

**Questions for the record of the House Subcommittee on Indian and Insular Affairs
Oversight hearing on “Examining the Opportunities and Challenges of Land Consolidation
in Indian Country.”**

Questions from Rep. Westerman for Hon. Victoria Kitcheyan, Chairwoman, Winnebago Tribe:

1. In your opinion, how good of a job did the Land Buy-Back Program do in targeting lands that had a high economic value to consolidate?

The Winnebago Tribe (“Tribe”) participated in two rounds of the Land Buy-Back Program (“Program”). Through both rounds of offers, approximately \$17 million in offers were accepted for over 5,700 equivalent acres. While the Tribe appreciates the benefits it received from this program, more effective communication with the Land Buy-Back Program officials could have led to greater results.

During the first round of the Program, the Tribe was able to review and prioritize highly fractionated lands with the Program officer. It was a hands-on experience where the Tribe had the opportunity to weigh in on key decisions. However, the Tribe’s experience during the second round was quite different as most of the decisions came from Program staff without the Tribes input. Further, the Tribe had to constantly reach out to Program staff for updates.

Overall, the Tribe found the Program to be highly effective, but more effective communication with the Program staff could have led to better results.

2. How has your tribe approached long-term land use planning?

The Tribe prioritizes land acquisition and land consolidation because doing so will strengthen our community and increase economic self-sufficiency. Our long-term land use planning includes personal finance and estate planning education for tribal members, advocating for funding and resources for land acquisition, and developing comprehensive land use plans.

The Tribe is currently working with an external consultant to develop a land use plan for the Winnebago Reservation. The plan will include plans for business, residential, farming, hunting, recreation, and preservation.

a. How has fractionation and land consolidation impacted the effectiveness of long-term use planning?

Fractionation has had and continues to have an impact on our long-term planning. Many Winnebago families who hold fractionated lands choose not to sell because of their ties to those lands that were passed on from ancestors. The Tribe certainly understands those strong connections to the lands and is working with families to ensure that the lands will always be within the Tribe and for our people.

Without a consolidated land base, the Tribe has an extremely difficult time developing the community, housing, and expanding infrastructure. The processes and approvals for use of trust land cumbersome and time consuming, especially when parcels are fractionated. This adds costs to development and has the potential to delay a project by months or even years.

3. The Department created GIS maps and a database for use in the Land Buy-Back Program and has stated that tribes have access to that data to see the lands and help make land planning decisions.

a. Does the Winnebago Tribe use this data specifically. And if yes, how accessible is this data? And If no, please explain why not.

The Tribe does not have access to the Department's GIS maps and database used in the Land Buy-Back Program.

4. The Land Buy Back Report acknowledges that land fractionation will exceed pre-program levels in 14 years without further action.

a. Can you further expand from your testimony on any legislative or policy solutions that Congress should consider to help further consolidate fractional interests?

1. Programs for tribal member estate planning resources and education to help tribal members make informed decisions.
2. Additional funding for tribal land acquisition so tribes can continue to purchase fractionated interests and other parcels within the reservation.
3. Incentives for land sales to tribes within reservations.

5. Your testimony mentioned the need for personal finance and estate planning education for tribal members. What opportunities has the tribe found to provide this education for tribal members, or what kind of programs would you partner with for this purpose?

To date, there have been limited resources for this since the BIA stopped providing will drafting services for tribal members with trust lands. Currently, the Nebraska Legal Aid provides will drafting services for elders. We are also aware of organizations such as the Indian Land Tenure Foundation that have programs to help with tribal elder education and will drafting. If grants were available, the Tribe could apply or partner with another organization to provide this service.

Questions from Rep. Grijalva for the Honorable Victoria Kitchevan, Tribal Council Chairwoman, Winnebago Tribe of Nebraska

1. How would you describe the economic impacts that fractionation may have on the Winnebago Tribe?

Fractionated land makes land use planning extremely difficult, cumbersome, and often impractical. It limits the ability of the Tribe to effectively develop infrastructure, housing, and other projects within the reservation. This has major implications for economic development, entrepreneurship, and growth of the community. Every single project the Tribe is currently working on, such as construction of a new grocery store, emergency services building and childcare center, have had delays and challenges due to not having consolidated and useable parcels of land for development. The delays result in increased construction costs and excessive staff and consultant time spent on analyzing options, often with a result that is less than ideal and often a workaround due to various fractionalized parcels of land scattered throughout the community and reservation.

2. If no action is taken to reduce fractionated interests, how do you expect the situation to look 10 years from now?

As tribal members pass away without wills, their trust land interests will continue to be divided among all heirs. The more heirs there are on a parcel of land, the more difficult it is for that family to make use of the land. This results in many parcels of land sitting idle or being leased to others for limited economic value to each family member. Idle land adds no value to the Tribe as a whole and hurts the Tribe's ability to effectively develop within the reservation.