

TESTIMONY OF ROXANE J. POUPART, DIRECTOR OF TRIBAL LAND
DEPARTMENT
LAC DU FLAMBEAU BAND
OF
LAKE SUPERIOR CHIPPEWA INDIANS
BEFORE THE
UNITED STATES SENATE COMMITTEE ON INDIAN AFFAIRS
HEARING ON S. 1586
THE INDIAN LAND CONSOLIDATION ACT AMENDMENTS OF 1999

NOVEMBER 4, 1999

Mr. Chairman and Members of the Committee, my name is Roxane J. Poupart, and I am the Director of the Tribal Land Management Department for the Lac du Flambeau Chippewa Tribe of Wisconsin. I am here as the Representative on behalf of the Lac du Flambeau Tribal Government to provide the committee information on how the Land Consolidation Pilot Project implemented by the Bureau of Indian Affairs is working for Lac du Flambeau. Lac du Flambeau is one of three Great Lakes Superior Chippewa Indian Reservations selected to participate in the Land Consolidation Pilot Project for fiscal year 1999.

The Lac du Flambeau Indian Reservation is located in northcentral Wisconsin, approximately 180,300 miles from any major metropolitan area. There are more than 1600 Tribal Members of the Lac du Flambeau Band that reside on the reservation. Exhibit A illustrates Lac du Flambeau Land Ownership Status. The Reservation is approximately 86,000 acres in size established and defined pursuant to the Treaty of 1854 between the United States and the Chippewa Indians of Lake Superior and Mississippi; dated September 30, 1854 (10 Stat. 1109). The Tribe has a very diverse ecosystem with an enormous responsibility to police, protect, enhance, and conserve the land and its trust resources for future generations. Of the 86,000 acres, approximately 40,000 acres are forested, 20,000 acres of lakes, 34 miles of creeks, rivers and streams, 24,000 acres are wetlands (entire northern one-third of the reservation) with only 2,000 acres of tribal land designated for housing and leasehold properties. Development within our areas predominately residential and confined around the lakes and downtown area.

The three pilot reservations are Lac du Flambeau, Lac Courte Oreilles, and Bad River. Lac du Flambeau as the two other Bands consist of allotted land having been made in the 1850's, well before the enactment of the General Allotment Act in 1887. Fractionations on these reservations are the most severe examples in the Great Lakes area. Although, Lac du Flambeau has not received a specified amount under the Pilot Project, to date, the Bureau of Indian Affairs have expended \$700,000.00 for Lac du Flambeau. In addition to the Pilot Project, the Tribe has worked diligently in its own efforts to reduce the severe problem of fractionation. In fiscal year 1998-1999 the Tribe appropriated \$1.5 million under two separate referendums by its members for the purchase of allotted and fee lands. We acquired from 153 heirs representing 1755 undivided interests. In fiscal year

1999-2000 the tribe appropriated another \$1 million to acquire and consolidate lands in order to utilize land for housing, economic development, and natural resource management. The most recent data received from the Chippewa Housing Authority, tribal members on the waiting list for housing is 268 individuals, a majority of which consisting of a two or three household member composition. This indicates the existing severe overcrowded conditions on the reservation. In order for the tribe to address the housing shortages and overcrowded living conditions, more land must be acquired and more land must be consolidated.

The strongest point and most effective part of the Pilot Project is that it has enabled the Tribe to re-establish their land base which had been decimated by the allotment policy. By 1966, approximately 25% (29,101 acres) of the original reservation land base was allowed to become alienated and currently is owned by non-Band Members. Many of the allotments that have left Indian ownership include our most desirable shorelines around the lakes. To date, the Tribe has re-established 1, 1 81.09 allotment acres, this includes the acquisition of two (2) entire allotments. There is only a few residential leases on allotted land in Lac du Flambeau. Allotment land base has some choice lakeshore but is predominately forested backland and undeveloped. Exhibit B identifies allotted land ownership data. Fractionated ownership of Indian lands is a problem that not only threatens the administrative ability of the Bureau of Indian Affairs it makes utilization of the lands very difficult and sometimes impossible for the individual owners including the tribe. Exhibit C is a good example of an attempt to consolidate several parcels. To make this a viable economic unit it's time to take this acquisition one step further and consolidate those fractional interests greater than 2%.

To recoup proceeds from these inherited land interests as outlined in the Pilot Project appropriation language maybe far reaching. *For example, the Bureau acquiring into an 80 acre allotment from 12 heirs representing less than 1% undivided interests and the parcel generates (0) zero income. The number of heirs are still too numerous to get the required approval for a lease and any damages received from a right-of-way have been waived or already disbursed. Under the forest management plan the next timber sale or improvement project is not anticipated for another ten (10) years.* If the parcel is not generating income prior to acquisition how and when will income be generated? Our concern is the time period of these title transfers to the tribe. It is not clear whether the title transfer period process will take days, months or years. Other areas of encountered dilemmas have been in the transition of payments to tribal members, confusion when payments would be received by members, denial of land sales payments, breakdown in communication, and regression to the old method of processing land sales.

Under PL93-638 the Tribe contracts certain Real Estate functions of the Bureau of Indian Affairs. Tribal Lands Program currently has a staff of three (3) that provides real estate services and routinely prepares and processes trust and fee title conveyances, sales, purchases, exchanges, partitions and 'ft conveyances. There are four (4) attorneys that contract with the tribe specializing in Contracts, Housing and Indian Land Tenure issues. The knowledge and administrative experience of the Tribal

Land Program has positioned the Tribe to administer the Land Consolidation Pilot Program. The tribe supports the Land Consolidation Pilot Project and recommends funds be appropriated in fiscal year 2000-2001, to continue the Pilot Project objectives in reducing fractionation of Indian lands. The tribe strongly urges that new allocation language and criteria for the Pilot Project to allow tribal governments the authority to administer the program. In addition, acquire interest greater than two percent within a designated time and allow individual land owners acquisitions for consolidation concurrent with the Tribe's Land Management Acquisition Plans. Thereby, creating greater opportunities in land utilization for new housing development, economic development, enhancement and management of the natural resources. The Tribe recently received the new Land Consolidation Act Amendments of 1999 on Bill S. 1 586 and recommends ample time for review, commentary and consultation.

In conclusion, on behalf of the Tribe, the Tribe appreciates the time of the Chairman and Members of the Committee to allow us to express our concerns and recommendation regarding the Land Consolidation Pilot Project.

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