

From: Andrew Adams III <aadams@hogenadams.com>
Sent: Tuesday, October 22, 2024 8:45 AM
To: Gregory Harrold
Cc: Lac du Flambeau Clerk; John Johnson; Allen, Jamie
Subject: Letter to Town
Attachments: 2024.10.18 Letter to Matt Gaulke.pdf

Flag Status: Flagged

Hello Greg,

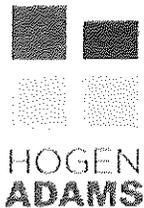
Please see the attached correspondence to the Town of Lac du Flambeau concerning Headflyer Lake Lane, North Indian Village Road, and Indian Village Road.

MVTO (Thank you)

Andrew

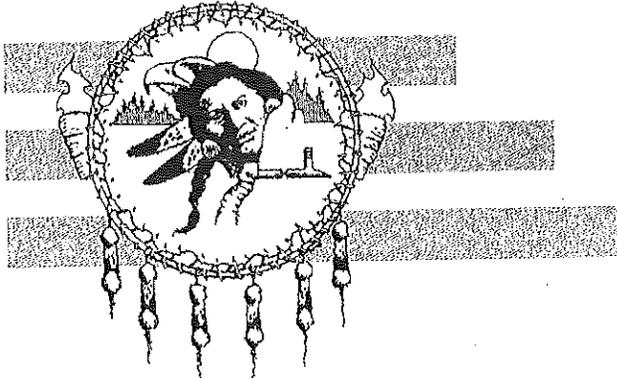
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Lac du Flambeau Band of Lake Superior Chippewa Indians

Tribal Operations/Enrollment

October 18, 2024

Via Email & US mail

Chairman Matthew Gaulke
Town of Lac du Flambeau
109 Old Abe Road
P.O. Box 68
Lac du Flambeau, WI 54538
(715) 588-3358
(715) 588-7923 fax

Re: Lac du Flambeau Roads – Notice to Quit

Chairman Gaulke,

Please take note, that you are hereby required to vacate and quit all maintenance and surrender possession of the Indian lands identified on Attachment A on or before November 18, 2024.

As you know, the Lac du Flambeau Band of Lake Superior Chippewa Indians (the "Tribe") requested that the Town of Lac du Flambeau (the "Town"), by way of letter dated February 20, 2017 (copy attached) produce documentation showing that the Town possesses a valid right-of-way over Indian lands, as that term is defined in Title 25, Chapter 8, of the United States Code, and its implementing regulations, Title 25, Part 169 of the Code of Federal Regulations.

Over the years, the Town has produced various documents related to the roads listed on Attachment A, yet none of these documents purport to evidence a valid legal interest the Town possesses in said Indian lands. In the past, the Town has attempted to rely upon the previous Acknowledgement of Public Authority Responsibility despite the fact that the Tribe has canceled that agreement.

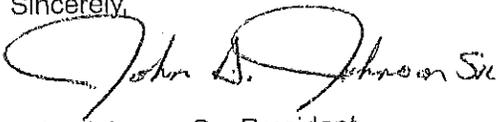
If the Town fails to comply with this notice and remains in possession of, or continues to claim a right of maintenance over, the portions of road over Indian lands identified in Attachment A, the Tribe will consider this an unauthorized trespass and will exercise its rights under 25 CFR § 169.413.

ATTACHMENT A

1. Headflyer Lake Lane – entire length of road running north from County Road D, traversing Parcel ID. 10-3110¹, listed on Page 17 of the Town's Inventory.
2. North Indian Village Road – the lengths of road traversing the following parcels, listed on Page 18 of the Town's Inventory:
 - a. Parcel ID. 10-785; and
 - b. Parcel ID. 10-3044
3. Indian Village Road – the lengths of road traversing the following parcels, listed on Page 18 of the Town's Inventory:
 - a. Parcel ID. 10-2;
 - b. Parcel ID. 10-20;
 - c. Parcel ID. 10-88;
 - d. Parcel ID. 10-91;
 - e. Parcel ID. 10-91-02;
 - f. Parcel ID. 10-92;
 - g. Parcel ID. 10-1227; and
 - h. Parcel ID. 10-1226

¹ As identified as "Parcel ID" on Vilas County Ascent Land Records Suite. See <https://ascent.vilascountywi.gov/LandRecords/PropertyListing/RealEstateTaxParcel///Search>

Sincerely,



John Johnson Sr., President
Lac du Flambeau Band of
Lake Superior Chippewa Indians

CHIPPWA INDIAN
COMMUNITY CENTER
1000 W. WISCONSIN
ST. CLOUD, MN 56301
(507) 325-2222

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*Joseph Wildcut, Sr.
President*

February 20, 2017

Chairman Matthew Gaulke
Town of Lac du Flambeau
109 Old Abe Road
P.O. Box 68
Lac du Flambeau, WI 54538
(715) 588-3358
(715) 588-7923 fax

Re: Lac du Flambeau Reservation Roads.

Chairman Gaulke:

Over the years, the Lac du Flambeau Band of Lake Superior Chippewa Indians (the "Tribe") and the Town of Lac du Flambeau (the "Town") have discussed the rights of ownership and maintenance to several roads and rights-of-way located within the exterior boundaries of the Lac du Flambeau Reservation as created by the Treaty of September 30, 1854 (10 Stat. 1109) (the "Reservation"). The Tribe would like to meet with the Town to come to a final resolution on the issue of ownership and maintenance rights and responsibilities of the separate sovereigns over the roads located on the Reservation. The last comprehensive review by the Tribe and the Town was completed with the assistance of the Bureau of Indian Affairs (the "BIA"), in or around 2008. The Tribe would like to finally establish these rights and responsibilities.

Under the Treaty of 1854, the United States government established the Lac Du Flambeau Reservation and set aside lands for the exclusive use by the Tribe. Although some lands within this boundary have since passed from Tribal ownership to fee land, those lands that have not are still held in trust for the Tribe and retain their distinct Tribal character. Namely, the Tribe can make use of, and exercise inherent authority over such lands. Although the Tribe retains control over such trust lands, it may not alienate or encumber the land without approval by the Secretary of the Interior (the "Secretary"), including the assignment of rights-of-ways.

States and local governments also lack general governmental authority over Tribal trust lands that may be located within their jurisdictions. This includes governmental power to exercise eminent domain, require the granting or dedication of a right-of-way, or any other encumbrance. The only way a state or local government may acquire a right-of-way through tribal lands is by obtaining the approval for such right of way from both the Secretary and the Tribe.

**Lac du Flambeau Band
of Lake Superior Chippewa Indians**

P.O. Box 67 - Lac du Flambeau, Wisconsin 54538 • (715) 588-3303 • FAX (715) 588-7930

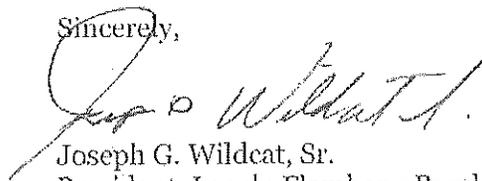
Rights-of-way over tribal trust lands have been authorized through federal enactments. Initially, there were several precursor federal statutes that authorized the Secretary to approve rights-of-ways, then in 1948 Congress enacted a general right-of-way statute that gave the Secretary the power to grant rights-of-ways on Tribal lands with the approval of the affected Tribe. 25 U.S.C. § 323-324. The Secretary has promulgated regulations regarding such grants of right-of-way under 25 C.F.R. § 169.1 *et seq.*

Please consider this letter as formal notice that the Tribe will begin taking affirmative steps to rescind all Tribal resolutions concerning maintenance agreements negotiated between the Tribe, federal government, and Town government. Specifically, the Tribe has identified the following roads on the reservation for re-assumption of maintenance and jurisdiction:

- | | |
|-------------------------------|-----------------------------|
| 1. Annie Sunn Lane | 16. Mitten Lake Road |
| 2. Artishon Lane | 17. Moccasin Lane |
| 3. Bid Crooked Lake Lane | 18. Old Prairie Road |
| 4. Big Crooked Lake Road | 19. Old/Indian Village Road |
| 5. Big Thunder Lane | 20. Pokegama Lake Trail |
| 6. Cemetery Road | 21. Pokegama Lake Spur |
| 7. Chequamegon Trail | 22. Raven Lake |
| 8. East Boundary Road | 23. Schilleman Road |
| 9. East River Road | 24. Sugar Bush Road |
| 10. East Ross Allen Lake Road | 25. Thorofare Road |
| 11. Florsheim Road | 26. ToTo Tom |
| 12. Head Flyer Lake Road | 27. Thunderbird Lane |
| 13. Little Trout Road | 28. Wayman Lane |
| 14. Ike Walton Road | 29. Woodtick Lane |
| 15. Longs Point Lane | |

The Tribe has conducted research concerning the roads on the Reservation and the above list of roads illustrate those without sufficient instruments granting the Town rights-of-way or any other property rights. Without such instruments the Town lacks authority to claim any right-of-way or other legal ownership over such roads. Therefore, if the Town cannot produce evidence that such instruments establishing property rights in said roads exist by March 6, 2017, the Tribe will assume maintenance of such roads thereafter.

Sincerely,



Joseph G. Wildcat, Sr.
President, Lac du Flambeau Band of
Superior Chippewa Indians

cc: Tribal Council Members
Atty. Andrew Adams III

Town of Lac du Flambeau

Vilas County • P.O. Box 68 • Lac du Flambeau, Wisconsin 54538 • (715) 588-3358

November 17, 2024

VIA EMAIL

John Johnson, Sr.
President, Lac du Flambeau Band of Lake Superior Chippewa Indians
PO BOX 67
Lac du Flambeau, WI 54538

J.Allen@ldftribe.com, jjohnsonsr@ldftribe.com

Dear President Johnson:

I am writing in response to your correspondence dated October 18, 2024, in which you requested the Town of Lac du Flambeau to “vacate and quit all maintenance and surrender possession” of Headflyer Lake Lane, North Indian Village Road, and Indian Village Road.

After due consideration and consultation with counsel, the Town is compelled to deny your request.

As always, the Town remains willing to engage in discussions with all interested parties with the goal of reaching a final resolution as to all Town roads within the Reservation.

Sincerely,



Matt Gaulke

Chairman, Town of Lac du Flambeau

Supervisor
Dennis Pearson

Chairman
Matthew E. Gaulke

Supervisor
Robert Hanson