

RESOLUTION NO. 143(23)

**LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA APPROVAL OF TEMPORARY
ACCESS PERMITS OVER ANNIE SUNN LANE, CENTER SUGARBUSH LANE, EAST ROSS
ALLEN LAKE LANE, AND ELSIE LAKE LANE**

WHEREAS, the Lac du Flambeau Band of Lake Superior Chippewa Indians is a signatory to treaties with the United States of America in 1837 (7 Stat., 536; Proclamation, June 15, 1838), 1842 (7 Stat., 591; Proclamation, March 23, 1843), and 1854 (10 Stats., 1109; Proclamation January 10, 1855); and

WHEREAS, the Lac du Flambeau Band of Lake Superior Chippewa Indians ("Tribe"), is a federally recognized Indian tribe organized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934, 25 U.S.C. §461 et. seq.; and

WHEREAS, pursuant to Article III, Section 1 of the Lac du Flambeau Constitution ("Constitution"), the governing body of the Tribe is the Tribal Council; and

WHEREAS, the Tribe serves as the public authority responsible for the building, maintenance, and safety for various public and private roads on the Lac du Flambeau Reservation; and

WHEREAS, the following access easements have expired, resulting in continuing trespass violations for the portions of the roads that cross lands held in trust by the United States for the benefit of the Tribe, and individual Tribal members:

Annie Sunn Lane – granted 04/28/1964; expired 4/27/2014
Center Sugarbush Lane – granted 7/28/1964; expired 7/27/2014
East Ross Allen Lake Lane – granted 3/17/1964; expired 3/16/2014
Elsie Lake Lane – granted 10/23/1961; expired 10/22/2011; and

WHEREAS, on January 31, 2023, the Tribal Council authorized the placement of barriers on the roads to prevent continuing acts of trespass over the expired access easements; and

WHEREAS, the LDF Land Management Department has requested permission to issue temporary access permits for East Ross Allen Lake Lane, Annie Sunn Lane, Elsie Lake Lane, and Center Sugarbush Lane; and

WHEREAS, on February 24, 2023, the Tribal Council passed Resolution No. 48(23) approving the issuance of Temporary Access Permits to the Town of Lac du Flambeau over the roads to facilitate negotiations; and

WHEREAS, the Tribal Council believes it is in the best interests of the Tribe and the Reservation community to allow for temporary access permits to facilitate negotiations between the Tribe, Town of Lac du Flambeau, and fee-simple landowners regarding the expired access easements, remedies for past trespass violations, and possible future access solutions; now, therefore be it

RESOLVED, by this Tribal Council, in Special Session assembled, hereby approves the issuance of Temporary Access Permits with the following conditions:

- The Temporary Access Permits may be issued to the Town of Lac du Flambeau beginning March 1, 2023 for a duration of 30 days, for the following roads:

- Annie Sunn Lane;
 - Center Sugarbush Lane;
 - East Ross Allen Lake Lane; and
 - Elsie Lake Lane.
- The Tribe will issue one Temporary Access Permit per road, which will grant each homeowner on said road the ability to lawfully access their property for the duration of the Temporary Access Permit; and
 - The Temporary Access Permits will only be issued following an initial fee of \$5,500 per road due on or before June 12, 2023; and
 - The fee shall increase by \$500 per road per month until further action by the Tribal Council, for example the fee due on or before July 12, 2023 will be \$6,000 per road, the fee due on or before August 12, 2023 will be \$6,500, and so on; and
 - Upon payment of the fee and issuance of the Temporary Access Permit, the LDF Land Management Department will approve the temporary removal of the chain blocking access to the road, but not the existing cement barricades; and
 - The Temporary Access Permits are not transferrable or assignable; and
 - The issuance of any Temporary Access Permits does not imply any Tribal approval for treatment as a public road for the applicable road; and
 - If the Town elects to seek an extension of the Temporary Access Permits, the fee invoiced by the LDF Land Management Department must be paid prior to the expiration of the Temporary Access Permit, and failure to renew the Temporary Access Permit will result in the immediate denial of access; be it further

RESOLVED, the Tribe maintains all existing jurisdiction and authority over the land and activities at issue; any issuance of Temporary Access Permit do not constitute a legal easement or right-of way to persons within the roads. The Temporary Access Permits, if issued, do not diminish to any extent: (a) the Tribe's power to tax the land, any improvements on the land, or any person or activity within the right-of-way; (b) the Tribe's authority to enforce tribal law of general or particular application on the land subject to and within the right-of-way, as if there were no grant of right-of-way; (c) the Tribe's inherent sovereign power to exercise civil jurisdiction over non-members on Indian land; or (d) the character of the land subject to the right-of-way as Indian country under 18 U.S.C. 1151; be it further

RESOLVED, by this Tribal Council, in Special Session assembled, hereby authorizes the LDF Land Management Department to issue Temporary Access Permits to the Town of Lac du Flambeau under further action by the Tribal Council; be it further

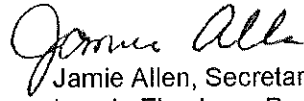
RESOLVED, nothing in this Resolution or any authorization provided by this Resolution constitutes a waiver of the Tribe's sovereign immunity; be it further

RESOLVED, nothing in this Resolution can be construed as a waiver of any claim the Tribe may have or will have under any applicable statutory or common law federal, state, or tribal laws in relation to the events giving rise to this situation, including but not limited to federal common law trespass claims; be it finally

RESOLVED, by this Tribal Council, that this Resolution shall become effective as of the date and time of its passage and approval by the Tribal Council.

CERTIFICATION

I, the undersigned, as Secretary of the Lac du Flambeau Band of Lake Superior Chippewa Indians, a tribal government operating under a Constitution adopted pursuant to Section 16 of the Indian Reorganization Act, 25 U.S.C. §5123, do hereby certify that the Tribal Council of the Band is composed of twelve members, of whom eight constituting a quorum, were present at a Special Meeting, duly called, noticed, convened, and held on the 12th day of May, 2023, and that the foregoing resolution was duly adopted at said meeting by an affirmative vote of seven members (R. Allen, P. Poupart, J. Bauman, Sr., J. Allen, G. Thompson, W. Stone, Sr., J. Wildcat, Sr.), none against, none abstaining, and that the said resolution has not been rescinded or amended in any way.


Jamie Allen, Secretary
Lac du Flambeau Band of
Lake Superior Chippewa Indians

Lac du Flambeau Access Permit: Conditional / Revocable Use

PERMIT # Resolution No. 143(23)
Annie Sunn Lane

Name: Town of Lac du Flambeau
 Street Address: 109 Hwy 47, Lac du Flambeau WI 54538
 Mailing Address: _____
 Telephone # 715-588-3358

Location/Land Description: Tribal Trust Land traversed by Annie Sunn Lane, Lac du Flambeau Wisconsin 54538

PERMIT ISSUED FOR:		CONDITIONS:	
Temporary Access Permit to traverse Tribal Land	X	Permit Fee \$5,500.00	X
		Permit is not transferable or assignable	X
		Issuance of permit does not imply any Tribal approval for treatment as public road	X
		If Town of LDF elects to seek an extension of temporary access permit, the same fee must be paid according to the same terms. <i>Failure to renew the temporary access permit will result in immediate denial of access</i>	X
		Where deficiencies exist, additional conditions may be applied by the Land Management Department	X

Date Issued: 6/12/2023 Date of Expiration 7/12/2023

Signed Jessie Peterson
 Jessie Peterson, LDF Land Management

Lac du Flambeau Access Permit: Conditional / Revocable Use

PERMIT # Resolution No. 143(23)
Center Sugarbush Lane

Name: Town of Lac du Flambeau
 Street Address: 109 Hwy 47, Lac du Flambeau WI 54538
 Mailing Address: _____
 Telephone # 715-588-3358

Location/Land Description: Tribal Trust Land traversed by Center Sugarbush Lane, Lac du Flambeau Wisconsin 54538

PERMIT ISSUED FOR:	X	CONDITIONS:	X
Temporary Access Permit to traverse Tribal Land	X	Permit Fee \$5,500.00	X
		Permit is not transferable or assignable	X
		Issuance of permit does not imply any Tribal approval for treatment as public road	X
		If Town of LDF elects to seek an extension of temporary access permit, the same fee must be paid according to the same terms. Failure to renew the temporary access permit will result in immediate denial of access	X
		Where deficiencies exist, additional conditions may be applied by the Land Management Department	X

Date Issued: 6/12/2023 Date of Expiration 7/12/2023

Signed Jessie Peterson
 Jessie Peterson, LDF Land Management

Lac du Flambeau Access Permit: Conditional / Revocable Use

PERMIT # Resolution No. 143(23)
East Ross Allen Lake Lane

Name: Town of Lac du Flambeau
 Street Address: 109 Hwy 47, Lac du Flambeau WI 54538
 Mailing Address: _____
 Telephone # 715-588-3358

Location/Land Description: Tribal Trust Land traversed by East Ross Allen Lake Lane, Lac du Flambeau Wisconsin 54538

PERMIT ISSUED FOR:	X	CONDITIONS:	X
Temporary Access Permit to traverse Tribal Land	X	Permit Fee \$5,500.00	X
		Permit is not transferable or assignable	X
		Issuance of permit does not imply any Tribal approval for treatment as public road	X
		If Town of LDF elects to seek an extension of temporary access permit, the same fee must be paid according to the same terms. <i>Failure to renew the temporary access permit will result in immediate denial of access</i>	X
		Where deficiencies exist, additional conditions may be applied by the Land Management Department	X

Date Issued: 6/12/2023 Date of Expiration 7/12/2023

Signed Jessie Peterson
 Jessie Peterson, LDF Land Management

**Lac du Flambeau Access Permit:
Conditional / Revocable Use**

PERMIT # Resolution No. 143(23)
Elsie Lake Lane

Name: Town of Lac du Flambeau
 Street Address: 109 Hwy 47, Lac du Flambeau WI 54538
 Mailing Address: _____
 Telephone # 715-588-3358

Location/Land Description: Tribal Trust Land traversed by Elsie Lake Lane, Lac du Flambeau Wisconsin 54538

	PERMIT ISSUED FOR:		CONDITIONS:	
		X		X
	Temporary Access Permit to traverse Tribal Land	X	Permit Fee \$5,500.00	X
			Permit is not transferable or assignable	X
			Issuance of permit does not imply any Tribal approval for treatment as public road	X
			If Town of LDF elects to seek an extension of temporary access permit, the same fee must be paid according to the same terms. Failure to renew the temporary access permit will result in immediate denial of access	X
			Where deficiencies exist, additional conditions may be applied by the Land Management Department	X

Date Issued: 6/12/2023 Date of Expiration 7/12/2023 Signed Jessie Peterson
 Jessie Peterson, LDF Land Management