

# Bringing back the buffalo

*Establishing a community herd at Rock Creek*



## >>> Meet ILTF's Board of Directors



**Ronald Brownotter** is a member of the Standing Rock Sioux Tribe. He is majority owner of the Brownotter Buffalo Ranch, a large buffalo cow/calf operation located on his grandmother's original allotment in Bullhead, South Dakota.

"It means the world to me, to be here. To see that my grandma, she herself had a vision, to leave something for her kids, to keep her line going ... I see the same thing happening with me, for my kids," Brownotter said. "The land is critical to me. Without the land, I'm lost."

Brownotter holds a Bachelor of Science degree in Agronomy from California State Polytechnic University. He has served on the Standing Rock Sioux Tribal Council and in the United States Marine Corps.

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One Hundred Thousand & 00/100

Buffalo Project

Robert Lee Jones, President

## **ILTF grant supports the Rock Creek Buffalo Project**

Many Native Nations relied on the sacred buffalo (Tatanka) to meet their basic needs for food, shelter, clothing and ceremony. In the 19th Century, more than 50 million buffalo were deliberately destroyed in order to starve Native people onto reservations, resulting in dire poverty and ill health.

ILTF supports efforts to bring back the buffalo along with healthy lands, diets and economies to American Indian People. In 2017, ILTF supported the Rock Creek Buffalo Project on the Standing Rock Reservation in South Dakota. The Rock Creek District, comprised of nearly a million acres, is the most isolated of the eight districts on the reservation. It includes the 15,000-acre Shambo Ranch, where a community buffalo herd has been established.

ILTF's support provided the resources to build fencing in a section of the ranch to contain at least 100 members of the growing herd. Among the additional impacts of the project are job training, employment opportunities, community sharing and a youth engagement program that is helping young people explore a future in buffalo ranching.

## Managing Indian land in a highly fractionated future

The *Message Runner* is an educational publication produced by ILTF to address specific topics related to Indian land tenure. Past issues have been widely distributed throughout Indian Country and have been used by colleges and universities, tribes and federal agencies for education and training purposes.

The latest edition is *Message Runner 9* – “Managing Indian land in a highly fractionated future” – which offers readers an overview of creative new ways that Indian landowners can consider exercising their ownership rights, managing their land and engaging in more effective estate planning through ‘Co-Owner Management Entities.’

“We hope Indian landowners will find this information valuable,” said ILTF president Cris Stainbrook, “as they look for new opportunities to better manage their family’s trust assets and stop further fractionation of their land title.”

ILTF first published the *Message Runner* in 2002 to provide Indian people and others with much-needed information about Indian land tenure issues.

Read past issues of *Message Runner* at [www.iltf.org/resources/publications](http://www.iltf.org/resources/publications)



### Managing Indian land in a highly fractionated future

**A**s a result of the General Allotment Act of 1887 — also known as the Dawes Act — reservation land was divided up and allotted to individual tribal members. This sale of individual Indians steadily became landowners on more than 150 of the most reservations. When an allottee died, ownership was divided among the heirs, but the land itself was not physically divided. As a result, each Indian heir received an “undivided interest” in the land.

A black and white portrait of John D. Rockefeller, an elderly man with a full white beard and mustache, wearing a dark suit and a white shirt with a dark bow tie. He is seated in a chair, looking slightly to the right of the camera. A book is resting on a surface to his right.

### How did we get here?

Beginning with treaties in the 1830s and '50s, federal policy created a complex web of individual ownership of reservation land. Under the General Allotment Act, Indian landowners were also dual citizens: permit to hold title their own affairs. This marked the beginning of the federal trusteeship and its all-powerful control over transactions involving Indian land. Since that time, additional layers of federal, state and tribal laws regarding the probate of trust and restricted fee land have led to a highly-discriminated state of ownership that includes both Indian and non-Indian on land titles.

Since its inception in 1972, the Indian Land Life Foundation has supported estate planning as one of the most effective ways to stop the continued erosion of Indian land. The foundation believes that Indian lands are controlled and managed by Indian people. ILFF-funded projects have led to thousands of Indian landowners receiving clear, legal services and will continue assisting with the education of Indian landowners, tribal officials, lawmakers, attorneys and Indian land heirs have important training about NALRA. There has been important steps forward, but there is still much more to be done.

The most recent and significant attempt to return the title of trustless land title was the American Indian Probate Reform Act (AIPRA) of 2004. The goal of AIPRA was to establish a more uniform way of transferring ownership of trust and restricted fee land from one generation to the next. The federal rule provides definitions, designates eligible heirs and establishes exhaustive procedures in handling the probate of trust assets. It also stopped the application of state law to Indian trust probates, which harmed massive loss of trust ownership of those inherited to non-Indian spouses. AIPRA created the new society for Indians to inherit from trust land and restricted fee land.

What if these experts say that land in landlocked countries could better manage their membership lists and more effectively manage their land? What if indeed land made it possible for landowners to consider alternative ways to combat desertification?

These questions were at the heart of a three-day ITC pilot project focused on "Co-Owner Management Entities." A donor organization looked for land advisors for the development and recognition of legal entities such as private or family trusts, partnerships, corporations, or other organizations that would improve the management of *highly-fractionated interests* in trust or re-



new opportunities in better managing their natural resources, and step further his formation of the land title.

Considerable portions of AIPRA are dedicated to describing what happens to trust assets when an owner dies without a will (known as "intestate"). By allowing an estate to go through probate intestate, a federal administrative law judge working for the Office of Hearings and Appeals gets to interpret federal law in ways that have a direct

*Craig Stenbrook*  
Craig Stenbrook, President  
Indian Land Tenure Foundation