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before the

SENATE COMMITTEE ON INDIAN AFFAIRS

OVERSIGHT HEARING ON ENVIRONMENTAL CHANGES ON TREATY
RIGHTS, TRADITIONAL LIFESTYLES AND TRIBAL HOMELANDS

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INTRODUCTION

Halito, Bonjour, and good afternoon Chairman Akaka, Vice Chairman Barrasso and members of the committee. I am honored to be able to provide this testimony on behalf of the United Houma Nation.

BACKGROUND AND BRIEF HISTORY OF TRIBE

I serve as the Principal Chief of the United Houma Nation, located in South Louisiana. My tribe consists of over 17,000 members, many of whom live in the coastal bayous and swamps of Terrebonne, Lafourche, Jefferson, St. Mary, St. Bernard and Plaquemines parishes, which lie south of the city of New Orleans. The vast majority of our citizens continue to reside and trace their family roots to Terrebonne Parish. Stemming from the French culture, the word Terrebonne means “good earth,” but this earth is disappearing below our feet. This pressing assault is what I’d like to talk to you about today.

As the Chief of my Nation, I am charged with the responsibility of maintaining and fostering our Houma culture and traditions. In ensuring the long-term well-being and continued existence of our Tribe, I must admit that I feel overwhelmed by that

responsibility due to the rapid environmental changes affecting our communities. The Houma homelands and people are the frontline of the environmental disaster facing coastal, southeast Louisiana.

As I stand here today before you, I am fighting an invisible enemy that we cannot fight alone. Our homeland is disappearing and with it our culture is at risk of fading as well. Disappearing with that land are the stories of our elders, the bones of our ancestors and the very cultural fabric that makes up our nation. Today, I respectfully ask that you lend your time, turn your eyes, and open your ears to the plight of my people. I ask that you help me to uphold my duty to my people – the continued existence of the Houma people, our way of life and the preservation of our homeland.

For hundreds of years, tribal members have not just lived, but thrived, off these low-lying lands where we carved our way of life off of the land and water. Rich in natural resources, our homelands are rich in trapping, hunting and fishing grounds as well as bountiful vegetation. In fact one of our elders fondly tells the story of how when he was a child outsiders visited his community to offer aid believing our people were poor. In return for the “gifts” brought, our people sent those outsiders away with large amounts of furs, baskets, seafood and homegrown fruits and vegetables above and beyond what was received. By living off the land, the Houma people have always been rich.

Common wildlife located in our homeland that historically provided for our people included rabbits, ducks, deer, and other wild game as well as fur bearing animals such as the mink and muskrat. Additionally crawfish, crabs, shrimp, oysters and many varieties of fish have always been plentifully available. Naturally growing plants include sage, roots, palmetto and other plants that we’ve gathered for our traditional medicine and basket-weaving. From this land comes many traditions we still practice today. ‘Traiteurs’ or Treaters provided our members with spiritual guidance, advice, and medical treatment from roots and plants of the area. Our people made baskets from the heart of the Palmetto plant, mattresses and dolls from Spanish moss, and canoe-style boats, called pirogues, made from dugout cypress trees to navigate the bayous and swamps.

The irony of this situation is that our ancestors sought haven in this rich area to escape enslavement or forced relocation after French and Spanish settlers came to the area and Congress passed the 1830 Indian Removal Act. To avoid conflict from the increasing number of settlers and to escape the plight of many of our Indian counterparts who would be removed from their homelands, our ancestors chose to flee deeper and deeper south into areas that were believed to be uninhabitable by these settlers, but we called home. Today, we are facing a different relocation, not enacted by Congress, but equally forceful, as the very land that once provided a haven is now disappearing from under our feet.

ENVIRONMENTAL CHANGES TO THE COMPLEX ECOSYSTEM OF OUR REGION

To get a better understanding of why climate change is having such disastrous effects here, some background in our geography and the many forces affecting it, is necessary.

First, the rich swamps and estuaries our people thrived upon were created from thousands of years of build-up from the Mississippi river carrying deposits of silt and mud. In the 1920's, when the Mississippi River was dammed and canals built off of it, the flow ceased. This had the desired effect of preventing floods to the settlers who built settlements along the banks of the river, but it robbed the marshland of the necessary sediment. After the flow ceased, the estuary could not naturally rebuild and sustain itself leaving it vulnerable to the next onslaught.

The next blow to our area was the oil and gas industry, which dredged ten thousand miles of channels through the wetlands beginning in the 1930s. With the invasion of these man-made waterways, the landscape rapidly changed and coastal Louisiana became a checkerboard. Unfortunately, the vast majority of these dredged waterways took place well before oil and gas companies were environmentally regulated and required to mitigate the damage caused by their efforts. As a result, these channels have been allowed to grow wider and wider and opened the door to saltwater intrusion creating further encroachment of waters further and further into tribal homelands.

Now, the rising sea level is adding to an already destructive problem. We are now seeing water levels at the highest they have ever been. At the same time that our land is sinking, the water level is rising. What you have as a result is an environmental crisis with rapid land loss and coastal erosion taking place at phenomenal rates. The average sea level in southeast Louisiana is rising at a rate of three feet every 100 years, which is an unusually high level. Scientists state that, as the planet's temperature increases, the oceans also warm causing the water to expand. This dilemma is at crisis proportions. The combination of rising oceans and sinking land means that Louisiana's coastal sea level is rising at a higher rate than any other coastal areas. All of these factors interplay to create a dire situation of land loss and sinking wetlands with the people of the United Houma Nation trapped in the center of this battle.

Land is disappearing below our feet at an astonishing rate. Since 1930, the Louisiana coast has lost 1,900 square miles of land equal to the size of Manhattan every year. Each year, 25 square miles of wetlands -- or a football field every half an hour -- is lost. In less than the time that we will sit in this room, talking about climate change, we will have lost that much land. Places where our tribal members used to walk to visit a neighbor, they now have to boat. Roads once built up on land are now covered in water. Electricity poles that were once along that road are now in water. Coastal erosion affects our Tribe more than it does any other group of people. It is our tribal members that live along those swamps, fish these waters, hunt this marshland and depend on the land that is disappearing. Years before Hurricanes Katrina and Rita, Gustav and Ike we knew this was a critical problem. I remember hunting on lands that are now underwater as a child. As a grandfather, my heart hurts that I will never be able to share that land and experience with my grandchildren.

Alone, these factors would be enough to wreak havoc on any tribe. Now, add two more factors: hurricanes and man-made disasters. Our people always knew how to live in balance with nature and hurricanes have always been part of that balance. However, with so many environmental changes the intensity and damage caused by hurricanes today is very different and a huge challenge for our people today. There's scientific evidence that shows that hurricanes have become more and more intense in the last 50

years. Due to escalated erosion along the coast, hurricane winds and flooding are reaching further inland than ever before. Our people don't need scientific evidence to prove it. With every storm, our members lose their homes, they lose their boats, their livelihood to the repetitive flooding waters and the damaging winds. Everyone here saw the devastation that Hurricanes Katrina and Rita brought to our area in 2005. What was not as publicized were hurricanes Gustav and Ike in 2008, which brought an additional 10 feet of water in areas that were still struggling to recover. We are faced with a horrible cycle here. Stronger hurricanes – the storm surge, the rushing, flooding waters, and the saltwater intrusion – cause and escalate the land loss. At the same time, the more land we lose, the less protection our homelands have from hurricanes leaving our communities vulnerable to the damages caused. Scientists estimate that every 2.7 miles of marsh reduces storm surge by roughly a foot.

Just as our communities were recovering from these Hurricanes and our people had felt some sense of normalcy back in their lives, repaired their boats and were returning to shrimping and crabbing, the United Houma Nation was hit with another environmental disaster, a man-made disaster – Deepwater Horizon Disaster and oil spill on April 20, 2010. As a result of the spill, 600 miles of the Gulf coastline was oiled and over half of that was in Louisiana. According to NOAA Fisheries Services, less than 2 months from the date of the oil spill 88,522 square miles of waters were closed to fishing equating to 36.6% of the Gulf of Mexico coverage area, resulting in an estimated \$2.5 billion loss for the fishing industry. While it is too early to know the long term effects of the spill and how the oil and the dispersants will affect our ecosystem, we do know already that many of our tribal members have lost their jobs and subsistence lifestyle as a result. Now many who were exposed to the oil and chemicals are suffering from things like upper respiratory infections, headaches, seizures and abdominal pain. Our people are very concerned that the health affects of this disaster are only just beginning.

Today the Houma people find ourselves in a perfect storm. With less land, our members, their homes and boats are less protected from these spills and hurricanes. Today's weakened marshes allow oil to penetrate more deeply, killing vegetation and destroying habitat deep within the wetland. As the vegetation dies, the natural eroding forces of the ocean quickly churn the soil into open water, eroding Louisiana's natural buffers from storm surge and leaving our tribal communities in even greater danger from erosion and hurricanes. As you can see Louisiana's coast is in an environmental crisis and the United Houma Nation is at the frontline of that crisis. If Louisiana cannot overcome this looming disaster, the heart of our Houma Nation, the land and our way of life, will disappear as quickly as the land.

EFFECT OF ENVIRONMENTAL CHANGES ON THE TRIBE

I probably don't have to tell the people in this room that Indian people, our culture, the very fabric of our being is tied to the land. It is what binds us as indigenous people. When we lose our land, land the size of a football field every half hour, we are losing our culture just as quickly.

First, the physical loss of land is a huge detriment to our Tribe. Many tribal members own much land that has been in their families for many years. Losing this land

means less ownership of our own property and area available for practicing tribal traditions. There is no way to get this back.

Second, the loss of land causes a loss of traditional wildlife and plants critical to our traditional way of life. The wildlife, plants, animals, and the bayous themselves are critical to so much of our traditional knowledge, whether it comes from palmetto leaves to weave baskets or passing on the trade of shrimping that our tribe has done for hundreds of years, the loss of such practices is invaluable. Because we have limited access to these resources, our people are challenged in their ability to pass this traditional knowledge on to our children. These environmental changes are stealing those things that are crucial to our survival as Houma people.

In addition to the loss of wildlife, plants, and land tied to our traditional way of life, these factors have already forced many tribal members to leave the area taking our people away from their homeland and distancing them from their culture. So many people lost so much and, instead of choosing to rebuild again in the path of repetitive hurricanes, many are choosing to relocate. Without these elders to teach the culture and children to learn it, how can we carry it on? Without the people and tie to the area, our culture is challenged to survive.

All of this is exponentially more difficult to deal with because of the fact that the United Houma Nation is not a federally acknowledged tribe. We are recognized by the state of Louisiana, but not the federal government. For instance, in the recent Deepwater Horizon Oil Spill, the United Houma Nation reached out to British Petroleum (BP) for assistance to help tribal citizens adapt and recover from the disaster. In the response from BP was that although they valued their relationship with the UHN, because we are not a federally acknowledged tribe, the oil pollution act and mandated assistance to tribal governments did not apply to our Tribe.

Additionally, when Louisiana passed recent legislation including a \$50 billion plan over 50 years to restore the coast, the State in the planning phase disclosed that some coastal communities were going to be sacrificed or trade-off communities in order to save other communities. Many of our tribal communities, including our most treasured, oldest communities that the vast majority of our citizens trace their roots to, are left out of these plans. The State's explanation is that these communities are too costly to protect; however, our people contend that our culture and homelands were not duly valued. We do not believe that the State of Louisiana considered the cultural loss. In contrast, had the United Houma Nation been federally acknowledged we would not be so easily dismissed and would be afforded federal protections guaranteed to state recognized tribes.

Unfortunately the United Houma Nation's pursuit of federal recognition is closely tied to the repetitive disasters we faced. At this time, the UHN's petition for federal acknowledgement with the Bureau of Indian Affairs is on hold due to our Tribe being under a state of emergency following Hurricane Katrina. When our citizens are still fighting a daily struggle to get back on their feet after these environmental disasters, you can imagine this is a difficult choice to make. Moreover, it is incredibly draining on my people to have to fight these battles for our homes, while at the same time, fighting a battle here to simply be recognized as "Indians." My hope is that our people have a

reprieve from these disasters and focus our full efforts and resources towards recognition as that status is a major barrier in fighting the environmental onslaught.

WHAT IS BEING DONE TO ADDRESS THESE ISSUES?

Just recently, less than 2 weeks ago, President Obama signed the RESTORE Act, which directs 80 percent of any Clean Water Act penalties paid by BP for the spill to be placed in a trust fund for restoration efforts in the five coastal states damaged by the spill. The RESTORE Act will establish the Gulf Coast Restoration Trust Fund. According to the act's language, the funds are supposed to be used to restore the ecosystem, establishing a Gulf Coast Ecosystem Restoration Counsel and to support research on coastal wetland restoration and protection, wildlife and fisheries monitoring, mapping and recovery, improving the safety in exploration and development of oil and gas resources and other key areas. While this Act is very necessary for our area, the main problem is that we do not see any of these funds unless and until BP is fined. Also, the amount we get is dependent on how much BP is fined. That means we have to wait until a settlement or a trial to determine if BP was negligent and to decide how much money, if any, we will received as part of this fine. Time is not something that is on our side, especially now that another hurricane season is upon us. In addition although our homeland sits at the frontline, there is no guarantee that our tribal communities will benefit from the RESTORE Act without the protections of federal acknowledgement.

The UHN is working hard to work collaboratively with the many other efforts being made as a result of local researchers and truly joint community efforts. Last year, our tribe took part in the Restore America's Wetland Foundation, Terrebonne Parish Government and several community agencies to deploy a new technology developed in Baton Rouge that could help to rebuild the land. Volunteers went out in the marshland and placed hundreds of floating mats of marsh grass in critical areas where the marsh is being eroded. The grass is supposed to send down roots through the mats and form new land as soil and plant material attach to these manmade marsh islands. We are pleased with the results thus far and are waiting to see the long-term results. The nature of our people is to roll up their sleeves and get to work. It is projects like this that give us hope that the environmental damage can be stopped and potentially corrected.

RECOMMENDATIONS FOR THE COMMITTEE

While there is some movement in the right direction, especially after the passing of the RESTORE Act, there are still areas where we can use your help and support.

First, investments must be made to protect our existing areas so that we can protect that land that we do have left. Second, we ask for your support in legislation to protect and restore the wetlands. We also would like to extend our utmost gratitude for your support of the RESTORE Act, but we also ask that you ensure that these funds are properly allocated. Third, we need more support for research into the long-term effects of the oil spill and how it will affect the eroding wetlands, our ecosystem and the wildlife, plants and animals that live in these waters. We need efforts toward not just the short-term, but monitoring the long-term health of the Gulf. Finally, we ask that you evaluate and implement changes to the Federal Recognition process. As I stated earlier, many tribes such as ours, are fighting battles at home just to keep our members and culture

afloat. Getting federally recognized should not be the complicated process that it is. Our tribes are facing enough battles and need the same federal protections as our brothers and sisters.

CONCLUSION

Why stay on sinking lands in hurricane alley? That is a question our people have been asked many times in recent years and you may have even thought so yourself. But to us, this land is paradise. Our Tribe migrated to what we now refer to as our homeland generations ago in an effort to avoid the encroachment of settlers and avoid relocation. This land has provided us with a haven, sustenance, homes, and our traditions and culture. The thought of ever leaving is heartbreaking and a final move I don't think our people can survive without a huge loss to our way of life and culture.

A very famous American Indian proverb says, *"Treat the earth well: it was not given to you by your parents, it was loaned to you by your children. We do not inherit the Earth from our Ancestors, we borrow it from our Children."*

We are failing to live up to this wisdom. Because of the environmental changes we are facing right now, this land has been taken from our children, and with no efforts to correct it, we will leave them nothing. Ladies and gentlemen something needs to be done and I hope and respectfully request that you consider some of these recommendations I discussed today. Our children are depending on you.

On behalf of the United Houma Nation, I thank the Committee and those of you here today sharing your own experiences. We look forward to working with you in addressing these issues.