

PUBLIC INFORMATION FROM THE LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

February 3, 2023

In light of recent events regarding the recent road closures on the Lac du Flambeau Indian Reservation, due to long-expired right-of-way (ROW) issues, a great deal of misinformation has circulated through a number of public media outlets. In order to correct those inaccuracies, the Tribe recently released a public statement, and we feel that an additional statement is critical to share these facts.

Over ten years ago, the Tribe became aware of multiple expired ROW easements. The Tribe communicated to the Bureau of Indian Affairs (BIA) Midwest Regional office, to notify them of the expirations. The BIA responded by drafting and sending notices of easement expiration to the affected property owners. Upon receipt of the notices, property owners reached out to their Title companies, who subsequently contacted their attorneys.

The Town of Lac du Flambeau (LdF), the BIA, and the subsequent Title companies representing property owners, have all played a contributing role, in the situation that we are responding to today.

Despite statements made at the recent Town Board meeting, the Town has known about this issue. As evident through correspondence, the attorney representing the Town of LdF, Mr. Gregory Harrold, reached out to the Tribe's attorney, Andrew Adams III, as early as February 5th, 2018 (see attached letter), with acknowledgement that the town leadership was aware of easement expirations and trespass issues on three of the four existing tribal roads recently closed. Tribal leaders have met throughout the years with the Town of LdF Chairman, Matt Gaulke, and Town of LdF Attorney, Greg Harrold, on these issues. Our stance is that both individuals failed to give this issue the proper attention, nor have they appeared to make a genuine effort to communicate their willingness to fully understand the Tribe's concerns.

Throughout the past ten years, the Tribe has made numerous, and ongoing attempts to the BIA's Midwest Regional office's administrative leaders, to work together, in good faith, to resolve the expired ROWs, to no avail. BIA representatives have made very clear, through their inactions, by failing to respond to the requests from Tribal leadership, during this period, have demonstrated a sincere commitment to respecting the federal government's "trust" responsibility, and an utter lack of recognition of the Lac du Flambeau Tribe, as a sovereign nation.

Negotiations between attorneys for the insurance companies and the Tribes attorneys started in 2017. Those negotiations have gone back and forth for years. The Tribe also reached out to the First American Title Company, and Chicago Title, both representing property owners affected by the expired ROWs, as early as September 2022, to notify each of the Tribe's to restart negotiations over new ROW agreements. The Tribe also provided both companies with an October 27th deadline to respond to their request, and received no communication from either party. Both companies were also provided with a list of possible actions that the Tribe could impose, including trespass citations, and access restrictions to roads leading to homeowner's property.

In December 2022, the attorney for First American Title Insurance, Nancy Appleby, reached out to the Tribe, to request property appraisal documents, that had not been shared with the Tribe from the BIA. These documents were not relevant to the ROW negotiations, and were viewed as merely an attempt to delay the negotiation process.

While the Tribe has acted on previous communications, to add physical barriers, to prevent access to the four current expired ROW roads, our leaders have taken significant caution, to ensure that the safety and general welfare of the residents affected by the road closures, are given the highest priority. Prior to the installation of these barriers, the Lac du Flambeau Tribal Police department went to each of the residences, and spoke with all residents whom were available.

All affected residents have access to EMS services, propane, mail delivery, and waste disposal services. The Tribal Police have been conducting health and welfare checks on all residents, twice daily. Staff have assisted at least two residents by offering to pick up and deliver medications at off-reservation pharmacies. Tribal program staff have also reached out with offers of food box delivery, and have also reached out to provide additional assistance, as needed. We understand that this is a difficult time for those residents, and have tried to show compassion for their predicament. Compassion that has clearly not been considered by the representatives from the Title Companies, whom have willingly misinformed these residents, by their lack of transparency, nor willingness to negotiate in good faith.

We are currently aware that there are going to be upcoming ROW/trespass issues for property owners, as we work through this issue. At this time, we would highly recommend that all current property owners within the exterior boundaries of the Lac du Flambeau reservation, review their existing ownership documents and title policies, for any defined access issues.

We are sharing the facts from our standpoint so that you may be fully informed and assured that we are operating with full transparency. We are hopeful that this situation will be resolved in a timely manner, and are committed to ensuring the health and safety of the affected residents, while working to ensure that the Town of Lac du Flambeau, the BIA, and the aforementioned Title companies, respect the rights and the sovereignty of the Lac du Flambeau Tribe.

LAW OFFICES OF
HARROLD, SCROBELL & DANNER, S.C.

GREGORY J. HARROLD
Court Commissioner
DANIEL D. SCROBELL
JOHN E. DANNER*
Court Commissioner
SAMANTHA J. LANGENBACH**
Associate
*Also licensed in Iowa
**Also licensed in Minnesota

P.O. BOX 1148
MINOCQUA, WISCONSIN 54548-1148
FAX (715) 356-1504
Telephone (715) 356-9591

Offices located in
THE HERITAGE HOUSE
315 Oneida Street
Minocqua, Wisconsin

E-Mail: gharrold@hsdlaw.net

February 7, 2018

VIA EMAIL and USPS

Andrew Adams III
Hogen Adams PLLC
1935 W. County Road B2, Suite 460
St. Paul, MN 55113

RE: Town of Lac du Flambeau

Dear Andrew:

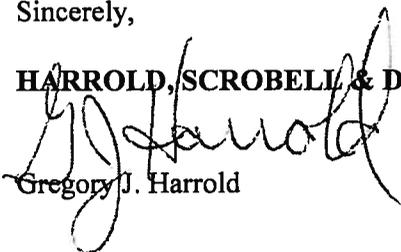
Consistent with our telephone conversation of February 5, 2018, this will confirm that the Town of Lac du Flambeau is requesting an application for right-of-way for the following portions of existing Town Roads:

1. Center Sugarbush Lane right of way over SE 1/4 NW 1/4, T41N, R5E, Lac du Flambeau Township, Vilas County, Wisconsin. Tract Number 432 7D13.
2. For East Ross Allen Lake Lane, right-of-way over Government Lot 6, Section 2, Township 40 North, Range 4 East, Lac du Flambeau Township, Vilas County, Wisconsin. Tract Number 432 T2056.
3. For Elsie Lake Lane, right of way over Government Lot 2, Section 30, Township 41 North, Range 6 East, Lac du Flambeau Township, Vilas County, Wisconsin.

These requested right-of-ways are sent to you pursuant to your request during our telephone conversation on February 7, 2018.

Sincerely,

HARROLD, SCROBELL & DANNER, S.C.


Gregory J. Harrold

GJH:mem
Enclosures

cc: Matt Gaulke (via email)