

**PUBLIC STATEMENT FROM THE LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS
February 9, 2023**

How much is Tribe asking for? Some think it's \$10 million while others think it's \$20 million.

It's important people understand what the Tribe offered 10 years ago. It's equally important people understand easements are a common practice granting permission to use another person's land. What's uncommon, yet increasingly expected over the last 10 years of negotiating with the Town of Lac du Flambeau and Title Companies, is their refusal to agree to fairly standard easement arrangements, and what appears to be the Town and Title Companies not being straight with the individual property owners. The Town and Title Companies want the Tribe to give them 'right of way' access forever. Essentially, they are asking us to give up our land. We have given up millions of acres of land over generations. We now live on a 12-by-12 square mile piece of land known as a Reservation. This is all we have left.

The Tribe originally offered to renew the access road easements (or leases) for 25 years. We have Tribal Members who have property leases that come due every 25 years. We believe if our own Tribal Members can live with 25-year leases, it's fair to expect others who use Tribal Lands to be treated the same. For years, we've worked cooperatively with the WisDOT on easements without ever reaching a point like we have with the Town and these Title Companies. This entire situation could have been avoided if the Town and the Title Companies would have negotiated in good faith and implemented fairly standard easement agreements used by municipal governments.

The Town of Lac du Flambeau and the Title Companies, however, have repeatedly tried to circumvent the negotiations with the Tribe over 10 years. By acting disingenuously and delaying the process of securing 25-year easements, we arrived at this point. Over 10 years, anyone who has dealt with government and lawyers, can just imagine how quickly the costs add up.

The Tribe arrived at \$20 million by accounting for all the fees and expenses we've incurred trying to secure an agreement to provide access for property owners using Tribal Lands, as well as the cost of illegally using Tribal Lands over 10 years since the easements expired.

A number of years ago, the title companies requested that maps of definite location be conducted on the roads traversing Indian lands. In good faith, the Tribe agreed to that request. Afterwards, the title companies requested that federally sanctioned appraisals be conducted on these same parcels. Again, the Tribe agreed in the spirit of good faith and wanting to resolve this issue. Unfortunately, it became apparent to the Tribe that the appraisal process was defective due to confusion within the federal government concerning the methodology that would control the scope of work pertaining to the appraisals. Despite the Tribe raising these concerns, the title companies have insisted that the negotiations be controlled by defective appraisals that have languished at the Bureau of Indian Affairs and have not been received by the Tribe. Despite all of this, the Tribe attempted to negotiate a global settlement that did not rely upon the faulty appraisals, which the title companies have refused to engage in. It may be difficult for others to appreciate this, but the Tribe has been a victim of faulty paper documents for over 200 years dating back to the Treaty of 1837. This historical trauma informs the Tribe's steadfast decision to safeguard what little land it has left.

Claims have been made by title company representatives that the Bureau of Indians provided past reassurances that the going rate for easements on the Lac du Flambeau Indian Reservation was \$25,000 per easement. The Tribe respectfully disagrees with any statement that says federal law and regulations place a static amount on easement applications. Any reading of 25 CFR Part 169 would lead a reasonable person to the conclusion easement amounts are determined by the Tribe who owns the land.

How many other roads (or which roads) also have leases expiring soon that may also be in the predicament? The Tribe had been directing property owners to seek out information from the Town of Lac du Flambeau and Title Companies. Unfortunately, the Tribe is getting feedback from property owners about unsatisfactory service when contacting the Town of Lac du Flambeau related to determining if their properties have easements. Property owners are sharing they're being treated disrespectfully and told, if they want to dig through thousands of documents, they can come down during Town Hall office hours. The tone has been described as not very kind or helpful.

Short of demanding better service from Town Officials and Town Attorney Greg Harrold, the best way to determine if a property is impacted by expiring easements is to do an online search for Vilas County GIS. If property owners find they access their property by crossing Tribal Lands, which are also found on the GIS mapping system, they likely will find an easement. We believe there are about 30 additional properties with easements.

Why was now the time for the Tribe to blockade the roads after 10 years?

For 10 years—a decade—the Tribe has been trying to get the Town and Title Companies to agree to 25-year easements, a fairly common practice granting permission to use another person's land. Over those years, costs and expenses have continued to be incurred by the Tribe in an effort to resolve this matter.

The Tribe feels for the property owners impacted by the actions of the Town and the Title Companies. In fact, we share in their frustration and can relate. We're hearing many property owners feel like the Town and the Title Companies misled them and are currently running them around in circles rather than solving the matter.

How much longer should the Tribe allow Town of Lac du Flambeau elected officials, Town Attorney Greg Harrold, and Title Company lawyers to string us along, saying one thing and doing another, before saying enough using our property without a formal agreement in place? Ask yourself, would you tolerate someone using your property for 10 years without your permission? Would you expect compensation for using your property for those 10 years? How would you feel if you had been trying for 10 years to sign a pretty standard agreement to clarify who could use your own personal property? Remember, the Tribe initially wanted a 25-year easement agreement 10 years ago.