

Testimony of Brenda Dardar Robichaux

Principal Chief of the United Houma Nation

Before the Subcommittee On Insular Affairs Wildlife and Oceans

**Our Natural Resources at Risk: The Short and Long Term Impacts of the Deepwater
Horizon Oil Spill**

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Good morning Chairwoman Bordallo, Ranking Member Brown and members of the Subcommittee. My name is Brenda Dardar Robichaux and I am Principal Chief of the United Houma Nation of Southeastern Louisiana. Thank you for the opportunity to testify at today's hearing –“Our Natural Resources at Risk: The Short and Long Term Impacts of the Deepwater Horizon Oil Spill.” We have several tribal citizens here today – Vice Principal Chief Michael Dardar, incoming Principal Chief Thomas Dardar and my father, Whitney Dardar a life-long commercial fisherman.

The United Houma Nation is an indigenous nation of approximately 17,000 citizens who currently reside along coastal, southeast Louisiana. The Houma, first encountered by LaSalle in 1682, have existed in the bayous and rivers of South central Louisiana long before Louisiana became a state and New Orleans became a French colony. Today, nearly 90% of our citizens reside in coastal Terrebonne, Lafourche, Jefferson, St. Mary, St. Bernard and Plaquemines Parishes. The majority live in communities which are at or below sea level.

The relationship between the Houma People and these lands is fundamental to our existence as an Indian nation. The medicines we use to prevent illnesses and heal our sick, the places our ancestors are laid to rest, the fish, shrimp, crabs and oysters our people harvest, our traditional stories and the language we speak are all tied to these lands inextricably. Without these lands, our culture and way of life that has been passed down generation to generation will be gone.

Tribal citizens have been living, hunting, fishing, shrimping, crabbing, trapping and harvesting oysters in the coastal marshes and wetlands of our communities for centuries. Our people follow the seasons. In the summer we catch shrimp, crabs and garfish. In the winter we harvest oysters and trap nutria, muskrat, and otters. This is how my father and countless other tribal citizens make their living. This lifestyle is now in jeopardy.

Houma fishermen are intimately familiar with the lakes and bayous of our region. They know the stories of how these places got their names. They know how the tides flow and the winds blow. They can predict the weather without the help of technical gadgets.

Not only are many tribal citizens both directly and indirectly dependent on the commercial fishing industry, but Houma citizens harvest palmetto in the coastal marshes for basket weaving, Spanish moss for traditional doll making and many herbs and plants for traditional medicinal remedies used by tribal traiteurs or traditional healers. All of these traditions are in danger of disappearing once the continuing flow of oil infiltrates the inner

coastal marshes and wetlands of our communities. These plants are irreplaceable and many only grow in our rich marshes.

The United Houma Nation is no stranger to dealing with adversity. In the early 1900's Houma children were not allowed into public schools because they were Indian. Christian missionaries came into our communities in the 1930's and established schools for Houma children. Those schools only went up to the seventh or eighth grade, the teachers were often unqualified and children were punished for speaking their language. It was not until the passage of the Civil Rights Act that the Houma children were allowed into public schools. The lack of educational opportunities resulted in many Houma People continuing the traditional ways of making a living off the land.

Another obstacle for the Houma has been obtaining recognition from the federal government. We have been recognized by the State of Louisiana but have been mired in the Federal Acknowledgment Process since 1979, a year after the system for recognition was established.. In 1985, we filed our petition; we received a negative proposed finding in 1994. The proposed finding stated that we met four of the seven criteria for acknowledgment. Subsequently, we filed our rebuttal in 1996 to demonstrate that we do meet the remaining three criteria. Nearly fifteen years after we submitted our rebuttal and over thirty years after we began the process, we still do not have a final determination. We have one of the largest petitions on file and are the largest tribe to go through the federal acknowledgment process. Despite our lack of federal recognition, the United Houma Nation continues to function as a government and provides services to tribal citizens.

Located in coastal Louisiana, our communities face special challenges. We have long lived with hurricanes, and over the years, we have become efficient in preparing for and recovering from them. Within the last five years, we have dealt with four major hurricanes – Katrina and Rita in 2005 and Ike and Gustav in 2008 – and, though these storms presented incredible challenges, we have made significant progress in recovering and getting our lives back. The Tribe established a hurricane relief center where tribal citizens can receive cleaning supplies, food, clothing and other essential items. We coordinated hundreds of volunteers to help clean and rebuild homes. Through our own efforts, we have been able to get tribal citizens back on their feet and some back into their homes.

While it takes time to recover from hurricanes, even after these huge storms, our people were able to resume their lives and our fishermen have gone back to work. Because most of the Houma communities exist outside of hurricane protection levees, they are at constant risk from normal tidal flooding and from tropical storm and hurricane surges. With each hurricane, some tribal members move outside the tribal communities to areas less prone to flooding. Many cannot afford the insurance to rebuild.

Now, the BP Deepwater Horizon disaster presents us with perhaps the greatest challenge in our history as we are at risk of losing the heart of our culture – our homelands. It is without question that the oil spill will affect the estuaries within which the Houma tribal fishermen make their living. As the oil enters our coastal marshes the wetland vegetation will be killed. This prevents fish, shrimp, crabs and oysters from reproducing because these marshes are where these species spawn and receive protection from natural predators. In addition, these marshes are home to already diminishing wetland mammals such as mink, otter and muskrat.

Once the vegetation is dead, mud plains poisoned with oil will become open water, thereby eliminating critical habitat. Not only will this spill change the environment we live in, but our land loss will be critically accelerated, dwarfing the impacts of Katrina and the other recent hurricanes. This spill will have far-reaching effects that will compromise the economic, environmental and mental health of all of southeast Louisiana. For the Houmas, it also looms as a death threat to our culture as we know it.

Our tribal citizens are deeply concerned about the short and long term impacts of this oil spill. Growing up I never knew we were considered poor by government standards because we had a rich culture, were surrounded by abundant natural resources, and always had fresh food on the table. I grew up eating fish, shrimp, crabs, oysters, ducks and rabbits. Providing our families with meals based on fresh seafood and game may no longer be an option, which means putting food on the table will be difficult for some of our people.

But seafood is more than just a major source of food for our tribal citizens. Working in the seafood industry is also a major source of employment. During shrimp season, my father says it is like Christmas every morning. I fear that he may not have another Christmas. While some tribal fishermen have received checks from BP, these do not replace what they have temporarily and maybe even permanently lost. The Tribe is also concerned about those making a living in related professions such as net makers, seafood distributors, restaurant owners and others. With a limited education through no fault of their own, many tribal citizens do not have options for alternative employment. How will they support themselves and their families once the checks stop.? The answer we do not know.

We are concerned that waste produced by the spill clean up (used booms, pads, etc.) will find its way into disposal sites in our tribal areas, in particular our Grand Bois community. Grand Bois is located adjacent to an open pit oilfield waste disposal site in Lafourche parish. The 1980 Resource Conservation and Recovery Act (RCRA) defined any wastes that are generated during the exploration and production of petroleum, which will include any wastes generated in the clean up of this spill, as non-hazardous. Neither the crude oil nor any dispersants used in responding to this disaster are regulated as hazardous waste. Although these materials are hazardous by nature, they can be "landfarmed" in Grand Bois and other communities as "Non-Hazardous Oilfield Waste" or NOW. We do not want these materials disposed of in our communities, and we would respectfully request that this law be changed to protect all US citizens from exposure to these harmful chemicals. The citizens of Grand Bois as well as the thousands of citizens who live near oilfield waste disposal sites can testify to the toxic effects of these supposedly non-hazardous materials.

Most worrisome is the fact that we are now in hurricane season. The National Oceanic and Atmospheric Administration (NOAA) predicts between 14 and 23 named storms this year and between 3 and 7 major hurricanes. The entire United Houma Nation along the Louisiana coast is completely vulnerable to widespread inundation by oil-contaminated waters. Some of our communities have been totally excluded in parish and Army Corps of Engineers levee protection systems, and many communities have very little and/or compromised protection.

A tropical storm or hurricane coming ashore west of Louisiana before the oil flow is capped and existing surface and subsurface oil cleaned up will flood these communities with an oily waste storm surge, similar to the Murphy Oil incident in St. Bernard Parish during Hurricane

Katrina. Residents' homesteads had to be purchased by Murphy Oil. These properties and homes are uninhabitable to this day. A minimal tropical storm or even a simple strong summer storm during high tide will be disastrous to our communities. Our citizens are now very concerned that if they are required to evacuate, they may never be able to return to their homes. Such a very possible scenario will equate to thousands of Houmas being permanently displaced.

We have a special concern for the effects of this disaster on our youth. In early May, the tribe held a tribal youth leadership conference. Participants were asked about their concerns for the future and nearly all of them mentioned the oil spill. They are concerned that they will not be able to carry on the traditions of our people.

As a result of our lack of federal acknowledgment, we do not receive services from the Bureau of Indian Affairs or any other agency that require federal recognition status. When a disaster hits, federal resources are filtered to federally recognized tribes. Although sympathetic to our needs, their hands are tied in providing financial assistance to the United Houma Nation that suffers the greatest impacts of these disasters. A final determination on our petition was due over 10 years ago. We have dealt with countless hurricanes during that time and now this massive oil spill. We most certainly could have used additional resources that would be available to federally recognized tribes and need them now more than ever. In this case of the oil spill, we have been contacted by the U.S. Department of Interior, the U.S. Department of Commerce, the U.S. Environmental Protection Agency and the U.S. Department of Health and Human Services. We plan to continue discussions with these departments and are hopeful that sufficient resources will be made available to the United Houma Nation.

Because of the enormous scope of this disaster, our tribal leadership must make tremendous efforts to ensure that our members receive timely and accurate information about its ongoing environmental and health impacts. Due to limited educational opportunities in the past, many of our tribal elders lack the skills needed to read and understand written notices or effectively use the Internet to gather information. Many of our communities are isolated, and there is limited if any monitoring of environmental conditions in them. Our tribe will require resources to collect data on air, water, and soil quality and to provide the special outreach efforts our tribal citizens will need to respond effectively to changing conditions.

The Houma are a strong, very independent, and resilient people. We have seen small canals turn into large bayous; we have watched hundreds of acres of wetlands wash away; we have seen freshwater bayous turn into saltwater; we have seen our traditional medicines disappear; we have seen tribal members move out of our communities due to constant flooding; we have seen our lands taken from us because our people were not taught to read and write and we have spent 30 years in the federal acknowledgment process without a final determination. Throughout it all, we have done what was necessary to survive.

This oil spill presents a major challenge to our existence as a tribe. Therefore, I ask that you please support our efforts to bring resources to the United Houma Nation to preserve our way of life for current and future generations.