

**WRITTEN STATEMENT OF
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BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON INDIAN, INSULAR AFFAIRS
OVERSIGHT HEARING ON
“EXAMINING THE OPPORTUNITIES AND CHALLENGES OF LAND
CONSOLIDATION IN INDIAN COUNTRY”
JANUARY 30, 2024**

Good morning, Chair Hageman, Ranking Member Leger Fernández, and Members of the Subcommittee on Indian and Insular Affairs. My name is Victoria Kitcheyan, and I have the honor of serving as the Chairwoman of the Winnebago Tribe of Nebraska (“Tribe” or “Winnebago”). Thank you for the opportunity to provide testimony at today’s hearing on “Examining the Opportunities and Challenges of Land Consolidation in Indian Country.”

I. WINNEBAGO HOMELANDS

Today, the Winnebago people make our home on a reservation along the hills and banks of the Missouri River in Northeastern Nebraska and Northwestern Iowa. However, the path that led my people to ultimately call this reservation home was a long and traumatic one. My ancestors were pressured to cede their lands and leave what is now the State of Wisconsin. This led to treaties in 1829, 1832, and 1837. Our 1837 treaty resulted in the Winnebago people being removed from Wisconsin to a reservation in Iowa.

The Winnebago people were removed once again in 1846 to two separate locations in Minnesota. Then, after the Dakota War of 1862, the Winnebago, who were not involved in the conflict, were forced to leave our lands in Minnesota and relocate to “an undesirable parcel of land” on the Crow Creek Reservation in South Dakota. The conditions there were so horrendous that many of our people died from “starvation and exposure.” Fighting for survival, many Winnebago people fled from South Dakota and sought refuge among the Omaha Tribe in what is now the State of Nebraska.

In 1864, “twelve hundred starving Winnebago” relocated themselves to the bottomland where Blackbird Creek flows into the Missouri River. Subsequently, a Winnebago delegation went to Washington, DC to negotiate the sale of part of the Omaha reservation to the Winnebago Tribe. In 1865, the Winnebago purchased on hundred thousand acres of the north end of the Omaha Tribe’s reservation. A treaty was signed in 1865 that exchanged the Winnebago Tribe’s land on the Crow Creek Reservation in South Dakota for our new reservation in Nebraska.

The Winnebago Tribe’s Treaty of 1865 promised that land would be “set apart for the occupation and future home of the Winnebago Indians, forever...” Our ancestors suffered through immeasurable pains to secure a “forever” home for the Winnebago people. Through these removals, our culture and way of life was disrupted, many Winnebago people died along the way,

and we were separated from lands to which our culture was closely tied. Knowing this harsh history strengthens us as we fight to protect and restore our homelands.

II. IMPACT OF ALLOTMENT ERA

With the treaty making era coming to an end in 1871, the federal government shifted to an era of allotment and assimilation, which sought to strip us of both our land and culture. The General Allotment Act of 1887, also known as the Dawes Act, sought to break up reservations and tribal lands by granting allotments to individual Indians and encouraging them to take up agriculture.

By the time the Dawes Act was enacted, the federal government had imposed allotment policies on the Winnebago for over 20 years, allotting vast amounts of our lands. A treaty signed on April 15, 1859, declared that each head of family would receive no more than eighty acres, and each single male over eighteen years of age would receive no more than forty acres. Further, the Winnebago Removal Act of 1863 (Act of February 21, 1863) allotted Winnebago heads of families eighty acres of land for cultivation and improvement.

Although our 1865 treaty made no mention of allotments on our new reservation in Nebraska territory, the 1863 Act clearly intended that the Winnebago lands be allotted once the Tribe was settled on the new reservation. Under the provisions of this Act, the Interior Department issued 420 patents to the Winnebago by 1872. These allotment policies were just another way to take our land and were forced upon the Winnebago, resulting in the Tribe owning just one-third of its reservation lands by 1913.

While the federal government's allotment era ended 90 years ago, the Tribe is still feeling the impact of those detrimental policies. Our remaining lands were placed into federal trust status in order to stop the rapid loss of land. Trust land, however, has had terrible long-term economic consequences for the Winnebago people. Over the last seven generations, much of our land has become highly fractionated, weakening our ability to exercise our sovereignty, self-determination, and limiting our ability to use our land for housing, development, agriculture, and overall economic gain.

III. LAND BUY-BACK PROGRAM FOR TRIBAL NATIONS

The Tribe is very appreciative of the efforts of Elouise Cobell, along Winnebago tribal leader Louis LaRose and many others, that led to the Cobell Settlement, which established a \$1.9 billion Trust Land Consolidation Fund ("Consolidation Fund"). Signed into law in December 2010, the Cobell Settlement aimed, in part, to solve the fractionation problem that had been plaguing Indian country for decades. In 2012, the Secretary of the Interior launched the Land Buy-Back Program for Tribal Nations ("Program") to implement the land consolidation component of the Cobell Settlement.

In May 2016, the Tribe signed an agreement with the Department of the Interior to guide implementation of the Program and outline a coordinated strategy to facilitate education about the Program to landowners. At that time, former Winnebago Tribal Chairwoman Darla LaPointe

stated that the Tribe “made a strategic decision to be involved with the Buy-Back Program. This opportunity will provide the tribe with communal use and land development that fits our priorities as a whole. The Tribe will benefit with additional lands, the landowners will benefit monetarily and our local agency’s issue with fractionalization will be drastically reduced. We see this decision as mutually beneficial to all parties.”

In February 2018, the Department of the Interior provided the Tribe with a *Purchase Summary Report* (“Report”) that outlined how the Tribe was benefiting from the Program. Overall, the Program purchased nearly 12,000 fractional interests and more than 4,200 equivalent acres in 327 tracts on the lands of the Winnebago Tribe were consolidated under tribal ownership. Other key findings included:

- Offers were mailed to 3,500 landowners with fractional interests in lands of the Winnebago Tribe;
- Nearly \$11.8 million was paid to landowners who chose to participate in the Program;
- A total of 1,159 landowners (33 percent of those who received offers) sold 11,999 fractional interests;
- The Program purchased \$4,791,782 of Surface resource tracts, \$12,222 of Mineral tracts, and \$6,905,012 of both resource tracts;
- 73 tracts were in 100 percent tribal ownership, 291 tracts in tribal management potential, and 339 tracts with more than 50 percent tribal ownership;
- 643 tracts were still considered fractionated tracts under the terms of the Cobell Settlement containing 48,090 purchasable fractional interests;
- 3,585 individuals own fractional interests at the Winnebago Tribe;
 - Those landowners owned the equivalent of 13,684 purchasable acres: 3,545 Surface acres, 4,780 Mineral acres, and 5,333 Both acres.

In September 2021, the Department of the Interior announced that nearly 3,000 landowners with fractional interests at the Winnebago Reservation had been sent more than \$22 million in purchase offers from the Program. Those landowners accepted \$5.3 million in offers for 1,558 equivalent acres. Through both rounds of offers, approximately \$17 million in offers were accepted for over 5,700 equivalent acres.

The Tribe as well as individual tribal members have benefited significantly from the Program. By accepting Program offers, tribal citizens have used those proceeds for various purposes, including paying off debt, purchasing vehicles to have transportation for employment, and purchasing homes. Others were able to purchase necessities for their families and create savings or investments for long term use. Having a buyer for these fractionated land interests provided individuals with an opportunity to turn an asset with limited practical or economic value with a limited pool of potential buyers into actual capital under tribal members’ direct control that could be used to improve their lives.

Benefits to the Tribe include an increase in useable parcels of land that are now under total or majority Tribal ownership and increased agricultural lease income the Tribe. The Winnebago Tribe can now exercise more direct control over who farms the land, what they farm, and how they farm it because the Tribe now has majority control over more land on the reservation. Previously,

if the Tribe did not control the land, it had to follow a very regimented federal government mandated leasing and planting schedule. These policies did not allow the Tribe to maximize its benefit because it had five-year leases that did not take into account market fluctuations and forced farmers to plant economically poor crops, such as oats instead of corn or soybeans. The Tribe can now direct which crops can be grown to maximize economic and environmental impact.

The increased control of our land has also helped boost the Tribe's economic growth and community development efforts. For example, the Winnebago Tribe's wholly owned farming company, Ho-Chunk Farms, leases agricultural land from the Tribe for both commercial and organic farming. Ten years ago, Ho-Chunk farms did not exist and did not farm any tribal land. In 2024, Ho-Chunk Farms will farm over 7,000 acres of tribal land, including 1,000 acres of organic crops. Ho-Chunk Farms also provides much needed jobs, training, and income for the Tribe. The Land Buy Program has been critical to the Tribe's farming efforts because it now has more useable agricultural land that can be available for lease by Ho-Chunk Farms. However, it is also critical to note that Ho-Chunk Farms now farms all the Tribe's agricultural land and its ability to grow will be limited to some extent by how much more land the Tribe owns and can consolidate in the future.

IV. NEXT STEPS

Now that the funding authority for the Program has ended, the Winnebago Tribe is committed to finding a way to keep building on the successes of the Program. According to the Department of the Interior's report titled *Ten Years of Restoring Land and Building Trust 2012-2022*, "fractionation is predicted to exceed pre-Program levels in just 15 years without sustained efforts. Further, the Department of the Interior has indicated that it would likely take billions of dollars to resolve the fractionation problem.

The Winnebago Tribe, with limited tribal resources, is continuing to prioritize land acquisition and land consolidation. Additional steps that have been identified include personal finance and estate planning education for tribal members, increased funding and resources for land acquisition, consolidation and management, and development of comprehensive land use plans.

The Program has greatly boosted the Winnebago Tribe's farming operation by allowing the Tribe to have more direct control over the land. The success of Ho-Chunk Farms allows the Winnebago Tribe to move up the economic value chain beyond just leasing the land. The farming profits can be used to acquire even more land—creating a continuing cycle of job creation and economic activity. This provides the Tribe with additional resources to acquire even more fractionated and previously lost land.

Increasing federal funding to help address the fractionation problem would greatly advance the Winnebago Tribe's efforts to continue to consolidate our land base, increase economic self-sufficiency, and strengthen our community.

The Tribe looks forward to continuing to work with the Subcommittee and the Department of the Interior in an effort to solve Indian Country's fractionation problem.