



POTAWATOMI
(Keeper of the Fire)

Forest County Potawatomi Community
P.O. Box 340 • Crandon, Wisconsin 54520

ET - 20595

September 24, 2014

Surface Transportation Board
Office of Environmental Analysis
395 E Street, S.W., Room 1106
Washington, DC 20423-0001

Audrey L. Brodrick
Attorney for Wisconsin Central Ltd.
Fletcher & Sippel LLC
29 North Wacker Drive
Chicago, IL 60606-2832

RE: Docket AB 303 (Sub No. 44X)-Wisconsin Central Ltd.--Proposed Abandonment in Forest County, Wisconsin

Dear Surface Transportation Board and Wisconsin Central Ltd:

The Forest County Potawatomi Community ("Tribe") is more than an interested party to this proposed railroad abandonment. The Tribe has a unique government to government relationship with the United States of America that has been recognized by United States Supreme Court, and other federal courts on numerous occasions, in addition to Executive Order 13175, 65 Fed. Reg. 67252 (2000); Memorandum for the Heads of Executive Departments and Agencies on Tribal Consultation (2009). Consistent with Executive Order 13175 and Memorandum for the Heads of Executive Departments and Agencies on Tribal Consultation, the United States Department of Transportation has adopted its Tribal Consultation Plan. Furthermore, it is well established that the United States has trust responsibility to Indian tribes, including this Tribe. *See generally, Cherokee Nation v Georgia*, 30 U.S. 1 (1831); *United States v. Kagama*, 118 U.S. 375(1886); *United States v. Sandoval*, 231 U.S. 28 (1913); *United States v. Mitchell*, 463 U.S. 206 (1983).

The proposed railroad abandonment negatively affects the Tribe because approximately one mile of the railroad divides the Tribe's 1,396 acre property. Tribal members routinely utilize Tribal property for cultural, hunting, gathering, and recreational purposes. In addition, the Tribal government actively manages its forest resources, waters, wildlife, and invasive species.

To solve the problem, the Tribe is interested in acquiring the one mile of railroad property that splits the Tribe's property, and possibly more railroad property. Alternatively, the Tribe might be open to negotiating an access agreement regarding access over the railroad property so that Tribal members can access the Tribe's property for cultural, gathering, recreational and hunting purposes; and for Tribal governmental purposes for forest management purposes, invasive species management and wildlife management. Prior to conveyance of any of the railroad property to other parties, the Tribe is requesting a meeting to address access issues for its Tribal members and Tribal governmental purposes.

Please direct your response to attorney Doug Huck.

Sincerely,

A handwritten signature in cursive script that reads "Harold G. Frank".

Harold Frank
Chairman

CC: Executive Council
Jeff Crawford, Attorney General