

CITIZENS FOR EDUCATION IN TOWN GOVERNANCE

ROAD JURISDICTION

May 1, 2024

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ROAD JURISDICTION

UPDATED MAY 1, 2024

INTRODUCTION

The town board and the tribe have discussed, litigated, and negotiated for many years whether the Tribe or the town have jurisdiction over particular roads. Lack of progress has resulted in letters, road barriers, “special” town board meetings, interviews and articles, lawsuits, and the town board inviting legislators’ involvement.

May 1, 2024. The town board met in closed session during a board meeting on May 1, 2024, to discuss the easement issue. After the closed session ([Audio ii](#)), chair Gaulke said the board members "are and have" been discussing in closed sessions a proposal for the tribe related to the easement issue. Moreover, the board will discuss a final draft with the town's legal counsel at a special meeting "next Thursday" (May 9, 2024) at 2 pm. The board then approved paying the easement fee for May 12 - June 12. When asked the size of the payment, chair Gaulke stated \$44,000. ([Amended Agenda](#), [Audio i](#), [Audio ii](#), Minutes Pending)

Indian Land Tenure Foundation

Check the Indian [Land Tenure Foundation](#) website for detailed information on “Key factors that have shaped U.S. Indian policy and led to the fractured state of Indian land tenure in Indian Country today...”

Check, too, for the foundation’s piece on [Land Tenure History](#).

CHRONOLOGY

January - May 2024

January 10, 2024. Following a closed session at the special town board meeting on January 10, 2024, the board approved paying easement fees to the tribe for January and February ([Agenda](#), [Audio i](#), [Audio ii](#), Minutes).

The audio part I covers the start of the meeting up to the closed session. The audio part ii covers the meeting after the closed session.

This meeting was preceded by a meeting on December 13, 2023 ([Agenda](#), [Minutes](#)), when Chairman Gaulke “announced that with this no longer being a local issue, State and Federal Representatives will be contacted for assistance towards a resolution.” The town board then invited legislators’ involvement in settling the issue by sending a [letter](#) (December 19, 2023) to them.

The [Lakeland Times](#) reported on these developments in two articles in its December 19, 2023, edition.

February 6, 2024. The [February 6, 2024, edition of the Lakeland Times](#) includes an article highlighting the meeting held by the town board on January 10, 2024 (see below).

February 15, 2024. The town board's legal counsel addressed the public at a special town board meeting on February 15, 2024. Attorney Harrold attended the meeting in person while attorney Kowalkowski participated by phone ([Agenda](#), [Audio](#)).

Attorney [Frank W. Kowalkowski](#), representing the firm of [von Briesen](#) (Green Bay), was retained by the town board in February 2023 ([Engagement Letter](#)). [Gregory J. Harrold](#), representing the firm of [Harrold, Scrobell & Danner](#) (Minocqua), has served the Town of Lac du Flambeau for many years.

February 26, 2024. On February 26, 2024, [Magistrate Judge Stephen L. Crocker ordered](#) the unsealing of appraisals of the road segments that have been at the center of the road easement issue.*

Completed by early January 2023, but kept sealed until now, each *Real Estate Appraisal Report* is intended to present information on the development of an "opinion on fair market value" of the property in question. Click a road segment to access the corresponding appraisal.

ROAD SEGMENT	ACRES	APPRAISED VALUE
Elsie Lake Lane (1)	.67	\$15,000
Elsie Lake Lane (2)	1.50	\$15,000
East Ross Allen Lake Lane	.22	\$15,000
Center Sugarbush Lane	2.02	\$15,000
Annie Sunn Lane (1)	.38	\$3,500
Annie Sunn Lane (2)	.39	\$3,500
Annie Sunn Lane (3)	2.04	\$12,000
Total	7.22	\$79,000

February 29, 2024. [February 29, 2024: Letter from Senator Baldwin & Governor Evers to Tribal President](#)

March 15, 2024. [March 15, 2024: Letter of Response from Tribal President Johnson](#)

March 29, 2024. [March 29, 2024: Milwaukee Journal Sentinel](#)

April 2, 2024. [April 2, 2024: Lakeland Times](#)

Attorney Invoices – Road Jurisdiction/Easements. Occasionally, someone asks what the town has been spending on legal services for the road jurisdiction/easement issue. The invoices for legal services submitted to the town by Harrold, Scrobell & Danner, S.C., for 2013-2023 and Von Briesen for 2023 are listed below. The documents are copies provided by the Lac du Flambeau town clerk. The "official" documents are available through the clerk.

When viewing an invoice for Harrold, scroll and look for "BIA/Tribal Roads" to see a list of entries for that year. There are no entries on this topic for 2013, and 2020-2022. The total cost for a year is noted at the end of a listing. The entire invoice for Von Briesen is for the easement issue.

Harrold: [2013](#) [2014](#) [2015](#) [2016](#) [2017](#) [2018](#) [2019](#) [2020](#) [2021](#) [2022](#) [2023](#)

Von Briesen: [2023](#)

Additional chronologies tracking road/easement issues are presented below. The first covers 2023, while the second covers 2013 - 2022. Note the chronologies include only documents that have been readily available. The "official" meeting agendas, minutes, letters, recordings, and other records are available on request at the Lac du Flambeau Town Hall.

CHRONOLOGY

January - December 2023

Click below for documents related to the issue:

January 19, 2023. [Tribal letter of January 19, 2023](#)

January 30, 2023. Town Board Meeting ([Agenda](#), [Audio](#), [Minutes](#)). The minutes include the following statements (italics added).

Discussion Road Issue: Trespass Letter: Annie Sunn Lane, Center Sugarbush Lane, East Ross Allen Lake Lane, Elsie Lake Lane. Introductions of board members were made. Chairman Gaulke stated he called this meeting today using a special ruling allowing a meeting with a 2 hour notice per 19.84 (3) Wisconsin Statutes. Chairman Gaulke stated he received a call from a resident on Elsie Lake Lane stating they received a letter dated 1/19/2023 signed by John Johnson Tribal President, Lac du Flambeau Band of Lake Superior Chippewa Indians. Chairman Gaulke called the Town Attorney Greg Harrold who was going to do some checking with the title companies. Chairman Gaulke stated it was his understanding that the title companies were working with the tribal entities and were trying to resolve the issues. On Thursday 1/26/23 chairman Gaulke called Tribal President Johnson. Chairman Gaulke received a call back from Tribal President Johnson and he stated that a meeting was scheduled with the council on Friday 1/27/23 and he would call Chairman Gaulke back. Chairman Gaulke did not get a call back on Friday but it was late in the day. Chairman Gaulke also reached out to Congressman Tom Tiffany and let him know the situation and what was going on. Attorney Greg Harrold gave the background of the easements in question which goes back at least 10 years. Attorney Harrold read the letter that was sent to the resident on Elsie Lake Lane dated 1/19/2023. (copy of letter attached). Attorney Harrold has contacted Bridget Hubing who represents the title companies to see what progress has been made. Attorney Harrold also contacted Tribal Attorney Adams who said he would report to the tribal council. Supervisor Hanson stated that he thinks we should concede the roads with that process

being reviewed by Attorney Harrold, and then go after the title companies. Chairman Gaulke's main concern is to keep the roads open for the people who live there, safety fire/ambulance service and daily activities. Many residents were present today expressing their concerns. Bridget Hubing via: zoom stated the title companies have been working with the BIA/tribe, providing surveys and then appraisals and continuing working with Attorney Adams. A demand was received from the BIA/tribe/attorney for 10 million dollars. That was later raised to 20 million dollars. Chairman Gaulke stated the town will continue working with the tribe to keep the roads open until all involved negotiate a fair settlement for everyone. The town will put any updates on the website regarding the road closures.

January 30, 2023. [Draft Agreement Proposal](#), Supervisor Hanson, approx. January 30, 2023

January 31, 2023. Statement by the Tribal President ([Tribal newsletter, January 31, 2023](#))

February 2, 2023. Town Board Meeting ([Agenda](#), [Audio](#), [Minutes](#)). The minutes include the following statements (italics added).

Discussion Road Issue: Annie Sunn Lane, Center Sugarbush Lane, East Ross Allen Lake Lane, Elsie Lake Lane. Chairman Gaulke has been contacted by Senator Baldwin's office, Congressmen Tom Tiffany's office and Governor Evers office. They have been trying to work with the tribal council and title companies to come to some type of resolution to the problem. Attorney Greg Harrold explained that Supervisor Hanson thought a possible approach was that the Town could make to the tribe was to convey the roads to the tribe. Attorney Harrold explained that cannot be done. The Town Board does not have that authority. The only way to convey the roads would be by vote of the electorate. In addition, there are other procedures that would need to be addressed. Other avenues would be to contact the US Attorney or US Marshall to see if they could get the roads open. They are checking to see if they have jurisdiction. The residents are not getting any access to their property. Other comments were heard from the residents on safety, hardships of not being able to access their property. Suggestion to have Chairman Gaulke contact President Johnson and ask for a 90 day period for all involved to get to a resolution. Bridget Hubing was present today representing the title companies and stated that they have been working with the tribal entities and offered policy limits to the tribe and was told that amount was not enough. Motion by Supervisor Hanson for Chairman Gaulke to contact President Johnson and ask to remove the road barriers as soon as possible for a 60 day period and set up a meeting with the Town Leaders, Tribal Council and Title Company representatives to reach a resolution. Motion seconded by Supervisor Cobb. Motion Carried. Chairman Gaulke will reach out to President Johnson following this meeting. The town will put any updates on the website.

February 2, 2023. [Letter from Chair Gaulke to Jamie Allen](#)

February 3, 2023. [Lakeland Times, February 3, 2023](#)

February 3, 2023. Tribal [public information statement issued February 3, 2023](#)

February 6, 2023. [Letter \(February 6, 2023\) from John Johnson Sr., President, Lac du Flambeau Band of Lake Superior Chippewa Indians](#) to Chairman Matt Gaulke, Town of Lac du Flambeau. Click for Chairman Gaulke's letter of response: [letter of response](#).

February 6, 2023. [Press Release, Governor Evers, February 6, 2023](#)

February 6, 2023. [Town of Lac du Flambeau web statement, February 6, 2023](#)

February 7, 2023. [Lakeland Times, February 7, 2023](#).

February 8, 2023. Town Board Meeting ([Agenda](#), [Audio Part 1](#) & [Audio Part 2](#), [Minutes](#))

February 8, 2023. Before going into closed session during the meeting on February 8, Chair Gaulke read a letter dated February 8, 2023, from U.S. Senator Tammy Baldwin and Governor Evers to United States Department of Interior Secretary, Honorable Deb Haaland and Assistant Secretary – Indian Affairs United States Department of Interior, Honorable Bryan Newland. [Click for the letter](#).

February 8, 2023. After meeting in closed session on February 8, the town board, in open session, by motion directed the town chair to hand-deliver a response letter to the Tribal President on February 8. After the meeting ended, the following notice was placed on the town's website.

"UPDATE 3:1 3 PM 02/08/23; PER THE MOTION MADE TODAY AT A SPECIAL TOWN BOARD MEETING, CHAIRMAN GAULKE HAS DRAFTED A RESPONSE LETTER TO PRESIDENT JOHNSON AND IT HAS BEEN HAND DELIVERED TO HIS OFFICE AND GIVEN TO THE TRIBAL COUNCIL SECRETARY."

February 8, 2023. The town chair's letter of response (February 8, 2023) to the Tribal President was added to the town's website on February 9, 2023. [Click for the letter of response](#).

February 8, 2023. On February 8, 2023, Town Board Supervisor Robert Hanson was interviewed by the New York Times regarding the road jurisdiction issue. [Click for a recording of the interview](#).

February 8, 2023. In response to a comment/question asked during the meeting on February 8, 2023, Chair Gaulke said that the town had received in the past a list projecting the expiration dates for road leases. Click for two lists that were subsequently posted on the town's website: BIA (Bureau of Indian Affairs) information of [expired easements](#) and BIA information on [future expiring easements](#).

February 9, 2023. Click for a [Tribal Statement issued on February 9, 2023](#).

February 9, 2023. [Letter from Congressman Tiffany to Assistant BIA Secretary Newland](#).

February 10, 2023. Click for an [article published by the Lakeland Times \(February 10, 2023\) summarizing the special town board meeting of February 8, 2023](#).

February 13, 2023. Click for a [letter dated February 13, 2023, from Tribal President Johnson Sr. to Town Chair Matt Gaulke](#). Chair Gaulke referenced the letter during the town board meeting on February 15, 2023, when he stated the Tribe had rejected the town's offer.

February 14, 2023. At the town board meeting on February 15, Chair Gaulke acknowledged three [claims had been filed](#) by residents affected by the road jurisdiction issue. by three residents

February 14, 2023. On February 15, 2023, Chairman Gaulke mentioned the town board had hired a law firm from Green Bay, von Briesen and Roper ([See Engagement Letter 2.14.23](#)), to get a FOIA (Freedom of Information Act) request for information and opinion regarding applicable federal law.”

February 14, 2023. Click for an article in the [Lakeland Times, February 14, 2023](#).

February 15, 2023. The town board addressed the issue at a meeting on February 15, 2023 ([Agenda, Audio Part 1](#)). Shortly after the meeting was called to order, Supervisor Hanson suggested that agendas for all future regular meetings include a line item on the road issue until the issue is resolved. The board then went into closed session.

When returning to open session ([Audio Part 2](#)), Supervisor Cobb stated “motion to direct the town attorney to look into condemnation of fee lands for alternative routes on the roads in question, and the board has also hired a law firm from Green Bay, von Briesen and Roper ([See Engagement Letter](#)), to get a FOIA (Freedom of Information Act) request for information and opinion regarding applicable federal law.” The motion was approved by all board members.

Chair Gaulke then mentioned that “this morning” the board was “handed” notice that three residents affected by the road closures had [filed claims](#). He also referenced a [letter dated February 13, 2023, from Tribal President Johnson to Town Chair Matt Gaulke](#) indicating the tribe had rejected the town's offer ([Click for offer](#)).

February 17, 2023. [Lakeland Times \(February 17, 2023\)](#).

February 23, 2023. Click for a [letter from U.S. Congressman Tom Tiffany](#) to Tribal President John Johnson.

February 25, 2023. Click for Town [Supervisor Hanson's response](#) to Congressman Tiffany's letter of February 23, 2023.

February 28, 2023. Article in the *Lakeland Times*, [“Lac du Flambeau residents on barricaded roads remain in the middle”](#)

February 28, 2023. [Text of Town Supervisor Hanson's email to Attorney Hubing](#).

February 28, 2023. [Federal Complaint filed with the U.S. District Court](#) for the Western District of Wisconsin by residents of Lac du Flambeau to reopen the roads.

March 1, 2023. Town officials addressed the road issue at a town board meeting on March 1, 2023 ([Agenda](#), [Audio](#), [Minutes](#)). After Chair Gaulke commented on the issue, town board members responded to questions and comments from attendees. The interaction is on the audio starting at minute 5:12, approximately.

March 3, 2023. Article in the [Lakeland Times on March 3, 2023](#), regarding the complaint.

March 3, 2023. [Paid advertisement related to the road issue in the Lakeland Times on March 3, 2023 by Tribal and Non-tribal citizens of the community of Lac du Flambeau.](#)

March 3, 2023. [Congressman Tiffany's website \(March 3, 2023\)](#) includes a press release that addresses the road easement issue and also includes access to a letter from Congressman Tiffany and U.S. Senator Ron Johnson to Secretary Pete Buttigieg (U.S. Department of Transportation) and Secretary Deb Haaland (U.S. Department of Interior).

The press includes the following statement. [Click for a copy of the letter.](#)

"Yesterday, Congressman Tom Tiffany (WI-07) and Senator Ron Johnson (R-WI) sent a letter to Department of Transportation (DOT) Secretary Pete Buttigieg and Department of Interior (DOI) Secretary Deb Haaland requesting answers regarding federal funding, appraisals, and maintenance of four roads in Lac Du Flambeau that are currently barricaded by the Lac du Flambeau Band of Lake Superior Chippewa Indian Tribe. This letter comes after the Tribe has had barricades on Annie Sunn Lane, Center Sugarbush Lane, East Ross Allen Lake Lane, and Elsie Lake Lane since January 31st.

After a month of no movement from the Tribe or Bureau of Indian Affairs (BIA) on removing the blockades, Congressman Tiffany and Senator Johnson are requesting for the DOT and DOI to provide answers to the following to help expediently resolve the dispute:

1. Copies of the above-mentioned appraisals for Annie Sunn Lane, Center Sugarbush Lane, East Ross Allen Lake Lane, and Elsie Lake Lane that BIA currently possesses.
2. Since Fiscal Year 2013, the total amount of federal funding administered to the Tribe through the Tribal Transportation Program (TTP) or other programs for the four roads listed in question 1.
3. Information regarding any requirements levied to federal grant beneficiaries, specifically the Tribe as they relate to the maintenance, continuous access and operation of these TTP roads.
4. Any analysis conducted by Federal Highway Administration (FHWA), BIA, or other federal agency on the legality of the Tribe blocking access to these roads.
5. Any analysis of the authority of FHWA, BIA, or other federal agency to order the removal of the Tribe's road barricades.
6. Is the only way for a road to get listed as part of the TTP to receive federal funding?

Congressman Tiffany and Senator Johnson request a detailed response from the DOT and DOI by Friday, March 10, 2023.

Two chronologies tracking road/easement issues are presented below. The first covers 2023, while the second covers 2013 - 2022. Note the chronologies include only documents that have been readily available. The "official" meeting agendas, minutes, letters, recordings and so on are available on request at the Lac du Flambeau Town Hall.

March 7, 2023. An article in the [Lakeland Times \(March 7, 2023\)](#) summarizes the town board meeting of March 1.

March 8, 2023. The town board discussed the road issue **in closed session** during a special town board meeting on March 8, 2023. There were no "public comments" made before the

closed session, and no discussion or action after the closed session ([Agenda](#), [Minutes](#), Audio available on request at the town hall).

March 8, 2023. On March 8, 2023, District Judge William M. Conley signed notice stating that “Plaintiffs’ motion for a temporary restraining order is denied because plaintiffs have not shown that injunctive relief is warranted without giving defendants an opportunity to be heard.” [Click for the docket text, paragraph 21.](#)

March 8, 2023. [Tribal President’s Testimony before US House Subcommittee...\(March 8, 2023\)](#)

March 10, 2023. Tribal officials responded to the court’s decision in a [statement dated March 10, 2023](#) on the Tribe’s website.

March 11, 2023. Town officials met in closed session on March 11, 2023, to discuss the road issue ([Agenda](#), [Audio](#), [Minutes](#)).

When the board members returned to open session, they “approved the proposal” from the Tribe “with modifications” to reopen the four roads for “90 days” to enable ongoing discussions. The reopening will cost the town \$60,000. The funds will come from the road budget, which “shall be amended.”

March 11, 2023. [Lakeland Times, Facebook, March 11, 2023](#)

March 13, 2023. [statement issued by Tribal officials on March 13, 2023](#)

March 14, 2023. The town board met in closed session on March 14, 2023, to continue discussing the road issue ([Agenda](#), [Audio Part 1](#), [Audio Part 2](#), Minutes Pending). The audio part 1 includes questions and answers stated before the board moved to closed session. The audio part 2 includes approval of a motion made after the board reconvened in open session to check the extent of the town’s insurance coverage relative to pending lawsuits.

March 14, 2023. [Lakeland Times, two articles in March 14, 2023 edition](#)

March 17, 2023. [Lakeland Times article of March 17, 2023, “...road barricades come down, for now”](#)

March 17, 2023. [Lakeland Times article of March 17, 2023, on Supervisor Hanson’s interaction with Tribe](#)

March 19, 2023. [Letter, Barricaded Property Owners](#)

March 23, 2023. [Letter from BIA to Tiffany \(March 23, 2023\)](#)

March 27, 2023. [March 27, 2023, Order for Preliminary Injunction](#)

March 29, 2023. [“Tom Tiffany Requests Federal Funds be pulled ...” \(March 29, 2023\)](#)

April 11, 2023. [Tribal statement regarding Pollard et al v. Johnson et al](#)

April 12, 2023. Town officials met in closed session to discuss the road easement issue in light of a recent meeting with Tribal officials. Minutes indicate no action was taken when the meeting reconvened to open session. ([Agenda](#), [Audio](#), [Minutes](#))

April 18, 2023. Annual Meeting. The road easement issue was prominent during the town’s annual meeting on April 18, 2023. Two motions, both raised by individual electors, were discussed at length by the full body and then rejected by hand vote ([Agenda](#), [Audio](#), [Draft Minutes](#)).

The first motion was for “..the town to require that the Town Chairman, Matt Gaulke, be recused from any further easement or ROW negotiations with the Tribe, effective immediately.” [Click here for additional information on the motion.](#)

The second motion was for approving a continuing resolution to “...Appoint and fund in this budget cycle an Administrative Coordinator with the task of codifying all town road records. Responsibilities include research at any and all government entities, including the Lac du Flambeau Tribe.” [Click here for additional information on the motion.](#)

Click for an article in the [April 25, 2023, edition of the Lakeland Times](#) on the motion for recusal attempt as well as the motion for the continuing resolution.

April 18, 2023. Lakeland Times, [“U.S. attorneys file amicus...”](#)

April 19, 2023. During the open part of the meeting on April 19, 2023, town officials approved a motion to discuss excess land under the town’s jurisdiction at a future meeting. Following the closed session portion of the meeting ([Audio Part 2](#)), the town board amended the motion to discuss “...dispose of excess real property” and “...potential road settlement assessment.” A special town meeting has been set for May 10, 2023. ([Agenda](#), [Audio Part 1](#), [Audio Part 2](#), [Minutes](#)),

April 19, 2023. House Committee on Natural Resources. At a recent meeting of the House Committee on Natural Resources, Representative Tom Tiffany questioned Secretary Bev Haaland on the road issue in Lac du Flambeau. [Click here for the questioning \(April 19, 2023\).](#)

April 21, 2023. During the open part of the meeting on April 21, town officials approved a motion to move into closed session. After meeting for a while at the town hall, the board moved to the Tribal offices to meet with the Tribal Council in closed session. After meeting with the Tribal Council, the town board returned to the town hall where the board reconvened into open session ([Audio Part 2](#)). At that time, the town chair, Matt Gaulke, stated he feels the meeting with the whole Tribal Council was “very good” and “productive.” He also reiterated that a Special Town Meeting will be held on May 10, 2023, “...to ask the electorate to make a decision on some of the excess town roads we have...and potential additional assessment for the road issue.” ([Agenda](#), [Audio Part 1](#), [Audio Part 2](#), [Minutes](#)).

May 3, 2023. Following a meeting in closed session at the regular town board meeting on May 3, 2023, town officials tried to clarify as well as add substance to the two items on the agenda for the special town meeting set for May 10, 2023 ([Agenda](#), [Audio Part 1](#), [Audio Part 2](#), [Minutes](#))

Pending). The Audio Part 2 includes most of the substantive discussion, including the possibility of a road tax assessment of \$106 per \$100,000 of assessed valuation in order to raise \$1,000,000 annually as part of a potential road easement settlement with the Tribe.

May 8, 2023. At the brief special town board meeting on May 8, 2023, town officials canceled the special town meeting set for May 10. According to town chair Gaulke and, based on a document he received from the County Clerk as well as opinion of the town's attorney, Greg Harrold, the statute the board employed to convene the May 10 meeting does not apply to Lac du Flambeau because the town's population exceeds 3,000 residents. Rather, the statute that does apply to Lac du Flambeau requires the town to hold a referendum. The chair noted applicable statutes at the start of the meeting. ([Agenda](#), [Audio](#), [Minutes](#))

No details regarding the pending referendum were provided, and the chair did not permit questions.

[Click for the legal requirements as stated by the Wisconsin Department of Revenue.](#)

May 9, 2023. [Lakeland Times.](#)

May 12, 2023. Town and Tribal officials continued negotiations in closed at the Tribal offices on May 12, 2023. After returning to the town hall and reconvening in open session, the town board approved a motion instructing Supervisor Hanson to work with Tribal Land Management to identify leases that are due to expire and subject to trespass. ([Agenda](#), [Audio](#), [Minutes](#))

May 12, 2023. An article in the [May 12, 2023, edition](#) of the Lakeland Times focuses on the town board meeting of May 8 and the need to have a referendum.

May 16, 2023. [Article in the Lakeland Times.](#)

May 19, 2023. [Article in the Lakeland Times.](#)

May, 25, 2023. The town board held a special "Listening Session" on May 25, 2023, in the auditorium at the public school. Residents who signed up in advance were given three minutes each to address the board about the road easement issue. About twenty individuals spoke to the board in front of a packed auditorium. Seventy-four viewed via Zoom while 185 attended in-person. ([Agenda](#), [Audio](#), [Draft Minutes](#))

Click for the "[Comment Cards](#)" that were submitted at the session, here for a [CETG statement](#) presented during the session, and here for [additional statements](#) presented.

Click for the [May 30, 2023, Lakeland Times article](#) on the session.

May 26, 2023. [Letter from U.S. Senator Baldwin and Governor Evers to "Interested Parties" regarding mediation.](#)

May 26, 2023. [Tribal Resolution No. 143...](#) on extending easement fees.

May 30, 2023. [Statement of Reasons](#), vonBriesen.

May 30, 2023. The town board and attorney met in closed on May 30, 2023, to continue talking about the road easement issue ([Agenda](#), [Audio](#), Minutes Pending).

After reconvening in open session, the town chair stated the town will soon issue a press release, the Tribe will extend the 30-day permit for the four roads, the cost per road per mile will increase, {though not noted at the meeting, evidently the cost will increase \$500 per road per month}, the board directed the town's attorney to inform the title company that it is time for the company to contribute to the monthly payments.

[Press Release](#) (May 30, 2023): “The Town Board of Lac du Flambeau is currently working diligently with the Lac du Flambeau Tribal Council in seeking resolution of accessibility to roads located on Tribal lands in the Town. It has been brought to the Board’s attention that there have been sharp written criticisms of Tribal members or the Tribe on social media. These actions detract from the ability of the Town and the Tribe to negotiate together toward a common goal. The Town requests that all residents, interested parties, and landowners be patient while the principals attempt to resolve this situation. The posting of disrespectful and/or intolerant messages only inflames emotions during a time when reason, common sense and mutual respect must prevail, if resolution is to be achieved. The Town Board would appreciate all parties’ cooperation with this request in future communications. Thank you.”

May 31, 2023. [Letter from Hubing to Evers.](#)

May 31, 2023. [Letter from Harrold to Hubing.](#)

May 31, 2023. On May 31, 2023, “The United States of America, pursuant to the authority of the Attorney General and at the request of the Secretary of the Interior...” filed a “civil action” complaint against the Town of Lac du Flambeau regarding “trespass” (road easement issue). [Click for the document.](#)

Articles. Here are a few recent articles on the federal “complaint” filed against the town:

[WPR, June 1, 2023](#)

[June 6 Lakeland Times., 2023](#)

[LAW 360, June 5, 2023](#)

June 7, 2023. At the town board meeting on June 7, 2023, town officials approved extending road lease payments to the Tribe for another month at an increase of \$500/road, an additional \$2,000. Moreover, the town board acknowledged that any future payments would rise another \$500/road/month. ([Agenda](#), [Audio](#), [Minutes](#))

June 12, 2023. At the special town board meeting held on June 12, 2023, the town chair announced that answers to the questions raised at the *Listening Session* will be shared at a special town board meeting set for Thursday, June 15, at 5:00 pm. He also said that additional questions may be accepted at that time ([Agenda](#), [Audio P1](#), [Audio P2](#), [Minutes](#)). [A clarification was soon published on the town’s website: “There is no public comment on the agenda for 6/15/23. The Board will be reading their responses.”]

June 15, 2023. At a brief special town board meeting on June 15, 2023 ([Agenda](#), [Audio](#), [Minutes](#)), the town chair read three pages of [responses to questions](#) submitted at the *Listening*

Session on May 25, 2023. At the end of the reading, he noted that additional questions may be submitted to the town offices and, if so, they will receive timely responses. ([Lakeland Times, 6.16.23](#))

June 15, 2023. A [report](#) in the June 15, 2023 SCOTUSblog states that the United States Supreme Court rejected in an 8:1 vote the Lac du Flambeau Band of Lake Superior Indians “immunity from bankruptcy stay”. Though not related directly to the easement issue, the report and [opinion](#) highlight information on understanding tribal sovereignty.

July 5, 2023. In a [statement dated July 5, 2023](#), the Assistant Secretary for Indian Affairs of the U.S. Department of Interior, Bryan Newland, concluded that the appeals submitted by the homeowners and the town are not authorized and are dismissed.

July 12, 2023. During the town board on July 12, 2023, [Bill McCutchin read a statement](#) regarding the road easement issue ([Agenda](#), [Audio](#), [Minutes](#)). The statement was highlighted in the [July 21 edition of the Lakeland Times](#).

July 14, 2023. [Circuit Court of Vilas County, Case 2023CV000068, Michael Hornbostel v. Town of Lac du Flambeau](#)

July 26, 2023. During the town board meeting on July 26, 2023, Supervisor Hanson provided an update on his request for the Bureau of Indian Affairs to document all town roads having easements over tribal lands.

Also, elector [John Bernard read a statement](#) regarding the fire and ambulance departments as well as road easement issue. ([Agenda](#), [Audio](#), [Minutes](#)).

July 31, 2023. [Circuit Court of Vilas County, Robert H. Beer, Jr. and Nicole E. Beer v. Town of Lac du Flambeau](#)

August 2, 2023. On August 2, 2023, town officials acknowledged receiving checks from the [Chicago Title Insurance Company](#) in the amount of \$12,500 (dated July 20, 2023), and from the [First American Title Insurance Company](#) in the amount of \$12,500 (dated August 1, 2023), both to reimburse the town for the July and August temporary permit fees for road access.

August 9, 2023 ([Agenda](#), [Audio 1 Pre Closed Session](#), [Audio 2 Post Closed Session](#), [Minutes](#)). At a special meeting on August 9, 2023, town officials approved two motions immediately after meeting in closed session. The board directed town attorney Kowalkowski to send a “demand letter” to the BIA (Bureau of Indian Affairs) for information the board had already requested of the BIA via an official Freedom of Information Request. The board also authorized paying August and September easement fee payments to the Tribe.

Near the close of the meeting, Chair Gaulke said he would deliver a [letter](#) to the Tribal Council by the end of the day respectfully asking for the individual dollar amounts for the annual permit fees for Annie Sunn Lane, Center Sugarbush Lane, East Ross Allen Lake Lane, and Elsie Lake Lane, so the board could work on the 2024 budget. He also mentioned that additional board meetings will be set soon.

August 15, 2023. [U.S. District Court for the Western District of Wisconsin, Case 3:23-cv-00135-wmc, Donald Pollard v. John Johnson](#)

August 18, 2023. [Wisconsin Public Radio, “Judge dismisses lawsuit seeking to block Wisconsin tribe from barricading town roads”](#)

August 21, 2023. [Wisconsin Public Radio, “Lac du Flambeau residents sue town over tribal road barricades”](#)

August 22, 2023. [Lakeland Times, “Federal judge dismisses lawsuit against LdF the tribe”](#)

August 24, 2023, [“Town of Lac du Flambeau v. United States Department of the Interior & the Bureau of Indian Affairs”](#)

August 28, 2023. Before moving into a closed session at a Special Town Board meeting on August 28, 2023, officials acknowledged several questions asked by a citizen in attendance ([Audio, Part i](#)). Following discussion in the closed session, the town chair noted that the board had received a [draft of an ordinance](#) from the Tribe on assessing road easement fees. The board then authorized Supervisor Hanson to try to get a copy of the ordinance as approved by the Tribal Council and the amounts of specific fees. ([Audio Part ii](#)). [[Agenda](#), [Minutes](#)]

September 5, 2023. The [September 5, 2023, edition of the Lakeland Times](#) includes an article on the town board meeting of August 28, 2023.

September 15, 2023. [Answer & Affirmative, Robert H. Beer & Nicole E. Beer vs. Town of Lac du Flambeau](#)

September 15, 2023. [Answer & Affirmative, Michael Hornbostel vs. Town of Lac du Flambeau](#)

September 18, 2023. [Order Granting Homeowners’ Motion to Intervene](#)

September 18, 2023. [Memorandum of Law in Support of Homeowners’ Motion of Intervene](#)

September 19, 2023. September 19, 2023. Lakeland Times article, [“Town of Lac du Flambeau sues Bureau of Indian Affairs”](#)

September 20, 2023. LAW 360, [“Group says Feds Must Keep Wis Tribe From Blocking Roads”](#)

September 20, 2023. At the town board meeting on September 20, 2023, elector Dennis Pearson reminded the board that he had asked several questions at a previous meeting and then asked the board about answers to the questions. Chair Gaulke responded that the answers are still being prepared ([Agenda](#), [Audio](#), [Minutes](#)).

Mr. Pearson first posed his questions at the town board meeting on August 28, 2023. The [minutes](#) of that meeting include the following statement (italics added):

Dennis Pearson addressed the Board with the following questions: Information on the Town vs BIA on the FOIA lawsuit filed; previously the costs for alternative routes on the “four roads” was deemed too costly however take another look;

how long with the Town continue to pay the permit fees; when was the last joint meeting with the Tribe; when is the next joint meeting with the Tribe; what is the permit cost for the 24 roads in question; what is the status of Supervisor Hanson's FOIA request to the BIA; should the permit payments be paid to the BIA if they are the entity holding the land in trust for the Tribe.

September 26, 2023. [Lakeland Times article on town board meeting of September 19, 2023](#), when board responded to questions

September 27, 2023. The town board held a special town board meeting on Wednesday, September 27, 2023, to discuss the road easement issue in closed session ([Agenda](#), [Audio](#), [Minutes](#)). When returning to open session, chair Gaulke noted the board would not be taking any action as a result of the discussions, but he also noted the following: [Listen to the [audio](#) for the precise wording]

- >The board had “instructed him to again contact the tribe to set up a meeting to look into the fees for the four roads in question...”
- >The town’s “insurance carrier has agreed to pay the legal fees for the Department of Justice suit...” and may do likewise for the suits filed by the property owners.
- >The “homeowners have asked to intervene in the lawsuit against the town by the Department of Justice...”

October 3, 2023. Lakeland Times, [“Lac du Flambeau to receive financial relief in tribal road easement issue”](#)

October 4, 2023. Under “Public Comment” at the regular town board meeting on October 4, 2023, a few electors made comments or asked questions about the road easement issue. The [draft minutes](#) include the following statement, italics added.

Mary Possin addressed the Board regarding the Lakeland Times article that the homeowners had individually decided to intervene in the DOJ lawsuit as they were entering to protect their individual property rights, not necessarily in favor of the Town’s defense. Dennis Pearson asked if his questions from the past meeting could be answered, noted that the trial date for the DOJ lawsuit had been set for February 25, 2025. Kay Hoff questioned if there was an agreement with the tribe, that both entities had signed to state where the easement money was being kept/spent.

Later during the meeting, the board moved into closed session to discuss the easement issue. Following the closed session, the board authorized paying the tribe the easement fee for October and November, with the provision to be stated in a letter that such payments are not sustainable and good faith talks must occur. ([Agenda](#), [Audio](#), [Draft Minutes](#))

The [draft minutes](#) include the following statement, italics added.

Motion by Supervisor Hanson, seconded by Supervisor Cobb to authorize Chairman Gaulke to attach a letter to the next easement payment letting the Tribe know that the escalation of the payments are not sustainable and the Town would like to return to good faith negotiation on this subject. Motion carried.

October 5, 2023. Click for the letter sent to the Tribe on [October 5, 2023](#). The Town issued somewhat similar communications to the Tribe on [July 20](#), [August 9](#), and [September 28, 2023](#).

October 5, 2023. ["Preliminary Pretrial Conference Order"](#)

October 16, 2023. ["Order Granting Homeowners' Motion to Intervene"](#)

October 20, 2023. Lakeland Times, October 20, 2023: ["Property assessments on land involved in Lac du Flambeau road issue tumble"](#)

[Assessor's letter](#) noted in Lakeland Times article of October 20, 2023.

October 23, 2023. The town board met with its attorneys in closed session to discuss the U.S. Department of Justice's lawsuit against the town and the town's lawsuit against the Bureau of Indian Affairs. No action was taken when the board reconvened to open session ([Agenda](#), Audio [pi](#) & [pii](#), Minutes)

November 21, 2023. Article in the [Lakeland Times](#) on the easement issue.

November 13, 2023. [Letter from tribe to Governor Evers](#)

December 1, 2023. A [letter from the tribal president to the town chair](#). It includes the tribe's "Road Access Permitting Ordinance" and delineates the tribe's position regarding implementation and costs.

December 1, 2023. Article in the [Lakeland Times](#) about the town's budget hearing on November 21, 2023, and related meetings. The easement issue is noted.

December 5, 2023.

[Letter from State Senator Felzkowski to Tribal President Johnson.](#)

An approach in Michigan. Senate Committee Approves Settlement ([Jack Hall - Radio Results Network](#), July 26, 2023). "The Senate Indian Affairs Committee approved bipartisan, bicameral legislation authored by U.S. Senator Gary Peters (MI) to settle the longstanding land claims of the Keweenaw Bay Indian Community and clear the title of current landowners in the community."

December 6, 2023. The town board met in closed session on December 6, 2023, to discuss the road easement issue. After the closed session, the town chair stated the board would not be taking formal action. However, he said that he would hand-deliver a check to the tribe within the next couple of days to cover easement fees from December 12, 2023 - January 12, 2024; a letter, after review by the town's attorney, will accompany the fee

payment; the December 1, 2023 letter the town chair received from the tribal president is being reviewed by the town's attorneys; and, the town board will meet in closed session on Wednesday, December 13, 2023, at 11:00 AM to review the easement issue. ([Agenda](#), [Audio i](#), [Audio ii](#), Minutes)

December 6, 2023. [Letter from town](#) to tribe that accompanied payment of the easement fee for December 12, 2023 - January 12, 2024.

December 8, 2023. Article in the Lakeland Times on the letter from the tribal president to the town chair: "[LdF tribe wants nearly \\$10 million to settle road issue.](#)"

December 11, 2023. [Letter from Tribal President Johnson to State Senator Felzkowski](#)

December 12, 2023. Wisconsin Public Radio, "[Leader of Northern Wisconsin tribe not backing down in dispute with GOP lawmakers](#)"

December 2023. "[Wisconsin legislators hold off on approving tribal funds](#)" Examiner Newsbreak

December 12, 2023. [Articles in the Lakeland Times:](#)

>"JFC again denies release of funding to tribes" pages 1,5,15

>"LdF town board hears residents regarding road issue" pages 1,5

December 13, 2023. The town board reviewed the issue in closed session on December 13, 2023 ([Agenda](#), [Minutes](#)). The minutes include the following statement:

"Action Regarding Closed Session: Chairman Gaulke announced that with this no longer being a local issue, State and Federal Representatives will be contacted for assistance towards a resolution."

December 19, 2023. The town board invited legislators' involvement in settling the issue by sending a [letter](#) to them.

December 19, 2023. The December 19, 2023, edition of the [Lakeland Times](#) includes two articles on the easement issue.

CHRONOLOGY

2013-2022

March 23, 1955 - December 1, 1965. List (Bureau of Indian Affairs 2015) made public by the Town of Lac du Flambeau in February 2023: BIA [expired easements](#).

March 16, 1988 - March 21, 2013. List (Bureau of Indian Affairs 2015) made public by the Town of Lac du Flambeau in February 2023: BIA [future expiring easements](#).

December 26, 2013. The town board discussed road jurisdiction/ownership in closed session. According to the minutes, no actions were taken ([Agenda](#), [Minutes](#)). Minutes include the following statements (italics added).

Motion by Mrs. Schwanebeck and seconded by Mr. Hoover to approve the agenda. The motion carried. Motion by Mrs. Schwanebeck seconded by Mr. Hoover to convene into Closed Session 19.85(1)(g)-Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Roll Call Vote: Mrs. Schwanebeck, aye: Mr. Hoover, aye: Mr. Gaulke, aye: Motion by Mrs. Schwanebeck seconded by Mr. Hoover to reconvene into Open Session. Roll Call Vote: Mrs. Schwanebeck, aye: Mr. Hoover, aye: Mr. Gaulke, aye.

No Action Taken.

January 2, 2014. [Letter from town officials to residents](#) of East Ross Allen Lake Lane/Center Sugarbush Lane.

February 24, 2014. The town board discussed road jurisdiction/ownership in closed session. According to the minutes, no actions were taken ([Agenda](#), [Minutes](#)). Minutes of the meeting include the following statement (italics added).

Motion by Mrs. Schwanebeck seconded by Mr. Gaulke to convene into Closed Session 19.85(1)(g)-Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Roll Call Vote: Mrs. Schwanebeck, aye: Mr. Gaulke, aye:

Motion by Mrs. Schwanebeck seconded by Mr. Gaulke to reconvene into Open Session. Roll Call Vote: Mrs. Schwanebeck, aye: Mr. Gaulke, aye.

No Action Taken.

March 7, 2014. The town board discussed road jurisdiction/ownership in closed session. According to the minutes, no actions were taken ([Agenda](#), [Minutes](#)).

August 5, 2014. The town board discussed road jurisdiction/ownership in closed session ([Agenda](#), [Minutes](#)). Minutes of the special meeting include the following statement (Italics added).

No action taken during closed session.

Discussion was to focus on the 5 current roads in question: E. Ross Allen Lake Lane, Center Sugarbush Lane, Tapawingo Trail, Big Crooked Lake Lane-Annie Sun Lane, Deerfly Lane.

Items that need addressing:

1: Attorney Harrold and Attorney LeSieur will compose a letter to be signed by Mr. Gaulke and Mr. Maulson for the residents involved in the road issues to assure them that the two governments are working on the issues.

2: George Thompson will get the councils permission to release copies of the road information he obtained at the BIA office to all involved.

3: Next meeting date September 9, 2014 at 1:00 p.m. Motion by Mr. Hoover, seconded by Mrs. Schwanebeck to adjourn at 2:20 p.m. Motion carried.

October 28, 2014. The town board discussed road jurisdiction/ownership in closed session ([Agenda](#), [Minutes](#)). Minutes of the special meeting include the following statement (Italics added).

No action taken during closed session. Items that need addressing:

- 1: Town to get road deed/information to Zoya Mayo*
- 2. Tribal Chairman to discuss with council to see their opinion on how to proceed and what information they want/can share*
- 3: Next meeting date Tuesday December 2, 2014 at 10:00 a.m.*

April 30, 2015. The town board discussed road jurisdiction/ownership in closed session. According to the minutes, no actions were taken ([Agenda](#), [Minutes](#)). Minutes include the following statement (italics added).

Motion by Mrs. Schwanebeck seconded by Mr. Mayer to convene into Closed Session pursuant to Wis. Stat. Section 19.85 (1)(e)-for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session and/or pursuant to Wis. Stat. 19.85(1)(g)-Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. RE: Town road jurisdiction/road ownership. Roll Call Vote: Mrs. Schwanebeck, aye: Mr. Mayer, aye: Mr. Gaulke, aye: Motion carried.

Motion by Mrs. Schwanebeck seconded by Mr. Mayer to reconvene into Open Session at 11.43 a.m. Roll Call Vote: Mrs. Schwanebeck, aye: Mr. Mayer, aye: Mr. Gaulke, aye: Motion carried.

No action taken during closed session.

August 11, 2015. A [letter from the Tribal Attorney](#) to the town chair and town clerk.

September 18, 2015. A [letter To the Editor](#) from the President of the Lac du Flambeau Band of Lake Superior Chippewa Indians as printed in the Lakeland Times.

November 19, 2015. The recording of the town Budget Hearing held on November 19, 2015 includes comments made by town board members during the hearing in response to a question about the "road easement" issue ([Audio Recording](#), approximately 42.19 - 44.14).

Chair Gaulke. We're still working on it. There are some road easements that were given back on the 60s...roads were turned over to the town. I don't know if at the time the town knew of the easements...and yes, we have money budgeted to work on that...a lot that's legal.

Supervisor Mayer. A lot of this has been done in closed session. One thing I would like to express to you is ... there was an information issue. We struggled for information and that has been our biggest feat. We finally have pulled the right strings through Federal elected officials that represent us and all of a sudden now we are able to obtain information. So, we have made some real progress here... and we will update...as soon as we figure out what the strategy is ... upon legal consul...we will expose it. We're not trying to do

something without everybody concerned involved...issues with trying to obtain information. We have jumped that hurdle now.

November 17, 2016. In response to a question asked at the annual Budget Hearing held on November 17, 2016, the town chair reported that the town has given all documentation related to road jurisdiction/ownership to the Tribe's attorney. ([Audio Recording](#))

February 20, 2017. Tribal Council President, Joseph Wildcat, Sr. sent a [letter](#) to the Town Chairman, Matthew Gaulke.

March 6, 2017. Town Chairman, Matt Gaulke, sent a [letter](#) to the Tribal President, Joseph Wildcat, Sr..

March 24, 2017. The March 24, 2017 edition of the Tribal weekly electronic newsletter includes the following statement (Italics added):

Beginning in the early 1970s, the Lac du Flambeau Band of Lake Superior Chippewa Indians began efforts to regain ownership of our lands and roads under the William Wildcat administration. Our efforts were recently revitalized after the Tribe conducted research of relevant documents from the Town of Lac du Flambeau, the United States government, and Tribal archives that showed the Bureau of Indian Affairs ("BIA") allocated funding for the construction of various roads on the Lac du Flambeau Reservation beginning in the early 1900s and continuing to 1970.

Some of these BIA documents show that when road construction was complete, the roads were entrusted to the Town of Lac du Flambeau for maintenance with the clear understanding that ownership remained with the Tribe and the BIA. Previous town chairs have acknowledged and documented the true ownership, also recognizing that federal funding for road upgrades were contingent on the roads remaining in Tribal and/or BIA ownership.

Over the last generation, the Tribe and the Town of Lac du Flambeau have had many disputes over expired easements and rights-of-way, with each side taking different stances concerning ownership and control. Where disputes existed over ownership, the Tribe had the understanding the Town of Lac du Flambeau was also maintaining records, but it seems their efforts have been minimal. The Town has shown little regard or interest in working together with the Tribe to ensure safe roads for the entire community.

As we continue to locate documentation solidifying our ownership of community roads, we have also obtained records showing the approval of land leases to the federal government gathered by Indian Agents, as they were called at that time, to fund the design and building of roads on the Lac du Flambeau Reservation. It is documented that the Town of Lac du Flambeau accepted these agreements, with the same understanding that ownership remained with the Tribe and the BIA, and the Town would continue to maintain these roads.

Over many years, the Tribe has made repeated efforts to work with the Town of Lac du Flambeau. The safety of the roads in the Lac du Flambeau community is of the utmost importance to the entire Tribal Council. We want what's best for the entire community, and we thought that having government-to-government relations with the Town of Lac du Flambeau would be in everyone's best interest. However, our efforts have been met with untrue accusations, and a complete lack of respect for our burial sites, our Tribal programs, and Tribal law.

We have heard the rumors in our community, and we share today that the Tribe will not deny any resident of Lac du Flambeau access to their home, nor will any "fee" be imposed on

residents. Our maintenance of Tribal roads is funded by the Bureau of Indian Affairs, and we will be following the same regulations as the Town of Lac du Flambeau did - and we will be making the needed repairs that are long overdue. The roads in Lac du Flambeau will be safe and accessible for all users.

The Tribal Council

Joseph Wildcat, Sr., Dee Allen, Jamie Allen, Steven Beson, Eric Chapman, Betty Jo Graveen, John Johnson, Frank Mitchell, Alice Soulier, William Stone, Sr., George Thompson and Melinda Young

April 18, 2017. The town board discussed road jurisdiction/ownership in closed session. According to the minutes, no actions were taken ([Agenda](#), [Minutes](#))

April 19, 2017. Representatives of the Tribal Council and the Town Board met on Wednesday, April 19, 2017 at the Lake of the Torches Casino/Convention Center to discuss road jurisdiction/ownership. One consequence of the meeting, according to the April 25, 2017, edition of the Lakeland Times as well as the audio recording, is a committee with representation from both organizations *will meet in the near future to begin work on a new agreement between the two governing bodies.* ([Agenda](#), [Audio Recording](#))

May 10, 2017. At its regular meeting on May 10, 2017, the town board passed a motion authorizing Matt Gaulke, Bob Hanson, Bill McCutchin, Wally Obermann, and Jim Tuckwell to represent the town in discussions on road jurisdiction/ownership with representatives of the Tribe ([Agenda](#), [Audio Recording](#), [Minutes](#)). Minutes include the following statement (italics added).

Mr. Gaulke stated we had a joint meeting between the town and tribal council on April 19, 2017. The council has appointed 3 people to serve on a road committee and the town now needs to appoint members to serve on that committee. Mr. Gaulke stated he has been approached by several people willing to be on the committee. Bill McCutchin, Jim Tuckwell and Wally Obermann. Mr. Gaulke would also be willing to sit on the committee knowing the history and having the chairman position. Mr. Hanson also wants to be on the committee. That would be a quorum of the town board on the committee so it would have to noticed as such with no action to take place. Mr. Mayer made a motion to have the selected members appointed to the road committee. Motion seconded by Mr. Hanson. Motion carried.

May 25, 2017. The representatives of the town met on May 25, 2017, for an "update with historical information". ([Agenda](#), [Audio Recording](#), [Minutes](#))

July 26, 2017. A resident of Lac du Flambeau, Ralph Kerler, submitted a [letter](#) to the Town Board via email indicating how the ongoing jurisdiction issue has influenced his attempt to sell and buy property. The letter also encourages resolution of the issue.

September 22, 2017. In acknowledgement that Mr. Kerler had yet to receive a response to his letter of July 26, 2017, Citizens for Education in Town Governance submitted a [letter](#) to the Town Board asking for an update of the road jurisdiction issue.

November 1, 2017. At the Town Board meeting on November 1, 2017, the Town Chair reported on the status of ongoing contact with the Tribe over the issue ([Agenda](#), [Audio Recording](#), [Minutes](#)). The audio recording includes the following information presented by the town chair,

About 3 or 4 weeks ago I had a call from George Thompson on another matter and during that conversation...look at getting together and looking at the road situation which we agreed to. And it was about a week and a half ago I had a phone call from Greg Harrold, our town attorney. He had gotten a phone call from Andrew Adams, representing the tribe, and Andrew wanted to get together to just sit down and start to open up the dialogue between the Town and the Tribe in terms of the road situation and membership and rights of way, maintenance, and that type of thing.

So last week I met with Greg Harrold, Andrew Adams, Chairman Wildcat, and George Thompson, and we sat down and we did, we started opening up dialogue....roads. Apparently, the Tribe was still looking and doing research on their end of things for some of the road documentation. According to George Thompson, they found some of it in Ohio of all places. You would think that it would be in Minneapolis, Aberdeen or Ashland...but Ohio. They're getting their documents together. We're getting our document together...in touch with the title companies...to see if they have anything we might not have. Once we get all that together then I think we'll work at getting our committees together and start working on a resolution to the road situation...

[Minutes](#) of the meeting held on November 1, 2017 include the following statement, italics added.

Mr. Gaulke reported Attorney Harrold received a call from Attorney Adams. Attorney Adams wanted to get together to work on the road ownership, ROW and maintenance issues. On Wednesday, Oct. 25, 2017 Attorney Harrold, Attorney Adams, Chairman Wildcat, George Thompson and Chairman Matt Gaulke got together to discuss the progress and open up some dialog. The tribe is still doing some research and getting documentation together. They found some information in Ohio. The committees will then get together to work on a resolution to the issues.

April 17, 2018. At the Lac du Flambeau Annual Electors' Town Meeting on April 17, 2018, a number of questions were asked about the status of discussions on road jurisdiction/ownership, including the roles of the town's Road Jurisdiction Committee and attorneys working for title companies. The town chair said that both the Tribe and the Town are continuing to look at information. ([Agenda](#), [Audio Recording](#) 31:48-35:40 & 38:20-39:19. Minutes of the meeting include the following statement (italics added).

Question asked regarding the road issues and the water problems on Moss Lake, road jurisdiction committee. These items are in the hands of the tribe at this time and we will keep all informed as we are notified. The title companies

were also working on the road jurisdiction on behalf of the title companies.

May 17, 2019. The Town Board and the Tribe have discussed and litigated for years whether the Tribe or the Town have jurisdiction over particular roads. On May 17, 2019 ([letter](#)) the Tribe declared jurisdiction over Cemetery Road, East Fence Lake Road, Little Trout Lake Road, Old Prairie Road, Pokegama Lake Trail, and Wayman Lane.

May 30, 2019. The Town Board held a Special Town Board Meeting on May 30, 2019 so the board could go into closed session to meet with its attorney “with respect to litigation in which it is or is likely to become involved.” According to the [agenda](#), the meeting was in response to a [letter](#) the town received from the Tribe on road jurisdiction. According to a [recording](#) of the open session portion of the meeting, Town Chair Matt Gaulke and Supervisor Chris Mayer were present and Supervisor Gloria Cobb was excused. Following the closed session, the board [approved a motion](#) authorizing the town’s attorney to respond by letter to the Tribe’s letter and to try to schedule a meeting with the Tribal Council. The town’s attorney, Gregory J. Harrold, authored a [letter dated May 31, 2019](#) as directed by the board. ([Minutes of May 30, 2019 meeting](#)). See the following for details:

[Tribe Media Release, May 21, 2019](#)

[Tribal Resolution 390\(17\)](#) – document provided by town clerk

([Attachment A](#)) Identification of Roads – document provided by town clerk

[Sample Individual Road Resolution](#) – one for each of six roads – document provided by town clerk.

November 21, 2019. On November 21, 2019, the Town Board held a public hearing on the [budget](#) proposed for the town for 2020. During the hearing, the Town Board was asked how the transfer of roads from the Town to the Tribe impact the proposed budget. Both Chair Gaulke and Supervisor Mayer responded that the roads are still under the jurisdiction of the town given there has been no formal action to the contrary. Moreover, they stated that a [letter \(May 31, 2019\)](#) had been sent to the Tribe requesting a meeting, but one had yet to be set up ([Agenda](#), [Audio](#): 3 min 40 sec).

January 20, 2020. The [invoice](#) the town received from its attorney for 2019 services provided in 2019 references a charge (page 3) for “Review of correspondence from Assessor regarding property values affected by Tribal roads.” On January 20, 2020, the Town Clerk was asked to make the letter available for public inspection. In a [letter dated January 21, 2020](#), the town’s attorney stated that he is “prohibited from releasing that document”.

November 19, 2020. During the town’s budget hearing on November 19, 2020, town officials acknowledged the Tribe had assumed responsibility for maintaining certain roads ([Agenda](#), [Audio](#), [Minutes](#)).

April 29 & May 2, 2022. When speaking with Wisconsin Department of Transportation (WDOT) personnel (April 29 & May 2, 2022), about the town’s [Paser Report](#) and [Certified Mileage List](#)

CETG learned it is the town's responsibility to inform the WDOT which roads are under the town's jurisdiction; it is not the State's responsibility to inform the town.

June 6, 2022. on June 6, 2022, Pete Kolzow, town road foreman, confirmed in a discussion with Norm Wetzel (CETG) that the Tribe had assumed responsibility for a number of roads that had been under the town's jurisdiction. He also confirmed that the roads are still listed on the town's [Paser Report](#) and [Certified Mileage List](#) as being under the town's jurisdiction, and that determining which roads are on such reports is a function of the town office. The importance of this issue is that the town's state transportation aid is determined, in part, by the accuracy of the Paser and Certified Mileage reports.

August 17, 2022. In response to questions at a town board meeting on August 17, 2022, during a review of the town's Five-Year Road Plan, the town chair said the road jurisdiction issue between the Tribe and the town is still under consideration by the town's attorney and the title company. Moreover, he stated that "...we don't know if we can give up our jurisdiction on them" ([Agenda](#), [Audio](#), [Minutes](#)). The issue is important because, in part, of implications for the town's state transportation aid. The town has acknowledged the Tribe has assumed responsibility for the roads, yet the town remains positioned to receive state aid.

ADDITIONAL INFORMATION

It became evident at the joint tribe/Town meeting held on April 25, 2017, that the treaties of 1836, 1842, and 1854 between the United States and the Ojibwe bands of northern Michigan, Wisconsin and Minnesota are central to the continuing discussions between the tribe and the town.

Through the treaties, the bands ceded lands while retaining the right to hunt, fish and gather on the lands they sold. The Treaty of 1854 also provided for permanent reservations. [Great Lakes Indian Fish & Wildlife Commission](#)

Click the following links to access the treaties: [Treaty of 1836](#), [Treaty of 1842](#), and [Treaty of 1854](#).

Click the link to read an article in the Wisconsin Magazine of History, [Reminiscences of Life Among the Chippewa](#) (page 287), by Benjamin Armstrong, who witnessed the making of the treaties.