	08/18/2002	<p>Tribal-State Compact and MOU between the SN and the State of New York</p>
27.18	BIA_AR_000581-582	05/16/2002	<p>SN Resolution: Class III Gaming Agreement with New York State/Authorization/Resolution</p>
27.19	BIA_AR_000583-603	11/26/2002	<p>Letter from NIGC to Cyrus Schindler, President, SN re Amended Class III Tribal Gaming Ordinance; NIGC approved the Ordinance. Attaches the Ordinance, as amended.</p>

<b>USDC Docket Number/ Part</b>	<b>Doc Id #</b>	<b>Doc Date</b>	<b>Document Description</b>
27.20	BIA_AR_000604-604	11/25/2002	Letter from SN (Michael Green) to NIGC (Philip Hogen) providing requested clarification re “law enforcement agencies responsible for taking fingerprints...[and] performing background investigations ...on employees..”
27.21	BIA_AR_000605-606	11/16/2002	SN Resolution re Class III Gaming Ordinance/Technical Amendments
27.22	BIA_AR_000607-607	10/17/2002	SN Resolution re Gaming Authority/Appointment/Approval
27.23	BIA_AR_000608-609	09/21/2002	SN Resolution re Appointment/Seneca Gaming Authority/Michael L. Green
	BIA_AR_000610-619	00/00/0000	Internal Office Emails regarding Seneca Nation of Buffalo Acquisition; <b>withheld as Deliberative Process, Attorney-client privilege and Non-responsive or Not Relevant</b>

**Administrative Record as provided by National Indian Gaming Commission**

<b>USDC Docket Number/Part</b>	<b>Doc Id #</b>	<b>Doc Date</b>	<b>Document Description</b>
17.1	NIGC_AR_001-002	08/22/2002	Letter from Seneca Nation of Indians (Cyrus Schindler, President) to NIGC (Montie R. Deer, Chairman) submitting the "Seneca Nation of Indians Class III Gaming Ordinance of 2002". "Unlike any other gaming compact between a tribe and the State of New York, the Seneca Nation will be the sole regulator of the gaming that is undertaken pursuant to the Compact." <i>Referenced items are attached at NIGC_AR_003-024.</i>
17.2	NIGC_AR_0025-30	08/29/2002	Akin Gump memo(Barry W. Brandon and Todd J. Araujo) to Montie R. Deer, Chairman, NIGC re SN Class III Gaming Ordinance of 2002; provides checklist for review and approval of the ordinance
17.3	NIGC_AR_0031-31	08/30/2002	NIGC letter by Barbara D. Haizlip to Cyrus Schindler, President Seneca Nation, acknowledging receipt of Class III Gaming Ordinance submission and related documents.
17.4	NIGC_AR_0032-32	08/30/2002	NIGC internal email from Barbara D. Haizlip to Contracts & Ordinances notifying C&O that SN submitted documentation the SN Class III Gaming Ordinance of 2002, as required. Data as referenced, was <i>not</i> attached. <i>See material attached to NIGC_AR_001-002.</i>
17.5	NIGC_AR_0033-33	11/21/2002	Email from Todd Araujo (AK) to Kathy Zebell (NIGC) re "Proposed language" re required fingerprints and background checks
17.6	NIGC_AR_0034-35	11/25/2002	Akin Gump (Barry W. Brandon) letter to Phil Hogen, Chairman,NIGC submitting on behalf of SN the "SN Class III Gaming Ordinance of 2002, as amended" for Chairman's review and approval. <i>Referenced items are attached at NIGC_AR_036-61.</i>
17.7	NIGC_AR_0062-64	11/22/2002	Email from Katherine Zebell (NIGC) to Todd Araujo (AK) re Resolution; attached at NIGC_AR_063-64.
17.8	NIGC_AR_0065-65	11/22/2002	Email from Katherine Zebell (NIGC) to Todd Araujo, Barry Brandon, Penny Coleman (AK) re SN Class III Gaming Ordinance as amended. <i>Referenced items are attached at NIGC_AR_0066-91.</i>
17.9	NIGC_AR_0092-92	11/25/2002	NIGC internal email from Barbara D. Haizlip to Contracts & Ordinances notifying C&O that "rec'd ltr from AK re SN Class III Gaming Ordinance of 2002"

USDC Docket Number/Part	Doc Id #	Doc Date	Document Description
17.10	NIGC_AR_0093-93	11/25/2002	NIGC letter by Barbara D. Haizlip to Cyrus Schindler, President Seneca Nation, acknowledging receipt of Class III Gaming Ordinance submission and related documents.
17.11	NIGC_AR_0094-94	11/26/2002	NIGC letter (Philip N. Hogen, Chairman) to Cyrus Schindler, President Seneca Nation, in response to SN submission of Ordinance, as amended for review and approval; rec'd by NIGC on 11/25/2002. "This letter constitutes approval, under [IGRA]....."
17.12	NIGC_AR_0095-95	12/03/2002	Memo by Katherine Zebell (NIGC) re history of SN Class III Gaming Ordinance of 2002; further indicates that although two files exist on this issue, the second file supercedes the first as it included the <i>amended</i> Ordinance.
17.13	NIGC_AR_0096-96	03/21/2006	Certification of Record by Katherine Zebell (NIGC). Referenced attachment <i>is not</i> attached.