

CIRCUMVENTING THE NEXT TRAIL OF TEARS: RE-APPROACHING PLANNING  
AND POLICY FOR THE CLIMATOLOGICALLY DISPLACED INDIGENOUS  
COMMUNITIES OF COASTAL LOUISIANA

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CIRCUMVENTING THE NEXT TRAIL OF TEARS: RE-APPROACHING PLANNING AND POLICY  
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Many of Louisiana's indigenous ancestors migrated to the coastal bayous to escape the Trail of Tears. Over a century later, American Indian descendants now grapple with new threats of environmental displacement. Their land is disappearing due to increasing rates of erosion, subsidence, sea level rise, and hurricanes. As their ancestral land disappears, the tribal community of Isle de Jean Charles is among the first in the United States to plan for relocation.

This study explores aspects of government-sponsored displacement—the institutions, policies, and modes of planning practice—which obstruct the adaptation efforts of indigenous communities while escalating conflict and distrust toward the government. While much of the relevant scholarship on indigenous, climatological displacement is anthropological with a focus on indigenous perspectives, this case study is intended to advance the scarce body of relocation planning literature by exploring indigenous-state relations from both sides, addressing the question: How do indigenous communities, planners, government officials, and non-governmental organizations work together to overcome both a legacy of indigenous-state distrust and institutional barriers to resilience amidst indigenous climate change displacement?

The dissertation first argues that some of the most impactful, yet less visible contributors to the tribes' hazards vulnerability are institutional, including (1) the practice of planning, (2) the oil and gas industry, (3) federal acknowledgement procedures, and (4) cultural resource management. Then, pulling from missed opportunities and successes regarding the Isle de Jean Charles relocation, the case study ultimately reveals that the conventional, rational planning mode is ill-suited for the indigenous relocation scenario, because this approach motivates planners and public officials to dominate the planning and decision-making processes, only reinforcing distrust. However, indigenous, community-based planning approaches have led to decreased tension and modest planning successes, such as their acquisition of federal funding.

This research is the culmination of ethnographic fieldwork conducted from September 2014 to August 2015 with three tribes of Terrebonne and Lafourche Parishes, Louisiana: the Pointe-au-Chien Indian Tribe, the Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw, and the Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw. Methods depended largely on participant-observation and interviews with approximately seventy tribal members, planners, public officials, and nonprofit leaders.

## BIOGRAPHICAL SKETCH

Melanie Sand-Fleischman's Ph.D. from Cornell University is her third consecutive planning degree. After receiving a Bachelor of Urban Planning and Development from Ball State University, she worked as a Town Planner for both Tryon and Columbus, North Carolina. Then, she obtained a Master of Urban Planning and Development from the University of New Orleans. At this time, she worked as a Research Assistant at the University of New Orleans Center of Hazards, Response and Technology (UNO-CHART), where she collaborated on a community development project with indigenous people of coastal Louisiana. Her dissertation work allowed her to continue working with these groups. Today she lives with her husband in San Francisco, California.

To my mother, Judy Sand.

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## **LIST OF ABBREVIATIONS**

ACE: Army Corps of Engineers

BCCM: Biloxi, Chitimacha Confederation of Muskogees

BIA: Bureau of Indian Affairs

CPRA: Coastal Protection and Restoration Authority

DOI: Department of the Interior

EIS: Environmental Impact Statement

EJ: Environmental Justice

EPA: Environmental Protection Agency

FAP: Federal Acknowledgement Process

FEMA: Federal Emergency Management Agency

HUD: (Department of) Housing and Urban Development

NEPA: National Environmental Policy Act

OFA: Office of Federal Acknowledgement

PACIT: Point-au-Chien Indian Tribe

UHN: United Houma Nation

## Introduction

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They come out to me. They say, "Look." They says, "We want to relocate y'all." I say, "There ain't no way I'm going to relocate us. Cause there's just a **modern-day Trail of Tears.**" I said, "We don't want to move from here to theres. Just take us to Oklahoma."

*-Chief Albert, Traditional Chief of the Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw*

And the denial of their recognition, to my way of thinking, by the federal government, is almost the same thing as the *Trail of Tears*. It's the modern version of it.

*-Patty Whitney, Genealogist for the Pointe-au-Chien Indian Tribe, Vice-President of the Terrebonne Genealogical Society*

Oh, I remember the project manager at the time, and he was just new. We went through several projects, and the poor guy. I mean it was one of his first public meetings, and they were out there. It was kind of funny, they were hollering and doing that [highly pitched] "lulululu," Indian thing—which is actually a Middle Eastern chant—and they were just taking it upon themselves and, you know, that [it is] an Indian thing. The women in the background, just "lululululu!," just screaming and saying, "**Trail of Tears,**" you know. They were saying "**another Trail of Tears, Trail of Tears.**" Here's the federal government abusing the Indian community.

*-Jerome Zeringue, Louisiana House of Representatives, Former Director of the Terrebonne Levee and Conservation District, Former Executive Director of the Coastal Protection and Restoration Authority of Louisiana*

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### **Two Trails of Tears: Inspiring a Primary Research Question**

On May 28, 1830, seventh U.S. President Andrew Jackson signed the Indian Removal Act into law. The Act was the culmination of the nation's military campaign to relocate American Indians from the southeast to uninhabited land west of the Mississippi River. The

federal government appropriated \$500,000 to negotiate with (or bribe) the chiefs of five of the largest southeastern tribes (Chickasaw, Choctaw, Creek, Seminole, and Cherokee) to sign off on removal treaties. Jackson was staunchly against the treatment of tribes as sovereign, foreign nations; and since he could not convince legislators to abandon the practice of treaty-making, his passage of the Indian Removal Act to enable the negotiation of Indian removal treaties was a cynical façade. In actuality, the Act was a means for forced American Indian removal and their dispossession of land.

The forced removals of the nineteenth century became known as the Trail of Tears. Many lives were lost in transit due to starvation, disease, and exposure to the elements. By the turn of the century, sixty tribes and 100,000 American Indians were removed west, though historians believe that this is an undercount.<sup>1</sup> Not everyone left peacefully. For example, the resistance of the Seminoles to be deported from Florida resulted in the Second Seminole War (1835-1842). The Cherokee initially resisted by petitioning the courts<sup>2</sup> but were ultimately denied relief by the Supreme Court. Some American Indians hid from settlers and lived as squatters, as some Seminoles had done in Florida, and as some Creeks had done in Alabama, though many were discovered and illegally enslaved.

Having escaped the Trail of Tears, and more broadly the Removal Era, the American Indians of Terrebonne and Lafourche Parishes, Louisiana, isolated themselves from state persecution by settling in the bayous which white settlers deemed to be of little value. The ancestors had originated from the historic Biloxi, Chitimacha, Choctaw, Acolapissa, and Atakapa

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<sup>1</sup> The demographic count of 100,000 American Indians removed, is most likely skewed by the fact that the ones collecting the data were also authorities in charge of orchestrating the removal itself, and thus, missed the numbers of people who previously fled or died. See Frank 2013: 392.

<sup>2</sup> Refer to *Cherokee Nation v. Georgia* (1831) and *Worcester v. Georgia* (1832).

tribes which intermarried and merged to form individual bayou communities.<sup>3</sup> For generations, locals referred to them simply as “the Indians of [insert community name]” (e.g., the Indians of Pointe-au-Chien, Isle de Jean Charles, Grand Caillou, etc.).<sup>4</sup> The dissertation focuses on three indigenous communities in particular: the Pointe-au-Chien Indian Tribe, the Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw, and the Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw.<sup>5</sup> Each one is undergoing challenges to adaptation due to rapidly changing conditions.

Until recent decades, these communities followed a subsistence lifestyle tied to the marshy ecosystem, fishing, trawling (i.e., shrimping), harvesting oysters, catching crawfish,



*Women of the Pointe-au-Chien Indian Tribe reconstruct a historical palmetto hut during their annual Culture Camp.*

hunting, trapping, and keeping livestock. Their self-sufficiency shielded them from the vicissitudes of the American market for many years. Elders maintain that the Great Depression never came to the bayous because they did not depend heavily upon the economic system for their survival.<sup>6</sup>

Today, however, maintaining a livelihood based purely on subsistence practices is nearly impossible, as technological and infrastructural changes within the communities has created new financial responsibilities.

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<sup>3</sup> See Westerman 1997.

<sup>4</sup> Whitney, P. Personal communication, July 16, 2015.

<sup>5</sup> See Maps 1, 2, and 3 for locations.

<sup>6</sup> Naquin, A., personal communication, February 10, 2015.

For example, the people no longer travel by pirogue (canoe-like, standing paddle boats made of hollowed-out wood), but by car, a high-maintenance form of transit. They no longer informally live in palmetto huts; they reside in houses on lots, for which they must pay taxes. They must afford fuel for their motorized fishing boats and must pay fees for their fishing licenses. Because pure subsistence is no longer possible, many people depend on commercial fishing and positions with the oil and gas industry to make ends meet. As increasing economic pressures alter their pre-capitalistic relationship to the land, so do government responses to a growing environmental crisis. Consider “the Modern Trail of Tears” as a metaphor.

While the federal government’s removal campaign pushed these indigenous groups into the bayous in the eighteenth and nineteenth centuries, today they are being pushed out as their land erodes away beneath them. American Indian communities are being physically displaced by coastal Louisiana’s rapidly changing environment. The magnitude of the state’s land loss crisis is alarming. Due to coastal erosion and destruction of the marshes, Louisiana has lost 1,880 square miles of land, a 25 percent reduction in its footprint, since 1932.<sup>7</sup> This is roughly a loss of land equivalent to the size of Delaware. The news media typically puts the erosion rate into a familiar context for an American audience, stating every 100 minutes, a football field of land mass disappears into open water. Estimates predict that 1,750 additional square miles will be lost by 2021.<sup>8</sup> Hydrologists predict that sea levels along the Louisiana coast will rise 4.5 to 5 feet, putting much of today’s coastline under water.<sup>9</sup>

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<sup>7</sup> See Couvillion, et al. 2017, Land area change in coastal Louisiana 1932 to 2016: U.S. Geological Survey Scientific Investigations Map 3381, 16 p. pamphlet. Retrieved at <https://doi.org/10.3133/sim3381>.<https://pubs.er.usgs.gov/publication/sim3381>

<sup>8</sup> See Gotham 2016: 788. This reference states that this amount will be lost within five years. Because five years past the publication date of 2016 is 2021, this is the year estimated here.

<sup>9</sup> *ibid*; Barras et al. 2008

The indigenous communities central to this dissertation lie at ground zero on the water's edge and are among the first to begin disappearing. Conditions of land loss have become so bad in the indigenous community of Isle de Jean Charles, for example, that the island's 11,520 acres in 1955 eroded to its current size of 1,280 acres.<sup>10</sup> Hundreds of residents have already been forced to move, though part of this trend is also attributable to newer generations moving away for educational and career opportunities. Only about twenty households remain of the hundreds which existed a generation ago. Individual displacement has been fracturing and threatening communities, especially those reliant on subsistence living. Indigenous residents of Pointe au Chien, Grand Caillou, and Dulac have yet to be displaced, but they are aware that they also may have to relocate in the future. They see the Isle de Jean Charles case as a precedent for what may come.

Although the ancestors adapted for over a century by isolating themselves from governmental persecution, under current conditions of environmental displacement, the tribes can no longer avoid government intervention. Tribal leaders must engage with agencies, local government officials, and planners about resiliency issues through processes of hazard mitigation planning, cultural resource management, and planning for relocation. Their petitioning for the tribes' federal acknowledgement is also critical to obtain indigenous land rights to their ancestral territory and sacred sites. Accessing these rights entails, in part, a process of extensive genealogical and historical research. This process has fostered divisions within indigenous communities, as inconsistent and conflicting records have required indigenous community members to take sides regarding their precise ancestry.

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<sup>10</sup> See Map 5 in the Appendix.

Rising animosity within communities and inter-tribal competition has been a severe consequence of the Bureau of Indian Affairs' Federal Acknowledgement Process. While government agencies, using the inconsistent records of deceased explorers, anthropologists, and missionaries, have the power to police American Indians' ethnic legitimacy, groups who are petitioning for acknowledgement, and thus indigenous rights, must defend one particular historiography. In doing so, they undermine the efforts of those who defend a different ancestral account. Indigenous community members are aware of the federal government's central role in driving conflict, even as they concurrently place blame on competing groups. These internal rifts infect indigenous relocation processes, adding additional obstacles and aspects of distrust to an already-complex planning initiative.

In conducting interviews with tribal leaders, allied non-governmental organizations, and government officials, I noticed a subtle yet consistent trend in the way people referenced the injustices of the system. For the American Indian communities and their allies, the Trail of Tears became the moniker for the institutional oppression which dispossessed indigenous people of their land. The reference symbolically tied together the past and present experiences of relocation for the communities being displaced, but at the same time, it created a division between American Indian groups and government authorities with which they interacted. For government officials, referring to state assistance as "the Trail of Tears" was a maneuver to conspire against authorities for power.

The construct of the modern “Trail of Tears,” then, had a severe “othering”<sup>11</sup> effect which enabled groups to position themselves in opposition rather than cooperation. It reified an already existent indigenous-state barrier, just as these groups were expected to collaborate on relocation planning efforts. Thus, my research question seeks to unpack these tensions relative to indigenous-state planning: *How do indigenous communities, planners, government officials, and non-governmental organizations work together to overcome both a legacy of indigenous-state distrust and institutional barriers to resilience amidst indigenous climate change displacement?*

My ultimate purpose for this research is not simply to call for more awareness of the traps of uncollaborative planning approaches in disaster-related practices. I hope to reach policymakers who have the power and authority to assist indigenous communities facing displacement, so that they may help rather than inadvertently continue the trends of dispossession. The mere inclusion of American Indians in planning and indigenous-state planning and consultation is not enough. We must begin to respect the rights of indigenous people and their aspirations for more self-determination in the ways that they plan their communities. This respect must be written into our disaster policies and central to our approaches to planning. This is our necessary approach to circumvent the next Trail of Tears as we enter an era of increasing indigenous climate change displacement.

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<sup>11</sup> “Othering” is a construction of difference (indigenous vs. non-indigenous in this case), which is problematic for indigenous people when it is used by the government to dominate or oppress (see Porter 2010). Also consider Said’s (1979) analysis on the power of discursive form, which can be linked to the production of knowledge about “othered” peoples. As European thought defined the orient as an “other than the occident,” the dominance of Euro-American worldviews “othered” Native Americans. Othering can also work against state aspirations when “us versus them” constructions produce conflict when cooperation is necessary for certain projects.

## Two Tertiary Research Questions

Conceiving of indigenous displacement and its injustices as an enviro-political Trail of Tears is compatible with contemporary theories within the disaster literature. Unsettling an outdated notion that one's social vulnerability to hazards is simply the product of one's physical location in a hazardous zone, theorists now maintain that vulnerability is compounded by socio-political factors. For example, contributors to hazards vulnerability could include political disenfranchisement, inadequate resources to adapt, poverty, and/or institutional racism. (This shift in disaster theory to now acknowledge socio-political factors is described at length in the next section.)

The perception of indigenous displacement as political injustice also jibes with emerging planning theories which implicate the planning profession as a contributor to processes of indigenous colonization.<sup>12</sup> That is, the discipline of land-use planning evolved under the theoretical premises of property theory.<sup>13</sup> However, these premises, especially those regarding private property ownership, were previously weaponized by the settler government to dispossess pre-contact indigenous people of their land.<sup>14</sup> Even though today's American Indian communities have

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<sup>12</sup> Jojola 1998, 2008, 2013; Hibbard and Lane 2004; Sandercock 2004; Lane and Hibbard 2005; Porter 2010, 2014; Matunga 2013; Sandercock and Attili 2013; Morgan and Cole-Hawthorne 2016, etc.

<sup>13</sup> John Locke's Judeo-Christian ethic as it influenced land ethics, is case in point, as it overpowered the pre-contact, indigenous view that humans cannot own land. In his "Two Treatises of Government" (1689), John Locke asserted that all men should have dominion over the natural world. Furthermore, those individuals who transform God-given resources into something of use have earned individual ownership of that land by investing their labour (Tully 1980; Porter 2010: 53-56). For indigenous North Americans, the foreign concept of land ownership became a colonial tool of dispossession because it rationalized settlers' taking of property for cultivation. As Locke's ideology of property rights gained purchase in the West, philosopher Thomas Hobbes justified the confiscation of land by spreading rumors of a-religious savages living in "promiscuous hordes" in the forest (Moore 2013: 159).

<sup>14</sup> Individual ownership of land was not a concept of America's Southeastern indigenous communities prior to settler colonization. American Indians held land communally until they were compelled to forego the practice. The General Allotment Act of 1887 (Also known as the Dawes Act) not only did away with communal ownership; it was also a tool to further dispossess American Indians of their homeland and place it in the hands of white settlers. Roosevelt described the Act to Congress as "a mighty pulverizing engine to break up tribal mass." (cited in Trachtenberg 2007: 34). The Act allotted 160-acre parcels to heads of household who met certain criteria, while redistributing the remainder to non-Indians (Churchill 2002: 47; Porter 2010: 27).

been assimilated to modern concepts of property ownership and bureaucratic land management like any other group, the dispossessory, anti-Indian policies crafted at the time of settler contact still bear consequences specific to American Indian descendants.

Subjecting indigenous groups to government-led planning and land management procedures forces them to navigate through a sea of bureaucratic procedures. For indigenous communities, navigating through the institutional framework of planning as a special interest group tends to require specialized knowledge and assistance to which they may not have access. Therefore, while federal land policies have physically dispossessed American Indian communities of their land historically, the institution of planning can be virtually inaccessible to them, thus dispossessing them of their aspirations for self-determination. Without adequate collaboration between planners and American Indian communities, local governments use systematic planning procedures to make land use decisions which are often ill-suited to the community's specific needs. The tribes' modern, environmental Trail of Tears illustrates the potential of the planning profession to (often unintentionally) mis-manage tribal wellbeing via apparently rational and systematic but ill-designed procedures.

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Then, the Indian Reorganization Act of 1934 went a step further than the General Allotment Act, dispossessing indigenous people of their unique structures of governance (Fleras & Elliot 1992: 149; Porter 2010: 27). Politicians claimed that it was an attempt to restore sovereignty to Indians and combat problematic trends of assimilation. After all, the lack of control over government structure tended to create internal conflicts within tribes and loss of territory. In some cases, the formation of tribal councils allowed for the justification of non-indigenous people to more easily gain access to resources through negotiation or trickery. Now under the tribal council structure of governance, decisions could come from those at the top of the organizational hierarchy without necessitating consensus. They would sometimes have one tribal representative sign off on contracts, such as oil leases, supposedly on behalf of an entire group of indigenous people, as was the case for the Navajos in 1923 (Baugher 1998: 99). Though the Roosevelt administration saw the act as a compromise which would restore the practice of Indian customs, in actuality, policies were a continuation of paternalistic oversight and worked to undermine the freedom to self-govern with cultural integrity. The federal government dictated the structure and meaning of "self-governance" in its own image while ignoring indigenous systems and principles of law.<sup>14</sup> For example, decisions would be made by majority rule rather than through consensus, which had been the way prior to federal imposition.<sup>14</sup> Between 1935 and 1945, over 90 tribal governments formed under this act.

Merging and advancing these theories on social vulnerability and the planning profession, this dissertation addresses the following questions: *1) Beyond the more visible factors which contribute to indigenous communities' hazards vulnerability (a lack of resources, historic racial segregation, lingering effects of the resource-deprived Indian schools, poverty, little political representation, etc.), what are the less visible contributors to vulnerability which are directly sponsored by the state?* In other words, how do the laws, policies, and procedures relevant to indigenous communities and their planning aspirations block their attempts to adapt to disastrous environmental changes? *2) How does a practitioners' mode or approach to planning with indigenous communities shape the success of hazard mitigation and relocation processes to either reinforce or diffuse conflicts?* Specifically, how well-suited (or ill-suited) is the conventional mode of practice, promoted under the rational planning paradigm, for indigenous communities when the model advocates for systematic decision-making processes led by government experts? This is a point of contention for indigenous communities which resist domination and assimilation. Indigenous communities which aspire for self-determination feel that they are better accommodated by community-based approaches, where discussions and decision-making processes are led by community leaders, and where planners work as facilitators of indigenous planning processes.

Before addressing the case study methods and the dissertation blueprint, this introduction will preface with a more thorough grounding in the social vulnerability and planning theory literature which supports these two arguments. First, the disaster literature forwards conceptual frameworks for vulnerability which focus, not on the disaster, but on the socio-political factors impacting the affected population. It provides some philosophical context for the disaster-centric, rather than people-centric, government responses which only seem to exacerbate vulnerability.

Considering government-led hazard mitigation and relocation planning processes as relevant contributors to vulnerability, the indigenous planning literature then considers the planning profession's propensity to undermine an American Indian community's aspirations for adaptation and self-determination. In doing so, it presents the case for transformative planning approaches, drawing upon the tenets of indigenous and community-based planning.

## **Theoretical Starting Points**

### **Social Vulnerability to Hazards**

The examination of environmental migrations as a response to erosion and sea level rise first requires an understanding of vulnerability—specifically, how the academic framing of hazards vulnerability has affected organizational responses. Until recently, hazards have been the primary focus of disaster research. Hazards are not synonymous with disasters, though they are very closely related. The current disaster literature contends that a hazard is only the potential for disaster. Hazards are “forces, conditions or technolog[ies] that have the potential for social, infrastructural, or environmental damage.”<sup>15</sup> Hazards are the hurricanes, tornados, tsunamis, earthquakes, oil spills, mudslides, etc.; whereas, disasters refer to the subsequent calamitous states which impact the people within a community.

A major paradigm shift changed the academic understanding of vulnerability to hazards. Prior to the late-1970's disaster research was overwhelmingly hazard-centric, meaning the scholarly focus was placed on the environmental disaster itself without considering social conditions or human behavior of the affected population.<sup>16</sup> Hazard-centric research would bear out engineering and design solutions, like floodproofing, which might involve levees, dams,

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<sup>15</sup> Hoffman and Oliver-Smith 2002; cited in Marino 2015: 22

<sup>16</sup> Marino 2015

drainage systems, and/or home elevation. Disaster management, from the hazard-centric ethos, might also include aid following a disaster event.<sup>17</sup> It would less likely include, however, ensuring equal accessibility to evacuation routes across socioeconomic groups, for example.<sup>18</sup> Hazard-centric disaster management would not address existing issues of poverty or the historic disenfranchisement of particular groups, leaving communities with fewer resources at a significant disadvantage compared to others when faced with disaster.

Nevertheless, policy has been slow to change with the new literature. Disaster agencies, at both the state and federal levels, continue to draft policies in a hazard-centric manner. For example, the Federal Emergency Management Authority's (FEMA) Community Development Block Grant (CDBG) programs provide disaster assistance for rebuilding after a disaster, but disaster relief programs pay less attention to preemptive economic development goals for vulnerable communities, like providing affordable housing, providing job training programs, or creating viable public transportation options. Nor do they provide mental health services or programs to alleviate hunger. Until recently, economic development for impoverished communities, a direct mechanism to curb disaster vulnerability, has been minimized as a policy solution. Rather, economic development is too often a planning goal which is siloed off as the responsibility of the municipality and separate federal agencies, including the department of Housing and Urban Development (HUD). Lack of inter-agency coordination and the belief that some goals do not fall under the umbrella of one's organizational mission statement creates a

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<sup>17</sup> Olshansky 2009

<sup>18</sup> Marino 2015: 22. Despite repeated requests to local officials, neither the Pointe-au-Chien Indian Tribe nor the people of Isle de Jean Charles and Grand Caillou/Dulac have a dedicated evacuation shelter of their own, which would enable them to keep track of their members in the event of a hurricane or flooding event. Federal and local disaster response has tended to focus on repairing damages to real estate.

disconnect and precludes disaster agencies from the overarching goal: lowering vulnerability to hazards.

Furthermore, FEMA mandates that municipalities include a risk assessment in their hazard mitigation plan. Still today, codified hazard mitigation regulations require that municipalities define risk and vulnerability “in terms of the types and numbers of existing and future buildings, infrastructure, and critical facilities located in the identified hazard areas.”<sup>19</sup> The definition of vulnerability is property-centric, rather than human-centric. It is written in terms of bounded, quantitative measures of structures and their value.

The turning point for researchers, in the late-1970s, occurred when the disaster literature began to acknowledge the concept of *social vulnerability*, or the interaction between social and natural systems which leads to the occurrence of hazards and disasters.<sup>20</sup> Social vulnerability is a mechanism through which environmental problems lead to forced or voluntary migration.<sup>21</sup> The current vulnerability literature comes from multiple disciplines and utilizes a variation of concepts and models. Most vulnerability scholars today agree that the political economy and power over resources is inextricably linked to environmental vulnerability. “Vulnerability is driven by inadvertent or deliberate human action that reinforces self-interest and the distribution of power in addition to interacting with physical and ecological systems.”<sup>22</sup>

The literature considers frameworks representing varying degrees of social relations versus environment as drivers of vulnerability. Vulnerability is the product of exposure to environmental hazards (e.g., to erosion, sea level rise, draughts, floods, storms, etc.), but it is also

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<sup>19</sup> § 201.6(c)(2)(ii)(A)

<sup>20</sup> Emrich and Cutter 2011; O’Keefe et al. 1976

<sup>21</sup> Afifi and Jäger 2010

<sup>22</sup> Adger 2006: 270

dependent upon social factors (e.g., socioeconomic status, race, age, and actions by organizations and institutions). The hazard-centric approach, discussed above as an outdated model which emphasizes exposure to natural hazards over social drivers, is also known as the natural hazards framework. Using this lens, if one is vulnerable to flooding, it is because (s)he lives in a floodplain. This approach has been heavily criticized for ignoring one's social standing in determining risk vulnerability.

The "entitlements" approach challenges this limitation, emphasizing a lack of resources and assets as a driver of vulnerability. This includes impoverishment, inequitable distribution of resources, and lack of social capital. Location in one's environment (as opposed to socio-cultural and/or socio-economic factors) has less emphasis as a driver than in the natural hazards framework. Research framed by the entitlements approach shows that droughts and floods more often lead to food scarcity in scenarios of disease and war, for example.<sup>23</sup> Nevertheless, there are limitations. This method is suitable for cases where populations experience famine in areas which have no shortage of food or where droughts have not occurred.<sup>24</sup> It neglects to emphasize the impacts that slow-onset disasters, like those fueled by climate change, have on a community's ability to adapt, however.

To understand the dynamics of the Louisiana case study, I find that a more moderate theoretical framework is more suitable. Instead of privileging one variable over another (i.e., exposure to hazards versus social conditions), I consider a balanced and interactive relationship between the two. Pulling from other disciplines, I find the following three frameworks to be particularly generative.

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<sup>23</sup> Sen 1981, Swift 1989, Bohle et al. 1994; Blaikie et al. 1994; cited in Adger 2006

<sup>24</sup> Adger 2006

First is the *pressure and release model*, which has become a go-to schematic for disaster and climate change research. Unlike the entitlements framework, this model represents risk scenarios where disasters cannot arise without both vulnerability and the hazards themselves. Schematically it is expressed as  $R = V \times H$ , or Risk of Disaster = Vulnerability  $\times$  Hazard.<sup>25</sup> This model captures the social elements which contribute to vulnerability while equally emphasizing the environmental hazard itself. Some scholars have criticized its lack of attention toward the social conditions which produce vulnerability over time, including factors which place some people in close proximity to hazards and not others.<sup>26</sup>

Second, the *hazards of place model of vulnerability* forwards a heuristic for human geographers which focuses on the locality or place as a unit of analysis and emphasizes that parameters of vulnerability change over time.<sup>27</sup> The model has a merged emphasis on “a pre-existing condition or potential exposure to risks (biophysical)” and “a social condition predisposing some response to an environmental threat (social vulnerability)” in conceptualizing overall vulnerability: “The hazard potential is filtered through the social fabric of society (socioeconomic indicators, cognition of risk, individual/societal ability to respond) to determine the overall social vulnerability of the place.”

The third framework, from the field of anthropology, also contributes a theoretical model which overcomes the challenges of one-dimensional assessments of vulnerability. In addition to

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<sup>25</sup> Wisner et al. 2003

<sup>26</sup> Cutter 2006; cited in Marino 2015:28

<sup>27</sup> See Cutter 1996: 536. The model is set up such that “the various elements that constitute vulnerability interact to produce the vulnerability of certain places and the people that live there. This vulnerability can change over time based on changes in the risk, mitigation and contexts within which environmental hazards occur.”

hazard exposure, the *political ecological framework* considers the causes of a community's lowered adaptive capacity, including the following:

(1) marginalization from political protection and decision-making; (2) inadequate infrastructure to cope with hazardous conditions; and (3) inadequate resources to cope with disasters before, during, and after the episodic hazard event occurs.<sup>28</sup>

Each of these frameworks provides insight into the changing conceptualization of vulnerability as it converges from different disciplines. Though federal disaster policy perpetuates a focus on hazard vulnerability through a disaster-centric lens, the disaster literature defends a position that vulnerability is also constructed by social conditions which predispose particular societies to disaster. One of those social conditions which predispose Louisiana's American Indian communities to disaster (i.e., displacement), and the one focused upon the most in this dissertation, is their precarious relationship with planning. Thus, by introducing theoretical work, the next section will prime readers for the contact zone between two ethos of planning.

### **From the Rational Planning Model to Indigenous, Community-Based Planning**

Since the beginning of human history, indigenous societies have been making plans regarding their land and people. Since its occupation under colonial rule, however, the U.S. landscape has been under new management, and indigenous groups are now stakeholders in the nation's standardized system of land use planning. American Indian scholars of city and regional planning are now more vocally confronting a panoply of misconceptions regarding the planning profession, like the fallacy that indigenous planning is a new concept or that American Indian

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<sup>28</sup> Marino 2015: 26

communities are not competent enough to plan for themselves and need to assimilate to the more “rational” systems of planning structured by planning experts. Indigenous planning literature<sup>29</sup> argues that conventional approaches to planning fail to accommodate specific needs, values, and community processes of many American Indian communities.

The issues pinpointed within this case study do not necessarily revolve around incongruent “rationalities” or competing “worldviews” between American Indian communities and public practitioners, though indigenous-state misunderstandings run rampant throughout. Rather, what stands out is a problem with legibility and translation in planning. In their profession, planners know that they are supposed to translate the needs of citizens to the state in a way which maximizes the community’s welfare. Furthermore, a planner’s task is to make a community’s concerns and aspirations legible to the local government through a formalized process. However, planners are often ill-prepared to work with the sorts of communities which are disadvantaged by centuries of marginalization by the settler-state, a legacy of contentious legal battles, competition with other groups, and a lack of resources necessary to circumvent these challenges. As the complexity of a community’s social, economic, political, and environmental challenges compounds, the task of planning adequately seems nearly impossible.

Too often, planners fail to translate input from indigenous communities in ways that manifest meaningful site plans,<sup>30</sup> much to the chagrin of American Indian leaders. They miss the

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<sup>29</sup> E.g., Hibbard and Lane 2004; Jojola 1998, 2008; Lane 2003; Lane and Cowell 2001; Lane and Hibbard 2005; Morgan and Cole-Hawthorne 2016; Porter 2010, 2014; Sandercock 2004; and Sandercock and Attili 2013.

<sup>30</sup> Consider an example from Morgan and Cole-Hawthorne (2016). To illustrate how Aboriginal values and input can be ignored in planning, authors use an example of redevelopment from Colleges Crossing in Ipswich, Queensland, a culturally and spiritually significant place to its Jagera Traditional Owners.: “After being damaged by floods in 2011, works consisted of replacing the playground and artwork was supplied by the Jagera Traditional Owners to capture the historical context of the area. However, the Jagera Traditional Owners were not consulted on, nor even told of, substantial landscaping work to the river and the site area. One Traditional Owner commented that, according to the council and developers, ‘our knowledge of this place was only useful for artwork.’ Lacking any

points that community members are trying to make, or they are unable to find solutions to an indigenous community's unique and most pressing issues. Planners may technically be listening, but when the challenges of translation become too perplexing, they may end up defaulting back to what they know.

To circumvent the indigenous-state barrier, some planners are beginning to embrace the tenets of an alternative mode of planning—indigenous planning. At its core is the unchanging goal of self-determination, especially as American Indians continue to suffer from mistranslations within conventional government-led processes. Indigenous planning is inherently community-based and holds promise as a more culturally appropriate approach to work taking place within American Indian communities.

Although American Indian scholars push for an indigenous planning approach, the predominant paradigm guiding conventional planning and policy, the rational planning paradigm, advocates for professional planning analysts to exercise authority over planning and decision-making processes using a systematic and objective approach. In 1955, planning theorists Meyerson and Banfield forwarded the rational planning model (sometimes referred to as the rational-comprehensive model). The model relies on the assumption that objective scientific knowledge can best determine optimal planning outcomes and that utilitarianism is the proper basis for making planning decisions.<sup>31</sup>

This rational approach replaced earlier physical planning methods which more closely approximated early architectural practices more narrowly focused on physical urban design.

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ability to respond to the works of the redevelopment (let alone the redevelopment itself), perpetuates power differentials by setting boundaries around the use of Aboriginal knowledge in land-use decision-making” (57)

<sup>31</sup> Peters 1991: ix.

Increasingly, however, planning theorists began to understand that cities are shaped not only by physical design but also by the social, economic, and political dynamics of a place. Thus, by the twentieth century, the profession became more focused on fostering a skillset to help planners navigate through the politics of decision-making. The rational planning model became a systematic tool to streamline a technical-scientific approach in four original steps: 1) Analysis of the situation<sup>32</sup>; 2) End reduction or elaboration<sup>33</sup>; 3) Design courses of action<sup>34</sup>; and 4) Comparative evaluation of consequences.<sup>35</sup> Iterations of the model have been since developed, adding steps for implementation.<sup>36</sup>

As the Myerson and Banfield rational planning model gained popularity as a decision-making guide beginning in 1955, planning scholars became more concerned with arising tensions between theory and practice. Planning practitioners found that translating theory into action on the ground was never as simple or straightforward as early techno-scientific decision-making models suggested. The kinds of problems facing planners were not easily solvable by an inner circle of experts developing and choosing from a handful of alternatives.

More recently, planning theories have advocated for less reductionistic approaches and more communicative approaches which acknowledge the importance of collective deliberation and knowledge-sharing among diverse stakeholders—a process which takes time. With his theory of incrementalism, political scientists Charles Lindblom emphasized the importance of

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<sup>32</sup> In this step, the planner or analyst considers the problem being confronted, and any limiting conditions and areas of opportunity which might result in or limit the solution.

<sup>33</sup> In this step, the planner or analyst makes choices about the ends to be attained from among all the relevant ends which are important to those being served (by the policy) or who might be served by the policy.

<sup>34</sup> In this step, the planner or analyst conceives of all the possible actions which might be undertaken as part of the solution to the initial problem.

<sup>35</sup> In this step, the planner or analyst considers the anticipated or unanticipated courses of action which are designed in the prior step and determines which step is optimal.

<sup>36</sup> E.g., Stokey and Zeckhauser 1978; Pressman and Wildavsky 1973, 1984; Friedman 1987

“muddling through” in 1959 by tackling smaller policy changes step-by-step over time, rather than hastily trying to find a solution or developing an entire comprehensive plan at once. Though he acknowledged the important (albeit subordinate) role of community advocates, like those watching out for minority communities, Lindblom still viewed experts as the primary drivers of decision-making processes.

Then in 1965, Paul Davidoff introduced advocacy planning. Davidoff, a civil rights lawyer and housing advocate, noted a trend of exclusion in planning, and found planning experts to be too partial and uninformed without the leadership of advocates. He wanted the poor and underrepresented to have their own advocates and planners who would together render “plural plans” through a rich debate.

In 1973, theorists Horst Rittel and Melvin Webber famously called for the development of argumentative planning as planners confronted “wicked problems.” In other words, they acknowledged that the sorts of problems which planners are expected to solve are not easily or neatly solvable through planning. Therefore, relying on planning experts to solve these problems alone is an inappropriate strategy. Instead, Rittel and Webber felt that planners should define and resolve planning dilemmas through an argumentative process involving planners and a diverse array of participants.<sup>37</sup>

At the same time, from the 1960s through the 1980s, scholars were developing a collection of literature on participatory planning to confront issues of concentrated decision-making power among experts. With her famous article, “Ladder of Citizen Participation,” Sherry

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<sup>37</sup> Rittel and Webber (1979: 162) advocated for a “second generation” of planning theory: “The systems-approach ‘of the first generation’ is inadequate for dealing with wicked-problems. Approaches of the ‘second generation’ should be based on a model of planning as an argumentative process—in the course of which an image of the problem and of the solution emerges gradually among the participants, as a product of incessant judgment, subjected to critical argument.” Quoted in Forester 2019: 6.

Arnstein questioned how to take participatory planning meetings from mere “window dressing rituals” to engaging and meaningful processes which bring value to the people represented. For Arnstein, inviting the community to speak up in a public forum was not enough if planners and officials ignored participants’ input and made the decisions among themselves anyway. At the same time, she advised that the specialized knowledge and experience of planning professional still needed to play an important role in decision-making when integrated with community input.

A new wave of planning theory generated transformative processes, such as value-led planning,<sup>38</sup> collaborative/community-based planning,<sup>39</sup> and deliberative planning.<sup>40</sup> Prolific planning theorists including Lawrence Susskind, John Forester, and Judith Innes built upon Arnstein’s premises of flawed participatory planning and pulled from the professional negotiation and mediation literature to close the theory-practice gap.

For example, in 1996 Judith Innes demonstrated how different environmental disputes can be approached through mediated, multi-stakeholder negotiations. In her work, she showed that planning can transcend the issues of earlier models like the rational planning model, where the expert must make the decisions, or models where local input and professional expertise did not integrate. In her work, she explored the successes of joint fact-finding. In several cases, she showed that oppositional stakeholder groups jointly selected experts to explore scientific questions on their behalf. In the end, the experts came to an agreement about these scientific facts, which the larger group accepted. Strategies like joint fact-finding are transformative in that

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<sup>38</sup> Low Choy et al. 2008; de Leeuw and Simos 2017

<sup>39</sup> Healey 1997; Innes and Booher 2004, 2010

<sup>40</sup> Forester 1999; Fischer 2003; Umemoto and Igarashi 2009

they utilize both representation of diverse groups and technical expertise to move beyond the realm of disputes and stalemates into practical negotiations.

In spite of the headway theorists have made transcending the limitations of top-down command-and-control approaches, and despite their testament to the value of democratized planning processes, many planners still feel most comfortable working under the same old assumptions of the rational planning model—that the steps are simple to follow, it is logical, it avoids the interference of local politics, it does not require the additional resources of outside advocates or mediators, and it preserves the authority over decision-making for the local government. Perhaps due to its illusion of simplicity, the rational planning approach still prevails as the most conventional, most widely taught mode of planning practice and policy analysis across universities. For indigenous communities, this means that alienating methodologies continue to win out over alternative approaches, and indigenous-state planning efforts continue to be mired in distrust, even when planners are trying to do what they think is right. Nevertheless, as the Louisiana case study will demonstrate, those practitioners who do embrace indigenous, community-based modes of practice can earn the trust and cooperation of these communities as they plan for disaster-resilient futures.

## **Entrée into the Field, Methodology, Contributions, and Limitations**

### **Entrée into the Field**

Inspiration for this study originated from a community development project I took on as a graduate research assistant at the University of New Orleans Center for Hazards Assessment, Response and Technology (UNO-CHART). One day in 2011, I went to visit my master's advisor, Earthea Nance, to discuss my thesis. I described my aspirations to write about an environmental planning topic intersecting with coastal communities, and Earthea knew just who

to consult. Located a few offices down the hallway was a CHART colleague who was notorious for her work with rural communities south of New Orleans. After introducing myself as a planning graduate student, Dr. Kristina Peterson asked me if I was looking for a job. I was, in fact.

We spent the next year primarily consulting with American Indian communities with whom Kris had built strong relationships over several years. Perhaps the most frequent visits we took together were to Grand Bayou in Plaquemines Parish—the village of the Atakapa-Ishak, where no roads lead. To get there, a resident must pick up a visitor by boat from a waterside parking area and motor home to their personal dock. I learned, along with the student groups we would occasionally bring, that the lifeways of coastal indigenous people were under threat due to erosion, rising waters, marsh destruction, barrier island loss, oil extraction, and repetitive disasters like hurricanes and oil spills. The threats, however, were not only bio-physical. Challenges to resilience (an exceedingly popular term in the region) are also institutional and political.

I became fond of one particular research methodology during this time. My mentor Kris Peterson is a huge proponent of participatory action research (PAR) and tried to teach me everything she knows. PAR creates a collaborative environment where everyone is an active participant in the process of co-learning. PAR eschews the hegemonic power structure of the distant researcher gazing in upon the exotic research subjects. Under PAR, everyone was a participant, and no one was a subject. We were all equals, sharing findings with one another. We were all creating a conversation about the effects of climate change and pathways to adaptation.

Additionally, Kris and her husband Dick Krajewski lent me piles upon piles of books on topics spanning collaborative research,<sup>41</sup> social-ecological systems,<sup>42</sup> local environmental knowledge in planning,<sup>43</sup> and research with indigenous communities.<sup>44</sup> Each of these works influenced my overall philosophy of community-based, collaborative research and sparked my curiosity in the philosophies undergirding the practice of planning.

## **Methodology**

I graduated with my master's degree in 2012, and going into my Ph.D. studies at Cornell, I decided to build upon the relationships I had developed during my time at UNO-CHART and to participate in local indigenous-led initiatives which were meant to further their own adaptation goals. Concurrently, by being engaged in communities' tribal initiatives, I could more thoroughly examine indigenous-state planning relationships as they play out in the context of environmental displacement.

To conduct dissertation fieldwork, I specifically worked with three coastal, state-recognized tribes<sup>45</sup> of Southeast Louisiana. One is from Lafourche Parish: the Pointe-au-Chien Indian Tribe. The other two tribes are located just to the west in Terrebonne Parish: the Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw and the Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw. The latter two tribes are part of the same confederation, known as the Biloxi, Chitimacha Confederation of Muskogees. The third tribal community to make up this

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<sup>41</sup> e.g., Korsching et al. 1992; Bray 2000

<sup>42</sup> e.g., Berkes et al. 2003

<sup>43</sup> e.g., Fischer 2000

<sup>44</sup> e.g., Smith 2002

<sup>45</sup> The tribes acquired state recognition in 2004. Refer to HCR No. 182, which formally recognizes these tribes by the Legislature of Louisiana. Though they all have been in the application process for years, none have yet gained federal recognition, which would grant them sovereignty and indigenous land rights.

confederation, the Bayou Lafourche Band, is also involved in many of the initiatives described in the manuscript, yet they refrained from participating in the study.

Having been granted a fellowship year by Cornell University, I conducted fieldwork in Louisiana from September 2014 to August 2015, using qualitative, ethnographic methods. Much of my ethnographic methodology depended

on participant-observation, meaning I became a part of the processes I observed.

As I attended regularly scheduled tribal and intertribal meetings, celebrations, and ceremonies, I engaged with community members as a part of the group, and I

volunteered for various tasks. For example, I would occasionally record meeting minutes

for tribal or intertribal organizations, I would prepare speakers with their speech notes, and I would help prepare grant applications. During the summer, I volunteered for the Pointe-au-Chien Indian Tribe's Culture Camp and found myself sewing children's American Indian dance shawls while chatting with the women.



*Crystlyn Rodrigue, Deputy Chief of the Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw, and Melanie Sand-Fleischman visit the French Quarter of New Orleans.*

Part of my engagement involved travel. I went across the country with American Indian community leaders to conferences, including the Natural Hazards Conference and Rising Voices, a workshop promoting a reconciliation of indigenous knowledge and earth science in the context of climate change. Alongside Chief Albert's nephew and a coalition of allies, I travelled to Capitol Hill in Washington, D.C. to brief Congress on April 20, 2015 on the degradation of Isle de Jean Charles and to seek support in their relocation efforts.

Additionally, I became linked to two non-governmental organizations (NGOs) which supported the missions of small, local tribes as they encountered governmental obstacles. First, the inter-tribal consortium known as the First People's Conservation Corps met monthly in a different community to discuss how tribes could interact with government agencies to meet community resiliency goals. For example, they built a close relationship with the U.S. Department of Agriculture's Natural Resources Conservation Service (USDA-NRCS) staff and got assistance applying for agricultural programs to support their gardening, fishing, and food harvesting practices.

The second NGO with which I participated was the Lowlander Center, founded by my mentor, Dr. Kris Peterson. While this organization was not indigenous-specific, during this year of fieldwork, its participants were consumed by advocacy and grant-writing work with the Isle de Jean Charles community as it was vying for relocation funding. By working for these two organizations, I gained a first-hand glimpse at the institutional dynamics taking place between tribal communities, government authorities, and NGOs.

The observations and dialogs conveyed in this manuscript were either derived from hand-written field notes or digitally recorded interviews. Field notes, both collaborative in their production and private in their use by the ethnographer,<sup>46</sup> gave me perspective as an insider, as I was engaged with several tribal initiatives. Formal interviews, on the other hand, allowed me to capture perspectives about indigenous-state relationships from the outside, giving me some analytical distance. I conducted extensive formal interviews with approximately seventy (70) participants, including tribal members, planners, public officials, and nonprofit leaders. Both

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<sup>46</sup> Refer to Sanjek 1990 for a more nuanced look at the way that an ethnographer's field notes are inevitably filtered through his or her own experiences, influencing the descriptions which are recorded as well as the writer.

field notes and interview excerpts pieced together a story of political conflict and collaboration as practitioners used different approaches to planning, policy-making, and cultural resource management. Placing oral histories side by side allows for an analysis of dialog and perception of conflict, ultimately revealing which approaches to indigenous-state planning fostered trust and which methods reinforced distrust.

Finally, I should note that ethnographic research and writing with marginalized groups always requires concern for participants' vulnerability. Due to concerns that individual American Indian participants might be put at additional risk for critical comments against powerful institutions, I have anonymized their identities in some places, even when individuals did not specifically ask for pseudonyms. In other places, direct quotations have been reduced from their original length and detail.

### **Scholarly and Professional Contributions**

As the International Panel on Climate Change (IPCC) estimates that 150 million people will be displaced by climate change by 2050,<sup>47</sup> this case study has national and global implications, both for planning practice and for scholarship. First, with respect to practice, the case study can provide insights about approaches and their outcomes. Because there is no precedent to indigenous, community-wide resettlement in the United States, Isle de Jean Charles could be among the country's first models of resettlement and can be a guide for future displaced communities and the government authorities which assist them.

Secondly, the case study can advance the nascent body of literature on indigenous communities facing displacement and relevant hazard mitigation processes. While early case

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<sup>47</sup> IOM 2008

studies of indigenous relocation have predominantly focused on the disappearing small islands nations of Oceania, scholars are now focusing more attention on indigenous relocations being planned in Alaska and Louisiana. The emerging literature on indigenous climate change displacement has tended to come from the field of anthropology and often focuses on the experiences of indigenous people as they navigate the complexity of local political systems and confront institutional barriers to adaptation. Rarely, however, is the literature planning-specific, and rarely does it seek to understand the experiences, perceptions, philosophies, and approaches of planners, public officials, and agency leaders as they grapple with indigenous-state conflict. This dissertation fills this hole in the planning literature while also serving as documentation of public practitioners' disappointments, failures and successes, and trial-and-error methods as they do unprecedented work in indigenous relocation planning.

## **Limitations**

This case study does, however, encounter limitations which should be mentioned. First, I must reiterate the point made above. Considering that climate change relocation is an institutional response only recently coming to fruition, the amount of literature specific to planning is severely limited. Many books and journal articles miss critical aspects of governmentality<sup>48</sup> as it relates to climate-induced indigenous relocation, glazing over specific indigenous-state relationships and taking a broad view of institutional obstacles to relocation. Connecting this case to existing literature is no easy task. This is both a challenge and an

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<sup>48</sup> Michel Foucault uses the term “governmentality” to denote governmental rationalities, or the art of governance. It concerns the ways in which governments create subjects of its citizens, using techniques that make the governed governable (sometimes through manipulation). Furthermore, he notes that “governmentality is to the state (...) ‘what techniques of segregation [are] to psychiatry, (...) techniques of discipline (...) to the penal system, and biopolitics to medical institutions. See *Security, Territory, Population* (Foucault 2009: 502), specifically for Foucault’s Lecture of 8 February 1978: 120.

opportunity and makes me forever grateful for those authors who did get into the weeds of indigenous relocation planning.

Additionally, a document of this length cannot appropriately capture the complexity of the adaptation struggle taking place in Southern Louisiana. This case study only scratches the surface of reality, neglecting the tolls that environmental loss takes on communities with deep attachments to place<sup>49</sup>—place-based associations which shape their very identities as people. This dissertation more closely investigates histories of corporate and governmental disenfranchisement as it influences indigenous-state adaptation planning. It does not adequately address the lived experience of bayou dwellers as they experience loss.

Finally, because my year of fieldwork took place during the beginning of the Isle de Jean Charles relocation planning process (2014-2015), this case study is incomplete. While this manuscript does prepare its audience with a historic context of state contributions to displacement, and while it does document approaches to plan for and obtain a relocation funding mechanism, it has not captured any of the relocation planning procedures which will take place in the future. Even if the resettlement project is implemented according to the state's timeline, the project will not be completed until 2021,<sup>50</sup> leaving opportunity for further research and a thorough, step-by-step documentation of state planning approaches.

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<sup>49</sup> Burley et al. (2007) specifically focus on place attachment in coastal Louisiana and the ways in which community members frame wetland loss. The authors claim that “residents’ narratives of place reveal a strong degree of place attachment where ideas of fragility and uniqueness are employed to frame the place in which they live” (347). Degrees of place attachment have a significant bearing on the potential for and the ways in which community members are willing to plan for relocation.

<sup>50</sup> Refer to <http://isledejeancharles.la.gov/phase-3-resettlement-project>.

## **Navigating the Bayou: The Dissertation Blueprint**

The dissertation is separated into two parts, first addressing governmental complicity in processes of indigenous displacement and then examining approaches to indigenous relocation planning. The header and sub-header of Part 1, “Hazardous Classification Schemes: Exploring Government-Sponsored Contributors to Social Vulnerability,” is a concatenation of two findings. First, it denotes that artificial constructs (those which define and classify people, land, and vulnerability), operate as technologies of dispossession and displacement. This notion is thematically interwoven into each chapter.

Secondly, Part 1 proceeds from the theoretical premise described earlier, that a community’s vulnerability to hazards is not only the result of their geographic location within a hazardous zone. As the disaster literature has revealed, contemporary frameworks now acknowledge the significant role of socio-political factors in compounding social vulnerability. Many of these contributing factors are state-sponsored, meaning certain governmental policies, procedures, and approaches have had a marginalizing effect on indigenous communities, and thus, have inhibited their ability to adapt to a hazardous environment. Some of these factors are visible and well-understood. For example, when asked about the Louisiana tribes and their experiences with displacement, interviewees would often refer to their twentieth century history

of segregation and their experiences within the Indian schools.<sup>51</sup> While these experiences of institutional racism provide an important historical context, this dissertation does not focus on these well-documented aspects of oppression.

Instead, it examines lesser-known oppressors of the spatial variety: the institutions wielding “spatial technologies of power”<sup>52</sup> (e.g., land-use regulations, property laws, surveying practices, etc.), together with tribal acknowledgement policies, to (intentionally or inadvertently) dispossess and displace indigenous communities. The government-sponsored contributors to vulnerability to be addressed in Part 1 include the following



*Father Roch Naquin of Isle de Jean Charles, uncle of Chief Albert Naquin, was the first indigenous person in the region to gain a higher education. Though the schools were segregated in the late 1940s when he attended, and he dropped out since the Indian school did not even have books for the eighth grade, he attended the Brother's school in Thibodaux and later attended Seminary school.*

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<sup>51</sup> For example, they would describe a period of segregation as it impacted Indian education. During the Reconstruction Era after the Civil War, local governments in the South passed segregation laws. Throughout the twentieth century, indigenous communities in Terrebonne and Lafourche Parishes faced blatant discrimination and endured racial slurs like “Sabine,” which refers to their mixed indigenous and European ethnicity, and were referred to as “So-Called Indians,” which was meant to de-legitimize claims to their American Indian identity by virtue of their mixed bloodlines. Under segregation laws, however, they were Indians and had to attend Indian schools, but the Indian schools lacked adequate resources. In fact, many of today’s elders dropped out before high school because the school district would not provide books beyond the eighth grade. Local individuals sought relief through the courts, fighting for access to white schools. *Billiot v. Terrebonne Parish School Board* was a legal case in 1916, in which an Indian leader sought to place his children in the white schools, but the courts determined that they were legally “colored” and were not admitted. In the 1950s, the case of *Naquin v. Terrebonne Parish School Board* reversed this decision (See D’Oney 2006: 75. Case references: *Billiot v. Terrebonne Parish School Board*, Terrebonne Parish Courthouse No. 7836, 79 So 78 (Twentieth Judicial District, 1916); *Naquin v. Terrebonne Parish School Board*, National Archives and Records, Fort Worth 63-13291, box 65, accession number 021-71-A-854.) It was not until the 1960s that the schools were desegregated. Because elders lacked access to a reasonable education, their access to financial and political resources became limited, and these limitations negatively impacted future generations. In consequence, people tend to agree that the indigenous community’s history with segregation and their Indian school experiences are state-sponsored factors of marginalization which are still playing out.

<sup>52</sup> A term borrowed from Sandercock 2004.

disciplines, institutions, and practices: planning, the oil and gas industry, the federal acknowledgement process, and cultural resource management.

To reveal the ways in which planning can increase, rather than decrease, indigenous vulnerability to hazards, Chapter 1 focuses on the ways in which policies and codified procedures limit what can be achieved through hazard mitigation planning processes. As disaster policy formed under the ethos of the rational planning paradigm, which pushed policy disciplines to institute systematic, “objective,” and quantifiable decision-making procedures, practitioners’ approach to community engagement tended to be more focused on fulfilling federal requirements for planning documents and less focused on recording the true needs of communities. The inflexibility and illegibility inherent in systematic hazard mitigation practices is especially detrimental to indigenous and other special interest communities which may not organize their communities under the same assumptions as bureaucracies and institutions.

However, some hazard mitigation planners have sought ways to work with indigenous communities in a more culturally appropriate manner. To demonstrate how approaches to planning matter, Chapter 1 compares two modes of planning practice: the rational planning mode (the most conventional approach), and the indigenous, community-based planning approach. In contrast with the limited indigenous-state dialog achieved through a Terrebonne Parish consultant’s approach, hazard mitigation planner Alessandra Jerolleman demonstrates that indigenous approaches can lead to more engagement and can respect their capacity for self-determination while still fulfilling federal mandates for plan-making.

While contributors to indigenous hazards vulnerability can directly be the product of a specific governmental sector, as with planning, sometimes policy indirectly enables private industries to dispossess American Indian groups. The “spatial technologies of power,” or the

mechanics behind this form of displacement are exposed in Chapter 2 as it investigates the accusations of land grabs by the oil and gas industry. There are many working parts to this machine, operating at the same time.

First, the chapter introduces a Catch-22, whereby the pressures of the economy push indigenous men to take up employment in the oilfields to make ends meet, but the oil and gas industry, through marsh channelization and fossil fuel emissions, has heavily contributed to the erosion and sea level rise degrading their ancestral landscape. At the same time, the narrative of anthropogenic climate change has become taboo for some who worry that environmentalism will threaten their economic livelihoods.

Next, the chapter introduces the dynamics of industry-versus-indigenous land-use conflicts through the legal battles of Pointe-au-Chien elder, Sydney “Gary” Verdan. After the region’s oil boom in the 1920s, two oil and gas companies have come to own the majority of coastal Louisiana’s land. As will be revealed through case briefs, state laws and land-use regulations regarding the use of waterways were later written to benefit commercial and industrial interests rather than indigenous rights. As a result, litigation over waterway use consistently favored the oil and gas industry. The segment, thus, will provide insight into the power of reified classification schemes as they can determine what can be done with land and which kinds of people have authority over land.

Then, attorney Joel Walzer, an attorney representing the Pointe-au-Chien Indian Tribe and the indigenous community of Isle de Jean Charles, provides a historical context for oil and gas land grabs. As the timeline unfolds, he describes the negligent and racially-motivated practices of colonial land surveyors, followed by federal legislation enabling the sale of coastal marshland which was (often falsely) recorded as “publicly-owned.” Because the act of land

classification<sup>53</sup> has led to land dispossession in some cases, and because it has deprived indigenous communities of certain land practices in others, governmental practices to classify ethnicity have also had dispossessory effects.

Chapter 3 then considers the federal acknowledgment process (FAP) as another contributor to the tribes' hazard vulnerability. As Joel Waltzer reveals, the tribes cannot file a lawsuit citing "aboriginal title," to gain back rights to their confiscated land because judges began to rely on the federal Bureau of Indian Affairs' (BIA's) definition of an American Indian Tribe. While the tribes have acquired state recognition status, they have been in the petitioning process to obtain federal recognition (aka acknowledgement) since the 1980s. Until they obtain federal recognition status, they will lack indigenous land rights; they will not have access to tribal hazard mitigation programs offered by the federal government; and they will not be granted sovereignty.<sup>54</sup>

As the chapter explains, the federal government is depriving state- and locally-recognized tribes of these rights by giving authority to their own construct of indigeneity. Chief Albert Naquin's experience with the federal acknowledgement process (FAP) will attest to the fact that worthy candidates for acknowledgement often fall through the cracks, as tribes need money, time, administrative knowledge, and expert assistance with genealogical research.

Then, the chapter explores linkages between FAP criteria, which arbitrate Indian-ness, and a history of pseudo-scientific racialized classification schema. While American Indian policy has been systematized to appear objective, scholars are beginning to view the imposition of

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<sup>53</sup> E.g., for the purposes of land-use regulation and to record public vs. private ownership

<sup>54</sup> Only federally-recognized tribes are sovereign, meaning they have a government-to-government relationship as a discrete foreign nation.

overly-stringent, inflexible federal acknowledgement criteria as a new way to rationalize the deprivation of indigenous rights to the vast majority of American Indian communities.

The chapter ends with a look at the FAP's function to divide and induce conflict within indigenous communities. Because experts at the Office of Federal Acknowledgement (OFA) must validate tribes' authenticity through a compilation of historic and genealogical records, inter-tribal disputes can arise when the early recordings of missionaries, explorers, and ethnographers conflict. Genealogist Patty Whitney and a member of the United Houma Nation reveal a rift between neighboring tribes, a detrimental consequence of the FAP. In all, this chapter calls into question the current practices which police ethnic classification schemes and exacerbate the problems of tribal communities seeking land rights over ancestral territory.

Speaking of land rights, Chapter 4 illuminates the institutional barriers to cultural resource management when tribes lack federal acknowledgement status. As sacred sites, burial mounds, and cemeteries are being threatened by erosion, natural resource extraction, and structural coastal protection projects, the tribes wish to receive information pertaining to project timelines, locations, and additional details which may not be publicly accessible. Therefore, they have been considering their options regarding government consultation. However, only federally-recognized tribes have legal rights to tribal consultations under the National Historic Preservation Act's Section 106 policy. As Charles "Chip" McGimsey, Director of Louisiana's Division of Archaeology, explains, this means that tribal-agency consultation can be tricky when federally-recognized tribes claim authority over local cultural resources and do not want non-federally-recognized tribes to participate in the process.

Three vignettes within this chapter reveal how tribal-agency and intertribal struggles for authority can play out. The first snapshot introduces the state-recognized tribes' hesitation to

share information about cultural resources due to concerns about accidental public disclosure and subsequent site desecration. Then, to better understand their hesitation toward tribal-agency interaction, the section considers James C. Scott's theoretical work on state-building. As his work suggests, the writing and recording of indigenous knowledge and history can hold them accountable to an orthodoxy and subsequently limit their ability to politically maneuver.

The second and third vignettes demonstrate how agencies and tribes navigate the Section 106 tribal consultation process when federally-recognized tribes claim authority over discovered cultural resources and choose not to include local, non-federally-recognized tribes into the process. Chip McGimsey discusses this challenge using two recent examples. First, when a natural gas pipeline project led to the discovery of a burial mound, both the non-federally recognized United Houma Nation and the federally-recognized Chitimacha Tribe claimed the ancestral human remains and wanted discretion over their reburial. Then, in the aftermath of the BP Deepwater Horizon oil spill, the Chitimacha Tribe requested that the Coast Guard remove the non-federally-recognized tribes from the tribal-governmental consultation process which was set up to form a programmatic agreement.

The voices of tribal representatives clarify their opposing positions which hinge upon interpretations of historic tribal origin. The chapter again cycles back to consider the inordinate amount of power wielded by the perfunctory early recordings of white explorers, missionaries, and ethnographers. For many indigenous communities, historic preservation legislation, hinged as it is upon federal acknowledgement status, is a silencer and dispossessor, as it blocks access to legal rights to their cultural resources.

A major transition occurs with Part 2. By surveying the governmental contributors to the tribes' vulnerability, Part 1 will have presented a context to better understand the shaky tribal-

governmental relationship which has been developing, foreshadowing conflicts of relocation planning. With little land left to cling to, the community of Isle de Jean Charles has been considering the bittersweet option of resettlement for over twenty years. The chapters of Part 2 focus upon the approaches and perceptions of planners and public officials as they navigate through a landscape of distrust and attempt to assist the community.

Chapter 5 dissects the accounts of two missed opportunities to relocate Isle de Jean Charles to better understand why past planning approaches did not work. One opportunity was sponsored by the Army Corps of Engineers, who agreed to discuss relocation options after they found structural protection of the island through a multi-parish hurricane protection system to be financially infeasible. A second opportunity to fund their resettlement arose when the state and parish government received federal post-disaster grant money. Despite the government practitioners' intent to assist, lingering distrust and unresolved conflicts prevented these opportunities from coming to fruition.

By analyzing the interviews of Chief Albert Naquin and key public officials, and by juxtaposing these experiences beside the international literature on indigenous displacement and relocation, this chapter considers these approaches to indigenous-governmental collaboration. Ultimately, it demonstrates how the government's over-reliance on the rational planning mode, rather than a community-based approach, has only engendered more indigenous-governmental distrust while missing opportunities to form a plan. Furthermore, the chapter shows that systematic planning practices, in line with the rational planning model, have been divisive, shaping competing and antagonistic positions between government authorities and indigenous communities.

Finally, the manuscript concludes on a high note, with a recent success of the Isle de Jean Charles community. Chapter 6 presents a counterexample to the planning attempts in Chapter 5, noting differences in the way that perceptions of relocation planning approaches can shape outcomes. First, NGO founder of the Lowlander Center, Dr. Kristina Peterson, discusses her professional entrée into her specialization of disaster-related work with indigenous and other marginalized communities. In doing so, she shares the principles of indigenous planning that she learned along the way.

The most recent opportunity to fund relocation arose through a one-time National Disaster Competition, authorized under the Obama Administration, meant to support long-term resiliency projects to be implemented within disaster-impacted states, cities, and counties. The Louisiana's Office of Community Development (OCD) had applied for the Community Development Block Grant (CDBG) money through the federal Department of Housing and Urban Development (HUD), with an intent to apportion some to the relocation project. Therefore, this chapter focuses on the work of collaborators with the Lowlander Center as they assist Chief Albert Naquin with goals to gain local and national support.

Fieldnotes of the dissertation author—a collaborator in the grassroots movement—provide a first-hand account of the strategies involved in building a coalition of supporters, spreading awareness, and ultimately obtaining federal funding. Interspersed with strategies of Chief Naquin's grassroots collaborators are fieldnotes documenting the non-community-based procedures of conventional planning, facilitated by state planners. In spite of the alienating rational planning mode which guided practice at the government level, this chapter addresses the benefits reaped through the incorporation of a grassroots, indigenous-led approach. Not only can community-based components result in more momentum to achieve planning objectives, but

their incorporation is also a starting point as planners seek to respect American Indian self-determination. Furthermore, a greater respect for indigenous leadership can engender better perceptions of cooperation between the indigenous community and local government.

## **Part 1**

### **Hazardous Classification Schemes: Exploring Government-Sponsored Contributors to Social Vulnerability**

While coastal communities' risk of natural disasters is a common topic of local discussion, and while the historic legacy of racial discrimination is well-documented, many of the tribes' less obvious vulnerability contributors are government-imposed. Chapters 1 through 4 will address some of the institutional hazard vulnerability contributors which are hidden below the surface: the practice of planning, the oil and gas industry, federal acknowledgement procedures, and cultural resource management. While this is not a complete list of institutional vulnerability factors, these contributors are among the most obstructive to the adaptation goals of indigenous communities in Southeast Louisiana.

## Chapter 1

### Hazardous Classification Schemes: A Tale of Two Modes of Planning

#### Introduction

The contemporary disaster literature<sup>55</sup> acknowledges that vulnerability is not simply the product of one's geographic location near hazardous zones but of various socio-political factors including marginalization from political protection, class inequality, racial discrimination, and subsequent distrust. In Louisiana, historic oppression, including blatant racism, segregation, and the atrocities of Indian education are visible and easily understandable.<sup>56</sup> Equally as exposed are the peoples' challenges with repetitive natural disasters, food insecurity following the 2010 BP oil spill, and the economic struggles of commercial fishermen working in a globalized economy.<sup>57</sup> These are the daunting forces to which both American Indian and other local people from the region commonly refer when trying to explain the struggles of the bayou tribes. However, some mechanisms of political disenfranchisement are not so obvious. Many well-intended public-sector policies, processes, and modes of professional practice exacerbate the communities' vulnerability to such an extent that indigenous peoples' voices are rendered inaudible in the political sphere, and they are left without any say on the future of their disappearing homeland. For the tribes of Louisiana, the ultimate disaster is forced displacement and community fracturing, and the people place the blame, not on the volatility of the landscape, but on all strata of the government.

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<sup>55</sup> Blaike et al. 1994; Fothergill and Peek 2004; Adger 2006; Cutter 2006; Wisner et al 2003; Cutter and Morath 2013; Marino 2015. For articles focused on relevant collaborative learning strategies, see Lindell and Perry 2004; Minkler et al. 2008.

<sup>56</sup> See Jewel (2014), "Othering People's Children," for insight on the historic schooling of American Indian and black children in Louisiana.

<sup>57</sup> See Bates (2016) for an anthology of contemporary issue pieces told by American Indians of the South, including chapters by the Pointe-au-Chien Indian Tribe's Chuckie Verdin and the United Houma Nation's Michael "Mayheart" Dardar.

While each chapter of Part I thematically explores a different governmental contributor to the tribes' social vulnerability, the first chapter concerns itself with the *Practice of Planning*. Specifically, it explores the intersection between social vulnerability to disasters and the colonizing function of planning practice, whereas relevant literature has generally treated the two pieces separately. Attention is either paid predominantly to the disaster vulnerability and displacement of indigenous communities without going into the weeds of professional planning,<sup>58</sup> or accounts are deeply concerned with planning as a colonizer of indigenous people but are not disaster-specific.<sup>59</sup>

This chapter argues that: Disaster vulnerability of American Indian communities is directly amplified by what today's indigenous planning literature<sup>60</sup> acknowledges as the profession's complicity in colonizing<sup>61</sup> indigenous people. A planner's power to control the process of hazard mitigation and response, in its most potent form, is shored up through the rational planning mode. Under its rationale, professional planning "experts" should make logical

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<sup>58</sup> E.g., Bronen 2008, 2011, 2014a, 2014b; Lazrus 2012; Edwards 2013; Maldonado et al. 2013; Haalboom and Natcher 2013; Rakova 2014; Marino 2012, 2015; Hermann and Kempf 2017; Maldonado 2019

<sup>59</sup> E.g., Anderson 2013; Awatere et al. 2013; Cornell 2013; Hardess and Fortier 2013; Hausam 2013; Hibbard and Adkins 2013; Howitt et al. 2013; Jojola 2013; Kingi et al. 2013; Mannell et al. 2013; Matunga 2013; McGregor 2013; Patrick 2013; Peters 2013; Porter 2010, 2013; Porter and Barry 2016; Proctor and Chaulk 2013; Robinson and Lane 2013; Sandercock and Attili 2013; Walker and Belanger 2013

<sup>60</sup> *ibid*

<sup>61</sup> Though still currently in full force, the technologies of colonization and power have changed over time, from the nation's formative years as a settler-state to today. Whereas colonization once appeared blatant and corporeal, today it is more inconspicuous and engrained within a system of governance. As Matunga (2013: 4) puts it "Until recently the locus of power and ultimate right to determine this future rested almost exclusively with colonizing non-Indigenous settler governments, either through the power of the *musket* or the power of *law, policy, planning, or technology*" (emphasis added).

decisions according to standardized conventions of logic,<sup>62</sup> on behalf of “dependent” American Indian communities, obstructing hopes for indigenous self-determination.

Focusing on the dynamics of hazard mitigation, a disaster-centric facet of planning, this chapter sets out to show that mainstream planning approaches ignore the most pressing issues that indigenous people face while imposing alienating views and classification systems upon their communities. While indigenous people view vulnerability to hazards as a threat to their humanistic connection to place, the federal government’s codified classifications of risk and vulnerability are centered around individualistic property losses and financial impacts. To be sure, these money-centric classifications are not a matter of fact; they are historically-produced social constructs which wield power,<sup>63</sup> pushing planners to act in the best interest of commodities rather than humans and their environment.

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<sup>62</sup> Horney et al. 2015 and Ojerio et al. 2011 contend that socially vulnerable groups may be less likely to benefit from programs which intend to mitigate risk. They link a lack of participation in hazard mitigation planning and awareness of policies to their limited benefit. My argument goes one step further. Not only do they not benefit, but the rigid programs, do not attend to their specific needs and further obstruct indigenous people of their self-determination.

In his ethnographic work with the Kluane First Nation of the Southwest Yukon, Nadasdy (2003) provides evidence that co-management and land-claims agreements are to the disservice of aboriginal people, operating as “subtle extensions of the empire, replacing local Aboriginal ways of talking, thinking, and acting with those specifically sanctioned by the state” (9). His account of a co-management board, the Ruby Range Sheep Steering Committee, reveals key differences in the way that biologists and aboriginal people reason about the dwindling of sheep populations. The Kluane people see animals as intelligent non-humans who should be respected, not prodded as objects of quantitative study. They expressed concern over the full curl rule, where hunters were restricted to shooting only mature rams. They asserted that the elder rams taught the younger population mating and rutting behavior and survival skills. Therefore, killing off the elder ram population would diminish the population by more than the numbers killed by hunters because the remaining elk population would not have teachers. They felt that a quota system would be more appropriate than the full curl rule. At the meeting, scientists and resource managers did not refute the argument. They did not respond at all. They resumed their discussion, asserting that there was no need to impose a quota because the full curl rule was sufficient. One possibility Nadasdy gave for biologists ignoring this comment was that “those who did take it seriously (and I believe there were at least some who did) were unable to make use of it because it fails to conform to Euro-North American assumptions about animals—assumptions upon which wildlife management is based” (127-128). While biologists spoke of the collaboration as a success, thus empowering knowledge-integration projects, the Kluane First Nation “wrote it off as a complete waste of their time and resources” (221).

<sup>63</sup> Foucault (1980) would view these power-wielding social constructs through the conceptual framework of “power/knowledge.” Power/knowledge, denotes that power mechanisms and knowledge are inextricably linked through a dialectic relationship. Power influences the acceptance of certain types of knowledge while the acceptance of dominant knowledge systems reinforces an accumulation of power. The production of knowledge, or the

If planning is colonizing, and colonization has such negative effects on vulnerability, then the profession's intent to reduce the vulnerability of indigenous communities creates a paradox. However, this notion presupposes that planning methodologies are fixed and that one planner cannot do any better than another using a different approach. This is a false assumption. While planners are expected to adhere to problematic federal guidelines and are trained into colonizing professional modes, their hands are not tied. Experience has shown some practitioners that alternative methods can increase tribes' capacity toward indigenous self-determination while still producing plans that check the boxes of existing federal requirements. But how did they get there? How can planners work within existing institutional parameters and still address indigenous rights, needs, and aspirations?

The chapter relies upon practitioner stories to illuminate aspects of colonization under the rational planning mode and the potential for transformation under indigenous, community-based methods. First, Jennifer Gerbasi, the Terrebonne Parish Recovery Assistance and Mitigation Planner, reveals insights about communication challenges which arose when tribal leaders participated in conventional public planning meetings in 2014. Ultimately, input from the local tribes is not elicited through this process but through outside consultations with a trusted non-indigenous ally, Alessandra Jerolleman. In her interview, Jerolleman reflects upon the pathologies of the hazard mitigation profession and charts a different path. She draws upon her experience as a mitigation consultant with the Oglala Lakota of the Pine Ridge Reservation in

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formation of risk/vulnerability definitions, classifications, and codifications is inherently socio-political. When those classification are put into play, accepted, and validated, their power is reinforced. This process then limits what can qualify as knowledge and how knowledge can be used. For example, a citizen may bring up a social vulnerability which cannot be addressed by hazard mitigation planning because of the way that the federal government has classified vulnerability. This social vulnerability is not useful to the hazard mitigation process because it does not fit the defined agenda.

South Dakota, revealing ways in which it has shaped her community-based planning ethos prior to her work in Louisiana. Winding back to the hazard mitigation consultations with six of Louisiana's coastal tribes, she suggests how a more considerate approach can benefit both local government (by checking the boxes of federal frameworks) and the tribes themselves (by starting meaningful dialogs).

### **Planning Mode #1: The Rational Planning Model**

By virtue of its name, hazard mitigation planning is supposed to mitigate hazards. In the dictionary, a hazard is defined as “a danger or risk,” while mitigation is “the action of reducing the severity, seriousness, or painfulness of something.” Therefore, informally and broadly interpreted, hazard mitigation planning refers to planning with the objective to reduce the severity of dangers. What are these dangers provoked by natural hazards? Storms can erode coastlines, remove trees, flood land, and move pollutants into water supplies. They can take lives, destroy buildings, and rip apart infrastructure. They can displace families, exacerbate mental illness issues, increase incidences of domestic violence, and permanently disrupt historic communities. They can leave impoverished communities worse off than ever before. These are the sorts of events that hazard mitigation hypothetically should address if it is true to its name.

At first glance, hazard mitigation planning sounds like the sort of forethought about which everyone living in a hazardous landscape can be enthusiastic—an answered prayer. Having faced seven hurricanes and tropical storms from 2010 to 2015 alone,<sup>64</sup> the lowlanders of Louisiana's bayous should be coming in droves to the planning meetings. After all, the mitigation of hazards would affect them all personally.

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<sup>64</sup> Tropical Storm Bonnie and Tropical Depression Five, 2010; Tropical Storm Lee, 2011; Tropical Storm Debbie and Hurricane Isaac, 2012; Tropical Storm Karen, 2013; Tropical Storm Bill, 2015.

However, to the federal and local governments, *hazard mitigation planning* refers to a very specific practice with bounded parameters. According to the Federal Emergency Management Authority (FEMA), hazard mitigation “is any action taken to reduce or eliminate long term risk to people and property from natural disasters.” Of all the aforementioned potential consequences of natural disasters—environmental, social, and economic—the formal process of hazard mitigation planning focuses narrowly on mitigating property losses, which effectively limits what can be discussed and considered in the planning process. The practice’s discrete classification schemes of risk, vulnerability, damage, etc., manufacture supposedly objective categories and quantifications so that plans can be easily assessed by FEMA reviewers and get the rubber stamp for disaster assistance eligibility. How did hazard mitigation planning get to be so restrictive and so dependent upon monetary constructs of vulnerability? Perhaps the answer is embedded in the historic motivations behind federal disaster policy.

To preface, the classification and quantification of disaster policy was happening alongside a greater paradigm shift in planning and public administration. Governance had been morphing from a predominantly democratic endeavor into a technocratic<sup>65</sup> and efficient one in many communities since the late-eighteenth century<sup>66</sup>. Objectivity had overtaken values. Systematic processes had been usurping discourse and discretion. These new ideals of efficiency and rationality molded and validated the discipline of planning in the twentieth century. As John Friedman writes,

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<sup>65</sup> See Fischer 1990 for a critical perspective on technocracy, the politics of expertise, and its social/political implications.

<sup>66</sup> Kula (1986) argues that in the preindustrial world, the qualitative dominated the quantitative. In the eighteenth century, experimental knowledge, which was being defined in terms of potential reproducibility, was heavily influencing governmentality. Referenced in Porter 1996.

Moral reason was left with the role of gaining general insight into human affairs, but in the hierarchy of authority, reason in its scientific and technical form ranked first: it was reason of a higher order. The conviction that public affairs should be informed by planning was grounded in the popular belief that science, which formed the foundation of planning, was essentially concerned with “facts” and the discovery of “laws.” Simplistic as it now seems to us, this understanding helped shore up the authority of planners.<sup>67</sup>

By the middle of the twentieth century, the ideology which supported planners’ authority began to forward systematic methodologies in its image. The rational planning model (sometimes termed the rationalist-comprehensive model) concerns itself with the production of results, plans, and actions. At its heart, its purpose is to derive a neutral, value-free approach which permits the advancement of technical solutions to solve problems.<sup>68</sup>

In 1955, Meyerson and Banfield<sup>69</sup> advanced the first detailed series of steps outlining the rational planning model: 1) Analysis of the situation<sup>70</sup>; 2) End reduction or elaboration<sup>71</sup>; 3) Design courses of action<sup>72</sup>; and 4) Comparative evaluation of consequences<sup>73</sup>. Noticeably, this model is reminiscent of the scientific method, which empowers an unbiased expert to unveil truths through experimental science. Methods, well-suited for the laboratory setting, were

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<sup>67</sup> Friedman 1987: 4-5

<sup>68</sup> See Friedman 1986; deHaven-Smith 1989; Quade and Carter 1989; Peters 1991: 44. Also consider Max Weber’s (1948: 215-216) assertion that ‘the more bureaucracy is “dehumanized,” the more perfectly it succeeds in eliminating from official business love, hatred, and all purely personal, irrational, and emotional elements which escape calculation.’ Also cited in Nadasdy 2003: 7.

<sup>69</sup> 1955: 314

<sup>70</sup> In this step, the planner or analyst considers the problem being confronted, and any limiting conditions and areas of opportunity which might result in or limit the solution.

<sup>71</sup> In this step, the planner or analyst makes choices about the ends to be attained from among all the relevant ends which are important to those being served (by the policy) or who might be served by the policy.

<sup>72</sup> In this step, the planner or analyst conceives of all the possible actions which might be undertaken as part of the solution to the initial problem.

<sup>73</sup> In this step, the planner or analyst considers the anticipated or unanticipated courses of action which are designed in the prior step and determines which step is optimal.

extended to the political realm in an effort to de-politicize. As the steps of the model are operationalized, the rationalist model as a whole re-imagines the normative goals of the planning discipline. The planner *should* orient methods toward achieving outcomes determined “best” through objective assessment criteria.

Planning theorists now critique the model’s faulty assumptions—that decision-making processes become objective and apolitical, the steps are simple to follow, it is less time consuming than other approaches, and the approach requires fewer resources like outside advocates and mediators. Modern planning literature tends to acknowledge Rittel and Weber’s classic argument that “[t]he search for scientific bases for confronting problems of social policy is bound to fail, because of the nature of these problems. They are ‘wicked problems’ whereas science has developed to deal with ‘tame’ problems.”<sup>74</sup> Nevertheless, the rational planning model was the most widely accepted policy paradigm during the initial development of hazard mitigation. As the professional practice of planning was being operationalized under trends of scientific management,<sup>75</sup> so was U.S. disaster policy.

### ***The NFIP***

The enactment of the National Flood Insurance Act of 1968, which established the National Flood Insurance Program (NFIP),<sup>76</sup> was a federal response to a growing marketplace demand. By the mid-twentieth century, America was undergoing a major population shift to coastal counties even as the nation faced increasingly destructive natural disasters. Following the

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<sup>74</sup> Rittel and Webber 1973: 155

<sup>75</sup> The emergence of “scientific management” is credited to Frederick Winslow Taylor, a leader of the Efficiency Movement and author of *The Principles of Scientific Management* (1911). See Lears 1994: 14.

<sup>76</sup> First housed under the Department of Housing and Urban Development (HUD), the NFIP moved to FEMA upon its creation in 1979.

Great Mississippi River flood of 1927,<sup>77</sup> infamous for being the most destructive river flood in U.S. history, the nation began to see a withdrawal of private insurers from the market.<sup>78</sup> Then having to contend with over a billion dollars of damage following the Alaska earthquake of 1964 and Hurricane Betsy of 1965, the federal government became highly motivated to ratify the NFIP, which enabled participating communities<sup>79</sup> to offset their financial risk by selling government-subsidized insurance policies to homeowners.<sup>80</sup> The NFIP created a new demand for classificatory and quantifiable flood risk data. While the U.S. Army Corps of Engineers (USACE) created flood insurance rate maps (FIRMs) to categorize zones according to their likelihood of inundation, the department of Housing and Urban Development (HUD) calculated actuarial rates.<sup>81</sup> Financially-oriented definitions of risk, vulnerability, and damage became normalized within the institutional ethos of hazard mitigation, and the operationalization of these definitions grew complex. The system's rigidity, as a result, rendered innovative structural solutions to indigenous displacement "non-compliant."

For example, under the NFIP, a local government determines that a structure is "Substantially Damaged (SD)" if it lies within a Special Flood Hazard Area (SFHA) (a 1-percent-annual-chance floodplain), and "the total cost of repairs is 50 percent or more of the structure's market value before the disaster occurred..." If the local government determines an

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<sup>77</sup> The Great Mississippi Flood of 1927 inundated more than 27,000 square miles and left over 700,000 people homeless across Arkansas, Mississippi, and Louisiana. Approximately 500 people died from flooding. The event resulted in a Great Migration from the agricultural lands of the South to northern industrial cities. Among other political responses, through the Flood Control Act of 1928, the Army Corps of Engineers was tasked with taming the river by building the world's longest levee system. For more, see Barry 1997.

<sup>78</sup> Knowles and Kunreuther 2014: 327

<sup>79</sup> These communities must agree to institute building codes and land-use regulations to be eligible for the program and sell insurance policies.

<sup>80</sup> The original intent of the program was to reduce the financial impact of disasters to property, but in effect, critics argue that it has subsidized and encouraged development in the floodplain, which has led to higher costs, working against its original intent.

<sup>81</sup> Knowles and Kunreuther 2014: 336

owner's property is substantially damaged, (s)he must bring the structure in compliance with local floodplain management regulations. According to FEMA, owners should "elevate their structures, or change them in some other way to comply with those local floodplain regulations to avoid future losses; relocate or demolish the structure; or, flood proof a non-residential structure."

A property owner may not make "Substantial Improvements (SI)" to a substantially damaged structure unless those improvements bring the structure into NFIP compliance, for example, by elevating the structure on pilings to or above the Base Flood Elevation (BFE), where the BFE is "the computed elevation to which floodwater is anticipated to rise during the base flood," designated on the Flood Insurance Rate Maps (FIRMs).<sup>82</sup>

Through the Buoyant Foundation Project, founded in 2006, architect Elizabeth English<sup>83</sup> attempted to forward a structural solution to the environmental displacement of Louisiana's bayou tribes using technology known as amphibious architecture. Her work was inspired post-Hurricane Katrina (2005), as the destruction and displacement which took place in New Orleans and other low-lying areas called for better solutions to rebuilding so that homeowners can comply with new FEMA regulations and remain eligible for flood insurance.

By retrofitting homes onto a floating structural subframe attached to guidance poles, houses can raise during a flood and lower back onto its base after the waters dissipate. During a storm, residents could evacuate and return later. Rather than relocate, historic communities could adapt in place on their ancestral land. Unfortunately, English found that the market value of the homes in Isle de Jean Charles were so low through years of devaluation that the value of the

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<sup>82</sup> See FEMA 2010.

<sup>83</sup> See English 2009 and Sand 2018.

amphibious retrofit would amount to over 50 percent of the house's value.<sup>84</sup> Because of the home's comparably lower valuation to that of the retrofit, retrofitting the structure with amphibious architecture mechanisms would be classified as a "Substantial Improvement" under current NFIP definitions, and FEMA does not classify amphibious architecture retrofits as compliant structural elevations. Therefore, indigenous communities like Isle de Jean Charles are being pushed to relocate before amphibious architecture can break institutional barriers.

More broadly, indigenous communities are not the only lowlanders to be negatively impacted by the NFIP requirement that substantially damaged homes in the Special Hazard Flood Area must be raised through "compliant" structural elevations. In contrast with more affluent communities, low-income communities (indigenous or not) tend to be disparately impacted. First, residents without significant savings cannot afford to repair their homes to compliance, even with government subsidies. Secondly, while structures which have sustained damages beyond 50 percent of its assessed market value may still be elevated, only flood-related repairs are allowed in order to receive NFIP funds. Elective remodeling, like amphibious foundation retrofitting, is not. If substantially damaged structures cannot be elevated in a complaint manner, they must be relocated or demolished. In such situations, low-income families with few resources, face the daunting consequences of displacement, whereas more affluent property owners tend to be better positioned to bounce back from financial impacts. Low-income communities like Isle de Jean Charles, therefore, are disparately impacted by the hazard mitigation policies and restrictions which are meant to reduce coastal vulnerability. Unintentionally, these policies push for displacement.

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<sup>84</sup> English intended to donate labor and materials to lower the valuation of the retrofit so it would not be classified as a substantial improvement, but FEMA explained that these hypothetical costs would still be included in the retrofit's valuation. Personal communication, March 22, 2015.

### *Disaster Policy and the Inadequacies of Hazard Mitigation Planning*

The NFIP was only the tip of the iceberg; systematization of disaster policy became more rigorous in later years, imposing a rigid worldview of disaster vulnerability and compensation validated by government authority. In 1974, President Nixon passed the Disaster Relief Act,<sup>85</sup> establishing a process of presidential disaster declarations.<sup>86</sup> Under the Act, a state's Governor can request a disaster declaration from the President, which makes a local government eligible for federal post-disaster grants. Prior to this Act, communities may have received assistance from a wide variety of agencies in an unorganized manner. President Carter further streamlined post-disaster allocations and local hazard mitigation efforts with the creation of the Federal Emergency Management Agency (FEMA) in 1979, which re-homed the NFIP under its jurisdiction.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (known as the Stafford Act), revised the Disaster Relief Act. The Stafford Act, to encourage disaster planning at the state and local government level, set up a pre-condition that communities must have a FEMA-approved hazard mitigation plan in place to be eligible for federal assistance programs following a presidentially declared disaster. The Disaster Mitigation Act of 2000 then specifically addressed how mitigation planning should be done at the state and local levels of government. Its guidelines leave hazard mitigation specialists with only a modest amount of

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<sup>85</sup> The act expanded upon a 1970 version, now providing more assistance to individuals, states, and communities.

<sup>86</sup> The Disaster Relief Act of 1974 authorized the President to: establish a program of disaster preparedness using the services of all appropriate federal agencies; make grants for the development of plans and programs for disaster preparedness and prevention; declare a major disaster at the request of a Governor; make contributions to state or local governments to help repair or reconstruct public facilities; make grants or help repair or reconstruct nonprofit educational, utility, emergency, and medical and custodial care facilities; purchase or lease temporary housing, and provide temporary mortgage or rent payment assistance; provide assistance to people unemployed as a result of the disaster; provide additional relief, including food coupons and commodities, relocation assistance, legal services, and crisis counseling; make grants to a state in order for the state to provide grants to individuals and families if assistance otherwise provided by the act is inadequate; and, make loans to local governments suffering a substantial loss of tax and other revenues.

discretion regarding the setup of the planning process. According to FEMA how-to guides, the natural hazard mitigation planning process should be completed in four steps, in a manner structurally reminiscent of the Meyerson and Banfield rational planning model: 1) organize resources; 2) assess risks; 3) develop a mitigation plan; and, 4) implement the plan and monitor progress. The key which unlocks federal funding streams is the written plan itself; and therefore, at-risk communities tend to put plenty of care into its precision in addressing federal guidelines because losing eligibility would be financially disastrous.

Representative of other plans across U.S. municipalities, the Terrebonne Parish Hazard Mitigation Plan Update of 2014 is an 89-page document of quantitative, descriptive, and map data which culminate in strategies to reduce risk. Its primary intent to meet funding eligibility criteria and receive resources, as opposed to encouraging local discourse, is immediately clear upon glimpsing the table of contents. Take, for example, the longest section of the plan and arguably the heart of the document, *the risk assessment*, listed just beneath *documentation of the planning process*. The risk assessment sets the tone for ways in which planning frames vulnerability and proposes solutions.

The plan's organization explicitly asserts its federal compliance above all else. Risk assessment subsections are separated by federal regulations under Title 44 (Emergency Management and Assistance), Part 201.6 (Local Mitigation Plans), (c) (Plan Content). As written under the Code of Federal Regulations (CFR), and replicated to organize the table of contents in the Terrebonne Parish Hazard Mitigation Plan,

§ 201.6(c) Plan Content.....17

...

§ 201.6(c)(2) A risk assessment that provides the factual basis for activities proposed in the strategy to reduce losses from identified hazards. Local risk assessments must provide sufficient information to enable the jurisdiction to identify and prioritize appropriate mitigation actions to reduce losses from identified hazards.....24

§ 201.6(c)(2)(i) A description of the type, location, and extent of natural hazards. The plan shall include information on previous occurrences of hazard events and on the probability of future hazard events.....24

§ 201.6(c)(2)(ii) A description of the jurisdiction’s vulnerability to the hazards described in paragraph (c)(2)(i) of this section. This description shall include an overall summary of each hazard and its impact on the community.....30

Risk Assessments.....55

§ 201.6(c)(2)(ii)(A) The plan should describe vulnerability in terms of the types and the numbers of existing and future buildings, infrastructure, and critical facilities located in the identified hazard areas.....57

§ 201.6(c)(2)(ii)(B) An estimate of the potential dollar losses to vulnerable structures identified in paragraph (c)(2)(ii)(A) of this section and a description of the methodology used to prepare the estimate.....61

§ 201.6(c)(2)(ii)(C) Providing a general description of the land uses and development trends within the community so that mitigation options can be considered in future land use decisions.....66

§ 201.6(c)(2)(iii) For multi-jurisdictional plans, the risk assessment section must assess each jurisdiction’s risks where they vary from the risks facing the entire planning area.....68

Just from this snapshot of hazard mitigation plan-writing, three things become immediately clear. First, strategies must be validated by their “factual basis.” This factual basis is actuated through descriptive paragraphs of natural disasters and tables of hazard types, dates of occurrence, and valuations of property damage incurred. The implication is that “facts” come from validated classifications of hazards and damages rather than community values and perceived needs—the sorts of revelations which come from public discourse.

Secondly, and this point must be emphasized, federal codes require planners to define vulnerability “*in terms of the types and numbers of existing and future buildings, infrastructure, and critical facilities located in the identified hazard areas.*” These regulations have reduced the definition of vulnerability in terms of bounded, quantitative measures of structures. They are not concerned with social vulnerability of humans. They do not consider sociological risk factors such as the threat of social disarticulation when integrated communities are broken apart by disasters, the material needs of people who have lost everything, or the rise of mental illness among people living under stressful conditions.

Third, these federal codes have pre-structured written planning documents and their intent, and thus, dissuade planners from engaging with local groups in unconventional ways.

Plans must clearly tick checkboxes, as state and federal reviewers must be able to easily determine that municipalities have abided by regulations. Otherwise, communities will not be eligible for government-backed insurance subsidies or assistance in the event of a presidential disaster declaration.

Hazard mitigation statutes motivate planners to set the agenda, define the important questions, and rein in the discussion to specifically fulfill planning goals in pursuit of eligibility for funding. The mandated public meetings are oriented toward developing the written plan, which only addresses the fiscal risk and potential needs of property owners. Therefore, segments of the population, which are not affected by the material results of hazard mitigation plans, may have no interest in providing input regarding their community's needs. They know that the plan will not bring about the resources they need. The following account from Terrebonne Parish is case in point.

### ***The Terrebonne Parish Hazard Mitigation Plan Update***

The process of Terrebonne Parish's 2014 Hazard Mitigation Plan Update paints an overly-simplistic picture of indigenous leaders as being passive and apathetic to potentially helpful political intervention.<sup>87</sup> In reality, the following vignette is a prime example of a failure by a settler-state (the United States government) to accommodate indigenous modes of planning, while assuming instead that indigenous people should accommodate ill-suited, conventional

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<sup>87</sup> Indigenous stakeholders may choose not to directly participate in planning if they perceive the process to be unfair, if their preferred outcome is not achievable, or if certain forms of knowledge are not considered legitimate. They may feel that they are better served by asserting their indigenous rights than through planning participation. Hausam's (2013) case study of four of New Mexico tribes (three Pueblo tribes and the Navajo Nation) attempting to protect their water rights, illustrates a situation in which regional planning participation did not result in a plan which fully understood or reflected their goals. Instead, they were better served by relying upon legal protections to federally-recognized tribes and sovereignty. Hausam concludes that "...the underpinnings of planning processes, such as funding and frameworks set by state agencies, may present obstacles to Indigenous participation. The status of Indigenous peoples as sovereign entities may provide them with alternative methods for achieving their goals" (185).

planning approaches which may not attend to their needs.<sup>88</sup> Furthermore, the case reveals the existence of a language barrier between laypeople and professional planners. Although planners seem to understand the process and lingo of hazard mitigation planning perfectly well, non-experts interpret the conventions of planning as off-putting, alien, or even exclusionary. In effect, rational planning has a silencing effect on indigenous participants who hold valuable input.

To elaborate, the Terrebonne Parish hazard mitigation and recovery planner recalled an experience when a hired mitigation consultant, bogged down by rationalist conventions of planning, facilitated a particularly lackluster engagement process with local state-recognized tribes, eliciting virtually no input.

I met with Jennifer Gerbasi,<sup>89</sup> in 2014 in her second-floor office to probe her on the local tribes' inclusion in the participatory process of hazard mitigation planning. Gerbasi expressed dissatisfaction when describing the work of their hired consultant—the only one who had bid within the parish's budget. This person's philosophy was “to complete the job with as little complication as possible” she recalled. The consultant did not value communication as an important aspect of planning. “She's about just getting the damn thing done and causing as little communication as possible, so there were lots of side conversations, instead of us really having great local discussions.”

Unlike other planning processes, this one was not designed to create a democratic space for deliberation. Instead, the process was driven by one overarching goal: to orient the hazard

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<sup>88</sup> See also Matunga (2013: 4): “My objective is to show unashamedly that rather than “passive bystanders,” Indigenous peoples have always been ‘active participants’ in ‘their’ planning. The problem has been the inability of the colonial-settler state and its progeny to accommodate it. Generally it hasn't.”

<sup>89</sup> Personal communication, April 29, 2015.

mitigation plan in a way that would also earn points for the Community Rating System (CRS).<sup>90</sup> In other words, the meetings would follow a recipe with a preconceived format and intent. The consultant framed the agenda in a way that privileged procedure and criteria over ideas. Though no one ever explicitly stated that the process followed the rational planning model, the logic behind the hazard mitigation meetings bore an uncanny resemblance to the problematic Meyerson and Banfield school of thought. For example, planning input came from an inner circle of experts—a theme of rational planning which was aptly critiqued in the ‘50s, ‘60s, and 70s by policy theorists like Charles Lindblom, Paul Davidoff, Horst Rittel, and Melvin Webber.<sup>91</sup>

The consultant set up five steering committee meetings, each open to the public and advertised on the parish website. In addition, Gerbasi created a template of past participants—mostly the same crowd that one sees participating in other local coastal protection meetings. She already had a focus group arranged from the last plan iteration, but she additionally reached out to organizations to seek those who also wanted to be at the table. Invitations to the focus group went out to a wide array of people representing local industries. For example, she included a flood and home insurance representative, realtors, bankers, engineers, the levee district, the Office of Homeland Security and Preparedness, representatives from various local government buildings, a few concerned citizens, and representatives from two local non-profits among others.

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<sup>90</sup> According to FEMA, “the National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. As a result, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community actions meeting the three goals of the CRS: 1. Reduce flood damage to insurable property; 2. Strengthen and support the insurance aspects of the NFIP, and Encourage a comprehensive approach to floodplain management.” See <https://www.fema.gov/national-flood-insurance-program-community-rating-system>

<sup>91</sup> See Lindblom 1959 (“The Science of Muddling Through”); Davidoff 1965 (“Advocacy and Pluralism in Planning”); and Rittel and Webber 1973 (“Dilemmas in a General Theory of Planning”).

Not everyone participated, but they were invited nevertheless, she asserted. Those who showed up were professionals with knowledge of local politics, bureaucracy, economics, and environmental engineering. They had a special grasp on relevant mitigation terminology and held similar assumptions on what risk and vulnerability meant when translated to dollars and cents. They were used to the routine of planning, what sorts of things were appropriate to the discussion, and what could be expected from the process. They were insiders, and those who were not privy to their way of thinking were outsiders, or that was the impression that many blue-collar individuals from the region held.

Also invited to the hazard mitigation plan update meetings were the tribal chiefs of Terrebonne Parish, including the United Houma Nation and the three communities of the Biloxi-Chitimacha Confederation of Muskogees (Isle de Jean Charles, Grand Caillou/Dulac, and Bayou Terrebonne).<sup>92</sup> They attended, listened to what others had to say, and did not say very much. The planners, who wanted to put some sort of input on paper, were chagrined by their lack of participation. While American Indians often argue that they are locked out of the system, Gerbasi asserts that they have always been invited to participate, but their view of inclusion into the system is different than that of government authorities. They do not just want to participate for the sake of participating. They want to know what comes of the whole ordeal. She revealed a critical misunderstanding which has affected how the American Indian community and local government representatives communicate and interpret *need*.

One person said, "You know, where were you when we really needed you?"

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<sup>92</sup> The Point-au-Chien Indian Tribe is headquartered in Lafourche Parish, and therefore, was not involved.

I [Gerbasi] said, "Well I never got a call." So culturally, I think that they would come to the meetings with the [parish] president and say that they were [working to improve] morale, and they were giving food to their people, and this and that and the other thing. What that means is, "We're not going to ask you for help, but since we're getting food and water and things for our people, we really need some assistance." They're not going to say that. By letting you know that they're doing something, it's an invitation to come and check and see if you need more help. But the [parish] president takes it [as], "Oh, they've got it all under control," because that's the impression they gave.

As Gerbasi has explained in this example, the tribal representative was essentially asking for help, but “didn't ask in a language and way that was going to get them help.” By using this example to preface what later happened in the hazard mitigation planning process, she is describing her perception as to why some tribal participants held back. This communication misstep reinforced existing distrust and the notion that American Indian communities are not tended to within the institution of disaster management.

Furthermore, some tribal leaders carry resentment that their participation does not generate the results they are seeking anyhow. They need rights, resources, and land preservation, not plans. When asked about participation in hazard mitigation planning one tribal representative<sup>93</sup> said,

It's the same thing. We have to say the same thing. The only thing that changes is we have less land. Every year we keep going through this. It's the same issue. It's the same solution that we give, but we're working with less land to do it. It's like, “Okay, how

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<sup>93</sup> Personal communication, June 18, 2015.

many years are we going to keep going through this until there's no land left?" Shrimper's Row used to be connected to the mainland. It's not anymore. It's an island. You know, there's no more land in the rear to protect it from inter-coastal erosion. It's getting chewed up.

When I asked why (s)he felt the state and local government would not fix it, (s)he suggested there was an industrial economic benefit:

Well the wider it's going to get, the better it is for the ships to pass...Now there's nothing stopping personal owners from bulkheading it, but it's the money. [It's] extremely [expensive]. For the shrimpers, they'd probably have to mortgage their home. And even still, their homes are not worth that much, with the flooding.

At the hazard mitigation meetings, the tribal leaders in attendance sat quietly and listened politely to what the planners and water experts had to say. As non-experts of planning, the tribal leaders, however, felt excluded by the alien terminology and procedures of the public meeting and did not feel comfortable speaking up about their respective communities—a common pitfall of participatory planning. When the hazard mitigation planners did not get any tribal input at the meetings, they asked the chiefs to send their input in writing to later add to the plan document.

Little came of the request until a nonprofit, the Lowlander Center, supported a project to provide local non-federally-recognized tribes of the intertribal consortium, the First People's Conservation Corps (FPCC), with their own emergency continuity plans. While these plans would not be official, since the tribes were not federally-recognized, they would be a resource for the tribes to prepare for hazards to their own discretion.

The center sent Alessandra Jerolleman to consult with the tribal communities of the Biloxi-Chitimacha Confederation of Muskogees (including Isle de Jean Charles and Grand Caillou/Dulac) and the Pointe-au-Chien Indian Tribe of Lafourche Parish. Jennifer Gerbasi then received a list from those tribes which had worked with Jerolleman, and those tribal aspirations were included in the plan.

What was it about Alessandra Jerolleman's unconventional approach which elicited input, while conventional, rational-based models of planning used by municipalities came up short? To preface this question, Alessandra first tells a story about a case which shaped her philosophy on planning with indigenous communities. Her ethic takes on the tenets of indigenous and community-based planning paradigms.

### **Planning Mode #2: Indigenous Community-Based Planning**

“Indigenous planning” may seem conceptually new and emerging within the scholarly planning literature, yet scholars contend that indigenous planning has been practiced since the beginning of time.<sup>94</sup> That is, American Indian communities have always planned for and managed their own land and people, though not under the same conventions as contemporary city and regional planning.

Recently indigenous planning has been responding to racializing state mechanisms which marginalize, devalue, exploit, and threaten the preservation of indigenous communities.<sup>95</sup> Indigenous planning scholars advocate for an understanding of the discipline's colonial foundations and a planner's privilege.<sup>96</sup> This is especially important for outsider, non-indigenous

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<sup>94</sup> E.g., Hausam 2013; Mannell et al. 2013; Matunga 2013; Walker et al. 2013

<sup>95</sup> As Matunga (2013: 3) aptly puts it, “the trick for Indigenous planning is to frame itself against the backdrop of a still virulent racist discourse but not get consumed by it.”

<sup>96</sup> Porter 2004, 2010

planners working with indigenous communities—those who may not be prepared to confront the “layers of histories, assumptions and expectations” at play.<sup>97</sup> Previous sections have defined rationalist, or mainstream planning, but what is indigenous planning, and how can an external planner approach this kind of work?

Indigenous planning has been conceptualized in a variety of ways, showing that the approach is not constrained by pre-determined, universal steps, but rather is developed within the specific, local context of the community by an over-arching philosophy.

Indigenous planning represents both an approach to community planning and an ideological movement. What distinguishes indigenous planning from mainstream practice is its reformulation of planning approaches in a manner that incorporates “traditional” knowledge and cultural identity. Key to this process is the acknowledgement of an indigenous world-view, which not only serves to unite it philosophically, but also to distinguish it from neighboring non land-based communities.<sup>98</sup> A world-view is rooted in distinct community traditions that have evolved over successive history or shared experiences.<sup>99</sup>

It is important to note that individual indigenous groups differ substantially by region and history and should not be stereotyped as a unified group, stunted in time with the same worldview, values, and ways of rationalizing. Nevertheless, most American Indian scholars agree that indigenous planning is set apart by key philosophical differences. While the rational planning model privileges objectivity, facts, and systematic processes, indigenous planning emphasizes aspects of the community which make the people unique and authentic, such as their social-

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<sup>97</sup> Hardess and Fortier 2013: 141

<sup>98</sup> Jojola 2000

<sup>99</sup> Jojola 2008; cited in Walker et. al 2013: xviii

ecological connections to place, the practices which have been generationally passed down, and perhaps even spiritual and philosophical beliefs. For some groups, their indigenous planning tenets may be place-based and may place a high value on community and kinship. Indigenous planning is not only a matter of spatial planning but concerns itself with the lives and environments of indigenous people.<sup>100</sup>

While conventional planning efforts are often driven by an outside consultant or government authority, First Nations sometimes utilize community-based methodologies to assert their right to self-determination.<sup>101</sup> This requires that many community members be immersed in the planning process from beginning to end—a challenging, yet important feat. It is not enough that a planning project reflects the tribal leaders' vision but must also consider the aspirations of many other groups within community. To achieve an adequate level of representation and participation, some communities form special planning committees or utilize existing tribal councils to gather input on planning affairs. While community-based planning is rife with many of the same challenges as conventional planning methods regarding internal disagreements and inadequate participation levels, community-based planning methods ensure that community leaders (rather than local governments) are the first to attempt to mediate conflicts using approaches they deem locally and situationally appropriate.

While there is no rigorous definition of indigenous community-based planning, the literature has forwarded planning principles which are further guided by organizational best practices. For example, Mannel et al. (2013) recommend the following: engage a broad cross-section of the community (build redundancy); engage youths; value local and traditional knowledge as well as outside ideas; reflect on the past and present; connect the physical and the

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<sup>100</sup> Matunga 2013: 5

<sup>101</sup> For a history on indigenous self-determination in the U.S., see Daes 2008.

social; and, establish a united direction for the future.<sup>102</sup> They list elements of community-based plans, which read more as directives for community members, as follows: establish awareness, build community, develop capacity, raise expectations, voice opinions; and nurture creativity. But it's one thing to list planning principles and plan elements, potentially at the risk of overly-romanticizing indigenous planning processes. It is quite another to put them into practice when the institutional framework behind your planning specialization hinders their actuation. Consider the journey of Alessandra Jerolleman.

### ***Pine Ridge as a Test Case***

Before taking a job consulting with the Pine Ridge reservation of the Oglala Lakota, Alessandra Jerolleman<sup>103</sup> had been noting the inadequacies of the hazard mitigation planning model structured by federal guidelines. After leaving UNO-CHART<sup>104</sup> and later a company called Solution, she began working at a small engineering firm, JEO, based in Nebraska. Like many other engineering firms based in the Midwest, JEO was a low-cost option for small towns which could not provide their own in-house services. With the passage of the Stafford Act of 1988,<sup>105</sup> states were suddenly supposed to elicit hazard mitigation plans from rural municipalities which were not equipped to do this sort of planning. JEO provided a solution to the capacity

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<sup>102</sup> For more information on relevant best practices Mannell et al.(2013) refer to The First Nations Community Planning Model and First Nations Community Planning Workbook, 2003.

<sup>103</sup> Personal communication, March 14, 2018

<sup>104</sup> The University of New Orleans Center for Hazards, Response and Technology. Alessandra Jerolleman got into disaster research for the first time in the wake of Hurricane Katrina, when a professor at the University of New Orleans persuaded her to take a graduate assistantship with CHART studying repetitive losses. At the time, she knew about the community development work that Kristina Peterson had been doing with the Grand Bayou Indian Village in Plaquemines Parish, but she was not directly involved with that project. Little did she know where she would be in ten years. Shirley Laska, a close friend of Kristina Peterson's, former UNO Vice-President, and founder of CHART, has also been a mentor to Alessandra.

<sup>105</sup> The Robert T. Stafford Act of 1988 set up a pre-condition that communities must have a FEMA-approved hazard mitigation plan in place to be eligible for federal assistance programs following a presidentially declared disaster.

problems that many rural communities had been facing and an alternative to the less-than-stellar plans being pieced together in-house.

I think it's relevant to say that by the time I started working at JEO—and my function was to try and sort of help them to think about planning a little differently—I was at a place where I was very uncomfortable with the planning model as it stands and was pushing hard on JEO and the clients to sometimes turn down work. To say to the community, “I understand that you just want this plan to meet these requirements, but realistically, if that's all you're doing, you're not actually going to get any money out of this. There aren't that many declared disasters in Nebraska, and the rural communities lack the dollar value of infrastructure to really do well in a benefit-cost assessment, so you can go through this process, and you can use it as a chance to actually get people talking to each other. And you can use it as a chance to discover what people are really concerned about. And the pieces of that, that sort of plug into the formal plan, you can put in the formal plan, but there's value in the process itself.”

So according to Alessandra, in some low-risk areas, the potential resources brought about by the plan document itself are not valuable enough or probable enough to condone a lackluster planning process. Funding a planning process just to fulfill federal guidelines alone made no sense. If a community is going to go through the motions to fulfill federal requirements anyway, why not get something more than a document out of it?

So Pine Ridge—I had been at the Hazards Center Workshop<sup>106</sup> and had been talking to some folks, Bob Gough<sup>107</sup> and others, and somehow or another, I had initial conversations around the fact that the Stafford Act had been amended to allow tribes to do their own mitigation planning, and then serve as their own recipients. And so instead of going through a state and being a sub-recipient and competing with the state’s counties, the tribes, federally-recognized of course, could have their own mitigation plan and be treated differently. They could actually have a direct declaration from the federal government.

The Stafford Act amendment she refers to is the Sandy Recovery Improvement Act, signed by President Obama in 2013, which gives federally-recognized tribal governments the same status as states when requesting disaster assistance and considers the tribal land as a single entity in cases where tribal land crosses state borders. The amendment received mixed reactions from different federally-recognized tribes.

And so there was a lot of conversation around whether or not this made sense for tribes to pursue. So one reason was—this broader question of whether this kind of process was even applicable at all. There had already been some tribal hazard mitigation guidance, and I was told anecdotally that some tribes had pushed back very hard on the idea of treating the natural environment as a natural risk in the way that the planning process

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<sup>106</sup> The National Hazards Center, at the University of Colorado Boulder, holds an Annual Research and Applications Workshop for emergency management officials, consultants, hazards researchers, and other risk-reduction professionals. Members of the Lowlander Center often attend.

<sup>107</sup> Bob Gough was a friend and ally of the Lowlander Center and the tribal representatives of the First People’s Conservation Corps (FPCC). He co-founded of the Rising Voices Workshop alongside anthropologists Julie Koppel Maldonado (who had also written a dissertation on the Louisiana tribes) and Heather Lazrus (who has written extensively on climate displacement in Tuvalu). He founded the Intertribal COUP (Council of Utility Policy), which works to obtain energy audits and structural retrofits to enable tribal energy interdependence. Bob later became a huge advocate of the Isle de Jean Charles relocation and sat on the presenting panel at the Congressional Briefing about the Island’s climate displacement.

does. So there was that discomfort with being in contention with, or trying to modify what nature was going to bring.

But hesitation to pursue tribal mitigation planning was not only about differing philosophies, or problematic constructs like the human-nature dichotomy, or the industrial legacy to over-engineer the land and water. Their reluctance went beyond not wanting to engage within a planning institution they consider backward, whose classifications and social constructs estrange people from ecosystems. It was also that they had witnessed that planning could not respond to the community's vulnerabilities.

And so at the same time...some of the tribal communities on reservations were substantially under-resourced and dealing with tremendous challenges. The idea of talking about whether or not the mobile homes could be anchored better was really low on the list of concerns. I mean, not that it wasn't a problem, but it was so, so low given the lack of absolute housing and lack of jobs, and huge health issues, and human trafficking issues, and organized crime, and a large percentage of youth that were being taken off the reservation by the foster system. We can go on and on. There were all of these reasons why this one planning process was just so utterly irrelevant.

So the hazard mitigation planning process was developed based upon controversial assumptions about the settler society's battle to subdue the wilderness. Not only did many tribal communities take issue with these assumptions, but the process's capabilities were also irrelevant to the community's most pressing needs. Alessandra added one more problem to the list. Hesitation to declare a disaster as a tribe was based in a concern for state and county resources.

I mean, in places like South Dakota, you have a further complication in that there's a lot of crossover between the reservations and the counties that run contiguous with them. So

in Pine Ridge, for example, the tribal youth attend county schools—Shannon County Schools—and so the reason that is relevant is because disaster declarations have to do with the amount of damages that are documented, and it's not permissible to double-count the same damage. So if Pine Ridge were to have their own declaration, if they were to pursue that, then they would be counting the damage to the roads that run through the reservations, to the hospital, you know, to all of those kinds of things. Which then would mean the state, which is again very rural, could not count those damages, and it was very feasible that the fact that the tribe received the declaration, would then prohibit the state from receiving one. And that could have a negative effect on the tribe by extension, because although the tribe would now have much more self-determination and sovereignty relative to how they would spend funds, they also would have no means of repairing schools that belong to the state or the county. So it's kind of like this catch-22.

At the heart of a tribe's decision, then, is the overall welfare of the people. The objective to pursue self-determination by conducting a planning process for themselves, often cited as a tribe's overarching goal, can be usurped by a concern for county and state facilities which are used by people from the tribe. While some states pushed tribes to do their own hazard mitigation planning, others did the opposite for fear that tribal disaster declarations might threaten their potential resources. South Dakota was one of the states to advocate for tribes to go through the process. On July 31, 2013, the Oglala Sioux Tribe, Shannon County Emergency Management, the South Dakota Office of Emergency Services, and the Federal Emergency Management Agency held a meeting in Rapid City South Dakota. The group determined that the county and tribe would work together to write a multi-jurisdictional multi-hazard mitigation plan, and the Executive Director of the Oglala Sioux, Richard L. Zephier, wrote a memorandum to the tribe to

request their approval. Then, on August 14, 2013, they selected JEO Consulting Group, Inc., and identified Alessandra Jerolleman as the Project Manager.<sup>108</sup>

And so, I got a call from, I think he was the hazard mitigation officer for the state—it was somebody from that office—basically saying, “Look, we have this tribe, we really want to help them get a mitigation plan, we have money for them. They’ve got this tribal consultant guy that can do a lot of the work, but they need some outside expertise from someone personally who has done a lot of these. Would you bid on it?” And I was somewhat uncomfortable because it was a state asking, not the tribe. There seemed to be some pretty implicit assumptions that the tribe couldn’t do this on their own, and it was just a little off.

So I actually reached out to some folks [including Bob Gough] that I knew would know the folks at Pine Ridge to say, “Hey, is this an act that the tribe is aware is being made on their behalf? Is this something they’re actually comfortable with? What is happening here?” And so I was able to learn that what they had done was—A tribal member who lived just off the reservation and had done professional work in emergency management, Del Brewer,<sup>109</sup> they had hired him to be like a part-time consulting emergency manager, and they were going to use a portion of the mitigation planning grant to fund his time, but they wanted an outside consultant to help, and they also had the Lakota Sioux Women’s College that was going to be able to help.

So Alessandra came in with the attitude that plans for communities should be managed by the communities themselves rather than an outside government authority or an outside consultant.

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<sup>108</sup> See page 4 of Shannon County Emergency Management, & Oglala Lakota Nation Pine Ridge Indian Reservation. (2014, July).

<sup>109</sup> His full name is Delbert Brewer.

She also felt that local governments' assumptions of tribal incompetence in planning are unethical, so when doubt lingered, she should ascertain that the tribe was driving the process and welcomed her assistance. Because they had hired an emergency management consultant from within the tribe and were utilizing outreach efforts by the Lakota Sioux Women's College, Alessandra felt comfortable assisting.

So at that time, I did agree to pursue the work, and we were hired. We worked out an agreement with the tribe where basically the majority of the planning funds went to support Del's time and a limited amount of funds went to support mine, and I believe that the Lakota College's time was donated. And it was a very, very limited budget and a place that is very limited to get to, so I only travelled there twice—once at the beginning and once towards the end. And we did weekly phone calls, and we did some remote training, primarily for the women with the tribal college. But to me, the first thing in that process that was important was to be very, very honest about what that process could and could not do. And so the sheer fact that they were participating in a planning process that was allowing them to have this consultant—that theoretically was accruing some benefits. And he was of the community and of the tribe. It was also hopefully a positive experience for the women of the Lakota Sioux College.<sup>110</sup>

Beyond the more formal processes, much of the data on vulnerability was collected via the college students' meetings. Delbert Brewer and Alessandra Jerolleman held a hazard mitigation

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<sup>110</sup> This is not to say that the process lacked the typical components of multi-jurisdictional planning, like district meetings and survey instruments. The plan itself states the contrary. The kickoff meeting was held in the Prairie Winds Casino on September 25, 2013, to discuss the planning process. At the same time, the planning process involved two hazard mitigation planning team meetings, made up of invited intergovernmental representatives to identify hazards and prioritize actions. Nine community stakeholder meetings, representing nine districts, involved facilitating discussions and collecting hazard surveys from 113 individuals. See the plan's pages 4-5. What Alessandra is saying is that the utilization of tribal members from within the community facilitated more meaningful conversations.

planning orientation with the Lakota College students. Therefore, much of the participatory process was led by members of the community who were trained by an outside consultant to understand hazard mitigation planning techniques and requirements, but they inherently understood how to communicate with and interpret perspectives of others within their own community.<sup>111</sup> The setup was key to transforming hazard mitigation planning processes from a checklist approach to a methodology which would encourage dialog and set participants at ease.

And we talked very honestly about how to juggle needing to meet the requirements of a very restrictive process knowing that there might not be any net benefit at the end, because there was no guarantee that they would ever have their own declared disaster, and [we] also talked about the value of trying to simply get folks talking. So what could be the concurrent values, and how would that work?

[I]t wasn't appropriate for that to be me from the outside. So we did a series of webinar training with the women from the Lakota College. It was basically like, "Here's the formal planning process." And then we talked about how to maybe structure it.

So each district had like a tribal lodge, like a meeting house. And the elders would go there just for conversation. There was some youth programming there, just like community centers. And so the idea we sort of ended up with was that the women from the Lakota Sioux College would basically have listening hours. They would go and listen, and they would talk to people at these centers.

From the listening hours, they could hear out the tribal members without discounting conversations for not relating to the federal criteria of hazard mitigation planning. This holistic

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<sup>111</sup> Anthropologists often classify approaches to behavioral/organizational research as emic or etic. The emic approach takes on and considers perspectives of the community from within, whereas the etic is more of a conventional scientist's or outsider's approach which observes subjects from the outside. Alessandra Jerolleman is referring to the Lakota Sioux students, who are facilitating the listening hours, as insiders with emic approaches.

approach did not interfere with the pragmatic goals of the exercise. The consultants were still able to successfully write the plan with quantitative and descriptive data according to the FEMA mandates.

And so honestly from that, I got back your traditional kind of deliverables. Like, how many people were there, what were the key topics that came up? And that went into the plan in this really super-sanitized, useless way.

And so some of what they said made it into the actions, that by and large, the things that they were worried about, had very little to do with the kinds of problems and challenges that mitigation planning could account for, so we ended up identifying a lot of actions, but those were not coming, by and large from the community. Those were coming from Del's perspective and my own perspective, and so there were some issues with the cold...There were some problems when the straight-line winds blew, with literally having the mobile homes fall over. So things like that—it was pretty easy to come up with actions to satisfy the requirements, whether or not those actions would ever amount to anything wasn't clear.

So the plan needed to be written to the FEMA-standard, even being relatively unhelpful to the community as a document, but the valuable result of the process was not what was printed on paper but the beginning of an important discourse on community needs and the fact that the community-led process was an act of self-determination. The onus was on the consultants, not the community participants, to weed out the information which did not belong in the written plan, as FEMA could not account for some needs. That information which the community deemed most important, however, could be retained for the tribe's use.

Perhaps the spoken, rather than the written work, was the most impactful element of the process. The listening hour conversations themselves had a powerful function, because they provided people with an arena to speak openly to trusted community members about local needs. This setup was appropriate for the indigenous planning context, first, because participants did not have to worry about disclosing proprietary information to outsiders, and secondly, because their concerns were not dismissed for being irrelevant to FEMA mandates, meaning participants felt heard and respected. Furthermore, the listening hours facilitated collective awareness of which problems the government was attending to, against the backdrop of larger, systemic issues facing marginalized communities.

The big issue with things like housing, you know, was not going to be changed without really addressing U.S. policies for tribes. And remember that Pine Ridge is the site of Wounded Knee. I mean it was our most recent military tribal conflict. And that's still very alive and well in people's memory.

Like the tribes of coastal Louisiana, who reference the diaspora of the Trail of Tears, the people of Pine Ridge see Wounded Knee as a reminder of their circumstances today. The memory was indicative of government-to-government relations and how tribal members perceived them. All the while, the tribe was fighting their own battles.

And a lot of the concerns that they had were that youth were not engaged, youth were disenfranchised, of drinking—it was a dry reservation, but people would go into Nebraska, and they would buy alcohol, and they would sometimes freeze to death walking back. It was really just horrible. And those kinds of issues, I wouldn't even begin to know what to propose, and there was a big rift in the tribal council because there were those that really wanted to legalize alcohol on the reservation so they could tax it—the

idea being that then they could use that tax to fund programming specifically around community building, and alcohol abuse, and all of that, and it was a really contentious issue at that time.

References to Wounded Knee, while simultaneously referencing contemporary crises like alcohol abuse, signals a cognitive link between state atrocities and indigenous struggles. Memories of atrocity provide rationale for lingering government distrust. Even as Alessandra touts the community-based approach to planning, she is not completely certain that this process should take credit for the successful aspects of the Pine Ridge experience.

So there were all of these other things that were sort of there in the background, and this plan was really premised on this idea that at some point there might be might be a disaster, and if there was, the tribe might decide to pursue their own declaration, and if they did, then potentially enough money could come in that they could really do things a little differently in terms of housing and some of the other challenges. So I don't know, with that community engagement process, truth be told, I don't know what came of it. I know that the women reported having a good experience with it. I know that the one that I did attend, there were a lot of people there. It seemed like it was a generally positive experience. I know that where possible, the data from that went into the written plan. I have a strong personal belief that there is value in getting people talking and that there's value in the process of planning, but I couldn't tell you for a fact that any of that mattered.

Nevertheless, the community became an example of success which impacted Alessandra's modus operandum.

What I do know is that they did eventually have a declaration and that somehow at that point, a lot of HUD money came in, youth got much more organized, and in many ways Pine Ridge has become this sort of example of a community coming together. Now, these other processes like the mitigation plan could have had zero impact on that outside of simply enabling there being a disaster declaration. So that is one of those things that I will never know, but to this day, that still stands as a planning process that I felt was in many ways strong. It didn't maybe meet some of the metrics that traditional planners tend to measure processes by—I don't have pages and pages of notes on what people said, in part, because it wasn't my business, but they went through the process of saying it.

The written plan also does not record the discussions which took place during the listening hours or the social vulnerabilities which fall outside of the scope of hazard mitigation planning and its federal guidelines. Those discussions were held privately within the tribe and were for the tribe's benefit. As Alessandra said, "it wasn't my business." The point that she was emphasizing was that they added a component to the planning process which allowed for tribal members to come together and begin a dialog about what they felt mattered without external impositions. It was a move which helped them define and prioritize their issues, set their agendas for analysis and decision-making, and act autonomously without being more dependent on state planners.

### ***Working with Louisiana Tribal Communities***

Alessandra brought insights on indigenous planning from her national experiences to the local American Indian communities of coastal Southeast Louisiana. When the local governments of Terrebonne and Lafourche Parishes solicited input from state-recognized tribes to include in their hazard mitigation plans, they found that Alessandra's approach yielded results, while typical public participation methods fell flat. Alessandra later described her consultation process.

As with the Pine Ridge case, her attitude going into the project is shaped by mitigation policies' inattention to the needs of rural communities.

So the First People's Conservation Corps, the consortium of six tribes—one of the things in their strategic plan was to look at emergency planning, and that came from a few different places. One being the fact that after a storm like Hurricane Katrina, the tribes were often left out of a lot of the formal government efforts at planning and recovery. So things like public assistance to repair infrastructure, the parish and FEMA and the state actually send people to look at all the buildings that need to be repaired, the ditches that need to be cleared, and so forth. And if it doesn't get documented in that process, nothing can happen.

There were a lot of anecdotal stories that many of the parishes along the coast were explicitly stopping FEMA and the state from going down the bayou. Now, I don't know for a fact that that is true. I do know that I have heard similar things anecdotally from rural parts of Louisiana, so I think it certainly is possible for a parish government to purposefully or accidentally steer that sort of assistance toward its more populated areas or areas it thinks about more often. And its very possible for the state to provide enough assistance for that process across the board.

I, too, had heard rumors from community leaders that the documentation of storm damage was done incompetently in the recent past. Residents had explained that, in some cases, officials overlooked impacts to poor residents' homes, assuming they were already dilapidated prior to the disaster. Additionally, I was told that after some storms, no one came to document impacts to certain regions of the bayous. While I cannot confirm or refute these events, the rumors did signal that residual distrust was fueling pushback on conventional planning approaches.

Now that was sort of the starting place. They have in the community plan this idea of looking at this. They have this history of not really getting enough assistance, feeling like maybe they should be able to get more, but not sure how to go about that. I have been doing this sort of work nationally and now was looking to focus more on local work, and so Kris Peterson, who had been doing a lot of work with the FPCC and helping them get started through the Lowlander Center basically said, “Can you come and give some ideas and thoughts as to what they can do?”

So I did some research just to try to figure out the lay of the land. I was able to discover that there was a Governor’s Office of Indian Affairs<sup>112</sup> in Baton Rouge, which was supposed to liaison with the state and federal tribes they had at that point—this was under the Jindal Administration—had not been staffed for a long time. It did exist. And then several of the state’s emergency plans, did in fact reference LAGOIA [Louisiana’s Governor’s Office of Indian Affairs], so with things like public assistance, LAGOIA was actually tasked with making sure that emergency management was reaching out to the tribes as well. And that clearly was not actually happening, but [the mandate] was written down in documents, at least by executive order [with] the force of law.

So Alessandra’s hazard mitigation consultation with state-recognized tribes was not initially envisioned to be an official function of planning for the purpose of assisting the local governments. The process arose from a greater need to gain attention and assistance from the Governor’s Office. It was a broader attempt to have a voice.

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<sup>112</sup> She is referring to Louisiana’s Governor’s Office of Indian Affairs for which the acronym LAGOIA is used.

And so my recommendations at the time that I did this research and went back to the tribes—the FPCC meetings—was basically a three-part strategy. One was, consider as a group, going to the state and asking them to do a better job of honoring what they’re already saying they’re going to do, which is to give the state tribes a bit more of a voice when it comes to preparedness, recovery, and all of that.

The second was to engage more closely with the parish plan. Most of the tribes are nonprofit. Nonprofits are actually eligible for certain kinds of assistance, where a non-federally-recognized tribe is not. Most assistance goes to individuals or governments, but nonprofits in some cases are eligible, so be sure that their concerns are addressed in the parish plans.

And it just so happened that during that time period, two of the parishes, Terrebonne and Lafourche, had updates, and I helped with the particular tribes put together some comments to go back into those plans.

And the third piece was, do the level and scale of planning make sense? So for the tribe that doesn’t own structures, doesn’t have staff, it doesn’t make sense to have a complex commercial emergency operations plan, but it does make sense to have a basic understanding of what the risks are and have some basic plans in place to stay functioning. And so what I ended up developing was, like a matrix of the hazards and some of the primary historic impacts. I sat down with four of the six tribes and interviewed them. I reached out to all six. Only four set up the meetings. And I built this template, basically like a tribal continuity guide with small things, like how does the council manage to keep meeting if people have to evacuate, how are records kept, is somebody taking the bank information with them? You know, like those really basic

things that sometimes kind of happen, sometimes don't happen, but it's pretty important that they happen to be able to stay either functional from a remote location or stay in touch with the members—or whatever the case may be, right?

So with that template I met with four of the tribes and basically said, "Tell me how you want to do this. Here's this template." It was worksheets. "Like, it might help you. It might not. And we can sit and we can talk through it. And I can fill it out for you, or I can fill out parts that are appropriate for me to fill out, but I don't need to see your member rolls." Because that's not appropriate.

So there's sort of a range where, like with some of the tribes, I basically filled everything out and gave it back to them. With others, they asked questions about some pieces, and then I think they finished filling them out. So I don't have a final version of any one of these. And again, they have things like bank account numbers [that] I don't need or want in the final version. And I don't know, again, to what extent they use it. I think from all of those conversations, things came out that led to minor changes. Like, let's get a Paypal set up so that people can donate to help us when we don't have access to a mailbox. Let's get a free conference call number because typically the council just randomly meets because they see each other, and they decide to talk, and there's not a formal mechanism if people are evacuated, so let's get a free conference call number and let's decide if people are gone for more than a week, we'll check in. So there are like, little things like that. But again, I don't know the extent of any utility.

I asked Alessandra how her experience with Pine Ridge affected her work with Louisiana communities. She explained that the communities in Louisiana are in a much different situation. Alessandra viewed Pine Ridge as a test case, where she could ask herself, "How could this

work?” The Pine Ridge indigenous planning process did work, she felt, as a result of unique factors.

First, there was money for the process. Her consulting firm, JEO, was willing to give up Alessandra’s time to commit to a process which did not bring in money. In fact, she recalled that the firm lost money, because the costs were ultimately higher than what the firm made.

Secondly, the Pine Ridge benefited from leadership and expertise from within the tribe. They had a tribal member who had emergency management experience and was willing to put a great amount of time and effort into the process. They also had students from the Lakota College who volunteered their time.

In contrast with the people of Pine Ridge, who got to know Alessandra for the first time when she came to them as an outside consultant, in Louisiana she already had a long-standing personal relationship with the people involved. Her time with Pine Ridge was more constrained, which is not the case with Louisiana.

I mean, the people I worked with are not there any longer. It wasn’t like a long-term relationship. It was assistance into pieces of the process that I was very much an outsider to. In Louisiana, I’m still very much an outsider, but the continuous engagement spanning over a decade—that I don’t envision going away. There isn’t much pressure to give what you can give and get an output because then you’re going to be gone. Instead it’s periodic points where there’s some ability to plug in.

Additionally, the tribes she worked with in Louisiana were not federally-recognized, so they were not involved in the more formal planning processes as tribal governments because it was not an option. Furthermore, the tribes’ small size meant that the larger-scale planning models did not readily work.

So when I did work with the tribes here to try to work them through some basic emergency planning, we had no need to meet anyone's requirement or template because nobody in government was ever going to care. So instead, we could kind of take and use the pieces that might be useful.

Even though their lack of federal recognition became a barrier to sovereignty and self-determination on many fronts (as chapter 3 will show at length), Alessandra had just pointed out at least one benefit to not having to answer to the federal government. The lack of federal requirements in writing the tribes' emergency management plans, seemed to open up new possibilities for planning. They could make plans which suited their own needs. As a planning professional working with indigenous groups, she comes away with an ethical philosophy on her role.

And so I would, prior to even being in Pine Ridge, sort of come to this place of feeling that expertise only has so much to give, and the most valuable role is to sometimes be aware of the limitations of what you have to give, give of it where it's clear that it's desired and that it can be helpful and be willing to walk away. Be willing to say, "I don't know if that mattered. I don't need positive reinforcement. I don't need to know that this made a difference."

She ends with definiteness and humility. "My piece is done."

## **Conclusion**

The overarching argument of this chapter has been that planning, in spite of its best intentions, is a contributor to the tribes' social vulnerability to disaster. In part, this is because hazard mitigation creates the illusion of a cure, that the effects of hazards are being mitigated,

while only the symptoms of property damage are being treated. Hazard mitigation planning, in its formalized state, can be a distraction from the risks that matter the most to the American tribal communities that have participated in this process. A more apt and less confusing title would be *planning to offset financial loss*, or one which does not imply that it mitigates the effects of hazards in any broad sense.

Planners have the responsibility to think critically about where the evolutionary path of rational planning has taken us. Under the rational planning paradigm, federal agencies produced bounded, quantitatively-based classification systems of risk, vulnerability, and damage, precluding any consideration for disaster impacts other than structural losses and their financial implications. Classifications determine what the dangers are, who is affected, and who is worthy of financial compensation, but such strict adherence to “objectivism” leaves little room for democratic public participation, which can reveal what really matters to communities and can lead to creative, holistic problem-solving.

Under the rational planning mode, hazard mitigation planners feel pressure from above to comply with FEMA guidelines to the letter. Planners may be more concerned with federal compliance than with the facilitation of a meaningful public discussion, as was Jennifer Gerbasi’s contention with the Terrebonne Parish hazard mitigation consultant. The agenda of planning may discourage public participants from discussing matters of vulnerability which are not directly relevant to FEMA mandates, with professionals considering them a waste of time—a trend that Alessandra Jerolleman reflected upon. For a community which is not well-versed in or comfortable with planning jargon or formal public meetings, the current state of affairs is baffling and frustrating, especially when told that planners have not locked them out of the system. The reality is more distressing. The system has locked them out of the system.

Even as professional practice has evolved into a hyper-rational state, mechanized to co-opt planning processes from indigenous control, hope is not lost. While the present situation may be grim, planners have the opportunity to explore alternative professional modes of practice to promote ethical practice. Alessandra Jerolleman learned through experience that, although planners must work within some highly specific institutional parameters, they can still incorporate the major tenets of indigenous, community-based planning into their work and respect a tribe's aspirations for self-determination. Sometimes that means training community members to understand the planning process in a technical sense, so that they may facilitate listening hours in a culturally appropriate manner. Sometimes in the end, that involves non-indigenous planners stepping back and saying, "My piece is done." Sometimes, that involves turning down work in the first place if a community cannot transcend the path of "*getting the damn thing done*" and see that "*there's value in the process itself.*"

Hazard mitigation is not the only subset of the profession which is troubled by the intersection of rational and indigenous planning. As part II tells, indigenous relocation planning processes have been heavily criticized for their role in modern colonization and displacement—what they call in Louisiana, the Modern Trail of Tears. Because American Indians have already experienced the hegemonic tendencies of planning authorities, some communities assert dominance by forming indigenous, community-led planning bodies. However, federal, state, and local governments impose values, processes, and planning frameworks upon indigenous communities, all the while, even while touting the benefits of inclusion and collaboration. They take the credit for acting collaboratively even without doing it well.

But before jumping into the complexities of relocation planning in Part II, more work must be done to understand governmental culpability in contributing to tribal vulnerability as it

complicates the facilitation of indigenous relocation processes. While this chapter zeroed in on the ways that the inflexibility of formalized planning processes limit what can be achieved through hazard mitigation planning, the rest of Part I explores government interventions which limit indigenous people's capacity to adapt-in-place, and thus indirectly place pressure upon them to relocate. In the following chapters, the connotation of land loss shifts from ecological to nefarious. While land loss conventionally refers to the physical effects of erosion, the remainder of Part I sees land loss through the lens of confiscation.

Chapter 2 will explore a twisted history of industry and government as they induce indigenous displacement. Particularly, the oil and gas industry has profited from land takings executed by a colonial government which did not record Indians as property holders. Until today, the tribes cannot seek compensation for the land stolen from their ancestors because they are not legally designated as "tribes." Their inapplicability for an aboriginal title lawsuit segues into chapter 3 (the second chapter to be titled "Hazardous Classification Schemes"), which focuses on the primary state technology (racial classification) which divorces tribes of their aboriginal land rights by denying the legitimation of their identity. Lacking federal acknowledgement not only means that they cannot retrieve their ancestral land. It means they lack a voice in planning matters regarding their ancestral land. As chapter 4 will explain, even when structural projects take place on sacred lands, government-to-government consultations with non-federally-recognized tribes are not legally mandated, and sometimes neighboring tribes with federal recognition like to keep it this way. Trouble lies ahead.

## Chapter 2

### The Contested, Oily, Industrial Landscape

#### Introduction

The last chapter introduced the ways that federal guidelines and rigid classifications of vulnerability constrain engagement processes in planning for hazards. It called into question the conventional techniques forwarded by the rationalist mode of planning practice and revealed that the mitigation practices which are supposed to reduce vulnerability may, in fact, increase it. This chapter continues the list of the dissertation's Part I, exploring another governmentally-complicit contributor to vulnerability: an extractive industry which not only displaces American Indians via land grabs, but also destabilizes their subsistence economy only to render them economically dependent upon the exploitative industry itself. That is, the next contributor of social vulnerability is *the oil and gas industry*.

Social science literature has illuminated relevant bits and pieces of the conundrum as it has played out throughout society. Recent scholarship acknowledges the destructiveness of biopiracy, or the appropriation and monopolization of indigenous knowledge (medicinal or resource-based)<sup>113</sup> and land<sup>114</sup> without compensation by industries. Social scientists have sought to conceptualize varying degrees of climate change denial as they have perpetuated environmentally destructive industry practices. Others zero in on the complicity of the public sector in facilitating land takings from indigenous communities. This chapter utilizes ethnographic field notes to present a detailed, empirically-painted picture of land loss as

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<sup>113</sup> According to Wyatt and Brisman (2016: 326) when corporations openly and legally search for naturally occurring compounds or organisms to create new products, the process is termed "bioprospecting," but when it is done illegally and illegitimately, it is called "biopiracy." Also see Crosby 1993, Shiva 2001, Mgbeoji 2006, South 2007, Reid 2010, Robinson 2010, and Goyes and South 2016.

<sup>114</sup> Goyes and South 2016 include land grabs, though technically legal, as a form of biopiracy.

experienced by American Indians of Louisiana's bayous, focusing where climate change ideology, colonial history, and race policy intersect.

The first section focuses on the local dynamics of climate change acknowledgement and denial. While one might romanticize American Indians as a unified front against climate change, the case study reveals that some tribal members (albeit a minority), employed by oil and gas companies, feel threatened by the anthropogenic climate change narrative and what they perceive to be a part of a political agenda which harms the economy.<sup>115</sup> Those who have taken positions within the industry are caught in a Catch-22. Many acknowledge that local oil and gas companies exacerbate natural hazards (especially rapid rates of erosion), yet many people rely on their oilfield jobs to make ends meet and cannot afford to confront the industry.

As a senior, respected member of the Pointe-au-Chien Indian Tribe explains, the fishing industry is no longer stable or lucrative. As shrimper and tribal member Jake Billiot, trained me as his deckhand, I record just how miserably he profits from four hours of hard labor. Under such severe financial pressures, local hesitation to antagonize the profitable oil and gas industry or to acknowledge anthropogenic climate change becomes less surprising. As industrial propaganda blinds individuals to the causes of land loss, people are less likely to confront those who threaten their territory, increasing the community's vulnerability to hazards.

Then, elder Gary Verdin, whose father's land was purportedly confiscated by oil and gas representatives in the 1940s, launches into a story of property loss and litigation to defend his land rights. His account represents the struggles faced both in Pointe au Chien and Isle de Jean Charles. In fact, the majority of their ancestral land had been acquired by two oil companies by

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<sup>115</sup> While many indigenous groups subscribe to aspects of the environmentalist movement, environmentalism can be a secondary priority, while the overall wellbeing of the indigenous community is first.

the 1920s, creating implications for the region's future land management. Tribal members become fed up with the industry's interference with their use of the ancestral land and with Louisiana's navigation/fishing regulations which seemed to favor industrial use over the interests of these state-recognized tribes. Verdin and others pursued and lost a series of lawsuits in a fruitless attempt to assert their indigenous rights.

His futile battles within the legal system segue into the chapter's final section, which provides historical context to the industrial land grabs<sup>116</sup> from the colonial to contemporary era. Attorney Joel Waltzer, representing the Pointe-au-Chien Indian Tribe, has attempted to return the ancestral land to the people by pursuing litigation on the basis of "aboriginal title" rights. By retracing a colonial timeline of property law from the Louisiana Purchase to today, he explains how the oil and gas industry's land grab<sup>117</sup> was directly facilitated by the federal and state government.

In the end, the chapter reveals that the state has historically used the act of written classification as a tool to dispossess American Indian communities of their land.<sup>118</sup> By constructing the dichotomy of public land versus private land, by legalizing these classifications on survey maps, and by differentiating Indians from colonists, they had discovered a method

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<sup>116</sup> The largest American Indian land grab in the Southeast U.S. took place during the colonial era of the Trail of Tears, during the nineteenth century. In the 1830s, the Seminole, Creeks, Chickasaw, Choctaw, and Cherokees had been removed to the west of the Mississippi River, while their land was surveyed, sold, and privatized. Much of it became agricultural land which was worked via slave labor. See Magdoff 2013. Modern land grabs are often motivated by capitalist interests of natural resource extractive industries.

<sup>117</sup> Governmentally-sponsored land fraud was not uncommon in Louisiana. Kopotek (2011: 42-45) refers to a case in 1826 involving a colonist, Celestin Moreau, who claimed a tract of land at Bayou Rouge Prairie where two Tunica villages existed at the time. With the help of a lawyer, the Tunicas attempted to reclaim their land. Their claim was denied on the grounds that "the spirit and intentions of the law does not exclude them as Indians, but it certainly does as savages...Mr. Bordelon says they have not been reclaimed from their savage mode of life. We are, therefore, bound to say that their applications must be dismissed." Colonist François Bordelon was then successful using a similar strategy to claim a tract of land in Marksville in the main Tunica village. The Tunicas later settled out of court, recovering only a fraction of what they had lost.

<sup>118</sup> For additional cases of a state's weaponization of classification systems, used to dispossess and marginalize vulnerable communities, see Bowker and Star 1999 (*Sorting Things Out*).

which could legally exclude indigenous people from land ownership by failing to officially map and record their presence. A similar trend in dispossessory classification has manifested more recently in Louisiana’s Civil Code, as indigenous people find they are not permitted to use certain zones of adjacent waterways for subsistence fishing. Because state laws bestow the power to determine the permitted use of a waterway upon the adjacent land owner, an oil and gas company, in this case, has the power to determine the permitted use of waterway zones near American Indian communities. By designating certain zones for only “non-recreational,” (a.k.a. “commercial”) fishing, they have limited the ways in which indigenous fishermen can utilize waterways. Before unpacking issues of dispossession, however, readers must better understand how the presence of the oil and gas industry mediates local perceptions of the climate change debates to its favor.

### **The Anthropogenic Climate Change Controversy**

Scholarly work on climate change denial often considers the American partisan debate emergent during the Reagan Administration<sup>119</sup> and the environmental movement which has challenged society’s “technologically optimistic worldview.”<sup>120</sup> The formation of the Intergovernmental Panel on Climate Change (IPCC) in 1988, the United Nations Framework Convention on Climate Change from the United Nation’s “Earth Summit” in Rio, and the 1997 Kyoto Protocol solidified fears held by the fossil fuel industry.<sup>121</sup> The promotion of “environmental skepticism” and “manufacturing of uncertainty” became the primary strategy to challenge scientific evidence of environmental issues and the need for regulations.<sup>122</sup> In

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<sup>119</sup> Dunlap and McCright 2010

<sup>120</sup> Douglas 2007

<sup>121</sup> Dunlap and Jacques 2013: 700

<sup>122</sup> Jacques 2006; Jacques et al. 2008; Dunlap and Jacques 2013: 700

Louisiana, hesitation to recognize climate change or the fossil fuel industry as factors of coastal degradation is heavily affected by economic reliance on the oil and gas industry. To bypass the controversy while still lobbying for coastal restoration action, many Louisianans refer to the coastal crisis strictly as one of natural erosion, subsidence, and faulty infrastructural and land use decisions of the early twentieth century.<sup>123</sup> Despite the consensus that coastal erosion and the increasing frequency of hurricanes and flooding is directly threatening the resilience of coastal communities, in Louisiana, the phrase *climate change* is often taboo. One could write off the contradiction as the outcome of living in the rural part of a traditionally conservative state. In reality, the situation is much more nuanced.

I was attending a monthly tribal council meeting with one of the local tribes when I realized the extent to which social and economic influences of the oil and gas industry compound the communities' social vulnerability to disaster. During the meeting in March of 2015, a council member read the list of "new business" from the agenda sheet. The "Pocantico Call to Action on Climate Impacts and Cultural Heritage," which proved difficult to pronounce, was second on the list after the upcoming election for the tribal commissioner. We listened carefully as a councilmember read a letter the tribe had received from this environmental collaborative explaining their request for the tribe to join.

The councilmember read a very long-winded statement with academic wording, and I saw several members make faces of confusion or distaste. The statement focused on intentions to save "cultural heritage" as it is being threatened by climate change, though no specific initiatives

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<sup>123</sup> For example, in 1905 the distributaries of Bayou Lafourche were dammed approximately 60 miles north of Pointe-au-Chien in Donaldsonville, which starved the southernmost bayous of nourishment. See Reuss 2004. Additionally, following the Great Flood of 1927, the Army Corps of Engineers began to build levee systems, which block sediment deposits from replenishing natural erosion and subsidence. Engineering of the river system has contributed to substantial rates of land loss. See Freudenberg et al. 2009.

were listed in the letter. I looked up the organization for more information after the meeting. The Union for Concerned Scientists website states that the organization seeks practical solutions “from combatting global warming and developing sustainable ways to feed, power, and transport ourselves, to fighting misinformation, advancing racial equality, and reducing the threat of nuclear war.”<sup>124</sup> The tribal council’s understanding was straightforward: all they were asked to do was to agree to join the collaborative on paper, and their name would be added to the group list. Perhaps they would be added to an organizational petition.

I expected this to be an innocuous and uncontroversial agenda item which might be passed quickly, but I was wrong. An elder loudly proclaimed that he would not vote to be in that group because of the words, "climate change." He asserted that climate change does not exist, and it is something invented by environmentalists to further their own agenda.

"No! It's real!," retorted a woman, who was an active representative of many local tribal and intertribal environmental initiatives. "Climate change and sea level rise are real things."

They debated back and forth for a few minutes. The elder said that up north regions have been having the longest cold spells that they have had in years. He said that environmentalists are just putting regulations on industries, and regulations end up raising prices. The woman countered, explaining that in Alaska, villagers had to relocate because they were living on top of ice, but now the ice is melting, and they are going underwater, “just like us.”

She concluded: “That's climate change because the climate there changed.” She was relaying knowledge specifically from Alaska Native communities that she and a group of

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<sup>124</sup> Refer to <http://www.ucsusa.org/about-us#.Wg-KGEqnFPY>

activists from Louisiana's indigenous communities had visited a few years prior alongside scholars from the University of New Orleans.

Reference to climatological plights of Alaska Native villages brought about comparisons to the low-lying community of Isle de Jean Charles, which was in the trenches of relocation planning as they spoke. A highly respected leader summarized one of Isle de Jean Charles' main obstacles: "Their problem is that [the government is] saying [Isle de Jean Charles has] to have everyone vote that they want to go. If somebody says they don't want to go, they can't get a relocation."

After some discussion on the pragmatic challenges facing Isle de Jean Charles' relocation, the leader came back to the matter of "climate change" adding a new perspective to the Pocantico ordeal: *The climate is changing, but whether or not it is changing because of humans is another thing*. For this man, as long as the collaborative was not claiming that climate change is due to pollution, their mission was not based in false pretenses. "It's still climate change." He looked through the letter once more and saw that none of the wording insinuated that climate change was anthropogenic, and thus determined that the phrase "climate change" meant nothing more than a changing climate, whatever the cause.<sup>125</sup>

Another elder sitting next to me leaned in and whispered, "They're making some good points here." In fact, this was one of the most impassioned tribal council debates I had observed during my year of fieldwork. Many members agreed that the call to action letter was mostly targeting impacts on heritage, which was being threatened by land loss. The man added, "Being a

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<sup>125</sup> John Forester (2016) refers to the shaping of participants' imaginations and encouraging of relationships in democratic deliberations through the *framing* of a problem as tending to the "the practical aesthetics." Words can antagonize or unify. Here, this tribal representative reframes the debate on "climate change" to refer to the changes that the community has experienced with a changing climate, rather than a more threatening discussion on the environmental impacts of the fossil fuel industry. Suddenly, tensions are diffused.

part of it, at least you have a say so." In the end, the motion to sign the call to action passed by a majority vote.

Yes, the tribe signed, but why the hesitancy? To understand why a tribe suffering the effects of climate change might question, even for a second, supporting such a movement, a reader must first consider the local dynamics of the working coast. The debate over the validity of anthropogenic climate change extends beyond the walls of the tribal council building. The controversy permeates all regions, and especially engages people with ties to the industrial sector. Coastal Louisiana refers to itself as “The Working Coast” for its significant employment and economic impact<sup>126</sup> in industrial arenas including commercial fishing, oil and natural gas extraction, and shipping/navigation. The environmental impacts of the oil and gas industry are especially controversial among coastal communities.<sup>127</sup> Port Fourchon, in Lafourche Parish, reportedly supplies the U.S. with 18 percent of its oil supply and is the base of operation for over 250 companies.<sup>128</sup> In 2013, the extraction, pipeline, and refining industries supplied 64,669 jobs in Louisiana.<sup>129</sup>

Some of those oil and gas extraction jobs are held by American Indians of the coast, creating a paradoxical relationship for those who felt that the industry was responsible for erosion and those whose families were dispossessed of their land years ago by oil and gas

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<sup>126</sup> Louisiana’s Comprehensive Master Plan for a Sustainable Coast cites a study by Batker et al. (2010), which estimated that the fiscal benefits provided by the Mississippi River Delta to range from \$12 billion to \$47 billion each year. “If this natural capital were to be treated like an economic asset, its total economic benefit to the nation would be \$330 billion to \$1.3 trillion per year” (CPRA 2017: ES-10).

<sup>127</sup> This controversy exists despite scientific studies concluding that oil and gas extraction is the primary cause of land loss near the tribes. Morton et. al (2002) write: “...The primary factor causing accelerated interior wetland loss...was induced by rapid, large volume production of hydrocarbons (primarily gas) and formation water.” This source was brought to my attention by attorney Joel Waltzer.

<sup>128</sup> See <http://portfourchon.com/seaport/port-facts/>

<sup>129</sup> Scott 2014: iv

companies. One tribal representative, an oil worker himself, is case in point. He explained the predicament to me:

It's a little sticky situation. Yeah, the oil is to blame for a lot of the land erosion, cause when they first started with the oil field using all kinds of pipelines to bring their rigs in, and then started closing [the channels] up with... [He trailed off.]

The deal was, whenever they were finished with the canal, they were supposed to fill it back in, but the way our state was, with politics, they let [the oil companies] get away with not filling canals back up, to add to the saltwater intrusion. [T]he water [is] coming in because they left the canal [open]. That kept on eroding, so we've got the oil to blame for the land loss, and at the same time, people work for the oil field, so you're got some people who hate the oil company because of this. You know, they won't work for them, but then a lot of our people work for the oil field. Almost all of South Louisiana caters to the oil field in one way or another.

I asked if the people felt “stuck.” he continued,

You either work for them, or it will be hard to find a job. We've still got the fishing business, but a lot like me, I work for the oil field but then I also fish a little bit on my days off. We've got a lot of people that does that. They'll work for the oil field and then do fishing on their days off. Or you know some of them work for the oil field during the slow time and then when fishing gets good again, they'll go back to fishing. They'll go back and forth. They'd rather be fishermen, but when it gets hard to support their family, then they'll go to the oil field during the hard times.

The region's economic dependence on the oil industry creates pressure to cater to the industry's needs in the name of economic development, even when it comes at a physical cost to the coastline. Individuals decide for themselves whether to take positions in the industry, but for many, the money is difficult to pass up, with few other viable job opportunities. Some people confessed to me that they were afraid to speak out against the industry or attach their name to the "climate change" version of their community's story because they worried that their career would be threatened. One oilfield worker created a new personal email address just to receive emails that referenced climate change, because he feared having them come through his work email. One might wonder why workers do not stand up against the industry and continue to make a living by fishing. The answer is not so simple.

The struggle against the oil and gas industry is exacerbated by the hardships of the commercial fishing industry. Not only had the BP oil spill of 2010 created a stigma against contaminated Gulf Coast seafood, but cheaper Asian seafood had created competition. Furthermore, regulations regarding how companies labeled seafood were lax enough that even seafood shipped from abroad but packaged in Louisiana could be labeled as Louisiana seafood.<sup>130</sup> To get a better idea of the commercial fisherman's experience, I learned the ropes as a deckhand.

In May of 2015, Jake Billiot invited me out to go shrimping with his niece. It was not my first time, as Donald and Theresa Dardar had already taught me how to use my hands to sort the fish and crabs from the shrimp. This, however, was the start of a new season. At the kitchen

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<sup>130</sup> The Louisiana Department of Wildlife and Fisheries states: "Often, the country of origin listed is only the country from which that product was shipped, which may not be the country from which the seafood originated." See <http://certified.louisianaseafood.com/node/1054>.

table, Jake explained the current financial hardships affecting commercial fishermen. He said that the year was especially bad for shrimp, and people were really struggling to pay their bills.

The seasons were off, he explained, and the Louisiana Department of Wildlife and Fisheries opened shrimping season too late. He drew me a diagram as he spoke. "What happens is the shrimp come in to reproduce and lay their eggs, and then they leave. Now that the season is open, most of the shrimp have already left." I asked if the BP oil spill<sup>131</sup> was at fault. He said no, but his wife interjected. She thought the oil spill had something to do with the bayou's underperformance. Nevertheless, Jake concluded that the shortfall was just because the season had been opened too late, mentally noting that he needed to write the local paper, the *Houma Courier*, about the matter.

When the time was right, we went out, and I replaced my shoes with appropriate wading boots. Then I met his deckhand, a small, young twenty-something year-old who is distantly related to Jake. She is some sort of cousin, but she refers to him as "Uncle Jake," and he refers to her as his niece. When we got on the boat, Jake drove us first down the bayou and then we cut left to go north up another channel. We docked on a grassy sliver of land while Jake assessed the currents. I looked and noted a familiar area. Donald and Theresa Dardar had brought me here before. I was certain because I could see the feral horses gallop by on the adjacent island.

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<sup>131</sup> In 2010, an oil rig called Deepwater Horizon, located 52 miles from the coast of Louisiana, dug the deepest oil well in history, the Macondo Prospect. A massive blowout during the rig's disconnecting process sparked the largest oil spill in U.S. history. Refer to Bozeman 2011.

After several minutes of Jake looking into the distance and tracing the directions of the currents in the air with his fingers, he must have decided against the location, because we were soon on our way back in the opposite direction, passing by Pointe Aux Chenes Road once again and going south down the channel which



*Feral horses roam around an island in Pointe au Chien.*

eventually can lead you to Lake Chien. At some point in the channel, we stopped, and Jake decided he had found a good spot. We weren't the only ones out. I could see a boat anchored in front of us and one behind us.

Jake and his niece worked to untie the slipknots in the trawling nets. He then let down the bars to the sides of the boats which sink the circular nets into the water. We would wait for several minutes, then drive the boat so slowly forward that I had trouble knowing if we were moving or stopped. We were playing a waiting game at this point. Jake's niece spent some time telling me about her family and friends, and showed me several pictures on her smartphone from her social media accounts.

Jake would occasionally check the nets by letting them up, and if they were not full enough, he would let them back down. After several minutes, he would let the two nets up, and they would come around the back of the boat full of fish and shrimp. Jake would pull the slipknot holding the net closed, and the fish would dump out onto the deck, flopping around desperately. We grabbed the fish as quickly as possible, throwing them back into the bayou before they died of oxygen deprivation. (Not all of the fish made it.) Then, his niece and I would

remove the crabs from the pile of shrimp. We scooped the shrimp up with a special hand shovel and put them in a basket. Before calling it a night, we repeated this step four or five times.



*Jake Billiot drops the trawling net.*

When we arrived back on the dock by Jake's house, he took the baskets of shrimp and put them in the ice chest. He would sell them, and someone would pick them up tomorrow. Unfortunately, shrimp were only selling for about 75 cents per pound, so after paying for the boat fuel, which was about \$100, and after paying his niece as a deckhand and the guys that maintain his boats, he had made about \$50 for the day's catch. That was after working for about four hours. That was why so many people were having trouble paying their bills,

explained Jake. Years ago, he recalled making \$500 or more a day. He tried to reassure me: “The season will pick up a little bit later, though.”

But the situation was not great for those trying to make a living. When prices fell too low, as someone explained, some shrimpers would sell to others under the table without a permit to bypass fees and taxes, invoking from the interviewee a facetious comparison of a roadside drug deal. At the same time, when oil prices plummeted, oilfield workers were laid off, creating additional pressure to make side money shrimping to make ends meet—a nearly impossible task.

Considering these economic pressures, many find the rationale—that carbon dioxide emissions via fossil fuel combustion contribute to climate change—a hard pill to swallow.

Consider too that industrial representatives sit on Louisiana's coastal restoration, coastal

protection,<sup>132</sup> levee, and environmental boards and foundations. Some environmental protection foundations in the region are sponsored by oil and gas corporations.<sup>133</sup> Climate change scholars have noted that the fossil fuel industry was the initial, primary funder of climate change denial initiatives<sup>134</sup> prior to more recent proliferation of contrarian science by conservative think-tanks.<sup>135</sup>

The climate change taboo and the financial dependence on oil and gas sponsorship has held many organizations back from addressing the industry's complicity in the destruction of the coastline. Some have attempted to confront the goliath with little luck. For example, John Barry, the author of the locally celebrated book *Rising Tide* (1997),<sup>136</sup> had served as vice president of a municipal levee board<sup>137</sup> in New Orleans from 2007 to 2013.

In July of 2013, Barry and the levee authority filed a lawsuit seeking damages from ExxonMobil, BP, Shell, Chevron, and 94 other oil and gas exploration corporations operating along the coast of Louisiana. The board claimed that these companies had channelized the marshes, killing off vegetative root structures, leading to the unprecedented erosion rates which were causing the coastline to disappear. The petition for damages asserted that over 50 miles of cypress swamps and wetlands, which had acted as a buffer against hurricanes, have disappeared

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<sup>132</sup> For example, Louisiana's Coastal Protection and Restoration Authority's Coastal Master Plan consulted with an oil and gas focus group in 2012, later re-named the energy and industry focus group in the 2017 plan update.

<sup>133</sup> America's Wetland Foundation of Baton Rouge, for example, is sponsored by several oil and gas corporations, including but not limited to, Shell, Chevron, Citgo, Conoco Phillips, Exxon Mobile, and BP. The foundation does not mention climate change or oil and gas exploration as a contributing issue to wetlands loss. See <https://www.americaswetland.com/>.

<sup>134</sup> Gelbspan 1997, 2004

<sup>135</sup> Dunlap and McCright 2010; Dunlap and Jacques 2013

<sup>136</sup> *Rising Tide: The Great Mississippi Flood and How it Changed America*, captures how the politics of disaster have induced infrastructural and socio-political changes throughout the United States, starting with the Great Mississippi Flood of 1927.

<sup>137</sup> Southeast Louisiana Flood Protection Authority-East

due to the canals cut by the oil and gas industry, increasing the destruction of Hurricanes Katrina and Rita in 2005.<sup>138</sup>

The lawsuit incensed Governor Bobby Jindal, who then did not reappoint Barry to the board once his term was up. Despite Jindal's demand to withdraw the lawsuit, Barry and the levee board continued to pursue it. Meanwhile, the ordeal was getting local press coverage, and industry leaders were not happy. Governor Jindal and industry leaders then passed a bill to kill the lawsuit retroactively in the legislature, giving the oil industry immunity. Within the tribes, some felt that this was a grave environmental injustice, though unsurprising in the state's political climate. Others were employed by the oil and gas industries and took a different stance. In an interview, Barry suggested to me that Michel Claudet, Terrebonne Parish President, should have been pursuing similar action against the oil and gas industries which had wreaked havoc on the parish's coastline, yet he did not seem to stand up against them at all.<sup>139</sup>

The disunity of coastal residents' perceptions on industry and the environment is telling. It signals a buildup of tension—a clash between two crucial components of people's livelihoods. People feel that they must choose between economic and environmental health. Without the oil and gas industry, the local economy would collapse. With the disappearance of their ancestral land, the people fear displacement and separation. As the next section will show, members of the Pointe-au-Chien Indian Tribe have explored their options to assert their aboriginal land rights through the legal system. They discovered that the process is not as straightforward as it seems.

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<sup>138</sup> Houck 2015: 186

<sup>139</sup> Personal communication, June 22, 2015

## The Politics of Land Takings

"Do you know how your family lost this?," I asked Gary,<sup>140</sup> pointing to a black and white aerial picture embedded in a printed PowerPoint presentation slide that I had obtained from a local attorney. The caption read *Bayou Pointe Au Chien Verdin Ranch*.

The oil company stole it, Gary said matter-of-factly.

They stole it?

Yeah, Louisiana Land and Exploration.

Do you remember that from when you were a kid?

Oh yeah. You see back then it had a cemetery. I had to stop them with a shotgun. Say,

"You trespass on the cemetery, I'm gonna blow your head off."

I sat with Sidney "Gary" Verdin, an elderly wheelchair-bound American Indian man. We were visiting under his raised house on the Terrebonne Parish side of the road in Lower Pointe-au-Chien.<sup>141</sup> He had suffered a stroke when he turned sixty and lost the use of his legs. I had called him that morning to see if I could come over and talk to him about growing up on the old ranch, which used to be further down the bayou where the land is now disintegrating. I also wanted to know about his lawsuit against Louisiana Land and Exploration (LL&E), one of the two major industrial landowners of Pointe Aux Chenes and the outlying area.<sup>142</sup> I listened to his stories as best I could through his thick American Indian-French-Cajun accent.

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<sup>140</sup> Personal communication, June 16, 2015

<sup>141</sup> I switch between two different spellings: Pointe-au-Chien and Pointe Aux Chenes. Pointe-au-Chien is the older spelling which the Pointe-au-Chien Indian Tribe still embraces. In French, it translates to "Point of the Dog." The newer spelling on the maps is Pointe Aux Chenes, which translates to "Pointe of the Oaks." The tribe claims that white people later changed the name because it sounded nicer. Whenever I refer to the geographic location which can be located on contemporary maps, I use Pointe Aux Chenes. Otherwise, I call it Pointe-au-Chien with respect to the First People.

<sup>142</sup> Conoco Phillips now owns LL&E.

We were never introduced formally, and at first I found Gary to be intimidating. Gary had decided he approved of my presence and later even looked forward to my visits after spotting me on Pointe Aux Chenes Road as I took a walk up the bayou from the marina one afternoon in March. I had the intent to meet more residents outside of the crowd of political leaders with whom I tended to spend my time, but as I sat there that afternoon, I did not yet appreciate the significance of Gary's sanction. As a white outsider with New York plates on my car, I had become accustomed to the initial skepticism of a new visitor. People were kind, but in the early days, I could sense some ambivalence toward my involvement until many months of familiarity began to slowly melt away the distrust. As people later explained to me, Gary tends to be one of the harshest critics of strangers coming into the community.

At one point, Gary had explained that when he spotted me walking along the road, he wondered if I was a homeless woman who needed help. The ridiculousness I sensed in my actions was, then, a proper perception of my awkward attempt to meet and greet. Luckily, instead of accusing me of trespassing, he welcomed me, and we ended up having hour-long conversations by the bayou as oystermen nearby prepared their sacks of shellfish to later sell to the companies.

A product of the segregated school system prior to the 1960s, Gary was unable to read or write with the exception of his own signature. When I went to interview him formally for the first time, he had just told me stories of the oil companies taking advantage of his father's illiteracy by asking him to sign a contract for an oil lease on his property. In fact, what his father had done was sign over the deed to the family land. The oil representatives had stolen it

dupliciously, yet on paper, it appeared entirely legal.<sup>143</sup> The irony was not lost on me as I sheepishly handed him, an illiterate man, my university's Internal Review Board forms to sign so that he could participate in my academic study. Fortunately, he agreed to participate quite readily, and was very eager to tell his story of corruption and deceit. "I hope everybody knows," he said.

By early summer, Gary really became outspoken about his experience with local Indian politics and non-indigenous people. He and the rest of the elders speak of seeing firsthand the increasing presence of the oil and gas industry and the toll it has taken on the bayou community.

Well [the oil and gas company] done that at the house, family house down there, and somebody called and say they was there, so went down there and they was there, digging some ditches.

They were digging in there?

Yes, ma'am.

In the cemetery?

They was going to do it. They was going to go straight through it, but I stopped 'em with a shotgun.

Well why were they digging? To get to the oil?

Nuh uh. They was just to make their line for their...to steal the land, I guess.

Throughout the dissertation, I refer to land loss. Along the Mississippi River Delta, this term has a pervasive meaning. The coastal land is being eroded and the marshes are

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<sup>143</sup> Sherene Baugher (1998: 99) considers nefarious oil and gas land takings as a byproduct of federal recognition and the subsequent imposition of tribal councils: "Tribal councils, exemplified by the one imposed by the federal government on the Navajos in 1923, were put in place so that non-Indians could define groups of Indians who could sign oil leases and other contracts, allegedly on behalf of all their people."

disappearing. The American Indians of Southeast Louisiana have a second definition of land loss. American Indians have lost claims to their land in a region which was once entirely indigenous. Of course, property ownership was not originally an indigenous concept. Rather, it is a once-foreign ideal imposed by European colonists and early American politicians.<sup>144</sup> The ideal, influenced by the theories of John Locke,<sup>145</sup> altered the lifeways of Bayou Indians who have attempted to preserve the ways of life which developed after they were pushed into the bayous. The dual pressures to adopt new ideals of property ownership and law while simultaneously trying to preserve ways of the past, and thus have a basis to defend themselves as "legitimate" American Indians, was maddening.<sup>146</sup> Perhaps the elders were right when they said they were better off prior to colonization. As Gary passionately once put it for a visiting journalist of the *Washington Post*, "When the white man came, they should have hanged him in the tree."

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<sup>144</sup> The General Allotment Act of 1887 ended the practice of communal ownership. Refer to Churchill 2002: 47; Porter 2010: 27.

<sup>145</sup> The Judeo-Christian ethic (also see *The Protestant Ethic and the Spirit of Capitalism* by Max Weber 1977) became a tool to rationalize new classifications of ownership. Deeply disenchanted with the feudal system under the Crown in England, which precluded individual property ownership and rights, John Locke advanced a religiously rooted individualist theory of property rights. In his "Two Treatises of Government" (1689) he asserted that all men should have dominion over the natural world. Furthermore, those individuals who transform God-given resources into something of use have earned individual ownership of that land by investing their labour (see Tully 1980; Porter 2010: 53-56). For indigenous North Americans, the foreign concept of land ownership became a colonial tool of dispossession. As Locke's ideology of property rights gained purchase in the West, philosopher Thomas Hobbes justified the confiscation of land by spreading rumors of a-religious savages living in "promiscuous hordes" in the forest (Moore 2013: 159).

<sup>146</sup> In her ethnography regarding the Icefield Ranges Research Project in Kluane Park (southwest of the Yukon in Canada), Julie Cruikshank (2007:257) commiserates about how colonial projects have led to the loss of indigenous knowledge, yet post-colonial governments now expect such knowledge to confirm their validity as indigenous people. Indigenous people taking part in co-management regimes, or "government-sponsored management science," by authority of land claims agreements have been required to document their knowledge from land where they were evicted decades ago. She further explains how the categories of "local knowledge" and "traditional ecological knowledge (TEK)" have been used to privilege science and the bureaucratic practices of resource management while stripping indigenous knowledges of its reality as a distinct way of knowing which cannot necessarily be bridged by the English language or scientific discourse. See pp. 255-259.

He continued to explain to me that day, "Christopher Columbus, when he came around—but imagine the Indians that were here before him. The Indians, when they saw him there, they should have grabbed him and hang him."

Now I should point out, Gary was the only indigenous man I had encountered all year who verbally wished extermination upon the white European race in retrospect, and I took it with a grain of salt because I knew he wished no actual harm. "You know I don't mean anything against you, right?," he reassured me. He only meant to make a point, and I appreciated the brutal honesty that lay at the heart of his crass words and came to empathize with his story.

Gary grew up on a ranch. His family owned acres of land down Bayou Pointe-au-Chien, a few miles south of the terminus of the road, where they once farmed hogs and cattle. "Well you can't raise no more cows. The people came over there and put all the canal and bring the saltwater in. Everything's ate up," Gary explained. A gas canal now separates what is left of the family property from the mainland of Pointe Aux Chenes, and the cut introduces saltwater from the Gulf into the marsh, dissolving root structures and eating away at the edges of the remaining landmass. It is now only accessible by boat. I was fortunate enough to see the remains when the tribe took me out on the water. Storms had taken a toll on the house, but the foundation and utility lines were still there.

By the 1990s, a number of tribal members became fed up with the oil company, but they did not know how to stop the extractive corporations from taking over. To this day, the issue remains unresolved. Gary attempted to take matters into his own hands.

Used to go stop them with a shotgun. But that's when I put the lawsuit on them cause one day the water patrol came, four of them. I used to have a camp further down. I went in

my camp and I load up my gun with some buckshot, and I got out the door. I said, “If you put your feet on my land, I'll blow your damn head off.”...So I said, “Don't believe me? Just do it. Just put your feet on my land, I'll show you...That's a promise. You put your feet on my land, I'll show you.” So the Sheriff's office, they called me. They told me, the best thing I can do is file a lawsuit.

Gary and other tribal members adapted to the advice regarding conflict resolution. Litigation seemed to be the only way to be heard, and so Gary found himself embroiled in a number of lawsuits, shaping his image in the community. Attorneys and siblings Mary and Joe Waitz, children of Gary's attorney, the late Joe Waitz, said that Sidney (Gary's legal first name) was like family, and they were happy to reminisce with me about their father's cases. Mary printed me a case brief which was of somewhat smaller significance but demonstrated rising tensions between Gary, the tribe, and Louisiana Land and Exploration (LL&E). He started with his own personal injury litigation as a sort of "test suit" against the company, Mary explained to me as she printed out the case brief.<sup>147</sup>

Snippets of Gary's legal history thematically follow the same thread as the prior chapter. Classification schemes are powerful. The ways in which something or someone is classified or defined can limit the ways in which land can be used and can determine eligibility criteria for funding. In the last chapter, property-oriented classifications of vulnerability<sup>148</sup> and codified hazard mitigation processes limited the ways in which planners can actuate change. The story

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<sup>147</sup> Personal communication, July 15, 2015

<sup>148</sup> E.g., risk and vulnerability assessed via calculations, considering numbers of structures and values of personal property affected by hazards, etc.

that follows demonstrates, first, how land use (and waterway use) classifications can protect industries from being legally challenged by indigenous people.

Gary's test case went as follows. One day in December of 1991, Gary and his wife Mandy had gone out in the bayou right outside of their property in Pointe Aux Chenes on their flat-bottom skiff for an afternoon of fishing. Gary had made a living as a tugboat captain, yet like many other members of the local tribes, he fished to feed his family and to make a little bit of money on the side. On the way back from the fishing trip that day, they hit a concrete survey marker placed to demarcate the boundaries of LL&E's property, the bay and marshland abutting Gary's land. The Verdins sustained injuries as a result. Fed up, Gary and Mandy sued LL&E, claiming that the company was negligent in maintaining its markers and did not have proper warning signs for them.

In the trial court, LL&E had presented evidence indicating that markers were placed at 500-foot intervals and that signs flanked either side of the marker. Gary and Mandy stated they never saw any such signs. The trial court dismissed the case because the judge determined the Verdins were fishing for recreational purposes, and LL&E had not dedicated the bay for recreational use. Under Louisiana's recreational use statutes, the property owner was not liable for the damage,<sup>149</sup> and the only activities permitted in the area where Gary and Mandy were fishing were non-recreational uses.<sup>150</sup>

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<sup>149</sup> R.S. 9:2791. Part (A) reads: "An owner, lessee, or occupant of premises owes no duty of care to keep such premises safe for entry or use by others for hunting, fishing, camping, hiking, sightseeing, or boating or to give warning of any conditions, use of, structure or activities on such premises to persons entering for such purposes..."

<sup>150</sup> A.N. Yiannopoulos (1971) breaks down the nature of legal regulations regarding navigable rivers which have been dedicated to public use. By virtue of the Louisiana Civil Code of 1870, Article 455, even though "the use of banks and navigable rivers or streams is public," because the oil company, LL&E, was the owner of the land adjacent to the navigable waterways, they had some discretion over the public use of those banks and waterways. Yiannopoulos writes on pp. 571: "According to well-settled Louisiana jurisprudence, the servitude of public use under article 455 of the Civil Code is not 'for the use of the public at all purposes.' The language of this article is

The Verdins contested the conclusion that they were fishing recreationally, instead arguing that they were fishing commercially. The record states that the Verdins said "if they had caught some fish, they would have eaten some, then sold any that was left over."<sup>151</sup> This blend, mixing subsistence fishing with commercial endeavors, is commonplace for the Bayou Indians and is an adaptation carried over from past, long-standing practices of the coastal tribes. The Verdins both held valid commercial fishing licenses, but this was not enough. They were fishing with poles that day, but caught very few fish, and thus had nothing to sell, causing the judge to classify their trip that day as a recreational one.<sup>152</sup> Perhaps if they had hit the marker on a more prosperous day, the decision would have been different. In the end, the trial judge determined that the record evidence was sufficient to verify that they were, in fact, fishing recreationally. The Verdins appealed, but the Fourth Circuit Court of Appeal of Louisiana dismissed the case on the same grounds and denied a rehearing in 1997.

This was not the only time Gary had gone to court with LL&E. Adding insult to injury, LL&E had filed a suit in the state court in Lafourche Parish in November of 1992, accusing Gary of trespass and filing a possessory action against him.<sup>153</sup> He had constructed a building,

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illustrative of possible uses rather than exclusive, but all uses of the banks must be incidental to the navigable character of the river and its enjoyment as an avenue of commerce. Thus, the use 'must not only be a public one, but must be of the particular public use specified in the reservation.'...The list of rights that members of the general public do not have is, indeed, a long one."

<sup>151</sup> Verdin v. Louisiana Land and Exploration Company, No. 96-CA-1815 (Court of Appeal of Louisiana, Fourth Circuit March 12, 1997).

<sup>152</sup> Title 56, RS 56:8 states that "'recreational purpose' means a purpose other than deriving or attempting to derive an income of any kind from the harvest of fish. 'Income' as used herein shall not include a prize or award offered as a prize or award offered as a prize in a fishing tournament." Here, the phrase "attempting to derive" is problematic to the defendant's argument. If the Verdins were attempting to derive an income, meaning they were attempting to fish commercially but did not catch enough in the end, their use should not have been classified as "recreational," but the Fourth Circuit of Appeal of Louisiana seemed to overlook this.

<sup>153</sup> The Louisiana Land and Exploration Company v. Sidney Verdin et al., No. 95 CA 2579 (Court of Appeal of Louisiana, First Circuit September 27, 1996). "In Louisiana, the possessory action is one brought by the possessor of immovable property or of a real right therein to be maintained in his possession of the property or enjoyment of the right when he has been disturbed, or to be restored to the possession of enjoyment thereof when he has been evicted." La. C.C.P. Art. 3655. In other words, LL&E was asserting that they were in possession of the waterway rights.

barricades, and two butterfly net structures within the canal owned by LL&E. Furthermore, he had cut through two earthen plugs within the canal.

In August of 1993, LL&E filed a supplemental petition for damages as well as a temporary restraining order and injunction against seven additional American Indian men who had allegedly threatened to interfere with the company's repair work. To them, the canal was their Indian territory, and LL&E had no business being there and obstructing their use of the waterways. In September of 1993, the defendants appealed to the United States District Court for the Eastern District of Louisiana stating they were an Indian tribe, and as such the federal court should have jurisdiction over the land in question, but the federal court rejected the argument and remanded the case to the state court.

The defendants tried again in 1994, filing an exception of lack of subject matter. They asserted that "the lands involved are lands owned by the federal government in trust for the Houma Nation<sup>154</sup>...[and] because of the exclusive nature of federal interests associated with relations between the United States and Native Americans." In 1995, however, the district court overruled the "subject matter jurisdiction exception," which is defined as "the power of a court to adjudicate a particular type of matter and provide the remedy defended."<sup>155</sup> Essentially, the district court did not agree that the case was a federal matter. Despite the fact that the defendants were indigenous people, they were not a part of a federally-recognized tribe, and thus they felt the district court had no jurisdiction.

The defendants lost the case in the late summer of 1995, and the state court ordered Wickliff Verdin to pay damages of \$9,240. They appealed once more, asserting that the trial

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<sup>154</sup> At the time, the distinction between the United Houma Nation and the Pointe-au-Chien Indians was not as clear, and in some situations, they were considered one and the same.

<sup>155</sup> Definition provided by Cornell University's Legal Information Institute.

court lacked "subject matter" jurisdiction, as they claimed the people of Pointe-au-Chien were entitled to aboriginal rights, a federal matter. Instead, in September of 1996 the First Circuit Court of Appeal upheld the trial court's decision while ruling that in addition to Wickliff Verdin, Gary Verdin also had to pay damages of \$9,240.

In summary, the majority of the ancestral land of the Pointe-au-Chien and Isle de Jean Charles Indians had been obtained by two major oil and gas companies, LL&E (later to become Conoco Phillips) and LaTerre (now Apache) since the 1920s. Compounding issues, Louisiana's property and land use laws had been written in a way which favors corporate property rights over indigenous interests. For example, whoever owns the land/property adjacent to a navigable waterway holds discretion over the types of waterway uses permitted to the public. Louisiana's recreational use statutes only allow recreational use (e.g., recreational fishing/subsistence fishing) in certain areas dedicated by the owner, and in cases where owners do permit recreational use, the owner holds no liability. Some areas are dedicated only for non-recreational uses (e.g., commercial fishing), including areas where indigenous people fish for subsistence. The legal classification scheme for fishing uses manufactures a binary between "recreational" and "commercial" fishing—a binary which does not consider or accommodate subsistence lifestyles where fishers keep what they need for their own consumption and sell the rest of their catch. Under the logic of Louisiana's legal system interpreted in the Verdin's case, the use classification of an indigenous fisher would depend upon how much they catch after-the-fact; if they do not catch enough to fulfill their own needs, they will not sell any of the seafood. Even if their original intent was commercial, their use is now classified as recreational, and they would have been trespassing. Of course, the blame may actually lie with the courts' interpretations of the written laws rather than the laws themselves. The Verdin's attorneys alleged that the courts

erred in applying the recreational use immunity, since they were not intentionally fishing recreationally.<sup>156</sup>

The next section introduces yet another consequence of legal classifications and their interpretations. Instead of land use, however, these classifications determine which sorts of people deserve property rights. With the help of early Range and Township maps, Attorney Joel Waltzer traces the local history of European colonization to help outsiders understand how indigenous land was lost first via land grabs. Long prior to their displacement by erosion, the presence of the bayou tribes was threatened by Louisiana Purchase land surveyors who did not see Indians as people with land rights.

### **History of Colonial Land Appropriation**

For many years, the Pointe-au-Chien Indian Tribe has been working with Attorney Joel Waltzer.<sup>157</sup> I stopped by his office one day in Gretna, just south of New Orleans, to learn more about aboriginal property rights. A Harvard Law alum, Joel is intelligent and serious, but he immediately struck me as a relatable and somewhat laid-back sort of man. He was a high-achieving Ivy Leaguer with a salt-of-the-earth, Cajun veneer and pride for his Jewish ancestry. "I'm from a tribe too," he told me. "The tribe of Abraham." In introducing himself, he said he had decided early on to avoid "working for the man," so he followed in his father's footsteps and took over his father's firm. He had been practicing since 1988.

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<sup>156</sup> Among other reasons, "the Verdins also claim that the trial court's application of the recreational use immunity statutes renders the statutes unconstitutional, and that the state recreational use immunity cannot abolish LL&E's liability under federal law prohibiting the obstruction of navigable waters." Refer to *Verdin v. Louisiana Land and Exploration Company*, No. 96-CA-1815 (Court of Appeal of Louisiana, Fourth Circuit March 12, 1997).

<sup>157</sup> Personal communication, May 29, 2015

We sat across from each other at a wooden table inside of his office, and I pushed aside some enlarged nineteenth century township maps to make a place for my laptop. I asked him to think about a few notable examples from his involvement in Pointe-au-Chien which could explain aboriginal land rights as they stand today.

Hmm, how do you answer that? "What are Native American land rights?," I guess is the first question. There are none specific to Native Americans in Louisiana except for the federally-recognized tribes, and so none of the communities that I have helped have a reservation, or dedicated land that's placed in trust, or anything else that's like that.

Before continuing, readers must be reminded that the tribes represented in this dissertation are not officially recognized by the federal government, meaning that the Office of the Interior's Bureau of Indian Affairs (BIA) has not officially provided their stamp of approval for their identity and legitimacy as American Indian Tribes. For this reason, they do not have rights to their ancestral lands. Joel's interview with me became an attempt to answer the unanswerable question, "What are Native American land rights?"

The tribes' stories of diaspora begin in the nineteenth century as America was grappling with issues of westward expansion. With the Louisiana Purchase in 1803 came a great demand for the mapping of newly acquired territory. Thomas Jefferson had first commissioned the Lewis and Clark Expedition to survey the newly acquired land from St. Louis to the Pacific Coast. Surveyors worked on the southernmost portion of the territory well into the mid-1800s. By virtue of the Treaty of Cession of the Louisiana Purchase, the 828,000 square miles of purchased land only included public land, while the treaty respected private property rights, and thus excluded privately-owned land from government procurement. The commissioned surveys were meant to

track and map the land that the U.S. had actually acquired within the Louisiana Purchase footprint.

Joel rolled out one of the oversized township maps on the table.<sup>158</sup> He pointed out the oblong arpent<sup>159</sup> lots running perpendicular to each adjacent waterway. Allocated under the French and Spanish systems, the lots covered the earthen levees or ridges, whereby the elevation was naturally maintained by the waterway and its sediment deposits. Because this land was habitable, the natural ridges along the waterways were privately owned, leaving the abutting coastal swamp as public property. "The public areas tended to be coastal swamp, right, because there was no highland, or that was the argument," Joel explained.

He rolled out another oversized survey map, yet this one was at a much finer scale, specific to Pointe-au-Chien.<sup>160</sup> He was prepping me with the history of dispossession by Southern surveyors. "So he [the surveyor] goes down here," continued Joel. "This is Bayou Terrebonne." He pointed to the labels of each listed property owner in 1856. I immediately recognized many of the family surnames. "And here you have Jean Billiot and you have Marie Narisse, and so these are the ancestors of many of the people of Pointe-au-Chien and Isle de Jean Charles—and Charles Billiot."

Joel interjected within his own train of thought to explain their noticeably French-sounding surnames. "That was always the French strategy [to] marry into the native population. They sent men over primarily, so...," he trailed off. A tangent to Joel's larger geographical representation of racialized land taking, he had just alluded to an important aspect of the

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<sup>158</sup> For example, see Map 6 of Appendix: Bayou Little Caillou, 1856

<sup>159</sup> Arpents are French units of measurement that pre-date both France's use of the metric system and the Public Land Survey System in the United States. Arpents are still used as measurement in Louisiana and other locations with French colonial roots.

<sup>160</sup> See Map 7 in Appendix: Bayou Terrebonne, 1856

European campaign to colonize and assimilate indigenous people. In line with Thomas Jefferson's early push for assimilation,<sup>161</sup> Frenchmen would practice miscegenation, meaning they would marry and/or reproduce with Indian women to produce racially mixed children, diluting the indigenous bloodline and ethnic identity as a result. Laws against miscegenation, which were passed in the early twentieth century, were created with the intent to prevent black-white mixing, but legislation also extended to intermarriage with American Indians. By the 1950s, nearly half of all U.S. states had miscegenation laws.<sup>162</sup>

American Indian scholar, Brian Klopotek notes, however, that early miscegenation in Louisiana was a boon to the oil and gas industry. Because inheritance laws were written to prevent property from falling into non-white hands through interracial marriages, the mixed decedents of American Indian and non-indigenous parents could not hold on to their ancestral land. Klopotek (2011: 46) writes: "Just as they prevented children of white fathers and 'octoroon' mothers in New Orleans from inheriting a father's estate, the laws were against the Houmas in south Louisiana to evict them from their land when oil companies wanted to tap the massive Gulf Coast oil deposits beneath them."

"Now here's the list of these private claims, you see?," he said pointing to the legend of private property owners, which listed the names of the tribe's ancestors located then around Bayou Terrebonne. "So you can see in 1859 that [surveyors] hadn't even gone down Bayou Pointe Au Chien, but you had some people over here," he showed me, pointing to the Bayou Terrebonne region to the west.<sup>163</sup> Joel was providing an explanation for the lack of

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<sup>161</sup> Thomas Jefferson vocally advocated that Americans "let our settlements and [Indian settlements] meet and blend together, to intermix, and to become one people" (Cruz and Berson 2001: 80; quoted in Hodes 1999: 11).

<sup>162</sup> See Cruz and Berson 2001: 81.

<sup>163</sup> See Dixon 2015. After French territory (recorded in arpents) was sold to the U.S., the U.S. government was tasked with conversions to acres using the newly created Public Land Survey System. In the 1830s, the government

acknowledged property owners in Pointe-au-Chien. Despite the fact that American Indians had lived there at least since the eighteenth century according to the tribe, the surveyors had not recorded their presence, either because they had not trekked that far down the bayou, or because they purposefully did not acknowledge their presence. On the 1859 map, Pointe au Chien was recorded as uninhabited public land only. Further west, however, the region of Bayou Terrebonne, which is also highly populated with American Indians, had listed Indian property owners on the map.

"Now, [you have] crazy maniac President Jackson, who is ordering the Trail of Tears and everything else, and then in the 1830s, you have Native American families down here who were recorded as being on Bayou Terrebonne. All of a sudden, they start looking for new places to live, right?" Joel was explaining to me that in the 1830s, American Indians had moved from Bayou Terrebonne, which was then becoming more populated, into lesser populated bayou communities like Pointe-au-Chien and Isle de Jean Charles. Joel said that they were "undertaking the survival strategy of, 'move away from the white guy.'" He continued, pointing to Pointe-au-Chien. "And they didn't actually survey this area, down south of here for another thirty years. It wasn't until after a big, major hurricane that they finally, I think, gathered enough courage to go down there and say, 'Hey, I'm a surveyor. I'm looking around.'"

The survey map (1859) that he had referenced covered the land then-owned by Alexander Billiot, the Pointe-au-Chien Indian Tribe's common ancestor, yet the survey did not record any American Indians living in the region. "We know from the sugarcane records that he was there in 1848 at least," said Joel, asserting that the surveyors had, in fact, neglected to record Indian

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still needed to survey 50,000 square miles west of the Mississippi River. The State Land Office hired many deputy surveyors. Records show that Gilmore F. Connelly was hired in 1837 to survey portions of Terrebonne Parish and its islands. (Pointe-au-Chien is in Lafourch Parish.)

families residing on the land. Because Alexander Billiot was a sugarcane farmer in Pointe-au-Chien in the early nineteenth century, evidence of his residence at the time existed in the form of sugarcane records, even if he was not on the early surveys. In addition to commercial records, the surveys, though not acknowledging Alexander Billiot's ownership of tracts, properly labeled Lake Billiot, further providing evidence to the family's location.<sup>164</sup>

I asked Joel why the surveyors would have excluded Alexander Billiot and other ancestors from the map.

They weren't in the practice of putting Native Americans on the map. Even though they were told to do it, oftentimes they didn't do it. It would create some sort of rights, and they were interested in white settlers being able to move wherever they wanted, and it was a time of big conflict.

"So that was marked basically as public land?," I asked.

It was marked public land. A lot of it was. Alexander Billiot did file land claims in like the 1840s and '50s. They had a series of opportunities to do that, and he did file land claims.

He paused and unrolled a small-scale map he referred to as a *togan* map from the pile on the table. This one was from the 1950s, created for the benefit of the oil companies to identify the locations of their wells.<sup>165</sup>

"And he was granted it," continued Joel, pointing to vicinity where Alexander Billiot's land was located according to the oil company's records. "So when you look at the map, you're

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<sup>164</sup> See Appendix: Map 8: Louisiana Township and Range Map Including Lake Chien, Lake Billiot, and Lake Felicity (1859).

<sup>165</sup> This map is proprietary, and I was unable to use it for publication.

going to see down Pointe-au-Chien, you have these little steps. Those are tribal lands. And you know, they have better pictures somewhere else."

As Joel had just explained, early-American surveyors had first neglected Pointe-au-Chien altogether and later neglected to record American Indians as property owners,<sup>166</sup> but despite this, records exist to show that the ancestors were there all along. Alexander Billiot did not file his land claims until the middle of the century. While he was granted his land claims, others were not so lucky, due to a series of legislative actions and the confusion that ensued.

On March 2, 1849, Congress passed the Swamp and Overflowed Land Act, which restructured ownership of coastal Louisiana. The act enabled the United States to confer title of the public lands, which were primarily marshlands, to the State government. This meant, any land resided upon by American Indians which was not properly recorded as private property fell into the hands of the State government. The State of Louisiana then reverted these lands to the local levee boards to build and manage levees for flood prevention. One historical figure in particular was largely responsible for the transition of the coastal zone to industrial ownership.

[T]here was a guy named Edward Wisner, who likely bought all of this. His idea was to start a company that would reclaim the marsh and make it into fertile farmlands, but he had a huge holding. It was massive—like almost the entire coast.

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<sup>166</sup> The practice of not acknowledging Terrebonne Parish's American Indians continued into at least to the mid-twentieth century. In his thesis to earn a master's degree from Louisiana State University (1959), Edison Peter Roy writes on page 17: "...However, the individual in charge of census taken in Terrebonne in 1950 stated to this writer that his census takers did not classify any of these people as Indians. The census reports show they were classified 'other races,' despite instruction reading." Surveyors of the nineteenth century had denied American Indians property rights based on their race. Census takers of the twentieth century then denied proper recording of their race, which precludes the tribes' access to reparations.

Profiles of Louisiana Land and Exploration, in fact, herald Wisner as levee man and early pioneer of flood control. All over Louisiana, buildings, foundations, boulevards, and even towns have been named after him.

And he had a land man who managed it for him, and the land man's name was Timkin. On Edward Wisner's death in about 1920,<sup>167</sup> Timkin and Wisner's lawyers didn't pay taxes, and so all the property went up for tax sale, and this guy Timkin who was working for Mr. Wisner, who didn't pay the bills, he bought it. He started Louisiana Land and Exploration Company, which is the oil company. So you have basically this huge transfer of ownership, and two oil companies ended up buying much of the public lands.<sup>168</sup>

He pulled out another map which included the extent of coastal Louisiana. Each parcel owned by LL&E, Joel had colored yellow. In black, he had colored parcels once owned by LaTerre before a company called Apache bought them out. "...So basically they own the entire coastal zone between the Mississippi and the Atchafalaya River," he concluded.

These are the people who fight with the people of Pointe-au-Chien all the time about trying to protect their title to the land because they want to extract oil and gas off of it, and they pumped out billions of dollars of oil and gas, particularly from these areas.

Particularly around Catfish Lake and Bayou Folau.

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<sup>167</sup> His death was actually in 1915.

<sup>168</sup> Dixon (2015: 435) states that Henry Timkin of Ohio made a deal with LL&E as he was reaching bankruptcy.: "Within months, the over-extended Ohioan was considering a proposal from a fellow speculator from Ohio. Edward Simms suggested that he and Timken join forces and form an oil exploration company. They consummated their agreement in 1926. In the deal, Timken ceded nearly 600,000 acres to Simms in exchange for shares of stock in the newly formed Border Research Corporation, soon to be renamed Louisiana Land and Exploration (LL&E)." In his commentary, Dixon writes about a family who lost rights to "Last Island" due to faulty management of early surveys, followed by the dispossession via the Swamp Act.

So when they got it in the 1930s, what they did is, LL&E went to federal court in New Orleans and filed a series of title actions—possessory actions—and they basically served, or allegedly, served the people in Pointe-au-Chien who speak French. There's no road, they're illiterate at that time—mostly, I think—and required them to show up in federal court in New Orleans to mount a defense to prove [their] possession of this land that [LL&E has] title to. Well naturally, when no one showed up, they got a bunch of default judgments against the people of Pointe-Au-Chien in the 1930s.

And then, so that's how they came to have quote, unquote “title to” all this area surrounding Pointe-Au-Chien, and then surrounding Isle de Jean Charles—these two companies, right? Now it's not all, "I'm stealing from you," because the family of Alexander Billiot had properties still. Nonetheless, despite all the other actions, and throughout time, they lost a lot of it to tax sales because the administration was getting bigger and they had their own issues, and so as a consequence now, the oil companies own most of that.

Joel had just finished describing another of the ways in which the tribal members had lost their ancestral land. As explained, the oil company had acquired the land from the government, which had failed to record the ancestor's private property on early surveys. Then, the oil companies served the people of Pointe-au-Chien with title actions so that they would have to prove their ownership in federal court. The default judgments resulting from ancestors not showing up in court, resulted in their loss of property rights.

Then Joel had alluded to yet one more way in which the ancestors lost their land. Pointe-au-Chien is transected by a parish government boundary. Part of it lies within Terrebonne Parish, and part of it lies within Lafourche Parish. Some properties have portions of a tract within either

parish. One afternoon, sitting in the grass with five of the men of Pointe-Au-Chien, they spoke to me about their loss of land to the parish governments. The men explained that when property owners would pay taxes to one parish government but not to the other, they would lose the portion of land where they had neglected to pay taxes. The ancestors had not spoken much English. They had not been allowed to attend white schools prior to the 1960s, and they could not go to school past the seventh grade. They simply did not understand tax laws. Those who failed to pay taxes to one of the two parishes lost property due to a costly misunderstanding. Looking at the map, Joel estimated that the oil companies now own approximately ninety-five percent of what was once aboriginal territory, and what land remains is split evenly between indigenous descendants and non-indigenous residents.

In 1995, Gary and seven other men from the Pointe-au-Chien Indian Tribe filed a lawsuit against LL&E to recognize their aboriginal title to the land. At the time they filed this suit, Gary had already been working on his defense in the aforementioned litigation in which LL&E had accused him of trespass, and he was still also in litigation with the company over the injuries he and his wife had sustained by hitting the concrete marker while riding on their skiff. This suit made three.

Fred Ellis, who taught property law at Louisiana State University at the time, was a member of the defense team for the tribe back in 1992 when Gary was accused of trespass. Mr. Ellis was the one who later introduced the tribe to Joel. As Joel explained to me, this defense team was the first to allege that the land was actually Indian land, meaning the tribal members had aboriginal title to the land, and Joel carried on the line of argument. Under this reasoning, "the oil company might hold a paper title, but it isn't worth anything 'cause it's subject to their

aboriginal rights," he said. Joel carried forth the assertion with litigation in 1995, with evidence of the ancestors' presence in hand.

Now we claim that because Pointe-au-Chien occupied this area, and this is a traditional fishery—and Bayou Folau, their traditional habitation, traditional trapping grounds, and hunting grounds—that we can establish that this is their territory. And if we win on that, that would mean that all that LL&E would hold would be naked title and none of the rights that go with it. So all of the mineral rights, all of the surface rights, would all belong to the people, and [the oil company] would have to pay them back.

At trial, the judge did not question whether the ancestors had existed on the land in question. She did not make a ruling based on whether the oil and gas company had ultimately acquired the land under unjust or nefarious circumstances. Instead, she questioned the people's identity. Was their ethnicity pure enough to truly consider them aboriginal?

## **Conclusion**

Before plunging into questions of ethnic legitimacy, let us reorient ourselves, going back to the common threads which tie part I together. The first argument was that the U.S. government has been complicit in contributing to indigenous social vulnerability to disaster, despite its intent to reduce vulnerability. The second argument answers the question: how or by what means? Manufactured *classification schemes* (e.g., those regarding land use and property rights) are the tools which have enabled the government to (re)produce vulnerability because it has restricted the capacity of the people to be resilient.

Chapter 1 revealed that the codified hazard mitigation planning practice is so narrowly oriented toward preventing property loss that it neglects the true social vulnerabilities of

indigenous and other marginalized communities. Quantifiable and discrete classifications of property and its value make up the vulnerability assessment of the planning document, leaving little room for discussion on what the community actually needs to be resilient and how the people define vulnerability. Chapter 1, in summary, examined how institutions dispossessed the tribes of power to be self-determining, to define their own needs, and to drive the planning process.

Progressing from this theme on dispossession, chapter 2 has examined particular instances when the colonial and post-colonial governments have physically dispossessed American Indians. The Pointe-au-Chien Indian Tribe shared with me the economic hardships of subsistence fishermen, turned commercial fishermen, and their struggle to make ends meet without taking a job within the oil and gas industry. Those who are employed in the oilfield are conflicted about speaking out against the industry's destruction of the marshlands and their ancestral land. The dominance of the oil and gas industry along the coast creates ideological disharmony within the community. Some tribal members take stances against the scientific assertion that climate change is anthropogenic, while others are outspoken indigenous activists against climate change. The disunion only further undermines the collective intent to save the land from further erosion by channelization and to restore what is left to indigenous ownership.

While the sort of land loss described can be chalked up to an unfortunate consequence of natural resource extraction and a local economy overly reliant on a single employment sector, some forms of dispossession have been quite intentional and strategic, as attorney Joel Waltzer has explained. The core of the chapter shed light on the historical land takings by the U.S. government and the oil and gas industry. First the colonial surveyors neglected to record the presence of the early Pointe-au-Chien Indians, falsely leaving records of land occupied by

American Indians as uninhabited public lands. Then the Swamp Act enabled the U.S. government to sell publicly-owned swamplands, including these misleadingly recorded plots inhabited by American Indians. Then, the new landowners formed an oil company and extracted resources upon indigenous ancestral land. According to the Louisiana Civil Code, “the ownership of the river banks belongs to those who possess adjacent lands,” giving LL&E the right to restrict certain classifications of use in the banks of navigable waterways. Classification has been the primary tool for dispossession in each step of this progression: public versus private land, Indians versus colonists, recreational versus commercial use. The authority to create these dichotomies is also the authority to manage land and distribute property rights.

The authority to manufacture classification schemes also enables the government to determine which sorts of people are legally defensible. After decades of tension, when members of the Pointe-au-Chien Indian Tribe were unable to practice subsistence/recreational and commercial fishing unobstructed by the oil and gas industry, they soon found out that neither gun threats nor lawsuits would be enough to defend their indigenous rights. That is, they found that they had no indigenous rights at all.

As chapter 3 will further reveal, the tribes do not have aboriginal land rights because the federal government does not acknowledge their indigeneity. Here we return, once again, to our recurring theme of classifications. Because a U.S. classification system of racial validity has not confirmed the bayou tribes’ identity as “American Indians,” the tribes have no right to reclaim what has been taken. Meanwhile, they lose more land every day.

## Chapter 3

### Validating American Indian Identity through Federal Acknowledgement

#### Introduction

When we last left off in chapter 2, attorney Joel Waltzer had just mentioned litigation that the Pointe-au-Chien Indian Tribe had prepared against the oil and gas company, LL&E, alleging that the industry was in possession of and was desecrating the tribe's aboriginal land and that the company should not possess its mineral rights. In spite of land records showing that the tribe had occupied the territory since at least the early nineteenth century, the judge put a stop to the lawsuit, telling the plaintiffs to come back when the Bureau of Indian Affairs had made a decision on the tribe's federal acknowledgement.<sup>169</sup> Until then, no federal acknowledgement meant no standing in the federal court. No legal standing meant no land rights. This institutional barrier to indigenous resilience inspires more analysis in the sections to follow.

From the problematic classifications of vulnerability which ironically reproduce social vulnerability (chapter 1) to the land use regulations which inhibit subsidence practices and limit access to ancestral lands and waterways (chapter 2), we now focus on another hazardous classification scheme—racial classification of people—and its codification into racialized laws. To unearth the discrete linkages between displacement and racial identity, this chapter concerns

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<sup>169</sup> Federal acknowledgement status can come from a federal judge's determination that a plaintiff qualifies as an "Indian Tribe" or a congressional act. However, this is rare. Prior to the Office of Federal Acknowledgement's standardization of criteria in 1978, tribes were often individually recognized by the courts, Congress, and other government branches, but today, tribes are more often urged to petition for acknowledgement through the federal acknowledgement process, "making the office a bearer of a troubling amount of definitional authority," as Klopotek (2011: 3) puts it.

itself with the third government-sponsored contributor to hazards vulnerability on our list: *federal acknowledgement*, a term used interchangeably with federal recognition.

The federal Department of the Interior<sup>170</sup> classifies American Indian tribes hierarchically as “unrecognized,” “state-recognized,” or “federally-recognized.” Each of the tribes within this case study are state-recognized. A tribe usually becomes state-recognized through a state legislature’s resolution or a gubernatorial proclamation. The relationship between a state government and tribe is managed through the discretion of the state’s political administration, and the associated benefits vary by state. There are no standardized criteria to obtain state recognition, unlike federal recognition.

To gain federal recognition status, a tribe must undergo a rigorous petitioning process with the Bureau of Indian Affairs’ Office of Federal Acknowledgment (BIA OFA) and demonstrate their worthiness by meeting seven criteria, standardized in 1978. Once a tribe becomes federally recognized, they enter into a trust relationship with the federal government as a sovereign, independent nation. The tribe gains access to financial resources, obtains gaming rights, and can exercise aboriginal land rights, among other benefits. Restricting these benefits only to federally-recognized tribes conversely implies the deprivation of these same benefits to state-recognized and unrecognized tribes. This deprivation is the product of a social construct of tribal status, which has been politically authorized and codified.<sup>171</sup>

The contemporary literature on the federal acknowledgement process (FAP) tends to be critically focused on the process’s inconsistencies, its heavy burden on American Indian

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<sup>170</sup> Under the Department of the Interior is the Bureau of Indian Affairs and its Office of Federal Acknowledgement.

<sup>171</sup> See Stokes’ (2012) commentary on deprivation as it affects indigenous mobilization.

petitioners, and its tendency to further marginalize indigenous communities.<sup>172</sup> As Chief Albert Naquin explains, the petitioning process is not even accessible to all worthy applicants, as many tribes lack the administrative knowledge and genealogical research skills required to even begin making claims about their identity. Even when tribes do achieve recognition, critics argue that the ground is not level within the government-to-government relationship—because recognition is “a government-mediated institution” and the federal government paternalistically treats sovereign tribal nations as “wards” of the state or “domestic dependent nations.”<sup>173</sup>

Additionally, recognition status, which determines a tribe’s rights, protections, resources, and opportunities, is the most critical factor for successful indigenous mobilization according to sociologist DaShanne Stokes.<sup>174</sup> Furthermore, Stokes claims that state and unrecognized tribes are deprived of resources granted to federally-recognized tribes, and the varying levels of preferential treatment creates differences among tribes, making them less likely to collectively mobilize.:

Such differences can generate diverse types, levels, and experiences of deprivation as well as dissimilar experiences, grievances, worldviews, and mobilizational incentives. Such differences can also, in certain contexts, drive tribes apart when the gaps between them are too great to be overcome. Recognition status thus can be viewed as a source of state-mediated difference between tribes that may make indigenous actors less likely to

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<sup>172</sup> Carr 2013; Klopotek 2011; Norwood 2012; Riley 2014; Cahill 2011

<sup>173</sup> Quoted from Stokes (2012: 63).

<sup>174</sup> According to Stokes (2012: 57), “mobilization” can refer to organizing, protests, and social movements. Stokes’ work explores how recognition “may empower or restrain Native American mobilization” (57). Also Nagel’s conceptual model (1982, 1993, 1996) organizes indigenous mobilization, or pursuing common goals, along tribal, intratribal, and supatribal lines.

mobilize together in certain contexts or in pursuit of certain goals and needs relative to their recognition status.<sup>175</sup>

This chapter extends these critiques even further. For the tribes discussed in this case study, *the FAP is a technology of the state that produces the geographical displacement of American Indians—the Modern Trail of Tears*.

Near the end, the chapter examines the divisive mechanics of the federal acknowledgement process. That is, the process often induces infighting where tensions may not otherwise have arisen without government imposition. The burden of genealogical research, to be validated through the writings of white explorers, missionaries, and ethnographers and later confirmed by credentialed “experts,” has led to distortions in the ways that groups identify. Conflicting expert accounts of indigenous groups’ ancestry raise questions about which “expert” accounts are correct and which ones contain life-altering errors. When differing historiographies collide, trauma ensues within the community.

A member of the United Houma Nation (UHN) explains the tribe’s stance—that the other state-recognized tribes<sup>176</sup> in Terrebonne and Lafourche Parishes, with whom they share primary ancestral figures, are not legitimate because they broke away from the much larger UHN. Those tribes, however, explain that they could never have been a part of the UHN, first because their communities never formally joined the confederation, and secondly because the UHN members are not really decedents of the original Houmas themselves. The UHN staunchly disagrees, pointing to the early twentieth-century ethnography of John Swanton, who referred to the people

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<sup>175</sup> Stokes 2012: 65.

<sup>176</sup> I.e., the Pointe-au-Chien Indian Tribe and the three American Indian communities of the Biloxi, Chitimacha Confederation of Muskogees (Isle de Jean Charles, Grand Caillou/Dulac, and Bayou Terrebonne)

as Houmas.<sup>177</sup> Recent genealogical research, however, has unearthed conflicting records, suggesting that Swanton may have made false assumptions about the two American Indians with whom he briefly spoke, and that the ancestors may actually be Choctaw, Biloxi, Chitimacha, Acolapissa and Atakapa, but not Houma. Genealogist Patty Whitney helps to explain how the purported discovery unfolded and how negligent ethnographic research can have dire consequences when federal acknowledgement matters most.

For the American Indians of the bayous, one's belief in a particular "expert's" conclusion constructs their self-identity and their political allegiance to a tribal governance structure. Sometimes, their stance depends on which side of the intra-tribal conflicts they stand. In disunifying indigenous communities, and in denying them the federal status necessary to protect their communities, the FAP disempowers and displaces them.

### **The Burden of Federal Acknowledgement**

The American Indians are the only race required by the federal government to prove their ancestral lineage to validate their ethnic identity and participate in racially-specific arenas.<sup>178</sup> A common misconception among non-indigenous people is that tribes which have not received federal acknowledgment must not be legitimate or authentic. Those tribes which have been denied federal status must have been trying to take advantage of the system for monetary

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<sup>177</sup> Swanton 1911, 1946

<sup>178</sup> Baugher (1998: 100) aptly demonstrates the double-standard between the indigenous community and other minority groups: "Some archaeologists believe that Indian leaders need to demonstrate direct genealogical descent between the people buried in the ground and the contemporary Indian community before the Indian community is included in the decision-making process. However, that same standard of genealogical affiliation was not applied to Afro-American communities in 1991 with the discovery of a free black colonial cemetery on the grounds of a proposed site for a new proposed federal office building in New York City. Members of the Black community, including New York City's first black mayor, David Dinkins, were active and vocal participants in two-year long discussions which determined the fate of the burial ground, the bodies, and the footprint of the building. However, no one dared to demand that the diverse group of black leaders, which included the outspoken Reverend Al Sharpton, had to demonstrate their direct descent from those individuals buried in this eighteenth century graveyard."

benefits. Maybe their bloodlines are watered-down, and they are so assimilated that they have no connection to their American Indian identity. Perhaps they are a collection of New Age hippies attempting to live a particular lifestyle, backed by government benefits. Maybe they have just been hoping to open a casino. In an overwhelming majority of cases, these scenarios are far from the truth, yet these unfounded fears of fraud and racist biases have driven the political process of recognition to become unreasonably challenging and demanding over the recent decades. For many deserving tribes, surmounting the odds to gain recognition status is nearly impossible. The (post)colonial government's push toward assimilation (to avoid granting sovereignty) is manifested in convoluted administrative gatekeeping tactics.

The journey to recognition, for each of today's 560+ federally-acknowledged tribes has varied greatly in complexity. Some tribes have endured considerably fewer challenges than others. Tribes which possess an official treaty with the United States from its nascent years have always been considered recognized at the federal level, although those with treaties signed by prior colonial administrations before American Independence were denied recognition.<sup>179</sup> When the practice of treaty-making ended in 1871, the federal government determined tribal recognition status through executive orders, agreements, and legislation.

For those without a treaty or any other agreement on the books, the federal criteria to gain recognition became more demanding with each policy iteration. At first, definitions of tribes were lax. The U.S. Supreme Court, in 1901, determined legitimacy by three criteria. A tribe "1) is made up of members who are of common historic Indian descent; 2) is united in affirming some form of leadership or government; 3) has historically inhabited a particular though

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<sup>179</sup> Some tribes along the east coast (e.g., the Eastern Pequot Tribe) do not have recognition because their treaties were formed with the King of England prior to the creation of the United States. This led to the dissolution of their sovereign status. See Riley (2014: 452).

sometimes ill-defined, territory.”<sup>180</sup> Then the Indian Reorganization Act of 1934 empowered the Office of Indian Affairs, under the administration of John Collier, to make clear, written distinctions of tribes under their jurisdiction via an arbitrary blood quantum ideology.<sup>181</sup> The Act listed tribes considered to be “under federal jurisdiction,” and those tribes later were considered “federally recognized tribes.” The list, however, was incomplete, leaving many tribes unrecognized.<sup>182</sup>

During and following the era of Indian removal, many tribal governments weakened under the pressure of the colonial government. Many tribes were stripped of so much of their land that the government found little value in establishing a trust relationship. Some tribes migrated to avoid the conflict. Some tribes merged with others. Some intermarried with members of other tribes or with non-indigenous people. The United States government began to question what it meant to be an American Indian and what makes a tribe. Prior to the formal recognition procedures which were founded in 1978, federal acknowledgement was left up to the discretion of the Bureau of Indian Affairs (BIA), previously known as the Office of Indian Affairs (OIA).

Cathleen D. Cahill<sup>183</sup> jokes that in Indian Country, BIA is tongue-in-cheek acronym for “Bossing Indians Around.” While she notes that proponents of the American Indian Movement (AIM) called for the dismantling of the agency, they still felt that a new agency must form to

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<sup>180</sup> Listed in Norwood 2012: 4

<sup>181</sup> The act was written with respect to “all persons of Indian descent who are members of any recognized tribe now under federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood.” Klopotek (2011: 19) writes that the wording of the IRA was problematic because it articulated the divide (recognized versus unrecognized) in fixed terms.

<sup>182</sup> Norwood 2012

<sup>183</sup> Cahill 2011:1.

fulfill the services stipulated in treaties and to foster government-to-government relations with sovereign nations.

A twentieth century response to a nineteenth century problem, the Department of the Interior's BIA further rigidified its guidelines to systematically determine which tribes could enter into a government-to-government relationship as a sovereign nation, and which groups would continue on without federal assistance, indigenous land rights, or legal standing as a tribe.

The BIA's criteria, known officially as "Procedures for Establishing that an American Indian Group Exists as an Indian Tribe," increased the burden of proof for the tribes petitioning for recognition. Now, they needed to provide: a) A statement of facts establishing that it has been identified as an Indian entity on a substantially continuous basis since 1900; b) Evidence that a predominant portion of the group is a distinct community and has existed as a community from historical times to present; c) Evidence that it has maintained political authority or influence over its members as an autonomous entity from historical times to present; d) A copy of its governing document including membership criteria or, if it does not have a formal governing document, a statement describing its membership criteria and governing procedures; e) An official membership list, all available former lists, and evidence that current members descend from a historic tribe or tribes that combined into a single autonomous political entity; f) Evidence that it consists mainly of people who are not members of a federally recognized tribe; and g) A statement that it is not the subject of congressional legislation that has terminated or forbidden the federal trust relationship.

Today's administrative process is notoriously problematic for being time-consuming, expensive, unpredictable, and political. Critics complain that the process has been inequitably administered across tribes, and that the criteria place more of a burden on today's petitioners than

on those who had obtained recognition prior to 1978.<sup>184</sup> Reverend John Norwood (Nanticoke-Lenape), Co-Chair of the Task Force on Federal Acknowledgement of the National Congress of American Indians, testified to the United States Senate Committee on American Indian Affairs on July 12, 2012 that “it is estimated that 72 percent of currently federally recognized tribes could not successfully navigate the FAP as the criteria are applied today.”

Furthermore, today’s petitioners must endure a nightmarish administrative burden, complete with reams of paperwork, decades-worth of delays, and costs reaching the millions. Norwood further claimed that “the process meant to aid legitimate tribes has become a burdensome obstacle to their recognition. Successful applications once were only a couple of hundred of pages of material. Now, tens of thousands of pages are required, costing upwards of millions of dollars and taking up to thirty-five years of delays in making final acknowledgement determinations.”<sup>185</sup>

The success of their petition may also be affected by whether or not they are a perceived threat to other groups. The FAP includes a process in which “other parties” may support or challenge the petitioner’s evidence, so oftentimes competition for resources plays out, undermining a tribe’s efforts for reasons unrelated to their identity.<sup>186</sup>

Further complicating the ordeal, many tribes are historically unconventional in terms of their early leadership structures and migration patterns. Those groups which do not neatly reflect

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<sup>184</sup> Norwood 2012: 5.

<sup>185</sup> *ibid*

<sup>186</sup> Riley (2014-2015: 460) notes that the undermining by competing groups through public comment periods became especially problematic following the Indian Gaming Regulatory Act of 1988. Among those challenging petitioners, Riley lists competing tribes, states, citizen groups, and congresspersons. The tribes in this case study have endured these challenges by resident oil and gas companies. If the state-recognized tribes were to gain federal recognition, they would have standing in the district courts to argue for aboriginal title of their ancestral lands which had been obtained by the oil and gas industry.

the BIA's essentialized notions of an Indian tribe struggle with the petitioning process. Consider the experiences of the Biloxi, Chitimacha Confederation of Muskogees and the Pointe-au-Chien Indian Tribe. First, the FAP challenges their lack of specialized knowledge necessary to prepare a petition. The institution of overly complicated procedures consequentially necessitates a tribe's competency in bureaucratic affairs. The process's complexity acts as a barrier to entry—a tool to limit the number of successful applicants. As we will see, even under the BIA's new and supposedly more relaxed criteria, the tribes struggle to affirm that they fit the mold under the agency's constrained conception of indigenous tribes.

### **A Barrier to Entry: Lacking Bureaucratic Knowledge**

As is the case for most other tribal petitioners,<sup>187</sup> for Louisiana's coastal tribes, the federal acknowledgement process has been incredibly arduous, costly, and required advanced research skills that tribal leaders did not possess. Additionally, many tribes have the perception that the federal acknowledgement process is less about proving their identity and more about running the gauntlet. They must show that they can somehow manage the research, paperwork, and cost, with only minimal technical support from federal personnel. Then, tribes who have been deemed worthy are initiated into "the club." Chief Albert Naquin<sup>188</sup> of Isle de Jean Charles articulated the frustrations of preparing a petition for federal acknowledgement with very little help from the institution which makes up the rules.

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<sup>187</sup> A tribe's lack of knowledge and experience regarding bureaucratic procedures is a commonly cited barrier in federal acknowledgement case studies. With reference to the Tunica-Biloxi Tribe of Louisiana, Klopotek (2011: 53-54) writes: "The Office of Federal Acknowledgement's anthropological report, based on field research in 1979, suggests that community members felt the delegation's failure to comprehend bureaucratic procedures, such as writing ahead and setting appointments with the appropriate officials, prevented them from achieving their goals during their visit."

<sup>188</sup> Personal communication, February 10, 2015

The thing is, they know who we are. Why don't you just give it to us? I mean, I guess it's sad to say, but I went back there [to Washington D.C.] in 1996, and they took us to the archives. "Well," they say, "All the records we have are right here." So we're looking there, and they have rows and rows of papers. I mean, probably all the tribes in the U.S. And I say, "What the hell?! Where do we start? You know, we're not researchers. We don't know. I mean, I don't know."

They said, "Well, when you're all finished looking, come back and we'll go eat."

I said, "Ok." We stayed there about five minutes. We almost caught up with them.

They said, "Well, you're not going to sit here and do research?"

I said, "We don't know how to research." I said, "Look at all the paperwork here. I don't know where to start."

"Aww," she said, "I wish I had time to go show y'all."

I said, "Yeah, I bet you would."

It was right there at their offices. It was at the old Interior building. I think they have a new one now. So it was at the Interior building. They moved. They had that all in their building. All the documents that you could probably need. I said, "What the hell?" You know? I said, "Where's ours?"

She said, "I don't know." She said, "It's in here somewheres."

I said, "Was you to be looking for it, where would you look?"

Then she says, "The historian does that—[name withheld]." I said, "Ok." So we went and we sat in the cafeteria with them, and we ate. Cussed them all the way home. [laughs]

But you see the thing is, they know, 'cause they do the research, and they say, "Yeah, this is the reason you're not meeting this. This is the reason you're not meeting this." I'm going to give you the first name.

[Name withheld] says, "It's all there. You just have to look in the right place." See 'cause that's the guy that wrote it. And he said that, "It's not a problem to get you federal recognition." The thing is, they want to expedite it. They want to send all our paperwork in, but the thing is, is the BIA going to look at it? In other words, they might take five years.

Though technically given access to the resources necessary to write a petition, Chief Albert did not know where to start. He felt that the carrot was being dangled in front of his nose. When the historian says, "It's all there. You just have to look in the right place," the Chief feels as if he is being taunted. "It's no problem to get you federal recognition," the historian assures him, but it has been a problem.

Tribes essentially submit their petitions twice, as successful first petitions rarely result in success. The first petition typically results in a Proposed Finding, where the Office of Federal Acknowledgement's team of anthropologists, historians, and genealogists provides a thorough report describing holes and inconsistencies in the information the tribe had submitted. The petitioner must then make corrections to fill in those holes and resubmit.

When Chief Albert says, "they know who we are," he is referring to the team of experts—anthropologists, historians, and genealogists—contracted by the Bureau of Indian Affairs who review petitions. The local state-recognized tribes, including the United Houma Nation, the Pointe-au-Chien Indian Tribe, and the Biloxi, Chitimacha Confederation of

Muskogees, each had submitted a petition and received back a negative proposed finding which points to areas needing additional clarification or further proof. When Chief Albert asserts that the experts are knowledgeable of their identity, he is referring to the exhaustive research that the BIA staff members have conducted. In fact, when he says that the historian he talked to “wrote it,” he means that the historian wrote up his tribe’s negative proposed finding. Yet the burden fell on the tribe to substantiate their claim of legitimacy. The government was not supposed to tell them who they are but to validate or invalidate their claim of identity.

### **New Criteria, Same Notions of Indigeneity**

Despite purported intentions, since their enactment in 1978 indigenous groups have complained that the criteria are flawed and prevent even legitimate American Indian Tribes from exercising their indigenous rights. Several unrecognized tribes have been disarmed by the sheer amount of work and bureaucratic expertise required to petition. Many have complained that the FAP process has been biased toward groups which closely fit the BIA’s stereotype of a tribal structure. They have argued that the process does not promote consideration for regional particularities in situations where tribes may not be able to provide certain types of information or may need reviewers to interpret records through a regional historical lens. Some have noted that the criteria have not been applied equally across petitioning groups. Furthermore, a tribe’s weakness with respect to one criterion has often been the reason for rejection, even when they strongly satisfy all other criteria. Critics have suspected that the very intent of the FAP has been to deny and dispossess the vast majority of petitioning groups of their indigenous rights by imposing unreasonable standards. In fact, according to best practices, the BIA is only supposed

to grant recognition status to 30 percent of applicants,<sup>189</sup> raising suspicion that the agenda for dispossession precedes all other consideration.

The BIA finally attempted to address some of these issues. Just before I finished my fieldwork in June of 2015, after years of hearings and comment periods, the Department of the Interior handed down revisions to the process that would lead to the Secretary's determination on a tribe's status. These changes were meant to slightly decrease the barrier to entry by relaxing some interpretations of individual criteria.

All of the current petitioners, like the ones in this case study, were on hold until the ruling came out, and then the BIA gave them each a choice as to whether they wanted to be judged under the old criteria or proceed under the new criteria. All of the petitioners of Southeast Louisiana chose the new criteria, so the BIA provided them time to adjust their petitions to meet these new guidelines. The Bureau claimed that the rule updates were aimed at "making the process more transparent, promoting fairness and consistent implementation, and increasing timeliness and efficiency, while maintaining the integrity and substantive rigor of the process."<sup>190</sup> For the most part, the tribes were satisfied with the updates and hoped that the added flexibility might only benefit them.

These groups easily met at least three of the seven criteria, even prior to the changes. They were able to provide governing documents with membership criteria (d), none of the members of the tribes were simultaneously members of another tribe (f), and they had never been federally recognized before and thus never had been terminated as a federally-recognized tribe

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<sup>189</sup> Greenbaum 1985: 362; cited in Klopotek 2011: 253

<sup>190</sup> Federal Acknowledgment of American Indian Tribes Final Rule RIN 1076-AF18. (2015, June 23). Bureau of Indian Affairs.

(g). The other criteria were a bit more challenging and demonstrate the ways in which American Indians can be refused recognition for technical reasons, despite genuinely being descendants of indigenous people.

Prior to the revision, the fulfillment of criterion (a)<sup>191</sup> relied upon the testimony by outsiders (local non-indigenous people) to identify a group's continuous existence as a tribe. For example, the oral histories of ancestors previously could not have satisfied the rule. The revision removed this limitation. However, this change did not affect the Point-au-Chien Indian Tribe or the Biloxi, Chitimacha Confederation of Muskogeas, as they had met these criterion already according the proposed findings issued by the BIA.<sup>192</sup>

Criteria (b)<sup>193</sup> and (c)<sup>194</sup> were rewritten to replace the word "historical times" with "1900," to ensure that the administration is consistent in interpreting the meaning of "historical" across all applications. In other words, this update established that petitioners only must provide documentation showing existence as a community since 1900 and not another selected point in time. The Pointe-au-Chien Indian Tribe felt confident that they could then meet this criterion, as they could not prove existence prior to 1830,<sup>195</sup> though oral histories indicate existence since the 1700s. Similarly, the BIA had determined in their proposed finding that the Biloxi, Chitimacha Confederation of Muskogeas had not met criterion (b) because they had not submitted evidence

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<sup>191</sup> The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900.

<sup>192</sup> These criteria changes were presented to the Pointe-au-Chien Indian Tribe by tribal council members during a special tribal meeting on July 9, 2015 and were distributed as a fact sheet titled "Federal Recognition Criteria."

<sup>193</sup> Criterion (b) used to read: "A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until present."

<sup>194</sup> Criterion (c) used to read: "The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present."

<sup>195</sup> Refer back to the crux of chapter 2. Colonial surveyors did not record the presence of the Pointe-au-Chien Indians, though they did record Lake Billot, named after one of the ancestors, suggesting cartographers knew they were there. Their lack of documentation was a tool for their dispossession of land once the Swamp Act enabled the sale of "public" land, with its ultimate transferal to oil and gas corporations. Now, the onus was on the tribe to procure documentation which had been nefariously withheld by the federal government in the first place.

that “any ancestral population of its current members continued the existence of a historical Indian tribe or that its historical members formed a community before 1830.”

In addition, changes to criterion (c) also allowed for a more flexible interpretation of tribal governance. Updated criterion 83.11(c) stated that political influence meant that "the entity uses a council, leadership, internal process, or other mechanism as a means for influencing or controlling the behavior of its members...This process is to be understood flexibly in the context of history, culture, and social organization of the entity." This clarification was a boon to previously disadvantaged tribes with non-typical governance structures, or those which had not been led by chiefs and tribal councils at any point in the past. For example, Chief Shirell Parfait-Dardar of the Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw, had explained to me, in a conversation about female leadership, that the leaders in her community were not always formally called "chiefs":

We have always had women that we look up to as far as rules and whatnot. Back in those days [community leaders] were called Nonks and Tunts (aunts and uncles). They weren't called *chiefs*.

As time went on, the leadership structure changed. She went on,

And then the community was so large during my grandfather's time, there were several chiefs over the families. Like there was [surname withheld], I want to say there was a [surname withheld], [surname withheld], and my grandfather was the Parfait, but he was the one that ended up staying as single chief, and then it was handed down. You know, once we developed the tribe, and then he was taken as chief from then on.<sup>196</sup>

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<sup>196</sup> Personal communication, June 18, 2015

Chief Shirell had described a complex social evolution that was unique to Louisiana's bayou tribes—one which did not neatly fit into the BIA's narrow interpretations of continued political influence. The evolution pushed tribal leadership from its early form under Nonks and Tunts, to a much more commonly recognized chiefdom, to a democratic administration headed by a chief and tribal council. The criteria changes regarding “political influence and authority” (i.e., governance) seemed to address the issues of inflexibility and neglect of particular historical differences.

Finally, criterion (e)<sup>197</sup> was perhaps the most challenging for each of the petitioners in this case study. The tribes needed to prove that they had either descended from a single historical tribe, as the United Houma Nation had claimed, or they had to show that members were descendants from multiple historical tribes which merged politically as one tribe. The BIA would not recognize a group of American Indians if their ancestors had intermarried from separate tribes without formally and immediately merging their governance structure. This criterion presented an obstacle. The 2008 proposed finding of the Biloxi, Chitimacha Confederation of Muskogees states:

This review finds no historical evidence that a historical tribe continued to exist in or migrated to the area of modern Terrebonne Parish, inconsistent oral history accounts of the petitioning group’s historical origins, and insufficient evidence to establish the tribal ancestry of historical individuals claimed as the founding Indian ancestors of the petitioning group. In short, this proposed finding concludes that the petitioner has not

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<sup>197</sup> Criterion (e) previously read: “The petitioner’s membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity.”

demonstrated its continuity from a historical Indian tribe or from historical Indian tribes that combined to form an autonomous Indian entity.<sup>198</sup>

This is not to say that the ancestors had not descended from combined historical tribes which existed as a single autonomous political entity. It simply meant that their evidence had not yet adequately demonstrated that this was the case for all time periods. The Pointe-au-Chien Indian Tribe had been having similar difficulties with spotty historical records for some time.

Thus far, the tribes' story has illuminated the perils of the petitioning process—the exorbitant costs, the prior need for skilled researchers, and the ever-increasing timelines. Furthermore, the FAP contributes to the vulnerability of tribes without recognition, because it denies them of their legal standing required to fight back against land dispossession. However, this is not its only mode of oppression. Beyond the aforementioned consequences, there is another insidious byproduct of the federal acknowledgment process: induced inter-tribal conflict.

Tensions arise in the progression of ethnic classification. The FAP criteria are so hyper-focused on socially constructed tribal classifications and labels from long ago that the process itself coerces petitioning tribes to re-imagine the ways they have always identified themselves, both conceptually and on paper.<sup>199</sup> They are forced to “cast their histories in the mold set for them.”<sup>200</sup>

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<sup>198</sup> Summary Under the Criteria and Evidence for Amended Proposed Finding against Federal Acknowledgement of the Biloxi, Chitimacha Confederation of Muskogees, Inc. (2008, May 22). Assistant Secretary of Indian Affairs. Retrieved from <http://www.bia.gov/cs/groups/xofa/documents/text/idc-001470.pdf>

<sup>199</sup> For example, they can no longer simply be “*the Indians from Point au Chien*,” assuming a complex background of mixed indigenous origin; they must be “*the Pointe-au-Chien Indian Tribe*,” with reams of specific genealogical research to validate them.

<sup>200</sup> Quoted in Stokes (2012: 64). The FAP often alters the way that tribes have traditionally operated. Stokes asserts that some petitioning tribes become more restrictive in their membership roles because they feel it will make them better positioned to be acknowledged as a tribe. For example, the Pascua Yaqui tribe, for the sake of the FAP, increased its blood quantum requirement to one-half Yaqui blood.

To be sure, the way that petitioning tribes present themselves on paper is of crucial importance. Their submission to the Office of Federal Acknowledgement must reflect that they fit the prerequisite mold which validates the government's image, or trope, of an "Indian Tribe," and conforming to the trope is no easy task. Reviewers judge petitions by analyzing the historical evidence that the tribes submit, but not infrequently, records provide conflicting information. The varying levels of (in)accuracy extant in early anthropological accounts have skewed the understandings of a people for decades.<sup>201</sup>

When faced with conflicting historical accounts, indigenous people are forced to defend their own beliefs of their ancestral lineage. Because the FAP requires petitioners to take a clear stance on an obscure past, differences in that stance create disunity, induce infighting, and ultimately pit different indigenous claimants against each other.<sup>202</sup>

### **What's in a Name?: Arbitrating Identities, Shattering Communities**

In petitioning for acknowledgement, the Point-au-Chien Indian Tribe (PACIT) and the three allied bands of the Biloxi, Chitimacha Confederation of Muskogees (BCCM) (just over 2,500 members), must grapple with an extra layer of complexity due to the government's

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<sup>201</sup>Bad scholarship came in many shapes and sizes, from the intentional to the unintentional. For example, to present the picture of White superiority, Dr. Samuel Morton of Philadelphia falsely recorded Native American cranium measurements to be smaller than they actually were. See Gould 1996. The trend toward skewed research was especially the norm before early-twentieth century anthropologist Bronislaw Malinowski revolutionized the practice of ethnography to require long-term fieldwork within a community. A competent ethnographer should experience their everyday way-of-life to understand different cultures from their point of view. His rich work, *Argonauts of the Western Pacific*, about his experience with the Kula people of Melanesia New Guinea, turned the tides for modern anthropology. See Malinowski 2014.

<sup>202</sup> Technologies of colonization live on in the FAP. The division of indigenous communities was an imperial strategy of the settler-state to assimilate Indians and resolve the Indian Problem. The disruption of familial relationships is what Laura Ann Stoler (2010) referred to as "intimate colonialism." As Cahill (2011: 6) writes, "Stoler has demonstrated that intimate familial and sexual relationships were key aspects of larger imperial projects in which colonizing powers used 'the production and harnessing of sentiment as a technology of the state.' In the United States, assimilation policy centered on severing affective bonds between American Indian children and their families, transmogrifying Indigenous marriage relations, and restructuring American Indian households according to white middle-class gender norms."

conflation of these tribes with the 17,000-member United Houma Nation (UHN). Despite claiming a common ancestry through the same three founding families (the Courteau, Verdin, and Billiot families)<sup>203</sup> and inhabiting the same general region of Southeast Louisiana, these smaller tribes maintain that they are not descendants of the historic Houma people and that they are politically distinct from the UHN. The historical and genealogical reports to which they refer differ from those forwarded by the UHN, which argue that these smaller tribes are made up of Houma people who broke away from their Nation for political reasons, specifically to be better positioned to receive federal acknowledgment.

Members of PACIT and BCCM had all been considered “Houmas” at least since 1907 through the ethnography of John Swanton of the American Bureau of Ethnology (ABE). However, some elders recall being told by grandparents that they descended, instead, from other Indian Nations, yet they had always been externally labeled “Houmas” by various local organizations. This labeling, they contend, rigidified their false identity to the point of no return. For example, starting in the 1960s, the local schools began to receive funding per Indian child. Many reported that the paperwork, which required a signature to receive the educational funding, labeled the American Indian children “Houmas.” The notion prevailed that, as long as they were receiving critical resources, they would sign the necessary paperwork, even if they did not agree with this ancestral designation. Resources were of more importance than the accuracy of labels.

In the 1980s, the UHN tribal government began to seek federal acknowledgement, and their petition included many of today’s members of PACIT and BCCM. The BIA handed down a proposed finding against recognition for the UHN in 1994. Following this disappointment, the

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<sup>203</sup> Office of the Assistant Secretary-Indian Affairs (AS-IA). (2008:4)

other tribes begin to assert their independence. With the help of a local genealogist and the advice of the BIA, some members, since the early '90s, had been conducting research which would provide evidence of their multifaceted lineage. In 1995, the Biloxi, Chitimacha Confederation of Muskogeans petitioned separately for acknowledgement, presenting evidence of their lineage as Biloxi, Chitimacha, Choctaw, Acolapissa and Atakapa decedents. In 1996, the Pointe-au-Chien Indian Tribe followed suit.

Today the UHN refers to the others as “splinter tribes,” though the smaller tribes maintain that they are not the historic Houma people and never were, and thus could not break off from a group of which they were never part. They simply were “sucked in”<sup>204</sup> by official funding mechanisms such as those implemented within the school system. They had always maintained leadership within individual communities, they explained, so they were qualified for recognition under federal acknowledgment criteria. They were not simply inventing new tribes because the distinct indigenous communities had always existed, even if their tribal names had not.

I wanted to understand how the United Houma Nation perspective of identity differs from that of the PACIT and BCCM tribes, but I had been conflicted about asking for months, and did not capture this facet of local politics until the end of my stay. I initially had made agreements to do case studies with only three of the smaller tribes, and I had been, at times, invited to work with confidential information. To be clear, the information was not confidential in a general sense, but individual tribal initiatives were sometimes limited to smaller circles of tribal leaders for a short period of time before being revealed at council meetings.

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<sup>204</sup> An anonymous tribal member said: “...So we never signed to say we was Houmas. See, we signed that we was Indian, and then they sucked us in...”

Chief Albert had been doing his best to keep his plans to apply for relocation funding as quiet as possible in the early months of the HUD competition, and all of the tribal leaders had been dealing with details concerning their federal acknowledgement amongst a tight group of people. I wondered if they might worry that I would betray their trust by accidentally revealing sensitive information to competing tribes, and I had been warned to be careful by those who had worked with local tribes before. I imagined the worst of my hypothetical interview with the UHN—sabotage, confrontation, undermining, etc. I set my hopes to interview the UHN aside for months, because I wanted to feel, before asking, that I had a good rapport with the tribes of my case study and that I had earned their trust. When I felt the time was right, I knew I needed to have the conversation, and I began to ask around.

I asked Chief Shirell Parfait-Dardar first. I stopped over at her house to spend some time with her and Deputy Chief Crystlyn Rodrigue after finishing a morning interview with two biologists of the local national estuary program. I began by formally recording her responses to a series of questions I had and followed up with an informal chat. Chief Shirell told me that she felt no threat about me conversing with the United Houma Nation. All of the tribes in the region were finalizing their petitions for federal acknowledgement, and she felt that nothing that outsiders knew or said would change the outcome of the BIA findings, which are based solely on whether or not the petition meets their seven criteria. She wondered, however, if Chief Albert would be averse to me talking to them. She hesitated, "You know, Chief Albert is very cautious about federal recognition because he's been working on this for so long."

I was pleasantly surprised when I called up Chief Albert. I explained that I would not want to say anything in an interview that could potentially set back the tribe in any way. What I really wanted to get from them is their tribal history and their impression of the schism between

the tribes. "I don't want to accidentally say something stupid or insensitive," I told the Chief. Surprisingly, he said that it might be good for me to hear from their perspective and that we could learn something from what they had to say. I ended up creating a list of questions with the blessings of both Chief Shirell and Chief Albert.

Through networking, I already had an interviewee in mind. I had chatted over the phone with an academic, Brian Klopotek,<sup>205</sup> who had written about federal acknowledgement cases in Louisiana. He suggested I also speak with Daniel D'Oney,<sup>206</sup> who had conducted academic research with the United Houma Nation in the past. D'Oney then referred me to speak with a man who is knowledgeable about the tribe's history. When we met, I brought up the topic of tribal identity which had been so central to everyone's story of hazards vulnerability. Just as others had done, he considered the concept of identity though the lens of federal acknowledgement. In the process of our conversation, I learned how the federal acknowledgement process had induced a rivalry between the UHN and all of the other tribes in Terrebonne and Lafourche Parishes.

The man explained that the UHN tribe began the federal acknowledgement process (FAP) in the late '70s and officially submitted a petition in 1984. Then, in 1994, they were issued a negative proposed finding which stated that the tribe met only four of the seven required criteria to gain federal recognition. The UHN then issued a rebuttal in 1996.

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<sup>205</sup> Brian Klopotek, author of *Recognition Odysseys* (2011), referred me to speak with Daniel D'Oney.

<sup>206</sup> To get a thorough look at the UHN's historical documentation, refer to D'Oney (2006), "The Houma Nation: A Historiographical Overview". D'Oney (2006: 64) asserts that their documentation is scarce "at first blush," but he was able to draw from primary and secondary sources such as "journals of early explorers and works examining those journals, journals of priests and related works, the archaeological record, newspaper articles, theses, scholarly articles, monographs, unpublished manuscripts, and federal and/or state records and legislation." Also refer to D'Oney's work (2008) "Watered by Tempests: Hurricanes in the Cultural Fabric of the United Houma Nation," to draw parallels between the UHN's vulnerability to hazards and that of the surrounding tribes.

When the negative proposed finding came out, a factional divide drove apart the tribal council. According to the UHN, the Branch of Acknowledgement and Resources had communicated to a group of people that a smaller group would have a more favorable opportunity to gain federal recognition. When the tribal council met a month later, they experienced what this man referred to as a “coup d’état.” Some members called for the chairperson to step down. The “faction” wanted to reorganize the tribe the way that the Branch personnel had suggested through their “backroom communication.” Nevertheless, the idea to reorganize never got enough votes to pass.

After the failed attempt to reform the UHN tribal council, smaller indigenous communities separated administratively from the alliance with UHN but continued to pursue federal acknowledgement under their own leadership. The federal government allowed these tribes—the Pointe-au-Chien Indian Tribe and the three allied bands of the Biloxi, Chitimacha Confederation of Muskogeas—to utilize the original UHN petition as the starting point for their new petitions. In the BCCM’s Amended Proposed Finding, the BIA summarizes the administrative history which led to the individual petitions being considered under one shared, original petition:

The Department received a letter of intent to petition for acknowledgment as the Biloxi, Chitimacha Confederation of Muskogeas on October 24, 1995. This letter followed a letter in 1995 from the group’s chairman that stated the “Indian communities of Grand Caillou, Pointe aux Chene [sic], Isle de Jean Charles, Bayou DuLarge, and Montegut” had withdrawn from the UHN petitioner, which had received a negative proposed finding in December 1994 (59 F.R. 66118).

The group claimed ownership of the petition submitted by UHN. In 1996, BCCM advised the Department that “the Pointe aux Chene [sic] Indian Tribe has decided to seek federal recognition independently and should not be considered a member community of this confederation.” After receiving letters of intent to petition for Federal acknowledgment from the BCCM petitioner as well as the Pointe-au-Chien Indian Tribe (PACIT) petitioner, the Department took the position that the BCCM, PACIT, and UHN petitioners would be treated as “three separate, independent petitioners sharing a common original petition....”<sup>207</sup>

In their individual petitions, BCCM and PACIT would address some of the purported historical and genealogical inconsistencies unearthed by BIA experts. The major point of departure between the UHN’s depiction of their lineage and that of PACIT and BCCM concerns the work of one anthropologist in particular: John Swanton, author of *The Indians of the Southeastern United States* and *Indian Tribes of the Lower Mississippi*. BCCM, PACIT, and their genealogists believe that Swanton made ethnographic errors when documenting the tribal lineage of two key ancestors and with the general assumption that the population predominantly descended from the historic Houma population. To understand the Swanton controversy more clearly, first consider the historic narrative (the annotations of colonial explorers) which shapes the UHN’s understanding of their migrations.

The first record of the Houmas dates back to 1682 when French explorer René Robert Cavelier de La Salle referenced the “Oumas” village in the lower-Mississippi Valley opposite the

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<sup>207</sup> Office of the Assistant Secretary-Indian Affairs (AS-IA). (2008:2-3)

mouth of the Red River, just north of St. Francisville.<sup>208</sup> He never actually visited their village on either of his two expeditions, however, and the accuracy of his journals and those of his lieutenant Tonti are debatable among scholars.<sup>209</sup> More reliably, Pierre Le Moyne d'Iberville stopped in the Houma village for a three-day period in 1699 and wrote of their calumet (pipe) ceremony in his journals.<sup>210</sup> Then, rising colonial aggressions between the French and British, aided by tribal alliances, instigated several Indian migrations, including those of the French-allied Tunicas and the Houmas. The Tunicas fled their village north of the Yazoo River under threat by the Alibamons and Chickasaw, both British allies. The Houmas openly received the Tunicas to settle with them, but the Tunicas then turned on the Houmas, killing half of their people. As a result, in 1706, the remaining Houmas migrated southward to Bayou St. John in present-day New Orleans, as documented in the journal of Bernard de la Harpe.<sup>211</sup> In the 1720s they moved north along the Mississippi River to Burnside, but in the early nineteenth century, the records become thinner.

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<sup>208</sup> See French, B. F. (Ed.). (1846). Account of Taking Possession of Louisiana. In *Historical Collections of Louisiana* (Vol. 1, p. 47). New York: Wiley and Putnam. Also see Cavelier de La Salle, R. R. (1901). *Relation of the discoveries and voyages of Cavalier de La Salle from 1679 to 1681, the official narrative*. (M. B. Anderson, Trans.). Chicago: The Caxton Club.

<sup>209</sup> D'Oney (2006:64) explains the skepticism: "Though La Salle recorded the location of the Houma, he did not see the tribe on his two trips to Louisiana; Henri de Tonti, one of his lieutenants, supposedly did encounter the Houma on a later expedition, and one finds his supposed reflections on the tribe in The Journeys of Rene Robert Cavelier, Sieur de La Salle. Though formerly quoted as a first-hand account, it is highly likely his meeting with the Houma was concocted by a French writer enamored of the Noble Savage myth, so Tonti's "encounter," in which the tribe stood in awe of the white explorer, must be read with a skeptical eye."

<sup>210</sup> Also in 1699, D'Iberville's brother Sieur de Bienville journaled about the Houma, who were at the time in conflict with the Bayougoula. See De Sauvole, M. (1851). *Journal Historique de L'Etablissement Des Francais a La Louisiane*, 3 Mai 1699 jusqu'en 1701. In B. F. French (Ed.), *Historical Sketches of Louisiana* (p. 229). New York: D. Appleton & Co. Also see Margry, P. (1877-1886). *Decouvertes et Etablissements des Francais dans le Sud de l'Amerique Septentrionale* (Vols. 1-5). Also see Bowman and Curry-Roper (1982: 2).

<sup>211</sup> de la Harpe, B. *Historical Journal*, 100-101. The records of this move are scarce, unclear, and slightly conflicting. A carpenter who travelled with Iberville, Penicaut, dated the move to 1709, vaguely stating that they moved near the "Riviere des Chetimachas," which is the French name for Bayou Lafourche. Penicaut's record of their location is verified by a 1713 map produced by DeRemonville. All of these records are noted in Bowman and Curry-Roper (1982: 5).

According to the UHN, the Houmas began to escape the persecution by the colonists who were after their land, and they moved to Terrebonne and Lafourche Parishes where they exist until today. However, the BCCM and PACIT point to historical records indicating that the Tunica had massacred the Houma village in 1706<sup>212</sup> and that the people had perished and/or assimilated into other tribes, including the Bayougoula and Acolapissa.<sup>213</sup> Therefore, they claim that the Houma people were eliminated. Here is where the plot thickens.

In 1907, preeminent ethnohistorian John Swanton visited the “Oumas” for three days. His research was fairly problematic for a few reasons.<sup>214</sup> First, he did not speak French, the language of the American Indian population, meaning the spotty communication which did occur was second-hand through his informant.<sup>215</sup> Secondly, his account lacked the sort of ethnographic detail which could have come from a more thorough questioning. Third, due to his lack of original inquiry, he relied upon often inaccurate historical accounts from existing sources to fill in the holes. Fourth, he invalidated their identity as legitimate American Indians by determining that “they only had the faintest trace of Indian blood,” because they appeared to be racially mixed with European and Negro blood. As D’Oney (2006: 76) aptly phrases the injustice, “How he came to this conclusion without having a direct conversation with anyone or conducting any new research is a mystery.” Finally, the BCCM and PACIT would add another problem to the list. They point to an assumption that Swanton made regarding the tribal affiliation of two ancestors. Once discovered, this mistake derailed their federal acknowledgement process,

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<sup>212</sup> Swanton 1946: 139

<sup>213</sup> See Swanton 1946: 139. As D’Oney (2006: 73) puts it, “Some critics say this because the Houma did not actually leave Burnside but declined in number and were assimilated into other tribes.”

<sup>214</sup> The first four are theories of D’Oney (2006).

<sup>215</sup> D’Oney 2006: 75

keeping them in limbo until today. I inquired about the false assumption which had spurred so much inter-tribal conflict.

During my year of fieldwork, Genealogist Patty Whitney was actively conducting research with PACIT to assist with their federal acknowledgement petition. Ms. Whitney had been trained by the late Audrey Westerman, a locally prominent<sup>216</sup> genealogist who had unintentionally unearthed Swanton's purportedly faulty assumptions. In the early 1990s, she had worked with the United Houma Nation prior to PACIT and BCCM's departure from the alliance. Her involvement, especially in correspondence with BIA historians, represents the sort of backdoor communication to which the man from the UHN had referred. Though Westerman was non-indigenous herself, she had a fascination with American Indian history and wanted to be supportive of the UHN's venture for federal recognition. As Patty Whitney put it, "It kind of didn't go the way she had planned, but she wanted to help." What began with good intentions ended in a feud.

In *Indian Tribes of the Lower Mississippi Valley* (1911), Swanton had assumed that the tribe he had encountered in Lafourche Parish was most likely a remnant of the Houma Indians, who LaSalle and Tonti first recorded in 1692, and who he said had migrated south from their settlement across from the Red River. Swanton said that on March 4, 1700, Iberville had returned to the Houma settlement by the Red River and discovered that half of the tribe had been wiped out by the "abdominal flux." Then, Swanton drew from the accounts of other ethnographers and claimed that in 1709, the Houma experienced a massacre:

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<sup>216</sup> Audrey Westerman was Editor for the *Terrebonne Lifelines* for the Terrebonne Genealogical Society.

The next event of consequence in their history was the settlement of the Tunica among them and their subsequent massacre of their hosts in 1706. This is La Harpe's account and is probably correct, though Pénicaut, who dates the occurrence in 1709, merely states that the Houma moved farther down the river, while the Tunica came later to take their places. The surviving Houma, who appear to have been still a considerable body, settled first on bayou St. John, back of New Orleans, as stated by La Harpe, but a few years later moved to the southern part of what is now Ascension Parish...<sup>217</sup>

At any rate, the remnant of the tribe, mixed with other Indian peoples and white and negro blood, now live along the coast of Terre Bonne and La Fourche parishes, where they were visited by the writer in April, 1907...<sup>218</sup>

This is the history that the United Houma Nation defended in their petition—that the Houma people had migrated to the bayous and repopulated. Genealogist Audrey Westerman, however, contested the assumption that the Houma Indians survived the massacre in 1706. She claimed that the Houma people had been wiped out, and that the Indians of Terrebonne and Lafourche Parish were actually a mixture of five separate historical tribes: the Choctaw, Biloxi, Chitimacha, Acolapissa, and Atakapa.<sup>219</sup> Audrey Westerman noted that one of Swanton's major misunderstandings stemmed from two ancestors whose forefathers had been conflated. She wrote in the footnotes of her manuscript:

Photo copies of the handwritten notes were obtained from the BIA, transcribed and annotated in June 1996 by ABW. Swanton tried to combine the responses of Felicite

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<sup>217</sup> Swanton 1911: 289-290.

<sup>218</sup> *ibid*: 291.

<sup>219</sup> Westerman 1997: 2.

Billiot and Barthelemy Billiot because he thought they were siblings and speaking of the same forefathers. They were not siblings and were speaking of different forefathers entirely, therefore the confusion created by Swanton when he and other historians used these notes as evidence. Felicite was actually first cousin once removed on the Billiot side to Barthelemy. They did not have the same Indian grandparents.<sup>220</sup>

The misunderstanding, recorded in Swanton's handwritten notes and taken up by future historians, erased the truth and constructed a new "reality." When Westerman traced the lineage of eighteenth-century ancestors, she found none which referenced Houma parents or grandparents. Common ancestor Houma Couteau (born 1765), was Biloxi. His wife, Mary Anne Pierre (1776-1845), was Acolapissa. Marie Gregiore (1775-1828), wife of non-indigenous Alexandre Verdin, was described in the records as Atakapa.<sup>221</sup> Barthelemy Billiot told Swanton about his grandfather, "Shulu Shumon," who "had been made a Medal Chief by the white people after he was 'run out' by the Indians."<sup>222</sup> Westerman determined that this is probably the same person as "Shulush Homa" (aka "Red Shoe") who was a Choctaw medal chief.<sup>223</sup> These are only to name a few misunderstandings.

Even though Swanton wrote that they called themselves Houma, Westerman did not find in the records that the ancestors claimed Houma lineage. Many of today's elders, however, simply referred to themselves generically as "Indians" differentiated geographically by their individual bayou. Genealogist Patty Whitney, who has lived in Southeastern Louisiana for her whole life, explained that locals and American Indians alike were aware that they were

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<sup>220</sup> *ibid*: 1.

<sup>221</sup> *ibid*: 27.

<sup>222</sup> *ibid*: 14

<sup>223</sup> *ibid*: 12-14. For more on the life of Red Shoe, refer to Reeves 1985.

indigenous: “anybody knew they were Indians.” However, specific knowledge about ancestry varied among individuals, and many relied upon what the experts told them:

You know, Terrebonne Parish, me growing up, we had always just heard "the Indians from Pointe-au-Chien." You go down Pointe-au-Chien, that's Indian. You say Pointe-au-Chien, that's Indian. Dulac, that's Indian. Nobody asked what ancestry, tribal affiliation...They were just "Indians."

Even the Indians themselves didn't ask. And if they knew—like I've heard several of the elders say, “My granddad said we were Choctaw.” But if you say, here's this smart anthropologist coming down here doing all this research, he must know what he's doing, to put it out in writing up in Washington D.C. "Well we must not know what we're talking about."

Everybody spoke French. They were poorly educated, poor educational opportunities. So here's this fancy Ph.D. person, I don't know what the heck he's talking about, so that's who we are. And of course, once Audrey went into it and started looking at his field notes and everything, it's just like putting two [and two] together. Swanton made some serious assumptions.

The UHN, however, assert that Swanton’s work documenting the Houma existence is valid and that the controversy is politically-motivated. The man I spoke with from the UHN describes a meeting in the ‘90s with Bureau officials and Branch personnel. Additionally, he saw their rejection of the Swanton record as a representation of FAP inconsistencies across petitioners:

And part of our discussion was our difficulties with the process, because we had evidence, for instance, dealing with John Swanton, the ethnologist, and using Swanton's

work for our petition, and Swanton's work had been used for the Tunica-Biloxi's petition, and it had been accepted as fantastic. We used it for our petition, and they quote, debunked it. They said, Swanton didn't know what he was talking about. Now we're talking about the premier ethnologist, almost invented the field of ethnology, and so part of our discussion at the time was this lack of consistency in how they handled evidence. And she basically—well not basically—[the Branch employee] flat-out told us that every petition is contained within the four corners of the document, which is a nice way of saying, “We make rules as we go along.” In other words, “We don't have to follow. You know, just because evidence works for this petition, it doesn't necessarily have to work for this petition.”

So the UHN stance is that the rejection of Swanton’s findings was politically-motivated by the BIA and the other tribes, but PACIT and BCCM also feel that the UHN’s defense of Swanton is politically-motivated. Patty Whitney surmised that the turmoil did not arise from the dispute over identity. Rather, Westerman’s revelations posed a threat to the people’s acquisition of federal recognition status:

It was about, "Ok is this going to mess us up with getting federally recognized?" Because we need federal recognition, because federal recognition is so critical, because more than any other tribe in the country that are looking for federal recognition, down here where the tribes are looking for federal recognition, it's not just to get a casino. They have serious survival issues that being federally recognized can change. And the denial of their recognition is, to my way of thinking, by the federal government, is almost the same thing as the Trail of Tears. It's the modern version of it. In the new climate of the world it's the modern version of the Trail of Tears.

From both perspectives, the federal acknowledgement process is the obstacle. The authorization of “experts” to arbitrate over the qualifications of indigenous legitimacy, from the times of European contact until today, has continued the progression of American Indian disenfranchisement and displacement. For the bayou tribes of Southeast Louisiana, the “modern version of the Trail of Tears,” has not been ushered by natural disasters but by the federal government.

## **Conclusion**

Mediating between the conflicting UHN and BCCM/PACIT accounts of their historic migrations and bloodlines distracts attention from the real culprits of dispossession. The federal government’s meddling of the affairs of Indian Country, has spurred political conflicts which not only pit communities against each other but alter the perspectives that American Indians have of their own people.<sup>224</sup> The intra- and inter-tribal conflicts over specific bloodlines and historical tribe names have no bearing on the fact that they descend from indigenous forbearers, period. No matter the precision of their ancestral historiography, they are all still tribes of indigenous decedents who have inhabited their land for many generations. What does matter is that these conflicts fulfill the original purpose of the colonial and post-colonial governments to colonize and assimilate American Indians—to take care of Thomas Jefferson’s Indian Problem.

The Bureau of Indian Affairs’ fixation on “validity” denotes a lack of consideration for what “validity” even means within the context of a state-sponsored social construction, “a tribe.”

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<sup>224</sup> For example, some American Indians with a “purer” lineage of indigenous ancestors (who have not intermarried with black or white ancestors) now defend the logic of blood quantum, even if this logic was not an artifact of an indigenous worldview. The FAP, by virtue of its mandated genealogical research via colonial records, can also alter one’s understanding of their ancestry and the tribes with which those ancestors were affiliated, as has been the case described in this case study. It can also inflate the perceived importance of these state exercises to their own definitions of indigeneity.

The federal government has granted itself the authority to define a tribe and then validate tribes by its own constructed definition. When put in these terms, one can clearly see the conflict of interest,<sup>225</sup> but those involved in the federal acknowledgement process, petitioners and experts alike, often get lost in its minutia and lose perspective. It is as if indigenous peoples' variable ways of defining themselves have been ignored and rewritten in a stark format—by a list of administrative standards—and tribes can do nothing but conform to government demands.

Even when attempting to conform, many indigenous tribes have fallen through the administrative cracks because federal criteria have been written to a one-size-fits-all standard. Criteria produce, reify, and reproduce essentialized<sup>226</sup> notions of indigenous people in America as if they are of a singular, coherent entity. Each tribe, however, has its own unique history of migration, intermarriage, evolving governance structures, and management. Hardening the definition of an American Indian Tribe to only accommodate some is but another way to colonize indigenous communities. Formalized federal acknowledgement creates a new, lower class of state-recognized and unrecognized tribes, the marginalized of the marginalized.<sup>227</sup>

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<sup>225</sup> To expand upon the conflict of interest, it is not only a matter of non-indigenous government officials and “experts” creating hoops for petitioning tribes to jump through. Members of already federally-recognized tribes, who work for the BIA and have helped to develop the criteria for acknowledgement, have a vested interest in limiting the number of tribes who receive federal acknowledgement because, seemingly, this would preserve more federal resources for their own people.

<sup>226</sup> Social essentialism is the belief that individuals from certain groups (e.g., race and gender) have characteristics that make them distinct as a group, or that individuals carry an essence that has been determined by their social category. Essentialism has been dangerous in indigenous politics because it leads to beliefs that American Indian groups are not unique and that their practices, lifeways, and traditions are easy to define and classify. It leads to assumptions that their indigeneity hinges upon their unchanging traditions.

<sup>227</sup> Lévi-Strauss (1968: 291) determined that writing, as opposed to orality in illiterate cultures, is usually accompanied by integration into a political system, “that is to say, of a considerable number of individuals into a hierarchy of castes and slaves.” (Also quoted in Scott 2009: 228). Writing not only goes hand-in-hand with state formation, but writing within an already-formed state reinforces exploitative state power to appropriate and restructure American Indians. The federal government’s writing and codifying of criteria to be defined an American Indian Tribe cements the orthodoxy of that definition and separates American Indian descendants into a three-tiered caste system: unrecognized, state-recognized, and federally-recognized tribes.

The Federal Acknowledgement Process has been portrayed in the critical literature as an unfair burden placed upon American Indian Tribes seeking indigenous rights and status, but it is so much worse than that for communities who are threatened by (un)natural land loss in an unstable climate. Unrecognized tribes view recognition policy, not as an avenue to access resources, but as a rationalization for their exclusion, neglect, and assimilation. When federal neglect and natural hazards collide, disaster ensues. The local neologism, “the Modern Trail of Tears” signifies governmental complicity, alongside natural disasters, in displacing American Indian communities. The FAP, through its narrowly-conceived criteria, is a device to exclude some indigenous groups from resource eligibility and sovereignty status. Without federal acknowledgement, the tribes do not legally have aboriginal land rights and cannot retrieve the land which was taken from them long ago, nor can they stop industries from further channelizing the marshes.

Furthermore, state-recognized and unrecognized tribes are not eligible for federal programs which would support their resilience to hazards, like those provided by the Federal Emergency Management Agency’s (FEMA’s) Tribal Affairs Branch,<sup>228</sup> the Bureau of Indian Affairs’ (BIA’s) Tribal Resilience Program,<sup>229</sup> or the Environmental Protection Agency’s

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<sup>228</sup> The Tribal Consultation Policy, mandated by Executive Order 13175, requires FEMA to regularly consult with tribal officials on matters which affect a tribe. Refer to [www.fema.gov/tribal-consultation](http://www.fema.gov/tribal-consultation). Federally-recognized tribes may also be eligible for preparedness grants through FEMA’s Tribal Homeland Security Grant Program, Emergency Management Performance Grants, Nonprofit Security Grant Program, Homeland Security Grant Program, Port Security Grant Program, Assistance to Firefighters Grant Program, Staffing for Adequate Fire and Emergency Response Grant Program, and Fire Prevention and Safety Grant Program. Also, FEMA’s Emergency Management Institute offers training for tribal emergency managers, tribal community response personnel, and tribal leaders. Finally, federally-recognized tribal governments are eligible for disaster assistance programs, like the Public Assistance Program, Post-Disaster Hazard Mitigation Grants, Individual Assistance Program, and U.S. Small Business Administration Disaster Assistance Program.

<sup>229</sup> The Tribal Resilience Program provides “federal-wide” funding for tribes “to build capacity and resilience through leadership engagement, delivery of data and tools, training and tribal capacity building. It also provides “direct funding” for “tribally designed resilience training, adaptation planning, vulnerability assessments, supplemental monitoring, capacity building, and youth engagement.”

(EPA's) Tribal Emergency Preparedness and Response Coordination.<sup>230</sup> While an American Indian family may apply for individual post-disaster assistance through the parish government to offset damages to their property (the same as a non-American Indian family), tribal governments have no self-determination or authority over the distribution of those funds for needs within the tribal community. Tribes, for example, would need both recognized sovereignty and a substantial funding mechanism to plan (as a tribal government) for a tribal evacuation center. Unrecognized and state-recognized tribes must operate under the authority of local and state government bodies. If planning occurs within their vicinity, their members may choose to be participants in public planning meetings, but they can never make planning decisions for themselves.

Furthermore, resources to complete projects are scarce and hard to come by. Tribes have gained minimal access to small pockets of disaster funding by registering as nonprofit nongovernmental organizations (NGO 501c3), but they have an exceptionally low success rate with grant applications, and they still cannot access more substantial programs specifically designed for indigenous communities.

In summary, the FAP is exceptionally burdensome to petitioners. It is divisive within indigenous communities. Here is a critical point of transition from this chapter to the next. The FAP is not only known for its divisiveness within tribal units (intra-tribal) but also between them

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<sup>230</sup> The EPA consults and coordinates with federally-recognized tribes on matters involving environmental quality which concern tribal concerns and interests. One program of government-to-government coordination is the Tribal Emergency Preparedness and Response Coordination. "EPA works with tribes on emergency preparedness and response issues through the National Response Team (NRT), Regional Response Teams (RRTs), Area Contingency Planning (ACPs), and tribal organizations... Tribes play a role in emergency response by: assisting in reporting incidents to the NRC (National Response Center) and EPA when an oil spill or chemical release occurs in Indian Country; being a vital member of the Unified Command; providing critical access to impacted areas; identifying areas of concern using tribal ecological knowledge, such as hunting and fishing grounds; having a Tribal ER Committee/Commission (TERCs) regardless of level of infrastructure/participation." See Tribal Emergency Preparedness and Response Coordination -Who are the players and what do they do? At [https://www.epa.gov/sites/production/files/2017-04/documents/tribal-emergency\\_response\\_players\\_and\\_roles\\_4-27-2017.pdf](https://www.epa.gov/sites/production/files/2017-04/documents/tribal-emergency_response_players_and_roles_4-27-2017.pdf)

(inter-tribal). Where this chapter has highlighted FAP-induced political conflicts amongst state-recognized tribes which were once considered one unit, chapter 4 introduces pushback from federally-recognized tribes toward state-recognized tribes. The policies which depend upon federal recognition status are the enablers. Section 106 of the Historic Preservation Act is one such policy, and the next government-sponsored contributor to vulnerability on our list. Without federal acknowledgement, state-recognized tribes can be excluded from government-to-government consultations pertaining to discovered artifacts, burial mounds, and construction upon sacred territories if competing federally-recognized tribes do not want them to participate.

Section 106 is another state technology of exclusion, dispossession, and displacement. As Section 106 acts as a silencing agent for the state-recognized tribes, they begin to question what information is safe to share with government agencies, what level of sharing exposes their burial mounds to the danger of desecration by outsiders, and how much openness places their community to the danger of exploitation.

## Chapter 4

### Sacred Today, Gone Tomorrow: Dispossession through Exclusion from Cultural Resource Management

#### Introduction

The previous chapter confronted the marginalizing capacity of the federal acknowledgement<sup>231</sup> process and its ethnic classification scheme, unpacking the state's thinly-veiled divide and conquer state strategy—defacto if not intended—enacted upon indigenous communities. The power-laden constructs of status which divide tribes into classes—unrecognized, state-recognized, and federally-recognized—deprive some American Indian communities of indigenous rights, while imposing and reinforcing a foreign cosmos of indigeneity upon the larger American Indian community. This chapter will further examine how the hazardous classification scheme of recognition can aid in the displacement of hazard-vulnerable indigenous communities. We must explore yet another piece of the institutional framework which complicates the state-recognized coastal tribes' resiliency planning process. From the profession of hazard mitigation planning to the oil and gas industry to the federal acknowledgement process, this chapter now explores the final state-sponsored contributor to vulnerability on this list: the barrier to *cultural resource management*.

Concerns over cultural resources, like American Indian burial mounds, cemeteries, and sacred sites, are universal for indigenous communities across the globe.<sup>232</sup> For Louisiana's state-

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<sup>231</sup> I use the terms "federal recognition" and "federal acknowledgement" interchangeably. When referring to tribes without federal recognition, sometimes I refer to them as state-recognized tribes or "unrecognized tribes." All of the tribes mentioned in this chapter are either "locally-recognized," "state-recognized," or "federally-recognized."

<sup>232</sup> See Butzier and Stevenson (2014) for more on international law as it directs consultation of sacred sites and indigenous properties outside of the U.S.

recognized tribes of the disappearing coast, tribal mounds are the final physical legacy of their heritage, but their sacred sites will soon wash away due to unprecedented rates of erosion, triggered by poor land use practices of the past. Ironically, their sites are also threatened by the subsequent hazard mitigation efforts aimed to fix the problem—the region’s structural coastal restoration and protection projects. The aspiration of Louisiana’s coastal tribes, at the very least, is that they can have a voice in how these projects will be managed to ensure that their cultural resources are respected.

Since the National Historic Preservation Act (NHPA) was amended in 1992 to strengthen tribal-agency communication,<sup>233</sup> the Section 106 review process has mandated that federal agencies consult with American Indian Tribes whenever indigenous relics or sites of interest may be impacted by a federally-sponsored project.<sup>234</sup> While the consultation process gives American Indian tribes some oversight to ensure that projects are completed in a manner which is respectful to their people and their ancestors, critics have noted that the process is disempowering. For example, tribes are forced to play by the federal government’s rules with little say on how the meetings will be structured, and they must overcome bureaucratic language barriers as government authorities attempt to communicate through professional jargon, and tribes have little recourse to legally challenge agency decisions following consultations.

Eitner (2014) explains that consultation laws ensure that agencies implement tribal consultation procedures, but they do not ensure that agencies consider the input of tribes as they make determinations: “Once an agency has reached a final decision on a proposed undertaking,

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<sup>233</sup> The Archaeological Resources Protection Act of 1979 also required federal consultations with tribes, but only on federal or tribal land. See Ryan 2012: 7.

<sup>234</sup> See Stanfill (1999: 65), who notes that the Advisory Council on Historic Preservation views the 1992 amendment positively “as an opportunity for archaeologists and Native Americans to pursue a more productive partnership and attain mutual goals.”

any consultation that occurred to comply with Executive Order 13,175 will not be reviewed in court because Executive Order 13,175 and the consultation policy that an agency developed as required by Executive Order 13,175 do not provide tribal governments with a cause of action to challenge the adequacy of consultation. While courts will review tribal-agency consultation mandated by a federal statute or implementing regulation, judicial review tends to focus on the procedural aspect of the consultation rather than examining the substantive decision of the agency. Thus, Indian tribes are unable to challenge whether an agency's final determination adequately considered the concerns that tribal governments raised during the consultative process."<sup>235</sup>

In government-to-government consultations, tribes face what has been described as a Hobson's Choice, a take it or leave it scenario.<sup>236</sup> They may choose to engage with agencies and disclose sensitive, proprietary tribal information which could potentially make them susceptible to exploitation, or they may choose to lose their seat at the regulatory table altogether.

Nevertheless, for tribes with federal recognition, the consultation process opens an avenue for direct discourse and planning with implementing agencies, which is often seen as better than nothing. However, only those with federal recognition status have legal rights to the tribal consultation process. For tribes without federal recognition, the very existence of the Section 106 framework is one more obstacle as they seek meaningful consultation in processes which affect their ancestral land. For them, the codification of Section 106 is an exclusionary tool which stems from and reinforces identity-based conflict between tribes with different levels

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<sup>235</sup> Eitner 2014: 868.

<sup>236</sup> Sophia Amberson (2017) asserts that the Freedom of Information Act (FOIA) especially is a threat to tribes who must disclose sensitive traditional ecological knowledge (TEK) ("knowledge acquired by a tribe that is a mix of environmental ethics and scientific knowledge about tribal use") to agencies administering environmental laws. Agencies are required by FOIA to disclose most of the information they obtain during a consultation to the public.

of recognition status.<sup>237</sup> According to Section 106 policy, unrecognized and state-recognized tribes are "other parties,"<sup>238</sup> relegated to the comment period of the participation process unless specifically accepted into the tribal consultation by participating federally-recognized tribes.

While the literature on cultural resource management considers the perspectives of cultural resource managers<sup>239</sup> and federally-recognized tribes<sup>240</sup> who have engaged in consultation processes, very little has been written about unrecognized or state-recognized tribes who have struggled to participate due to their legal classification. This chapter endeavors to fill this hole in scholarship by exploring how non-federally-recognized American Indian communities, federally-recognized tribes, and agency leaders navigate inter-tribal conflicts within the complex institutional framework of the NHPA.

For tribes without federal recognition in Southeast Louisiana, accessing engagement as veritable indigenous descendants with stakes in their eroding landscape seemed to be uncharted territory. Cultural resource managers are still figuring out which non-federally recognized tribes they can and should invite to the table in a given situation through trial and error. When I came to observe and participate in their tribal governance from 2014 to 2015, I found that many of the tribal leaders and U.S. agency leaders viewed aspects of Section 106 as grey areas—a somewhat negotiable territory with sharp limitations. With no framework to follow regarding non-federally-recognized tribes, and with objections from competing tribes, both agencies and non-federally-recognized tribes must negotiate engagement processes on a case-by-case basis while being

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<sup>237</sup> Such exploitation of conflict in modern American Indian policy is reminiscent of the colonial era. Moore (2013: 158) writes that in the New England and Virginia colonies, European colonists exploited early racism and chauvinism between enemy tribes to “divide and conquer” American Indians.

<sup>238</sup> The “othering” that separates tribes without federal acknowledgement from those with acknowledgement takes place at a meta level—a branch of the “othering” which divides American Indians from the non-indigenous majority.

<sup>239</sup> E.g., Thompson 1998; McGimsey 2004; Nissley 2011; King 2000, 2011; Kaldenberg 2011

<sup>240</sup> E.g., Fuller 2011; Nickell 2011

careful to not infringe upon the rights of federally-recognized tribes. This chapter extends the literature on cultural resource management consultations to expose its function to exclude, and thus its power to disenfranchise, tribes without federal recognition status. Furthermore, it opens a discourse regarding our potential to keep improving as government professionals by emphasizing shared interests (to bulwark sacred sites from erosion, to rebury disturbed human remains ceremonially, to reorient structural project footprints away from sacred sites, etc.) over differences (in federal status or in worldview) to manage cultural resources.

This chapter presents three vignettes or snapshots which help to frame the obstacles that non-federally-recognized tribes faced as they attempted to engage in government processes affecting the coast. For better or for worse, identity policing,<sup>241</sup> or the institutional scrutiny over historic bloodlines, disassociates non-federally-recognized tribes from their claims to sacred sites in their own backyard. The experiences of agency leaders teach us something about engagement with these tribes—why it has been so tricky, the policy standards to which they were held, and how they navigated inter-governmental and inter-tribal relationships. The State Historic Preservation Office’s Director of the Division of Archaeology, Charles “Chip” McGimsey’s voice is woven throughout the chapter, first outlining the Section 106 process (“How it Works”) and introducing his role in tribal consultation.

The question of knowledge-sharing, “should we or shouldn’t we engage?,” permeates the chapter.<sup>242</sup> The first vignette introduces issues of knowledge disclosure and lack of trust

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<sup>241</sup> The term, identity policing, comes from Klopotek (2011: 1) and refers to “ways in which American Indian identity is formed, expressed, and managed” by the federal government: “Current procedures require tribes petitioning for recognition to document their history, race, culture, and genealogy and submit the documents for semipublic review to the Office of Federal Acknowledgement (OFA) of the U.S. Bureau of Indian Affairs, making this tiny federal office the unelected arbiter of Indian identity in many ways.”

<sup>242</sup> It is not uncommon for indigenous communities to be leery about disclosing information to settler-states about their cultural resources and sacred sites. In an interview I conducted with Dr. Michelle Thompson-Fawcett prior to this fieldwork, she revealed that the Māori also resisted empowering the local government with recorded knowledge.

inhibiting knowledge-sharing between tribe and agency. During a meeting with an inter-tribal consortium, Assistant State Conservationist of the United State Department of Agriculture Natural Resources Conservation Services (USDA-NRCS), Randal Joseph, considers the perspective of tribal leaders as they present their case for non-disclosure to government agencies on matters affecting sacred sites. While government agencies advocate for indigenous communities to share information on the location and condition of burial mounds, cemeteries, and sacred sites, tribal leaders reveal that the disclosure of such information has led to mound desecration in the past even when organizations have promised not to publicly disclose proprietary information. Tribes want information (deeper than that which is publicly accessible) on the goings-on of agencies sponsoring structural projects while protecting their own information. Agencies want tribes to disclose information to them while limiting their own disclosure to that which is publicly available. This indigenous-state conflict calls the tribes' participatory ambivalence into question. Perhaps the recording of indigenous knowledge is dangerous. Utilizing social theories on state-building, this section scrutinizes the way in which the recording of information creates an orthodoxy which holds indigenous communities accountable to a narrow interpretation of history and constrains their ability to "culturally and politically maneuver." This section clarifies the tribes' hesitancy to engage with agencies at all.

But what if they do choose to engage? Chip McGimsey shares his experiences working through the inter-tribal dynamics inherent in the Section 106 process when non-federally-recognized tribes attempt to participate in the consultation alongside federally-recognized tribes.

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She worked with the Monaco City Council and *iwi* (the name for the Māori people) to facilitate the production of an *iwi* management plan. With Dr. Thompson-Fawcett, the *iwi* outlined issues of social justice, community development, and information about natural resources and important sites within the landscape. Nevertheless, upon completion they refused to turn over the information to councils. Instead, they kept the plans to themselves to use for their own community development.

The second vignette introduces a conflict involving the state-recognized United Houma Nation and the federally-recognized Chitimacha of Louisiana. When a natural gas extraction project, the Texaco Discovery Pipeline, unsettles the burial place of American Indian ancestors, both tribes claimed the ancestral remains as their own and wanted to participate in the consultation regarding the reburial. The Chitimacha, chagrined that a state-recognized claimed the ancestors they understood to be their own, objected to their participation in the tribal consultation process. Members of the United Houma Nation and the Chitimacha Tribe provide insight into the perspectives of conflicting tribes. Chip McGimsey explains that for cultural resource managers, handling such inter-tribal conflicts within the institutional framework of Section 106 is a dance, but ultimately power tips in the favor of the federally-recognized tribe because they are the ones endowed with a government-to-government trust relationship by law.

Finally, in the third vignette, McGimsey outlines another inter-tribal conflict between state- and federally-recognized tribes. As the Coast Guard was fleshing out a programmatic agreement to proceed with the oil spill cleanup in the aftermath of the 2010 Deepwater Horizon explosion, the Chitimacha objected to the participation of state-recognized tribal representatives in the tribal consultations. A representative of the Pointe-au-Chien Indian Tribe recalls the point in which (s)he was asked not to return. The Chitimacha Tribe argues that the territory, including Terrebonne and Lafourche parishes, was previously Chitimacha land prior to their migration west, and that the tribe does not claim the indigenous people of the state-recognized tribes who reside in the region. Therefore, the state-recognized tribes have no rights to the points of interest in Terrebonne and Lafourche Parishes. Ultimately, recognition status and interpretations of tribal historical records meditate the perspectives of indigenous people as they fight for their right to cultural resource management. Federal acknowledgement and the intuitional framework which

bars access to those without it, legally dispossesses state-recognized tribes from the cultural resources of their ancestral land.

### **How it Works: Section 106 and Non-Federally-Recognized Tribes**

Within the coastal bayous of Southeast Louisiana exist a half-dozen American Indian tribes<sup>243</sup> without federal acknowledgement who have traced their existence back to the late eighteenth to early nineteenth centuries. Despite their self-sufficiency and distinct leadership structures via their own tribal governments, they lack true government-to-government relationships, as they lack official federal acknowledgement (aka "recognition"). The majority of these small state tribes have been petitioning to the Bureau of Indian Affairs (BIA) since 1984,<sup>244</sup> but they have been delayed for a litany of reasons, including the seemingly endless administrative extensions granted due to major hurricanes (e.g., Lili of 2002, Katrina and Rita of 2005, Gustav of 2008, Isaac of 2012). Additionally, the BIA updated its seven criteria for acknowledgment, the rules which essentially determine which groups would be legitimate tribes in the eyes of the U.S. government. This update put current petitioners furthermore on hold from 2013 to 2015, as they amended their submissions under current guidelines.<sup>245</sup> A process which the BIA had designed to take around two years has taken these tribes over thirty years and counting.

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<sup>243</sup> These include the three bands of the Biloxi, Chitimacha Confederation of Muskogees (Isle de Jean Charles, Grand Caillou/Dulac, and Bayou Lafourche), the Pointe-au-Chien Indian Tribe, the Grand Bayou Indian Village (Atakapa-Ishak), and the United Houma Nation.

<sup>244</sup> 1984 is the year the United Houma Nation submitted their original petition, and this originally also represented the communities of Pointe-au-Chien, Isle de Jean Charles, Grand Caillou/Dulac, and Bayou Terrebonne, although these communities later petitioned separately.

<sup>245</sup> The BIA submitted a "Discussion Draft" of revisions in June of 2013. In July and August of 2013, it held a series of consultations and public meetings. The proposed rule came out on May 29, 2014, and the comment period was extended through September 30, 2014. Then from July to August, the Bureau held consultations and public meetings pertaining to the proposed rule. The final rule went into effect on July 1, 2015.

Originally, the United Houma Nation and the state-recognized tribes of Terrebonne and Lafourche Parishes were considered together under a single federal acknowledgement petition. During the mid-1990s, however, faced with conflicting genealogical accounts, some members separated themselves from the petition, maintaining that they have always been separate tribes within their individual communities, where community leadership and a semblance of governance had already existed historically within each bayou all along. These smaller tribal groups maintained, especially in light of new genealogical research, that none of them were actually decedents of the historic Houma tribe. The United Houma Nation disagreed. Because of this ideological and political division, the United Houma Nation and four other state-recognized tribes have been politically distinct since 1995, despite sharing some common ancestors.

Three tribal communities of the Biloxi, Chitimacha Confederation of Muskogees (the Isle de Jean Charles Band, the Grand Caillou/Dulac Band, and the Bayou Lafourche Band) as well as the Pointe-au-Chien Indian tribe, each located within Terrebonne and Lafourche Parishes, maintained that they descended from common ancestors. As their late genealogist of the 1990s put it, their differing tribal origins are "confusing at best." She found that they descended from the Choctaw, Biloxi, Chitimacha, Acolapissa, and Atakapas. Until recently, it was unfortunately common for racists to pejoratively call them "Sabine," term of an unknown origin which became a slur for a racially-mixed indigenous person. Because members of these tribes could not chart their bloodline to one single historical tribe, their situation has been particularly challenging when petitioning for federal acknowledgement, because they must prove through written records that their communities resulted from an official merge of historic tribes rather than individuals from various tribal origins who cohabitated.

These tribal communities are fully aware of the state technologies of disenfranchisement at work. Here is a perfect example of settler colonialism, exercised through racial classification.<sup>246</sup> The government has simultaneously rationalized their disenfranchisement through validation and invalidation of their indigenous identity. While the BIA had handed down a negative proposed finding<sup>247</sup> based on lack of evidence on the specifics of their American Indian ancestry, the tribes pointed out indignantly that they were called "Indians" in the times of segregation. They had to go to "Indian schools" and could not go into white establishments until the 1960s. Why is the government questioning their "Indian-ness" now that the designation could help their communities? The historically actual classification of "Indian" and the present scheme which relegates their tribal status to non-federally-recognized, clash, presenting a powerful case in which settler-states manipulate and authorize classification schemes unobjectively in their own best interest, and not in the best interest of its subjects.

Disassociation from sacred sites and artifacts is one consequence. Under the new recognition classification scheme, cultural resource management becomes an inaccessible arena for non-federally-recognized tribes. As the shoreline moves inland, as waters rise, and as the oil and gas industry channelizes the marshland, sacred sites have become increasingly vulnerable. To restore and protect the coastline, state and federal agencies work together to plan and implement infrastructural projects in the marshland (e.g., levees, locks, dams, river diversions, etc.<sup>248</sup>), but these projects negatively impact sacred sites when agencies are not aware of them.

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<sup>246</sup> The term "settler colonialism" refers to a process of settlement in which indigenous people have been dominated and replaced culturally and politically by the invading population. The most commonly discussed "settler-states" in the literature include the United States, Canada, Australia, and South Africa.

<sup>247</sup> The BIA often hands down negative proposed findings to petitioners. Interviewees explained that this was simply a part of the process. Tribes amend their petition based upon the findings of the Bureau before submitting their final petition and receive a final determination. Essentially, petitioners have two tries.

<sup>248</sup> The Coastal Protection and Restoration Authority (CPRA) published the state's first coastal master plan in 2007, and they update the plan every five years. The plan emphasizes both structural and non-structural solutions.

By law, federal agencies are mandated to consult with American Indian tribes regarding such concerns through the Section 106 process of the National Historic Preservation Act, but only for tribes with federal recognition status. Consultation with unrecognized tribes is not required.

Any federal or federally-funded project, according to NHPA, which may have an effect on a "district, site, building, structure, or object that is included in or eligible for inclusion in the National Register " must undergo a Section 106 review prior to funding or permitting.<sup>249</sup> The Section 106 process is governed by 36 CFR 800 (Protection of Historic Properties), which regulates how the process is to work and which parties must be involved. Louisiana's Office of Cultural Development functions as the State Historic Preservation Office (SHPO), which is designated under the National Historic Preservation Act (NHPA) to take part in the consultation process with tribes who have indicated an interest in a region being impacted. The NHPA requires the agency official, which has the jurisdiction of the undertaking, "consult with any Indian tribe or Native Hawaiian organization which attaches religious or cultural significance to historic properties that might be affected by an undertaking."<sup>250</sup> Indigenous communities appear to be covered by the legislation, but there is a catch.

The NHPA derives its definition of an Indian tribe from the Bureau of Indian Affairs' tribal recognition classification scheme,<sup>251</sup> snowballing implications for the standardization of the federal acknowledgement process. Section 106 mandate, § 800.2(c), "Consulting Parties,"

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<sup>249</sup> 36 C.F.R. part 800

<sup>250</sup> Section 101(d)(6)(B)

<sup>251</sup> See 36 CFR § 230.2: "Indian Tribe. Defined by Section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); for purposes of this rule, Indian tribe includes federally recognized Indian tribes and Alaska Native Corporations."

only addresses tribes with federal recognition.<sup>252</sup> Even the final listed participant, “Additional Consulting Parties,” does not explicitly mention tribes without federal recognition.

For federally-recognized tribes, however, the administration of cultural resource management under NHPA is structured and systematic. Louisiana's Office of Cultural Development, like any SHPO, comprises of two departments which work together on Section 106: the Division of Archaeology and the Division of Historic Preservation. While the Division of Historic Preservation concerns itself with the National Register Program and effects on buildings and structures, the Division of Archaeology focuses on the potential existence of artifacts and human remains on a given site and mitigation of negative effects upon those archaeological specimens. Therefore, American Indian burial mounds fall under the jurisdiction of the Division of Archaeology.

Within, this Division, Louisiana's SHPO for archeology, employees spent most of their time reviewing and commenting on projects amounting to somewhere between 5,500 and 6,000 each year. The Director of the Division of Archaeology, Charles “Chip” McGimsey,<sup>253</sup> was ultimately responsible for all the discoveries of unmarked human remains in the state.

Chip described the Section 106 process to me in short:

So in its simplest form, basically the project comes to us for review. What we do in archeology is basically look at the project area to see: Has it ever been surveyed? Are there any known sites? Generally the answer is "no." And so then we make a professional recommendation of what we think the likelihood of sites is and whether we think a

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<sup>252</sup> § 800.2(c), Consulting parties, lists (1) State historic preservation officer; (2) Indian tribes and Native Hawaiian organizations; (3) Representatives of local governments; (4) Applicants for federal assistance, permits, licenses, and other approvals; (5) Additional consulting parties.

<sup>253</sup> McGimsey, C. (2015, June 26). Personal Communication.

survey of the property is warranted before it moves into construction...But we don't do any of the archeology ourselves...[The] agency that's doing the work is then responsible for hiring an archeological firm.

After the archeology firm surveys the land for artifacts, it sends a report to the federal agency sponsor, the SHPO, and the tribal historic preservation offices (THPOs).<sup>254</sup> The offices (federal agency, SHPO and THPOs) then submit recommendations in response to the archaeological report.

But that ensures consistency and that people do in fact provide the information that we need, because our responsibility is to say whether or not we're comfortable making a professional recommendation that there are no historic properties that can be affected by the project. Or if there are, the question becomes, "Are they eligible for nomination on the National Register?," because that's the criteria between what's important and what's not a priority.

McGimsey emphasizes that consultations between agencies and federally-recognized tribes is crucial in collecting geographical information. As the state-recognized tribes will show us in the following vignettes, however, the decision to give out information on sacred site locations is a controversial one. If they must disclose information which make them vulnerable to cultural resource desecration, is consultation worth the risk?

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<sup>254</sup> Another consequence of recognition classification is that usually only federally-recognized tribes will have THPOs. Tribes without federal recognition generally do not have these because agency sponsors and SHPOs are not required to consult with them. This means that non-federally-recognized tribes which wish to consult with agencies are often not equipped to fulfill administrative role required of federally-recognized tribes.

### ***Vignette 1: Knowledge Disclosure Concerns of the FPCC***

In the first vignette, we take a look at a tribal-agency interaction, noting the way in which representatives of non-federally-recognized tribes confide in a trusted agency leader. Leaders weigh concerns over their exclusion from Section 106 tribal consultations against their hesitations toward knowledge-sharing and fears of confidentiality breaches. How can we consult? Should we consult? The official then offers the non-federally-recognized tribes advice on how to engage with agencies while working around the legislation which dismisses them. What proceeds is a tug-of-war over information disclosure.



*Theresa Dardar of the Pointe-au-Chien Indian Tribe prepares a lunch on the shrimp boat for the annual Boat Blessing parade down the bayou.*

In 2012, tribal leaders from the smaller state-recognized tribes in coastal Louisiana came together to form an inter-tribal coalition they call the First People's Conservation Corps (FPCC). Kristina "Kris" Peterson, my mentor at the University of New Orleans,<sup>255</sup> who had founded the nonprofit known as the Lowlander Center, assisted in the organization and facilitation of meetings. By the time I had returned in 2014, I could tell that the group had evolved. Each board member now had a good sense of their responsibilities, and they began to write letters as an official organization to

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<sup>255</sup> Prior to the Lowlander Center, Kristina Peterson worked as a Researcher with the University of New Orleans Center for Hazards Assessment, Response, and Technology, and through a grant she hired me as a Research Assistant while I was a graduate student from 2011-2012. Chapter 6 more thoroughly chronicles Kris Peterson's entrée into the field.

comment on local processes. Tribal leaders represented the three communities of the Bilioxi, Chitimacha Confederation of Muskogees: the Isle de Jean Charles Band, the Grand Caillou/Dulac Band, and the Bayou Lafourche Band, plus the Pointe-au-Chien Indian Tribe, and another American Indian village in a neighboring parish.<sup>256</sup> The meetings tended to be small, with only ten to fifteen board members at any time, gathering once every two months in a different location to accommodate a different tribe each time.

FPCC provided a space for small, non-federally-recognized bayou tribes to compare experiences and workshop ideas pertaining to indigenous and environmental concerns to further their goals of adaptation. The group's intent was to give them a collective voice and empower them within the arduous political milieu. April 2015 proved an exciting and productive month for the board. For one thing, a tribal representative of the Pointe-au-Chien Indian Tribe, announced that FPCC's 501c3 status finally came through after months of waiting. This meant FPCC could apply for grants as a collective nonprofit rather than individually as tribes. The meetings also marked growth of Louisiana's indigenous networks. We had travelled a few hours north to induct another state-recognized tribe of mixed American Indian and African American descent.



*Randolph Joseph, Assistant State Conservationist of Field Operations, NRCS*

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<sup>256</sup> Grand Bayou was located in the neighboring parish of Plaquemines Parish. The Atakapa-Ishak are distinct in terms of ancestry, though they do share similarities in terms of indigenous environmental challenges.

Since the previous meeting, members of FPCC had been discussing impacts that coastal infrastructure and restoration projects had on their tribal mounds and sacred sites. Because they had no consultation with federal implementing agencies, they were unsure of how to proceed and make their concerns known. Luckily, they had Randolph Joseph. Randolph worked within the United State Department of Agriculture (USDA) Natural Resources Conservation Services (NRCS) as the Assistant State Conservationist for Field Operations and lived just over 100 miles west of New Orleans in Lafayette. Randolph attended almost every meeting. Just a couple of years prior, during one of their trips up north to an indigenous workshop, Kris Peterson and some of the tribal leaders had connected with an employee from the state of Wisconsin who had worked on a similar inter-tribal council consisting of federally-recognized tribes. Through his advice, some of the smaller state-recognized tribes of Southeast Louisiana formed a group and recruited the help of the local NRCS leaders. Since the formation of FPCC, Randolph and his colleagues John Boatman and Alton James had been engaging with the group on a regular basis.

Because the tribes had been concerned by the flurry of activity taking place in the coastal zone where the burial mounds and cemeteries were already eroding, they asked Randolph for his advice.<sup>257</sup> "I noticed in the minutes that y'all are going to write a letter to Kevin Norton, and I'd like to go back to that," he started.

People in the American Indian communities had been noticing structural work being done in the local bayous and within their general vicinity, but they did not always know specifically what these projects entailed and whether they might affect historically significant sites. The plan from the previous meeting had been to write a letter to the State Conservationist and member of

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<sup>257</sup> Joseph, R., Dardar, T., Peterson, K., & Anonymous Community Leader. (2015). Luling, LA.

the CWPPRA<sup>258</sup> Task Force, Kevin Norton, to ask for notice of federal projects taking place which could potentially affect cultural heritage sites in their region. An acronym for the Coastal Wetlands, Planning, Protection and Restoration Act of 1990, CWPPRA is the federal legislation and funding mechanism for coastal restoration projects. Restoration techniques under its umbrella span from "marsh creation and restoration, shoreline protection, hydrologic restoration, beneficial use of dredged material, terracing, sediment trapping, vegetative planting, barrier island restoration, and bank stabilization" as reported by the organization. Per the legislation, the CWPPRA Task Force is represented by leaders of five federal agencies<sup>259</sup> and the Local Cost Share Sponsor, the State of Louisiana. Each CWPPRA project has a federal sponsor; this agency guides participants through the Section 106 Process. The federal sponsor engages with federally-acknowledged tribes who claim interest in a parish where a proposed project exists.

"By law they're required to do that for our federally recognized tribes," Randolph prefaced, referring to federal agency's mandate to engage in a government-to-government relationship. "There's no law that says that we do that for local and state tribes; however, if you guys would write to Kevin Norton requesting that, I'm sure that he would kindly [inform you of] all of the [projects] the lead office does on the ground—any groundbreaking projects. We send it to the Tribal Historic Preservation officer (the THPO), and also the State, so it would be nothing more than sending a few more announcements."

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<sup>258</sup> Coastal Wetlands Planning, Protection and Restoration Act (Public Law 101-646, Title III CWPPRA) "is federal legislation enacted in 1990 that is designed to identify, prepare, and fund construction of coastal wetlands restoration projects." See <https://lacoast.gov/new/About/>.

<sup>259</sup> The five agencies represented by the CWPPRA Task Force included the U.S. Fish & Wildlife Service (USFWS) of the US Department of the Interior, the Natural Resources Conservation Service (NRCS) of the U.S. Department of Agriculture (USDA), the National Marine Fisheries Service of Department of Commerce (USDC), the U.S. Environmental Protection Agency (USEPA), and the U.S. Army Corps of Engineers (USACE).

Typically, a federal tribe employs a THPO to work with the State Historic Preservation Office (SHPO) and implementing agencies to manage cultural resource issues. When an agency embarks on a project, they notify the SHPO and THPO. Randolph had supposed that the NRCS, with only a small increase in effort, could also send information to those tribes without federal acknowledgement who had expressed interest.<sup>260</sup> Randolph was sure to temper their expectations and suggest that the consultation process can be overwhelming to tribes which lack resources to manage the workload.

Now, let me inform you. You're opening up an extra can of worms because on the average, some of these federal tribes—the recognized tribes—they're receiving probably thousands of letters every day, and asking for, 'Do you have an objection to this individual part of this practice?' By law, any federal project that we have, we have to at least inform the federally-recognized tribes that we are embarking on a groundbreaking project. Some of [the federally-recognized tribes] are saying, 'Oh too many. We don't want to do all of them.' So some of them have refined it to only a small area.

Here, Randolph had alluded to a resource problem that smaller, non-federally-recognized tribes tended to have. Unrecognized and state-recognized tribes tend to only have limited funding to hire individuals for tribal administration. Because they were not federally-recognized tribes, they had no access to federal assistance, and local tribal grants which were not restricted by federal status proved extremely rare, meaning they relied heavily on donations from members.

Additionally, they lacked the administrative training to which employees of federal tribes had access. As a result, the state-recognized tribes could potentially struggle with the workload

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<sup>260</sup> The NRCS, however, is only the federal sponsor for some of the coastal projects in the region, meaning other agency sponsors would not have their request for information regarding non-NRCS-sponsored projects unless contacted separately.

associated with tribal historic preservation. Randolph suggested, however, that they could scale down and only request notice about projects taking place in one of the parishes, thus reducing the amount of incoming project information.

Upon further thought, entering into government-to-government consultation with agencies may not be an avenue for their protection from resource desecration. Informational exchange may, in fact, put the communities in a more vulnerable position. FPCC members seemed less concerned about the burdens of managing incoming information and more worried about undermining their own power to self-manage by entrusting another authority with previously undisclosed information. An American Indian woman from a neighboring parish spoke up.

Well I know that there are some planned projects for our area—coastal projects—that will impact negatively our sacred areas. You know, one of the problems that we're having, I think, is making more people aware of where these places are. You know, it's kind of like, we've kept them secret for the most part. They found where they were, but I think they're coming out—just giving that information to a wider audience. You know, we're leaving ourselves open to more exploitation, so how do we counteract, you know, that type of problem in the process of trying to protect what's there?

Another community leader added, "See, just like us. We don't want anyone to know where our mounds are." Randolph Joseph addressed their concerns, noting that they could receive information from a certain region without pinpointing the exact location of significant sites:

And that's why you're going to receive that information. If your mounds are in a certain area, then you can say, "This is our area, and we want to know what projects that are in

this area, only in this area.” And we can do that. I’m sure it won’t be any problem. As far as for some of those major projects that some are talking about around the coast, it would be nothing for us to include the tribes in some of those because we do that anyway. But those are major projects. But if you want me [to include you in] everyday installation...

Randolph presented a hypothetical,

Let’s say John is on the phone in Avoyells Parish, and I’m in the office, and I want to build a fence, and so you would receive a request, a notice that a fence is being built at this latitude and longitude, this location. 'Do you have any problems with it?' So that's the kind of stuff you're going to get.

A woman—an active leader from a nearby indigenous village—added,

We get that now with our oyster lease,<sup>261</sup> cause the tribe we have oyster leases, so we get letters in the mail. We get a proposed crossing, and it will pass over your lease, that sort of thing. They have to inform us by law. If there's a project that's going to involve dredging, then they have to notify us that dredging will be within a certain parameter where the leases are located because the sediment is going to be suspended in the water column, so we get some of that already, but as far as the sacred sites, the mounds, there has been activity out there. Of course, you know, we kind of put a stop to it. But some of the projects that are proposed for the coast are not being federally recognized, we have a fight on our hands.

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<sup>261</sup> An oyster lease is a 15-year agreement between the State of Louisiana and a lessee to rent out a portion of the public water bottom for oyster farming/harvesting. Oyster harvesting is a significant lifeway for many families within these American Indian communities and other non-indigenous locals. The Department of Wildlife and Fisheries estimated in 2017 that Louisiana’s 8,040 oyster leases cover 403,000 acres. Oyster harvests are threatened by the dredging (the clearing/excavation of sediment) of the water bottom and by river diversions because suspended solids and reduced water salinity levels compromise their chances of survival.

"Well we don't have a ridge restoration," said another community leader.

The woman answered of her own village, "The ridge and the projects are right on it."

Randolph reiterated,

We would only have access to the projects that we're involved in as federal sponsors. If it's by the Corps of Engineers and they sponsor a project, then we would have no control to notify anybody. That would be the Corps' responsibility. So why don't we do, again, an addition to the minutes. Why don't the FPCC write a letter to the [CWPPRA] Task Force requesting notification for major projects going on in the coastal zone in these areas. Now that's something y'all can do too. The Task Force will give you a map. Then you'll get notice from all agencies—not only NRCS.

Kristina Peterson jumped in, helping to facilitate the discussion,

Let me ask a question. About a year or two ago, remember when the barge came in and put that oil rig and everything in right by the cemetery? You had no knowledge of that. It was just all of a sudden there...

A community leader confirmed,

They just didn't let anybody know about like, what they did on the Island.<sup>262</sup> The right side or left side of Island Road, all these little levees. They're making a bunch of little levees in Point au Chien now, but that might help, you know, break the little waves.

They're not high. And they're making a lot of them, but we didn't know about them either,

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<sup>262</sup> This person had referred to Isle de Jean Charles, "the Island," located in the southern-most region of marshland in Terrebonne Parish, connected to Pointe-au-Chien by a single road.

but that's ok because we think that that's going to protect. But they don't let the community know that they're going to do that.

Randolph said, "I think that it would be appropriate for the FPCC to write a letter to the Colonel of the Corps of Engineers who is the Chair of the Task Force."

The indigenous woman from the neighboring village said,

And it'll benefit them because it's less of a pushback. You know, they're not trampling on sacred sites, even beforehand, even if they knew beforehand that we have an issue with this, maybe we can have a conversation to like, take the head off of it in these moments because we've had intrusions already. Well, let's just say that.

At the FPCC meeting, tribal leaders had requested information, and Randolph as both an agency leader and liaison for the inter-tribal group, had encouraged that they pursue that information. However, as noted in the dialog above, tribal leaders also expressed hesitation in giving particular types of information, especially pertaining to sacred locations. Already, one FPCC member claimed to have had an experience with



*Through Coastal Wetlands Planning, Protection and Resrotation Act funding, the federal, state and parish governments implemented terracing, a series of small earthen levees in the marshes for protection from erosion. These are located adjacted to Island Road, in Pointe au Chien/Isle de Jean Charles.*

exploitation and theft. Here, we see that tribes are seeking control over their own cultural resources and knowledge. They advocate that agencies provide information to them, while the tribes maintain discretion over their own information. This can be seen as a strategy among

indigenous people who resist usurpation of power by the state.<sup>263</sup> Randolph seemed relatively optimistic that the NRCS, at least, could accommodate their needs. I would soon learn that not everyone expected that this proposal would be simple. My next investigation revealed limitations of tribal-agency communication where non-federally-recognized tribes are involved.

### ***Distrust and Legal Classification as Constraints***

Intrigued by the institutional complexity of the sacred sites preservation issue, I set up a conference call with Kevin Norton, State Conservationist, Britt Paul, Assistant State Conservationist who manages the NRCS Coastal Resources Program, and Randolph Joseph.<sup>264</sup> Kevin assured me that the FPCC could and should engage with agencies, but that these processes would not be the same sort of consultations in which the federally-recognized tribes would take part. First, agencies had no official direction on how to engage with non-federally-recognized tribes, and secondly, these tribes have no rights to proprietary information disclosed in the Section 106 tribal consultations:

We really have no legal framework to engage in consultation with the [FPCC],<sup>265</sup> but they certainly can let us know if there is [a project] of interest to them, and we can have discussions, but you know, we're bound by confidentiality in two respects: One is in our agreement with the SHPOs and with the THPOs not to disclose anything we learn in our cultural resource process, so we're bound by that, and we're really pretty tight about that.

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<sup>263</sup> Scott (2009) describes how the indigenous people of the Zomian highlands used of *nonliteracy* or *orality* as a "positionality" against state power (221). He posits that not having written text or a recorded history is advantageous in that it provides more room for cultural maneuver (234). The relative permanence of written texts is a key disadvantage. If a written text is discovered, its orthodoxy becomes possible.

<sup>264</sup> Norton, K, B. Paul, and R. Joseph. (2015, June 15). Personal communication.

<sup>265</sup> He mistakenly said "First Peoples" instead of "FPCC." He is referring specifically to the inter-tribal consortium of state-recognized tribes, the First People's Conservation Corps (FPCC). "First People" is general a term for indigenous people.

I don't know why the [FPCC] have such great reservation about engaging with the SHPO. They're really pretty tight-lipped about what they know.

But then the other part is that, we have confidentiality connected to our client in the work that we do with our client, so for us to share information with the [FPCC]—the state-recognized tribes and those that are not yet recognized by the State—we would be breaching confidentiality by sharing with them the kind of work we're going to do, and asking if there are any potential sites there.

Kevin Norton was alluding to a concern that the USDA-NRCS had as the federal sponsor. They are compelled by law to engage with federally-recognized tribes, but they are not legally mandated to enter into consultation with non-federally-recognized tribes, leaving somewhat of a grey area as to how they legally can and should engage.

Policies regarding inclusion of other parties are not a cut-and-dry. Some best practices for Section 106 do recommend consulting with tribes without acknowledgement.<sup>266</sup> The Advisory Council on Historic Preservation<sup>267</sup> says that other individuals and organizations may participate with the approval by the responsible federal agency. The THPO should be consulted about this decision, but the federal agency makes the final decision. These resources suggest room for improvement regarding inclusive consultation with non-federally-recognized tribes. Nevertheless, cultural resource managers in Louisiana are still grappling with many challenges and have not yet been able to successfully facilitate such a consultation process.

By law, the agency official must ensure that notice and information regarding project locations and their effects on historic properties goes out to the public for comment, “except

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<sup>266</sup> e.g., King 2000

<sup>267</sup> ACHP 2010: 15-16

where appropriate to protect confidentiality concerns of affected parties.”<sup>268</sup> If state-recognized tribes want to be informed about projects undergoing Section 106 review, they may regularly monitor individual federal websites and read newspapers for public notices and attempt to interpret, through agency jargon, the potential impact of the project upon the tribe’s cultural resources. (They have had little to no luck with this approach.) They may then submit input to the sponsoring agency in the form of a public comment; however, they have no official channel through which they may hold a tribal-agency dialog which involves proprietary information.

Information disclosed to agencies by federally-recognized tribes, however, is subject to confidentiality regulations under § 800.11(c)<sup>269</sup> and Section 304 of the NHPA, meaning the Secretary of the Interior has discretion to determine that a tribe’s proprietary information must be publicly withheld. This information cannot be shared with non-federally-recognized tribes. While respecting the confidentiality of indigenous communities is important, withholding of information from non-federally-recognized tribes has ramifications when tribes claim the same cultural resources as their own. If federally-recognized and non-federally-recognized tribes both have an interest in protecting the same American Indian burial mound, the non-federally-recognized tribes could not be sure of what, if anything, has been disclosed to an agency by other consulting tribes. Unrecognized tribes may not even know if a particular cultural heritage site is on an agency’s radar, or if it is in danger of being desecrated. Their option, in this situation, is to share information without receiving much information in return.

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<sup>268</sup> § 800.2(d)(2) Providing notice and information

<sup>269</sup> § 800.11(c)(1), “Authority to withhold information. Section 304 of the act provides that the head of a Federal agency or other public official receiving grant or ownership of a historic property when disclosure may cause a significant invasion of privacy; risk harm to the historic property; or impede the use of a traditional religious site by practitioners. When the head of a Federal agency or other public official has determined that information should be withheld from the public pursuant to these criteria, the Secretary, in consultation with such Federal agency head or official shall determine who may have access to the information for the purposes of carrying out the act.”

Kevin shares a commonly cited agency perspective that American Indians should share knowledge pertaining to cultural resource sites because knowledge-disclosure provides the community a seat at the regulatory table while providing helpful information which improves the decision-making process and outcome.<sup>270</sup>

For us, I'll just be straight up. Their best option is to engage. Many of these are state-recognized, and for them to engage in an agreement with the SHPO, so they're aware of the areas of interest that they have as a tribe... When we began to explore the opportunities to do work in those areas, they're passing information back to us that elevates the cultural awareness or the need for a little bit deeper look of where we're working, what we're going to do, and particular impacts on cultural resources.

And the SHPOs know. They're the keeper of that. They really are. I mean, they're bound by law not to disclose that information, so it's protected. There's always a trust factor. You know, with the American Indian community and tribes, there's always a trust factor. I can't solve that as an individual or as an agent, but at some point, you know, if you need [to be] protected, you [need] to work with the agencies responsible for maintaining the inventory and issuing the appropriate clearances or requesting evaluations, you know, that actually direct us in regard to cultural resources.

A latent negotiation reveals itself. Each group, the agency and the tribe, has requested that the other trust their discretion to make the right choices given the information they receive. Each group wanted to receive information while retaining the option to remain tight-lipped if an

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<sup>270</sup> See Amberson 1999 and Eitner 2014, who both go on to explore how agency-tribe consultations do not always benefit tribes. Their proprietary knowledge is not always protected from public disclosure (e.g., through the Freedom of Information Act) and agencies are not accountable for ensuring the outcomes have been in consideration of the tribes' input.

occasion called for it. The federal agencies are constrained by policy; the tribes without federal recognition are constrained both by their tribal classificatory status and memories of trust violations. As the next section will explain, beyond written classificatory systems, even written historical records can place non-federally-recognized tribes at a disadvantage by limiting their ability of “cultural maneuver.”

### *Literacy as a Constraint*

During the FPCC meeting, while the officers were going over new business in the agenda, Randolph had brought up the possibility that the NRCS would hire their own full-time archaeologist. With reservation in her voice, a woman had referred to a recent instance when an archaeologist absconded with unearthed Indian artifacts. The case went under FBI investigation, she explained. While Randolph assured her that anyone working with the NRCS would be a federal employee and by law could not touch the remains, she responded, "Well [he/she] couldn't either!"

Whether they explicitly realized it or not, the tribal community leaders were following in the footsteps of indigenous societies across the globe who have fled from state-making projects, in part, by protecting their information from recording. The settler-state has a long history of weaponizing text recordings against indigenous communities to limit their political and cultural mobility,<sup>271</sup> and the local tribes had already experienced this phenomenon. The state-recognized

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<sup>271</sup> The example covered in this chapter has been the settler-state's (U.S. government's) use of historical and genealogical records validates and invalidates American Indian tribes in accordance with the government's image of Indian-ness. Cultural mobility is reduced by the government's expectation that acknowledged tribes trace themselves back to the way they were in “historical times,” with all that implies. To add another example, the Termination Act of 1953, terminated the federal recognition status of tribes to lower the financial burden on the Bureau of Indian Affairs, end reservations, and promote Indian assimilation. Terminated tribes often disbanded, their land was sold, and their indigenous rights were extinguished. A survey of Indian reservation, taken in 1943, exposed poor living conditions of some tribes. The record was used to rationalize that some tribes would be better off without the BIA. In the 1950s, the status of 109 nations was terminated. As a result, terminated tribes were crippled by a poor economy and a lack of access to healthcare and good education.

tribes, not considered by the federal government to be sovereign nations, were once stateless, self-sufficient, and nonliterate prior to their colonization; but over time, the United States incorporated them into its subject population by ridding them of those advantages which enabled them to evade state appropriation in the past. Among those lost advantages was their illiteracy, which has been more accurately re-termed nonliteracy,<sup>272</sup> aliteracy,<sup>273</sup> and postliteracy,<sup>274</sup> by scholars who reject its stigma and recognize its strategic power.

James C. Scott (2009) describes how the anarchist, indigenous people of the Zomian highlands used of *nonliteracy* or *orality* as a "positionality" against state power.<sup>275</sup> He posits that not having written text or a recorded history is advantageous in that it provides more room for cultural maneuver.<sup>276</sup> The relative permanence of written texts is a key disadvantage. If a written text is discovered, its orthodoxy becomes possible, privileging literate elites who can verify spoken accounts through the authoritative, written text.<sup>277</sup> Furthermore, Scott explains that some texts, "created in a particular historic context" are "'interested,' historically positioned texts." If a group's situation changes, and the written account becomes inconvenient, the text may be

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<sup>272</sup> Scott (2009: 221): "I have chosen to use the term *nonliteracy* or *orality*, in preference to *illiteracy*, to call attention to orality as a different and potentially positive medium of cultural life as opposed to a mere deficiency."

<sup>273</sup> According to Nicholas Tapp (1990: 124), and paraphrased by Scott (2009: 387), alliterate is a term for people who lack writing but know of writing and texts.

<sup>274</sup> Leo Alting von Geusau (2000: 131) argues that many people are not *preliterate* but *postliterate*. Quoted in Scott (2009: 220).

<sup>275</sup> Scott 2009: 221

<sup>276</sup> *ibid*: 234

<sup>277</sup> Scott (2009: 227-228): "Once there is a text as an indisputable point of reference, it proves the kind of yardstick from which deviations from the original can roughly be judged. This process is most striking when the text in question has been deemed authoritative. Let's say a text asserts that X people originated from a particular place, fled from unjust taxes of a particular lowland king, followed a certain itinerary, worship particular tutelary spirits, and bury their dead in a certain way. The very existence of such texts has powerful consequences; it facilitates the development of an orthodox, standard account. That standard account can be learned directly from the text, and this fact privileges that class of literate scribes who can read the texts. Any subsequent account, depending on its fit with that standard account, allows various degrees of heterodoxy to be inferred. By contrast, debates in oral cultures about whether such-and-such a spoken account is credible cannot be referred back to an authoritative, written text."

difficult to destroy. “It is easy to see that, over time, a fixed account can become as much of a trap and impediment as an instrument of successful diplomacy.”<sup>278</sup>

As it was true for the lowland elites of Upland Southeast Asia, the American colonists also viewed illiteracy as a condition of barbarism. In the bayous of Louisiana, oral traditions and American Indian languages eroded with the imposition of the Indian schools, which enforced the English language and book learning. The American Indian-Cajun-French dialect is now all but lost to the newer generations. While the legacy of the education system destabilized their linguistic traditions, historical writings documenting the people has placed them at a disadvantage. Not only were historical accounts often written with dubious accuracy by non-indigenous elites (explorers, missionaries, ethnographers, etc.), but the existence of the text now empowers outsiders to interpret the written account in any one of many ways. The multiple interpretations of ethnologist John Swanton’s work, described in the last chapter, is case in point. Genealogical interpretations, based upon convoluted and even conflicting writings, reorient the population’s self-image and can induce political conflict whenever asserting a particular identity better positions a group for sovereignty. Faulty census records and land titles, as discussed in chapter 2, have led to the indigenous community’s loss of property and a more difficult fight for federal acknowledgement.

Many societies have been aware of literacy’s treacherousness and sought to maintain orality. James C. Scott notes that in postliterate societies which have abandoned their writing traditions (both in the Malay world and in Europe), oral legends often account for why they no

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<sup>278</sup> *ibid*: 228

longer write, linking writing with betrayal, trickery, and carelessness.<sup>279</sup> Many of these groups were once politically incorporated under literate elites, but later fled to isolated regions, and their writing traditions were abandoned. One potential explanation for their loss of literacy, as Scott posits, is that societies can then decomplexify their social structures in favor of mobility. When they abandon the state and its bureaucratic routines, the prestige and incentives to be literate diminish. We take away from these postliterate anarchist, indigenous societies that text is a building block of the state, and that writing affords societies less mobility. For Louisiana's state-recognized tribes, incorporation into a literate state has locked them in place at a time when they desperately need to be mobile and relocate. Their mobility is bounded by written histories, codified racial classifications, and land use regulations.

Kevin Norton later concluded that indigenous people's distrust in agencies is "a significant obstacle to overcome," and that "the lack of trust comes from American history." He referred to the country's legacy of colonization: "The historical records document the abuse and the violation of treaties, and a whole lot of other things that went on with the American Indian people." The women of the FPCC, however, had not linked their suspicion toward government to historical violations of trust, though Kevin is certainly accurate about history's role in cultivating distrust. They had referred to present violations of distrust (e.g., a lack of involvement in their own cultural resource management, archaeologists desecrating burial mounds, etc.). From the perspective of the unrecognized tribes of the FPCC, their problems will not be solved by simply

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<sup>279</sup> To excerpt one of many of Scott's (2009: 222) examples: "...Another Wa story relates that, as the original people, they had a trickster genius, Glieh Neh, who sent all the men off to war while he stayed back and made love to all the women. Caught and condemned, Glieh Neh asked to be drowned in a coffin with all his musical instruments. Cast adrift, he played so beguilingly that all the downriver creatures helped set him free. In turn, he taught the lowlanders all his skills, including that of writing, and the Wa were left illiterate. Writing is, for the Wa, associated with the trickster figure; the word for writing is the same as the word for trading and implies deception and cheating."

learning to place trust in the government. They must deliberate on each and every aspect of tribal-agency communication, determining whether the disclosure of any piece of information is worth the risk of exploitation. To complexify the situation further, they find that even when they do determine tribal-agency engagement to be worth the risk, and even when non-federally-recognized tribes do try to consult with cultural resource managers, competing federally-recognized tribes may shut them out due to their lack of status.

***Vignette 2: The Texaco Discovery Pipeline***

Chip McGimsey, Director for the Division of Archeology, allowed me to glimpse the tricky nature of the Section 106 Process where tribes without federal recognition reside. He recalled the agency challenges where issues of ethnic legitimacy arise. When tribe's identity has not been confirmed by the Bureau of Indian Affairs, with no consultation guidelines for non-federal tribes on the books, agencies must maneuver their interaction delicately, if at all.

I do most of the tribal consultation. We work very frequently with tribes on sites, and particularly I deal with them a lot with unmarked human burials. Whenever there's an inadvertent discovery of human remains, the odds are pretty good it's going to be Native American. So through the state law that applies, I deal with tribes on what we're going to do.

There are 12 federally-recognized tribes that have interest in the state, and we primarily deal with the federally-recognized ones because Section 106 only deals with federally-recognized tribes. State-recognized tribes have no authority under federal law...There is no State 106 process.

McGimsey had just illuminated the hole that exists in American Indian policy. No parallel framework exists to accommodate tribes without federal recognition, further limiting the power

that tribes can have without receiving ethnic legitimization from the federal government. Without this rubber stamp, they cannot discuss project locations in relation to sacred sites under the same confidentiality agreement that federally-recognized tribes had. State-recognized tribes would essentially fall into the category of an "other party" and participate by submitting public comments. Because no mandate was on the books with respect to the state tribes, I wondered if he even had experience working with them at all.

Is there a difference in the way you interact with federally recognized versus state recognized tribes?

You know, there is a great deal of difference. Because of the nature of most of what we're involved in is 106, we deal with federally recognized tribes, and trying to mix the two can get complicated because most—I wouldn't say all—but many federally-recognized tribes are not comfortable being at the table with state-recognized groups because they don't recognize them as legitimate tribes, and they are not at all comfortable essentially having them at the table and having them assume equal responsibility and rights towards things.

In a federal-tribal relationship, the government is in a position of authority over the “domestic dependent nations.” The federal government must “act in good faith” and “for the benefit” of the tribes. Tribes who acquire federal acknowledgement gain the rights to negotiate with states, open casinos, access health and welfare benefits,<sup>280</sup> and access federal and state support programs. They have the right to form their own governments, to create and enforce civil and criminal laws, to tax, to determine and manage their own tribal membership, to impose regulations within their reservation, to zone, and to exclude people from their jurisdiction.<sup>281</sup>

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<sup>280</sup> See Stokes 2012: 64.

<sup>281</sup> See the U.S. Department of Indian Affairs-Frequently Asked Questions.

Specifically, with reference to agency-tribal consultation, federally-recognized tribes have rights to a direct discourse with agencies. They have rights to confidentiality—meaning that a federal agency or public official “shall withhold from disclosure to the public information about the location, character, or ownership of a historic property if the Secretary and the agency determine that disclosure may (1) cause a significant invasion of privacy; (2) risk harm to the historic property; or (3) impede the use of a traditional religious site by practitioners.”<sup>282</sup>

Though not required to provide information to agencies by law, federally-acknowledged tribes view the protection of their cultural resources and sacred sites as their responsibility and often enter in consultation with agencies at least to some extent through the Section 106 process. Chip McGimsey is describing their discomfort in taking on this perceived responsibility alongside tribes which do not have federal recognition status.

I presented a hypothetical: "So let's say you wanted to contact state-recognized tribes. That would cause some sort of contentious...?"

Chip jumped in:

It can get very tricky. So in the Section 106 process, there's a public outreach component and anyone's encouraged and enabled to comment on the project. The federal agencies are supposed to conduct or allow the opportunity for the public to comment. They do have to specifically consult with the SHPO and federally-recognized tribes, but you know...They are supposed to post public notices of all their projects, which they generally do on their website. You know, and anyone can comment. So state-recognized tribes can

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<sup>282</sup> 54 U.S. Code § 307103 and 36 CFR § 800.11(c)(1)

participate in the 106 process as an "other" party, but they don't have anywhere near the same rights and responsibilities that federally-recognized tribes do.

According to the regulations,<sup>283</sup> the State and Tribal Historic Preservation Offices (the SHPO and THPO) have the authority to determine which organizations and individuals have the right to participate in consultation under these particular terms and regulations. The Agency Official has the right to choose whether to include an "other" party by their request. As McGimsey explained, however, doing so has been tricky for all involved. The following example illuminates this sort of complexity.

### *Seeking Resolution through the Courts*

Sometimes, when archeologists find indigenous remains, the archeologists may not include tribes without federal acknowledgement in the full consultation process to the same extent as federally-recognized tribes. This not only causes non-federally-recognized tribes to take exception to their exclusion but to take legal action. The memories of one particular lawsuit seemed to define the experience of exclusion and lack of control for the United Houma Nation almost twenty years later.

In 1997, in the community of Larose on Bayou Lafourche, Texaco constructed a coal gasification plant and placed a pipeline, The Texaco Discovery Pipeline, in what was deemed a high probability area, or an area with an increased likelihood of containing "prehistoric" archaeological artifacts. The company employed an archaeological firm to survey the area and work with the State. "We found a number of burials associated with it. There was no mound. They were just in the village area," Chip McGimsey explained. [The archeologists] were

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<sup>283</sup> § 800.3(f). Identify other consulting parties.

looking at a Plaquemine Period site. Through radiocarbon dating, archaeologists found that it was from the 1200-1300 A.D. range. What happened next was what a representative<sup>284</sup> of the United Houma Nation (a tribe without federal recognition) called their "worst disappointment with respect to burial mounds."

A representative for the (federally-recognized) Chitimacha Tribe<sup>285</sup> said,

The archaeological firm knew the history of the area and reached out to us, and that village was documented to be a Chitimacha village on old maps from 1315 to 1500, and we did work with the company. And the landowner donated a portion of the property for us to rebuild the burial mound down Little bayou from where the pipeline needed to go.

She had explained that the leaders of the Chitimacha and United Houma Nation had met to discuss the reburial and that they had initially agreed that these were Chitimacha remains. The Chitimacha Tribe did not expect the United Houma Nation to claim the remains.

The representative of the UHN, however, claimed "they contacted the Chitimacha after they came into conflict with us." He spoke of what happened when the archaeological firm reached out to them first despite the fact that they were not obligated to do so by law.

They told us they found three remains. The description the anthropologists gave was, they had determined they were historic, so they said, well obviously it's a tribal group of indigenous people—prehistoric indigenous people who must have died and moved outside of the area. And they said, you're the tribe of the area, so we want to invite [you].

Because you know, they're doing it out of the goodness of their heart, because they're not

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<sup>284</sup> Anonymous. (2015, August 3). Personal Communication.

<sup>285</sup> Anonymous. (2016, March 17). Personal Communication.

mandated by federal regulations to deal with the local tribes in this situation. So they designated us as the tribe to deal with. So we became involved.

So in a matter of, I don't know if it was weeks. It wasn't that long. A week or two at most, we found out that it wasn't only three individuals. It was thirty plus individuals. We found out it was a burial mound, and when we found out, they had already dug them all up and sent them to a lab in Mississippi for examination. So we immediately... You know, it's like, 'No, put them back in the ground where you got them from.'

And so we of course, you know we discovered the process. This was a subsidiary of Texaco at the time. So we immediately went into conflict, and so it ended up in federal court. And even though they initially contacted us and brought us in, we ended up in federal court. The decision of the judge was, you're not a federally-recognized tribe. You don't have any standing in this court. And so the Discovery Gas was able to do what they wanted to, which was they hired a couple pseudo-Indians, is a nice description, who performed the ceremony and they buried them offsite. Just, they got them out of the way, which is what they wanted, and so no, I haven't had any good dealings with remains.

As McGimsey explained, the ruling reinforced their relegation as a tribe with lesser power:

And the Houma sued in federal court, saying they should be part of that process. You know, that arguably, those were their ancestors, and unfortunately, I think, for them, they lost significantly. The judge wrote a fairly scathing commentary, saying they have no standing. And it wasn't that he was necessarily saying those are not your remains. He was just pointing out that under the law, 'You can't participate in this.'

This story only reinforces the notion that the ethnic legitimization of American Indians via the U.S. government, is the only legally-protected pathway to management of American Indian lands. Even indigenous communities who resist the federal acknowledgement process as a way to evade government domination cannot escape the implications of the classification scheme's existence. Section 106 is a reinforcer of dispossession, in large part, because it divorces non-federally-recognized tribes from their cultural resources.

### ***Continuing to Struggle with Inclusion***

The previous vignettes have suggested that a lack of federal recognition means that some tribes have no recourse to their exclusion and cannot access the Section 106 process unless participating federally-recognized tribes accept their involvement, further reinforcing the hierarchy of power (unrecognized, state-recognized, and federally-recognized) created by the BIA's federal acknowledgement classification scheme. Even though local indigenous communities are working toward the same goal, the protection of eroding burial mounds, their competing claims over the same ancestral sites limit their ability to work together.

The need for a massive overhaul of the FAP, as discussed in the previous chapter, is again highlighted. However, even within the existing institutional framework, cultural resource managers do have the opportunity to explore options to foster collaboration between federally-recognized and non-federally-recognized tribes. For example, if state practitioners were to get competing groups into the same room to mediate enviro-ethno-political conflicts prior to official indigenous-state consultations, perhaps federally-recognized tribes might find value in the inclusion of others, because they may have additional observations to share regarding the condition of cultural resources. Even if they do not come away from mediation acknowledging or validating the ancestral claims of the others (a realistic possibility), an increase in the sharing

of pertinent information between state and community would be beneficial to the collective goal of protection. If facilitators could help rival groups to explore their shared interests in protecting the sites they claim, rather than their positions regarding the claims themselves, perhaps they could prevent the sorts of impasses exemplified thus far in the chapter.

Nevertheless, the state tried once more to invite the local non-federally-recognized tribes to an official indigenous-state consultation process without prepping groups to work together or address existing inter-tribal tensions. This time, they are asked to leave as soon as they arrive, and there is no appeal to the courts. The following vignette will show that state-recognized tribes may quietly acquiesce to their exclusion from tribal consultation without seeking legal intervention, but the results are the same. The continuing impasse emphasizes a need for change in the way we practice indigenous-state planning and management. Merely facilitating consultation processes by the book and in accordance with federal mandates is not enough to ensure that cultural resources are protected.

### ***Vignette 3: The BP Oil Spill Cleanup***

McGimsey continued to illuminate the challenging exchanges that can come from initially including tribes without federal acknowledgement in the Section 106 process. This time, the tribe (a different tribe than the one in the above example) did not sue. They complied and stepped out of the picture, but years later expressed that they felt slighted because the government stopped consulting with them on work taking place in the marshes which had been inhabited by their ancestors.

When the oil spill happened, there was a whole series of consultation meetings—large consultation meetings...This was just about how the response would go. And one of the early ones, I actually organized...

Well how was that meeting organized? What did you all do?

Well, as I say, the federal agency is supposed to consult and when you have lots of priorities like that, a lot of times it's easiest to get everybody in a room together and present all the information to get feedback from people. In addition—and this is where we'll get a little bit into the weeds of the 106 process—when you have a large project... Say for example, somebody wants to buy 2,000 acres down here on the Mississippi River to put up a chemical plant, that's going to take a long time, and you're not going to use the whole property at once and whatnot, and so typically what happens is we will sign what's called a programmatic agreement early on in the process.

It's a legally binding document which the client and the federal agency and our office and the tribes all sign, and it basically says, these are the things we all agree are going to happen to address cultural resources. These are the steps that are going to be taken, and you know, we have an agreement as they do things, [on] the appropriate steps [that] will be done—the fieldwork [that] will be done or reports or whatever...

Prior to more in-depth discussions about the response plans and procedures, participants were still preoccupied with the effects of the oil itself, even if the effects of oil on sites and artifacts did not lie under the legal purview of Section 106.

That particular meeting, there was an initial presentation on what had been done to that date in terms of addressing cultural resources and the spill, and response. The specific goal of that particular meeting was really to talk about potential effects to submerged sites.

But in the early days, we were still talking about the oil, so the concern was that you have, because Louisiana shoreline has changed so much that you have a lot of ground that, you know, even a hundred years ago or three hundred years ago was above water and people were living on and creating sites, are now submerged, and if you have oil underwater and dispersants, that they're going to get onto, you know, the shell matrix or the cemetery or whatever. And some of us felt that we should have a discussion about that, and so that was the theme of the particular meeting that the state tribes were invited to because I knew that they were in that area, like the Isle de Jean Charles, and even they know that some of their historic sites, fifty years ago were underwater...

So there was an attempt in the early days of the oil spill to draft what's called a programmatic agreement. The Coast Guard was the one to handle [Section] 106, and this was one of the consultation meetings we had. I guess we ended up having half a dozen or so. In the end, the whole process failed. That may have been the second major consultation meeting we had was when the state tribes were invited.

Though McGimsey had invited them, considering they might have a significant interest in the cleanup and the artifacts unearthed in the marshes of Terrebonne and Lafourche Parishes, the gesture backfired.

I invited the state recognized tribes, all the ones you mentioned, and some of them came, and nothing was ever said specifically to me, but I know that, in fact, the federally recognized tribes who participated in that meeting objected and basically told the US Coast Guard, who was the federal agency, that they should not be invited again. And that was the only time the state tribes were invited and the only time any of them came.

And they weren't too happy? I ventured to guess.

Well, the federally recognized tribes were not happy. The state recognized tribes, I think, were very interested.

Once invited by the state agency, however, they were quickly asked to leave by the federally-recognized tribe.

### ***Un-Invited to the Table***

A member of the Pointe-au-Chien Indian Tribe remembered stepping down after being asked to represent the tribe during the BP cleanup. HDR, an engineering and architecture consultancy firm with a sub-specialization in oil and gas management, had hired this person to assist in the search for artifacts.

Well we went out of Leeville to Timbellier Island, and I was told that if there were any remains, artifacts that were found, you know, that I could stop the operations. And I don't remember if I was there when they found the remains, but I only worked—like I started working in November and then they told me I had to stand down like at the end of November, and it was because the federally-recognized tribes didn't want me there anymore, so I couldn't work through HDR, which was a company that had hired me to go work as a community monitor, which was to oversee in case I found Indian artifacts.

The Coast Guard asked the Pointe-au-Chien representative to step down because federal tribes felt her presence was inappropriate as she represented a tribe without federal recognition. The representative of the Chitimacha Tribe recalled that

different parts of the Coast Guard involved, I guess, the state tribes, but I think that was because one tribe was claiming some Chitimacha sites and wanted to be out on the beach,

and that landowner was an amateur archeologist—well not the landowner, the landowner representative—was an amateur archeologist and he knew the history of the area, and that it wasn't consistent.

So the representative of the Chitimacha Tribe had revealed that while the Coast Guard had invited the Pointe-au-Chien Indian Tribe into the process initially, an archaeologist employed by the landowner had determined that the artifacts belonged to the Chitimacha. Accordingly, the Coast Guard received the message that the state-recognized tribes were not to be involved. Agencies had a fair amount of flexibility in determining who has a voice as it pertains to particular sites and artifacts. But how can an agency make such a determination about indigenous claims.



*Melissa Viguerie takes a boat ride through the bayou with a group during the Pointe-au-Chien Indian Tribe's Culture Camp during summer of 2015.*

### ***Whose Mound is This?***

I wondered how archaeologists know to which tribes the burial mounds belong. Chip McGimsey explained,

Through archaeological means, particularly if we have the opportunity to use radiocarbon dating, we can tell you within 100 years how old a site is. What we can't tell you is who built it [or] who the descendants are, because if you look at the kinds of artifacts archeologists find, we find projectile points of certain styles or shapes that change over time, and you know, you have decorated pots. Designs on the pots change over time. But what you'll find is those designs, particularly on ceramics, [is that they] span all the way

from Venice to Memphis. You can find the same design on a pot for the same period of time.

It's unrealistic to expect that all of those people consider themselves part of the same social group. Designs have—there may very well have been subtle differences between them. If you have a whole pot, you can see the whole design, you might be able to tease out different varieties which reflect—which maybe reflect social groups. But it could just as easily reflect personal preference, just a style thing, and you know, that's not tied to a social meaning.

I mean one way to think about it is just look at modern culture. You have a computer. I'd be willing to bet most of the parts are not US made. Or if you look in your house, what is in your house today that would tell somebody, even if they could see everything, that you are an American and not a Mexican or a Brit or a Chinese? There are not many things materially which tell somebody which social group you are a member of. Even most religious symbols. Every Christian could wear a cross, but that doesn't tell you whether they're Catholic, Baptist, Protestant, Mormon. You could even be Jewish, potentially. You know, so if you start thinking about material culture, which is what archaeologists look at, the kinds of things that will tell you ancestry in a social group are subtle, and since we don't have any other records, we don't know if we're seeing something that means membership, or simply reflects some other value.

The unavoidable uncertainty extant in archaeology still left me to question how one would know which artifacts belong to whom. In other words, beyond using federal acknowledgement as a tool to rule out certain parties from the consultation process, how did he know which groups to contact? How can he be sure he is consulting with the real ancestors? I asked,

So say you stumble upon some site, how do you know who to call and say, "Is this your mound?"

Well, what we have on our website, I can show you if you're interested, is, all of the federally-recognized tribes of Louisiana have identified the parishes which are of interest to them. That's something they have to self-identify. Particularly if we find human remains within a particular parish, then I contact all of the tribes who have indicated they have an interest in that parish. Now, a lot of the federally-recognized tribes we deal with only came here in the historic period, meaning they're part of the massive shove west that started happening in the 1600s, so a lot of the Choctaw, the Coushatta, the Muskogee-Creek, the Seminole, you know, those are all groups that were not here at first European contact. They all immigrated or migrated or got shoved or transported through Louisiana.

The groups that were here historically that are federally-recognized are the Chitimacha Tribe of Louisiana and the Caddo and to a certain extent the Tunica-Biloxi, although they weren't really in Louisiana proper until the late...mid-1600s, but they may have very well had groups here. So, obviously the Houma were here. All of the European accounts talk about them, so they unfortunately just have not been able to meet the BIA criteria yet, despite several applications.

So what usually happens, if we find human remains in a parish, and we can make an argument that they're prehistoric in age, most of the tribes will bow out and will defer to one of the others. They usually will talk amongst themselves, and one of them will take the lead.

I asked for clarification:

But say there's a sacred site in Isle de Jean Charles or Pointe-au-Chien, and you of course couldn't save it, but if you could, how do you know if it's the United Houma Nation's or the Pointe-au-Chien Indian Tribe's or the Chitimacha's?

There's no way to know. Unless you know one of those groups can provide oral history that they were there...and as I say, occasionally conflicts can arise.

While the problem of exclusion seems to lie with Section 106 of the NHPA, the predicament extends far beyond a single act. Legalized exclusion is made possible through a larger system of racial classification. Classification (as unrecognized, state-recognized, and federally-recognized tribes) not only changed laws; it also changed perceptions of indigeneity, creating new vulnerabilities for many American Indian groups. Legally, classification prevents many tribes from mobilizing within the larger national and global indigenous community. Socially, classification induces inter-tribal conflict and resistance.

Through the lens of agencies and federally-recognized tribes, the only legitimate way to determine who has a say in the management of American Indian burial mounds is to reference documentation from the times of European contact which specifies which groups inhabited an area in question. Then that documentation, recorded by colonial experts, is applied to an educated guess made by modern experts. Non-federally-recognized tribes who claim descentance from the same buried ancestors are out of luck if they lack historic documentation or have conflicting documentation which muddies any facet of the seven criteria for federal acknowledgement.

## Conclusion

Agency officials and tribal representatives have shown that conflicts over cultural resource management are actuated through American Indian policy and rationalized through its system of human classification. The codification of a social construct, federal recognition status, had created an avenue through which some tribes could be divorced of their claims to American Indian sacred sites, artifacts, burial mounds, and cemeteries, while other tribes are enabled to gain rights to oversee their cultural resources. In this manner, recognition classification politically stratifies the greater indigenous community. Federally-recognized tribes, at the top of the tribal hierarchy, are not required to prove their claim to sites considered in Section 106 reviews to participate in tribal-agency consultation. They must only express interest in that region. Non-federally-recognized tribes, at the bottom of the hierarchy, do not have rights to tribal-agency consultations through the Section 106 process, whether the cultural resources in question arguably belonged to their ancestors or not.

State-manipulated tensions arise as all parties interested in consultation hyper focus on racial classifications and processes of validation. As a result, they become distracted from their common interests (to bulwark sacred sites from erosion, to rebury disturbed human remains ceremonially, to reorient structural project footprints away from sacred sites, etc.) which might be better served by multiple collaboration than by singular control. Consider the untapped potential which could be explored through facilitated discourse.

Cultural resource managers, like community planners, are bridge-builders.<sup>286</sup> They are the intermediaries between multiple parties with different stakes in their environment. Each party

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<sup>286</sup> Literature on the deliberative practice of planning links mediation and negotiation as critical skills in bridge building. See Forester 1989, 1999: 3; Susskind and Ozawa 1984.

brings to a consultation his/her own perception of what threatens local cultural resources (or even what qualifies as a cultural resource) and each with preconceived solutions to the supposed problems. When differences bring about conflict, cultural resource managers should know how to navigate troubled waters to a positive end without making the conflict worse. When differences divide state-recognized tribes from federally-recognized tribes, historic preservation officers often weigh the potential benefits of a democratic, integrated consultation process against the potential costs of a strained relationship with a federally-recognized tribe.

Literature on negotiation, mediation, and planning facilitation forwards methods<sup>287</sup> to pull participants away from their focus on what they constitute as the problem and their position. They should instead focus on their interests, because egos become entangled with positions.<sup>288</sup> Consider the two diverging “positions” which initially dominate the agency-tribal consultation process. 1) Federally-recognized tribes are the only classification of tribe who should enter into Section 106 tribal consultation processes because they are the ones whose authenticity has been verified. 2) State-recognized tribes should also be invited into tribal consultation processes because they also claim human remains, artifacts, and sacred sites as their ancestral cultural resources, and they may have information which could benefit the process to protect them.

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<sup>287</sup> Fisher and Ury’s (1991) method for negotiation (without giving in) is simplified into four primary steps: separate people from the problem; focus on interests, not positions; invent options for mutual gain; and insist on using objective criteria.

<sup>288</sup> Fisher and Ury (1991: 20) write that each negotiator has two kinds of interests, in the substance and in the relationship. Negotiators tend to want to maintain relationships with one another for future negotiations. “A major consequence of the ‘people problem’ in negotiation is that the parties’ relationship tends to become entangled with their discussions of substance. On both the giving and receiving end, we are likely to treat people and problem as one. Within the family, a statement such as ‘The kitchen is a mess,’ or ‘Our bank account is low’ may be intended simply to identify a problem, but it is likely to be heard as a personal attack. Anger over a situation may lead you to express anger toward some human being associated with it in your mind. Egos tend to become involved in substantive positions.”

Archaeologists determined that the “prehistoric” sites and artifacts of Terrebonne and Lafourche Parishes are Chitimacha remains because the tribe’s migration west has been documented. The Chitimacha of Louisiana (now located in Charenton, Louisiana, over eighty miles northwest) claim those sites as theirs, and theirs alone, but the parishes’ state-recognized tribes also claim them. The state-recognized tribes claim that their people avoided westward migration by hiding in the bayous, and their early existence was documented to a much lesser extent.

The Chitimacha claim no kinship with these state-recognized tribes of Southeast Louisiana. The state-recognized tribes, however, claim that a Chitimacha slave from the eighteenth century is a key ancestor whose descendants then intermarried with other historical tribes. The assertion that some state-recognized tribes (BCCM and PACIT) are a concatenation of multiple historic tribes has complicated and slowed the federal acknowledgement petitioning process. To many, their lack of federal status, a most important credential, has cast a shadow of doubt upon the authenticity these tribes. Not only has the ancestry of the state-recognized tribes not yet been federally validated by the BIA in the form of a final determination; but also, the individual historical tribes on their genealogy tree (Biloxi, Chitimacha, Choctaw, Atakapa, and Acolapissa) do not acknowledge them as an extension of their group, and thus do not welcome them into the tribal consultation arena.

The state-recognized tribes may not yet have been able to validate their claims through the arduous FAP,<sup>289</sup> but their territory<sup>290</sup> overlaps with the territory of the sacred sites they claim and wish to protect. This puts them at an advantage in terms of site monitoring. The Chitimacha, eighty miles away, presumably have less steady surveillance. Therefore, we may speculate that the input of the state-recognized tribes, with the federally-recognized tribes and state and federal agencies would presumably benefit everyone, in that any immediate threats or changes taking place on the mounds could be identified quickly.

However, the prevailing notion of the federally-recognized tribe as the rightful protectors, the due beneficiary of the government-to-government relationship, overshadows the untapped potential of collaboration. Furthermore, tribal consultations which did not incorporate non-federally-recognized tribes have led to outcomes deemed successful in the past, diminishing the perception that their formal inclusion could be of additional value. For example, the tribal representative of the Chitimacha had spoken of an instance where a state-recognized tribe had voiced a concern to the federal agency sponsor about infrastructure in their area.

And you know, it's not like those communities are left out, because I know when they were planning a levee system and there was a mound. I didn't care if they claimed it or not, but regardless I was going to fight to protect it. And it just so happened we had a common interest in protecting it, and that [protection] was made to happen through consultation, so I don't feel like they've got these sites that are any less protected because

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<sup>289</sup> One is left to wonder what might happen if a tribe without federal recognition is a rightful beneficiary of artifacts and is currently petitioning for recognition. In the months, years, or decades spent on the recognition process, when archeologists find human remains or artifacts, those groups have no legal right to inclusion in the tribal consultation process, even if they would hypothetically gain federal recognition after-the-fact.

<sup>290</sup> They do not have territory in a legal sense because they are not federally acknowledged, but it is their territory in the sense that their people live there.

they are not involved. That's the job of the federally-recognized tribes to protect those sites.

The parties had fallen into the common traps of “claiming value,” rather than “creating” it. In other words, they got stuck in claiming what belongs to them and were not able to work toward shared achieving goals. The tribes all wish to be the overseers and protectors of local indigenous sites. They all claim the sites as their own ancestral cultural resources. The representative of the Chitimacha Tribe had mentioned something critical, however. The tribes had a common interest in protecting the site.

Professional negotiators, mediators, and facilitators are careful to distinguish positions from interests, because the conflation of the two can lead to an impasse.<sup>291</sup> While a position is “something you have decided upon,” interests are “what caused you to so decide.”<sup>292</sup> Interests are “the silent movers behind the hubbub of positions.”<sup>293</sup> Some of the competing tribes’ interests are in conflict (e.g., the interest to be in control as the tribal voice of cultural resource management, the interest for the inclusion of state-recognized tribes, etc.), while others are shared (e.g., the interest in preserving/protecting sacred sites). Their diverging positions (that the non-federally-recognized tribes are/are not legitimate as American Indian descendants and therefore should/should not also be included in tribal consultations) have been mistaken for the problem. Against the conventional wisdom of mediators, positionality has been the greatest focus in the Louisiana examples, while shared interests have received too little attention. There is room for more exploration on this front. Cultural resources managers could bring tribes together to discuss interests and work toward mutual gain (e.g., additional surveillance of significant sites,

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<sup>291</sup> For more on breaking impasses in public dispute resolution, refer to Susskind and Cruickshank 1987.

<sup>292</sup> Fisher and Ury 1991: 41.

<sup>293</sup> *ibid*

increased awareness of federal projects, etc.) while still respecting each party's position and wishes to withhold some proprietary information.

We can also analyze the tribes' dilemma of knowledge disclosure (to consult with agencies and lose control of tribal information or to not consult and lose their voice in resource management) and come to similar conclusions. When the women of the FPCC shared their fears that burial mound locations might be publicly revealed and desecrated, and thus felt that tribal-agency consultation could be a threatening process, they were providing motivation (fears of agency betrayal and exposure) behind their positionality. Their position was that the non-federally recognized tribes deserved to receive information from agencies regarding the federally-sponsored coastal projects which might impact their surrounding cultural resources, but they should not have to disclose those locations to agencies. The position of agencies, both state and federal, was competing. They wanted information about cultural resources (type, location, condition, etc.) from the non-federally recognized tribes, but they did not want to provide the non-publicly available information they already had about these sites. Their anxiety of potential privacy violations of the federally-recognized tribes, and thus potential legal consequences, was the motivating fear behind this position.

As in the example of the federally- vs. non-federally-recognized inter-tribal conflict, the agencies and non-federally-recognized tribes have an opportunity to capitalize on mutual gains by focusing on their shared interest in protecting vulnerable cultural resource sites. This cannot be achieved, however, without having a discussion between all parties: agencies, non-federally-recognized tribes, and federally-recognized tribes. However, any in-between-official must ensure that the discourse does not devolve into a positional bargaining match. Participants must work to disentangle personal relationships and perceptions of one another from the substance of the issue.

Instead of arguments over positions, however, the discourse must be focused upon the motivating concerns of the parties.

The multiple voices of this chapter have made quite clear that policy barring non-federally-recognized tribes from tribal-agency consultation functionally divorces them of their claims to sacred sites, burial mounds, cemeteries, and artifacts. It deprives them of their access to the arena of resource management. While some believe this is apt, as they have not yet earned their federal status, one would be hard-pressed to argue that such policies do not increase their vulnerability as they are displaced. The connection to and preservation of cultural resource sites is essential to the preservation of indigenous societies. As connections to place and livelihoods are broken, indigenous communities are faced with the threat of dissolution. Hopefully, such a threat will gain more attention (from scholars, government authorities, and activists) prior to the increased climatological displacement of indigenous communities.

This was the final chapter of Part 1 of the dissertation, and thus the last in-depth exploration into government-induced vulnerabilities. Part 2 will segue from factors of vulnerability to the process of displacement. For decades, the community of Isle de Jean Charles has planned for the inevitable, but relocation planning has proven to be a nearly impossible task due to the messy institutional framework which complicates their initiative at every turn.

## **Part 2**

### **Indigenous Relocation Planning: Opportunities and Approaches**

While Part 1 has shed some light upon the hidden, institutional contributors to indigenous hazards vulnerability in Southeast Louisiana, Part 2 will grapple with the consequences of subsequent tribal-governmental distrust. Chapters 5 and 6 will both draw upon the early relocation planning experiences of Isle de Jean Charles.

Ultimately, the goal of Part 2 is to demonstrate how different modes of planning practice can shape indigenous-state relations in ways which either reinforce or alleviate existing conflicts. The final chapters will describe negative consequences of the conventional, rational planning mode when applied to the indigenous relocation planning context. At the same time, they will demonstrate ways in which collaborative strategies, like indigenous, community-based planning, can respect American Indians' aspirations for self-determination while also building momentum in planning processes.

## Chapter 5

### **A Non-Community-Based Planning Approach: Understanding Missed Opportunities in Indigenous Relocation Planning**

#### **Introduction**

The International Panel on Climate Change (IPCC) estimates that climate change will displace 150 million people by the year 2050, and some estimates reach as high as 200 million.<sup>294</sup> These numbers account for migrations resulting from both sudden-onset disasters, like severe storms, and slow-onset disasters, like droughts, erosion, and sea level rise. Because the threat of displacement is growing, indigenous climate change adaptation frameworks have been rapidly emerging over the past few decades.<sup>295</sup> Some landscapes, however, are too far gone for adaptation-in-place strategies. Some communities must plan to resettle altogether in less-hazardous zones.

For indigenous communities, their access to relocation planning processes is more critical than for many non-indigenous societies, because the survival of indigenous communities depend upon their geographic cohesiveness.<sup>296</sup> Their task to relocate together is exceptionally complex, as federal policy only addresses individual buyouts,<sup>297</sup> the political protocol for community-wide, indigenous resettlements is nonexistent. Planners, local governments, and agencies, however, are currently working to overcome the policy barriers to indigenous relocation. Like

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<sup>294</sup> IOM 2008; UK Treasury 2005

<sup>295</sup> E.g., see Ballew and Klosterman 2012; Grossman 2012(a), 2012(b); Parker 2012; Rýser 2012; Stephenson 2012; Swinomesh Climate Change Initiative 2012; Vendiola 2012; Ford et al. 2016

<sup>296</sup> Many fragmented of indigenous communities have disappeared as a people and have been assimilated into mainstream society, losing their unique lifeways completely. For cases on U.S. assimilation projects, see Trennert 1988 and Marak and Tuennerman 2013.

<sup>297</sup> Property acquisition programs are administered at the state and local government level. In eligible communities, the Federal Emergency Management Authority (FEMA) will cost-share property acquisition with municipalities at a 75/25 percent split.

the Alaska Native villages being displaced by melting ice and sea level rise,<sup>298</sup> the American Indian communities of the Gulf are America's canaries in the coal mine. Their experiences will guide policymakers to restructure indigenous, climate change relocation planning for future displaced communities. The case study central to this chapter, Isle de Jean Charles, will be one of the few to provide early insights about what has worked and what has not worked in relocation planning practice.

Deep in the bayous of Southeast Louisiana lives the indigenous fishing community of the Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw, one of the three allied communities of the Biloxi, Chitimacha Confederation of Muskogees



*Residents of Isle de Jean Charles gather to watch the annual Christmas Parade.*

(BCCM).<sup>299</sup> The island they have lived upon since the early nineteenth century is nearly uninhabitable due to erosion, oil exploration, natural disasters, and sea level rise. In fact, "the Island" shrank from 11,520 acres in 1955 to its current size of 1,280 acres.<sup>300</sup> For years the tribe had clung to hope that their ancestral land might be preserved, but the Army Corps of Engineers has found structural hurricane protection for the Island to be financially infeasible, further extinguishing hopes for their adaptation-in-place. Furthermore, after conducting expensive post-hurricane repairs to Island

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<sup>298</sup> Kivalina, Newtok, Shaktoolik, Shishmaref, Unalakleet, and Koyukuk are considered the most vulnerable Alaska Native Villages.

<sup>299</sup> The other two communities of the BCCM are the Grand Caillou/Dulac Band and the Bayou Lafourche Band.

<sup>300</sup> See Appendix, Map 5 for environmental change.

Road, the peoples' only evacuation route, the parish government has questioned if post-disaster repairs would be feasible in the future. For nearly two decades, the Corps, the State, and the parish government sought ways to assist in their relocation to no avail. Unfortunately, inter- and intra-group conflicts have also played a substantial role in undermining early relocation planning attempts.

American Indian relocation is contentious, as it conjures memories of the Jacksonian-era removal policies that pushed these communities to isolate themselves in the bayous centuries ago. The Trail of Tears casts a shadow upon the perceptions of the people, now forced into a state of diaspora<sup>301</sup> once again. They view their displacement as much the result of erosion as of the increase in state-sponsored disenfranchisement, including those contributors to vulnerability unpacked in the manuscript's part 1 (i.e., hazard mitigation planning which fails to meet their needs, unresolved land takings issues, barriers to federal acknowledgement, and a lack of access to cultural resource management). Their displacement by political and institutional factors is their Modern Trail of Tears.

The American Indian community of Isle de Jean Charles is not alone. The international case study literature on climate change displacement and indigenous relocation demonstrates that the world is not prepared to tackle this new, emerging crisis. Study after study reveals instances where institutional barriers prohibit successful, ethical implementation of indigenous,

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<sup>301</sup> The term "diaspora" can refer either to the *process* of movement from a homeland or the *place* of settlement. Many definitions of diaspora are written with reference to Jewish diaspora, drawing an interesting historical parallel. For example, the first entry in the Merriam-Webster dictionary is three-fold: (a) the Jews living outside Palestine or modern Israel; (b) the settling of scattered colonies of Jews outside ancient Palestine after the Babylonian empire; (c) the area outside ancient Palestine settled by Jews. The second definition, the one used here, is not tied to a particular culture or population: (a) people settled far from their ancestral homelands; (b) the place where these people live; (c) the movement, migration, or scattering of a people away from an established or ancestral homeland.

community-wide resettlements.<sup>302</sup> As critical as these studies are in mapping political barricades to indigenous relocation, in-depth ethnographic literature chronicling tribal-agency interaction and their planning coordination is incredibly scarce. Rather than summarizing the positions of public authorities and indigenous leaders, this chapter considers the ways in which different parties discuss, perceive, and frame relocation planning barriers. Furthermore, where stories are inconsistent, it suggests instances where parties on either side may fail to remember, misstate, or exaggerate what happened—forms of manipulation which empower one’s own positionality. In all, the chapter pinpoints unresolved misunderstandings and conflicts which have undermined potential planning successes, and it reveals missed opportunities for indigenous-state collaboration.

What follows is a depiction of *how* relocation planning is approached in Southeast Louisiana. This chapter reveals that an overreliance on the rational planning mode, as opposed to the community-based planning mode, has been both oppressive and inefficient in tackling the issues of indigenous relocation. When planning methodologies for relocation do not hinge upon American Indian leadership from the outset, indigenous tenets of planning<sup>303</sup> and aspirations toward self-determination are undermined. Devoid of American Indian leadership, planning

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<sup>302</sup> For information on relocation attempts in the Pacific, small island nation of Tuvalu, see MINPAC 2002; Long et al. 2007; MNREAL 2007; Kelman 2008; and Malologa 2014. For the Pacific island nation of Kiribati see MELADK 2007; Risse 2009; Uan and Anderson 2014; CIA 2016; and Hermann and Kempf 2017. For the Carteret Islands of Papua New Guinea, see O’Collins 1988, 1990; Rakova 2009, 2014; Böge 2011, 2013; Edwards 2013; and Bronen 2014b. For Shishmaref, Alaska, see Fogel-Chance 1993; Fienup-Riordan et al. 2000; US GAO 2009; Marino 2012, 2015; AECOM 2016; and Bronen & Pollock 2017. For Newtok, Alaska, see Cox 2007; Bronen 2008, 2011, 2014a, 2014b; and AgnewBeck 2012. For Kivalina, Alaska, see Hayes 2006; NARF 2008; Brubaker et al. 2011; and Shearer 2011.

<sup>303</sup> Jojola (2013: 465) emphasizes an important tenet of Indigenous planning: “Planning must be informed by the Indigenous worldview.” He writes that indigenous worldviews have been radically altered by Euro-Western incursions, and since “community and culture are intrinsic” to their existence as indigenous people, the people must learn to protect their philosophies and their operationalizations of those philosophies.

exercises amount to little more than yet another colonizing social project, or perhaps the faint memory of a project which was abandoned due to backlash and/or ineptitude.

Governments may perceive that planning *for*, rather than *with*, American Indian communities is faster, requires less work in terms of cultivating (functional if not good) indigenous-state relations, involves fewer explanations of planning policy, and shields public officials from face-to-face criticism. However, technocratic<sup>304</sup> planning for indigenous communities with only insignificant levels of American Indian participation results in compounded distrust toward government, while project alternatives (e.g., resettlement sites) often do not account for a tribe's specific needs. Everybody loses.

At the chapter's core are two missed opportunities for the relocation of Isle de Jean Charles residents. They are both examples of top-down, technocratic, rational planning processes which were swiftly abandoned due to the chaos that ensued—the result of disorganization and a lack of collaboration with the American Indian community. This assessment requires some context. The chapter will begin by introducing the problem, that the Island has been excluded from the federally-sponsored, multi-parish hurricane protection system, and people are beginning to come to terms with the idea that Isle de Jean Charles will not be saved from its disappearance. Chief Shirell Parfait-Dardar of the Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw will introduce the tribal perspective of injustice as government agencies justify the displacement of American Indian communities by a benefit-cost ratio.

The section which follows is a reminder that the tribes of coastal Louisiana are not alone, either in their experiences of climatological displacement or their subjugation to culturally

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<sup>304</sup> Technocracy, as opposed to democracy, refers to control by those with technical expertise. For an excellent resource on technocracy in planning, refer to Frank Fischer's book, *Technocracy and the Politics of Expertise* (1990).

inappropriate planning processes. International case studies on indigenous relocation highlight a universal indigenous-state tension. To combat their dissatisfaction with government inaction or ineptitude, some indigenous communities have initiated their own grassroots relocation planning processes and have used their own momentum to push government action forward. Despite these advancements by indigenous communities in reclaiming the process, case studies reveal that uncollaborative planning boards have continued to coopt relocation planning initiatives, underestimate the capabilities of indigenous people, and ignore American Indians' aspirations.

Having introduced the widespread occurrence of paternalistic relocation planning, the chapter will then provide a snapshot of a coastal restoration board meeting in New Orleans. Without having invited any local tribal representatives to the meeting, the board considers whether relocation is the best solution for indigenous communities. Reminders of the Trail of Tears push some commissioners to reject the idea of relocation. Nevertheless, presenter Dr. Craig Colton is correct in asserting that voluntary relocation has been something that some communities are hoping to achieve. Because tribal representatives were not present, they could not defend their own positions.

Then the chapter will analyze two abandoned opportunities for relocation planning: one led concurrently by the Army Corps of Engineers and state government, and the other led by the parish government. Chief Albert Naquin will provide a history from his point of view. Voices from the public sector will include Jerome Zeringue, former Director of the Terrebonne Levee and Conservation District; Pat Gordon, former Planning Director for Terrebonne Parish; and Al Levron, former Terrebonne Parish Manager. While these representatives tell the same story, they reflect different perceptions of what brought about the end to (or prevented the pursuit of)

relocation planning. Chief Naquin sees injustice where public officials see a lack of consensus among American Indian communities, and even inter-tribal conspiracy.

The last section considers these antagonistic viewpoints as a byproduct of the rational planning model. As planners systematically analyze the problem, come up with project alternatives, and make decisions on the community's behalf, American Indians people become passive observers of their own fate. After listing the tribal-governmental consultation steps in comparison with the rational planning model, and thus establishing a fit, the section will then consider how the rational planning mode has shaped competing attitudes between American Indians and local government.

While the relocation project itself serves as an educational tool and precedent for other vulnerable communities to follow, this research derives important lessons on pitfalls of non-collaborative, non-community-based planning approaches for practitioners facing challenges of relocation planning. Additionally, this case study advances today's amorphous scholarly dialog on indigenous, climate change relocation. In terms of this manuscript's organization, this chapter transitions from the socio-political context of displacement (government-sponsored contributors of social vulnerability) to the action of relocation planning. Moving forward, this chapter serves as an important precedent to the next and final body chapter which will demonstrate how a new approach, community-based planning, might result in modest relocation planning successes.

### **Exclusion from Hurricane Protection Systems**

"Well the thing is, we need protection for everyone, and some of my community has been left out, which I'm sorry, I completely disagree with that." Chief Shirell Parfait-Dardar of the

Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw<sup>305</sup> was bluntly ranting to me about the injustice of predominantly American Indian communities being excluded from the federal levee protection system.

You can't leave people out. Ok? That should not be allowed, and should be a crime, actually. Isle de Jean Charles, for example, has been completely left out. Since when are we allowed to pick and choose which people we can save?

It's unacceptable to me. And they don't have any means and have not developed a plan to relocate our communities as a whole. They're going to destroy us is what they're going to do.

By *they*, she meant the Army Corps of Engineers, Louisiana's Coastal Protection and Restoration Authority (a state agency), and the local parish government. In addition to the barrier islands, Isle de Jean Charles, Lower Dularge, and a portion of Lafourche Parish between the Terrebonne Parish eastern boundary of Bayou Lafourche were excluded from the hurricane protection system known as Morganza-to-the-Gulf.<sup>306</sup> In 1992 the Army Corps of Engineers had proposed this system of levees, locks, dams, floodgates, and pumps to reduce the increased disaster risk due to wetland loss, subsidence, and sea level rise.<sup>307</sup>

Originally the Corps had proposed that the Atchafalaya River would bound the project on the west and the Mississippi River and Bayou Lafourche would bound it on the east.<sup>308</sup> The levees were to extend from Morganza, Louisiana, located just thirty miles northwest of Baton Rouge, terminating in the Gulf of Mexico. The name stuck, though the project footprint shrank

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<sup>305</sup> This is one of the three bands making up the Biloxi, Chitimacha Confederation of Muskogees (BCCM). The other two are the Isle de Jean Charles Band and the Bayou Lafourche Band.

<sup>306</sup> See Map 6 in Appendix.

<sup>307</sup> Terrebonne Parish officials explained that the existing small levee projects of Isle de Jean Charles already protected them approximately up to five additional feet in elevation, but Morganza-to-the-Gulf would have provided protection of about 19 or 20 feet above ground. Levron, A. Personal Communication, June 19, 2015.

<sup>308</sup> U.S. Army Corps of Engineers 2013

substantially, no longer encompassing the Village of Morganza. In its later design, it would span across Terrebonne and Lafourche Parishes only.

On April 30, 1992, efforts had paid off for political advocates of the Morganza project. Through the annual Water Resources Development Act (WRDA) bill, Congress authorized a Reconnaissance Study, which the Corps completed in 1994 to gauge federal interest for the project.<sup>309</sup> Backed by the "quick study", the Energy and Water Development Appropriation Act then authorized a detailed feasibility study, and everything seemed to fall into place for the communities of Terrebonne and Lafourche Parishes.<sup>310</sup>

Then, as the world prepared for the turn of the millennium, everything changed for the residents of Isle de Jean Charles. The Corps conducted a new feasibility study. The new benefit-cost ratio caused officials to consider the protection of Isle de Jean Charles infeasible. From that point forward, the plan for the project's realignment cut the community off to the north, leaving them exposed to severe hurricanes. They would be forced to consider their options to relocate or adapt-in-place until the end. As the following section will tell, many climatologically displaced indigenous communities, both domestic and international, have been contemplating similar options.

### **Relocation Planning: A Global Response to Climate Change Displacement**

In the face of displacement resulting from erosion and sea level rise, American agencies must determine how to best negotiate solutions with indigenous communities. Collaborative planning precedents which promote appropriate adaptation responses are quickly growing in demand. Since 2008, sudden-onset disasters alone have displaced an average of 24.2 million

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<sup>309</sup> *ibid*

<sup>310</sup> Dupre, R. Personal Communication, May 4, 2015.

people annually. These new climatological displacements, which have taken place in 118 countries in 2016, now outnumber displacements due to conflict and war by a ratio of three to one.<sup>311</sup> Millions more are displaced by slow-onset disasters such as flooding, sea level rise, erosion, drought, desertification, deforestation, etc.

Some of the most affected countries have been in the trenches of relocation planning for decades (e.g., Pacific small island states including Tuvalu and Kiribati, the Carteret Islands of Papua New Guinea, and Bangladesh).<sup>312</sup> The problem is difficult to pinpoint and resolve, as the causes of displacement are manifold. Land is compressing, disappearing, and in some places undergoing desertification, due to a panoply of environmental and manmade changes occurring in concert. Not only are slow-onset disasters occurring because of increasing CO<sup>2</sup> levels, but also because of natural disasters, land use decisions, and infrastructure placement.<sup>313</sup>

Diaspora, or the migration of people from their ancestral homeland to a foreign settlement, is the new norm for indigenous people forced out of hazardous zones. The more established literature on *development-induced* displacement confirms that diasporic peoples are more likely to experience social disarticulation, impoverishment, increased rates of homelessness, and increasing landlessness,<sup>314</sup> and the emerging literature on *climatological* displacement has been reporting similar consequences. Partially to blame for these sociological

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<sup>311</sup> International Displacement Monitoring Center: <http://www.internal-displacement.org/internal-displacement/context-of-displacement/disasters-and-climate-change/>.

Also refer to Bradley and Cohen 2013: 208.

<sup>312</sup> Leckie 2014

<sup>313</sup> The engineering of regional ecosystems profoundly affected the resilience of natural riverine systems. In 1905, the distributaries of Bayou Lafourche were dammed in Donaldsonville (approximately 60 miles north of Pointe-au-Chien), starving surrounding marshes of nourishment and stagnating the flow of the bayou. See Reuss 2004.

<sup>314</sup> Cernea 2000; De Wet 2006; Oliver-Smith 2006; Marino 2012

consequences of diaspora is the shortsighted way in which governments plan for (and not with) displaced populations.

International cases of climate displacement and relocation portray indigenous people leaving their homeland and livelihoods behind as they seek refuge in new places which have been chosen for them, where the planners' site selection privileges economic feasibility over cultural appropriateness. Case studies have suggested that when nations undergo relocation planning in a top-down fashion, without significant coordination with the relocating populations themselves, attempted relocations ultimately fail to meet the needs of the population, and new settlements may later be abandoned.<sup>315</sup> Additionally, government relocation initiatives may be

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<sup>315</sup> In some cases, national authorities have relocated populations only for those people to return later due to a lack of foresight in planning. For example, the government of Kiribati (a small island republic of the Central Pacific, home to approximately 106,925 people), attempted to relocate some of its displaced population to the Phoenix Islands, but the scheme failed on behalf of shortsighted planning. The relocation site had little income-earning potential for new residents, was too far from existing markets, and did not have enough freshwater to support the population. See Uan and Anderson 2014: 243. Also consider the failed relocations of the sinking Carteret Islands of Papua New Guinea. Case study literature summarizes that core relocation challenges included "the land-people connection, attitudes of, and conflicts with, recipient communities, governance and funding" (Böge 2013: 165). By 1982, pressures of the land shortage from erosion and overcrowding pushed the government (known as the Autonomous Bougainville Government) to reconsider relocation, and they created the Atolls Resettlement Scheme. The plan was to eventually resettle 40 families from the Carteret Islands (three of its atolls), on uninhabited land at Kuveria, an area of Bougainville located 30 km from Arawa. Twenty families resettled in Bougainville in 1984, but a civil war, known as the Bougainville Crisis, caused them to return in 1989. The resettlement attempt failed for other reasons as well. Families noted dissatisfaction at the fact that the relocation site in Kuveria was located near a correctional facility. Additionally, the local government at Kuveria would not grant the settlers commercial fishing rights. Another small-scale relocation attempt in 1997 also failed as a long-term solution. The Autonomous Bougainville Government resettled 12 Carteret Islander families on Buka Island in an effort to alleviate food scarcity issues. Most families returned citing land disputes, though the Buka Islanders claimed that there was a problem with in-fighting among those who had resettled there. The government had not assisted the receiving community with integration efforts, and furthermore, withdrew financial assistance for the relocation after the initial period. See O'Collins 1990: 257, 259; Rakova 2009: 386; Edwards 2013: 63-64.

stunted by international diplomacy issues when the entire population of an island nation must seek refuge in another receiving nation (e.g., Tuvalu).<sup>316</sup>

Too often, the reductionist approach to relocation planning has been to move communities from one place with bad ecological conditions to another with good ecological conditions; however, this tactic neglects consideration for conditions which govern migrants' livelihoods.<sup>317</sup> While the resettled community may no longer be within close proximity to a flood zone, for example, they may not have access to significant natural resources, the ability to make a living under an existing skillset, or familiarity with a new environment. In addition to its sociological costs, the financial cost of failure in relocation planning is not insignificant, further motivating governments to try a new approach.

Bottom-up, grassroots planning approaches, have won some purchase in the climate migration literature, as international models of indigenous-state collaboration have demonstrated some modest success. In some case studies, indigenous communities have tired of perceived government ineptitudes and have formed coalitions based upon the specific principles of local

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<sup>316</sup> The Tuvalu government has made numerous requests to relocate its people to Australia, yet the Australian government does not support the option. In Australia, concerns about border security and potential tensions dominate the national discourse. Maclellan (2009: 131) quotes 2007 Australian Federal Police Commissioner Mick Keely: 'In their millions, people could begin to look for new land and they will cross oceans and borders to do it. Existing tensions may be exacerbated as large numbers of people undertake forced migration.' Past administrations have shrugged off responsibility toward neighboring states and rationalized their lack of planning for climate migration by refuting environmentally displaced people's status as refugees. Maclellan (2009: 131) writes: In October 2006, the then Immigration Minister Amanda Vanstone stated that her Department had not made any plans to deal with people displaced by environmental or climate change, arguing, 'There's no such thing as a climate refugee.' The literature denotes failed leadership by Australia's Howard Government specifically, which has resisted discourses on climate change altogether in Pacific Island forums. Sercombe and Albanese (2006: 366) write: "The failure goes back to 1997, when the Howard Government arrogantly insisted at the Pacific Islands Forum that the Forum Communiqué should not include any references to climate change, despite the devastating effects on Pacific neighbors." New Zealand, on the other hand, accepts 75 Tuvaluans each year through its Pacific Access Category program. Though it is more accommodating compared to Australia, New Zealand requires its Tuvaluan immigrants to be of "good character and health, have basic English skills, have a job offer in New Zealand, and be under 45 years of age" (Greenwatch 2004; Long et al. 2007; MINPAC 2002). Thousands of Tuvaluans who do not meet these requirements are left without refuge. While the National Disaster Office relocated people internally in Funafuti during the 1996 and 2002 storm surges, Tuvalu has no land allocated for future relocations (Malologa 2014: 319).

<sup>317</sup> Schade (2013: 184) and Muradyan (2011: 4) refer to the unsuccessful resettlement of Syunik marz (Armenia) in which geographic information systems (GIS) heavily determined the site selection.

indigenous groups.<sup>318</sup> They have claimed indigenous ownership of the planning process, working with levels of government to achieve culturally appropriate resettlements. As a result, these communities have been more successful in creating practical relocation plans which face lesser opposition by indigenous people than in government-dominated scenarios.

For example, the Carteret Islanders of Papua New Guinea became frustrated by the government-led relocation failures of the 1980s and 1990s. In 2006, the Council of Elders formed the Tulele Piesa (translating to “sailing on the waves of our own”), which would serve as a conduit between the Papua New Guinea Government and the islanders.<sup>319</sup> It was the Tulele Piesa, led by community organizer Ursula Rakova, which negotiated an opportunity to relocate with the land-owning Catholic Church in Bougainville (the island encompassing the relocation site).<sup>320</sup> Another example of indigenous, community-based action comes from the Alaska Native Village of Newtok. The Newtok Traditional Council (the Alaska Native board) forwarded guiding principles (e.g., the first one is “Our voice comes first—we have first and final say in

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<sup>318</sup> Consider the relocation cases of the Carteret Islanders of Papua New Guinea and the Yup’ik people of Newtok, Alaska. In Papua New Guinea, the people of the Carteret Islands became tired of government inaction, following its former failed relocation attempts, and in 2006 residents held meetings to discuss the effects of climate change and erosion amongst themselves (Bronen 2014b). The Carteret Council of Elders formed a nonprofit called Tulele Peisa, meaning “sailing the waves of our own” (Rakova 2009: 386), to serve as a conduit between the Papua New Guinea government and the islanders (Rakova 2014: 272). The opportunity to resettle emerged through a partnership between the Tulele Piesa and the Catholic Church of Bougainville (Tulele Piesa 2008: 474).

To specifically focus on the facilitation of relocation, the Newtok Planning Group (NPG) formed in 2006. NPG was a voluntary collaboration of 25 state, federal, and tribal governmental and non-governmental agencies (Bronen 2014b: 228; cited in Bronen 2011). While the collaborative work of the NPG has been crucial in putting the plans in motion, the NTC has always been in charge of the relocation effort and asserted its leadership by adopting culturally appropriate guiding principles (or “Maligtaquyarat” in the Yup’ik language) for relocation in 2011 (Bronen 2014b: 228-229; AgnewBeck 2012). The Yup’ik framework has a practical, performative effect. Its principles first set up expectations regarding community aspirations for the planners and agencies. Because these expectations are written and documented early on, the Yup’ik people have a benchmark with which people can compare later outcomes. The people of Newtok can come back and say, “You knew what we wanted. This is what we wanted to see.” Principles create accountability.

But furthermore, the establishment of guidelines in and of itself sends the message that the Newtok Traditional Council *is* the guide. The fifth bullet point preemptively shuts down the preconception that planners and agencies make the decisions by virtue of their “expertise”: “Our voice comes first—we have first and final say in making decisions and defining priority.”

<sup>319</sup> Rakova 2009: 386; Rakova 2014: 272

<sup>320</sup> Tulele Piesa 2008: 474

making decisions and defining priority.”) which would orient the actions of the Newtok Planning Group (a planning consortium of state, federal, tribal, and non-governmental agencies) to respect the leadership of the people. While the progress of the Newtok Planning Group has slowed in recent years, it is generally recognized to have made the most rapid progress of all relocating Alaskan villages (especially under the leadership of resident activist Stanley Tom).<sup>321</sup>

Nevertheless, even these more collaborative case studies, especially those of Alaska Native villages,<sup>322</sup> reveal indigenous peoples’ dissatisfaction in government agencies and planners who dominate the process, resist the reasonable inclusion of indigenous leaders, hold conversations in bureaucratic languages, fail to listen to the needs of the community, and refuse to act on needs which do not neatly fit within organizational mandates. These are the sorts of tendencies which induce indigenous participants to walk away from “collaborative” meetings, muttering, “Waste of time.”

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<sup>321</sup> Marino 2015: 76.

<sup>322</sup> In 2007, Governor Sarah Palin created the Alaska Climate Change Sub-Cabinet made up of six working groups. Specifically, the Immediate Action Working Group (IAWG) strategized ways to relocate six of the most vulnerable Alaskan communities: Kivalina, Newtok, Shaktoolik, Shishmaref, Unalakleet, and Koyukuk (Marino 2015: 66). The IAWG was an official body coordinated by officials from several federal agencies and was created with the intent to bring together disparate departments to pursue a common goal. Nevertheless, the organization floundered and disbanded since issuing its last report in 2009. The IAWG’s approach to relocation planning was flawed for two primary reasons. First, the association struggled with organizational and institutional barriers. No single agency within the intergovernmental collaboration had authority to coordinate the relocation (Marino 2015: 65). Along the same lines, no official funding mechanism existed to carry out the plans. Individual projects related to community relocation goals were carried out by different agencies, each with its own funding cycle (ibid). Secondly, the group struggled with intercultural differences and collaboration between indigenous and US governmental bodies. Iñupiat (Alaska Native people), were frustrated by the fact that the IAWG was primarily made up of bureaucrats instead of community representatives. They felt alienated and thought that the officials were not familiar enough with Iñupiat experiences or culture. Additionally, employee overturn within agencies meant that the *Kigiqitamiut* (Iñupiat people of Shishmaref) constantly had to orient new people to the community’s history of relocation. Some complained that the new employees were “reinventing the wheel” (ibid: 66). Another critique was that the planning process was not cohesive and that agencies were too slow to conduct relevant studies. Some leaders voiced a concern that the process of relocation planning has inhibited development within the existed community, while at the same time, they do not even have an official plan to relocate (ibid: 67). Survey and interview data reveals a significant level of distrust that *Kigiqitamiut* have toward government agencies (Marino 2012). Not only did respondents show little confidence that the government would be timely in creating relocation plans prior to disaster, but they also felt generally misunderstood.

One account more thoroughly depicts the ways in which planners foster even more distrust and misunderstanding through some attempt at participatory inclusion. In her ethnography on climate change in Shishmaref, Alaska, Elizabeth Marino includes a field note from an IAWG meeting to demonstrate how alienating conventional modes of participatory planning can contribute to social vulnerability:

*May 17, 2010*

*Board members of the Immediate Action Working Group (IAWG), a subdivision of the Alaska Governor's sub committee on climate change, meet to further discuss what to do about the increasing number of Alaska Native villages that are experiencing problems with erosion and flooding linked to anthropogenic climate change.*

*Today the board meets in Anchorage, Alaska, in an office building, around a conference table that is full of briefcases and computers. Someone is paid to take notes. These men and women, representatives from state and federal agencies, know one another, and before the meeting begins, they exchange pleasantries. At the center of the table is a conference telephone. No Alaska Native participants from affected rural communities are physically present at the meeting, but at least eight participate by phone.*

*Six hundred and four miles away, in Shishmaref, sit five community members in the basement of the local church. The IAWG has put up information in real time on the web concerning the agenda, but the internet connection in Shishmaref is too slow to pull the agenda slides up as the Anchorage participants move through them. It is difficult to hear what the board members are talking about from a small speakerphone in Shishmaref.*

*To remedy this, Fred Eningowuk finds a karaoke machine from the basement and puts the microphone to the speaker so that the sound is now being broadcast over a makeshift sound system. This is marginally successful, but the sound waves between static-infused mumbling and booming loudness, depending on who is talking in Anchorage and where they are seated with respect to the telephone.*

*I sit with Shishmaref participants in the church basement, incredulous at the fact that this simultaneously tedious, impossibly frustrating, and somehow hilarious episode of bureaucratic karaoke is the functional mechanism for avoiding catastrophic flooding and diaspora for the Iñupiat residents of this threatened community.*

*This meeting lasts for four hours, and the sound quality continues to make it difficult for everyone to follow—all the more so for elders in the room, for whom English is a second language. By the end I am pained and exhausted and so uncomfortable in my chair that, even though I am trying to be still, I shift constantly in my seat. Shishmaref residents participating in the meeting are much more still in their chairs.*

*Finally, after waiting for hours while the board discusses criteria for adding new communities to the “imminent risk” list, it is time for Shishmaref residents to give their update on local concerns and progress to the board in Anchorage.*

*Eningowuk tells the group in Anchorage that Shishmaref needs help getting old, abandoned bulk-fuel containers from a nearby village into Shishmaref. The fuel containers are eroding, but Shishmaref hasn't been eligible for new fuel containers, or most other state-sponsored infrastructure upgrades, since the village voted to relocate in 2001.*

*Instead, residents have used social networks to locate some abandoned tanks from the nearby village, but they do not have the transportation capacity to move them from one village to another, so they are asking for help from these people in Anchorage who are the working government body charged with helping villages who need to relocate.*

*There is silence from the board in Anchorage.*

*Fuel containers and fuel container transportation do not fall under the mandate of the working group, so the group in Anchorage moves on without comment. They literally ignore Eningowuk's comment. Say “thank-you” and move on.*

*I feel extraordinarily embarrassed.*

*So there you have it: the participatory, bureaucratic mechanism through which a long-standing, indigenous community is supposed to plan their relocation.*

*Sitting in Shishmaref, the connections among climate change, environmental migration, and bulk-fuel containers are clear. Also clear are the links between funding streams, immediate risk, long-term risk, local poverty, poor internet connections, and the increasing reliance on outside decision-makers for aid and risk migration. I estimate that (at least) 90 percent of the four-hour meeting is taken up by government agency workers discussing among themselves disaster mitigation planning, interspersed with seemingly disconnected comments by Native leaders from rural Alaska by phone.*

*“Waste of time,” says someone after the phone call is finished. “Waste of time.”<sup>323</sup>*

Indigenous people are not tricked by the empty promises of uncollaborative “collaboration” and meaningless participation. While planners may report their incorporation of stakeholder participation as a success, indigenous communities do not always see tribal-governmental consultation in the same positive light. Indigenous communities who aspire to self-determination in planning are not placated by passive inclusion. As indigenous people call out government cooptation in relocation planning case studies across the globe, the same phenomenon is plaguing American Indian communities of Southeast Louisiana, as demonstrated in the following section. Officials consider the relocation question among themselves, forming opinions of what should be done on the community’s behalf.

### **Who is in Charge Here?**

Chief Albert Naquin of the Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw has been pushing for a community relocation for the past fifteen years. Having watched his tribal

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<sup>323</sup> Marino 2015: 67-69.

lands erode before his eyes, he also has watched his options dwindle. He once looked upon the idea of relocation with disgust, but staying no longer seemed possible. One by one, tribal members have moved further north, and he watched as the old Island lifestyles changed. Now, he is the greatest relocation advocate around. Some, however, still staunchly protest that they will never leave. As many American Indians change their position on relocation, policymakers are now deciding what to do as they plan for the future. But shouldn't these decisions come from within the community?

None of the local tribes were represented at the boardroom table in December of 2014, when I sat among the audience of water experts as members of the Governor's Advisory Commission convened for a meeting on the campus of the University of New Orleans. In fact, no American Indian representatives were in attendance whatsoever. While the meeting was open to the public, there were no concerned citizens in attendance either—only environmental professionals. The general public was most likely at work, as it was a Wednesday morning.

The Governor's Advisory Commission, one of the auxiliary bodies under the auspices of the Coastal Protection and Restoration Authority, typically convenes every other month publicly to discuss matters of the state's coastal protection program. That day, one of the invited presenters was Dr. Craig Colton, a geography professor at Louisiana State University who splits his time consulting within a research organization called The Water Institute for the Gulf.<sup>324</sup> This morning he was presenting on recent geographic, economic, and demographic changes in the Southeast region of the state.

Among other cultural heritage communities, his presentation touched upon the geographic challenges of American Indian populations residing upon quickly disappearing land.

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<sup>324</sup> The Water Institute for the Gulf often provides research support to the State's Coastal Protection and Restoration Authority.

Where can they go, and how can the government make the move effective and palatable? His suggestions triggered a reaction, linked in memory to egregious historical precedents of forced relocations of the nineteenth century. It became quickly apparent that community relocation was not the sort of project on which commissioners wanted to stamp their name. Dr. Colton had to defend himself against their suspicions. Exactly what sorts of planning strategies was he suggesting? Was he suggesting that communities give up and retreat?

Not retreat strategies, but I think we need to think about resettlement. I'm very, very insistent on using that term because people don't want to hear about retreat. They're not going to give up, but they can relocate in a safer place.<sup>325</sup>

Most inquiries that followed his presentation actually arose from doubts about how much relocation might cost, but Dr. Colton could only surmise what such an endeavor would look like in dollars and cents. He could, however, speak to the ethical dilemma quite clearly, and he made it known that planning for voluntary relocation was the right thing to do in his opinion. He felt that ignoring the issue at a policy level was unwise and unjust to the people who wanted to go.

One objection stood out from the rest. An older white-haired commissioner, perhaps in his seventies, spoke into the microphone attached to the boardroom table.

But you never mentioned the word *culture*. My grandmother was a Southern Cheyenne. She was resettled. There's no Cheyenne culture. It's dead. It's gone. And we're going to do the same thing to these people. I hope to hell not.

Despite Dr. Colton's assurances that this would have to be a voluntary relocation in contrast to the horrific experiences of forced resettlements, this commissioner was not swayed. I decided to catch him after the meeting. He was still blowing off steam. He said to me,

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<sup>325</sup> Colton 2014

I can remember when I was the Vice President of the United Way in Acadiana<sup>326</sup> and we were having a retreat, and we were going around the table saying, "What do people think of Acadiana? What is it that you do? Where do you come from? What's that got to mean?" And I said, "Mine concerns the Battle of Little Bighorn." And they said, "Why?" And I said, "Everybody says it was a massacre. No, we kicked Custer's ass." They said, "Who?" [he mimicked a board member asking]. I said, "My great-great uncle, who was there."

But they're going to wind up doing the same thing with this American Indian culture as they did with the—not only the Cheyenne, the Ocala, the Oglala-Sioux, the Navajos, the Shoshones, the Plains Tribes. They're going to destroy their culture through resettlement. His indignation was palpable as he recalled his colleagues' ignorance of American history. The Battle of Little Bighorn was a very clear victory for the Plains Indians who had stood up for themselves against colonizing forces, yet the nineteenth century romanticism of the noble, yet bloodthirsty savage versus the brave, patriotic settler, as portrayed first in novels and later in movies, still has a hold on modern society.<sup>327</sup> In this man's analogy, Custer was a colonizer and a metaphor for forced relocation. The American Indians were warriors fighting against their displacement. The American Indians had the capacity to defend themselves.

While indigenous relocation reminded this councilman of post-colonial America's Indian removal campaigns and thus advocated for a hands-off approach, I had been hearing many more pleas for intervention within the American Indian communities themselves. Dr. Colton's

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<sup>326</sup> Acadiana is the geographic name of the Cajun French region of Southern Louisiana. This region includes 22 parishes: Acadia, Ascension, Assumption, Avoyelles, Calcasieu, Cameron, Evangeline, Iberia, Iberville, Jefferson, Lafayette, Lafourche, Pointe Coupee, St. Charles, St. James, St. John The Baptist, St. Landry, St. Martin, St. Mary, Terrebonne, Vermillion, and West Baton Rouge.

<sup>327</sup> See Rollins and O'Connor's edited collection, *Hollywood's Indian: The Portrayal of the Native American in Film* (1998), which details how media portrayals of American Indians have impacted society.

advocacy for voluntary resettlement was in line with the wants and needs of several tribal leaders with whom I had consulted, but this man did not know that. How could this man have known their position if the American Indians were not there to speak for themselves?

While the commissioner's opinion was that the government had done enough harm and should step back and let resilient communities be resilient on their own, the American Indian communities were fighting against perceived government apathy. Their land had essentially been classified as a sacrificial zone. With no financial support from the government (as a non-federally-recognized tribe), they were left to fend for themselves.

Competing perspectives on indigenous relocation were beginning to raise normative questions. Should the government leave the tribes alone? Should the government intervene? Was anyone asking the American Indian communities? To answer these questions, I asked Chief Albert Naquin and key public officials about their own experiences with local relocation planning. Their narratives revealed that the conventional (noncollaborative, noncommunicative, non-community-based) mode or approach to planning has been at the root of the problem, cultivating misunderstandings while fostering more distrust between the government sector and American Indians than ever before. The paradigm of the rational planning mode had modeled an uncommunicative decision-making process where officials reserved deliberative power for their own circle of credentialed professionals, but this method was only fostering suspicions between the American Indian community and the government sector.

## A Missed Opportunity with The Army Corps of Engineers

### *Chief Naquin's Account*

Chief Albert Naquin recalled the first time he heard about the federal levee system's realignment in 1999. The Army Corps had reassessed Morganza-to-the-Gulf and deemed Isle de Jean Charles unfeasible for federal hurricane protection. The benefit-cost ratio did not support the series of levees necessary to wrap around the Island. With the sort sarcastic frankness iconic of Chief Albert, he laid out his feelings about the Army Corps' intentions:

They said, "Well that's, oh golly!" [He mimicked insincere concern]. So then they come out to me. They say, "Look." They says, "We want to relocate y'all." I say, "There ain't no way I'm going to relocate us, cause there's just a modern-day Trail of Tears." I said, "We don't want to move from here to theres. Just take us to Oklahoma."<sup>328</sup> [He quipped with a laugh]. No, I didn't say that. [He corrected himself with a mischievous grin.] I should have maybe, huh?

But you know, then I started thinking. I said, "Ok, I live in a nice house."<sup>329</sup> I said, "Why should I deny others to live in a nice house too? A modern house." So we talked to the [tribal] council. At first they was just like me. "No, no, no! We ain't going! We ain't



*Chief Albert Naquin speaks at the Barateria Terrebonne National Estuary Program (BTNEP) Management Conference.*

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<sup>328</sup> This is an allusion to the Trail of Tears in the early nineteenth century, when President Jackson relocated American Indians from land east of the Mississippi River to Oklahoma.

<sup>329</sup> Chief Albert had already relocated to Pointe au Chien.

going!” And then I told them. I said, “Look.” I said, “Why not? Why not take a relocation?”

And I explained to them my thoughts. I said, “Eventually we're just going to go anyway. They're not going to protect us. I know they said they will, cause I know they said they got something planned for the Island, but you know, my thought is, the way the Corps of Engineers works, they got something planned for us. They're going to make sure that we drown. I said, “Maybe what Andrew Jackson couldn't do, they'll do.”

In 2002, the Army Corps of Engineers organized a meeting with the tribe to discuss the possibility of a community relocation. The Army Corps and state government had already put together a conceptual site plan and conducted a survey to see who was interested in a relocation.<sup>330</sup> “We had it!,” he exclaimed incredulously. He could not help but blame himself for letting the opportunity slip through his fingers. While State Representative Jerome Zeringue (focused upon in the next section) recalled that the Corps would move forward with the planning process with a simple majority vote, Chief Naquin remembered that the Corps wanted an 85 percent near-consensus to go.<sup>331</sup>

Probably it's all my fault because I invited everybody to come to the meeting because I was excited because I had 85 percent of the people say, “Yes, we'll go, we'll go, we'll go!” And so I was excited. I said, “Shoot!” I said, “If we have the Corps of Engineers there, I know we'll get the other 15 percent!” And well, my bad, cause I did and I went to

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<sup>330</sup> This is not the first time the Army Corps of Engineers has considered indigenous relocation as a mitigation strategy. In both Shishmaref and Newtok, Alaska, the Army Corps of Engineers published reports, determining the relocation was a feasible, long-term solution. See Marino (2012, 2015) and Bronin (2008, 2011, 2014a, 2014b). However, in both of these villages, relocation planning was spearheaded through cooperatives of indigenous boards with local governments, whereas the ACE was collaborating with the Isle de Jean Charles tribal council informally and only to a small degree. Both Arctic villages started off with more intergovernmental coordination than in Isle de Jean Charles.

<sup>331</sup> This inconstancy suggests that one or both men may have exaggerated this claim, intentionally or unintentionally, or there may have been a miscommunication or misunderstanding.

everybody and said, "Oh hey, y'all come to the meeting. We'll see what is done. We'll see what our new community's going to look like." And they had three or four different ways they were going to put the community.

Chief Naquin then reminisced about the design that the Army Corps provided. They had hired architects to draw up conceptual plans for mixed-use development. "They was going to fix us a tourist attraction near the island," he said referring to the amenities. "So like in the community we had, uh, all the houses, a playground, a community center, a church, and a store. So, you know, we couldn't go wrong." He segued back to his memories of the consultation, first blaming himself and the community for its failures.

But anyway, the way I did was invite everybody. And there were people from Westwego. [Westwego is over 40 miles northeast of the Island.] "Aww, we ain't moving!" [Chief Naquin imitated the objectors.] I said, "Y'all not even from here! Y'all never lived over here!" I said, "You can't move cause you don't even live here, so you don't have to move at all!" [Name withheld] over here was from Point au Chien said, "Well, I ain't moving!" I said, "[name withheld], you live in Point au Chien." I said, "You don't have to move." But see, the Corps of Engineers didn't know.

So anyway, Reggie [Dupre],<sup>332</sup> he was our [State] Senator then, and he started talking, and I could see people getting riled up. I said, "Well," I said, "Reggie, give me the microphone." So I went up around the table, I went up and said, "Reggie, would it be alright if we shut it down?" So I says, "Ok." I says, "Sorry about this." I said, "Look."

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<sup>332</sup> Reggie Dupre is a relative of the Naquins through his step-mother. His father, Reggie Dupre, Sr., was the police constable in Pointe au Chien, and young Reggie grew up in the community. Reggie Dupre (Jr.) was State Senator at the time of this meeting, and he later became Director of the Terrebonne Parish Levee Conservation District.

Pastor [name withheld] was there. We had a meal, so I just said, "Just go ahead and say Grace." And then we go and shut the meeting down.

Chaos and dissent overwhelmed the tribal and state meeting facilitators, and they shut down rather than mediating the conflict. Furthermore, Chief Naquin reveals that the Army Corps, state, and tribal representatives were not on the same page when it came to the rules and procedures of the consultation process.<sup>333</sup> The parties seemed unclear as to how the consultation process would work and how the participants were expected to engage with one another. In deciding to pursue relocation via community survey, the government did not clarify whose vote would count, and Chief Albert was baffled by the protestations of people who did not even live on the Island. Were the agencies counting all members of the tribe (some of whom had already relocated) or only current residents of the Island? Was the relocation voluntary or compulsory? These issues were never resolved. The Chief relayed his confusion to the Army Corps after the meeting.

So they called me and say, "Chief, it doesn't look good." I said, "No, it sure as hell doesn't." But I said, "Those people are not from here. See? They don't even have to vote because they don't even live here." I said, "Let's just talk to those that lives here." They said, "Well, we don't know them." I said, "But I know them." They said, "Well we can't operate like that."

The Chief had assessed an 85 percent near-consensus by his own count, but he had only consulted current Island residents from his tribe. If Chief Naquin is correct in his assessment, the inclusion of members outside of the Island diluted the vote, instead signaling a lack of consensus to the Corps. Because the vocal disagreement and the questionnaire results signaled a lack of

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<sup>333</sup> Clear communication is something that scholars of deliberative practice emphasize in community planning, dispute resolution, and consensus-building endeavors. E.g., see Forrester 2009; Susskind & Cruikshank 2006; Ury & Fisher 1991. Setting ground rules and collectively agreeing as to how a deliberative process will proceed is crucial.

consensus, Chief Naquin then regretted being so open and inclusive with his tribal members. He regretted that the architectural presentation was not shown, but for him, preventing a fight of such magnitude, a shouting match, seemed more important at the time, and he acquiesced to the shutdown of the meeting.

If I wouldn't have invited all those people, we would have got it. If I would have just invited the Island people. Cause I went to them and some of them...Those that said *yes*, that was about 85 percent. Had a few of them that wasn't ready to go, but I believe that if the Corps showed them what they had, they probably would have taken advantage of it. I mean you know, we're only looking at about fifteen minutes. I had to shut it down. Cause I mean, it ended up starting a fight, cause of who wants it and who don't want it, so you know, it wasn't meant to be. So we just let it ride. It's been riding for what? Well probably, we started in 2000. I guess you could say fifteen years.

Somewhat paradoxically, Chief Naquin perceives that the opportunity was squandered concurrently because of a lack of communication (not being clear about who was included in the vote to relocate) and too much communication (inviting too many people to the meeting). For him, the whole ordeal seemed tragic, because the potential to save the community was there but was wasted amid a chaotic process. Now consider the account of the same consultation procedure through the lens of a public official, noting his fiscally-conscious rationale of project planning (a product of the rational planning paradigm) juxtaposed with his impressions of tribal conspiracy.

### *The Public Official Account: Jerome Zeringue*

At the time of the relocation meeting in 2002, Jerome Zeringue was the Director of the Terrebonne Levee and Conservation District, a political subdivision of the State which manages local matters of structural flood control and hurricane protection. He had worked with the Army Corps of Engineers to develop and implement the Morganza-to-the-Gulf hurricane protection



*Louisiana's Coastal Protection and Restoration Authority (CPRA) Board meets under the leadership of Jerome Zeringue, Executive Director.*

system. Mr. Zeringue was a native (though not in the indigenous sense) of Houma, the Terrebonne Parish seat, and lived just north of the bayou communities of Pointe au Chien and Isle de Jean Charles. At the time of our meeting, he was an elected member of the Louisiana House of Representatives, moving on from his position as Executive Director of Louisiana's Coastal Protection and Restoration Authority. I sat with him at his kitchen table one morning to talk about Morganza. I told him that I knew that the 1999 realignment<sup>334</sup> left out Isle de Jean Charles, but I wanted to know how public authorities dealt with the conundrum, considering the pushback they had received from the Environmental Protection Agency (EPA) Environmental

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<sup>334</sup> Realignment, in other words, refers to the altering of the project footprint.

Impact Assessment (EIS) for disproportionately affecting environmental justice (EJ)

communities.<sup>335</sup> He described the rationale behind the selection of the current alignment as a matter of federal guidelines.

Well part of the process in terms of getting a federally authorized project is you have to evaluate different alternatives. One is, without action, if you didn't do anything. Then you look at different alignments—there were five different alignments that were considered—so that you can provide the greatest amount of protection and minimally impact [the environment], because [of] regulatory wetlands issues. So you're evaluating all those options.

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<sup>335</sup> Under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA) of 1970 requires that the EPA review and comment on Environmental Impact Statements (EIS) of federal projects. On February 19, 2003, the Environment Protection Agency office from Region 6 out of Dallas, Texas wrote a letter to the Army Corps of Engineers' New Orleans District after reviewing the Draft Revised Programmatic Environmental Impact Statement for the levee system project they had set in motion back in 1992. The agency had ascribed a deficient rating to the project, noting environmental justice concerns involving American Indian communities.

...The Isle de Jean Charles community has been previously identified as an EJ community with significant EJ concerns. Because of their special vulnerability, the proposed action, directly or indirectly, is likely to have disproportionate impacts on the Isle de Jean Charles community. Additional tribal communities could be similarly impacted due to effects on subsistence activities or cultural integrity, but are not mentioned in the Draft Revised Programmatic Environmental Impact Statement (DRPEIS), such as the Point au Chien Indian Tribe and United Houma Nation...

In view of these special circumstances, EPA recommends that the USACE perform an appropriately detailed EJ analysis, immediately begin additional outreach and public involvement, consider alternatives to a buyout, and provide a detailed analysis of how buyout alternatives would avoid additional or cumulative, disproportionate impacts on EJ areas and communities...

Cyn Sarthou, environmental attorney and Executive Director of the Gulf Restoration Network (GRN), believes that the Army Corps hopes the Island people will be displaced before they are required to mitigate through buyouts 25 years later:

The Morganza-to-the-Gulf project will impact Isle de Jean Charles, and that project admits that mitigation is required using buyouts," she explained incredulously. "EPA said, 'Well if that's true, you need to buy them out now,' and the Corps said, 'No, our policies don't require us to buy them out 'til the end of the project, which is 25 years from now.' And the thing is, that population will not be there in 20 to 25 years, so mitigation essentially is never going to [happen]. They're never going to mitigate because the population will have been forced out, and this is happening to a lot of lower-income, and I don't mean just really low-income, I mean fishermen, etc. They're feeling impacts now, and state strategies for addressing those impacts are largely 10 to 20 years from now. Restoration and structural protection will come years from now, and yet, no money is being delegated or appropriated, or even Restore dollars [i.e., Restore Act: BP oil spill restoration funding]. No percentage of those monies are going to go to mitigation strategies to help those populations between now and that 10-to-20 year period. (Sarthou, C. Personal Communication. June 17, 2015)

At one time, one of the options was incorporating Isle de Jean Charles. And the other aspect of that was, you look at these alignments, the federal government is required to do a benefit-cost ratio. It doesn't put a value on people. You know, as a taxpayer, it's somewhat good to know, the government is going to go to great lengths to ensure that for every dollar invested, that it's at least a dollar returned. From a personal, local perspective, it's also difficult inasmuch as it doesn't necessarily put a value on human life—what benefit is achieved from that investment.

Mr. Zeringue correctly defends the Corps, stating they are held accountable to Morgana-to-the-Gulf's feasibility. In 1982, President Ronald Reagan passed an Executive Order<sup>336</sup> which restricts the passage of any regulation or the funding of any project which is not measurably cost-effective via a regulatory impact analysis. Agencies became legally obligated to choose the project alternative with the best benefit-cost ratio. Benefit-cost ratios account for monetary benefits relative to monetary costs. When costs outweigh benefits, the ratio falls below one, signaling a poor investment. The project alternative with the highest ratio has the most positive impact on society.

The heavy reliance on feasibility studies, however, disregards the subjectivity inherent in quantifying qualitative aspects of society. First of all, funding agencies must make decisions

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<sup>336</sup> Executive Order No. 12291, Section 2. *General Requirements*. In promulgating new regulations, reviewing existing regulations, and developing legislative proposals concerning regulation, all agencies, to the extent permitted by law, shall adhere to the following requirements:

- (a) Administrative decisions shall be based on adequate information concerning the need for and consequences of proposed government action;
- (b) Regulatory action shall not be undertaken unless the potential benefits to society for the regulation outweigh the potential costs to society;
- (c) Regulatory objectives shall be chosen to maximize the net benefits to society;
- (d) Among alternative approaches to any given regulatory objective, the alternative involving the least net cost to society shall be chosen; and
- (e) Agencies shall set regulatory priorities with the aim of maximizing the aggregate net benefits to society, taking into account the condition of the particular industries affected by regulations, the condition of the national economy, and other regulatory actions contemplated for the future.

about how they define and monetize benefits and costs, so calculations will vary depending upon the analyst and their basic assumptions which frame the analysis. Additionally, Mr. Zeringue is referring to another major challenge. Some values are intangible. Neither human life nor heritage can be monetized; therefore, feasibility studies do not account for these variables.

So to that end, they evaluated several alignments, two of which, or at least one, involved Isle de Jean Charles, but if you go back and assess the cost at the time—it's much more since then—but at the time that it was considered, it would have increased the cost of the project over 100 million dollars. Now that was from 2000/2005 dollars. Right now, because of the change in how they built levees, the requirements and standards they used post-Katrina—that hundred million probably increased to probably a billion plus.

After Hurricane Katrina in 2005, the Army Corps of Engineers was criticized for designing faulty levees which resulted in the catastrophic breaches in New Orleans. As a result, the Corps had to grapple with more rigorous design standards, causing costs to rise. As Mr. Zeringue explains, what was previously an incredibly higher cost to incorporate the Island skyrocketed after design standards changed.

So, you have Isle de Jean Charles, which at the time had maybe a hundred residents, if it had that. Maybe twenty to thirty permanent homes. You could have essentially gone on the Island and purchased all the assets and at a significant profit—owners of the homes—for several million dollars at most, so the justification to spend 100 million dollars, or in today's dollar, 100 billion on something that could have been purchased in reality for several million dollars didn't make sense. So we said, "What are some of the alternatives?" is what we did. So we—I and the government—looked at how we could work with the community to relocate them.

And I'm sure you are aware is, they are looking for being recognized—a tribal community. It's important for them in many respects. So the whole aspect of maintaining a tribal unit and staying together as a tribal unit—and we took that into consideration and provided them an alternative in that we were going to relocate them on a parcel of land that was going to be acquired by the project, set them up with homes—new homes—in many respects, much greater a benefit than they were currently living in.

We were going to build a project cost to do that, so...And to that end, we even had architects come in, and a tribal community center we were going to set up. It would be the basis, the center of the community, and the homes—a perfect opportunity to maintain a community and provide housing for it.

Consider the phrasing above as it suggests an internal, secluded deliberative process. The planning action was being done by a “we” to a “them.” By “we,” Mr. Zeringue qualified “I and the government.” So the government and its hired experts considered what to do as protection by Morgana became infeasible (“So we said, ‘What are some of the alternatives?’”). *The government officials alone* suggested developing relocation plans *on the tribe’s behalf* after hearing that the tribe might be interested in relocation. Without significant collaboration from the Isle de Jean Charles community, the government has completed three out of four steps of Meyerson and Banfield’s rational planning model: 1) analysis of the situation; 2) end reduction or elaboration; 3) design courses of action. The community, *the them*, is a passive participant: “We went back and started developing some things, and then *we* presented it to *them*.” The government’s presentation of the relocation plan did not go over well with a segment of the American Indian community. Mr. Zeringue noted that a disruption during the consultation meeting was a sign of their conspiracy, the product of inter-tribal competition.

Internally there's still this conflict I guess with factions within the Houmas and [the Biloxi-Chitimacha-Choctaw]<sup>337</sup> Indians. And I think part of that's personality issues, and part of that's who should lead, so there's a lot of people who conspired into this whole process...And having participated I know it's not the case that the federal government didn't go to great lengths to provide or afford them opportunities for alternatives. We did. Because the United Houma Nation (UHN) does not recognize the legitimacy of the Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw, they do not recognize the leadership of Chief Albert Naquin. The UHN, which also claims the Island as part of their territory, had their own representation at the meeting, and conflicts about their competing land and identity claims led to disorder. These tensions, which had been created and amplified through the federal acknowledgement process, often manifested in other arenas. To add another layer of contention, there were rumors that the government was conspiring against the indigenous community:

I mean there were ridiculous rumors that the state wanted to buy this to set up this awesome marina or beautiful camps and such, which is b.s.—and also that we were acquiring the property to get all these mineral rights. That wasn't the case...I can tell you, I participated in the process; [it was] all about trying to work with them, to relocate them, to advance their interest.

While Chief Naquin, who felt he had no control of the process, had framed the injustice of displacement as “the Trail of Tears,” Mr. Zeringue framed the demise of the relocation opportunity in terms of inter-tribal conspiracy. Mr. Zeringue, who had put a lot of effort into the relocation project, was insulted by the insinuation that the government was conspiring to make a

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<sup>337</sup> He actually said “Chitimacha” Indians when they are actually a band of the “Biloxi-Chitimacha-Choctaw,” a part of the Biloxi, Chitimacha Confederation of Muskogeans. While the United Houma Nation and the Chitimacha Tribe have been in conflict with each other, the United Houma Nation and the Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw are the two primary familial tribal groups disputing over the Island.

land grab. He resented that competing tribes seemed to be conspiring against each other to maintain control of the territory.

While government officials were experienced in making environmental planning decisions through conventional planning methods, they were baffled by the emotional reactions that disrupted this project. Their rational planning mode oriented them toward value-free, depoliticized processes, and they determined that people problems were off limits. Though current conflict resolution and communicative planning literature counters this misconception, they felt that ignoring interpersonal disagreement was preferable to engaging more conflict.<sup>338</sup>

If the rational planning mode pushes practitioners to ignore disputes, and the American Indian community's history of colonization necessarily implies that they have a legacy of conflict engendering distrust, then the disrupter of relocation planning was not the American Indian community or the government practitioners but the philosophy behind their planning methodology. Simply put, the planning methodology employed (i.e., the rational planning model) was the wrong fit for this sort of work with indigenous communities.

Before analyzing the situation further, the chapter will establish that the antagonistic relationships engendered by the rational planning paradigm in the Army Corps example were no fluke. Case in point, when another opportunity to fund the Isle de Jean Charles relocation arose, similar tribal-governmental and inter-tribal challenges prevented the planning process from

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<sup>338</sup> Professional negotiators find that ignoring people problems is detrimental to the process. Rather, relationship problems need to be disentangled from substantive issues. In the back of Fisher and Ury's book, *Getting to Yes* (1991), they list ten questions people ask about getting to yes. Question 4 is "What do I do if people *are* the problem?" They answer (157-160): "Some people have interpreted the admonition 'Separate the people from the problem' to mean sweep people problems under the rug. This is emphatically *not* what we mean. People problems often require more attention than substantive ones. The human propensity for defensiveness and reactive behavior is one reason so many negotiations fail when agreement would otherwise make sense. In negotiation you ignore people issues—how you are treating the other side—at your peril. Our basic advice is the same whether people problems are one concern or the main focus of your negotiation: Build a working relationship independent of agreement or disagreement...Negotiate the relationship...Distinguish how you treat them from how they treat you...Deal rationally with apparent irrationality..."

moving forward. The next missed opportunity provides further evidence that something about the *mode of planning* was not working out.

## **A Second Missed Opportunity with the Parish Government**

### ***Chief Naquin's Account***

The second opportunity to relocate arose when the parish government received grant money in the wake of Hurricane Gustav. The federal government had allocated community development block grant (CDBG)<sup>339</sup> dollars to the state. Terrebonne Parish's share of that was \$123 million, plus another \$10 million for a housing component.<sup>340</sup> The parish submitted an action plan that did not include a relocation project, but after the fact, they considered a submitted proposal to include Isle de Jean Charles as a component. The idea was to move the people from Isle de Jean Charles to Bourg, Louisiana. Bourg is a low-density, unincorporated community within Terrebonne Parish, located approximately 20 miles north of Isle de Jean Charles. While the Isle de Jean Charles tribal community had not yet acquired the property, they had identified land to purchase for the relocation site. To move forward with relocation planning, authorization by the parish council was necessary.

Chief Albert Naquin went to speak about his aspirations to relocate the Isle de Jean Charles tribal community at a parish council meeting. The council seemed to have been expecting a fight like the one which had broken out during the previous relocation meeting. "...When we had the meeting, actually they had more police there than us, cause they figured we was going to fight. But you know what? It was a calm meeting," the Chief recalled. As with the

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<sup>339</sup> The Department of Housing and Urban Development (HUD) administers the CDBG program to ensure access to affordable housing, provide needs to vulnerable communities, and enhance job creation by supporting businesses. Congress may appropriate additional funding to a CDBG in the form of Disaster Recovery grants following a presidentially-declared disaster.

<sup>340</sup> Levron, A. and P. Gordon. Personal communication, June 19, 2015.

previous example, Chief Albert frames his memories in terms of government-induced injustice, and he reveals a severe lack of communication between tribe and government in preparing for the meeting. While addressing the council,

I was doing my presentation, and I was thinking I would have had time to do my whole outline. And they say, "Oh, Mr. Naquin." They said, "Your time is up." I said, "What!" She says, "Your time is up." She said, "Close it." I said, "My time is up, I'm sitting down." I did. I sat down and somebody in the back said, "Well, that was cruel!"

The parish government was very much in control in this consultation setup. Not only had they anticipated a fight, and thus sent a dominant, perhaps even intimidating message by enhancing their police presence,<sup>341</sup> but the council addressed Chief Naquin and his Deputy Chiefs as everyday public commentators under their authority. The parish government had dictated the length of time in which the Chief could speak—the same three minutes which limited anyone else's public comment. Unbeknownst to him, the Chief was not there to present in the same way that a water professional would often present to a government board, with a much larger time allocation. The council had not addressed him as an expert of the Isle de Jean Charles relocation with a substantial stake in the process and a significant leadership role. In this moment, he was treated as just a regular citizen with an opinion.

In spite of tribal-governmental inequality signaled by the parish council meeting setup, Chief Naquin believed that racism was primarily to blame for the council's lack of support in

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<sup>341</sup> This use of police presence to send an intimidating message is somewhat reminiscent of Foucault's work on the control exerted through surveillance in *Discipline and Punish* (1995). Foucault developed the social theory of panopticonism where behavior is modified by surveillance. (A panopticon is Jeremy Bentham's architectural creation, a circular observation tower central to a prison to surveil cells.) Discipline becomes a passive, rather than active action because people are not always aware of when they are being watched. Setting up such an authority-subject relationship between the government and indigenous communities is antithetical to the collaborative relationship necessary for indigenous planning endeavors and only reinforces the existing hierarchy of the state over indigenous societies.

relocation. "What killed us there is the people living next door because of the subdivision in that area." White, middle-class Bourg residents of the subdivision which was situated just south of the relocation site, came to oppose the project. With racist mutterings of "those people" under their breath, their spoken opposition was couched in the vernacular of regional flooding. In his retelling, the Chief seemed to have gotten into a disagreement with one vocal Bourg resident in particular:

But yeah, we was in Bourg, and during the meeting and afterwards, there were a lot of people from Bourg that was there. Went and talked. Said, "Ahh, look it floods! Look how much it floods after it rains!" I said, "Yeah it's true, the street is flooded, but it's going to drain out. It's not in your house. It's not the flood water from the hurricane." I said, "It's rainwater. Freshwater."...So then [my wife], or somebody, was outside and somebody walked out and said, "Soon as those people move there, they're going to devalue our property."

They'd always present [the problem as flooding] in front of the podium. Then she had the nerve to kneel down in front of me. Showed me that. [indicating a map] I said, "Yeah, but that's rainwater. I said, that's hurricane water. Plus," I says, "how often does it rain to flood the street?" She says, "Sometimes twice a year." I says, "It's ok. It's going to drain." I says, "If it's three times a year," I says, "it's better than one hurricane flood." So she couldn't sell me on that one. So then they was talking about how it was going to devalue our property.

And look, don't get me wrong now. We talked about it, but after all that, the parish decided they wasn't going to do it. The parish was going to pay for that one. But that's maybe good. I say, "You've got to consider, you've got all these properties. You've got a

house here, a house there." Eventually, see, they don't want to live by us because we're Indians, so they're going to sell out. We could buy that and have some more property.

So while they was trying to put a negative—well they did put a negative on it—but we was looking at it in a positive way. I says, "Well, they're just going to sell it because they don't want to live near us. Well, I'll just buy the property." See? We might be able to get the whole subdivision!

Chief Naquin's white-flight joke brought him to fit of laughter, as he deflected from the painful subject matter. He did not believe that flooding was ever the real obstacle to their relocation, but rather the potential neighbors' way to diplomatically conceal concerns about living next to "those people."

In addition to the vocalized opposition from their potential neighbors, the Chief recalled that political tensions involving the potential developer had driven the council to vote against the project.

They had more nays than yeas because [of] the [builder]—actually he was the real estate man and also the construction man. [T]hey didn't like him. The council doesn't like him because basically he has too much power in the parish, cause you know he has a lot of money, so he gives money to elect people on his side that's going to fight for him to get things done so he can make more money. Typical political...and people who have money... [He trailed off.]

So you know, we have to suffer because of people that the parish council don't like. So you're dealing with a [history], you're dealing with a past. But since it was him, I was

told, the reason we didn't get it was because of him. I said, "Well just because of one man, y'all going to deny us?" I said, "That's wrong."

The Chief and those of his community who were ready to relocate, were severely disappointed by the parish's decision not to further pursue relocation. Following two disappointments, Chief Albert decided to try something different: "So now I keep it as silent as possible. I hate to work in secret. Hell, the people at the Island don't even know what I'm doing. I ain't going to tell them."

Chief Naquin had learned after first missing an opportunity with the Army Corps of Engineers and then with the parish government that his attempt at transparency had not worked for him. He was tired of the disappointment. During the planning processes, community members had not worked through their concerns or needs in an open manner, and they were accustomed to loud opposition or support through a public-hearing style of meeting—not the sort of setup which is conducive to community-building. The local government did not seem to be trying anything new in the way of planning, so he closed up, hoping to protect his people.

Now, consider the parish relocation opportunity through the government official's optic. As with the state/Army Corps example, instead of noting injustices in governmental planning processes, officials emphasized both a lack of coordination among the indigenous communities and a series of fiscal challenges.

*The Parish Officials' Account: Pat Gordon and Al Levron*



*Pat Gordon, Planning Director of Terrebonne Parish*

I was in the break room at the top of Government Tower in Downtown Houma to meet with two of the men who had been immersed in Terrebonne Parish politics for decades. The three of us sat at a round table between the mini kitchen and large window facing out to the marshes. Pat Gordon, a planning alumna of the University of Southwestern Louisiana (now shortened to the University of Louisiana), had been the Planning Director of Terrebonne Parish since 1988. Al Levron, the Terrebonne Parish Manager, had a degree in biological science and had worked for seven years doing environmental regulation in the private sector before coming to work for the parish government in 1981. Both men had personal roots in Terrebonne Parish, tying them to the watery, Cajun landscape. Mr. Gordon's family had moved from Ireland to Houma when he was one-year-old, and he has resided in Terrebonne Parish ever since. Mr. Levron told me that his family was from Lower Pointe au Chien, the same community as the Pointe-au-Chien Indian Tribe. His father had been a trapper, and he explained that his family had made a living from the bounty of natural resources. Having grown up in the region, they already had a sense of the inter-personal dynamics which shaped American Indian communities' adaptation efforts. They knew of the controversies surrounding relocation, and they used that knowledge to preface their rationale for local government action.



*Al Levron, Terrebonne Parish Manager*

Inter-tribal and intra-tribal conflict was one frame of reference that Mr. Levron and Mr. Gordon used to foreshadow the relocation planning attempt. As I was setting up my laptop for the interview, I told them that I was focusing on the experiences of American Indian communities in the area. Before asking them any questions, they let me know that the negative consequences of tribal recognition processes, such as the fracturing of communities, had carried over into other local tribal-governmental processes.

Mr. Levron reminded Mr. Gordon of the time the local tribes asked the parish to support them in seeking state recognition. Unlike federal recognition, state recognition carries with it no sovereignty, no right to a government-to-government relationship, and no financial support from state or federal programs, but the tribes regarded it as a stepping stone toward federal recognition, and therefore state recognition was a crucial stage in their progression. Fortunately, the state recognition process was much less onerous than the one for federal acknowledgement. All they needed was for the state legislature to pass a bill on their behalf. Each of the tribes in Terrebonne and Lafourche Parish were state recognized in the early 2000s.<sup>342</sup>

Before the state passed the bill to recognize them, the tribes had approached Terrebonne Parish to gain a resolution of support. The men noted that the process to gain state recognition (compounded by residual tension from the federal acknowledgement process) had exacerbated a conflict between local tribes. The UHN<sup>343</sup> and BCCM/PACIT<sup>344</sup> disagreed about each other's legitimacy and sometimes had arguments about their territory. The men noted that during the state recognition process, one tribe had sent in a resolution contesting the legitimacy of the other

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<sup>342</sup> Former State Senator Reggie Dupree, who grew up in Pointe au Chien and is related to the Naquins through his step-mother, authored the legislation for state recognition for the Pointe-au-Chien Indian Tribe and Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw. Dupre, R. Personal communication, May 4, 2015.

<sup>343</sup> United Houma Nation

<sup>344</sup> Biloxi, Chitimacha Confederation of Muskogees and Pointe-au-Chien Indian Tribe

and disputed their state recognition status. Mr. Levron and Mr. Gordon are not certain which group(s) started this dispute, but they were sure it should have no bearing on the planning process: “We're not going to get involved in the disagreements amongst yourselves.” The parish, however, was happy to attest to tribes’ legitimacy as they sought federal support. Not only could they attest to the tribal communities’ existence but, perhaps the tribes’ federal recognition status would relieve the state and parish of financial pressures to accommodate these indigenous communities.

Public officials relayed the news on conflict as if it were a secret that everyone knew but no one should vocalize. While inter-tribal conflict negatively impacted government affairs, it was viewed as something to be avoided and left unaddressed. “If y'all want to ask for recognition, we're certainly going to support that, but we're not going to get in the weeds of deciding who's right or who's wrong.”

Officials saw that bad blood between individuals was none of their business, and they avoided emotionally-charged topics when they arose. Not only did officials find it inappropriate to intervene in inter-tribal conflict, but the same was true regarding intra-tribal conflict. The people of Isle de Jean Charles lacked a consensus on the relocation decision. Mr. Levron said, “We were hearing both things. You know, ‘We want it.’ ‘We don't.’” The local government felt that the controversy was best left to the community to discuss on their own.

While inter-tribal conflict was an important preface to local tribal challenges, Mr. Levron also put the question of relocation in a practical context of financial feasibility: “Assuming they wanted fifty homes at, you know, \$200,000 a piece, that's a pretty big number, or even \$100,000.” Though community relocation would have been immensely expensive, maintenance of the Island, which was repeatedly being impacted by natural disasters, was also enormously

costly. Continued residency on Isle de Jean Charles meant the parish would be continuously responsible for the upkeep of its infrastructure. Therefore, as Mr. Levron explained, the local government had a vested interest in treating the relocation project as a buyout.

And the reality is, again, because of its proximity that the long-term sustainability of access to that island is very suspect, right? I mean we just spent nine million dollars building that road for, again, twenty families, and I think you can only justify that so many times, but the next time, if it's ten million dollars, I think then the policy-makers have to make a very difficult decision. How many times can you justify that?

The repair costs of Island Road, the only road connecting the Island to the mainland and thus its only evacuation route, had been a source of contention for parish officials and Island residents alike. Officials within the parish were beginning to say they may not be able to repair the road every time it is destroyed by a hurricane. Concerned that their road would not be maintained in the future, many residents pushed even harder for relocation. Parish officials looked at the matter pragmatically, considering cost of repair per family. Repairing a road for nine to ten million dollars for only twenty families seemed infeasible.

However, the alternative in the aftermath of Hurricane Gustav (i.e., pursuing a relocation project), also seemed infeasible. The men explained that the planning process never got legs because the tribe presented the parish with a proposal and asked for too much. Mr. Gordon explained,

Well, there was some money during Gustav, and they talked to the tribe, but I thought those efforts failed. And they gave us a proposal, and they were looking at relocating to Bourg if I recall, and also they wanted to retain the property that they owned, and also they wanted to be able to utilize the structures, utilize the existing homes, and move to

Bourg, and...As I recall, they wanted us to build a big pavilion out there. There was a number of items in the proposal that just didn't wash. And so I recall it failed at that time. When the parish realized that the tribe wanted to relocate while also maintaining property rights and fishing rights to Isle de Jean Charles, they dismissed the idea to include the relocation project in their action plan (written as a HUD CDBG grantee). If relocation had meant that the parish government would no longer have to maintain infrastructure to the Island, then relocation would have lessened the parish's financial risk (e.g., damage to vulnerable infrastructure).

"Why would you justify relocating when you've still got to maintain that?," asked Mr. Levron.

"Right, agreed Mr. Gordon. "Why maintain that road? Don't even repair the road. Let everybody be relocated. Don't maintain the road."

So, in addition to the inter-tribal conflict born of the state/federal recognition processes and the lack of intra-tribal consensus to move, the parish's assessment of project costs without benefits to the municipality (e.g., still having to maintain the Island) did not seem worthwhile. Mr. Gordon added another substantial complication to the list: unclear property titles.

"And I don't know if they own all the property. I think that was another problem."

"They don't," Mr. Levron confirmed.

Mr. Gordon said, "Well, it belongs to an oil company. Apache. Doesn't Apache own it?"

"Well Apache owns part of it, and the other interesting thing about ownership down there is that, if one goes back, the property's held in division, meaning there's never been

successions.<sup>345</sup> So if you look at chain and title, there may be five generations of people that still are on the title, so that's another issue to using community development block grant dollars. To buy-out, you need clear title.”

“There's very little clear title,” Mr. Gordon agreed. “Well Apache's title is pretty clear, but it's the Naquin...[referring to a tract owned by the Naquin family]?”

“Yes. No successions were done, many property owners, so who do you pay if you do buy-out the property?,” explained Mr. Gordon.

These socio-political, financial, and technical challenges have all been deeply problematic, considering the urgency of the situation. Families were being displaced one-by-one, and preservation of the old conventions and traditions people valued was being threatened by disunity. The parish’s decision to stop exploring relocation, made insularly amongst government officials, was logical in accordance with a rational paradigm of planning, based upon their analysis of alternatives. However, the issue of mitigation was not resolved to satisfy the EPA mitigation requirements, and tribal-governmental relations became further strained. The people felt that they were not in control of their futures. Chief Albert felt disregarded and disrespected. But what was it about the rational planning approach which was so ineffectual?

### **The Inadequacies of the Rational Planning Model for Indigenous Planning**

Rational planning, taught in university planning departments as a logical, scientific, systematic methodology, is a conventional approach to planning. Although several waves of

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<sup>345</sup> In Louisiana, unsettled property successions (aka probate in other regions) complicate real estate transfers. When a property owner dies, a succession is the process of distributing an estate to a decedent’s heirs. When a property title has not been legally cleared through a succession, perhaps after several generations, the owners of the property are unclear, and local governments are unable to buy-out the property.

planning theory have critiqued and transcended the limitations of Meyerson and Banfield's model since 1955, many planners still defer to the mode of rational planning for its illusion of simplicity and in hope of rendering apolitical decisions. The notion that planners can systematically follow a protocol to make rational decisions while avoiding public pushback from diverse groups is undeniably appealing. As this case study has demonstrated, the reality is that planning is messy, extremely complex, and often contentious. It is not amenable to simplistic reductions.

In part, the rational planning model is flawed because it lacks a space for democratic deliberation. Although participatory methods may be integrated into its application, the model provides little guidance as to how planners can facilitate democratic deliberative processes through public engagement—a very clear gap between planning theory and practice. Well-intentioned planners may feel that they *should* gain input from the public, and they may set up meetings with a diverse array of participants, but they may not know how to integrate the input of public stakeholders with specialized knowledge of professional experts in a way which approaches a good solution.

For several decades critical planning literature has acknowledged this theory-practice gap, where mainstream public outreach efforts often amount to little more than unmeaningful window-dressing exercises,<sup>346</sup> because the worlds of theory and practice never seem to meet up. Under the mode of rational planning, public participation meetings sometimes merely placate the public while bolstering the local government's image of democracy. Including a participatory

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<sup>346</sup> See Sherry Arnstein's article *Ladder of Citizen Participation* (1969), which establishes a hierarchy of participation and nonparticipation statuses from "citizen control" to "manipulation." Also see Frank Fischer's book *Technocracy and the Politics of Expertise* (1990) for a discussion on the takeover of technical experts in democratic society. Many scholars counter the image of ineffectual participatory planning in their explorations of communicative planning methods and profiles of deliberative democracy.

component or not, under the rational model of planning, all deliberative processes are ultimately orchestrated by the state, and not the community. The task of decision-making just seems easier that way. However, state control is unsurprisingly antithetical to indigenous philosophies on community planning. In its application to planning within indigenous communities, the rational planning paradigm, which is supposed to simplify the complexities of planning, has instead fostered little accountability but substantial feelings of distrust.

How has the rational mode of planning played out in the first example of relocation planning? From Chief Albert's and Jerome Zeringue's accounts, we know that (1) there was some interest in discussing a relocation project, (2) an architectural or development firm was hired to draw up some conceptual plans, (3) the state and Army Corps sent out a questionnaire/survey to gauge tribal interest in relocation from the Island, and (4) after surveys determined a lack of consensus to relocate, the state and Army Corps set up a meeting with tribal leaders and community members to further discuss their interest to move or lack thereof.

In the example, the agencies (state and Army Corps of Engineers) evaluated the problem and came up with potential project alternatives. The agencies consulted architects, who conceived of the relocation without conducting a collaborative design charrette<sup>347</sup> or a community-wide consultation process with the people of Isle de Jean Charles. Then, when a large segment of the community opposed the process, the agencies revoked the offer to relocate them.

Consider the effects that an authority-subject organization has on people's perceptions. The hierarchical orientation of (1) planners in the driver's seat and (2) communities as passive

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<sup>347</sup> A design charrette is an intensive workshop in which community members and design professionals (planners, architects, landscape architects, etc.) collaborate to come up with a vision of a project. It allows for all participants to be co-authors of a design.

passengers divides perceptions of displacement, with tribes and government officials constructing antagonistic “us versus them” narratives. The government is actively positioned to do something, while the American Indian community is positioned to receive the effects of those actions. If everything goes well, the government is the savior and the people are saved. If everything goes poorly, the government is the villain, and the people are the victims.

An Island resident may perceive that something bad is actively being done to them (i.e., forced displacement), while a government official may perceive that something bad is happening because the residents will not cooperate with governmental problem-solving efforts, or that the residents do not understand economics. The first example is case in point. Mr. Zeringue viewed the Island’s exclusion from the Morganza project as a casualty of economic policy—feasibility studies in particular—but Chief Albert saw their exclusion as the modern Trail of Tears. While Mr. Zeringue viewed the failed tribal-governmental consultation through the lens of tribal conspiracy, Chief Albert focused on the loud-mouths who spoiled everything and the government’s lack of interest in sorting out misunderstandings.

In the second example, Chief Albert’s perception of injustice stands in contrast with Mr. Levron’s and Mr. Gordon’s perceptions of inter-tribal conflict, lack of coordination, and asking for too much. Putting together the interviews, we know that the planning/consultation process was just as motivated by the rational planning paradigm as it was in the previous example. (1) The parish received post-disaster funding, (2) the government considered a relocation project as a component to their action plan, (3) tribal leaders of Isle de Jean Charles submitted a proposal, (4) tribal leaders attempted to address the parish council about their plans but were dismissed after exceeding a public comment time limitation, (5) the parish decided not to include the

relocation project in their action plan after rejecting the community's proposal and after considering the social and technical complications they would need to overcome.

In each step, government officials were authoritative, and the community leaders were subjects of that authority. Grant funding was distributed through the state and parish governments; they wrote the action plan. Chief Albert and his people came to the parish government with their position on relocation and their ready-made plans. From this, the parish determined whether the community's wishes should be granted via yea or nay council votes. The steps to the process listed above were not collectively agreed upon between tribe and government. The process was modeled to be systematic, and decisions were to be logically backed by financial feasibility rationales. Emotions ran high, but the rational planning model repressed those emotions. As a result, unattended emotions intensified along with the problem of community displacement. In short, the outcomes were messy.

These opportunities for relocation had not been forgone because the government was conspiring against the American Indian community, or because the American Indian communities were conspiring against each other. The predominant issue was that the model or approach to planning, was not an appropriate fit for an emotionally-charged project which requires discourse to work out local conflicts prior to building a consensus. As the international case studies have paid testament, indigenous relocation planning initiatives gain momentum through indigenous, community-based planning methods. The rational planning model, applied in the context of indigenous relocation planning, is consistently met with opposition and ends in amplified conflict.

## Conclusion

The one-sided conversation which took place amongst professionals in the New Orleans board meeting conveyed the theme of indigenous relocation planning as a non-community-based, governmentally-orchestrated feat. The side-by-side narratives of attempted relocation planning, told by Chief Albert Naquin and key public officials, have demonstrated that the lack of tribal-governmental coordination displayed in the board meeting was no fluke—this was the *modus operandi* in Southern Louisiana.

Following the tenets of the rational planning model, planners and public officials had gone about the decision-making process systematically and without letting emotions or values get in the way. They maintained a disconnection between government and community by refusing to deal with their disputes. Instead of facilitating in-depth discussions between tribe and government, they left the hard work of consensus-building to the communities, and the relocation opportunity was presented to the community as a take-it-or-leave-it deal. They either wanted to move, or they didn't. Since the people of Isle de Jean Charles did not approach the local government with a ready-made consensus to move, public officials shut down the opportunity. Afterward, the Army Corps and parish only offered a perfunctory explanation to tribes about why the planning process could not continue.<sup>348</sup>

Planning pragmatists have critiqued the paradigm of rational planning for being too focused on a procedure as an instrumental means to an end and for not acknowledging a planner's role in "shaping communicative action."<sup>349</sup> Certainly in this case study, the rational planning model has provided little guidance in the way of governmental-tribal communication.

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<sup>348</sup> E.g., a lack of consensus, the community's request for more than what the local government was prepared to provide, issues with unclear land titles, etc.

<sup>349</sup> Forester 1989: 138.

As the narratives showed, the tribe and government were not on the same page about how the process should work. Stakeholders were not clear about the steps to follow or the basic rules of the game.<sup>350</sup> When meetings ended in shouting and pandemonium, existing distrust amplified. Chief Albert left with the impression that the government had treated him unjustly.<sup>351</sup> At the same time, public officials felt that the American Indian community had not cooperated—had conspired, even—and that they wanted too much.

By dismissing inter- and intra-tribal conflicts (“We’re not going to get involved in the disagreements amongst yourselves.”), the local government has missed an opportunity in planning. As the literature on conflict resolution and deliberative planning has shown,<sup>352</sup> through careful mediation, adversarial groups can temporarily set aside their conflicting positions on

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<sup>350</sup> In the first example, the tribe and state were not in agreement about who should be counted in the necessary consensus to relocate. Chief Albert Naquin was under the impression that they could relocate if the vast majority of residents on the Island were in agreement. However, the majority of tribal members needed to consent to the relocation according to the state and Army Corps’ position. Their survey count included tribal members who had already been displaced elsewhere and did not intend to move to a relocation site.

<sup>351</sup> For example, when Chief Albert and his deputy chiefs addressed the Terrebonne parish council meeting in the second example, they were under the impression that they would have ample time to explain the tribe’s position on their potential relocation. The council, however, holding them to the standard of the 3-minute public comment period, cut him off before he was finished introducing his co-presenters.

<sup>352</sup> Professionals can use mediation techniques to address conflict and bring adversaries together to find common ground, even when they do not walk away agreeing on their predominant positions. Consider Frank Blechman’s approach. In Maryland in 1987, the state police were planning to propose legislation for police intervention which would prevent violence between warring pro-life and pro-choice factions. “There was a meeting arranged between leaders of the pro-choice and the pro-life forces, and they immediately agreed that it would be very undesirable if such legislation passed. They jointly opposed it on a variety of free speech grounds. As their discussions went forward they discovered, not entirely to their amazement, that they also shared strong common interest in increasing health care for at-risk and pregnant teenagers. And they wound up forming a coalition that voluntarily proposed a set of rules for how they would picket each other—to lower the risk of violence, thereby forestalling the state police proposal. Simultaneously, they formed a coalition in the legislature to increase state funding and support for prenatal health care. That coalition, despite all the ongoing friction, including actions of outside groups, held up for five years and succeeded in increasing state funding for health care even at times of budget cuts—and that has, at some level, improved the civility of the debate” (Forester 2013: 27). Note that the two groups still did not agree about the abortion issue in the end, but since they came together in a different context, they were able to build upon their common ground.

substantive matters<sup>353</sup> to build upon their common interests.<sup>354</sup> Even when groups do not walk away from mediation seeing eye-to-eye, they can collectively discover surprising solutions which satisfy both parties.

Isle de Jean Charles is not alone in its struggle under the rational planning paradigm. Climatologically-displaced communities across the globe have been contending with the same ill-suited approach to relocation planning, but written accounts have been eliciting lessons for future practice. For example, some of the contemporary relocation case studies have suggested that more collaborative, community-based approaches promote more initiative and momentum within American Indian communities.<sup>355</sup> Furthermore, case studies have suggested that when indigenous communities lead their own planning initiatives, they are better positioned to negotiate options with government bodies.<sup>356</sup>

In Isle de Jean Charles, however, the indigenous community was not in control of their relocation. In coastal Louisiana, the local government and federal and state agencies had considered relocation planning to be a problem for their own contemplation, to be resolved on behalf of the community. The next chapter will illustrate a turning point and an alternative to the rational mode of planning. When the state discovered they could apply for post-disaster funding through HUD and could allocate some of those dollars to relocate Isle de Jean Charles, Chief

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<sup>353</sup> E.g., disagreement among residents to leave the Island, racist neighbors' opposition to live near "those people," tribes' competing claims for control over territory once primarily inhabited by American Indian ancestors, and so on.

<sup>354</sup> E.g., an interest to preserve past lifeways of American Indian inhabitants, to retain property rights on the Island, to defend Isle de Jean Charles through structural protection, and/or to gain access to safer land.

<sup>355</sup> For example, refer back to the earlier section, Relocation Planning, on the initiative of the Tulele Piesa, the indigenous council of Papua New Guinea's Carterets Islanders, and the Newtok Traditional Council's leadership of the Newtok Planning Group. These case studies stand in contrast with that of small island nation, Kiribati, where relocation planning process was government-led and short-sighted. Resettled populations returned from the relocation site which was not suitable to their cultural or economic needs.

<sup>356</sup> Recall that in the Carterets Islands, community leader Ursula Rakova and the Tulele Piesa were the ones to negotiate a deal with the land-owning Catholic Church to relocate.

Albert utilized a network of allies to build a collaborative. He found the tenets of coalition-building and indigenous, community-based planning to be better guides to success. Strategic, community-led movements were more fruitful than the strictly government-led processes of the past.

## Chapter 6

### The Road to Relocation: Emerging Lessons in Community-Based Collaborations at the Grassroots

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“We need our culture, and we need our land.”

-Indigenous community members of Southeast Louisiana, emphasized by Dr. Kristina Peterson

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#### Introduction

The last chapter detailed the inadequacies of the rational planning paradigm in the context of indigenous relocation. In two separate instances, the federal and local government’s approach had been for public officials and planners to analyze the displacement problem and sort through relocation project alternatives on behalf of the community. The community’s job was to come to a consensus about the government’s take-it-or-leave-it offer. For many people in the American Indian community, this approach represented a modern Trail of Tears, because the government was pressuring them to leave their homeland and be resettled elsewhere on the government’s terms. Some people were outraged. Some were confused. Facing vocal pushback, the government revoked their offers to resettle the people. The rational planning model had failed to bring about results which pleased anyone. In the end, these relocation attempts never materialized into much, and already-existent social divisions (inter-tribal and tribal-governmental) widened.

This chapter reflects upon the lessons of the past non-collaborative, non-community-based planning efforts and chronicles a newer attempt to access indigenous relocation options.

Approached about a third opportunity to apply for relocation funding, Chief Albert realized that conventional planning processes which had failed him in the past were not going to lead to successful outcomes this time either. As the government sector continued to command and control decision-making processes regarding Isle de Jean Charles, Chief Albert initiated a movement at the grassroots level which displayed the community's agency and will for self-determination. With the help of a trusted nonprofit, the Lowlander Center, the Chief's new, refocused approach was guided by the tenets of coalition-building and community-based action. This time, with the cooperation of a social network of allies, the community successfully obtained dedicated relocation funding through the Department of Housing and Urban Development (HUD). This chapter elaborates upon the strategies employed by the Chief's team.

The movement's successes and failures have practical implications for other indigenous communities struggling with climatological displacement. Like the domestic and international communities which view themselves as models for community-led relocation planning,<sup>357</sup> Isle de Jean Charles has been one of the first to set a methodological precedent through trial and error. In addition to its contributions to relocation planning practice, this chapter is a critical addition to the sparse yet growing scholarship on indigenous relocation planning. While many case studies have mentioned the emergence of an indigenous-led relocation council or a community-based, grassroots collaborative, each intended to combat the inaction of government,<sup>358</sup> few go into detail about how these organizations operated or how they strategized. Few have addressed how

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<sup>357</sup> For example, the indigenous board of the Tulele Piesa of Papua New Guinea's Carteret Islands intend that their grassroots relocation planning process, "represent a community-led model for relocation of climate affected communities elsewhere" (Tulele Piesa 2008: 472).

<sup>358</sup> Among the most detailed of the relocation case studies describing indigenous boards/collaboratives include Edwards 2013 and Rakova 2009, 2014 (Papau New Guinea's Carteret Islanders), Bronen 2011, 2014b (Newtok, Alaska), Marino 2012, 2015 (Shishmaref, Alaska), and Shearer 2011 (Kivalina, Alaska).

community-based strategies have confronted the locally-engrained paradigm of the rational planning model when they play out concurrently.

Utilizing field notes, the chapter follows a chronological progression from the conceptual emergence of a grassroots, community-based planning approach to its practice in the context of the Isle de Jean Charles relocation project. The first section introduces one of the primary instigators of the new approach: Dr. Kristina Peterson, founder of the Lowlander Center. Dr. Peterson explains how her professional experiences with natural disaster work within Louisiana's coastal American Indian communities have shaped her philosophy on planning with historic and place-attached communities.<sup>359</sup> The insights she gained from indigenous communities led her to advocate for changes in the way that local governments work with American Indians. After Dr. Peterson met Chief Naquin and other indigenous leaders of regional tribes, they all agreed that their planning processes needed to be directed by the American Indian community itself rather than the state. With these changes of perception came the emergence of their community-based approach which developed along the way.

The sections to follow describe the collaborative strategies of a different kind of relocation planning approach. The first strategy, employed even before a relocation opportunity arose, was to build a coalition across climatologically-impacted indigenous communities by sending Chief Naquin to relevant indigenous and natural disaster conferences and workshops. Beyond its utility in alliance-building, the indigenous workshop series known as Rising Voices provided an arena for an exchange on indigenous experiences with climate change, and it provided American Indian and Alaska Native representatives with an umbrella organization to

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<sup>359</sup> Place attachment in an environmental psychology term which refers to a person's emotional bond to a place. A person is often especially attached to the characteristics of a place which is similar to the landscape in which they grew up.

advocate for policy change. For Chief Naquin, exposure to other communities' stories better prepared him to lead Isle de Jean Charles into new era of relocation planning.

Then, another relocation funding opportunity arose serendipitously, and the chapter segues to "The Competition." As Louisiana's Office of Community Development (OCD) competed for federal post-disaster funding through the department of Housing and Urban Development (HUD), fieldnotes focus on the Chief as he navigated the requisite conventional planning framework, shaped by the rational planning paradigm. These sections documenting Chief Naquin's participation in parish and state meetings will reveal the silencing effect inherent in a planning mode which sets up an authority-subject hierarchy. During the parish council meeting Chief Naquin feels pressure to remain silent lest he mess something up, while he plays a passive role in public engagement exercises during the state-led meeting. Though the local government had not yet transcended its rational planning framework, Chief Naquin, Kris Peterson, and a team of collaborators continued to strategize on how to secure funding through HUD while promoting the community's desire for self-determination. Strategies described in the second half of the chapter include ways to bring attention to the cause through media, to frame the group as a cooperative team rather than a protest group, to communicate effectively to agency representatives, and to gain support from politically-influential people.

### **Instigating a Community-Based Approach: Dr. Kristina Peterson's Story**

As case studies on relocation planning have shown, successful formation of a collaborative depends heavily upon a key individual or steward's instigation of a process.<sup>360</sup> For

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<sup>360</sup> As case studies have demonstrated, successes in community-based, collaborative relocation planning often coincide with strong leadership from dedicated, organized individuals. (See Li 2002). For example, in the Carteret Islands (Papua New Guinea) case, after decades of dissatisfaction with government-dominated relocation planning, Ursula Rakova guided the newly-formed indigenous board, the Tulele Piesa in coalition-building, negotiation, and intergovernmental collaboration. The Alaskan relocation literature attributes Newtok's progress, which has been

the Louisiana tribes mentioned in this case study, Kristina Peterson is one of those instigators who brought the tenets of community-led, collaborative action to the bayou. Her career experiences, including her early influences, shed light upon the ways in which social networking, alliance-building, and the positive framing of collaborative processes help to build capacity for adaptation.

In college, Kristina Peterson majored in urban studies, one of the first programs of its kind in the early '70s.<sup>361</sup> For a while she taught African American history at a Los Angeles high school. Then, as the Presbyterian Church became engaged with the Civil Rights Movement, she became more interested in the intersection of civil rights and community planning. Instead of completing law school for legal aid, she ended up across the street going to seminary school. When a tornado swept through town during her years at seminary, Kris found environmental issues, planning issues, and her work in history coming together in what she calls “a whole gestalt” which would guide her worldview moving forward.

At first, she felt like a fish out of water, not really belonging anywhere. She supported herself by teaching, and then her work with the Kettering Foundation turned everything around.

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proceeding much more rapidly than other villages, to the leadership of resident Stanley Tom and his efforts to support collaboration among the Newtok Traditional Council, state, and federal agencies (Marino 2015: 76). In Shishmaref, Alaska, organizational coordination has been lacking, and for this reason, the community's planning has been at a standstill for periods of time. As Marino (2015: 76) writes: In at least one phone meeting for which I was present, an IAWG board member suggested that progress in Shishmaref was stalled because of the lack of local organization. In the 2009 report, the IAWG stated that Shishmaref had “community planning needs to coordinate with the various organizations to effectively plan for the needs of the entire community.” However, early leadership by Tony Weyiouanna brought the Shishmaref community together to push back against national apathy toward disappearing Alaska Native villages, utilizing media attention as a strategy. In Isle de Jean Charles, Chief Albert Naquin has been the figurehead and instigator of the relocation movement. His contact with community-based nonprofits provides an avenue to pursue collaboration and build politically powerful coalitions. Among the non-indigenous allies, Dr. Kristina Peterson also stands out as a key facilitator, as this chapter will explain. For more on key stewards fueling collaboratives, refer also to case studies on adaptive co-management schemes (e.g., Pinkerton 1998; Berkes & Folke 2002; Westley 2002; Olsson, Folke, & Hahn 2004).

<sup>361</sup> Personal communication, June 10, 2015.

There, she worked alongside planner James Kunde, who taught her about long-term planning for large-scale disasters. This became the focus of her career for the next 20 years.

When Hurricane Andrew, a category 5, hit Florida in 1992, Kris went to work managing donations and sorting through housing relocation options. Kris noticed that the state of Florida, since it was hit by Andrew first, received so much more attention than Louisiana, which also suffered from severe damage. “Louisiana was just kind of forgotten,” she said. Statistically, Louisiana’s residents are poor, have fewer resources, and the state was receiving little media attention. With assistance through her contacts, Kris managed to find her way to Louisiana, in the Morgan City/Houma region.

Through a community-based disaster recovery/preparedness organization, Terrebonne Readiness and Assistance Coalition (TRAC), which she and others helped to establish in 1992, Kris became familiar with bayou communities which were heretofore “off the radar.” Her involvement with TRAC opened the door to new relationships with Isle de Jean Charles, Pointe au Chien, and other lowland communities.

In 2002, Hurricanes Isidore and Lili made landfall in Louisiana. When a long-term recovery group and the Red Cross reported to the *Times Picayune*,<sup>362</sup> that everything was fine, Kris felt that something had to be done. “I thought, how could everything be fine when Isidore and Lili hit Isle de Jean Charles, Pointe au Chien, and the lower part of Plaquemines [Parish]?...To the powers that be in New Orleans and Baton Rouge, everything was fine.” She contacted the founding director of TRAC, who then opened her home for Kris to stay

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<sup>362</sup> The primary newspaper of New Orleans, Louisiana.

temporarily and visit with the American Indian communities of Grand Bayou, Isle de Jean Charles, and Pointe-au-Chien.

And that's when I felt so incredibly inadequate, because when the powers that be tell the world that everything is fine, the agencies that respond to these particular folks will not necessarily have the funding behind what needs to happen. So when I was in Grand Bayou, I was very, very angry. You know, here their community was blown to pieces very much like what we saw after Katrina, but this was pre-Katrina. All that I could offer them was, you know, blankets and cleanup kits and things like that.

So I said, "What do you really need? I feel embarrassed." And they said, "We need our culture, and we need our land." They never said anything about their personal needs or homes. Their homes were blown to smithereens.

Kris' response was to work together and build a participatory action research (PAR) process, based on the inspiration and wisdom of scholars like Paulo Freire.<sup>363</sup> "What a great guy! He must have been bayou!" the people surmised. They could design the process such that the community members would be in the driver's seat. They would have control and would call the shots. After some discussion, Grand Bayou residents agreed to the process. Kris recalled sitting together around a broken-down table with rain coming in the window. They put together a plan for the Grand Bayou Families United to start a nonprofit organization and developed a participatory action research project. Very slowly, they put together a process that would build trust among those involved.

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<sup>363</sup> For more on Freire's development theory, refer to Freire, P. (1986). *Pedagogy of the oppressed*. New York: Continuum.

At the time, Grand Bayou residents felt that they had been “screwed” by FEMA. The hurricanes had damaged many of their houses by more than 60 percent of their value. “People got maybe \$200, you know, \$150, and they were about to send the checks back to the government thinking the government might need the money more than they do. You know, what are they going to do with \$150?,” she asked facetiously.

A year into the participatory action research project with Grand Bayou, Kris Peterson met Shirley Laska, a sociology professor at the University of New Orleans and founder of the Center for Hazards, Assessment, Response and Technology (UNO-CHART). Shirley had come to visit the community at the request of a common acquaintance. Kris, who was living out of a suitcase and was not getting paid for the work she was doing in Grand Bayou, was in need of funding for living expenses. Shirley Laska was looking for a Ph.D. graduate research assistant at UNO-CHART. Perhaps it was kismet, but they realized that Kris could work with Shirley, pursue her PhD, and receive a living stipend while doing the sort of work she was already doing with communities. Furthermore, she found that the position could open doors for members of the communities. For example, they had travel funds to attend disaster response, coastal protection, and restoration meetings in Baton Rouge and New Orleans with Kris.

When a UNO-CHART colleague revealed that she still had \$7,000 in Ford Foundation grant money left over from her previous position with the City of New Orleans, Kris applied to the bid and was approved. An idea sparked after a prominent community leader from the Vietnamese community in New Orleans expressed interest in visiting bayou communities further south as Shirley had often done with her classes. The Coastal Communities Collaboration, as they called it, provided a place where 15 different communities could meet, share a meal (Bahn Mi), and converse.

All we'd do is we'd mix people up, put maps in front of them, said go to it. And they started talking about their experiences. It was the first time that someone that's Vietnamese could talk to someone who's Croatian that got to talk to some of the Native Americans. They said, you mean you didn't get free money from the government to get free boats? It was like busting all these different myths<sup>364</sup>... because folks had never really gotten together and really gotten to know each other. So that started all these different relationships going.

As people continued to connect, some became more interested in bringing awareness to those communities which previously remained unnoticed. Kris identified a process that “kept building, connecting, and...adding to that network.” The purpose, and what she believes they have achieved, was for these underrecognized communities to develop “their own efficacy and capacity.... Also to be known enough to even be invited into the playroom.”



*Kristina Peterson and others are invited on Donald and Theresa Dardar's boat for a tour of the bayous in Pointe au Chien.*

Kris committed herself to assisting Isle de Jean Charles with their aspirations to collectively relocate. Instead of systematically “giving them tarps or the proverbial blankets,” she explained, she posed the same question she had asked the community of Grand Bayou. “If you want to save your land and culture, and save your community, ...what are your options?” Chief

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<sup>364</sup> There was a rumor that the government had provided the Vietnamese community with boats because they were refugees.

Albert told Kris that he could not do it. He had tried twice already. Kris tempered his expectation, explaining that a participatory action sort of approach may or may not work, but at least it would bring more exposure to the issues that Isle de Jean Charles faced. Still, he agreed to a new approach alongside Kris and the Lowlander Center.

One major goal was to attract government agencies who would be interested in putting exploratory money into an indigenous relocation project. Another intention was to plan the new site to become something desirable to Isle de Jean Charles residents. The new community must be culturally appropriate to the particular values of the people. Kris pulled together indigenous scholars from around the country as well as the Pacific Islands.

We pulled together Bob Gough,<sup>365</sup> Jack Martin,<sup>366</sup> some other folks from around the country, and actually the world—because of Pacific Island folks like Doc Tusi<sup>367</sup> and Kalani<sup>368</sup>—to look at a process that would be indigenous and also cutting-edge enough that it would attract the government agencies that would be interested in maybe putting some exploratory money into it.

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<sup>365</sup> Bob Gough was a lawyer and expert in green energy solutions for indigenous communities. He was founding secretary of the Intertribal Council on Utility Policy (COUP). Unfortunately, he passed away in 2017.

<sup>366</sup> Jack Martin is a specialist in appropriate technology.

<sup>367</sup> Papali'i Dr. Failautusi "Tusi" Avegalio Jr. is an indigenous Samoan leader notable for his experience in social justice and community capacity building. He is the director for the Pacific Business Center Program (PBCP) and executive director for the Honolulu Minority Business Enterprise Center (HMBEC) at the UH Mānoa Shidler College of Business.

<sup>368</sup> Kalani Souza considers himself a Hawaiian practitioner and cross-cultural facilitator. In 2008, he founded a nonprofit called the Olohana Foundation, which focuses on “building community capacity, cohesiveness, resilience, and emergency preparedness around food, energy, water, and knowledge systems. See <http://mkalani.com/>.

Also [the process] has to be something desired by the communities, so it's not just some kind of weird thing like the Make It Right Foundation,<sup>369</sup> but something that they see.

And given that, we said, 'Ok, let's try it.'

Chief Albert Naquin went to the United Nations to testify on the deteriorating state of Isle de Jean Charles. A filmmaker named Rebecca Ferris was present and began chatting with Kris Peterson about how she had heard of Isle de Jean Charles. Kris connected Rebecca with Chief Naquin. That connection resulted in a documentary on Isle de Jean Charles, which would be used as a strategy to inform the public and gain important allies.

Kris Peterson emphasized the importance of coalition-building and the continuous layering of actions over time, where individual parts of a whole begin to connect: "All these little side things keep going on, but it's not just a side show, it's continuously building a foundation that may shift, or may change, or may warp." It makes a difference between being a dog and pony show—people hearing something interesting—and something that you're [able] to use..." In other words, she argues that persistent work and coalition-building can lead to powerful strategies in motivating positive change on the social justice front. Evidence for this claim is demonstrated within the ethnographic notes to come.

Some chapter sections will demonstrate how strategies of community-based processes build momentum, while other sections are testaments to the barriers of conventional, (non-community-based) rational planning methods which continue to play out at the local government level.

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<sup>369</sup> The Make It Right Foundation was founded by Brad Pitt in 2007 to utilize green standards in rebuilding the Lower 9<sup>th</sup> Ward of New Orleans, Louisiana. The foundation has received criticism that the architectural design did not fit the character of historic New Orleans neighborhoods and that the wants and needs of the residents were unmet.

## **Strategy 1: Coalition-Building across Climatologically-Impacted Indigenous Communities**

A major strategy of Chief Albert's coalition-building initiative was to build up a network of allies within the indigenous community who had concurrently been grappling with similar consequences of climate change. Upon my arrival in Louisiana to begin my fieldwork, I had lunch with Kris Peterson, who told me all about the recent trips that she and tribal leaders had taken to collaborate with other indigenous groups facing similar environmental crises. She had become involved with a new group called Rising Voices, housed within U.C. Boulder's University Corporation for Atmospheric Research (UCAR). Founded in 2013, this working group had been promoting collaboration between "Western science and indigenous knowledge," targeting climate change solutions through annual workshops. Membership rose after the first year. The workshop not only included indigenous and non-indigenous allies from the contiguous United States, but also Alaska Natives, Native Hawaiians, and Pacific Islanders.

Dr. Julie Maldonado, who had conducted anthropological fieldwork with the Louisiana tribes from 2010 to 2012, co-founded the group alongside anthropologist Heather Lazrus and indigenous environmental lawyer Bob Gough. Thus, the communities with which Julie Maldonado had worked were some of the first to participate and had sent representatives each year. Chief Albert Naquin of Isle de Jean Charles, Theresa Dardar from Pointe au Chien, and representatives from the Grand Bayou Indian Village of Plaquemines Parish took a summer trip in 2013 to Honolulu to share stories of environmental change and learn from Native Hawaiians. They also went to speak with the Hawaiian Governor's Office about climate change and special concerns for indigenous groups.

Participants at the Rising Voices workshop had amassed a set of priority recommendations to address climate change through policy. The group then sought political

inroads to affect change at the national level. President Obama appointed Hawaii's governor, Neil Abercrombie, to his Task Force on Climate Preparedness and Resilience in the fall of 2013. Rising Voices sent their letter of recommendations on behalf of coastal, island, and indigenous communities to Hawaii's State Sustainability Coordinator Jacqueline Kozak Thiel, who then passed them along to the Governor. In November of 2014, Governor Abercrombie shared the Task Force's compilation of recommendations with President Obama and Vice President Biden at the White House.<sup>370</sup> In the process of compiling Presidential Task Force recommendations, President Obama made a very significant announcement, which would ultimately be a boon for Chief Naquin. The Office of Housing and Urban Development (HUD) would allocate post-disaster dollars to select communities which planned to implement innovative, resilient rebuilding strategies. The State of Louisiana would compete and allocate a portion of the funding to relocate Isle de Jean Charles residents.

### **The Competition: An Opportunity for Relocation Funding**

Finally, a funding mechanism! June 14, 2014 marked the start of a fortuitous opportunity for Isle de Jean Charles residents. President Obama announced the first National Disaster Resilience Competition under which municipalities affected by a presidentially-declared disaster during 2011, 2012, or 2013 could apply for portions of a \$1 billion allocation. While Hurricane Sandy was the impetus for the competition, and its impacted municipalities would absorb \$181 million of the allocation,<sup>371</sup> HUD had planned to distribute the rest of the grant amongst successful applicants across the nation. The Office of Housing and Urban Development (HUD) presided over the competition, targeting funding for rebuilding and increased community

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<sup>370</sup> President's State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience: Recommendations to the President, 2014. Government Document.

<sup>371</sup> See HUD-NDRC 2015

resilience planning efforts. In its applicants, HUD advocated for innovative, forward-looking strategies to rebuilding which would assist in preventing future disasters. Phased in two parts, the first step, according to HUD, was for applicants to show that they had faced substantial impacts due to a disaster. Conceptual plans would only come later during the second phase.

While many parishes and municipalities, including New Orleans, handled their own applications, five neighboring parishes in the southeast region collaborated under the leadership of a state agency. Louisiana's Office of Community Development (OCD), under the Division of Administration, coordinates the Community Development Block Grant Program as well as the Local Government Assistance Program. After Hurricanes Katrina and Rita necessitated coordinated recovery funding in 2005, the State's OCD opened the Disaster Recovery Unit (DRU).<sup>372</sup> What was initially thought to be a temporary unit, OCD-DRU proved its worth due to repetitive losses. Later handling block grants in response to Hurricanes Gustav and Ike in 2008 and Hurricane Isaac in 2013, DRU remains in operation to date. When the National Disaster Resilience Competition rolled around in 2014, OCD agreed to coordinate efforts between the partnering local governments of Lafourche, Plaquemines, St. John the Baptist, Jefferson, and Terrebonne Parishes, and considered them to be the most affected coastal communities after Hurricane Isaac. They would apply for funding as a single entity, with each planning department writing a portion of the application.

Dr. Kristina Peterson with the nonprofit, the Lowlander Center, and Dr. Shirley Laska, founder of the University of New Orleans Center for Hazards Assessment, Response and Technology (UNO-CHART), introduced Chief Naquin to the funding opportunity and agreed to

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<sup>372</sup> See <http://www.doa.la.gov/pages/ocd-dru/index.aspx>

assist him with the process. They would have to convince Terrebonne Parish that relocating residents from the Island and planning a green, sustainable community further inland would benefit the parish while increasing the odds of receiving the award. The parish had hired UNO-CHART as a contractor to write some sections of the application, so Dr. Laska and Dr. Peterson were already very much entrenched in the collaborative process alongside the state and parish governments.

By the spring of 2015, OCD-DRU had started a series of public meetings in each of the participating parishes to describe the application process and gain input from stakeholders. Just prior to this step, Dr. Peterson and Dr. Laska worked with Chief Naquin to consult with local government officials and planners. Dr. Peterson explained that each of the five parishes had already signed off on an agreement to apply together under the coordination of the state agency, OCD-DRU, and therefore, the matter did not need to go to the parish council.

Chief Naquin preferred to apply to the competition quietly, alongside a trusted group of his tribal leaders, before publicizing his attempt to tackle relocation funding once again. As he had explained to me, he did not want to get anyone's hopes up or invite backlash from people who did not even live on the Island. Nevertheless, through an oversight or miscommunication of city staff, he ended up on the council agenda seeking a resolution of support.<sup>373</sup> The letter of resolution was not a requirement, and merely was an attempt to make sure that the parish was onboard with his objectives. Because the city had already signed an agreement with the state, he already had the city's blessing. Nevertheless, the Council did put him on the February agenda.

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<sup>373</sup> anonymous, personal communication

## **The Terrebonne Parish Council Meeting**

I was expecting the February meeting to be a remarkable one. Would it be full of passionate opposition like those public hearings of Chief Naquin's past? It was on my calendar weeks in advance before I knew what would be happening, but when I interviewed Chief Naquin on the Tuesday prior, he said that Dr. Peterson and Dr. Laska had explained that it was important for him to seek support from the parish for their relocation plans. Clearly nervous about the whole ordeal, he said, "You're going to be there, right?"

I arrived early at 5:30 even though the meeting was scheduled for 6:00 p.m. Chief Naquin immediately spotted me and joked, "Melanie, you're following me." I joined him and his two Deputy Chiefs, and we joked around in the front row of the council chambers for a while and talked to some of the council members. One councilman, came right up to us, and he introduced himself to me. I recognized him as the man who had gotten into a very heated altercation with Chief Shirell Parfait-Dardar's friend a few months prior at a council meeting, but he seemed to be on very good terms with Chief Naquin, and he was exceptionally friendly. When I told him I was a Cornell PhD student studying coastal communities, he showed me pictures on his smart phone of fried crabs he had been served at a community get-together and talked about how important the food is for bayou communities.

The parish president and then the vice-chair came down to talk to the Chief as well. Chief Naquin and his deputies said that parish president, Michel Claudet, had recently stuck his neck out for the community by supporting their journey toward recognition, so they were pleased with that and would vote for him if he were running again, though he was about to step down after an eight-year term. As Chief Naquin joked with everyone, he leaned over whispering, "We've got to

do some politicking.” Joking was always his way of bonding with people and getting through stressful situations.

Despite my intention to only quietly observe, I almost felt guilty for attending because I knew how much they were trying to avoid public attention before they were ready. In fact, when Dr. Peterson arrived, she took Chief Naquin and his deputies out into the hallway for a quick group meeting and when they came back in, she whispered to me that Dr. Laska had decided not to attend because the larger their entourage, the more likely they would attract publicity. They were simply not ready for that yet.

When the meeting started, I moved to the back corner of the room to try to blend in with the regular crowd. Much of the meeting had nothing to do with the hazardous coast. Students were honored for being selected as students of the year. There was a lengthy discussion about ambulances response times. Each item on the agenda seemed as if it could have come from Anywhere USA. Then came Pat Forbes, Executive Director of OCD-DRU. During the time set aside for the public to address the council, he asked for the parish to be their partner in obtaining HUD grants for projects in local resiliency. Noticing a potential link, the council then introduced Chief Naquin and asked him to come to the podium and explain his plans. I had a flashback of the conversation we had on the previous day: “I don't want to say nothing. I told Kris [Peterson]. I said, ‘I don't want to say a word.’”

Chief Naquin stood up and explained that his tribe wanted to seek land so that they can live together in a safer environment. The council suggested that the tribe work with Mr. Forbes to obtain funding and that the parish would support the effort and help them with whatever they needed. They acknowledged Dr. Kris Peterson for her help with the project, but they didn't ask her to speak. It seemed that the team got what they had sought, which is nothing official, but a

spoken pledge that the parish was on their side. Much to everyone's chagrin, however, the Chief's picture made the local newspaper the following day, along with a story of his aspirations to seek relocation funding. So much for being inconspicuous.

Despite the hiccup in Chief Naquin's plan neither his tribe nor outsiders who may have been in opposition to the relocation came to the State agency-led public meetings to speak out against his intentions. These meetings, after all, were not only about funding plans for Isle de Jean Charles, but for the entire expanse of the five-parish zone. The State Office of Community Development had advertised in the newspaper and with flyers that they had scheduled a series of meetings to gain public input on resilience strategies. In fact, what the State had intended to be a participatory process began to look like an exclusive routine for insiders. Very few community members from any of the five participating parishes showed up, perhaps because meetings took place during weekdays. Structured planning procedures were not as effective in eliciting input on community aspirations as were informal meetings where planning consultants meet within the space of tight-knit communities.

## The State Office of Community Development Meeting

One by one, the State agency, OCD-DRU consulted with each parish via public meetings, disseminating information on what the competition process entailed. On March 18, 2015, I attended a public meeting in Mathews, Louisiana, located in Lafourche Parish. The council chambers, where the meeting took place, was located in a converted Wal-Mart building which became the headquarters for several government departments, including the Lafourche Planning Department.



*State planner Mat Sanders facilitates a public meeting in Mathews, Louisiana regarding the HUD National Disaster Resilience Competition. Chief Albert Naquin, Shirley Laska, Kristina Peterson, and Melanie Sand-Fleischman are in attendance. Photo Credit: Louisiana's Department of Community Development, published at: <https://www.doa.la.gov/Pages/ocd-dru/Isaac/NDRC.aspx>*

When I had a chance to look around, I noticed maybe fifteen to twenty individuals in the audience, most of whom were employees of local agencies dressed in work attire. I recalled a story that an environmental researcher from LSU had told me in regard to a project in which he mapped local knowledge of fishermen. An oysterman told the researcher that he went to a coastal planning meeting one day dressed in a t-shirt and ripped jeans. Upon seeing the men in suits and women in skirts and heels, he said, “This is all just a bunch of bullshit. I just turned around and walked out, and I never came back to another.”<sup>374</sup> I had heard similar sentiments from the tribal members with whom I spoke.

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<sup>374</sup> Matt Bethel, personal communication, November 18, 2014

The imagery of the suits, for this man, had signaled yet another meaningless public exercise, dominated by “experts.” Participation in planning had earned a negative reputation with many working-class circles in Louisiana, and local planners had the daunting task of demonstrating their commitment to meaningful participatory approaches. Unfortunately, while OCD-DRU was a fairly new player and had not contributed to the negative air of planning, it still suffered the consequences of long-standing distrust of government.

Despite the dearth of non-professionally affiliated citizens, the meeting was informative and considerably more participatory than those run by other state agencies. Attendees had received information sheets covering the format of the competition. Two rows ahead of me were Dr. Peterson and Dr. Laska, representing the Lowlander Center, sitting next to Chief Naquin. Facilitating the meeting was Mat Sanders,<sup>375</sup> the lead planner with OCD-DRU.

After Sanders’ presentation on Phase I of the competition, he segued the small group into a mapping exercise. At the front of the room were six oversized maps set up on easels. Four of them were specific to the individual parishes. Per the exercise instructions, we were each to get a set of colored dot stickers to indicate where needs and vulnerability existed. I stood up to get my stickers, and Chief Naquin spots me. He jokes, "Hey, Melanie's going to put up my stickers for me!" I laughed and said, "We planners do love our stickers!" I went over with him to look at the maps and to try to figure out where to start. The setup seemed complex and daunting at first.

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<sup>375</sup> Mat Sanders declined a formal interview, concerned about how it may affect his career as a planner. He did agree later to meet with me briefly for coffee, where I briefed him on the layout and demographics of Isle de Jean Charles and Pointe au Chien, since he had never been there. I suggested he meet with the community early in the process and build a trust relationship. He discussed the challenges of mapping enumerated spatial data regarding hazard impacts specific to the indigenous population so that the state would be more competitive as applicants to be granted HUD funding.

One map was zoomed out to Louisiana's coastline, listed as map #2 on the worksheet, and it was entitled, *Community Development Needs*. "While the first map identifies areas impacted by the 2012 disasters, this map relates more to the entire state. Where, in the identified disaster areas, are these needs?," read the worksheet. Map 3 was entitled *Priority Vulnerabilities*, and instructions read, "Which group is most vulnerable to disaster? Identify areas where these groups/issues would be most impacted in the state of Louisiana."

We found that the time allotted was not sufficient for us to orient ourselves with all of the maps and prioritize our stickers. Chief Naquin and I spent the whole time on one map: the map of Terrebonne Parish for unmet recovery needs. The map blurb read: "The 2012 disasters severely damaged areas of the state. While much has been done to address community needs since the 2012 storm events, please show where damage remains." Disoriented at first, we stood for a minute or two looking at the map and sorting our stickers per the legend.

Legend/Explanation:

Blue= People (Did a business close? Did people move away?)

Red= Houses (Are there abandoned houses, vacant lots, or houses that relate to unprepared storm damage?)

Yellow= Infrastructure (i.e. Are there still damaged bridges, streets or sidewalks relating to the disasters? Was there damage related to flooding?)

Purple=Natural Resources (Where were trees, parks, or open spaces damaged? Where is there still damage?)

"Where's Island Road?," asked Chief Naquin. The line for the roads in Point Aux Chenes and Isle de Jean Charles were missing from the GIS dataset, apparently. It seemed that many of the minor roads were missing throughout the southern marshlands. The oversight is symbolic of

how far removed, cognitively and geographically, many planners were from the most remote communities within their jurisdiction.

"I think it's over here," he pointed. I got out my cell phone to look at Google Maps and typed in Point Aux Chenes Road so that I could better eyeball the communities.

Mat Sanders walked over as we were trying to sort this out and said, "We can draw that in with a pen. Just put the stickers down where the road is, and we can add the road in after."

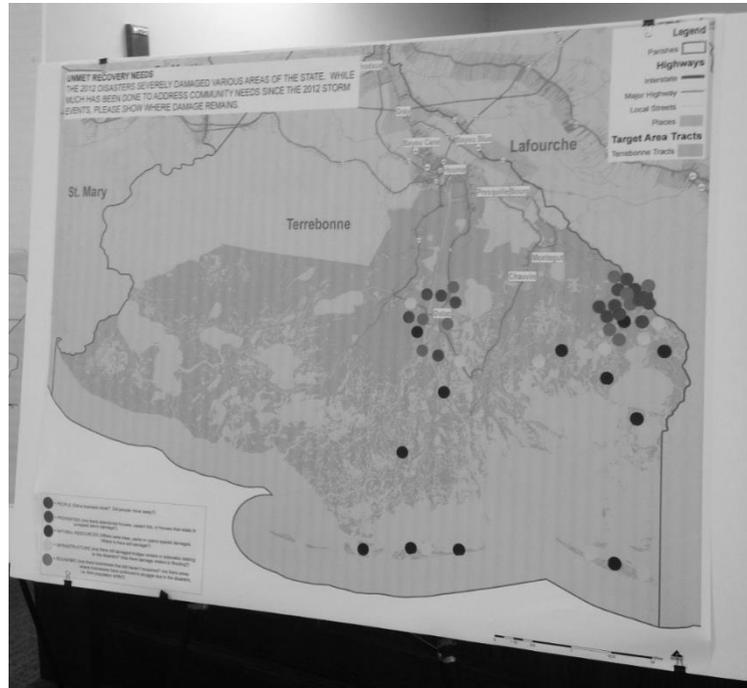
I asked, "How many stickers should we place for how many people impacted?"

Sanders said, "You can put two or more for places that are really in need." We tried to approximate as best we could.

"Ok," the Chief said, "We have blue. What's blue? Oh that's people." He put a few blue stickers up where the Island was supposed to be.

"I will put some there too," I said. We got our purple stickers out for natural resources and yellows for infrastructure. Chief Naquin put a sticker down for each of the barrier islands to the south of mainland Terrebonne Parish. I got out my red stickers for houses and tried to recall where the damaged properties are located for each of the tribes.

Dr. Peterson came over referring to my friend of the Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw, "Don't forget Crystlyn over in Dulac." I put some red and blue stickers down, trying my best to estimate where Grand Caillou Road would be on the map. In the end, the stickers placed primarily represented Dulac, Point au Chien, and Isle de Jean Charles



*The Terrebonne Parish Unmet Needs Map*

because we were the only ones paying attention to this particular map.

Then, Mat Sanders indicated that time was up for the mapping activity, so we did not have time to place stickers on the other maps. I was disappointed that no one put stickers on Plaquemines Parish. They have plenty of unmet recovery needs, at least in Port Sulpher where the Grand Bayou Indian Village is located, yet none of their representatives were present.

Next we went back to our seats, and we were told to fill in responses to five statewide meeting worksheets filled with discussion questions. These were long questionnaires. For example, one of the five worksheets was titled, *Local/Regional Government Stakeholder Discussion Questions*. The first paper included questions like, "Thinking of disaster preparedness and resilience, what are the greatest threats and hazards to Louisiana and its residents?," "What things pose a challenge to life for families in the state?," and "What can be done to assist the

communities throughout Louisiana in becoming more resilient?" Each question listed multiple sub-questions below. Again, the task seemed daunting.

We had only five or ten minutes to fill out all five sheets. I could only fill out two questions on two sheets, and I could see out of the corner of my eye that Chief Naquin was overwhelmed and was not really writing down much of anything. Mat Sanders stopped us and said that he wanted people to share their answers with the rest of the group. The first one he wanted to hear from was the Chief. "What does community mean to you in terms of Isle de Jean Charles?" he prompted, gesturing to Chief Naquin.

"As I was growing up, you could go up and down the road," he started as he had during many speaking events. He reminisced about how residents would walk from one home to another. He talked about how residents would obtain their own food, killing small animals with slingshots. People would travel through the bayou on pirogues.<sup>376</sup> To him, he explained, that is part of community, but now the Island is disappearing, and people are moving away. He mentioned that he now has his 90-year-old sister on the Island, and he wants to keep the community together and deal with everything as a community. His language was deficient of planning buzz words and resilience jargon, and he appeared self-conscious. Yet, his stories of loss and hope seemed to hold more meaning than the results of the community development needs exercise or the conversations on vulnerability.

Mat Sanders said that he asked about the Chief's definition of community because he had noticed in conversation during the mapping exercise that participants had different interpretations of the word. He elaborated using the sort of verbiage that was commonplace among environmental professionals,

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<sup>376</sup> Hollowed-out canoes made from tree trunks

In our mind, a community is not just a camp or, where someone goes to work and is detached from their family and their churches and schools and their hospitals and everything else. What we're really saying in this competition is that we know that the economic interest is there, and we know that we have an environmental problem. How do we individually bolster the strength of our individual communities along this coastal zone to where we can all move forward in a resilient fashion? That's going to be a different answer for every community we're working with.

Conversations elicited the sort of terminology that planners, environmental practitioners, and academics used on a regular basis, which suited the crowd in attendance. While the Chief was telling stories of the way life once was, planners and environmental specialists talked about “economic interest,” “social disarticulation,” and “resilience.”

One could easily see that Chief Naquin did not feel comfortable speaking up without being personally addressed. He was not his outgoing, loquacious self in this setting, and as a result, the agency did not receive the sort of detailed information that one received by simply talking to him on his porch, or by attending community events. The road to relocation would involve a team of trusted allies from around the world and a far-reaching, grassroots approach. However, the prefabricated planning exercises and the bureaucratic jargon, for the time being, were there to stay, perpetuating a power dynamic that indigenous community-based planning was meant to put to rest.

As state planning processes proceeded in a conventional manner—where public meetings were led by governmentally-appointed experts with only minimal indigenous participation—Chief Naquin meanwhile unveiled new strategies at the grassroots level to assert community ownership of the process. As the next section will demonstrate, and as other relocation case

studies have also established, a strategic use of media can bring about national and international awareness and support for communities facing climate change displacement.<sup>377</sup> Consider in the following section how the chief's team of collaborators used documentary filmmaking as a tool to build a coalition and solicit powerful congressional allies to their cause.

### **Strategy 2: Using Media to Gain Attention**<sup>378</sup>

Directors Jason and Rebecca Ferris worked with the tribe to create a documentary, aimed at bringing national attention to their community's plight. Chief Albert felt that increased awareness could translate to additional funding support and/or a larger network of allies, and he worked with them gladly. The documentary, *Can't Stop the Water*, became more than a film. It became part of a resiliency strategy. The film was to be screened in key locations to tell the story of Isle de Jean Charles and to reach out for help. While screenings initially took place locally, *Can't Stop the Water* later crossed Louisiana borders. Director Rebecca Ferris, a few allies, and Chief Naquin's nephew, would take it on the road.

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<sup>377</sup> The use of the media has varied in its purpose across case studies, from promoting national/international awareness of climate change, to advancing a good model of indigenous, community-wide relocation, to pushing back against perceived government apathy. For the Carterets Islanders of Papua New Guinea, over the years, the community has been the subject of many local, national, and international news articles, broadcasts, and documentaries. The board of indigenous leaders, the Tulele Peisa, explain that their use of media was to help them "represent a community-led model for relocation of climate affected communities elsewhere," (Tulele Peisa 2008: 472) and they have published on their community-based process to share their dilemmas and successes with other communities (see Rakova 2014). In Shishmaref, Alaska, after a storm in 2001 flooded the village, the people created the Shishmaref Erosion and Relocation Coalition, which was a collaboration between the Alaska Native Village, the city, and the Shishmaref Native Cooperation (Marino 2015: 62). One of the most successful strategies to come out of the Coalition was "getting the story out," an effort "to garner political attention" (ibid: 63). Community leader Tony Weyiouanna and others fought national apathy by appealing to the media. From 2002 to 2006, 64 news organizations had visited the community. Though residents have mixed feelings about the sometimes-exaggerated attention that the media has brought, publicity caught the attention of government agencies and rekindled interest in climate relocation in rural Alaska.

<sup>378</sup> Media technologies, from newspaper to film, have become critical tools for framing and shaping environmental conflict and advocacy. The media is central to conceptions of power and politics. It attends to the ways environmental discourses are molded and which issues should be kept and discarded. See for example, Lester and Hutchins 2013 as well as Batabyal 2014.

In March, the premier of the documentary took place in a swanky indie film venue known as the Indywood Cinema, located in the Bywater District in New Orleans. When I arrived that evening, the place was packed, and attendees, many of whom I knew as local environmental professionals and academics, were chatting and sipping wine as they waited for the viewing to start inside. Unfortunately for me, the event was so popular that the volunteers at the ticket counter had to put my name on the waiting list, and I never did get a seat. No problem. Dr. Kris Peterson was there and invited me to see it the following morning in her classroom at the University of New Orleans. She would show it to her Planning for Hazards class.

When I arrived on campus at 9:30 a.m., the classroom was already packed with students. Kris had also invited a class of high school students from Sidwell (a private D.C. school where President Obama's children attended). They were taking a field trip to learn about Louisiana's coastal crisis, and Dr. Peterson was taking them on tours of the bayous to meet with community members and indigenous people. Her hope was that the students would bring their concerns about coastal degradation issues to their politically-connected parents, and the locals could benefit with support from powerful allies.

The session started as Dr. Peterson prepared the audience for what they were about to see in the film. Seated in front, facing the audience, were the Isle de Jean Charles discussants: Chief Naquin, Chris Brunet, and Chris' nephew and niece, who were both taking a day off from elementary school to join. Filmmaker Rebecca Ferris was also there. Chief Naquin greeted me as I sat in one of the few remaining seats in the second row. The film was brief, at just over twenty minutes in length, yet it was also very thorough in capturing the roles of community leaders and expressing the preserved customs of the people. In large part, its purpose was to juxtapose the peoples' experience of environmental trauma with Chief Albert's tireless efforts to save their

land and their way of life. It was a story of indigenous capacity and their drive to preserve their existence. It would flip the narrative from one of vulnerability and victimhood to one of capacity and perseverance.<sup>379</sup>

The film begins with the Chief in his garage, drumming as he would in drum circles for many American Indian ceremonies and events. One scene captured the post-hurricane destruction of resident Chris Brunet's house, showing his niece and nephew rifling through the debris, pulling up old belonging out of damp piles. It showed how the two-mile road which connects the Island to the mainland was so damaged by Hurricane Isaac (2013) that the school bus could not pick up the children.

The film then portrays the perseverance of community leaders. Filmmakers captured their extra-early morning, when Chris would drive the kids to the end of Island road to catch the bus. One scene cut to Chief Naquin as he went door to door helping community members with paperwork to get post-disaster assistance. Then, the film segued to Chief Naquin, sitting in a crowd of indigenous leaders from across the globe. He was at a United Nations conference, prepared to bring international attention to the Island community's issues with climate change and displacement. The chief was told that he would be able to speak, but the film captures his disbelief as the group runs out of time and could not get to him. (Not being provided time to speak has become a common theme in Chief Albert's governmental outreach efforts.) As the audience watched the footage, he earned their sympathy and support, at least in spirit. Kris

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<sup>379</sup> McAdam and Loughry (2009: 379) note that sometimes media reports are hyperbolic and frame communities as victims rather than emphasizing capacity to adapt. "Kiribati has been featured in media reports as 'sinking islands' that will be uninhabitable by the middle of the century with their people becoming the world's first 'climate refugees.'" This is not helpful to communities who want to frame themselves in an empowering light.

Peterson and Chief Albert hoped that the Sidwell students would go home and tell their politically-connected parents about what they had learned.

Meanwhile, presenters were actively planning a trip to present the Isle de Jean Charles case to a wider audience. I stayed behind to chat as the class ended and students left the room. Filmmaker Rebecca Ferris mentioned to me that she and a small group of people were going on a tour to Washington D.C., Philadelphia, and New York to show the film at major universities. Perhaps most significantly they were stopping at the Capitol Building to brief Congress on indigenous climate change issues on Earth Day, which happened to double as the anniversary of the BP oil spill. I expressed interest on the tour, and she and Chief Naquin agreed that I could tag along. They wanted to spread the word so that they could get as much support as possible.

So that we were all on the same page about the trip, everyone on the team participated in conference calls at scheduled times. The team that was scheduled to go along on the tour included Chief Naquin, anthropologist Julie Maldonado, Temple University anthropology Ph.D. student Nathan Jesse, tribal and environmental lawyer Bob Gough, film director Rebecca Ferris, and me. Dr. Peterson and Dr. Laska facilitated the conference calls and managed grant funding to make it happen.

Julie, Nathan, Rebecca, and I worked on publicizing the event on social media outlets like Twitter and Facebook. Furthermore, Julie and Nathan worked with contacts in Washington D.C. and Philadelphia to set up film viewings. The rest of us were encouraged to help spread the word so we could get people into the seats. As we planned for the congressional briefing and promotion of the documentary on the road, we began to consider how to present the group. As the next section will explain, we strategically considered the perspective of politicians who

would be disinclined help if they viewed us as critics. Therefore, we emphasized our status as a collaborative rather than a protest group.

### **Strategy 3: Agreeing upon the Practical Aesthetics of the Team**

All communication can be likened to a performance. As Erving Goffman says, “All the world is not, of course, a stage, but the crucial ways in which it isn’t are not easy to specify.”<sup>380</sup> The Congressional Briefing organizers were tasked with the management of the Island’s presentation, or its appearance to politically influential people. We had to enable political figures to see what we saw: an opportunity to create precedent. They needed to feel that the Island was an important cause and that they too could be a part of the team. Politicians would be welcomed as allies instead of being pushed away as part of the problem.

Everyone had to be on the same page and agree on the way to frame the relocation initiative, because its portrayal would influence the behavior of others—very powerful others—and we needed their support. Preparation for Capitol Hill unfolds as a performance, a communion, a pact, though an entirely sincere one. The strategy to frame the Isle de Jean Charles story in a positive light involved an emphasis on the community’s victories and social capital rather than its sorrows. Dwelling on the injustices would be left for another day. It was time to communicate resilience. Putting this strategy into practice was not always easy.

Kris Peterson brought to light a potential threat to the group’s positive framing strategy during two conference calls prior to the trip: one in March and one in April. One month prior to the call, she and I had attended a weekend workshop in Biloxi, Mississippi with a local network of environmental activists from all states bordering the Gulf of Mexico. In addition to the

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<sup>380</sup> Goffman 1990: 72

speaker sessions and participatory events, the group had been planning a peaceful yet spirited protest in Houston, Texas against the oil and gas industries on the anniversary of the BP oil spill. Activists suggested that they could channel a Mardi Gras theme and dress up in costumes showcasing contaminated shrimp and oil sludge. The march would culminate at the headquarters of BP.

A leader of the activist group had called Chief Albert and Kris Peterson to see if the network could include them on their day of protest. This organization had requested that American Indian leaders come to the protest event as speakers and display their photos and information in a presentation on coastal degradation. The group also approached director Rebecca Ferris about showing the documentary *Can't Stop the Water*. The activists had already passed along the congressional briefing event info on to people from that environmental network. Kris and some of the local tribal leaders were already affiliated with the organization and occasionally participated in their initiatives, so their solicitation by the activist group was not out-of-the-blue. Despite their best intentions, however, the activists had presented Chief Albert's collaborative with a dilemma.

The collaborative wanted to present the Isle de Jean Charles community as one which defied the narrative of victimization through diligent work and by sharing their story. They did not want the tribal leaders to seem as if they were seeking handouts. They also did not want potentially helpful agencies to think that the residents of Isle de Jean Charles were antagonistic toward public or private institutions. However, the activist network wanted to use the community as an example which portrayed victimization of minority groups by the oil and gas industry. This was a conflict which needed resolution. We all considered: Would positive intervention on Isle

de Jean Charles be sparked by protest, or would an oppositional approach be counterproductive to the overall mission?

To borrow a term from the organizational literature, “the practical aesthetics”<sup>381</sup> of Chief Albert’s mission and network of allies was critical to his success in gaining political support. In other words, the framing of the initiative could send a message of need to political figures from two different angles. The community could take a stance against those government agencies and corporations who they felt had wronged them, or they could make a request and extend a hand in cooperation. Dr. Peterson explained during the conference call that she worried that a protest, if connected to Chief Naquin’s work on Capitol Hill, could make the tribe appear antagonizing rather than cooperative, giving potential allies in Washington a negative perspective of what the community was trying to accomplish. The purpose of the congressional briefing was to bring about solidarity, to and show that the Chief and his allies had worked diligently find a solution to their problem.

During the call, Kris worried that an association of Isle de Jean Charles with protest might produce undesirable outcomes on Capitol Hill. Perhaps someone would show up to the congressional briefing, geared up to accuse or berate politicians only to become disappointed upon realizing the true, collaborative intent. Perhaps members of Congress could peg Isle de Jean Charles for a combative, uncooperative community and may resist supporting the relocation. Bob Gough, the American Indian environmental lawyer of the group, surmised that the day of protest would not be on anyone’s radar on Capitol Hill, so issues would probably not arise anyhow. To

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<sup>381</sup> E.g., Strati 1992; Kersten 2008; Forester 2016

be on the safe side, nevertheless, the group decided that a more cooperative portrayal of the collaborative would better serve the group's goals toward gaining support.

In response, Dr. Peterson suggested that we try to diffuse the situation by kindly reinforcing the intent of the briefing to those who had been interested in including the Island in protest events. The group, during the conference call, agreed that it would be best if the activists did not include a slide of Isle de Jean Charles in their presentation during the day of protest. Although Rebecca Ferris was motivated to promote the film, she agreed that the right thing to do for the sake of the community was to sit this one out. She and the others on the call seemed to come to this conclusion quite easily and without protest. *Can't Stop the Water* would not play in Houston on the day of protest.

Furthermore, everyone on the call agreed that the story of the Isle de Jean Charles had to be flipped from one of victimization to one of empowerment. While the documentary had shown the unfortunate aftermath of repetitive disasters and the Island community's quickly deteriorating land, the collaborative wanted to show that people are actively stepping up to help themselves. The documentary would be a tool to showcase what the Island people had to overcome, but there was more to the strategy. Sending out community representatives to show the documentary, tell their story, and ask for support showed that the people had agency and ownership of their futures. They were willing to put in the work to change their situation.

Thus far, the collaborative had established that its portrayal in a cooperative light was in the best interest of the congressional briefing mission. Next, they would incorporate another strategy which would also shape the perceptions of others. As Chief Albert and his nephew J.R. prepared for their speech at the congressional briefing, they needed to transcend their usual storytelling about the heyday of the Island community and its loss to rising tides. They needed to

incorporate the terminology used by environmental agencies (e.g., resiliency, sustainability, seventh-generation, etc.) which would signal a match with their organizational mission statement.

#### **Strategy 4: Adopting Agency Lingo**

Louisiana's American Indians sit at ground zero of the environmental crisis and have



*Chief Albert Naquin's nephew, Deme "J.R." Naquin, rehearses his talking points for the congressional briefing.*

great incentive to engage with agencies about their community needs. However, when agency leaders cannot translate an indigenous person's spoken request into a practical course-of-action which aligns with their agency's mission, the request often goes unfulfilled or even ignored. Indigenous leaders have walked away from indigenous-state consultations feeling as if their appeals for help went unheard and their efforts were for nothing.

This phenomenon has been documented in ethnographic work with Alaska Native villages<sup>382</sup>

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<sup>382</sup> Consider a fieldnote excerpt by Elizabeth Marino (2015: 67-69) involving a meeting with the Alaska Climate Change Sub-Cabinet's Immediate Action Working Group (the group tasked to strategize ways to relocate the most vulnerable communities): "Eningowuk [an elder] tells the group in Anchorage that Shishmaref needs help getting old, abandoned bulk-fuel containers from a nearby village into Shishmaref. The fuel containers are eroding, but Shishmaref hasn't been eligible for new fuel containers, or most other state-sponsored infrastructure upgrades, since the village voted to relocate in 2001. Instead, residents have used social networks to locate some abandoned tanks from the nearby village, but they do not have the transportation capacity to move them from one village to another, so they are asking for help from these people in Anchorage who are the working government body charged with helping villages who need to relocate. There is silence from the board in Anchorage. Fuel containers and fuel container transportation do not fall under the mandate of the working group, so the group in Anchorage moves on without comment. They literally ignore Eningowuk's comment. Say 'thank-you' and move on."

and Canadian First Nations,<sup>383</sup> for example. Indigenous scholars often emphasize that, in the indigenous-state contact zone, indigenous people are the ones expected to conform to bureaucratic conventions. Government agencies are rarely the ones to bend to accommodate the communities they are supposed to serve.

Therefore, we did not want Isle de Jean Charles to miss out on any potential opportunities for government support due to a communication barrier. To ensure that agency representatives could envision the alignment between the Isle de Jean Charles relocation plan and their own agency's goals, the collaborative considered how the incorporation of certain environmental buzz words might signal shared interests during the congressional briefing presentation. However, Chief Albert and his nephew J.R. struggled with this strategy at first, feeling as if they would not be their true selves using foreign terminology. "People don't talk like that on the Island." I began to wonder if our expectations were too high. Can we really expect them to alter their language to accommodate agencies while under pressure? Would the stress of the congressional briefing throw them off?

The issue arose during a particularly stressful time. When Chief Naquin's wife fell ill with a severe case of pneumonia, he decided at the last minute that he needed to support her in the hospital and he would not be able to attend the congressional briefing. He was open to using

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<sup>383</sup> Nadasdy (2003), who worked with the Kluane First Nation of the Southwest Yukon, was struck by instances in which biologists of the co-management board, the Ruby Range Sheep Steering Committee, ignored commentary of participating First Nations people. The First Peoples had expressed concern over a regulation which restricted hunters to only kill mature rams: "the full curl rule." They viewed animals as wise beings which, like humans, passed down knowledge to younger generations. Killing off the elder ram population would diminish the population even more than hunting a limited quota of sheep across various ages, because the elders would not be there to teach the youth mating, rutting, and survival skills. One possibility Nadasdy gave for biologists ignoring this comment was that "those who did take it seriously (and I believe there were at least some who did) were unable to make use of it because it fails to conform to Euro-North American assumptions about animals—assumptions upon which wildlife management is based" (127-128). While biologists spoke of the collaboration as a success, thus empowering knowledge-integration projects, the Kluane First Nation "wrote it off as a complete waste of their time and resources" (221).

Skype to make a speech while being projected to a screen, but he could not be the one attending the briefing to represent the community. In his place, he would send his nephew, Deme “J.R.” Naquin, a 52-year-old oil worker who had moved from the Island to reside in Pointe au Chien. Dr. Peterson suggested, just days before the flight, that I meet with the Chief and J.R. to write out some talking points to be used to rehearse for the congressional briefing. J.R. would have to convey the same sort of message that Chief Naquin would have sent.

Telling the story of the Island would be no problem. The people who had grown up in the community had an affinity for storytelling and had talked to outsiders so many times before. The team’s concern was that J.R. needed to present the story in a way which agency heads (or their interns) would understand. He had to enable them to imagine ways in which they could assist. They needed to feel inspired to be a part of the collaboration. J.R. was nervous, as he had never presented in front of an audience like this before. It would be his first time to Washington D.C., and Congress was intimidating.

Dr. Peterson reminded me over the phone that I needed to impress upon the Chief and J.R. the importance of using environmental and hazard mitigation terminology that agencies use, like “sustainability,” “green,” “7<sup>th</sup> generation,” “mitigation,” and “zero impact.” These terms were peppered into the conceptual plan handouts for the event as well as the presentation slides to show that relocation planning was an opportunity to build in an innovative, eco-friendly manner.

Kris also suggested that J.R. emphasize the effort that community representatives have already put into their mission, that they had the capacity to do coalition-building work for themselves, and they were not simply looking to others to do the work on their behalf. The panelists should not forget to discuss the grants they have gone after and the organizations with

which they had participated. J.R.'s speech should assert the tribe's capacity, desire, and will to achieve their goals, and the agencies should be inspired to be a part of it, she explained. I called Chief Albert that evening after attending a meeting with the Pointe-au-Chien Tribe. He later picked me up from the Pointe Aux Chenes Supermarket, just minutes up the bayou, and drove me to J.R.'s house. Together we went over the prepared Power Point slides which would serve as a visual aid for the panelist speeches.

Chief Albert voiced his concern that much of the terminology within the slides and the notes was not familiar. "We don't speak like this. These aren't the words I use: 'sustainability' and 'zero impact.'" The Chief wanted to translate everything into his own language, or common speech, as he put it. He wanted to convey that the community will be energy-efficient, and he could not remember the definitions exactly for key terms as various team members had described them. "What did they say 7th generation meant? Something about passing it down to future generations?," he asked.

We called anthropologist Julie Maldonado, one of the panelists to speak alongside J.R., and asked for clarification. The Chief wanted to know the rationale behind this strategy, considering how much more comfortable they were with their own conventions of speech. Julie, who had worked in the policy arena for many years, explained that agency representatives would be listening for buzz words that match their own organizations' mission statements. The people showing up would most likely be twenty-somethings attending for their bosses. They would be taking notes, and their ultimate purpose was to listen for some connection between the interests expressed in the presentation and their agency's goals. If they recognize an opportunity to further their mission statements through collaboration, they are more likely to pass on a good word.

In sociology, this sort of tactic, where minority groups strategically present themselves to others in a socially-expected or stereotypical manner, is known as *strategic essentialism*, a term coined by Indian theorist Gayatri Chakravorty Spivak.<sup>384</sup> Despite the fact indigenous groups differ radically in many ways depending upon their unique region, history, and set of individuals, sometimes a united identity of “indigenous people,” “indigenous ways,” and the “indigenous worldview” can be beneficial if it demonstrates a sense of authenticity and legitimacy to those who have power to help them. In retrospect strategic essentialism was a large part of the strategy employed here. If the agency representatives could accept the community’s legitimacy as a true indigenous group (as they are), then the community would be in a better position to obtain help from powerful institutions.

For the political arena, Chief Albert and J.R. would blend their own style of storytelling with that of agency representatives and environmental professionals. Together, we discussed what they could say about their vision for relocation and their plans to develop a “green community.” I typed as they made statements in their own words. Then, we went back through the notes and inserted the suggested buzz words. When we finished, I emailed them the bulleted talking points. I could tell that J.R. and Chief Albert were still uncomfortable about this expectation to conform linguistically,<sup>385</sup> because J.R.’s new jargon-filled speech just did not feel

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<sup>384</sup> See Ritz and Ryan 2010

<sup>385</sup> Language is a tool of empowerment and disempowerment. According to Pierre Bourdieu (1977), a person’s way of speaking is managed and negotiated within a sort of market. People adapt their speech acts in accordance with the formalities of a particular audience so that their utterances are received, understood, and accepted. Furthermore, language is legitimated, and thus considered “formal,” because institutions of power deem them as such. The education system perpetuates this determination what is proper by teaching grammar rules which have been legitimated. Those who speak in the manner deemed proper then have a political advantage over others. Those in positions of power are more likely to consider the opinions of those who speak “properly.” Moreover, to be considered knowledgeable in a particular field, one must be able to speak the lingo. Interaction with government agencies requires indigenous people to succumb to foreign terminology in order to gain access to resources, like sovereignty, grants, structural coastal protection, or the ability to assert their identity as an American Indian in federal, legal terms. Not feeling comfortable or competent with the other culture’s terminology (indigenous or

authentic. But the goal to attract support for the relocation effort was important, so they agreed it was for the best. J.R. rehearsed the written talking points. In the end, however, J.R.'s nerves got the best of him, and he abandoned his notes. His speech was very colloquial, and he left the technical language to the others:

Thank you all for coming. [After a long pause, he took a breath, and his nervousness dissipated.]

This is tough...I'm 52 years old. [The Island has] changed so much. You know, we were all a community, and when I was a kid, my dad tells me, we used to add on to homes...[When] somebody did an addition on a house, they'd all get together and help that person out, and it's amazing the stories that you hear. It'd be nice if they would put them on paper.

We pass [our traditions] on to the kids. The kids pass it on to their kids, and that's how I grew up. Island people are a tight-knit group of people, but the erosion has chased a bunch of people out. Coastal erosion has chased a lot of people out.

The storms...The road was damaged last time [during Hurricane Isaac]. You can see it in the picture. They say they are not going to fix the road [again]. This was the last time. It's the only road in, and the only road out, and we used to have families living down there.

The goal here is to relocate everyone as a tribe, as a group, back into a community. And people that moved, we can get them back into the same community, so we get back in a

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bureaucratic) has a silencing effect. Chief Albert and J.R. challenged their own feelings of discomfort by agreeing to learn environmental agency terminology, and in doing so, they hoped to gain attention from powerful institutions.

reservation like we grew up with...The Chief is going to fight it...We're all dedicated to this, and relocation is needed.

Like this year, there's a storm, the road gets knocked out, they're not going to fix it...So what the Chief is trying to do is get a bunch of agencies together...Our goal is to relocate everyone as a community. I've relocated. I've moved. I had to.

I missed work. Tide comes up, floods, I had to turn around. Flood was too high. I couldn't pass through it. And picture yourself on a two-lane highway with nothing on the side.

I've got two kids. One of them lives close to me, which I didn't move that far away. I was born and raised on the Island. I was moved from there nineteen years ago, and I miss it. I miss it a lot.

While J.R. had not utilized any of the environmental terms he had practiced, the other panelists backed him up in their own talks. For example, Bob Gough, a descendent of the Lakota and founder of the Intertribal Council on Utility Policy, spoke at length about green building strategies which could be incorporated into the plans of relocated indigenous communities. Bob's role, being both a descendent of the Lakota and an indigenous lawyer, was to unify everyone in the room: people with differing



*Julie Maldonado, Deme "J.R." Naquin, and Bob Gough are panelists at the congressional briefing.*

experiences, views, and speech patterns. He also helped to flip the script from one of victimization to empowerment, as he portrayed community-led, eco-friendly relocation planning as a twenty-first century opportunity:

...We're not here to look back. We're here to look today a hundred years forward. Seven generations forward to see how this community can continue in viable ways and retaining their culture and maintaining a lifeway and values for their young ones. So we're looking at, what are the renewable energy opportunities for building a new housing development with energy efficient homes? What kind of work can we do around that? We've talked about jobs on the mainland that are associated with the devastation that more and more frequent and intense storms are likely to bring.

What if this community got engaged in tree-limb removal after the storm and landfilled all of that—pack it out on the Island, pack it out on the bayous?... All of the extraction of oil and gas from that gulf has caused the land to sink, while at the same time, the sea level is rising, so we're getting hit with both ends of that very dramatic story and trying to make the best of it. We're looking at maybe, if you can collect derelict [ship] hulls and use [them] as incubators for marine life to give those critters an extra month or a couple weeks—extra time to grow, get strong, deal with predation, and re-populate, re-vegetate, [rejuvenate] those waters. [We're] looking at technology of oyster mushrooms to detoxify the utility of the pollution that they're dealing with. Finding ways of keeping that habitat and being good to it. Saying that the habitat's been good to them in the last two hundred years, so all of this is what's at play.

I just wanted to put that out there so that you can see that this is a larger, indigenous picture of how communities are looking to address that. You don't see that a lot

throughout the rest of the country, but these guys are not going to be planet refugees. These folks are scouts. They're indigenous scouts for a new way in the twenty-first century to be able to thrive with culture and values and day-to-day tact. Thank you.

In the end, the stylistic differences of the presenters were complementary. Bob Gough's speech, though prosaic compared to the presentations of typical congressional briefings, re-framed J.R.'s story in a way which emphasized possible resettlement strategies. While Bob was acting as a translator of sorts, shifting from problems to actions, he was reframing the narrative to say "indigenous communities have everything at stake, and they are fighting like crazy." Agency representatives had learned what was at stake through J.R.'s story, they had visualized the destruction through *Can't Stop the Water*, and they had understood the types of green building and restoration strategies which could be employed in relocation planning through Bob Gough's segment. J.R. maintained his sense of authenticity after all.

### **Strategy 5: Soliciting Powerful Allies**

For years, Chief Naquin and other community leaders had been working to gain allies, and that was something worth emphasizing, because it demonstrated a strong will for change. The presentation during the briefing on Capitol Hill included slides on local, national, and international engagement. The presenters regarded this as a sort of resume which would demonstrate a lasting commitment to collaboration.<sup>386</sup> The last slide listed seventeen individual

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<sup>386</sup> The tribe had worked in some capacity with the following organizations: United Nations, UN Rapporteur for Human Rights, Clinton Global Initiative, National Climate Assessment, NOAA Coastal Ambassador, EPA (trainer for community outreach), Neighbor to Neighbor Network—FEMA, Indigenous Climate Change Network, Rising Voices, Intertribal Agricultural Council, National Hazards Mitigation Association, First Peoples' Conservation Council, Natural Hazards Workshop, William and Mary College, University of New Orleans, Tulane, Fond du Lac Water Forum, Minnesota Public Radio, Numerous Interviews to Journalists (e.g., PBS, The Weather Channel, etc.).

collaborators, with the purpose of emphasizing the tribe's capacity to work with a diverse team of people, each with a different professional focus.<sup>387</sup>

The team wanted to expand because more allies meant more opportunities to build upon the initiative and more people to bring about resources. Chief Naquin wanted to encourage attendees of the congressional briefing to support the relocation, if not financially, then by writing letters of support. The team joined once again in a conference call following the trip. Bob Gough suggested that HUD would be interested in seeing support from its funders, meaning Congress. Nathan Jesse had started compiling a spreadsheet of Congressmen who should receive a thank you letter from Chief Naquin. The idea was to solicit a letter of support from the delegation, as the HUD grant would be competitive.

The team was especially interested in getting a letter of support from the office of Garrett Graves, Louisiana's Representative from the 6<sup>th</sup> district and former head of the state's Coastal Protection and Restoration Authority, because it would demonstrate a regional backing of the initiative. Additionally, we decided that HUD would be impressed not just to see a local Congressional Representative chiming in, but they would also like to see letters from people around the world. This would show that concern for this sort of social and environmental justice issue exists at a larger scale.

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<sup>387</sup> Chief Albert Naquin, Tribal Council, Isle de Jean Charles; Dr. Jack Martin, *appropriate tech*; Dr. Bull Bennett, *consultant*; Dr. Tony Laska, *energy and green building*; Dr. Bob Gough, *law and green energy*; Dr. Tusi Avegalio, *sustainable economics*; Dr. Kalani Souza, *hazard mitigation, cultural reinvigoration*; Dr. Shirley Laska, *coastal hazard mitigation social impacts*; Dr. Fran Paloma, *architect- climate and tropical issues*; Dr. Julie Maldonado, *climate change*; Evan Ponder, *community collaboration- grants*; Melanie Sand, *planning and infrastructure*; Dr. Amy Lesen, *biologist*; Nathan Jesse, *anthropologist*; Rebecca Ferris, *filmmaker*; Dr. Alessandra Jerolleman, *hazards mitigation, grants*; and Dr. Kristina Peterson, *environmental planner, facilitator*.

Writing the letter to solicit political support was an intense collaborative process in and of itself. I created the first letter draft, and then sent it to the others who adjusted the language, creating subsequent iterations. We wrote one letter from our voices, as the “young professionals.” The others were written from the voice of Chief Naquin. We addressed some to professors who attended the *Can't Stop the Water* viewings, some went to policymakers who attended the briefing, and some were for organizational figureheads who could not attend. The spreadsheet listed approximately two hundred people who would receive letters, so each grouping required a slightly adjusted version.

Nathan Jesse, Julie Maldonado, and I then took sections of the list and inserted the names of each addressee into the header and created separate Microsoft Word documents. We sent the files to Chief Naquin, who spent many hours emailing each letter to the individual email addresses we had compiled. At a few points in the process, the Chief encountered technical difficulties with the files he had received, so we spent plenty of time on the phone trying to troubleshoot. In all, this was no small feat, even with multiple people helping to do the work. Nevertheless, it would not have been accomplished without a dedicated team of allies.

### **Waning Hope, Pushing On**

I noticed I had received emails from Kris Peterson with the rest of the Isle de Jean Charles relocation team copied. It was Wednesday, and I was volunteering at the church for the Pointe-au-Chien Indian Tribe's Culture Camp for the children. Apparently, Alessandra Jerolleman was putting together a grant that was due on Friday. The application was for the J.M.K. Innovation Prize, for a total of \$175,000. The solicitation provided applicants with the opportunity to include a digital video relevant to the proposal.

Kris Peterson had suggested that we should shoot a one-minute video of a message from Chief Naquin for the application, and he was to emphasize that the relocation plan was an innovative, green project. She had suggested that I flesh out the script for his speech so that he could record it, and Rebecca Ferris could add imagery in the background from *Can't Stop the Water*. I agreed that I would write it from my notes and refine it according to the Chief's message when we got together. I called him that morning to see if he would help me fill in the holes and make sure it sounded good. He said that he didn't know if he would have time later, which I thought sounded strange, because I thought he would be much more enthusiastic. He was doing so well at gaining support from people at this point. I told him that I would check back in with him after Culture Camp was over for the day.

He sent me a text message later, confiding that he did not think that he could do this much longer. His wife was still sick, and he was trying to juggle caring for her and working for the tribe. The relocation proposal was taking up so much of his time, and he was tired. He wondered if it was all worth it. When Dr. Peterson called me about our plans to work on the video, I explained that the Chief was feeling down about the whole ordeal.

Later in the day, however, he started to feel better, and he called me to invite me over that evening to work. We spent a few hours in his office refining the script, quickly explaining the proposal for the green, indigenous community, and recording him via webcam. Once we were happy with the video, we emailed the footage to Rebecca Ferris to perfect. He was not awarded this grant, however. This was almost always the result of grant-writing efforts.

My year of fieldwork ended in August of 2015, and I returned to Ithaca, NY. While I could no longer assist with tasks in person, I was able to help the Lowlander Center with individual tasks regarding the HUD grant application. Julie Maldonado, Nathan Jesse, and I

worked long hours compiling best practices for resilient and sustainable relocation, spanning topics from planning, green building, and frameworks for disaster risk reduction.

In January of 2016, the announcement came out that the struggles of Isle de Jean Charles had not been in vain. The federal Department of Housing and Urban Development (HUD) awarded \$48.3 million to Louisiana's Office of Community Development to resettle Isle de Jean Charles residents as an entire community.<sup>388</sup> Since then, the community has been receiving massive amounts of media attention, where some reports refer to them as America's first climate change refugees. Whether or not residents of Isle de Jean Charles resettle before any of the Alaska Native villages is left to be seen. While Isle de Jean Charles has jumped a giant hurdle to access dedicated funding, the planning process to come will not be easy or fast.

## **Conclusion**

Even as the new community-based approach was a vast improvement over Chief Naquin's previous experiences, this particular attempt to intervene through community-based action was far from perfect. For example, without having known about the state's application to the HUD competition, some of the community of Isle de Jean Charles was initially in the dark about the new relocation opportunity. The Chief did not want to get the people's hopes up or to trigger emotional responses which would shut down the planning process like before. In its early days, the coalition was limited to a circle of tribal leaders and non-indigenous people allied by a set of strategies. Since the rational mode of planning, embraced by the local government, has oriented planners toward logical, emotionless decision-making processes, it was not illogical of

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<sup>388</sup> <http://isledejeancharles.la.gov/>

Chief Naquin to believe that history would repeat itself—that the unmediated discord of the past would disrupt the pursuit of relocation funding once more. So while action was community-led in the sense that Chief Naquin and his deputy chiefs were going out to tell their story and were building coalitions, actions regarding tribal relocation planning were not yet community-wide.

Furthermore, the two planning models, community-based and rational, would sometimes clash. At the grassroots level, the Chief had been consulting with indigenous green-building practitioners to discuss alternatives for a culturally appropriate resettlement. The local government, meanwhile, was coming up with design alternatives amongst themselves. While the Chief's coalition was collaborative as a civil society group in and of itself, there was still little collaboration between local government and community leaders.

Moreover, the tribe's lack of federal acknowledgment continued to be a policy barrier to their resilience, even after HUD dollars had been awarded. For example, Fair Housing Act regulations would not have applied to a federally-recognized tribe resettling on land designated as a reservation. The Act, which protects homebuyers from racial discrimination, does however apply to the Isle de Jean Charles resettlement project, because the federal government does not hold the tribe's land in trust and does not treat them as a sovereign nation. This meant that non-American Indians people and members of outside tribes should also have rights to purchase homes in the new settlement.<sup>389</sup> So while a portion of the HUD money had been awarded to

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<sup>389</sup> See Callies and Simon 2017. The Fair Housing Act of 1968 was a response to the problems of government-sponsored segregation following the Great Migration of African Americans from rural communities to cities around the turn of the 20<sup>th</sup> century. Local governments had been creating ordinances restricting black and white people from living in the same block or district. Per 42 U.S.C. §3604(a) it is unlawful “to refuse to sell or rent after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make available or deny, a dwelling to any person because of race, color, religion, sex, family status, or national origin.” Then 42 U.S.C. §3606(b) states that it is unlawful to “discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in the connection therewithin.” The problem with this legislation for the American Indians of Isle de Jean Charles is that their funding to relocate was provided the Department of Housing and Urban Development (HUD). The Housing and Community Development Act of 1974

specifically relocate members of the Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw, the resettlement could potentially be home to outsiders as well.

Though the community-based attempt leaves much room for improvement, the Chief's new approach revised his previous status as a passive participant in relocation discourse and established him as an active community leader. By sparking his own collaborative grassroots movement, he made a statement that the indigenous community has the capacity and the will to make decisions for themselves. The local government, simultaneously, has been learning from past failures and successes to tackle the emerging threats of climate change and community displacement. Perhaps in the future, the indigenous community and the government can negotiate a relationship where planners act as facilitators for the aspirations of American Indian communities.

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requires an affirmative fair housing provision, such that a local government which applies for HUD housing funds must certify that the grant recipient will "affirmatively further fair housing as required by the FHA" (12). Because the tribe is not federally acknowledged, they cannot treat the resettlement as a reservation to ensure that the community is preserved with only members of the tribe as it was before, for the most part, on the Island.

## **Conclusions and Implications**

### **Understanding our Culpability: State-Sponsored Contributors to Vulnerability**

This dissertation is a call for awareness, not only meant to awaken practitioners of disaster-related planning specializations to the pitfalls of uncollaborative approaches. It is also targeted at policymakers who possess the power to assist or further dispossess indigenous communities through legislation. A major takeaway for everyone is that a greater dedication to American Indian inclusion in planning and indigenous-state consultation is not going to reverse the complex, interwoven, socio-political trends of dispossession which are ushered at the federal, state, and local levels of government. The solution is not just inclusion but, as we shall see, a greater respect for the rights of indigenous people (regardless of their recognition status) and their capacity for self-determination as they plan for their futures. To overcome American Indian resistance and distrust, this respect must be at the core of disaster policy, indigenous planning, and relevant best practices. As more indigenous communities are displaced by the consequences of climate change, policies must change to circumvent the next Trail of Tears.

By understanding the state's role in indigenous displacement, we have unsettled the misconception that these tribes are simply victims of environmental circumstance—that we as planners and public officials have no culpability and thus no responsibility. The American Indian communities of coastal Louisiana are not merely being displaced by geological processes of land loss or the effects of climate change. Processes of environmental displacement are driven by the socio-political conditions and governmental pressures which support or constrain their adaptation goals. As the disaster literature contends, a community's social vulnerability to hazards is more

than a product of their proximity to hazard-prone regions.<sup>390</sup> State-sponsored marginalization, dispossession, disenfranchisement, and institutional racism heavily contribute to a group's vulnerability and risk of disaster. In this case, the disaster is displacement and community fragmentation.

### **On Why Alleged Participation Inadvertently Compounds Distrust: Pulling from Sherry Arnstein's "Ladder of Citizen Participation"**

As indigenous communities begin to consider community-level relocation as a solution to their displacement, they must work with planners and government officials to secure funding and develop plans. Previous attempts to plan the Isle de Jean Charles community's relocation, however, have demonstrated that distrust, misunderstanding, and rivalry can shut down



Melanie Sand-Fleischman and Chief Albert Naquin meet up at the 2015 Natural Hazards Conference in Boulder, Colorado

conventional planning processes from the start. At the end of it all, indigenous community leaders are left feeling that planners and public officials dominated a process which should have been theirs to direct. Planners and public officials, on the other hand, are confused and even offended by this accusation, because they solicited input from the communities through surveys and public

meetings. What becomes apparent very quickly is that the top-down, expert-dominated ethos of planning, reified on paper by Banfield and Meyerson's rational planning model in the 1950s, has not been appropriate for work within indigenous communities. Simply inviting an American Indian community to participate does not circumvent the long legacy of government distrust

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<sup>390</sup> E.g., Adger 2006; Wisner et al. 2003; Cutter 1996, 2006; Afifi and Jäger 2010

which stifles their voices, and it does not overcome the daunting challenges of translating their unique community needs (if they even feel comfortable sharing them) into practical solutions.

This impression that planners and officials often dominate decision-making processes is not entirely unique to Native American communities. For several decades, a wide body of literature has been cautioning us against the effects of poorly executed public participation processes. Public engagement is a tool designed to elicit community input for the development of actionable plans, yet it can inadvertently lead to increased distrust of local governments. To better understand how unsophisticated participation rituals (or alleged participation) can translate to citizens as domination, let us draw upon a classic theoretical contribution.

In the 1960s, with a rising demand for increased community power (e.g., “community-controlled schools, black control, and neighborhood control”<sup>391</sup>), Sherry Arnstein published a famous response to emerging questions of decision-making. Who has control and who should have control over communities? Her eight-rung “ladder of citizen participation” is an illustrated typology of participation and nonparticipation which helps to classify planning experiences from this case study as they were perceived by tribal leaders.

At the bottom of the ladder are the classifications of *manipulation* and *therapy*, forms of nonparticipation which are meant to give off the illusion of participation. She classified the authority of expert-run “rubberstamp” advisory committees, which became so popular during the era of urban renewal, as tools of *manipulation*, because they were served by the socially elite and ended up displacing the minority communities they were supposed to represent.<sup>392</sup> The displacement of the indigenous tribes, in this case, takes place as expert committees of

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<sup>391</sup> Arnstein 1969: 218

<sup>392</sup> Urban African Americans were often displaced by Citizen Advisory Committees through urban renewal plans.

Louisiana's coastal master plan determine how to prioritize protection and preservation projects. Using the "best science available," they advise on which communities must constitute sacrificial zones in order to preserve others.

Furthermore, local governments have historically used neighborhood action committees and advisory groups which have no real decision-making authority in-and-of themselves, to create the illusion that grassroots people had participated in decisions. In doing so, local governments have used citizens to legitimize plans they had previously decided upon themselves in closed meetings. In some instances, community participants were not made aware of the negative aspects of projects they supported. In Isle de Jean Charles, this form of manipulation is the ultimate fear for many citizens opposed to a buyout. If they participate in relocation planning, some worry that the government will move them to a less-than-ideal settlement and sell the coastal property of the island to wealthy buyers.

Climbing further, Arnstein views the second rung of the ladder, *therapy* as "dishonest and arrogant."<sup>393</sup> Instead of addressing the root of a problem afflicting citizens (like racism or other forms of victimization), local governments have employed social workers and psychologists to facilitate citizens' acceptance of their conditions. Arnstein refers to examples of public housing programs, where engagement processes were designed to help tenant groups "adjust their values and attitudes to the larger society." Fortunately, no one from Southeast Louisiana has accused any level of government of facilitating "change your attitude" sessions, although many would agree that many public meetings have implicitly required that citizens come to terms with their future displacement before arrival.

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<sup>393</sup> *ibid*

Further up the ladder are three versions of tokenism: informing, consultation, and placation. *Informing* is a classification for a meeting style employing one-way communication from officials to citizens. Arnstein considers examples in which technical and legal jargon have intimidated citizens to the point where they do not resist inequitable plan alternatives. Without the resources to hire their own lawyers and advocacy planners as translators, tribal representatives have struggled with the alienating vernaculars of various professions as they attend coastal science and planning-based presentations.

*Consultation* is slightly more empowering than *informing*, but it still lacks any promise that input will lead to anything tangible. *Consultation*, as Arnstein explains, tends to involve methods of “attitude surveys, neighborhood meetings, and public hearings.” On this ladder rung, she makes a powerful statement:

When powerholders restrict the input of citizens’ ideas solely to this level, participation remains just a window-dressing ritual. People are primarily perceived as statistical abstractions, and participation is measured by how many come to meetings, take brochures home, or answer a questionnaire. What citizens achieve in all this activity is that they have “participated in participation.” And what powerholders achieve is the evidence that they have gone through the required motions involving “those people.”<sup>394</sup>

The tribes in this case study have reflected upon their experiences of tokenism time and again. With respect to hazard mitigation planning (chapter 1), a tribal member criticized the lack of action which comes from their regular community participation and input, “It’s the same thing...The only thing that changes is we have less land. Every year we keep going through

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<sup>394</sup> *ibid*: 219

this...” Additionally, during the first attempts to discuss relocation planning for Isle de Jean Charles, the Army Corps, state, and parish used questionnaires to gauge the community’s interest in moving. Negative responses were enough for the government bodies to rationalize the end to the conversation and to remove of funding options before people had really discussed what was happening.

Furthermore, citizens have experienced Arnstein’s next classification of tokenism: *placation*. Here, a small number of chosen representatives from poor communities are placed on public boards and are supposed to appear accountable to their constituents. Oftentimes, however, they are outnumbered by more powerful elites who speak over and outvote them. Many times, an American Indian leader or two will participate in focus groups and boards among esteemed water experts. Although indigenous community leaders have walked away from these experiences feeling unheard on several occasions, their photos have been quite popular for use on covers of planning documents.<sup>395</sup> This has left individuals with the impression that the local government has used them.

Finally, Arnstein groups the top three rungs as forms of citizen power: *partnership*, *delegated power*, and *citizen control*. The latter two classifications closely represent the level of self-determination the tribes would like to achieve when planning for relocation, though the first classification is more equitable for both the community and municipality. Through joint planning committees, community members and planners/policymakers share decision-making power and negotiate to come to agreement under a *partnership*. Neither party can unilaterally make a decision without approval from the other. On the community’s end, this approach is more

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<sup>395</sup> For example, see the Coastal Protection and Restoration Authority of Louisiana’s 2012 iteration of *Louisiana’s Comprehensive Master Plan for a Sustainable Coast*. Photos of particular indigenous participants were used, but they were not pleased with many aspects of the plan.

successful when citizen leaders (like chiefs and tribal council members) have mechanisms in place so that they are held accountable to those they represent, and when the community has the resources to hire their own consultants (e.g, technicians, planners, mediators, and lawyers). Arnstein references the Model Cities programs of the '60s (which ended in the '70s), a policy response to issues of urban poverty and crime which reformed municipal management. A small minority of these Model Cities initiatives ever achieved power-sharing arrangements, and in most of those cases, citizens had to protest for their city to give up unilateral power. Thus far, indigenous bayou communities have not organized any form of political resistance to gain an equitable partnership of this sort.

Further up, *delegated power* is ideal for small communities of people who aspire to plan for themselves but under professional and public guidance. Under this model, citizens become dominant in planning and decision-making processes when they have the majority of seats on boards with real authority, and when the people have “genuine specified powers.”<sup>396</sup> Power relationships are flipped so that municipalities must be the ones to start bargaining when disagreements arise. Arnstein used the Model Cities program of New Haven, Connecticut, as an example. The city passed on most of the money they received from the Department of Housing and Urban Development (HUD) to a neighborhood corporation which hired their own planners and consultants to prepare the Model Cities plan.

At the very top of the ladder is the rung of *citizen control*. The fact that no one actually has or can have absolute control is of utmost importance to note, but this classification is representative of a growing demand and intent for more power over community decisions.

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<sup>396</sup> Arnstein 1969: 222

People are simply demanding that degree of power (or control) which guarantee that participants or residents can govern a program or an institution, be in full charge of policy and managerial aspects, and be able to negotiate the conditions under which “outsiders” might change them.<sup>397</sup>

One of the practical desires of advocates for *citizen* control is that no intermediaries exist between a neighborhood corporation and a source of funding. Taking the Isle de Jean Charles relocation as an example, this would mean cutting the authority of the intermediary—Louisiana’s Department of Administration (DOA) Office of Community Development (OCD)—which received funding from the federal department of Housing and Urban Development (HUD), for disaster recovery and planning measures. Instead of planning through their Disaster Recovery Unit (DRU), citizens would hire their own planning consultants.

I would like to end this section with caution. Critiquing planning is easy, but doing planning in a way that circumvents distrust and leads to agreement is incredibly difficult, especially when planners are trained into the same old approaches of engagement. Most planners are not actually trying to dominate community decision-making processes, even if this is the ultimate impression they give to communities. When working through participatory processes, the goal of planners is to take commentary from citizens and translate that in a way that is legible to the state so that action can come from input.

When special interest groups, like big industries, have seemingly endless resources for lawyers and technical consultants, but small interest groups, like low-income communities, have next to no resources for consultants, the more powerful groups often come out ahead in planning

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<sup>397</sup> *ibid*: 223

scenarios. At least in part, this is because the small interest groups end up feeling alienated by the roomful of elites, the technical language of planning, their lack of familiarity with the process, their uncertainty of the sorts of comments which apply to the task at hand, and so on. In this case study, planners left meetings wanting more input from local tribes, and local tribes left meetings with frustration that their voices are never heard. To help break the impasse as planners, we can turn to a wide body of planning literature unpacking argumentative, communicative, and collaborative approaches to planning,<sup>398</sup> and we can draw upon the tenets of indigenous community-based planning.<sup>399</sup> The point that must really be driven home in the end is that the inclusion of American Indian communities in planning efforts is not enough.

### **Collaboration, not Merely Inclusion**

Relocation literature has shown that past collaborative efforts between government authorities and indigenous leaders have not actually been collaborative at all.<sup>400</sup> Instead, input from indigenous representation has often been ignored. To reiterate a case study example from Chapter 5, the Alaskan state government first tackled relocation planning through the indigenous-state collaboration known as the Immediate Action Working Group. However, anthropologist Elizabeth Marino's fieldnotes and surveys<sup>401</sup> reveal that the Iñupiat of Shishmaref felt alienated throughout their consultation processes, and their comments regarding community needs were often ignored or misunderstood. The community needs described by the

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<sup>398</sup> de Leeuw and Simos 2017; Fischer 2003; Fischer and Forester 1993; Forester 1989, 1999, 2013, 2016; Healey 1997; Innes 1996; Innes and Booher 2004, 2010; Low Choy et al. 2008; Susskind and Cruickshank 1987, 2006; Susskind and Ozawa 1984; Umemoto and Igarashi 2009

<sup>399</sup> Hibbard and Lane 2004; Jojola 1998, 2008; Lane 2003; Lane and Cowell 2001; Lane and Hibbard 2005; Morgan and Cole-Hawthorne 2016; Porter 2010, 2014; Sandercock 2004; and Sandercock and Attili 2013

<sup>400</sup> E.g., O'Collins 1990; MINPAC 2002; Long et al. 2007; Tulele Piesa 2008; Rakova 2009, 2014; Marino 2012, 2015; Böge 2013; Edwards 2013; Bronen 2011, 2014a, 2014b

<sup>401</sup> 2015: 65-69.

Elders did not always directly relate to the organization's specific goals, and therefore their comments went unaddressed.

Although the villagers were dissatisfied, the state had created the illusion of indigenous-state collaboration by providing an arena for indigenous people to speak. The working group has disbanded since 2009 due to indigenous-state and institutional challenges, but Marino's ethnography has shown, first, that the so-called "collaborative" approaches to relocation can empower the goals of the state while disempowering indigenous people, and secondly, that inclusion is not necessarily collaboration. As it turns out, indigenous-led, community-based processes are critical to the success of relocation planning. Merely including them in our own systematic, conventional planning frameworks is not enough if we want to truly claim we are being collaborative.

### **Marginalizing Institutions**

So indigenous communities are vulnerable to hazards because of the environmental crisis taking place around them, but they are also vulnerable to marginalization by the institutions which are meant to help them. The goal of Part 1 was to disentangle some of the most impactful, yet less obvious, institutional contributors to the tribes' vulnerability: the practice of planning, the oil and gas industry, federal acknowledgement procedures, and cultural resource management. Though this list is not comprehensive, the four vulnerability contributors focused upon in this manuscript represent key issues that community members emphasized to me. Then, the goal of Part 2 was to show that planners' approaches to indigenous relocation can either reinforce tribal-governmental distrust or bring about more successful achievements through collaboration.

### *The Hazards of Hazard Mitigation Planning*

The first chapter has shed some light upon the unintended consequences of the rational planning model as it has inspired disaster policy. While hazard mitigation planning is meant to decrease communities' vulnerability to hazards, indigenous tribes have asserted that it has done little to address the most pressing issues that they face. In large part, this is because FEMA regulations mandate that municipalities assess risk and vulnerability in quantifiable, property-centric terms which do not address sociological aspects of disaster. These terms draw stark boundaries between the community needs which are and are not deemed relevant to the goals of hazard mitigation planning, leading to a systematic dismissal of many critical issues. When humanistic needs go unmet (e.g., mental health issues, poverty, or a family's lack of resources to evacuate and/or temporarily relocate), but government authorities create a façade of comprehensive mitigation, those unmet needs are further masked and ignored. The dismissal of those needs only further marginalizes vulnerable societies and leads to a larger calamity following hazardous events.

Furthermore, because planning is still conventionally guided by the ethos of the rational planning paradigm, which inspires non-community-based, state-driven processes, indigenous communities aspiring for self-determination experience a form of disenfranchisement. When indigenous people (or any other group for that matter) lose control of their land and their resources because a government organization has been authorized to take over, they also lose their capacity to adapt in ways which they deem most appropriate for their particular

community.<sup>402</sup> As such, the first chapter has shown that hazard mitigation planning for indigenous people can increase their social vulnerability rather than reduce it.

### *Land Loss and the Oil and Gas Industry*

As shown in chapter 2, powerful industries have historically executed land grabs of ancestral terrain with the help of federal and state policymakers. Attorney Joel Waltzer has explained how legislation (i.e., the Swamp Act) had enabled a property transfer of indigenous territory to the oil giant, LL&E. Although the tribes were able to build a case against the company (now Chevron) based upon the common law doctrine of aboriginal title, the courts have not recognized the communities as aboriginal or indigenous because they default to the federal Bureau of Indian Affairs' current definition of an American Indian Tribe. Recall that the BIA has not yet granted them federal acknowledgement status.

Tribal members view their denial of status as a form of manipulation to deprive them of political power: Though colonizers confiscated the land from their ancestors because they were “Indians,” and thus “barbarians,” now that the descendants want the territory back, they are no longer considered an American Indian Tribe by law. Therefore, today's procedures of indigenous definition and classification have divorced these communities from the land rights they would otherwise have if not for a rich legacy of institutional racism. Meanwhile, the oil and gas industry has continued to benefit from their majority ownership of this mineral-rich territory while contributing to its erosion. As the people often say, “We should be some rich Indians!”

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<sup>402</sup> Remember the example of Elizabeth English's amphibious architecture solution in Chapter 1. Although members of Isle de Jean Charles would have preferred to adapt-in-place by retrofitting their homes to sit on a floating platform, FEMA will not allow it based upon their national regulations meant to reduce construction in floodplains.

### ***Indigenous Validation and the Federal Acknowledgement Process***

Validating American Indian tribes as legitimate via bureaucratic conceptions of indigeneity has been normalized by American institutions. Chapter 3 has demonstrated that the Federal Acknowledgement Process (FAP) is far from the objective practice it is purported to be. In addition to the administrative nightmare which can take several decades to complete, the process can also work to permanently disenfranchise communities. Louisiana's state-recognized tribes have found that being a tribe of American Indians is not enough to be considered an American Indian tribe in the eyes of the federal government. The BIA construction of indigeneity, structured by seven specific (yet simultaneously subjective) criteria, preclude tribes with non-standard histories or leadership structures from rightfully exercising indigenous rights and sovereignty.

For example, since the communities were formed by ancestors of different historic tribes who isolated themselves from Removal-Era persecution (with "historic" tribe being defined as pre-1900), the tribes must demonstrate in their petitions that a political merger took place between these groups of the Biloxi, Chitimacha, Choctaw, Atakapa, and Acolapissa. The BIA will not acknowledge tribes formed by ancestors who descended from mixed origins and simply settled together. The circumstances of colonial persecution which shaped their settlement do not override this criterion. Furthermore, the nuance between co-habiting and merging is so subtle and indiscernible that eyebrows begin to raise over the amount of discretion the BIA has in its interpretation. Tribes' federal acknowledgement processes can be delayed for decades as BIA personnel try to arbitrate their ethnic validity through fabricated technicalities.

Consider too that staff members of the BIA's Office of Federal Acknowledgement (OFA) only plan to recognize around 30 percent of petitioning tribes,<sup>403</sup> meaning about 70 percent of those tribes which have applied and all of the tribes which have never petitioned are left without indigenous land rights and disaster-related tribal resources. If federal policies regarding indigenous rights do not change, the displacement and fragmentation of indigenous communities will become the new norm as climate change worsens.

### ***Withholding Rights to Cultural Resource Management***

Being vulnerable to hazards while lacking federal recognition status has also complicated cultural resource management processes. As chapter 4 has shown, structural coastal protection projects which are federally funded and/or permitted require a Section 106 tribal consultation process to be conducted. The process requires federal sponsors and state-level cultural resource managers to hold a consultation process with American Indian tribes which have expressed interest in the impacted territory. However, only federally-recognized tribes are legally entitled to this consultation process. As federally- and non-federally-recognized tribes often have disputes with each other over territorial claims, federally-recognized tribes may request that other tribes not enter in the process with them at all. Without consulting with agencies, however, non-federally-recognized tribes are not able to relay observations about the condition of the burial mounds and sacred sites in their region. Furthermore, they receive only minimal information about the projects popping up in their own backyard. Therefore, the construct of federal recognition works to dispossess some hazard-vulnerable tribes of their discretion over cultural resources.

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<sup>403</sup> Greenbaum 1985: 362; cited in Klopotek 2011: 253.

## **Reconsidering our Approach to Planning in the Indigenous Community: Hazard Mitigation and Relocation**

With all of this being said, this manuscript has argued that different approaches to planning can either create or reduce vulnerability within hazard-prone indigenous communities. While, government-driven deliberative practices and inflexible codified procedures interfere with indigenous communities' capacity to adapt-in-place, planners can respect indigenous communities' aspiration for self-determination by assisting with indigenous-led planning processes.

We saw this in Chapter 1, as rigid, property-centric definitions of vulnerability steered planners away from a focus on the indigenous community's true needs. We saw that the rational model of planning, with its systematized, supposedly-objective steps, has inspired the federal codification of hazard mitigation planning procedures. Fortunately, planners like Alessandra Jerolleman (Chapter 1) have come to the realization that conventional practices are unsuitable for engagement with indigenous communities. Therefore, some practitioners now seek ways to facilitate a more meaningful dialog with indigenous peoples' time while simultaneously fulfilling federal criteria.

From previous experiences as a consultant for the Pine Ridge Reservation, she learned lessons which helped her consult with tribes in Southeast Louisiana. She came away with the belief that hazard mitigation plans should be developed and managed by the community itself. While outside consultants can teach others about the federal requirement and procedures of hazard mitigation planning and can write up the planning documents which result from community input, indigenous communities can hire indigenous consultants and members from within the community to facilitate engagement sessions. Not only does this approach respect the

indigenous community's capacity to plan, it also allows insiders to effectively communicate with participants in a manner which they deem appropriate. Furthermore, Alessandra came away understanding the power of framing.<sup>404</sup> That is, she learned that facilitators can phrase community engagement processes in a way that does not set expectations for what they must discuss. When facilitators from the Lakota Sioux College set up consultations, they referred to meetings as "listening hours" so that community members would not get hung up on the formal planning process and its federally-defined goals. They could simply discuss local concerns the way they saw them.

Chapters 5 and 6 of Part 2 then explored the outcomes of two different modes of planning practice (the rational planning mode versus indigenous, community-based planning) as they applied to relocation planning. Chapter 5 has shown that government-driven processes, organized under the rational planning paradigm, can result in more even more divisiveness and distrust. When the Army Corps of Engineers and the state government prepared to discuss a relocation opportunity with the residents of Isle de Jean Charles, they had already designed a conceptual plan and submitted questionnaires to gauge people's interest, even before scheduling a community-wide meeting. It seemed to many residents that decisions were being made on their behalf. When they did schedule a meeting to discuss a perceived lack of interest in moving, people showed up angry. That meeting was shut down amidst vitriolic accusations of another Trail of Tears.

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<sup>404</sup> John Forester's (2013) practitioner profile of Peter Adler emphasizes the ways in which "framing" is a crucial aspect of multi-stakeholder processes. Adler, who was hired to mediate a dispute concerning Native Gathering Rights between Native Hawaiians and developers, found that framing the initial meetings as "study groups" rather than "mediation" or "facilitation" lowered expectations. He focused group discussions on needs, interests, and politics of the issue rather than making deals. He also de-emphasized "agreements" and "consensus," instead pushing for people to pinpoint questions that everyone finds important.

When the option to relocate them came up again, as it could have been funded through post-disaster grants, Chief Albert Naquin approached the parish council to consider his proposal. The parish, without organizing an indigenous-governmental consultation process to discuss their options, determined for themselves that the community had asked for too much. As a result, the parish discontinued the discussion of relocation planning. In each scenario, government officials were authoritative, analyzing the situation in what they took, however narrowly, to be rational and systematic. However, this approach neglected to solve the problem of displacement in Isle de Jean Charles, and it only further enforced feelings of distrust toward the government.

Then, Chapter 6 demonstrated an alternative planning approach: an indigenous, community-based method. When yet another funding opportunity arose through HUD's National Disaster Resilience Competition, Chief Albert Naquin partnered with the NGO, the Lowlander Center, to build a grassroots coalition and garner support from politically powerful figures. While the state Office of Community Development (which was applying for the grant and facilitating the planning effort via public meetings) was following a conventional rational planning methodology, the additional grassroots component supported the capacity of American Indian leadership. As such, tribal representatives felt that the new approach was a step in the right direction, even if they desired an even more rigorous community-based approach from the state moving forward.

At the grassroots level, the team of allies had built upon strategies to build a coalition, gain attention through the media, learn effective agency terminology, and solicit the support of politically powerful people. Additionally, the team had determined that the framing of their intent was critical to their success in gaining external support. In adopting an aesthetic of cooperation rather than antagonism toward governments and industries, they passed the message

that the community of Isle de Jean Charles was not simply using protest to coerce relocation assistance. Instead, tribal representatives were engaging with others locally and across the country to spread awareness and elicit support for their relocation plans; and thus, they were demonstrating to government officials that they had the capacity to do the hard work for themselves. They were eager and motivated. They displayed the message that they were not looking for handouts but for the facilitation of their own planning processes. In other words, they flipped the script from victimhood and government opposition to indigenous capacity.

### **Engaging on Their Territory, on Their Terms**

In conducting interviews with government officials, some were incredulous as to why indigenous representatives were so comfortable engaging with some practitioners, yet they seemed unwilling to participate or speak up in formal, public planning meetings. What I learned was that a practitioner's approach is critical to the success of collaborative, indigenous-state planning. When I asked Kristina Peterson how planners could meaningfully engage with American Indian and other historically-preserved communities, she suggested that planners

go into the community first to visit around the community, get to know the people a little bit more, and then say, "Oh would you like to come to my office and see where I work?" It's almost like we're going into each other's community. But when you're a guest in somebody's house for the first time, you kind of have to behave. You put your hands in your lap. You smile... So there's an etiquette and a protocol that folks are assuming in that process, but [their reserved behavior] comes across [as if] they didn't want to participate.

Her comment provides intuition behind the tenets of community-based action and participatory action. Whoever is doing the inviting sets the rules unless otherwise noted. The location of a

meeting defines whose turf is being occupied and by which social conventions one must abide. A meeting location tells us who's in charge here.

Therefore, when planners and public officials engage with communities in their own territory, rather than meeting in government buildings, they as visitors must respect the host's conventions. Once the authoritarian air is gone, planners and community representatives more closely approach an egalitarian relationship. Furthermore, when planners are forced to engage in a way which respects indigenous principles because they are visiting indigenous land, their approaches to planning will be affected by a changing power dynamic. American Indian hosts become teachers, and planning practitioners become students.

### **Demonstrating Authenticity**

Experiences within these communities have shown that public servants and community members may develop a fondness for one another at a personal level. Consider the methods of Randal Joseph<sup>405</sup> and John Boatman of the Natural Resource Conservation Service (NRCS). Kris Peterson recalled an example in which agency employees earned respect from the indigenous community:

Oh, John Boatman—He was so concerned of not wanting the communities to always take their boats out. So [the NRCS] took their own boat one time, and when they took their own boat down, they launched it at Port Sulphur,<sup>406</sup> and the engine went out, so the bayou folks had to come down and rescue him.

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<sup>405</sup> Who appeared in chapter 3 as a member and policy advisor of the First People's Conservation Corps (FPCC).

<sup>406</sup> Where the Grand Bayou Indian Village of Plaquemines Parish resides.

So the joke is, “Don’t rely on their boats.” But it was that authenticity of wanting to take the pressure off the folks. So that’s the thing that I’m most pleased about—John Boatman and Randall. They get it. They really get it.

In this example, she mentioned “authenticity,” but she also implied that demonstrations of good intent passed a message that outsiders could be trusted. John Boatman did not want the community to use their own resources to accommodate him. He, the outsider, has established that he is not a bad guy. The outsider became an insider. By joking with him about the incident, community members demonstrated that they were then comfortable with his presence.

### **Incorporating Indigenous Planning Processes from the Conceptual Stage**

In previous attempts at relocation planning, public officials had pre-determined what they could offer and what the resettlement site might look like. For example, the Army Corps of Engineers had hired a consultant to draw up a conceptual plan to show to the community of Isle de Jean Charles. Although they only intended to gauge the community’s interest in further planning, this approach sent the message that the government was making plans for, rather than with, the community. In opposing the relocation project, the people referred to the process as the Trail of Tears.

However, when the Lowlander Center collaborated with Chief Naquin, they decided to facilitate indigenous-led conceptual planning by bringing together indigenous leaders and non-indigenous allies from across the country, each with a different area of specialization. The resettlement was meant to be a green, environmentally-friendly community, so the collaboration drew upon relevant talent. Dr. Jack Martin had taught several classes as a senior lecturer at Appalachian State University on sustainable architecture and renewable energy. Bob Gough, a Lakota descendent, was an indigenous lawyer who had worked for years on the Rosebud

Reservation in South Dakota. He founded the Intertribal Council on Utility Policy (Intertribal COUP) and had a significant amount of policy experience regarding renewable power. Tony Laska was a trained ichthyologist<sup>407</sup> but had also become involved in green building initiatives and had acquired several relevant political connections as a result.

The Lowlander Center arranged to bring everyone to Louisiana to brainstorm together. Kris Peterson referred to their conceptual planning get together as “the boy party”:

I’d call Shirley [Laska] and say, “I’m picking up the boys. And I’d pick them up, and here’s these four guys that look like little fourth graders who kept inventing things with Legos. I mean, Jack applying scraps of paper and drawing all these things on it, and Bob’s like, “Oh no, no, oh!” [as if interjecting ideas].

And the energy between them was so jazzy. And so they were looking at the Island, and Jack was suggesting some experimental things that they could do now. And so out of that, they came up with what was about two pages. Five pages, but we had to get it down to a two-pager.<sup>408</sup> It went around as many times as it would happen. And so that became the piece that Bob and Albert took to the Clinton Global Initiative. And then it started to be used for other things as well.

Like the guiding principles based on Yup’ik ways of life created by the Newtok Traditional Council in Alaska,<sup>409</sup> the two-page concept to resettle Isle de Jean Charles residents became a guide to convey community aspirations to government planners and political supporters. Now, they had a reference point for the community vision. Although government-led planning processes often inadvertently lead to the imposition of planners’ values and ideas upon

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<sup>407</sup> A specialist on fish and their ecosystems

<sup>408</sup> See Appendix for the two-page planning proposal.

<sup>409</sup> Refer back to Chapter 5 on global case studies. Principles are listed in Bronen (2014b: 228-229) and AgnewBeck (2012).

indigenous people, a conceptual planning process conducted by indigenous leaders circumvents this tendency. With the help of indigenous-led planning processes, government planners did not have to set expectations for the community. Instead, planners had the opportunity to use the conceptual plans of indigenous representatives to provide technical assistance in bringing about their vision.<sup>410</sup> While some have since reported that planners have not yet adequately capitalized on these opportunities to improve indigenous-state collaboration, these emergent findings may inspire changes in the future.

### **Moving Forward with Relocation**

The relocation planning process for Isle de Jean Charles was still in its infancy when this dissertation was written, meaning many more lessons are still to emerge. Indigenous resettlement initiatives in Alaska and Oceania have been progressing for decades and have demonstrated that the journey is always complicated and never straightforward. While the community of Isle de Jean Charles successfully gained dedicated relocation funding from HUD, this is only the beginning of a long-term process. Currently, the project is guided by the state, under the Office of Community Development. According to Alaskan precedents, collaboration with state agencies can be difficult, stressful, and often disheartening. For example, accounts have shown that, too often, resettlement planning processes proceed in a top-down fashion, limiting the involvement of the people being displaced.<sup>411</sup>

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<sup>410</sup> According to Berke et al. (2002: 130): “The role of planners and other outside professionals is to listen and respect the experiences of indigenous people and accurately reflect their voices when giving advice and making policy recommendations. The role of outside organizations is to provide resources, training, and technical assistance that fit the needs and build on the capabilities of indigenous groups. The goal is to integrate conventional top-down with bottom-up, resident driven initiatives to establish a network of partnerships among indigenous groups, local planners, and outside organizations.”

<sup>411</sup> Hugo 2011; cited in Marino 2015: 98

Furthermore, states have failed to coordinate planning efforts with local initiatives, and different institutions often work against one another.<sup>412</sup> Unfortunately, Chief Naquin has already noticed a lack of coordination in some respects. For example, the Chief commiserated to journalists at the *Washington Post* that state officials had hired an architecture firm to design the community, replicating the work that the tribe had already done (as described above), and unnecessarily expending precious resources.<sup>413</sup>

Nevertheless, planners and displaced communities have made headway in achieving shared resettlement goals with help from a large, supportive coalition of allies. Perhaps indigenous, community-based planning methods cannot transcend the dominance of inflexible, illegible modes of planning, but improvements over the ill-suited rational planning mode have been striking in the indigenous resettlement context. We can do better.

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<sup>412</sup> See Marino (2015: 98) on resettlement planning in Shishmaref, Alaska.

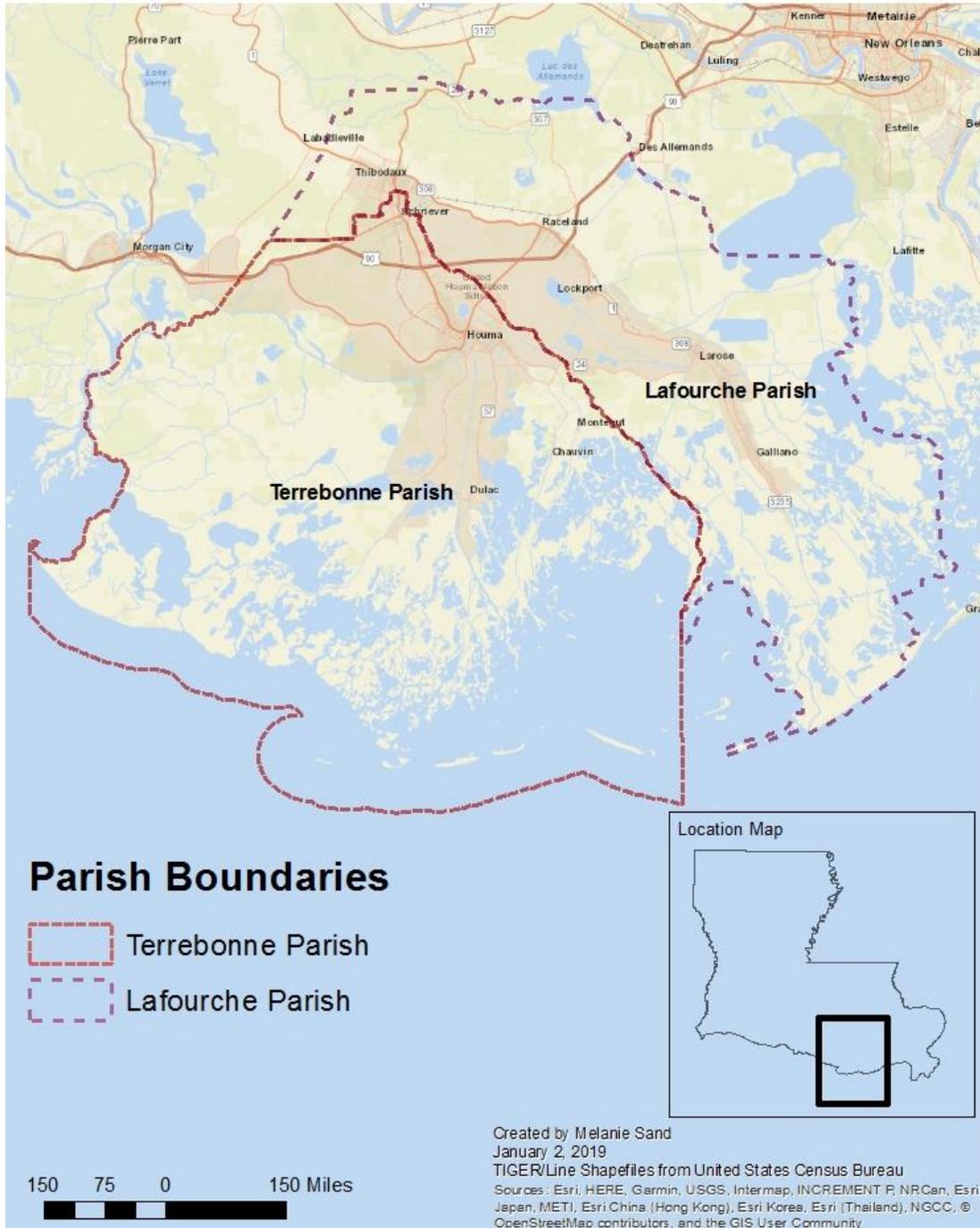
<sup>413</sup> Kaplan 2017

# APPENDIX

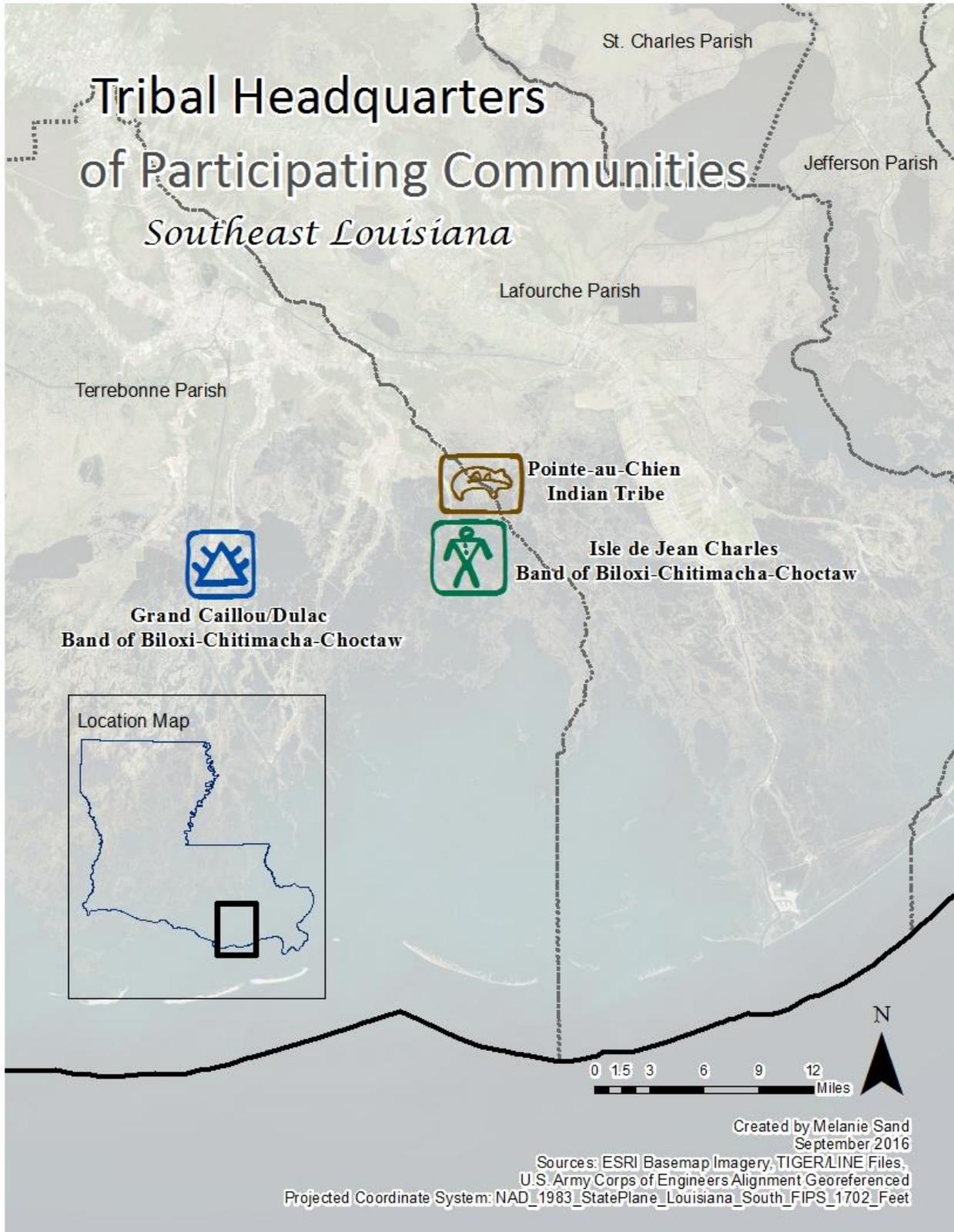
Map 1: Study Area

## Terrebonne and Lafourche Parishes

*Coastal Louisiana*



**Map 2: Case Study Communities**



**Map 3: Land of the Pointe-au-Chien Indian Tribe and the Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw**

# Lower Pointe au Chien and Isle de Jean Charles



Map 4: Land of the Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw

# Grand Caillou/Dulac Region

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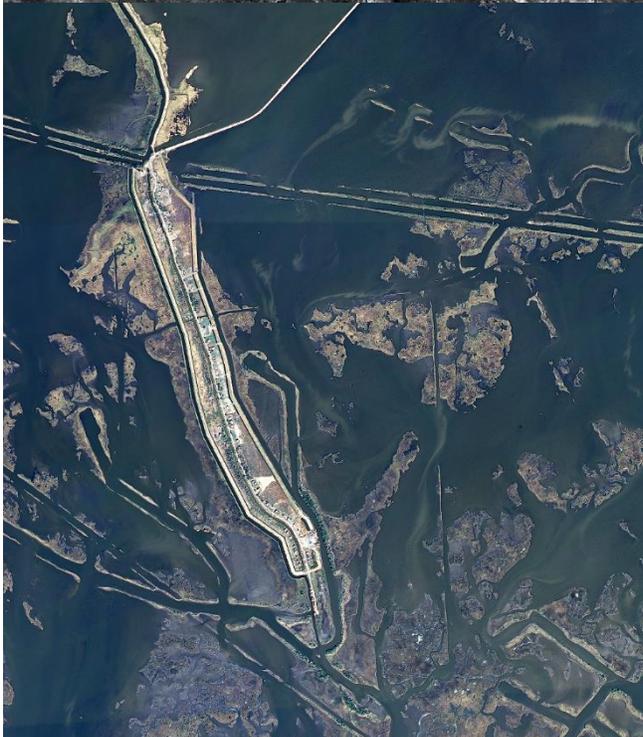
**Map 5: Environmental Change Map**

**Isle de Jean Charles, Louisiana**

*Land Loss, 1963-2008*



Aerial Photo  
April 5, 1963



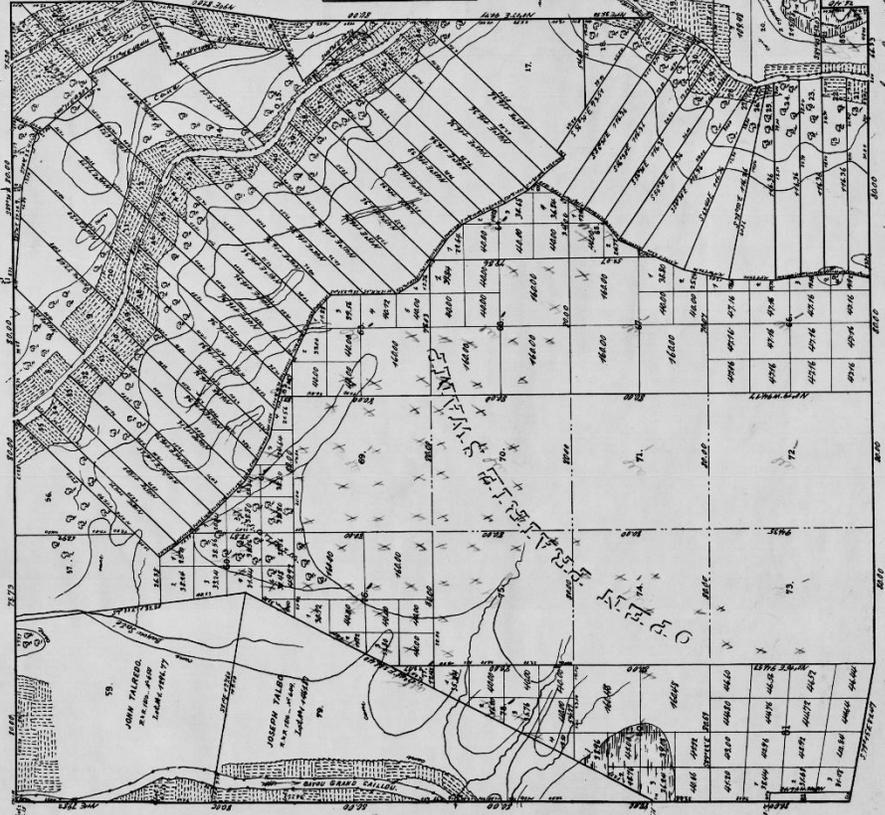
High Resolution Orthoimagery Photo  
October 1, 2008

(Source: USGS Earthshots: Satellite Imagery of Environmental Change)

Map 6: Louisiana Township and Range Map Including Bayou Little Caillou (1856)

**T. 18 S. R. 18 E.** South Eastern District, 2d. West of Mississippi River.

Red with letter of Dec. 21st 1855.



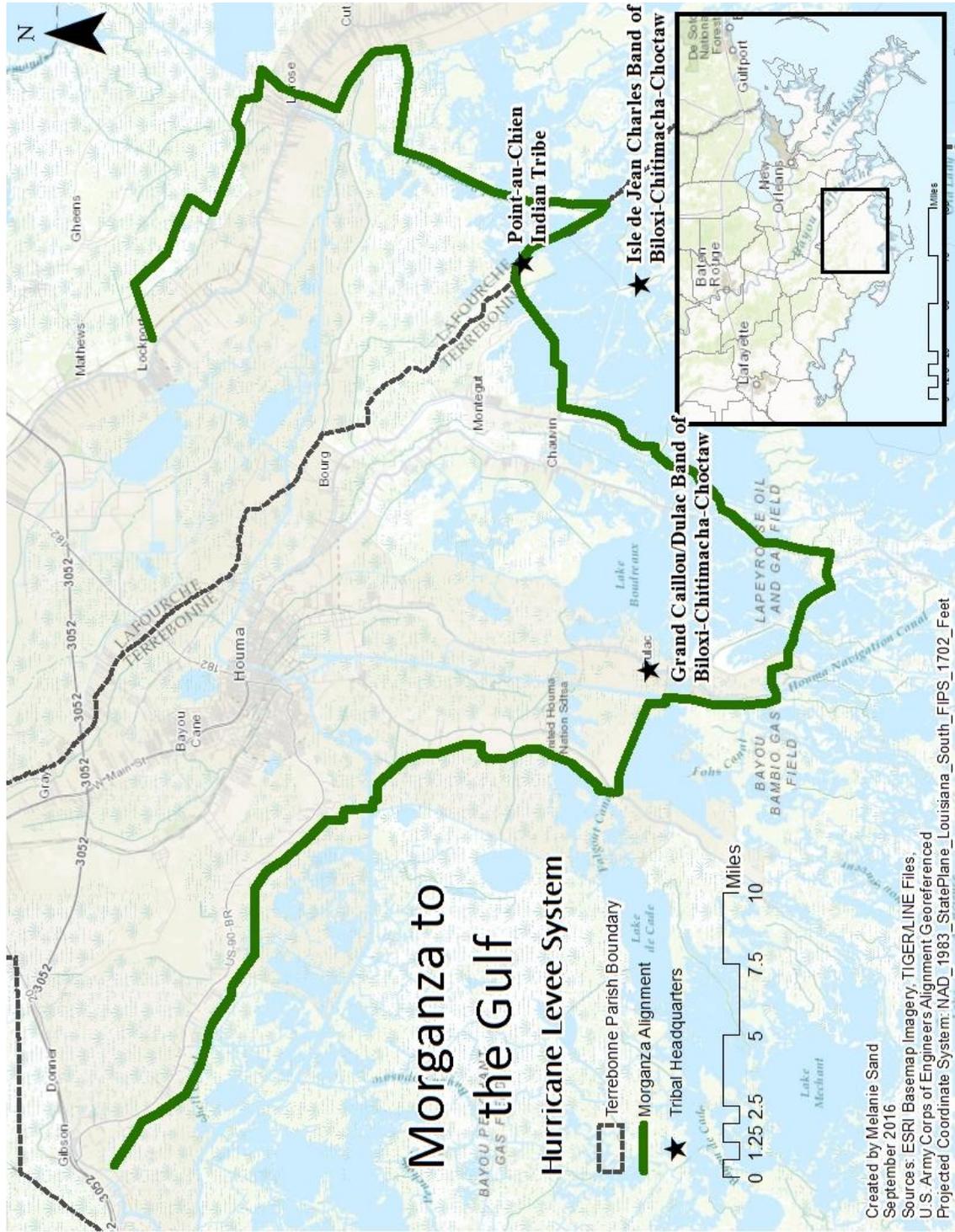
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**Map 9: The Morganza to the Gulf Levee System, Terrebonne and Lafourche Parishes, Louisiana**



# PROPOSAL FOR ISLE de JEAN CHARLES RELOCATION PLANNING

## Indigenous Roots for Sustainable Futures:

## Proactive Solutions for a Time of Change

### INTRODUCTION

- Nations worldwide have acknowledged the urgent need to establish working models for relocation of coastal communities while maintaining their cultural integrity in the face of sea level rise and its effects.
- Isle de Jean Charles tribe is ideally positioned to develop and test adaptive methodologies.
- This region leads the world as the river delta undergoing the most rapid change.
- Until the new millennium, the Tribe's self-sufficiency and ability to adapt to change, allowed most tribal families to remain on the site called "The Island". Relocation is inevitable.
- Over the years the community has adapted to change and maintained their culture intact. They have occupied the area for at least 500 years. Due to climate change-induced erosion, the 11,520-acre Island in 1955 is now 1280 acres.
- To support relocation, innovative technologies, minimizing grid-based energy dependency and relying on renewable and local resources will be evaluated for application in southern Louisiana and, by extension, to other similar sites and communities in need of relocation.

### RELOCATION OF THE COMMUNITY ~ THE VISION

- The acquisition of a site inland for the Isle de Jean people, and the resulting relocation will provide healthier homes for raising families, for growing food promoting sustainability, for providing a lifestyle that will support tribal identity and pride for a capable people, steeped in mutual aid and wishing to take control of their future rather than becoming victims.

### CONCEPTUAL SEQUENCE OF DEVELOPMENT

*Phase 1:* Members set foot on the undeveloped land, to bless it and evolve a spiritual bond.

*Phase 2:* Construction of sustainable dwellings for families currently living on The Island.

*Phase 3:* Construct homes for those who have moved away from the Island and wish to return.

*Phase 4:* Build a Community Center for Tribal offices, library, an Isle de Jean Charles Band Museum, multipurpose hospitality facilities, first aid office and sufficient multiuse housing to accommodate government visitors, interns, scholars, volunteers, scientists and Pow-Wow leaders, equipped to house evacuees for tribes from areas when there is a serious storm threat.

*Phase 5:* A Tribal Trade School, onsite and/or in cooperation with a nearby Community College, studies for carpentry and building skills, welding, auto mechanics, nursing and caregiving. Through distance learning, the tribe's experience adapting to climate change will be shared with other tribal schools around the country and sites worldwide.

*Phase 6:* Acquire an underutilized waterfront industrial site on a working bayou as a platform for commercial operations being considered, maintaining the Tribe's connection to the water.

### PLANNING AND DESIGN PROPOSAL

- The site is envisioned as a "field lab" for organizations such as government agencies, NGOs and universities. Expertise will be engaged from the areas of energy efficiency, construction storm resilience and storm-water management and engineering, among others; their work outputs to be included in the tribe's education center.
- Tribal community input will be central to the design of a site that meets current and future needs and desires while tracking previous Island life, resources and infrastructure to the maximum

feasible. Individual family gardens, rain barrels and attention to localized flooding and water management will use best available practices to treat water as a resource rather than a problem. Consider rain gardens, bioswales, strategic tree planting and community park and play areas to receive excess rainwater (stormwater detention) in minor but frequent events while contributing to groundwater recharge.

- Resilience in home design will serve as a model. Examine comparables nationwide. First floor elevations meet current requirements and anticipated increases. Evaluate renewables such as solar, earth-coupled (or water-coupled) heat pump systems, with wells shared by clustered homes, locally-sourced building materials and equipment, construction waste reduction and pedestrian-friendly community/commercial facilities. Wastewater innovations are also transferable globally. Ice production through low-cost wind power will be assessed.
- Regional environmental degradation by the extraction industry and farming may present an opportunity for the Tribe to gain expertise and develop capacity in remediation of brownfield sites and/or coastal restoration, using advanced, low-impact, non-invasive technologies.

### **ENERGY INDEPENDENCE AND RESILIENCE**

- Tribal leadership is committed to energy independence and efficiency for the community. Self-generated electricity is a lifeline for a population when the grid is interrupted for an extended period of time. The potential for Combined Heat and Power (CHP) will be evaluated. - CHP can serve as the sole source of power internationally, fueled by natural gas (which, as a renewable, can be collected from landfills, wastewater treatment plants or other processes), propane or biomass. To advance toward implementation, financing options, including repayment through energy savings will be evaluated and presented.
- CHP technology can generate a significant portion of electricity needs for the community on-site and waste heat from generator operation can be used, for example, in a value-added food processing facility to employ community members. The planning phase will be an evolving process leading to potential business opportunities, including honey, local citrus marmalades, food drying and preserving and seafood products, among others. This will require a market assessment for potential products, determination of capital investment options, assessment of raw material supply potential and a tribal branding study
- A commercial kitchen in the Community Center will serve economic, social and cultural purposes.
- The concept of developing relevant and appropriate local industry and the process leading to it will be incorporated into the methodology for international instruction and tech transfer.
- Wood waste offers a 'free' raw material that can become a value-added product, producing a final product for sale or generating energy. Cellulosic debris (wood waste from storms, landscape trimmings) is ideal for composting. The large volume of bagasse generated locally from sugar processing can be used in a number of processes.

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## WORKS CITED

- Adger, W. N. (2006). Vulnerability. *Global Environmental Change*, 16, 268–281.
- Advisory Council on Historic Preservation (ACHP). (2010). Protecting Historic Properties: A Citizen's Guide To Section 106 Review.
- Afifi, T., & Jäger, J. (Eds.). (2010). *Environment, forced migration and social vulnerability*. Berlin ; London: Springer.
- AgnewBeck. (2012). Strategic Management Plan Newtok to Mertarvik. Anchorage: AgnewBeck.
- Alting von Geusau, L. (2000). Akha Internal History: Marginalization and the Ethnic Alliance System. In A. Turton (Ed.), *Civility and Savagery: Social Identity in Tai States* (pp. 122–158). Richmond, England: Curzon.
- Amberson, S. E. (2017). Traditional Ecological Knowledge Disclosure: How the Freedom of Information Act Frustrates Natural Resource Consultation with Federal Agencies. *Washington Law Review*, 92(2), 937–981.
- Arnstein, S. R. (1969). A Ladder of Citizen Participation. *Journal of the American Planning Association*, 35(4), 216–224.
- Ballew, L., & Klosterman, R. (2012). Potential Paths for Native Nations. In Z. Grossman & A. Parker (Eds.), *Asserting native resilience: Pacific rim indigenous nations face the climate crisis* (pp. 167–174). Corvallis, OR: Oregon State University Press.
- Barras, J. A., Bernier, J. C., & Morton, R. A. (2008). Land Area Change in Coastal Louisiana—A Multidecadal Perspective (From 1956 to 2006): U.S. Geological Survey Scientific Investigations Map. Retrieved from <http://pubs.usgs.gov/sim/3019/>
- Batabyal, S. (Ed.). (2014). *Environment, politics, and activism: the role of media*. New Delhi: Routledge.

- Bates, D. E. (Ed.). (2016). *We will always be here: native peoples on living and thriving in the South*. Gainesville ; Tallahassee ; Tampa ; Boca Raton: University Press of Florida
- Batker, D., Torre, I., Costanza, R., Swedeen, P., Day, J., Boumans, R., & Bagstad, K. (2010). *Gaining Ground. Wetlands, Hurricanes and the Economy: The Value of Restoring the Mississippi River Delta*. Tacoma, WA: Earth Economics.
- Baughner, S. (1998). Who determines the significance of American Indian sacred sites and burials? In M. Tomlan (Ed.), *Preservation of what, for whom?: A critical look at historical significance*. Ithaca, NY: The National Council for Preservation Education.
- Beaulieu, D. (1984). Curly Hair and Big Feet: Physical Anthropology and the Implementation of Land Allotment of the White Earth Chippewa Reservation. *American Indian Quarterly*, 8(4), 281–314.
- Berke, P. R., Ericksen, N., Crawford, J., & Dixon, J. (2002). Planning and Indigenous People: Human Rights and Environmental Protection in New Zealand. *Journal of Planning Education and Research*, 22(2), 115–134.
- Berkes, F. (Ed.). (2008). *Navigating social-ecological systems: building resilience for complexity and change* (Digitally print. version). Cambridge: Cambridge Univ. Press.
- Berkes, F., & Folke, C. (2002). Back to the future: Ecosystem dynamics and local knowledge. In L. H. Gunderson & C. S. Holling (Eds.), *Panarchy: Understanding transformations in human and natural systems* (pp. 121–146). Washington, DC: Island Press.
- Blaikie, P., Cannon, T., Davis, I., & Wisner, B. (1994). *At Risk: Natural Hazards, People's Vulnerability and Disasters*. London: Routledge.

- Böge, V. (2011). Challenges and Pitfalls of Resettlement Measures: Experiences in the Pacific Region. Center on Migration, Citizenship and Development Working Paper Series, Bielfeld.
- \_\_\_\_\_. (2013). Challenges and Pitfalls of Resettlement: Pacific Experiences. In T. Faist & J. Schade (Eds.), *Disentangling Migration and Climate Change: Methodologies, Political Discourses and Human Rights* (pp. 165–182). Dordrecht, Germany: Springer.
- Bohle, H. G., Downing, T. E., & Watts, M. J. (1994). Climate Change and Social Vulnerability: Toward a Sociology and Geography of Food Insecurity. *Global Environmental Change*, 4, 37–48.
- Bourdieu, P. (1977). *Outline of a theory of practice*. Cambridge: Cambridge University Press.
- Bowker, G. C., & Star, S. L. (2000). *Sorting things out: classification and its consequences* (First paperback edition). Cambridge, Massachusetts London, England: The MIT Press.
- Bowman, G., & Curry-Roper, J. (1982). *The Houma People of Louisiana: A Story of Indian Survival*. U.S.A.: United Houma Nation.
- Bozeman, B. (2011). The 2010 BP Gulf of Mexico oil spill: Implications for theory of organizational disaster. *Technology in Society*, 33(3–4).
- Bray, J. N. (Ed.). (2000). *Collaborative inquiry in practice: action, reflection, and meaning making*. Thousand Oaks, Calif: Sage Publications.
- Braybrook, D., & Lindblom, C. (1970). *A Strategy of Decision-Policy Evaluation as a Social Process*. New York: Macmillan Publishing Co., Inc.
- Bronen, R. (2008). Alaskan Communities' Rights and Resilience. *Forced Migration Review*, (31), 30–31.

- \_\_\_\_\_. (2011). Climate-induced community relocations: Creating an adaptive governance framework based in human rights doctrine. *NYU Review of Law and Social Change*, 35(2), 101–148.
- \_\_\_\_\_. (2014a). Choice and necessity: relocations in the Arctic and South Pacific. *Forced Migration Review*, (45), 17–21.
- \_\_\_\_\_. (2014b). Community Relocations: The Arctic and South Pacific. In S. F. Martin, S. Weerasinghe, & A. Taylor (Eds.), *Humanitarian Crises and Migration: Causes, Consequences and Responses* (pp. 221–242). London and New York: Routledge.
- Bronen, R., & Pollock, D. (2017). *Climate Change, Displacement and Community Relocation: Lessons from Alaska*. Norwegian Refugee Council (NRC) & Alaska Institute for Justice (AIJ).
- Brown, O. (2007). *Climate Change and Forced Migration: Observations, Projections and Implications* (A Background Paper for the Human Development Report 2007/2008) (p. 17).
- Brubaker, M., Berner, J., Bell, J., & Warren, J. (2011). *Climate Change in Kivalina, Alaska: Strategies for Community Health*. Alaska Native Tribal Health Consortium. Retrieved from [http://www.cidrap.umn.edu/sites/default/files/public/php/26952/Climate%20Change%20HIA%20Report\\_Kivalina.pdf](http://www.cidrap.umn.edu/sites/default/files/public/php/26952/Climate%20Change%20HIA%20Report_Kivalina.pdf)
- Burley, D., Jenkins, P., Laska, S., & Davis, T. (2007). Place attachment and environmental change in coastal Louisiana. *Organization & Environment*, 20(3), 347–366.

- Butzier, S. R., & Stevenson, S. M. (2014). Indigenous Peoples' Rights to Sacred Sites and Traditional Cultural Properties and the Role of Consultation and Free, Prior and Informed Consent. *Journal of Energy & Natural Resources Law; London*, 32(3), 297–334.
- Cahill, C. (2011). *Federal fathers and mothers: a social history of the united states indian service, 1869-1933*. Chapel Hill, NC: University of North Carolina Press.
- Callies, D. L., & Simon, D. B. (2017). Fair Housing, Discrimination, and Inclusionary Zoning in the United States, 49(4), 687–716.
- Carr, G. (2013). Origins and Development of the Mandatory Criteria within the Federal Acknowledgement Process. *Rutgers Race and the Law Review*, 14, 1–24.
- Cavelier de La Salle, R. R. (1901). *Relation of the discoveries and voyages of Cavelier de La Salle from 1679 to 1681, the official narrative*. (M. B. Anderson, Trans.). Chicago: The Caxton Club.
- Cernea, M. (2000). Risks, safeguards and reconstruction: a model for population displacement and resettlement. In M. Cernea & C. McDowell (Eds.), *Risks and Reconstruction: Experiences of Resettlers and Refugees* (pp. 11–55). Washington, DC: The World Bank.
- Churchill, W. (2002). *Struggle for the land: Native North American resistance to genocide, ecocide, and colonization*. San Francisco: City Lights.
- Coastal Protection and Restoration Authority of Louisiana (CPRA). (2017). *Louisiana's Comprehensive Master Plan for a Sustainable Coast*. Baton Rouge, LA.
- Colton, C. (2014). Presentation at Governor's Advisory Commission, University of New Orleans.

- Cox, S. (2007). An Overview of Erosion, Flooding, and Relocation Efforts in the Native Village of Newtok. Anchorage, Alaska: Alaska Department of Commerce, Community and Economic Development.
- Crosby, A. W. (1993). *Ecological imperialism: the biological expansion of Europe, 900-1900*. Cambridge ; New York: Cambridge University Press.
- Cruz, B., & Berson, M. A. (2001). The American Melting Pot?: Miscegenation Laws in the United States. *Magazine of History*, 15(4), 80–84.
- Cutter, S. L. (1996). Vulnerability to environmental hazards. *Progress in Human Geography*, 20(4), 529–539.
- \_\_\_\_\_. (2006). The geography of social vulnerability: Race, class and catastrophe. *Social Science Research Council*. Retrieved from [understandingkatrina.ssrc.org](http://understandingkatrina.ssrc.org)
- Cutter, S. L., & Morath, D. P. (2013). The evolution of the Social Vulnerability Index (SoVI). In J. Birkmann & UNU-EHS Expert Working Group on Measuring Vulnerability (Eds.), *Measuring vulnerability to natural hazards: towards disaster resilient societies* (Second edition). Tokyo; New York: United Nations University Press.
- Daes, E.-I. (2008). An overview of the history of indigenous peoples: self-determination and the United Nations. *Cambridge Review of International Affairs*, 21(1), 7–26.
- Dahl, R., & Lindblom, C. (1953). *Politics, Economics and Welfare: Economic Systems Resolved Into Basic Social Processes*. New York: Harper and Row.
- Davidoff, P. (1965). Advocacy and Pluralism in Planning. *Journal of the American Institute of Planners*, 31, 596–615.
- de Leeuw, E., & Simos, J. (Eds.). (2017). *Healthy cities: the theory, policy, and practice of value-based urban planning*. New York, NY: Springer.

- De Sauvole, M. (1851). Journal Historique de L'Etablissement Des Francais a La Louisiane, 3 Mai 1699 jusqu'en 1701. In B. F. French (Ed.), *Historical Sketches of Louisiana* (p. 229). New York: D. Appleton & Co.
- D'Oney, J. D. (2006). The Houma Nation: A Historiographical Overview. *Louisiana History: The Journal of the Louisiana Historical Association*, 47(1), 63–90.
- \_\_\_\_\_. (2008). Watered by Tempests: Hurricanes in the Cultural Fabric of the United Houma Nation. *American Indian Culture and Research Journal*, 32(2), 11–26.
- De Wet, C. (2006). Risk, complexity and local initiatives in forced resettlement outcomes. In C. De Wet (Ed.), *Development-induced Displacement* (pp. 180–202). New York: Berhahn Books.
- Dixon, B. (2015). Who Owned Last Island? Solving a Centuries-Old Louisiana Puzzle. *Louisiana History: The Journal of the Louisiana Historical Association*, 56(4), 414–470.
- Douglas, R. (2007). Growthism and the green backlash. *Political Quarterly*, 78, 547–555.
- Dunlap, R. E., & Jacques, P. J. (2013). Climate Change Denial Books and Conservative Think Tanks: Exploring the Connection. *American Behavioral Scientist*, 57(6), 699–731.
- Dunlap, R. E., & McCright, A. M. (2010). Climate change denial: Sources, actors and strategies. In C. Lever-Tracy (Ed.), *Routledge Handbook of Climate Change and Society* (pp. 240–259). Abingdon, UK: Routledge.
- Edwards, J. B. (2013). The Logistics of Climate-Induced Resettlement: Lessons from the Carteret Islands, Papua New Guinea. *Refugee Survey Quarterly*, 32(3), 52–78.
- Eitner, M. (2014). Meaningful Consultation with Tribal Governments: A Uniform Standard to Guarantee That Federal Agencies Properly Consider Their Concerns. *University of Colorado Law Review*, 85(3), 867–900.

- Emrich, C., & Cutter, S. (2011). Social Vulnerability to Climate-Sensitive Hazards in the Southern United States. *American Meteorological Society*, 3.
- Fainstein, S. S. (2010). *The just city*. Ithaca London: Cornell University Press.
- Fischer, F. (1990). *Technocracy and the politics of expertise*. Newbury Park, Calif: Sage Publications.
- \_\_\_\_\_. (2000). *Citizens, experts, and the environment: the politics of local knowledge*. Durham, NC: Duke University Press.
- \_\_\_\_\_. (2003). *Reframing public policy: discursive politics and deliberative practices*. Oxford ; New York: Oxford University Press.
- Fischer, F., & Forester, J. (Eds.). (1993). *The Argumentative turn in policy analysis and planning*. Durham, N.C: Duke University Press.
- Fleras, A., & Elliott, J. L. (1992). *The “nations within”: aboriginal-state relations in Canada, the United States, and New Zealand*. Toronto: Oxford University Press.
- Ford, J., Maillet, M., Pouliot, V., Meredith, T., & Cavanaugh, A. (2016). Adaptation and Indigenous peoples in the United Nations Framework Convention on Climate Change. *139*, 3–4, 429–443.
- Forester, J. (1989). *Planning in the face of power*. Berkeley: University of California Press.
- \_\_\_\_\_. (1999). *The deliberative practitioner: encouraging participatory planning processes*. Cambridge, Mass: MIT Press.
- \_\_\_\_\_. (2013). *Planning in the face of conflict: the surprising possibilities of facilitative leadership*. Chicago, IL: American Planning Association.
- \_\_\_\_\_. (2016). Deliberative Planning Practices, Not Smothering Invention: An Ethnographic and Practical Aesthetic View. In J. Dryzek (Ed.), *Handbook on Deliberative Democracy*.

- \_\_\_\_\_. (2019). *Five generations of theory-practice tensions: Enriching socio-ecological practice research*. Presented at the SEPR 2019, Shanghai—"Socio-Ecological Practice Research: from practice, for practice, beyond practice," Tongji University, Shanghai.
- Foucault, M. (1980). *Power/knowledge: selected interviews and other writings, 1972-1977*. (C. Gordon, Ed.) (1st American ed). New York: Pantheon Books.
- \_\_\_\_\_. (1995). *Discipline and punish: the birth of the prison* (2nd Vintage Books ed). New York: Vintage Books.
- \_\_\_\_\_. (2009). *Security, Territory, Population: Lectures at the Collège de France, 1977-78*. (M. Senellart, Ed., G. Burchell, Trans.). Palgrave MacMillan.
- Frank, A. K. (2013). Native American Removal. In S. P. Adams (Ed.), *A companion to the era of Andrew Jackson* (pp. 391–411). Chichester, West Sussex: Wiley-Blackwell.
- French, B. F. (Ed.). (1846). Account of Taking Possession of Louisiana. In *Historical Collections of Louisiana* (Vol. 1, p. 47). New York: Wiley and Putnam.
- Fuller, R. (2011). Consultation in Cultural Resource Management: An Indigenous Perspective. In T. F. King (Ed.), *A companion to cultural resource management* (pp. 373–384). Chichester, West Sussex, UK ; Malden, MA: Wiley-Blackwell.
- Gelbspan, R. (1997). *The Heat Is On*. Reading, MA: Addison-Wesley Publishing.
- \_\_\_\_\_. (2004). *Boiling Point*. New York: Basic Books.
- Goffman, E. (1990). *The presentation of self in everyday life* (Nachdr.). New York, NY: Doubleday.
- Gotham, K. F. (2016). Coastal Restoration as Contested Terrain: Climate Change and the Political Economy of Risk Reduction in Louisiana. *Sociological Forum*, 31(S1), 787–806. <https://doi.org/10.1111/socf.12273>

- Gould, S. J. (1996). *The mismeasure of man* (Rev. and expanded). New York: Norton.
- Goyes, D. R., & South, N. (2016). Land-grabs, biopiracy and the inversion of justice in Colombia. *British Journal of Criminology*, 56(3), 558–577.
- Greenbaum, S. (1985). In Search of Lost Tribes: Anthropology and the Federal Acknowledgement Process. *Human Organization*, 44(4), 361–367.
- Grossman, Z. (2012a). Indigenous Responses to the International Climate Change Framework. In Z. Grossman & A. Parker (Eds.), *Asserting native resilience: Pacific rim indigenous nations face the climate crisis* (pp. 109–125). Corvallis, OR: Oregon State University Press.
- Grossman, Z. (2012b). No Longer the “Miner’s Canary”: Indigenous Nations’ Responses to Climate Change. In Z. Grossman & A. Parker (Eds.), *Asserting native resilience: Pacific rim indigenous nations face the climate crisis* (pp. 175–188). Corvallis, OR: Oregon State University Press.
- Hardess, L., & Fortier, K. J. (2013). Co-creative Planning: Simpcw First Nation and the Centre for Indigenous Environmental Resources. In R. C. Walker, T. S. Jojola, & D. C. Natcher (Eds.), *Reclaiming Indigenous planning* (pp. 141–165). Montreal & Kingston: McGill-Queen’s University Press.
- Hayes, T. N. (2006). *Relocation Planning Project Master Plan: Kivilina, Alaska* (No. Contract No./Order No.: DACW85-03-D-0006-0003) (pp. 1–108). Anchorage, AK: U.S. Army Corps of Engineers Alaska District.
- Healey, P. (1997). *Collaborative planning: shaping places in fragmented societies*. Vancouver: UBC Press.

- Hermann, E., & Kempf, W. (2017). Climate Change and the Imagining of Migration: Emerging Discourses on Kiribati's Land Purchase in Fiji. *The Contemporary Pacific*, 29(2), 231–263.
- Hibbard, M., & Adkins, R. (2013). In D. C. Natcher, R. C. Walker, & T. S. Jojola (Eds.), *Reclaiming Indigenous planning* (pp. 94–112). Montreal & Kingston: McGill-Queen's University Press.
- Hibbard, M., & Lane, M. (2004). By the Seat of Your Pants: Indigenous Action and State Response. *Planning Theory and Practice*, 5(1), 97–103.
- Hibbard, M., Lane, M. B., & Rasmussen, K. (2008). The Split Personality of Planning: Indigenous Peoples and Planning for Land and Resource Management. *Journal of Planning Literature*, 23(10), 136–151.
- Hodes, M. (Ed.). (1999). *Sex, Love, Race: Crossing Boundaries in North American History*. New York: New York University Press.
- Hoffman, S., & Oliver-Smith, A. (2002). Introduction: Why Anthropologists Should Study Disasters. In S. Hoffman & A. Oliver-Smith (Eds.), *Culture & Catastrophe: The Anthropology of Disaster* (p. 4). Santa Fe, New Mexico: School of American Research Press.
- Horney, J., Simon, M., Grabich, S., & Berke, P. (2015). Measuring participation by socially vulnerable groups in hazard mitigation planning, Bertie County, North Carolina. *Journal of Environmental Planning and Management*, 58(5), 802–818.
- Houck, O. A. (2015). The Reckoning: Oil and Gas Development in the Louisiana Coastal Zone. *Tulane Environmental Law Journal*, 28(2), 185–296.

- Hugo, G. (2011). Lessons from Past Forced Resettlement for Climate Change. In E. Piguet, A. Pécoud, & P. F. A. De Guchteneire (Eds.), *Migration and climate change* (pp. 260–288). Paris : Cambridge, UK ; New York: UNESCO Pub. ; Cambridge University Press.
- Innes, J. (1996). Planning Through Consensus Building: A New View of the Comprehensive Planning Ideal. *Journal of the American Planning Association*, 62(4), 460–472.
- Innes, J., & Booher, D. (2004). Reframing public participation: strategies for the 21st century. *Planning Theory & Practice*, 5(4), 419–436.
- \_\_\_\_\_. (2010). *Planning with complexity: an introduction to collaborative rationality for public policy*. Milton Park, Abingdon, Oxon ; New York, NY: Routledge.
- Jacques, P. (2006). The rearguard of modernity: Environmental skepticism as a struggle of citizenship. *Global Environmental Politics*, 6, 76–101.
- Jacques, P., Dunlap, R., & Freeman, M. (2008). The organization of denial: Conservative think tanks and environmental scepticism. *Environmental Politics*, 17, 349–385.
- Jojola, T. (1998). Indigenous Planning: Clans, Intertribal Confederations and the History of the All Pueblo Council. In L. Sandercock (Ed.), *Making the invisible visible: a multicultural planning history*. Berkeley: University of California Press.
- \_\_\_\_\_. (2008). Indigenous Planning: An Emerging Context. *Canadian Journal of Urban Research*, 17(1), 37–47.
- \_\_\_\_\_. (2013). Indigenous Planning: Towards a Seven Generations Model. In R. Walker, T. Jojola, & D. Natcher (Eds.), *Reclaiming Indigenous planning* (pp. 457–472). Montreal & Kingston: McGill-Queen’s University Press.

- Kaldenberg, R. L. (2011). Being a US Government Cultural Resource Manager. In T. F. King (Ed.), *A companion to cultural resource management* (pp. 454–471). Chichester, West Sussex, UK ; Malden, MA: Wiley-Blackwell.
- Kaplan, S. (2017, November 11). “‘We’re searching to reclaim what was lost’: In museum archives, a tribe urgently seeks proof of its past. *The Washington Post*. Retrieved from [https://www.washingtonpost.com/news/speaking-of-science/wp/2017/11/11/were-searching-to-reclaim-what-was-lost-in-museum-archives-a-tribe-urgently-seeks-proof-of-its-past/?utm\\_term=.b08df448e022](https://www.washingtonpost.com/news/speaking-of-science/wp/2017/11/11/were-searching-to-reclaim-what-was-lost-in-museum-archives-a-tribe-urgently-seeks-proof-of-its-past/?utm_term=.b08df448e022)
- Kelman, I. (2008). Island Evacuation. *Forced Migration Review*, (31), 20–21.
- Kersten, A. (2008). When craving goodness becomes bad. *Culture and Organization*, 14(2), 187–202.
- Kevles, D. J. (1995). *In the Name of Eugenics: Genetics and the Uses of Human Heredity*. Cambridge, MA: Harvard University Press.
- King, T. F. (2000). *Federal planning and historic places: the section 106 process*. Lanham, MD: AltaMira Press.
- \_\_\_\_\_. (2011). Cultural Resource Laws: The Legal Mélange. In T. F. King (Ed.), *A companion to cultural resource management* (pp. 405–419). Chichester, West Sussex, UK ; Malden, MA: Wiley-Blackwell.
- Klopotek, B. (2011). *Recognition odysseys: indigeneity, race, and federal tribal recognition policy in three Louisiana Indian communities*. Durham, NC: Duke University Press.
- Knowles, S. G., & Kunreuther, H. C. (2014). Troubled Waters: The National Flood Insurance Program in Historical Perspective. *The Journal of Policy History*, 26(3), 327–353.

- Korsching, P. F., Borich, T. O., Stewart, J., & North Central Regional Center for Rural Development (Eds.). (1992). *Multicommunity collaboration: an evolving rural revitalization strategy: conference proceedings*. Ames, IA: North Central Regional Center for Rural Development.
- Lane, M. B. (2003). Participation, decentralization, and civil society: Indigenous rights and democracy in environmental planning. *Journal of Planning Education and Research*, 22(4), 360–73.
- Lane, M. B., & Cowell, S. (2001). Land and resource planning and indigenous interests: Reproducing or transforming the social relations of resource use. In O. Yiftachel, J. Little, D. Hedgcock, & I. Alexander (Eds.), *The power of planning: Spaces of control and transformation* (pp. 155–170). London: Kluwer Academic.
- Lane, M., & Hibbard, M. (2005). Doing it for Themselves: Transformative Planning by Indigenous Peoples. *Journal of Planning Education and Research*, 25(2), 172–184.
- Langguth, A. J. (2011). *Driven West: Andrew Jackson and the trail of tears to the Civil War*. New York: Simon & Schuster.
- Lears, T. J. J. (1994). Roots of Antimodernism: The Crisis of Cultural Authority During the Late Nineteenth Century. In *No place of grace: antimodernism and the transformation of American culture, 1880-1920* (pp. 4–58). Chicago: University of Chicago Press.
- Leckie, S. (2014). Introduction. In S. Leckie (Ed.), *Land Solutions for Climate Displacements* (pp. 1–52). London: Routledge.
- Lester, L., & Hutchins, B. (Eds.). (2013). *Environmental conflict and the media*. New York: Peter Lang.

- Lévi-Strauss, C. (1968). *Tristes Tropiques*. (J. Weightman & D. Weightman, Trans.). New York: Atheneum.
- Li, T. M. (2002). Engaging simplifications: Community-based resource management, market processes and state agendas in upland Southeast Asia. *World Development*, 30(2), 265–83.
- Lindblom, C. (1959). The Science of “Muddling Through.” *Public Administration Review*, 19(2), 79–88.
- Lindblom, C., & Cohen, D. (1979). *Usable Knowledge-Social Science and Social Problem Solving*. New Haven, Conn.: Yale Univ. Press.
- Long, S., Wormworth, J., & Friends of the Earth Australia. (2007). *Climate Change: Voices from Communities Affected by Climate Change* (pp. 32–34). Friends of the Earth International.
- Low Choy, D. C., Wadsworth, J., & Burns, D. (2010). Seeing the Landscape Through New Eyes: Identifying and Incorporating Indigenous Landscape Values into Regional Planning Processes. *Australian Planner*, 47, 178–190.
- Maclellan, N. (2009). Losing Paradise. *Arena*.
- Magdoff, F. (2013). Twenty-First-Century Land Grabs: Accumulation by Agricultural Dispossession. *Monthly Review*, 65(6), 1–18.
- Maldonado, J. K. (2019). *Seeking Justice in the Energy Sacrifice Zone: Standing on Vanishing Land in Coastal Louisiana*. Routledge.
- Maldonado, J. K., Shearer, C., Bronen, R., Peterson, K., & Lazrus, H. (2013). The impact of climate change on tribal communities in the US: displacement, relocation, and human rights. *Climatic Change*, 120, 601–614.

- Malinowski, B. (2014). *Argonauts of the Western Pacific: an account of Native Enterprise and adventure in the Archipelagos of Melanesian New Guinea*. London ; New York: Routledge.
- Malologa, F. (2014). Climate Displacement in Tuvalu. In S. Leckie (Ed.), *Routledge Studies in Development, Displacement and Resettlement: Land Solutions for Climate Displacement* (pp. 317–325). London: Routledge.
- Marak, A. M., & Tuennerman, L. (2013). *At the border of empires: the Tohono O’odham, gender, and assimilation, 1880—1934*. Tucson: University of Arizona Press.
- Marino, E. (2012). The long history of environmental migration: Assessing vulnerability construction and obstacles to successful relocation in Shishmaref, Alaska. *Global Environmental Change*, 22, 374–381.
- \_\_\_\_\_. (2015). *Fierce climate, sacred ground: an ethnography of climate change in Shishmaref, Alaska*. Fairbanks: University of Alaska Press.
- Matunga, H. (2013). Theorizing Indigenous Planning. In R. C. Walker, T. S. Jojola, & D. C. Natcher (Eds.), *Reclaiming Indigenous planning* (pp. 3–32). Montreal & Kingston: McGill-Queen’s University Press.
- McAdam, J., & Loughry, M. (2009, June 30). “We Aren’t Refugees’. *Inside Story*.
- McGimsey, C. R. III. (2004). *CRM on CRM: One Person’s Perspective on the Birth and Early Development of Cultural Resource Management*. Fayetteville, AR: Arkansas Archeological Survey.
- Mgbeoji, I. (2006). *Global biopiracy: patents, plants, and indigenous knowledge*. Ithaca, N.Y: Cornell University Press.

Ministry of Pacific Island Affairs (MINPAC). (2002). Retrieved from

<http://www.minpac.govt.nz/resources/reference/pvdocs/objectives/>

Moore, J. H. (2013). Federal Recognition: What Is an Indian? In P. L. Mason (Ed.),

*Encyclopedia of Race and Racism* (2nd ed., Vol. 2, pp. 157–165). Detroit: Macmillan Reference USA.

Morgan, E., & Cole-Hawthorne, R. (2016). Applying a shared understanding between Aboriginal and Western knowledge to challenge unsustainable neo-liberal planning policy and practice. *Australian Planner*.

<https://doi.org/http://dx.doi.org/10.1080/07293682.2015.1135815>

Morton, R. A., Buster, N. A., & Krohn, M. D. (2002). *Subsurface Controls on Historical Subsidence Rates and Associated Wetland Loss in Southcentral Louisiana* (pp. 767–778). 52 Transactions Gulf Coast Association of Geological Studies.

Muradyan, V. (2011). Application of novel technologies when assessing and modeling ecological situation for in-region migration of local people. Presented at the Center on Migration, Citizenship and Development (COMCAD), Bielefeld, Germany: Bielefeld University.

Myers, N. (2001). Beyond six billion: Forecasting the world's population. *Nature*, 410(6829), 631–632.

Nadasdy, P. (2003). *Hunters and bureaucrats: power, knowledge, and aboriginal-state relations in the southwest Yukon*. Vancouver: UBC Press.

Nagel, J. (1982). The Political Mobilization of Native Americans. *Social Science Journal*, 19, 37–46.

\_\_\_\_\_. (1993). American Indian Mobilization: Tribal, Inter-tribal, and Supra-tribal Strategic Political Action. In Y. I. Song & E. C. Kim (Eds.), *American Mosaic: Selected Readings on America's Multicultural Heritage* (pp. 3–11). Englewood Cliffs, NJ: Prentice Hall.

\_\_\_\_\_. (1996). *American Indian Ethnic Renewal: Red Power and the Resurgence of Identity and Culture*. New York: Oxford University Press.

Native American Rights Fund (NARF). (2008). Eroding Alaska town sues 24 oil and energy companies for destruction caused by global warming. *Justice, NARF Newsletter*.

Retrieved from <http://www.narf.org/pubs/justice/spring08.pdf>

Nickell, D. (2011). A Displaced People's Perspective on Cultural Resource Management: Where We're From. In T. F. King (Ed.), *A companion to cultural resource management* (pp. 385–401). Chichester, West Sussex, UK ; Malden, MA: Wiley-Blackwell.

Nissley, C. (2011). Consultation and Negotiation in Cultural Resource Management. In T. F. King (Ed.), *A companion to cultural resource management* (pp. 439–453). Chichester, West Sussex, UK ; Malden, MA: Wiley-Blackwell.

Norwood, R. J. Oversight Hearing on Federal Recognition: The Political and Legal Relationship Between Governments, § United States Senate Committee on American Indian Affairs (2012).

O'Collins, M. (1988). Carteret Islanders at the Atolls Resettlement Scheme: A Response to Land Loss and Population Growth. In J. C. Pernetta & P. J. Hughes (Eds.), *Potential Impacts of Greenhouse Gas Generated Climate Change and Projected Sea Level Rise on Pacific Island States of the SPREP Region*. University of Papua New Guinea.

\_\_\_\_\_. (1990). Carteret Islanders at the Atolls Resettlement Scheme: A Response to Land Loss and Population Growth. In J. C. Pernetta & P. J. Hughes (Eds.), *Implications of Expected*

- Climate Change in the South Pacific Region: An Overview* (pp. 247–269). UNEP Regional Seas Reports and Studies No. 128.
- Office of the Assistant Secretary-Indian Affairs (AS-IA). (2008). Summary Under the Criteria and Evidence for Amended Proposed Finding against Federal Acknowledgement of the Biloxi, Chitimacha, Confederation of Muskogees, Inc., #56(a).
- Ojerio, R., Moseley, C., Lynn, K., & Bania, N. (2011). Limited Involvement of Socially Vulnerable Populations in Federal Programs to Mitigate Wildfire Risk in Arizona. *Natural Hazards Review*, 12(1), 28–36.
- O’Keefe, P., Westgate, K., & Wisner, B. (1976). Taking the Naturalness out of Natural Disaster. *Nature*, 260, 566–567.
- Oliver-Smith, A. (2006). Disasters and forced migration in the 21st century. Theme collection, Understanding Katrina: Perspectives from the Social Sciences. Social Science Research Center. Retrieved from <http://understandingkatrina.ssrc.org/>
- Olshansky, R. (2009). Review: Gilbert White’s Human Adjustment of Floods. *Journal of the American Planning Association*, 75(2), 268–269.
- Olsson, P., Folke, C., & Hahn, T. (2004). Social ecological transformation for ecosystem management: The development of adaptive co-management of a wetland landscape in Southern Sweden. *Ecology and Society*, 9(4).
- Parker, A. (2012). Recommendations to Native Government Leadership. In Z. Grossman & A. Parker (Eds.), *Asserting native resilience: Pacific rim indigenous nations face the climate crisis* (pp. 189–192). Corvallis, OR: Oregon State University Press.

- Peters, K. (2013). Laguna Pueblo Indians in Urban Labour Camps, 1922-80. In D. C. Natcher, R. C. Walker, & T. S. Jojola (Eds.), *Reclaiming Indigenous planning* (pp. 217–235). Montreal & Kingston: McGill-Queen’s University Press.
- Peters, S. (1991). *Critique and alternative to the rational planning model in planning and policy analysis*. University of Illinois at Chicago, Chicago, IL.
- Pinkerton, E. (1998). Integrated management of a temperate montane forest ecosystem through holistic forestry: A British Columbia example. In *Linking social and ecological systems: Management practices and social mechanisms for building resilience*. Cambridge, UK: Cambridge University Press.
- Porter, L. (2004). Unlearning One’s Privilege: Reflections on Cross-Cultural Research with Indigenous Peoples in South-East Australia. *Planning Theory & Practice*, 5(1), 104–109.
- \_\_\_\_\_. (2010). *Unlearning the colonial cultures of planning*. Farnham, England ; Burlington, VT: Ashgate Pub. Co.
- Porter, L., & Barry, J. (2016). *Planning for coexistence?: recognizing indigenous rights through land-use planning in Canada and Australia*. London : New York: Routledge Taylor & Francis Group.
- Porter, T. M. (1996). *Trust in numbers: the pursuit of objectivity in science and public life* (2. print., and 1. paperback printing). Princeton, N.J: Princeton Univ.Press.
- Rakova, U. (2009). How-to Guide for Environmental Refugees. *Our World*.
- \_\_\_\_\_. (2014). The sinking Carteret Islands: Leading change in climate change adaptation and resilience in Bougainville, Papua New Guinea. In S. Leckie (Ed.), *Land Solutions for Climate Displacement*. Taylor and Francis.

- Reid, J. (2010). Biopiracy: The struggle for traditional knowledge rights. *American Indian Law Review*, 34, 77–98.
- Reuss, M. (2004). *Designing the bayous the control of water in the Atchafalaya Basin, 1800-1995*. College Station: Texas A & M University Press.
- Riley, L. (2014). When a Tribal Entity Becomes a Nation: The Role of Politics in the Shifting Federal Recognition Regulations. *American Indian Law Review*, 39(2), 451–505.
- Risse, M. (2009). The Right to Relocation: Disappearing Island Nations and Common Ownership of the Earth. *Ethics & International Affairs*, 23(3), 281–299.
- Rittel, H., & Webber, M. (1973). Dilemmas in a general theory of planning. *Policy Sciences*, 4(2), 155–169.
- Ritze, G., & Ryan, J. M. (Eds.). (2010). *The Concise Encyclopedia of Sociology*. Wiley-Blackwell.
- Robinson, D. (2010). Locating biopiracy: Geographically and culturally situated knowledges. *Environment and Planning*, 42, 38–56.
- Robinson, C., & Lane, M. (2013). Boundary-Riding: Indigenous Knowledge Contributions for Natural Resource Decision Making in Northern Australian Regions. In R. C. Walker, T. S. Jojola, & D. C. Natcher (Eds.), *Reclaiming Indigenous planning* (pp. 396–413). Montreal & Kingston: McGill-Queen’s University Press.
- Rollins, P. C., & O’Connor, J. E. (Eds.). (1998). *Hollywood’s Indian: The Portrayal of the Native American in Film*. University Press of Kentucky.
- Roy, E. P. (1959, February). *The Indians of Dulac: A Descriptive Study of a Racial Hybrid Community in Terrebonne Parish, Louisiana* (Master of Science). Louisiana State University.

- Ryan, K. A. (2012). *On Politics, Ethics, and Sometimes Archaeology: Addressing Multiples Perspectives in Cultural Resource Management Consultation and Policy* (Thesis, Master of Arts in Anthropology). Northern Arizona University, Flagstaff, Arizona.
- Ryser, R. C. (2012). On Our Own: Adapting to Climate Change. In Z. Grossman & A. Parker (Eds.), *Asserting native resilience: Pacific rim indigenous nations face the climate crisis* (pp. 125–132). Corvallis, OR: Oregon State University Press.
- Said, E. W. (1979). *Orientalism* (1st Vintage Books ed). New York: Vintage Books.
- Sand, M. (2018). Costs and benefits: why economic quantification in hazard mitigation policy threatens culture in coastal Louisiana. In F. van Straalen, T. Hartmann, & J. Sheehan (Eds.), *Property Rights and Climate Change: Land Use Under Changing Environmental Conditions* (pp. 86–97). Abingdon, Oxon: Routledge.
- Sandercock, L. (2004). Commentary: indigenous planning and the burden of colonialism. *Planning Theory & Practice*, 5(1), 118–124.
- Sandercock, L., & Attili, G. (2013). The Past as Present: Film as a Community Planning Intervention in Native/Non-Native Relations in British Columbia. In R. C. Walker, T. S. Jojola, & D. C. Natcher (Eds.), *Reclaiming Indigenous planning* (pp. 60–93). Montreal & Kingston: McGill-Queen's University Press.
- Schade, J. (2013). Climate Change and Planned Relocation: Risks and a Proposal for Safeguards. In T. Faist & J. Schade (Eds.), *Disentangling Migration and Climate Change: Methodologies, Political Discourses and Human Rights* (pp. 183–228). Dordrecht: Springer.
- Scott, J. C. (2008). *Seeing like a state: how certain schemes to improve the human condition have failed* (Nachdr.). New Haven, Conn.: Yale Univ. Press.

- \_\_\_\_\_. (2009). *The art of not being governed: an anarchist history of upland Southeast Asia*. New Haven, Conn.: Yale Univ. Press.
- Scott, L. C. (2014). *The Energy Sector: Still a Giant Economic Engine for the Louisiana Economy—An Update*. Baton Rouge, Louisiana: Mid-Continent Oil and Gas Association.
- Sen, A. (1981). *Poverty and Famines: An Essay on Entitlement and Deprivation*. Clarendon, Oxford.
- Shiva, V. (2001). *Protect or plunder? understanding intellectual property rights*. London ; New York : Dhaka : Bangkok : Halifax, N.S. : Cape Town: Zed Books ; University Press ; White Lotus Co. ; Fernwood Pub. ; D. Philip : Distributed in the USA exclusively by Palgrave.
- Shearer, C. (2011). *Kivalina: a climate change story*. Chicago, Ill. : [St. Paul, Minn.]: Haymarket Books ; Distributed to the trade by Consortium Book Sales and Distribution.
- Smith, L. T. (2002). *Decolonizing methodologies: research and indigenous peoples* (Second edition). London: Zed Books.
- South, N. (2007). The ““corporate colonisation of nature””: Bio-prospecting, bio-piracy and the development of green criminology. In P. Beirne & N. South (Eds.), *Issues in green criminology: confronting harms against environments, humanity and other animals* (pp. 230–247). Cullompton, UK ; Portland, Or: Willan Pub.
- Stanfill, A. L. (1999). Native American Participation in Federal Programs Under the National Historic Preservation Act. *Plains Anthropologist*, 44(170), 65–70.
- Stephenson, A. B. (2012). *Kaua e mangere—Do Not Be Idle: Maori Responses in a Time of Climate Change*. In Z. Grossman & A. Parker (Eds.), *Asserting native resilience: Pacific*

- rim indigenous nations face the climate crisis* (pp. 161–167). Corvallis, OR: Oregon State University Press.
- Stokes, D. (2012). Native American Mobilization and the Power of Recognition: Theorizing the Effects of Political Acknowledgment. *American Indian Culture and Research Journal*, 36(4), 57–76.
- Stoler, L. A. (2010). *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*. Berkeley, CA: University of California Press.
- Strati, A. (1992). Aesthetic Understanding of Organizational Life. *The Academy of Management Review*, 17(3), 568–581.
- Susskind, L., & Cruikshank, J. L. (1987). *Breaking the impasse: Consensual approaches to resolving public disputes*. New York: Basic Books.
- \_\_\_\_\_. (2006). *Breaking Robert's rules: the new way to run your meeting, build consensus, and get results*. Oxford ; New York: Oxford University Press.
- Susskind, L., & Ozawa, C. (1984). Mediated Negotiation in the Public Sector: The Planner as Mediator. *Journal of Planning Education and Research*, 4(1), 5–15.
- Swanton, J. (1911). *Indian tribes of the lower Mississippi Valley and adjacent coast of the Gulf of Mexico* (p. 346). Washington: Bureau of American Ethnology.
- \_\_\_\_\_. (1946). *Indians of the southeastern United States* (p. 943). Washington: Bureau of American Ethnology.
- Swift, J. (1989). *Why are rural people vulnerable to famine?* (pp. 8–15). *IDS Bulletin* 20 (2).
- Swinomesh Climate Change Initiative. (2012). Swinomesh Climate Change Initiative. In Z. Grossman & A. Parker (Eds.), *Asserting native resilience: Pacific rim indigenous nations face the climate crisis* (pp. 133–145). Corvallis, OR: Oregon State University Press.

- Tapp, N. (1990). *Sovereignty and Rebellion: The White Hmong of Northern Thailand*. Singapore: Singapore University Press.
- Trachtenberg, A. (2007). *The incorporation of America: culture and society in the gilded age* (25th anniversary ed). New York: Hill and Wang.
- Trennert, R. A. (1988). *The Phoenix Indian School: forced assimilation in Arizona, 1891-1935* (1st ed). Norman: University of Oklahoma Press.
- Tully, J. (1980). *A Discourse on Property: John Locke and his Adversaries*. Cambridge: Cambridge University Press.
- Umemoto, K., & Igarashi, H. (2009). Deliberative Planning in a Multicultural Millieu. *Journal of Planning Education and Research*, 29, 39–53.
- United States General Accounting Office (US GAO). (2003). *Alaska Native Villages: Most are Affected by Flooding and Erosion, but Few Qualify for Federal Assistance* (Report to Congressional Committees). Retrieved from <http://www.gao.gov/new.items/d04142.pdf>
- U.S. Army Corps of Engineers. (2013). Final Post Authorized Change Report and Revised Programmatic Environmental Impact Statement: Morganza to the Gulf of Mexico, Louisiana. New Orleans District.
- U.S. Climate Resilience Toolkit. (2017). *Relocating Kivalina*. Retrieved from <https://toolkit.climate.gov/case-studies/relocating-kivalina>
- Vendiola, S. (2012). Pulling Together: Honorable Community Engagement. In Z. Grossman & A. Parker (Eds.), *Asserting native resilience: Pacific rim indigenous nations face the climate crisis* (pp. 145–154). Corvallis, OR: Oregon State University Press.

- Walker, R., & Belanger, Y. (2013). Aboriginality and Planning in Canada's Large Prairie Cities. In R. C. Walker, T. S. Jojola, & D. C. Natcher (Eds.), *Reclaiming Indigenous planning* (pp. 193–216). Montreal & Kingston: McGill-Queen's University Press.
- Walker, R., Jojola, T., & Natcher, D. (2013). Preface. In R. C. Walker, T. S. Jojola, & D. C. Natcher (Eds.), *Reclaiming Indigenous planning* (pp. xvii–xxiv). Montreal & Kingston: McGill-Queen's University Press.
- Weber, M. (1948). Bureaucracy. In H. H. Gerth & C. W. Mills (Eds.), *From Max Weber: Essays in Sociology* (pp. 196–244). New York: Routledge.
- \_\_\_\_\_. (1977). *The Protestant Ethic and the Spirit of Capitalism*. S.I.: Merchant Books.
- Westerman, A. (1997). *The Indians of Terrebonne and Lafourche Parishes*.
- Westley, F. (2002). The devil in the dynamics: Adaptive management in the front lines. In L. H. Gunderson & C. S. Holling (Eds.), *Panarchy: Understanding transformations in human and natural systems* (pp. 333–360). Washington DC: Island Press.
- Wisner, B., Blaikie, P., Cannon, T., & Davis, I. (Eds.). (2003). *At Risk: Natural Hazards, People's Vulnerability, and Disasters* (2nd ed). London ; New York: Routledge.
- Wyatt, T., & Brisman, A. (2016). The Role of Denial in the “Theft of Nature”: Comparing Biopiracy and Climate Change. *Critical Criminology*, 25, 325–341.
- Yiannopoulos, A. N. (1971). The Public Use of the Banks of Navigable Rivers in Louisiana. *Louisiana Law Review*, 31(4), 563–585.