

U.S. Environmental Protection Agency White House Environmental Justice Advisory Council

Public Meeting Summary

September 26, 2023

Location: Virtual meeting

Contents

Preface	1
Meeting Summary	1
DFO Opening	1
Welcome and Introductions	2
White House Environmental Justice Advisory Council Member Introductions	2
Opening Remarks.....	2
Remarks from Brenda Mallory.....	2
WHEJAC Recommendations: Carbon Management Workgroup	7
Presentation of New Charge: Indigenous Peoples and Tribal Nations Charge to WHEJAC	9
Discussion: Indigenous Peoples and Tribal Nations Workgroup	9
Public Comment Period	10
Business Meeting.....	24
Closing Remarks.....	25
Adjourn	25
Appendix A. Federal Register Notice	26
Appendix B. Agenda.....	28
Appendix C. Presentation Slides	31

Preface

The White House Environmental Justice Advisory Council (WHEJAC) was established by Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, issued on January 27, 2021. Hence, the WHEJAC is a non-discretionary committee that operates under the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2.

The duties of the WHEJAC are to provide advice and recommendations to the Chair of the White House Council on Environmental Quality (CEQ) and the White House Environmental Justice Interagency Council (IAC) on a whole-of-government approach to environmental justice, including but not limited to environmental justice in the following areas:

- Climate change mitigation, resilience, and disaster management.
- Toxics, pesticides, and pollution reduction in overburdened communities.
- Equitable conservation and public lands use.
- Tribal and Indigenous issues.
- Clean energy transition.
- Sustainable infrastructure, including clean water, transportation, and the built environment.
- National Environmental Policy Act (NEPA) enforcement and civil rights.
- Increasing the Federal Government's efforts to address current and historic environmental injustice.

EPA's Office of Environmental Justice (OEJ) maintains summary reports of all WHEJAC meetings, which are available on the WHEJAC website at <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>. All EPA presentation materials for this meeting are available in the public docket. The public docket is accessible at www.regulations.gov/. The public docket number for this meeting is EPA-HQ-OEJECR-2023-0099.

Meeting Summary

The WHEJAC convened via Zoom on September 26, 2023.

See appendix A for the Federal Register notice for this meeting; see appendix B for the meeting agenda and appendix C for the presentation slides.

DFO Opening

Audrie Washington | Designated Federal Officer

Audrie Washington opened the meeting and explained that, apart from the public comment portion, attendees would be in listen-only mode.

Welcome and Introductions

Karen L. Martin | Designated Federal Officer

Richard Moore | WHEJAC Co-Chair

Peggy Shepard | WHEJAC Co-Chair

Catherine Coleman Flowers | WHEJAC Vice Chair

Carletta Tilousi | WHEJAC Vice Chair

WHEJAC co-chair Peggy Shepard welcomed attendees and said the WHEJAC will share its recommendations for the carbon management initiatives and technologies charge. She asked attendees to listen carefully to the recommendations and to offer feedback at the next public meeting. Catherine Coleman Flowers and Carletta Tilousi, WHEJAC co-vice chairs, iterated Peggy Shepard's remarks.

White House Environmental Justice Advisory Council Member Introductions

Peggy Shepard led the roll call.

LaTricea Adams, present
Susana Almanza, present
Catherine Coleman Flowers, present
Tom Cormons, present
Jerome Foster II, present
Angelo Logan, present
Maria López-Núñez, present
Harold Mitchell, present
Richard Moore, present
Rachel Morello-Frosch, present
Kim Havey, not present
Kyle Whyte, not present
Hli Xyooj, not present

Jade Begay, not present
Robert Bullard, not present
Juan Parras, present
Maria Belen Power, present
Michele Roberts, present
Ruth Santiago, present
Nicky Sheats, present
Peggy Shepard, present
Carletta Tilousi, present
Viola Waghiyi, present
Beverly Wright, present
Miya Yoshitani, present

Audrie Washington confirmed a quorum.

Richard Moore introduced Dr. Jalonne White-Newsome.

Opening Remarks

Brenda Mallory | Chair, White House Council on Environmental Quality

Dr. Jalonne White-Newsome | Senior Director for Environmental Justice, White House Council on Environmental Quality

Remarks from Brenda Mallory

Excellent. Thank you so much, Peggy. Appreciate you and good to see everyone on screen. It's always an honor to have a chance to kick off these meetings, which end up being very robust. I want to start off as always, with a round of thank yous for all the great work that folks are doing. First, beginning with the WHEJAC chairs and vice chairs. Richard, Peggy, Katherine, and Carletta. Thank you so much for your leadership, and for your tireless efforts, and really keeping the work of this advisory

council moving forward. Thank you to our partners at EPA, and the WHEJAC's designated federal officer, Audrie Washington, supported by Karen, and Geshan and Amanda, for leading and organizing the WHEJAC work. Big thank you to our other federal agency partners who are here today and have been invaluable partners in our work with the WHEJAC. It really takes all of us working together to advance President Biden's historic vision for environmental justice. And finally, of course, the CEQ team, small but mighty team that we are, the CEQ environmental justice team led by Dr. Jalonne White-Newsome and other members of the CEQ team who are always a part of rolling out anything that we do. I'm really proud of what CEQ has been able to do and really does day in and day out as we work to advance President Biden's environmental justice goals and to make our government work better for all. President Biden's Investing in America agenda is built on a foundation of justice and equity. And we're building out an equitable and inclusive clean energy future, while trying to also address the historic injustices that I think we all know that we have to contend with. Together with the members of our federal family, the WHEJAC and many, many others, our hard work and commitment is translating into significant progress. And so I'm excited to talk about some of the highlights since we last met as a group.

But there are many other things going on in the administration. And I hope you all are taking advantage of the number of tools that we're using to keep people up on the work that's going on all across the government. I'm sure Jalonne will talk about that later. But recently, in Chicago, we brought local organizations together with agencies at all levels to discuss how we work together to mitigate extreme heat, to address food insecurity, to tackle decarbonisation, among other issues. And we talked about how communities can access the funding and resources that are available to build out sustainable communities that are more resilient to climate change. This is part of the White House campaign for environmental justice. And this event allowed us to connect communities with the folks who are steering some of the federal resources that are so important to help catalyze local solutions. In addition to the local convenings, we are also busy just getting money out the door from President Biden's historic Investing in America agenda.

One example that I had the opportunity to participate in recently is our urban forestry work. Earlier this month, I visited Cedar Rapids, Iowa, with the Secretary of Agriculture to announce a \$1.13 billion set of awards through the Urban and Community Forestry Program. It's a program that was made possible by President Biden's Inflation Reduction Act (IRA). These grants will increase equitable access to trees and green spaces in communities that lack those resources. We know that trees lower temperatures, they reduce flooding, they improve air quality, and they also increase biodiversity, improve physical and mental health, and increase food security when urban forest and orchards are also being planted. All \$1 billion in the awards are going to disadvantaged communities under the Justice40 initiative. And these grants are going to benefit communities in all 50 states.

And then last week during Climate Week, the Biden Harris administration also announced \$4.6 billion in competitive climate pollution reduction grants to fund state, local, and tribal programs that cut climate pollution, advanced environmental justice, and deploy clean energy solutions across the country, again, made possible by

President Biden's Inflation Reduction Act. The Climate Pollution Reduction grants build on over \$250 million that EPA has made available to enable community-driven solutions to address the climate crisis and help develop climate action plans to reduce greenhouse gas emissions, among other pollution.

These are examples of some of the programs that the administration has been using to deliver for communities across the country. Let me just touch on a couple of examples of some of our broader work. In his effort to ensure that national treasures reflect the full story of this country, this summer, President Biden designated two new national monuments. The first in July, he created the Emmett Till and Mamie Till Mobley national monument with sites in Mississippi and Illinois. This new national monument is really a testament to the strength and bravery of Mamie Till Mobley to honor her son and catalyze the civil rights movement. Insisting on an open casket for her brutally murdered 14-year-old son, Mamie said, "Let the people see what I've seen." And as that that monument was designated by the President, he emphasized that point and emphasized that particular part of the narrative just thinking about what that had to be like to be that mother in that circumstance. Now we have added another chapter to the story of remembrance and healing. And it is an honor and really a sacred privilege to be entrusted with preserving their stories as part of our enduring work to build a more perfect union.

And then in August, I traveled with President Biden to Arizona, where he protected nearly 1 million acres of land surrounding the Grand Canyon as Baaj Nwaavjo I'tah Kukveni Grand Canyon National Monument. Another area where tribal nations and Indigenous peoples were forcibly removed from the lands that became Grand Canyon National Monument in the early 20th century. By responding to tribally led efforts to protect the sacred cultural sites, President Biden is again helping address injustices of the past. It was particularly moving at the designation to here WHEJAC Vice Chair Carletta Tilousi's daughter Maya speak about the importance of President Biden's national monument designation for protecting sacred ancestral lands that tribes have called home for generations. Maya was introducing the President. As a high school senior, Maya gave us a powerful reminder of the intergenerational connection of the actions we take and the promises we make. She and others like her are the stewards who will continue the vital work protecting the Grand Canyon into the next generation and beyond.

Other work—this summer CEQ also released a proposal to modernize environmental reviews through the National Environmental Policy Act (NEPA), while implementing Congress's changes to NEPA and other efficiencies to help deploy clean energy. We have also proposed reforms to encourage earlier engagement with local community. Our proposal clarifies that agency should consider climate change impacts and environmental reviews, and it also directs agencies to consider environmental justice in those reviews. For the first time, it encourages agencies to incorporate measures to avoid or reduce disproportionate effects on communities, including the cumulative effects of pollution. The proposal requires agencies to consider the needs of affected communities when developing outreach and notification strategies, so communities know about and can participate in the decisions that that affect them. Finally, the proposed rule also directs agencies to identify a chief public engagement officer who would be responsible for facilitating community engagement across an agency.

I share all of this because advancing environmental justice is a collective effort. And we need to work across agencies and disciplines and communities to deliver on that promise. And we also need to infuse the basic principles of environmental justice into our priorities and perspectives as we do all of our work, our climate work, our environmental work, our clean energy work. And so that's why it's really important. And I'm particularly grateful that the carbon management workgroup is going to be a focus of today's agenda and that WHEJAC is really helping to develop recommendations to inform the federal government's approach in this area. To reach the President's goal of achieving net zero emissions across the economy by 2050, we will need to decarbonize the hardest to abate sectors, and spur low-carbon manufacturing and innovation across the United States. Carbon management technologies will need to play a role in decarbonisation, particularly for the industrial sector. And Congress has directed and provided significant resources for the administration to advance carbon capture utilization and sequestration technology through the Bipartisan Infrastructure Law. But it's critically important that the deployment of carbon management technologies is done right, safely, responsibly, and in a way that cuts pollution, creates clean energy jobs in every community, and incorporates the perspectives and needs of the environmental justice communities. So, the WHEJAC's recommendations on how to advance the technology in the right way will be critically important to the conversations that are going on to appreciate and advance the work that you will be sharing today. We need your input, we need your feedback, we need your ideas, because we know that this is a very complex and challenging area. And we're hopeful that with your input that we'll be able to do it better.

Let me close by underscoring my appreciation to everyone here who's joined this meeting. And thank you really for being here. I think together, we can, and we really must deliver on the promise of building a clean energy economy, a healthier and cleaner future, and equitable and just solutions for all communities across the country. And everyone's voice really is crucial for that collective success. So, I appreciate all that you guys have done over the last two and a half years at this point. And let me turn it over to Dr. Joanne White-Newsome, our Federal Chief Sustainability Officer, and wish you all a great meeting.

Jalonne White-Newsome began by sharing that CEQ's overall vision is that the values of environmental justice are embedded into the fabric and foundation of federal decision making and serve as a model for all levels of government. She said three goals will help them realize that vision: (1) reducing burdens and harms on communities; (2) delivering investments to communities that need it the most, and (3) institutionalizing and advancing environmental justice across the federal government.

Jalonne White-Newsome noted a few staff transitions and thanked Dr. Marcus Hendricks, who is leaving the role of Senior Advisor for Climate and Community Resilience. She said Christina Bowman will be rejoining the team in the coming year.

Jalonne White-Newsome shared updates from CEQ's environmental justice team. She said August was the one-year anniversary of the IRA. In addition, the White House recently released new technical assistance resources to help communities unlock opportunities from the Bipartisan Infrastructure Law

(BIL) and Biden's Investing in America agenda. Also recently, the President signed an executive order to address the long-term effects of the train derailment earlier this year in East Palestine, Ohio. In addition, the administration launched the American Climate Corps, a workforce training and service initiative that will ensure that more young people have access to skills-based training necessary for jobs in the energy and climate resilience fields.

Jalonne White-Newsome spoke briefly about how the WHEJAC's recommendations are being operationalized. She noted that the recommendations can be found on EPA's WHEJAC website (www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council), and that the administration has one year to respond to the recommendations. She said that CEQ has met that requirement, and its most recent response to the WHEJAC was in August 2023. She shared a couple highlights regarding the Justice40 Initiative (J40). She noted that Phase 1 of the environmental justice scorecard was released in April 2023, and a year later, there were approximately 470 programs across 19 federal agencies that are covered by the J40 initiative. She said that presently there are more than 100 notice of funding opportunities that include J40 language, and more than 90 that mention the Climate and Economic Justice Screening Tool (CEJST). She mentioned the Department of Transportation's Equitable Transportation Community Explorer and story map released in May 2023, as well as the Department of Energy's Justice Week. She shared some work to institutionalized environmental justice, including FEMA's designation of 483 census tracts, Community Disaster Resilient Zones, that will be eligible for increased federal support to become resilient to natural hazards and extreme weather.

Jalonne White-Newsome also highlighted milestones from the Executive Office to advance a whole-of-government approach to environmental justice, including Executive Order EO14096, and OEC's partnership with the Office of Science and Technology Policy (OSTP) to develop an Ocean Justice strategy. OEC and OSTP also recently launched the environmental justice subcommittee of the National Science and Technology Council.

Audrie Washington opened the floor for questions.

Ruth Santiago asked whether the Community Disaster Resilience Zones program promotes distributed renewable energy. Jalonne White-Newsome said she would get back to the WHEJAC with more details.

Vi Waghiyi asked where she could get more information on the Ocean Justice strategy. Jalonne White-Newsome said she'd get back to the WHEJAC on that issue, as well.

Nicky Sheats asked whether CEQ and the administration considered using race in the context of the CEJST. Jalonne White-Newsome said that the scorecard provides a baseline on how agencies are advancing environmental justice, and it will be revisited annually. She said the administration is committed to advancing environmental justice and equity. Nicky Sheats said that they need to know how communities of color are doing, even if it's just the baseline.

LaTricea Adams asked whether data on birth outcomes and maternal health collected from other agencies could be used, as well. Jalonne White-Newsome replied that she has connected LaTricea Adams to Dr. Natasha DeJarnette and that any data sets considered have to meet scope and quality standards.

Maria López-Núñez said she appreciates all the environmental justice efforts to date, but wondered if there were a central place for members of the public to get information, submit comments, and so on. Jalonne White-Newsome said they are working toward that, and currently have a virtual newsletter, the IAC, and they are directed to create a clearinghouse.

Jerome Foster emphasized the need for communities to know about Climate Corps opportunities, and he asked what role WHEJAC will have in making recommendations on how to scale and oversee some of the work being done through that program. Jalonne White-Newsome said she would ensure that WHEJAC gets the information.

Susana Almanza said she'd like to see a definition of community-based organization (CBO). Jalonne White-Newsome said the IAC allows for agencies to define CBO and for ensuring the right people are granted resources.

Harold Mitchell asked if CEQ will be tracking best practices and models, as the CEJST tool is fostering new relationships. Jalonne White-Newsome said it's important to show what's working. She asked WHEJAC members and other to share stories and case studies, or anything that could be used to create a playbook.

WHEJAC Recommendations: Carbon Management Workgroup

LaTricea Adams | Workgroup Co-Chair

Dr. Beverly Wright | Deep South Center for Environmental Justice

LaTricea Adams explained that when the WHEJAC received the original charge, they unanimously rejected it and proposed new language that prioritizes environmental justice. (See appendix C for slides containing the recommendations.)

LaTricea Adams said the workgroup's first recommendation is to halt the implementation of the following carbon management technologies and associated programs:

- Carbon Capture and Sequestration (CCS)
- Carbon Capture Utilization and Storage (CCUS)
- Direct Air Capture
- Bioenergy with Carbon Capture and Storage (BECCS)
- Hydrogen co-firing biofuels

LaTricea Adams said that the workgroup had concerns about the risks to public health and the environment, as well as the lack of sufficient evidence that these technologies can effectively reduce CO₂ emissions. She added that it is not fair to associate these technologies with Justice40 goals, as the health risks to disadvantaged communities is unknown. In addition, she noted issues with individual technologies, such as whether communities will have veto power over the implementation of direct air capture, as well as the lack of cumulative impacts assessments.

Regarding the second recommendation, LaTricea Adams said that the term "carbon management" is an umbrella term used to refer to a variety of specific technologies, so its meaning may be unclear to environmental justice communities, which are disproportionately impacted by fossil fuel industries. Therefore, she said, the workgroup recommends that the government explicitly identify individual

technologies that are referred to as carbon management, as well as the relationships among these technologies, who and what may be impacted, and what risks are associated with the implementation of any specific carbon management technology. She said that these specifics must be clearly communicated to impacted communities.

The workgroup's third recommendation is that federal agencies undertake a systematic review of the scientific evidence of all the carbon management and hydrogen strategies under the purview of the Department of Energy's carbon management programs, especially relating to the viability and efficacy of these technologies. LaTricea Adams said the WHEJAC finds insufficient scientific evidence regarding the effectiveness of multiple carbon management technologies as climate mitigation strategies.

LaTricea Adams shared the workgroup's fourth recommendation, which is that communication about carbon management accurately reflect the status of known and unknown information about environmental risks and harms, public health implications, energy savings, and reduction of carbon emissions and use. She said that community concerns have not been adequately addressed, and some federal communication about specific projects convey overly optimistic results that are not based in facts.

Finally, LaTricea Adams said that the fifth recommendation is to ensure that communities are able to engage meaningfully with federal initiative and to provide genuine informed consent by equipping communities with baseline knowledge about what specific carbon management technologies entail. She added that engagement should be guided by the 17 principles of environmental justice.

She added that communities of color, Indigenous, and economically distressed communities are likely to be impacted by carbon management initiatives. Potential host communities need accurate information about risks for each type of technology, and multiple institutions—governmental and community-based—must be involved in ensuring that communities are adequately informed.

Beverly Wright added that people from all across the country are at risk from technologies that have not been subjected to rigorous scientific studies. She added that communities do not have a voice in the implementation of these projects, which is undemocratic. Such undemocratic processes have existed in the Southern states since slavery and have endangered lives and destroyed property and health. She said that the research base is not robust enough to demonstrate that carbon management technologies are safe. She said she believes this is one of the greatest environmental justice fights going forward.

Peggy Shepard opened the floor for questions.

Nicky Sheats raised his concern that NEPA calls for environmental impact statements (EISs) only when projects have beneficial effects. He said that if that part of NEPA passes, CCS and other activities will not be subject to EISs.

Ruth Santiago said that she hoped the recommendation for a map would go beyond the lower 48 states and include other jurisdictions. She made a second point that there are alternatives to the risky carbon management technologies discussed, including energy conservation, and decentralized, community-based energy generation.

Miya Yoshitani asked for more emphasis on the potential harms presented by technologies such as CCUS that will displace direct carbon reductions. Using these technologies allows more fossil fuel emissions.

Angelo Logan asked for confirmation that the recommendations are not yet final and there will be opportunities to add to them. LaTricea Adams confirmed. Maria López-Núñez thanked the public for their comments so far and asked for input on this version of the recommendations, as well.

Michele Roberts said that the experimental nature of carbon management technologies is unacceptable, particularly in light of safer technologies. Jerome Foster said that environmental justice goes well beyond considering how to remedy the past and includes avoiding harming communities in the present. He said that environmental justice must be prioritized over economic growth in order to make progress and to avoid having to face the same issues decades from now.

Richard Moore asked for a show of hands on accepting the draft recommendations. The WHEJAC accepted the recommendations unanimously.

Presentation of New Charge: Indigenous Peoples and Tribal Nations Charge to WHEJAC

Dr. Jalonne L. White-Newsome | Senior Director for Environmental Justice, White House Council on Environmental Quality

Dr. Jalonne White-Newsome thanked members of the Indigenous Peoples and Tribal Nations workgroup. She said that tribal communities are disproportionately affected by the impacts of ecosystem collapse as a result of climate change. She said that the charge will ask the WHEJAC to advance two of the Biden Administration's highest priorities: (1) respecting tribal sovereignty by ensuring that tribal nations are consulted on federal policies that have tribal implications; and (2) recognizing, honoring, and respecting the cultural practices, including subsistence practices, the ways of living, indigenous knowledge, and traditions of tribal nations.

Jalonne White-Newsome said the proposed new charge is: **How can federal government policies and programs better prevent or address the impacts on tribal communities?**

Discussion: Indigenous Peoples and Tribal Nations Workgroup

Carletta Tilousi said that the Indigenous Peoples and Tribal Nations workgroup is looking forward to feedback and approval of this charge so they can dive into the work of protecting sacred places, waterways, and their very existence.

Richard Moore opened the floor for questions.

Peggy Shepard asked how CEQ's work with the WHEJAC workgroup intersects with tribal consultation happening elsewhere in the White House.

Jalonne White-Newsome said that is what they would like to uncover with the workgroup. She said there are a lot of streams, and there is perhaps an opportunity to be more aligned. Carletta Tilousi added that federal agencies often approach tribal nations in a way that makes consultation difficult, such as asking for multiple consultations at once. In addition, she said, the federal government is not forthcoming with responses.

Richard Moore noted that larger tribes may have more resources than smaller tribes to engage the federal government. Jalonne White-Newsome said the government needs to be intentional about outreach and engagement.

Vi Waghiyi noted that a lot of tribes do not have internet access, so hard copies of announcements are needed. In addition, high officials do not attend meetings, so issues cannot be resolved in a timely way. She said tribes haven't heard back in 20 years on some issues they bring to the table. Susana Almanza added that the new charge will allow the WHEJAC to look at a range of issues from the perspective of Indigenous and tribal nations.

Audrie Washington said the Indigenous Peoples and Tribal Nations workgroup is looking for new members.

Public Comment Period

Jessica Evans | Public Commenter

Hello, thank you for having me. My name is Jessica Evans. I'm the manager of government affairs and sustainability policy at the Association of Metropolitan Water agencies or AMWA. AMWA members represent utilities that provide drinking water to 100,000 or more customers. Collectively, our members serve more than 160 million people across the country. My charge was listed in the document as CEJST, which I believe is an accident because I actually wanted to speak today about the ways that WHEJAC could recommend advancing environmental justice through a whole-of-government approach through continued and sustained funding for assistance for low-income water customers. AMWA has three important asks regarding assistance for low-income water customers. These include—we're asking if the temporary Low-Income Household Water Assistance Program provided through HHS continues to be funded in fiscal year 2024; its funding will run out in a whopping four days. This is unlikely funding in fiscal year 2024—is unlikely to happen based on appropriations bills. So, we ask WHEJAC to urge OMB to include it in their supplemental budget request. While a temporary program continues to run, we also ask the entire Biden Administration to support the establishment of a permanent, low-income household water assistance program that is separate and independent from HHS, LIHEAP, or Low-Income Household Energy Assistance Program. To date, HHS has provided over 1 million low-income customers with water assistance, so we know that they could continue a program in the long run. Alternatively, another option is the Environmental Protection Agency, which has been authorized to establish after completing a pilot program, the Rural and Low-Income Water Assistance Program, but they need to complete a water affordability needs assessment first. Finally, our last ask is that the President should request money in his fiscal year 2025 budget to continue LIWAP that is both separate and independent from LIHEAP. Establishing both interim and long-term low-income customer assistance program for water will ensure that both customers who need it will receive assistance and utilities receive the funding necessary for them to maintain public health infrastructure. With that, I will close out, but early but thank you so much, and we'd be happy to continue conversations.

Jim Walsh | Public Commenter

Hi, my name is Jim Walsh. I'm the policy director at Food and Water Watch. And I would like to thank all of you so much for your service to our country and environmental justice communities that are severely overburdened with pollution. I would especially like to thank LaTricea Adams for her great presentation doing an amazing job of exposing what I like to call the carbon capture shell game. Carbon Management is the worst type of shell game. Typical hucksters will just take your money. Those putting carbon management schemes like carbon capture, direct air capture, carbon offsets, hydrogen production, are a

publicly funded shell game, asking us to guess where they hid the emissions while they're poisoning our air and water, a poison burden that members of the WHEJAC know all too well disproportionately falls on environmental justice communities. They want us to focus on tiny shells they're moving around and ignore cumulative impacts, pretending all that matters is what's in front of your face, not the person picking your pocket or blowing smoke in your face. This is allowed to go forward because there's little to no oversight for much of this industry. And this is how the shell game is designed. While there are loan guarantees, direct subsidies for these projects in the carbon management shell game, the bulk of the subsidies that are driving the industry forward are in tax credits. And the use of tax credits towards certain behaviors has left Treasury largely responsible for verifying the carbon management game, not the EPA who actually has a staff responsible for enforcing pollution standards. And because these tax credits are submitted with taxes, the public has no ability to review and verify the documentation industry is providing to reap public money for activities they claim under these tax credits. And this is particularly concerning because Treasury has empowered an army of third-party verifiers that is largely responsible for carbon manage verification. These third-party verifiers are inherently conflicted and have a financial incentive to approve carbon management schemes. The inspector general of treasury found that of \$900 million of a billion in claimed tax credits for 45Q, the carbon capture tax credits, were given away without verification by EPA that emissions had actually been sequestered. Instead of requiring EPA to do the verification before tax credits are given out, the Treasury made it clear that third-party verifiers could sign off on these carbon capture claims. There is no federal official responsible for monitoring and oversight of emissions from cradle to grave from these carbon capture projects at all. And this is concerning given the billions of dollars in tax credits for what will continue to perpetuate a system of harm in environmental justice communities. And we need to bring accountability to this entire network if they are going to make claims that they can sequester carbon from the atmosphere. While not being accountable to those claims, while reaping pollution on environmental justice communities has to stop. And we need to stop the money flowing into these projects, unless there's real accountability that ensures that communities are not being harmed and that the taxpayers are not being fleeced by this scam. Thank you so much for your service and have a wonderful afternoon.

Vincent Keyes | Public Commenter

My name is Vincent Keyes. And I have the pleasure of representing as the president of the local chapter of the NAACP here in Collier county. And I just wanted to thank the team for their presentation today. And I look forward to further follow up, because we are absolutely trying to represent a disadvantaged, marginalized community that has been affected by the storm in the last year after hurricane Ian, and we absolutely need to bridge a connection between the federal funding that's available and the local community that is not getting any attention. So, I just want to thank you for the opportunity.

Susan Thomas | Public Commenter

My name is Susan Thomas. I'm the director of legislation and policy for Just Transition Northwest Indiana. We are also a proud membership organization of Climate Justice Alliance. We are located in northwest Indiana working in three counties along Lake Michigan. Most of it is heavy industry. And we have the national park, a miracle of nature nestled in the center. How it survives our industry around us is truly a miracle. In Michigan City where we're located half the population—black, brown, low income—struggling to meet their basic needs. On the other side of us is, Gary, Indiana, a textbook environmental justice community continually dumped on for 100 years and more. And now this carbon capture is coming. And it's coming like a bulldozer in Indiana where our deeply red entrenched state legislature is giving this away to utilities and industry, and they can't do it fast enough. We have a real crisis on our hands, which what is happening in our state legislature, which seems to be operated at the behest of utilities and industry with no regard for EJ communities or the environment in a truly beautiful state that

is going to be vastly disappearing. I'd like to echo some of the sentiments made very bluntly, we need to follow the money. What's happening in Indiana is tremendous greenwashing, open houses by BP, some of the biggest global polluters in the world, trying to convince us about what a great thing this is. If it were so great, why isn't this going into Lake Forest, Illinois, is my question—an affluent white community. This is a totally unproven. We work with Just Solutions with 16 other national EJ groups. The science behind this, as you all said so eloquently, is non-existent. So, thank you for this opportunity. I so applaud the presentation that was made here this evening. And thank you all for passing this unanimously. Again, please, please, we must follow the money. We cannot have the fox guarding the hen house any longer. There must be oversight and transparency. Thank you so much.

Scott Eustis | Public Commenter

I'm Scott Eustis here in New Orleans [inaudible] on behalf of Healthy Gulf. We're a 28-year-old nonprofit working from Texas to Florida. Thank you for the opportunity to comment or submit written comments in regards to carbon management. Thank you for the recommendations. These Community Benefit Plans we're seeing from DOE are beyond severely lacking, cross the coast, black and indigenous communities affected by carbon capture and injection. We need a lot more. We need closure the R360 board oil waste pits in the Native American community of Grand Bois. We need federal recognition for Gulf Coast tribes like the [inaudible]. We need wetlands, from the wetlands that Exxon shell took from us to the tune of billions and billions of dollars. These are compliance issues with the Clean Water Act that CEQ and EPA must look closely at because the Army Corps is permitting wetlands permits for carbon injection now. We estimate that over half of the carbon management projects are in the Gulf Coast. A lot of it—the Denbury project in the clean coal era avoided the coastal zone. And that's not true for this next era of clean coal. We're looking at 4,000 acres of wetlands excavation, mostly in black and Indigenous communities, a lot of it in Louisiana; 4,000 acres in watersheds that are quickly disappearing from the face of the earth. So, we need a programmatic environmental impact statement for this massive, massive hurricane that's coming to destroy our wetlands in the Louisiana coast. You know, we've reviewed—the Army Corps has their method for environmental justice that does not use the EJ Screen or the CEJST, and we can't look at the Army Corps impacts in either of those tools. So clearly, the Army Corps seems to do its own thing outside the federal family. But we use their method, and we find that 20 of the 22 projects we've examined have a disproportionately impact on black and Indigenous communities, including fishing communities, and seven projects including the ConocoPhillips project, couple of Exxon projects and the Denbury projects are exclusively in environmental justice areas on the Louisiana coast. So, the carbon management question is a severe impact to our land. Notwithstanding the good comments made about air impacts by the committee. We thank the good doctor who commented on the need for regulatory review and urge CEQ and EPA to look at a programmatic environmental impact statement for the massive wetland impacts of carbon management in the Louisiana coastal zone. Thank you.

Clara Fang | Public Commenter

I would just like to take this opportunity to share my climate story. I think you guys have so much technical expertise. And there's so much that can be said about what you're working on. And I really commend it. So, I lived in Detroit, Michigan, for the last six years. In 2019. My partner James and I bought our first home in 1930 precolonial and East English village, a neighborhood on the east side of Detroit. We were very proud and happy to call it home until climate disaster struck our community. On the morning of June 25, 2021, we woke up with texts from our next-door neighbor to check our basement. Chris said he had four feet of water. The night before it had rained six inches. I stumbled to the basement and looking down saw black pool of water at the bottom of the stairs, a roll of toilet paper and a cat carrier floating in the water. We spent the rest of the day fishing our belongings out of the

water and putting them on the curb to be thrown away. We watched our neighbors do the same. By evening our street was a garbage dump with people's ruined belongings lining the sidewalk from one end of the street to another. By midnight, we were still mopping up buckets of sewage sludge. Our basement literally covered in a layer of human waste. For the rest of the week, I worked from home without air conditioning or hot water while waiting for the repair companies to arrive. It took six days for the hot water heater to be replaced, as everyone in our city was suffering the same fate. It took three weeks to get our air conditioning, the hottest days of summer. Within days, I starting to feel symptoms: headaches, fatigue congestion; I struggled to work or function. I could not go anywhere for relief as local businesses also suffered and public places were shut because of the pandemic. I realized that the true devastation of flooding was not just using losing the use of one's basement, washer and dryer, air conditioning, or hot water, all of which were inconvenient, but not life threatening. The worst impact was the way mold and air contamination drained my body and soul of energy and robbed me of the ability to cope. I had a disaster to recover from on top of my regular work, and instead I lay helplessly in bed. The symptoms did not go away until the basement was completely dry. Two weeks later, just as we have finished cleaning up from the first storm, another rainstorm dumped six inches of water on the city and our communities were flooded again. Our governor declared a state of emergency, FEMA came to neighborhoods to get us to apply for emergency assistance. They knocked door-to-door. People applied, were rejected, applied again, and were rejected. In the end, I received \$3,000, nearly a fraction of what the flood had cost us. Most people I knew received less or nothing. We learned that not only did our community get a historic amount of rain, but the local pumping station was not operating during the storms due to staff layoffs during the pandemic. So, I'll just stop here and say climate justice is racial justice. And what happened to my community in Detroit is happening everywhere all over the country with communities of color hit the hardest. We need our government to take climate justice seriously and transition our economy to 100% renewable energy and reduce emissions 50% by 2030. We want compensation for our losses and damages and climate adaptation for our communities. So, I thank you for the work that you're doing, and I hope that we can keep working together.

Caitlion Hunter | Public Commenter

I'm Caitlion Hunter, Law and Policy Associate at the Deep South Center for Environmental Justice in Louisiana. Our Department of Natural Resources, or DNR, has applied to EPA for primacy over class six injection wells used solely to inject carbon dioxide waste. EPA has not yet approved primacy, although they have issued a draft approval which ignores the reality of DNR's alarming record of mismanagement and the ongoing environmental justice issues across our state. We call on the WHEJAC and CEQ today to take any action possible and necessary to pause the EPA's primacy application process for Louisiana. Louisiana is poised to become an experimental dumping ground for carbon in furtherance of federal policy and false industry decarbonization initiatives, where there are currently more than 30 proposed CCS projects. The placement of these injection sites and pipelines tracks with existing petrochemical infrastructure and thus perpetuates existing environmental injustice. For example, the community surrounding the proposed Denbury areas injection well in St. James Parish ranks in the 99th percentile nationally for cancer risk and toxic releases to air. This community is 94% Black, nearly half of its children live in poverty and is already surrounded by 12 petrochemical facilities. The population around a proposed injection site in Ascension Parish is 62% Black, and in the 99th percentile for toxic releases and above the 90th is for cancer risk. Perversely, the carbon dioxide waste sites and pipeline infrastructure are being evaluated as positive development in these communities through a Justice40 lens. Justice40 does not mean exposing EJ communities to more industrial wastes, with a few community benefit improvements and temporary construction jobs sprinkled in. Louisiana and DNR have repeatedly expressed their wrongly held belief that they lacked authority to incorporate environmental justice into

permitting decisions, and that any federal requirement that they do so is unlawful. Given this position, Louisiana makes it clear it would not integrate environmental justice and equity considerations in class six permitting. We have repeatedly brought these concerns to DNR and EPA to no meaningful effect. When DNR presented its primacy application to the people of Louisiana, there were 29 comments against primacy and none in favor. The city of New Orleans and Livingston Parish have each passed prohibitions on the deployment of CCS. DNR's lax regulations have resulted in an emergency event in Southwest Louisiana, with the impending collapse of another class of well, our own state auditor found that DNR lags far behind surrounding states and regulation and enforcement. Our governor's task force on climate change recommended DNR and our universities undertake studies on safety and hazards which have not taken place. This state agency is simply not capable of regulating CCS. Because of these regulatory failures and EJ concerns, we ask WHEJAC and CEQ today to take any means possible to pause the EPA's primacy application process. Thank you.

Brandi Crawford | Public Commenter

Hi, my name is Brandi Crawford. I'm from Kalamazoo, Michigan. It's been about almost five months since the state of Michigan Health and Human Services has released a health report saying the environmental justice community of Kalamazoo, Michigan, has hazardous air surrounding it at levels 80 times the ATSDR [Agency for Toxic Substances and Disease Registry] health exposure limit at various times throughout the day. The health department told everyone they should just stay in their houses, just protect their health and their lives, their children and their grandchildren's health and lives. You can't just stay in your house. Like what kind of recommendation is this? This is an emergency. You know, the Kalamazoo EJ community is actually a Superfund site that was taken either off the list or never put on the list since 1955 when Graphic Packaging was under a different name. They're actually Coors, and they've been noncompliant and killing African American communities since the 1800s. And so, we need relocation because poisonous polluters like Graphic Packaging International—I think they'd have like almost 80 locations, even though they need to be shut down to protect human health and stop this systemic racism, the genocide. It's disgusting, and as a white person, I am so disgusted, and I can't believe it's been ignored for so long. Everyone needs to stop ignoring this stuff. We know that this is a problem. I mean, we didn't even need all the data that we had to know that this is genocide. We need WHEJAC to help President Biden realize that we need emergency help for EJ communities all over the United States today, not five years from now when the grants are—people understand and even know how to apply for them correctly. I mean, everyone is sick and dying. This is the biggest, racist, and cruelest humanity disaster ignored in the history of all time. Please, we need help to save lives and Kalamazoo and all EJ communities—SOS, 911, help. I'm begging you guys, please. These are people dying every single day. Babies never even—like thousands of babies that can't even—they're dying before they're one year old because their lungs are underdeveloped. This is poisonous air. We have a state health report saying this is poisonous air. Please help. Please help us; I'm begging you. Please help Kalamazoo and all EJ communities. People are dying. This is real. Environmental justice. It's just genocide. This is enough; the systemic racism has to stop. And we need to bring help and stop people from being poisoned. Absolutely. Absolutely. Right now. Thank you.

John Mueller | Public Commenter

Good afternoon WHEJAC members and thank you especially to Ms. Mallory and Dr. White Newsome for your attention today at this meeting. I am John Mueller, and by my count, this is my 11th public meeting with WHEJAC commenting about water fluoridation. And it is well documented that water fluoridation is a harmful environmental injustice. My comment today, of necessity, is founded in the whole-of-government approach. The WHEJAC must address the issue of water fluoridation for the documented environmental justice violations, as well as for embracing the precautionary principle, as Carletta's work

group has already done; thank you. My comment today is largely metaphorical. And admittedly it does get a bit personal but only to make a strong point. That said, I must begin by stating that we are all here to make a difference in our great nation's public health by addressing environmental pollution and its harmful effects, especially in sensitive communities. I believe is Mallory and Dr. White Newsom have considerable influence over the heartbeat of Environmental Policy at the White House. Heartbeat is the key word for my metaphor, because I spent the last week in a truly wonderful Heart Hospital in Oklahoma City, after an event that revealed my ticker has been working overtime to get the job done. That one week experience exposed me to the remarkable achievements of our dedicated medical professionals and their world-changing skillful and technological accomplishments to advance public health. And that one-week experience is the inspiration for my public comment today. But the promotion of water fluoridation by our governments, from HHS down to the local levels, is contaminated itself with an enshrined falsehood that fluoridation is safe and effective, and one of the 10 great public health achievements of the 20th century. Pausing for a moment, Carletta, I have told you in the past that I have a soft spot for Havasu Canyon, having hiked into it three times. But those falsehood claims of fluoridation have no more scientific validity than the horse biscuits fertilizing the trail between Hualapai Hilltop and Supai. Pardon the expression. Public health advocacy continues to be cut off at the needs by ineffective programs at the CDC and its partnerships with corporate America. Our public health is on a slippery downhill slope. Our nation's mental health crisis is a clear example. A sure contribution to that decline is the poisoning of our public water supplies with a developmental neurotoxin. And the weight of evidence of that fact is being proven in the current lawsuit against the EPA in federal district court in San Francisco. Finally, just as I need a new major valve in my heart, the White House must institute a new major heartbeat of public health policy that can only be achieved with a whole-of-government approach. Thank you very much.

Jerry Otero | Public Commenter

Thank you for the opportunity to comment. My name is Jerry Otero. I'm the director of legislation and policy for the Grand Canyon Trust. I live in western Colorado. I'm here today to highlight and ask for your consideration and advocacy of environmental justice issues associated with uranium extraction and production in the southwest. Often issues associated with uranium extraction are branded as past tense. But the reality is these issues associated with uranium are very much in the present and likely the future if we do not change course. As many are aware, we are in the initial stage of a likely renaissance of nuclear energy, noting the significant current federal investments in the technology. However, the wounds from a uranium extraction have yet to heal from a generation ago, as well over 500 abandoned uranium sites remain in the southwest, many emitting radiation, including radiant radon-222, which is the leading cause of lung cancer in the United States. These sites are almost exclusively adjacent to EJ communities, particularly tribal communities. I am not here to speak on behalf of tribal communities, rather out of respect and support. It would be inaccurate not to underscore the direct negative impact to Indigenous communities in the southwest from uranium extraction, production, and transportation. We are aware of existing programs dedicated to reclaiming sites, but frankly, it is not enough. There is a clear need to expedite, fund, and prioritize the reclamation and restoration as well as put in place reforms to protect environmental justice communities as associated with uranium extraction. In addition, the risks to EJ communities and populations are compounded on a basin-wide level. Currently 1/3 of the Latino population in the United States get their water from the Colorado River Basin, furthering the need to ensure we are doing what is right by communities both on the ground and those connected to, to ensure the safe use of water in the West. We respectfully urge the council and the broader Biden Administration first to work to clean up and restore but put in place with urgency durable, meaningful regulation, so we don't continue to perpetuate systemic inequity, environmental

degradation, and the continuation of injustice. We would take any further opportunity to brief the Council on these issues. Thank you for your time.

Jade Woods | Public Commenter

Hello, good evening, everyone. My name is Jade Woods, and I'm with the Center for International Environmental Law, and I live in Baton Rouge, Louisiana. I come to you all tonight with two main requests. My first request is that I asked that you consider carbon dioxide injection as a serious environmental justice concern. Carbon dioxide waste injection—indeed any type of underground injection—introduces many risks, many known and some unknown to the surrounding communities. The known risks include subsidence, and shifting of underground rock layers, increased or even induced seismicity, and the migration or escape of emissions through nearby wells, which can interfere with a community's water supply or stability. These risks are not merely hypothetical. In 2012, after the failure of an injection well, the community of Bayou Corne, Louisiana, was forced to make the gut-wrenching choice of whether to live near a rapidly growing sinkhole or abandoned their home. Three hundred fifty residents were affected, and most community members were displaced from their home and never able to return. The population of the town today hovers around a few dozen. Also in Louisiana, just this past week, a state of emergency was declared due to concern over another potential injection well failure, this time into a [inaudible]. Louisiana is just the state that I know best, but these two incidents are too many. If state regulatory agencies cannot manage the injection programs they currently have authority over, they should not be trusted with additional responsibilities to manage the injection of a toxic corrosive waste products like carbon dioxide. Carbon waste injection is an environmental justice issue, as poor communities and communities of color will be forced to carry the full burden of these risks, and will even have to relocate if and when injection wells will fail, likely with limited help from a government or responsible company. My second request is that you reconsider direct air capture. Specifically, the recently announced Project Cypress as a Justice40 initiative. I appreciate earlier the recommendation from the carbon management group that CCS and CCUS not be considered as part of Justice40. But I ask that you also include direct air capture as part of that consideration. Recently, Project Cypress, a direct air capture project in Louisiana, was announced and was categorized as a Justice40 initiative. The Justice40 priority benefits that Project Cypress has been categorized under are increase decreasing energy costs and burdens and decreasing environmental exposure and burdens. I struggle to see how this can be true when direct air capture projects are not directly linked to clean energy at all. They contribute to increased exposure to toxic air emissions, and they will likely cause a significant increase in local utility bills due to the energy penalty. I urge the WHEJAC to consider that direct air capture and CCS projects, and carbon injection wells are not in the best interest of environmental justice communities and that these projects present additional risks of burdens, not benefits. Thank you.

Carlos Piñon | Public Commenter

Hi, good afternoon, everyone. My name is Carlos Piñon, and I'm a Project Coordinator at People Organized in Defense of Earth and Her Resources, or PODEHR, a social environmental justice organization based in Austin, Texas. Specifically, I support our director, Susana Almanza, a member of WHEJAC, in connecting with community-based organizations from around Central Texas and the Texas border so they'll remain informed about the Justice40 Initiative and have access to resources that facilitate the process of securing federal grant funding over the next year. The agenda states that I'm here to speak about carbon management. But the main concerns I'd like to bring to you today regard the Climate and Economic Justice Screening Tool, or CEJST, and will closely echo a statement I presented to WHEJAC back in June, particularly, the 90th percentile threshold for most environmental categories of burden, as well as the 65th percentile threshold for the socioeconomic category of burden for low-income are too high. I believe that this and the fact that the CEJST considers census tracts, not blocks,

will limit many communities from acquiring funding as part of Justice40, despite being the same communities that have historically been under invested in, neglected, even targeted, and would fall under the general definition of disadvantaged based on their lived experiences. Likewise, if Justice40 funding is awarded based solely or primarily on the CEJST approach, the federal government will surely exclude underserved communities, especially communities of color, and low-income communities who continue to bear the brunt of environmental and public health hazards. PODHER, for example, has found a census tract in Montopolis, a low-income, predominantly Latin a neighborhood in southeast Austin that is at the 89 percentile for housing costs, just one count away from qualifying as disadvantaged. The inflexibility of the tool makes it feel arbitrary in this regard. Lastly, the CEJST cannot capture the full breadth of needs and burdens that exist among communities following criteria set by the federal government, whose knowledge of a community does not match that of the community itself. So much of what communities experience is cumulative, a product of history, geography, and when speaking particularly about environmental injustice, race, which is noticeably absent from the CEJST. The tool, with its emphasis on the quantifiable is not enough, and its weaknesses must be made clear to all the federal agencies as they craft their respective grants. As I stated at your last public meeting, I recommended that the WHEJAC push for (1) a more dynamic way of determining what deems a community disadvantaged; (2) the inclusion of a far less restrictive percentile threshold and finer spatial scales in the CEJST; and (3) an incorporation of factors like race that are inextricably tied to environmental injustice. The very thing that the Justice40 initiative seeks to address. Thank you all so much for your service and time.

Jillian Blanchard | Public Commenter

First, thank you so much for the opportunity to speak. My name is Jillian Blanchard. I'm the director of the climate change and environmental justice program at Lawyers for Good Government, also called L4GG. We are a nonprofit nationwide network made up of 125,000 legal advocates in all 50 states, and we work in areas where lawyers can make the difference, providing key legal resources to frontline communities, particularly environmental justice communities, on how to access the historic federal funding coming down from the federal government. I want to thank you all for your tireless efforts to tackle climate change, and the critical issue of environmental justice through executive orders and program guidance and CEJST. And what we're seeing on the ground with our pro bono services to frontline communities is a significant knowledge gap between the lofty ideals of the Biden Administration and how this is playing out on the ground in black and brown communities in red states. So, we have cracked the federal program guidance provided some feedback to you all through RFIs and our public comments, but in this setting, I'd like to provide one main message, which is if Justice40 is to be implemented across this country, we need clear, clear guidance to states on how to implement it, on how to implement CEJST. I can't tell you how many times I have worked with state and local decision makers who have said they have not received clear enough guidance through the federal programs that they need to use CEJST, and so they do not. And we did a 50-state survey at L4GG to identify those states existing laws and policies on implementing Justice40 and found that less than half of the country has any kind of laws or policies to ensure that Justice40 gets implemented through the state funding, which as you know, of course, the state is receiving the bulk of this historic level of funding. And so, we ask WHEJAC and the CEQ to provide clear guidance as much as possible through program guidance to states on how they need to be using CEJST, on how they also need to allow for additional demographic data at the local level when CEJST is inaccurate. And then finally, on the whole-of-government approach, no two federal agencies are treated equally when it comes to Justice40. EPA and DOE have done a great job and CEQ, as well. However, we call on WHEJAC to investigate federal agencies that are not implementing Justice40 very successfully, like the Department of Transportation, who needs to provide additional guidance to states to ensure that Justice40 is not only implemented, but communities—black

and brown and disadvantaged communities—are actually engaged with and that this federal funding does go to benefit them. Thank you very much again for your service. Appreciate the time.

Natalie Shepp | Public Commenter

I'm Natalie Shepp, and I'm an environmental planning manager with the Pima County Department of Environmental Quality. And I am joining you today because I would like to provide my own personal experience as a local government representative. I was hired in this position two and a half years ago. And one of the roles that I was given was to be the environmental justice manager for Pima County. And there's been a variety of things that I've had to do. But it seems like each step of the way is somewhat complicated, and it is difficult to actually implement the things that I believe I'm supposed to be doing. So, the first thing I want to just talk to you about is kind of the permitting process with environmental justice. When I first started this job, we had proposed a new facility that emitted ethylene oxide. We knew that it would be a very contentious new facility in our region, which has been dealing with longstanding environmental justice issues for decades now. And going through that process, you know, I learned that basically, we go through a more intensive public outreach process, and it was very successful. We implemented EJ Screen and reached the community in an effective way. We were able to get 100 comments, but in the end, we don't have discretion over whether or not our permits are being issued. So, it's a little bit of a catch-22 when you're asked to go through a public process, and then say to that we have to issue that permit anyway. So, I think that there's some issues that need to be worked out with environmental justice as it relates to air quality permitting and allowing local governments and state governments to maybe implement more enforcement action that's legally binding. The other issue that I'm seeing—this is basically going to back up several others that have mentioned this—I sit on our local transportation planning committee, and I'm the lone environmental person in that committee. Most of it is made up of jurisdictional representatives that have transportation background. And when you bring up something like Justice40, you get a deer-in-the-headlights look, and there's not really anybody that's thinking about or talking about Justice40 that they know what it is or how it should be implemented, and how federal dollars that are going to local governments for transportation projects, how that should actually be considered and implemented. Meanwhile, our NPO likes to point to Title VI, and say that if we go through a Title VI process that somehow that is Justice40, and they are one in the same. So, I do agree that there needs to be much more extensive education to state and local governments on how Justice40 should be implemented with federal government dollars. In addition, our region has received millions of dollars in carbon reduction program funds, and no one is watching that either. And meanwhile, our NPO has decided to take it and fill their budget gaps with those funds, and we just received CPRG [Climate Pollution Reduction Grant] funds, and we want to make sure that we can line up those funds with measurable actions that are being implemented by our NPO through a jurisdictional process. And that is not even being allowed. So, I do think my general point here is that we do need more enforcement. We need to follow that money and make sure that everybody who's receiving federal dollars knows how it should be implemented.

Wilda Anagal | Public Commenter

Thank you WHEJAC members for providing this opportunity to provide public comment. My name is Wilda Anagal. I am from the Navajo Nation, originally from Black Mesa. I am the legislative and policy project manager at the Grand Canyon Trust. I am calling from Flagstaff, Arizona. My comments today are to discuss ways in which WHEJAC could recommend advancing environmental justice through a whole-of-government approach. A whole-of-government approach would go a long way in the Black Mesa region, particularly near Indigenous communities that have and reside near the Kayenta mine in the Black Mesa mine sites. Peabody Western Coal Company continues to operate under an expired federal permit—AZ-0001 F—from 2015. This permit should be renewed every five years; thus, this

permit should have been renewed in 2020. Since the cessation of the Kayenta mine in 2019, large open pits remain at the Kayenta mine site. The pits have not been back filled. Reclamation should have been completed contemporaneously, according to the Federal Surface Mining Reclamation and Control Act. A significant permit revision should be required, taken forward as a whole-of-government approach for federal entities like the Department of Interior, the US EPA Office of Surface Mining, and the Bureau of Indian Affairs should work together to ensure that the permit is not just renewed but revised to address the remaining issues and needs of the community as this is the last chance to get it right. In addition, there is a need to address the ongoing concerns of the Navajo aquifer. Residents that live on and near the mine site as well as surrounding communities rely on this water source for domestic use. A comprehensive hydrological study needs to be conducted. As we move away from coal-based energy resources, there is an urgency to address the environmental injustice concerns that continue to remain in the Hopi and Navajo communities. Decades of environmental injustices have occurred, continue to occur. Now it's time to heal and repair the land and restore the Navajo aquifer. Thank you.

Marion Gee | Public Commenter

Hello all, my name is Marion Gee and I'm the co-executive director of Climate Justice Alliance, an alliance of 88 member organizations working in hundreds of communities and with hundreds of thousands of community members from Guam to Puerto Rico, Alaska to Texas. On behalf of CJA, we thank you for the opportunity to share our comments, and particularly thank LaTricea Adams and the Carbon Management workgroup for your earlier presentation, with clear and strong recommendations to ensure the protection of EJ and CJA communities and their just transition to local regenerative economies. My comments today will echo and add to those recommendations of the Carbon Management workgroup as well as CJA member organizations who spoke earlier. We strongly affirm that the Biden Administration's over reliance on CCUS and hydrogen projects to reduce emissions, coupled with the recent gutting of NEPA, is undermining wins achieved at the local and state levels to transition away from fossil fuels and harmful co-pollutants like particulate matter to a just and equitable energy economy. These proposed carbon management strategies are putting additional health and economic burdens on already impacted communities. As noted in the earlier presentation, there is insufficient scientific evidence demonstrating the effectiveness of multiple carbon management technologies such as hydrogen and CCUS. How can the Biden Administration push these technologies that will increase co-pollutants in places that are likely already in violation of the Clean Air Act? The amount of money via grants, loans, and tax credits, the amount of time and capacity, and the number of local laws that would need to be changed to facilitate this particular transition using unproven unsafe technologies is an astronomical boondoggle. As our members in Indiana named, we need to follow the money. It is not our communities who are standing to benefit, but polluting corporations who will use taxpayer dollars to continue to harm historically marginalized communities. The Biden Administration should be working closely with the experts here on the WHEJAC to see how these funds, expertise, and capacity can be redirected or changed to go toward proven solutions that our communities need and want and are already working on. Furthermore, there have already been harmful incidents, as noted earlier in Mississippi and Louisiana in public comments. The rules specific to safely transporting carbon dioxide and hydrogen are wholly inadequate, and they do not account for increasing extreme weather events, like hurricanes in Southern California, and how the cumulative impacts and/or destruction of pipelines polluting infrastructure, etc. will further harm our communities. A multiagency approach must not include carbon markets, CCUS, hydrogen, direct air capture, any type of burning fuel or geoengineering that will only benefit corporations who have made billions at the sacrifice of our communities. We applaud the work and recommendations of the WHEJAC Carbon Management

workgroup. We look forward to part two of the report and we urge the WHEJAC and the Biden Administration to follow the recommendations presented by the working group. Thank you.

Isaac Vergun | Public Commenter

Hi, my name is Isaac Vergun. I am a senior journalism and environmental science major at Howard University. And I'm 21 years old from Beaverton, Oregon. I'm a plaintiff in the landmark case Juliana versus the United States, where 21 youth, including myself, 11 black and brown and Indigenous youth sued the federal government back in 2015, for causing climate change and violating our constitutional rights. Even after eight years, our case is still moving forward in the courts. And we are awaiting a decision from the court on the federal government's most recent efforts to deny us the ability to go to trial. I respectfully request that the WHEJAC support the Juliana youth and American children with four recommendations that our Children's Trust submitted in a written comment on advancing environmental justice through a whole-of-government approach that includes the judicial branch and addresses impacts on Indigenous peoples. First, advocating and recognizing that young people, like me, have fundamentally constitutionally protected rights to a safe and stable climate system, and that it should be protected by courts. Second being advising the CEQ and IAC to align their policies with allowing youth—especially children living within EJ communities—to access their courts to protect their rights. History has shown that without the protection of climate rights, environmental injustice will persist as the climate worsens, causing a lifetime of hardship to young Americans. The historic ruling in *Held versus the state of Montana* illustrates that only when EJ community members, like Indigenous youth, plaintiff [inaudible] are allowed to tell their stories in open court, on their own terms, will the promise of a whole-of-government approach be fulfilled. The court order included climate science findings, and the EPA Regional 8 administrator said that the decision sets "precedent for intergenerational accountability and EJ." Lastly, I want you to please urge Congress to pass the Children's Fundamental Rights and Climate Recovery Resolution that recognizes children's fundamental rights to a safe climate and demands a national science-based and just climate recovery plan to be prepared by federal agencies and that upholds children's rights. Thank you.

William Charouhis | Public Commenter

Hi, my name is Will Charouhis. I'm a 17-year-old high school student from Miami, Florida. My city sits at sea level. And with the third largest school district in the US, we have more students facing the impacts of climate change than anywhere else in America. Both my home and my school are expected to be uninhabitable before I reach the age of most of you guys in this room, and so I have an interest in halting climate change. Ten years ago, news reports seemed to limit the effects of global warming to just pockets in America. But our collective experience this year has changed all of that. I mean, we just came off of the hottest three months since global records began in 1880. And the ominous heat experienced this summer by Americans on backroads and big cities alike has brought the reality of climate collapse and the imperative carbon management to center stage. We cannot halt climate collapse without capturing the carbon we have already admitted out into the atmosphere. The good news is that nature has already given us a magical process to do this. It's called photosynthesis. And we have scientists like at the Salk Institute at UC Berkeley, as well as countless other institutions researching ways to amplify that process and increase carbon sequestration. Our Inflation Reduction Act provides funding for direct air capture and permanent storage. But those are expensive solutions, and they're hard to scale. Meanwhile, plants have been perfecting the art of pulling carbon from our atmosphere for more than 3 billion years. The science shows us that plants can be genetically manipulated to store more carbon and longer roots, and longer roots will make crops more resistant to flooding and drought and will allow us to address our growing food insecurity. The problem is money. Plant biology has never been a well-

funded field of research. By putting funds to work to make plants better at doing what they already do, we can save the world. Thank you.

Alejandria Lyons | Public Commenter

Good afternoon, honorable WHEJAC members and staff. My name is Alejandria Lyons. I'm the coordinator of New Mexico No False Solutions and also a member of Climate Justice Alliance through one of our steering committee members, Earthcare. Our steering committee also includes Pueblo Action Alliance, Yucca, Los Jardines Institute. So, I'm here today to help represent our coalition as well as the magnitude of issues we are seeing in New Mexico that goes on with this legacy of environmental injustice in our state. So, we want to thank, first off, the Carbon Management working group for all your hard work on the recommendations that were presented today. And we hope to continue to work with you all and keep lines of communication open. I think our last meeting together in Phoenix was really powerful as we invigorated networks such as the historic connections through the Southwest Network and many of us who are in the southwest, we're continuing to see these issues now in the form of false solutions. We strongly affirm and echo that the Biden's Administration's over reliance on CCS and hydrogen projects to reduce emissions, coupled with the recent gutting of NEPA or the National Environmental Policy Act, is undermining wins achieved at the local state levels to transition away from fossil fuels and harmful copollutants like particulate matter to a just and equitable energy economy. A multi-agency strategy therefore must not include carbon markets, CCS, CCUS, hydrogen, and any type of burning fossil fuel of any kind. We have seen that these are unproven technologies, especially at the scale of which we're funding them. In Mexico, we're seeing an influx of private-public partnerships being announced, taking advantage of these public funds that were intended for Justice40 for communities to pave the way for this just transition in New Mexico, specifically, through the Wish Project. We're seeing hydrogen pipelines being proposed and they're using the same rhetoric they use for the Manhattan Project, which is that we are a low-density state, and I just want to communicate the dangers of using these types of technologies. Our coalition as well as greater Chaco and the Permian, we actually delivered a declaration last week for New York Climate Week that included some of these recommendations such as stopping all fossil fuel projects, immediately phasing out fossil fuel extraction, refusing false solutions, protecting the sacred, and declaring this a climate emergency and pave the way for just transition. We need research, we need development, we need greater incentives for community-based projects. And we hope that you know, the WHEJAC can continue to work with communities like ours to end extractive colonialism at the spot. So, thank you all for my time today. We appreciate your work, and we look forward to the next set of recommendations.

Charity Fain | Public Commenter

My name is Charity Fain, and I am the executive director at Community Energy Project or CEP. We are a climate justice CBO based in Portland, Oregon, and serve frontline communities such as low-income households, BIPOC communities, seniors, and people with disabilities. Our services provide free weatherization and energy efficiency, home upgrades, and DIY healthy home workshops. We believe that everyone deserves a safe, healthy, and efficient home regardless of income. We at CEP support efforts to center environmental justice communities in federal, state, and local programs. And thank you so much for your efforts to ensure this happens. However, we do have some questions about the EJ mapping tools developed for Justice40 that we've recently been reviewing. How were local advocates consulted to finalize areas? For example, Northeast Portland is home to the traditional black neighborhood of Albina. CEP has supported homeowners in this neighborhood since 1979. But this area is not included in EJ mapping tools for Portland. So, a neighborhood that has a history of redlining, environmental health problems, and disinvestments, black residents are yet again not included. I'm

assuming this is in part because of massive gentrification seen in this area that has changed the racial and economic demographics in the last 10 years. However, these indicators alone do not show the entire story. To center EJ principles, CEP believes that the area encompassing Albina should be included. Neighborhoods like Albina across the country that have faced gentrification should not be excluded. We'd like to see the mapping tools updated to better reflect historical needs, race, and other local voices and issues. So, what are the next steps for ensuring that the screening tools serve communities better? Thank you for your time.

Dianne Barton | Public Commenter

Hello, my name is Dianne Barton. I serve as chair of the National Tribal Toxics Council and EPA Tribal Partnership group that works with the Office of Pollution Prevention and Toxics. My comments have to do with the practice of fracking, which is the process of injecting water, chemicals, and sand into the earth to recover petroleum. Perhaps you saw the article in yesterday's *New York Times* that reported on the astonishing volumes of water that are used in the practice of fracking and threatens the aquifers and sources of water for many people living near oil reserves. These water resources are at risk. And I think that fracking is worthy of the WHEJAC's attention. But I'm here today to speak to the addition of toxic chemicals that are added to fracking fluids that are then injected into our environment. For the first time, in July of this year, EPA released an evaluation of a cancer causing toxic chemical that is known to be added to fracking fluids, 1,4-Dioxane. Fracking has been banned in multiple states across the country, and it is time that impacts in Indian Country, where there is no authority to ban fracking, are also addressed. Of the 17.6 million people in the US that now live within a mile of a fracked oil or gas well, many are tribal members. Many tribal members practice their life ways on treaty guaranteed lands within the same proximity. We urge the WHEJAC to engage on the issue of fracking and encourage and support any EPA risk management actions to ban the use of 1,4-Dioxane and other toxic chemicals and fracking fluids, thus meeting the congressional intent of the Wattenberg amendments to the Toxic Substances Control Act that requires protection of susceptible populations and demonstrating a commitment to the health of Indigenous people and rural communities throughout the US. Thank you.

Claire Dawson | Public Commenter

Hi, everyone. Thank you for the opportunity to let me speak today. My name is Claire Dawson. I'm 17 years old and a junior at Northside college prep, a selective enrollment High School on the northwest side of Chicago. In my community, I'm the president of my school's environmental club called Green Team, which manages and facilitates sustainability incentives within my school. My club monitors waste disposal and recycling, implementation of projects such as getting new bike racks, and the creation of a greenhouse at our school, facilitating school-wide sustainability education, and engaging in nationwide climate activism. As the president of Green Team, I lead my fellow students in projects and initiatives, communicate with school administration and staff, and balance the work with the rules and regulations of our school and our school district at large. I'm here to speak to you today regarding the lack of investment into environmental education in American public schools. As a student that has been engaged and passionate about environmental science and topics for as long as I can remember, I stand before you today never having received a formal class in environmental science, due to the lack of investment in environmental education in American public schools. My entire knowledge of environmental and climate science has been derived from personally chosen school projects, individual research, extracurricular activities, and personal activism. Through this path, I've been lucky to have discovered my specific passion in environmental science. However, not all students with interest like me can say the same. As a result of my upbringing within gifted programs and selective enrollment schools, my education has been outstandingly well supported and funded by local, state, and federal

government subsidies. Despite the fact that my education being better funded than most, I still receive no formal environmental education. Most American students cannot share the investment which my education has received, and therefore have even less education in environmental science than I do. I speak before you today to state that this experience is incredibly unjust. In a world where our climate's health deteriorates by the day, and people in my generation are constantly fed the narrative that it is our job to fix the global climate crisis, the workforce is rapidly evolving to accommodate the need of new professionals in the environmental sector. However, the lack of investment into the environmental education of an American youth to prepare them to enter this gap in the workforce is outstanding. What does it say that the population of students, teachers, and workers in the environmental sector is vastly underprepared and underfunded as a result of the failures of the American public environmental education in a country where this formal training will become so dire in the coming years? What does it say that youth who are passionate about environmental education must seek it out themselves rather than be encouraged, supported, and stimulated to pursue formal education and a topic which is a grave need in our world going forward? You should be taught and prepared to enter our workforce rapidly evolving to include more jobs in the environmental sector. The United States federal government has a responsibility to its youth, its country, and our planet to enhance its investment in environmental education and public schools. Young people should have formal classes and environmental and climate science to raise a population of educated, informed Americans with the mindset enabled to improve the condition of our planet. Thank you for your time.

Business Meeting

Richard Moore | WHEJAC Co-Chair

Peggy Shepard, WHEJAC Co-chair

Peggy Shepard asked Audrie Washington if there were specific action items the committee needed to vote on. Audrie Washington said that there was nothing besides the recommendations that have already been voted on.

Peggy Shepard noted that a letter would have to be developed to accompany the submission of the recommendations. Nicky Sheats said he believes the workgroup could draft a cover letter as well as take another look at the report for edits and additions in a week to 10 days. Maria López-Núñez said there was an upcoming meeting at which the letter could be drafted, and then the workgroup chairs could add to it.

Peggy Shepard asked if members had comments on the public comment portion of the meeting or the committee's work over the next couple of months to get the scorecard recommendations drafted. She asked anyone who wanted to volunteer to be a co-chair of that workgroup to send her an email. The workgroup is open to new members, as well. Maria López-Núñez volunteered to co-chair the Scorecard group.

Angelo Logan said it is important to hear from both agencies as well as people on the ground in Hawaii who experienced the fires. He said he would like to hear from FEMA about the agency's emergency response. Audrie Washington said they would consider that as a topic for the next meeting.

Rachel Morello-Frosch said the CEJST workgroup is preparing to provide a second round of recommendations in December.

Carletta Tilousi asked for copies of the submitted written comments, which, she said, she has asked for in the past. In addition, she asked if someone from EPA can talk to the WHEJAC about the primacy process. She said it's not fair for EPA to allow some states to regulate their own environmental processes, as the same companies continue to get permits over and over.

Nicky Sheats said he'd like to hear more about the issue Brandi Crawford mentioned in Kalamazoo, Michigan. Peggy Shepard said the water assistance programs would be another issue to look at, as well as monitoring emissions from facilities doing direct air capture. Vi Waghiyi said the primacy issue is urgent. She also noted youth education as a priority.

Catherine Coleman Flowers asked how the intrusion of saltwater in places like Louisiana might impact new technologies.

Juan Parras asked if the WHEJAC has tried to get a list of environmental justice groups from each of the 10 regions, as well as a report from the EPA director from those regions on how they're addressing environmental justice concerns. Peggy Shepard agreed and noted that the regions are uneven in terms of their work. She said it may be an issue for the climate preparedness working group. Maria López-Núñez, co-chair of that working group, said that group is now closed, having already submitted their recommendations. Maria López-Núñez said she would like to hear from DOE on how they are considering climate change in their analyses.

Nicky Sheats said NEPA comments would be due shortly, and the WHEJAC needs to stay abreast of what is happening with that.

Richard Moore said he would like the issue of military toxics to remain on the table.

Juan Parras mentioned Title VI and language justice.

Vi Waghiyi said that when Administrator Regan brought his Journey to Justice tour to Alaska, he met with Alaska Native corporations, not tribes. She added that she believes the issue of military toxics should be a workgroup.

Closing Remarks

Richard Moore | WHEJAC Co-Chair

Peggy Shepard | WHEJAC Co-Chair

Catherine Coleman Flowers | WHEJAC Vice-Chair

Carletta Tilousi | WHEJAC Vice-Chair

Dr. Jalonne L. White-Newsome | Senior Director for Environmental Justice

Audrie Washington | WHEJAC Designated Federal Officer

Richard Moore said the meeting was excellent and noted that the public comment is crucial to formulating recommendations.

Catherine Coleman Flowers agreed it was a productive meetin, and supported Angelo Logan's remarks on Hawaii; she said a lot of communities are not prepared for what's coming.

Carletta Tilousi thanked participants and public commenters and said she wants to continue to hear stories so that the WHEJAC can better understand what is happening around the country.

Jalonne White-Newsome said it warms her heart to hear the voices of youth. She thanked the WHEJAC for their work and the 41 agency partners for listening in. She said that together, they can move closer to the north star of environmental justice.

Peggy Shepard reminded members that there is a public meeting on December 5-6.

Adjourn

Audrie Washington urged members who are not on a workgroup now to get involved with the scorecard workgroup or the Indigenous Peoples and Tribal Nation's workgroup.

Audrie Washington adjourned the meeting.

###

Appendix A. Federal Register Notice



62566

Federal Register / Vol. 88, No. 175 / Tuesday, September 12, 2023 / Notices

Rule 216(b) of the Commission's Rules of Practice and Procedure,¹ the withdrawal of the NOI became effective on September 1, 2023, and this prefiling process is hereby terminated.

Dated: September 5, 2023.

Kimberly D. Bose,
Secretary.

[FR Doc. 2023-19570 Filed 9-11-23; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER23-2764-000]

Northeastern Power & Gas, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Northeastern Power & Gas, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 25, 2023.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the

¹ 18 CFR 385.216(b) (2022).

Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call toll-free, (888) 208-3676 or TTY, (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: September 5, 2023.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2023-19581 Filed 9-11-23; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OEJECR-2023-0099; FRL-11361-01-OEJECR]

White House Environmental Justice Advisory Council; Notification of Virtual Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of a public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), the U.S. Environmental Protection Agency

(EPA) hereby provides notice that the White House Environmental Justice Advisory Council (WHEJAC) will meet on the date and time described below. Due to unforeseen administrative circumstances, EPA is announcing this meeting with less than 15 calendar days public notice. The meeting is open to the public. The meeting is open to the public. For additional information about registering to attend the meeting or to provide a public comment, please see REGISTRATION under SUPPLEMENTARY INFORMATION. Pre-registration is required.

DATES: The WHEJAC will convene a virtual public meeting on Tuesday, September 26, 2023, from approximately 3 to 8 p.m. EDT. Meeting discussions will focus on several topics including, but not limited to, workgroup activities, proposed recommendations for the Council on Environmental Quality (CEQ) and the White House Environmental Justice Interagency Council (IAC), CEQ briefings, and a new formal charge for the WHEJAC. A public comment period relevant to current WHEJAC charges will be considered by the WHEJAC at the meeting on Tuesday, September 26, 2023, (see SUPPLEMENTARY INFORMATION). Members of the public who wish to participate during the public comment period must register by 11:59 p.m., EDT, Thursday, September 21, 2023.

FOR FURTHER INFORMATION CONTACT:

Audrie Washington, WHEJAC Designated Federal Officer, U.S. EPA; email: whejac@epa.gov; telephone: (202) 441-7295. Additional information about the WHEJAC is available at <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>.

SUPPLEMENTARY INFORMATION:

The Charter of the WHEJAC (available at <https://www.epa.gov/system/files/documents/2023-03/2023%20White%20House%20Environmental%20Justice%20Advisory%20Council%20Charter.pdf>) states that the advisory committee will provide independent advice and recommendations to the Chair of CEQ and to the IAC. The WHEJAC provides advice and recommendations about broad cross-cutting issues related, but not limited, to issues of environmental justice and pollution reduction, energy, climate change mitigation and resiliency, environmental health, and racial inequity. The WHEJAC's efforts include a broad range of strategic, scientific, technological, regulatory, community engagement, and economic issues related to environmental justice.

I. Registration

Individual registration is required for the public meeting. Information on how to register is located at <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>. Registration for the meeting is available until the scheduled end time of the meeting. Registration to speak during the public comment period will close at 11:59 p.m., EDT, on Thursday, September 21, 2023. When registering, please provide your name, organization, city and state, and email address for follow up. Please also indicate whether you would like to provide public comment during the meeting, or if you are submitting written comments.

A. Public Comment

The WHEJAC is interested in receiving public comments relevant to the following charges, topics, and questions currently under consideration: (1) the Climate and Economic Justice Screening Tool; (2) the Environmental Justice Scorecard; (3) carbon management; (4) ways that the WHEJAC could recommend advancing environmental justice through a whole-of-government approach; and (5) environmental justice issues affecting Indigenous Peoples and Tribal Nations. With respect to environmental justice issues affecting indigenous peoples and tribal nations, the WHEJAC Indigenous Peoples and Tribal Nations Workgroup is particularly interested in receiving comments on: Examples of environmental hazards of particular concern for indigenous peoples and tribal nations (for example, environmental hazards related to Federal activities that may affect sacred sites and areas of cultural significance, cultural or other traditions or practices, subsistence, and ways of life); ways in which the Federal Government can address community impacts on, and concerns of, indigenous peoples and tribal nations; and ways in which the incorporation of indigenous knowledge into Federal decision-making could help address environmental hazards and environmental justice concerns. More information on WHEJAC workgroup charges is located online at <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>, under WHEJAC Membership and Workgroups.

Priority to speak during the meeting will be given to public commenters with comments relevant to the topics and questions listed above. Every effort will be made to hear from as many registered public commenters during the time specified on the agenda. Individuals or groups making remarks during the public comment period will be limited to three (3) minutes. Please be prepared to briefly describe your issue and your recommendation relevant to the current charges, topics, and questions under consideration by the WHEJAC. Submitting written comments for the record is strongly encouraged. You can submit your written comments in three different ways: (1) by creating comments in the Docket ID No. EPA-HQ-OEJECR-2023-0099 at <https://www.regulations.gov>, (2) by using the webform at <https://www.epa.gov/environmentaljustice/forms/white-house-environmental-justice-advisory-council-whejac-public-comment>, and (3) by sending comments via email to whejac@epa.gov. Written comments can be submitted through October 10, 2023.

B. Information About Services for Individuals With Disabilities or Requiring English Language Translation Assistance

To request special accommodations for a disability or other assistance, please submit your request at least five (5) working days prior to the meeting to give EPA sufficient time to process your request. All requests should be sent to the email listed in the **FOR FURTHER INFORMATION CONTACT** section.

Matthew Tejada,
Deputy Assistant Administrator for Environmental Justice, Office of Environmental Justice and External Civil Rights.

[FR Doc. 2023-19608 Filed 9-11-23; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-11012-01-OAR]

Official Release of the MOVES4 Motor Vehicle Emissions Model for SIPs and Transportation Conformity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the

availability of the latest MOtor Vehicle Emission Simulator model major release (MOVES4) for official purposes outside of California. MOVES4 is the latest version of EPA's state-of-the-science modeling tool for estimating emissions from cars, trucks, buses, and motorcycles based on the latest data and regulations. MOVES4 is available for use in state implementation plans (SIPs) and transportation conformity analyses outside of California. This notice starts a two-year grace period before MOVES4 will need to be used as the latest EPA emissions model for transportation conformity determinations outside of California, both in new regional emissions analyses and in new hot-spot analyses.

DATES: EPA's announcement of the MOVES4 emissions model for SIPs and transportation conformity analyses in states other than California is effective September 12, 2023. This announcement starts a two-year transportation conformity grace period that ends on September 12, 2025. After this date, MOVES4 will need to be used as the latest EPA emissions model for new transportation conformity analyses outside of California in both regional emissions analyses and in hot-spot analysis.

FOR FURTHER INFORMATION CONTACT: For technical model questions regarding the official release or use of MOVES4, please email EPA at mobile@epa.gov. For questions about SIPs, contact Rudy Kapichak at Kapichak.Rudolph@epa.gov. For transportation conformity questions, contact Aaron Letterly at Letterly.Aaron@epa.gov.

SUPPLEMENTARY INFORMATION: The contents of this notice are as follows:

- I. General Information
- II. What is MOVES4?
- III. SIPs and MOVES4
- IV. Transportation Conformity and MOVES4

I. General Information

A. Does this action apply to me?

Entities potentially impacted by the approval of MOVES4 are those that adopt, approve, or fund transportation plans, transportation improvement programs (TIPs), or projects as defined in 40 CFR 93.101 under title 23 U.S.C. or title 49 U.S.C. chapter 53 and those that develop and submit SIPs to EPA. Regulated categories and entities affected by today's action include:

Category	Examples of regulated entities
Local government	Local air quality and transportation agencies, including metropolitan planning organizations (MPOs).
State government	State air quality and transportation agencies.

Appendix B. Agenda



AGENDA (Final)

U.S. ENVIRONMENTAL PROTECTION AGENCY WHITE HOUSE ENVIRONMENTAL JUSTICE ADVISORY COUNCIL VIRTUAL PUBLIC MEETING

Tuesday, September 26, 2023		3:00 PM – 8:00 PM Eastern Time	
3:00 PM – 3:05 PM	Open Public Meeting	<ul style="list-style-type: none"> Audrie Washington, WHEJAC Designated Federal Officer, U.S. Environmental Protection Agency 	
3:05 PM - 3:15 PM	Welcome & Introductions	<ul style="list-style-type: none"> Richard Moore, WHEJAC Co-Chair – Los Jardines Institute Peggy Shepard, WHEJAC Co-Chair – WE ACT for Environmental Justice Carletta Tilousi, WHEJAC Vice-Chair – Havasupai Tribe Catherine Coleman-Flowers, WHEJAC Vice-Chair – Center for Rural Enterprise and Environmental Justice 	
3:15 PM - 3:30 PM	WHEJAC Member Introductions		
3:30 PM – 4:00 PM	Opening Remarks: White House Council on Environmental Quality	<ul style="list-style-type: none"> Brenda Mallory, Chair, White House Council on Environmental Quality Dr. Jalonne L. White-Newsome, Senior Director for Environmental Justice, White House Council on Environmental Quality 	
4:00 PM – 5:00 PM	WHEJAC Recommendations: Carbon Management Workgroup	Presenters: <ul style="list-style-type: none"> LaTricea Adams, Workgroup Co-Chair - Black Millennials for Flint Dr. Beverly Wright, Deep South Center for Environmental Justice 	
5:00 PM – 5:25 PM	Presentation of New Charge: Indigenous Peoples and Tribal Nations Charge to WHEJAC	<ul style="list-style-type: none"> Dr. Jalonne L. White-Newsome, Senior Director for Environmental Justice, White House Council on Environmental Quality Update: Indigenous Peoples and Tribal Nations Workgroup Carletta Tilousi, Workgroup Co-Chair, Havasupai Tribe 	

5:25 PM – 5:40 PM	BREAK
5:40 PM - 7:00 PM	Public Comment Period
7:00 PM – 7:10 PM	BREAK
7:10 PM - 7:55 PM	<p>Business Meeting</p> <p>The WHEJAC will use this time to reflect on the meeting proceedings, public comment period, discuss action items, and finalize next steps.</p> <p>Facilitators:</p> <ul style="list-style-type: none"> • Richard Moore, WHEJAC Co-Chair – Los Jardines Institute • Peggy Shepard, WHEJAC Co-chair – WE ACT for Environmental Justice
7:55 PM - 8:00 PM	<p>Closing Remarks</p> <ul style="list-style-type: none"> • Richard Moore, WHEJAC Co-Chair - Los Jardines Institute • Peggy Shepard, WHEJAC Co-Chair - WE ACT for Environmental Justice • Catherine Coleman Flowers, WHEJAC Vice-Chair - Center for Rural Enterprise and Environmental Justice • Carletta Tilousi, WHEJAC Vice-Chair - Havasupai Tribe • Dr. Jalonne L. White-Newsome, Senior Director for Environmental Justice - White House Council on Environmental Quality • Audrie Washington, WHEJAC Designated Federal Officer - U.S. Environmental Protection Agency

***NOTE:** Please be advised that agenda times are approximate; when the discussion for one topic is completed, discussions for the next topic will begin. For further information, please contact the Designated Federal Officer for this meeting Audrie Washington, at Washington.Audrie@epa.gov.*

WEDNESDAY, MARCH 1, 2023

3:00 PM – 7:45 PM EASTERN

6:00 PM - 7:00 PM

Public Comment Period

Members of the public will be given three (3) minutes to present comments relevant to the following charges, topics, and questions related to the work of the WHEJAC:

- 1.) The Climate and Economic Justice Screening Tool
- 2.) The Environmental Justice Scorecard
- 3.) Indigenous Peoples and Tribal Nations
- 4.) Climate Planning, Preparedness, Response, Recovery, and Impact
 - a. Adverse health impacts from a changing climate disproportionately affects disadvantaged communities. What are the policies or programs that can address adverse health impacts before, during, and after extreme climate events?
 - b. Tribal communities are disproportionately impacted by the ecosystem collapse caused by climate change that is destroying subsistence hunting, fishing, and growing traditional foods. How can Federal Government policies and programs prevent or address these impacts?
- 5.) What are the core elements of a multi-agency strategy apart from Carbon Capture Utilization and Sequestration (CCUS) that can address potential use of carbon management while protecting communities?

7:00 PM – 7:30 PM

Public Business Meeting

The WHEJAC will use this time to reflect on the meeting proceedings and public comment period, discuss action items, and finalize next steps.

- Richard Moore**, WHEJAC Co-Chair – Los Jardines Institute
- Carletta Tilousi**, WHEJAC Vice Chair – Havasupai Tribe
- Catherine Coleman Flowers**, WHEJAC Vice Chair – Center for Rural Enterprise and Environmental Justice

7:30 PM – 7:45 PM

Closing Remarks & Adjourn

- Richard Moore**, WHEJAC Co-Chair – Los Jardines Institute
- Catherine Coleman Flowers**, WHEJAC Vice Chair – Center for Rural Enterprise and Environmental Justice
- Carletta Tilousi**, WHEJAC Vice Chair – Havasupai Tribe
- Dr. Jalonnie L. White-Newsome**, Senior Director for Environmental Justice – White House Council on Environmental Quality
- Karen L. Martin**, Designated Federal Officer – U.S. EPA

NOTE: Please be advised that agenda times are approximate; when the discussion for one topic is completed, discussions for the next topic will begin. For further information, please contact the Designated Federal Officer for this meeting Karen L. Martin at martin.karenL@epa.gov



WHITE HOUSE ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

**Virtual Public Meeting
September 26, 2023**

REMINDERS

Written comments can be submitted until October 10, 2023, to whejac@epa.gov



Meeting attendees are in listen/view mode only



Attendees who pre-registered for public comment will be given access to speak as time allows

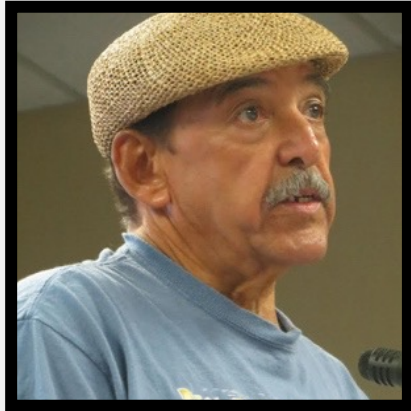


The chat feature will not be available in this virtual meeting



If you do not get a chance to speak during the allotted time, please submit your comments in writing

Introductions and Opening Remarks



Audrie Washington
Designated Federal Officer
U.S. Environmental Protection Agency



Richard Moore, WHEJAC Co-Chair
Los Jardines Institute

Peggy Shepard, WHEJAC Co-Chair
WE ACT for Environmental Justice



Catherine Coleman Flowers, WHEJAC Vice-Chair
Center for Rural Enterprise and Environmental Justice

Carletta Tilousi, WHEJAC Vice-Chair
Havasupai Tribe

WHEJAC MEMBERS FROM THE WEST



Viola Waghiyi

Environmental Health & Justice Program Director
Alaska Community Action on Toxics



Rachel Morello-Frosch, PhD

Professor, University of California, Berkeley



Miya Yoshitani

Senior Strategist
Asian Pacific Environmental Network

Angelo Logan

East Yard Communities for Environmental Justice

WHEJAC MEMBERS FROM THE MIDWEST



Kyle Whyte, PhD

George Willis Pack Professor
Environment and Sustainability
University of Michigan



Kim Havey

Director, Division of Sustainability
City of Minneapolis

WHEJAC MEMBERS FROM THE SOUTHEAST



Harold Mitchell
Founder
ReGenesis



LaTricea Adams
Founder, CEO & President
Black Millennials for Flint



Beverly Wright, PhD
Founder and Executive Director
Deep South Center for Environmental Justice



Tom Cormons
Executive Director
Appalachian Voices

WHEJAC MEMBERS FROM THE SOUTHWEST



Susana Almanza

Director, People Organized in Defense
of Earth and Her Resources

Jade Begay

Climate Justice Campaign Director
NDN Collective



Robert Bullard, PhD

Professor, Department of Urban Planning &
Environmental Policy, Texas Southern University

Juan Parras

Founder and Executive Director
Texas Environmental Justice Advocacy Services

WHEJAC MEMBERS FROM THE NORTHEAST



Maria Belen Power

Associate Executive Director
GreenRoots

Jerome Foster II

Co-Founder & Co-Executive Director
Waic Up

Nicky Sheats, PhD

Director, Center for the Urban Environment
John S. Watson Institute for Urban Policy and
Research, Kean University

Maria López-Núñez

Deputy Director, Organizing and Advocacy
Ironbound Community Corporation

Michele Roberts

Co-Coordinator
Environmental Justice and Health Alliance
for Chemical Policy Reform

WHEJAC MEMBER FROM PUERTO RICO



Ruth Santiago

Attorney,

Comité Dialogo Ambiental and

El Puente Latino Climate Action Network



White House Council on Environmental Quality Opening Remarks and Updates

Tuesday, September 26, 2023

White House Environmental Justice Advisory Council
Virtual Public Meeting



Opening Remarks



Brenda Mallory
Council on Environmental Quality
Chair

Opening Remarks



Dr. Jalonne L. White-Newsome
Council on Environmental Quality
Federal Chief Environmental Justice Officer

Agenda

- **CEQ and White House Updates**
- **WHEJAC's Recommendations and CEQ's Responses**
- **Ongoing Efforts to Advance Environmental Justice Across the Biden-Harris Administration**



CEQ EJ Staff Updates

- **Dr. Rebecca Stanfield McCown:** Deputy Director for Environmental Justice Public Engagement
- **Abby Klinkenberg:** Policy Advisor for Environmental Justice Public Engagement
- **Kameron Kerger:** Deputy Director of Environmental Justice Digital Services Delivery
- **Monisha Shah:** Deputy Director for Justice40 and EJ Innovation
- **Kareem Ihmeidan:** Staff Assistant for Environmental Justice



White House Updates



Inflation Reduction Act One-Year Anniversary



TECHNICAL ASSISTANCE GUIDE



[BUILD.GOV](https://www.build.gov)

Updated Technical Assistance Guide



American Climate Corps



WHEJAC



Section 221. “There is hereby established, within the Environmental Protection Agency, the [WHEJAC], which shall advise the [IAC] and the Chair of [CEQ]. . . . The [WHEJAC] shall be solely advisory.”



WHEJAC Recommendations and Responses

White House Environmental Justice Advisory Council

Final Recommendations:

Justice40

Climate and Economic Justice Screening
Tool

&

Executive Order 12898 Revisions

May 21, 2021

RESPONSE BY THE
WHITE HOUSE COUNCIL ON
ENVIRONMENTAL QUALITY TO
THE WHITE HOUSE
ENVIRONMENTAL JUSTICE
ADVISORY COUNCIL'S
FINAL RECOMMENDATIONS:
JUSTICE40, CLIMATE AND
ECONOMIC JUSTICE SCREENING
TOOL, AND EXECUTIVE ORDER
12898 REVISIONS THAT WERE
SUBMITTED ON MAY 21, 2021

REPORT SUBMITTED TO THE U.S. CONGRESS
PURSUANT TO THE FEDERAL ADVISORY
COMMITTEE ACT
MAY 20, 2022



PHASE ONE SCORECARD RECOMMENDATIONS REPORT

3/8/2022 WHITE HOUSE ENVIRONMENTAL JUSTICE ADVISORY COUNCIL



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

March 8, 2023

OFFICE OF
THE ADMINISTRATOR

The Honorable Kamala D. Harris
President of the Senate
Washington, D. C. 20510

Dear Madam President:

Please find attached the White House Council on Environmental Quality's (CEQ) response to the White House Environmental Justice Advisory Council's (WHEJAC) Phase One Scorecard Recommendations Report (Scorecard Report).

President Biden established the WHEJAC as a Federal Advisory Committee within the Environmental Protection Agency (EPA) in Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (January 27, 2021). Among other things, Executive Order 14008 directs the White House Office of Management and Budget, in coordination with CEQ, the U.S. Digital Service, and other relevant agencies, to publish an annual Environmental Justice Scorecard detailing agency environmental justice performance measures. The Executive Order further directs the White House Environmental Justice Interagency Council (IAC) to develop performance measures to ensure accountability. On March 8, 2022, after multiple deliberations and based upon feedback the WHEJAC received during its public meetings, the WHEJAC presented CEQ and the IAC with the Scorecard Report, which sets forth its recommendations regarding development of the Environmental Justice Scorecard.

Section 6(b) of the Federal Advisory Committee Act (FACA) requires the President or his delegate to report to Congress on the status of Presidential advisory committee recommendations within one year of receiving them. Section 2 of Executive Order 14048, *Continuance or Reestablishment of Certain Federal Advisory Committees and Amendments to Other Executive Orders* (September 30, 2021), directs the EPA Administrator to carry out the functions of the President under the FACA with respect to the WHEJAC. Accordingly, EPA is transmitting CEQ's response to the Scorecard Report.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Timothy Del Monaco".

Timothy Del Monaco
Associate Administrator

www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council



WHEJAC Recommendations and Responses

Final Recommendations on Justice40, CEJST, and EO 12898 Revisions

Submitted on May 21, 2021

Report to Congress, May 2022

Phase One Scorecard Recommendations

Submitted on March 8, 2022

Report to Congress, March 2023

Recommendations on the Justice40 Initiative Phase One Implementation, CEJST, and Air Pollution Emissions Limits for Incinerators

Submitted on August 16 and 17, 2022

Report to Congress, August 2023

Recommendations on NAAQS for PM_{2.5} and Ozone

Submitted on June 27, 2023

www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council



WHEJAC August 2022 Recommendations and Responses

Justice40 Initiative Implementation Phase 1 Recommendations

White House Environmental Justice Advisory Council | 8-17-2022

WHITE HOUSE ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

August 16, 2022

The Honorable Brenda Mallory, Chair
Council on Environmental Quality
Executive Office of the President
Washington, DC 20500

**RE: Recommendations for the Climate and Economic Justice Screening
Tool**

WHITE HOUSE ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

August 16, 2022

The Honorable Brenda Mallory, Chair
Council on Environmental Quality
Executive Office of the President
Washington, DC 20500

RE: Air pollution emissions limits for Incinerators

REPORT TO CONGRESS ON
THE WHITE HOUSE
ENVIRONMENTAL JUSTICE
ADVISORY COUNCIL'S
RECOMMENDATIONS FOR THE
JUSTICE40 INITIATIVE PHASE ONE
IMPLEMENTATION, THE CLIMATE
AND ECONOMIC JUSTICE
SCREENING TOOL, AND AIR
POLLUTION EMISSIONS LIMITS
FOR INCINERATORS, SUBMITTED
ON AUGUST 16, 2022

REPORT SUBMITTED TO THE U.S. CONGRESS
PURSUANT TO THE FEDERAL ADVISORY
COMMITTEE ACT
AUGUST 16, 2023



Example: Report to Congress on August 2022 Recommendations

Justice40 Initiative Phase One Implementation

- Cross-Agency Actions and Examples of Implementation of the Justice40 Initiative
- Cross-Agency Actions and Examples on Storytelling, Mapping, and Community Connections to Advance the Justice40 Initiative

ENVIRONMENTAL JUSTICE SCORECARD

Community

Whole of Government Approach to Federal Coordination of Place-Based Technical Assistance

Justice40 at USDOT

An Initiative to Strengthen Communities Through Equitable Transportation Investments

U.S. Department of Transportation
May 16, 2023

SEP. 12TH - 16TH 2022

JUSTICE WEEK



Example: Report to Congress on August 2022 Recommendations

Climate and Economic Justice Screening Tool

Changes to version 1.0 of the CEJST

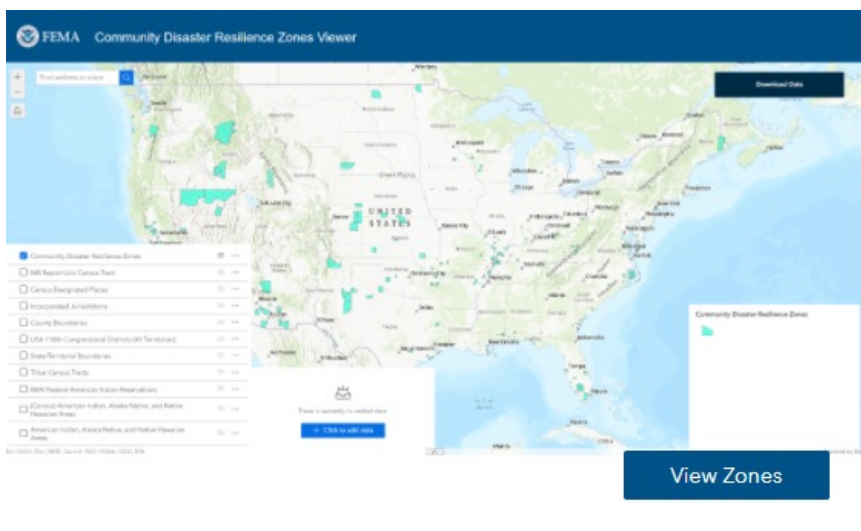
- Display lands of Federally Recognized Tribes
- Nine additional datasets that show burdens (see next slide)
- Inclusion of low-income census tracts completely surrounded by disadvantaged communities
- Imputed missing income data
- Enhancement to handling of higher education
- Additional data for the U.S. Territories
- Display of demographic data for informational purposes
- Improved user interface

New Datasets

- **Projected climate risks** data that shows flooding and wildfire risks
- **Transportation barriers** data using a dataset from the U.S. Department of Transportation's own mapping tool
- **Lack of greenspace** data that helps to identify nature-deprived communities
- **Lack of indoor plumbing** data to identify poor households that lack access to critical infrastructure
- **Redlining data** to identify communities that have faced historic underinvestment
- **Legacy pollution** data that shows communities close to abandoned mines and formerly used defense sites
- **Water pollution** data available through a dataset on underground storage tanks



Ongoing Efforts to Advance Environmental Justice Across the Biden-Harris Administration



FEMA's Community Disaster Resilience Zones



EPA's Greenhouse Gas Reduction Fund

BROADENING PUBLIC ENGAGEMENT IN THE FEDERAL REGULATORY PROCESS

 OMB | INFORMATION AND REGULATORY AFFAIRS

OIRA's Guidance Memorandum



Ongoing CEQ Efforts on Environmental Justice

Historic initiatives (EO 14008)

- The Justice40 Initiative
- The Climate and Economic Justice Screening Tool (CEJST)
- Environmental Justice Scorecard

Councils (EOs 14008 + 14096)

- White House Environmental Justice Interagency Council (IAC)
- White House Environmental Justice Advisory Council (WHEJAC)

Embedding EJ Across the Federal Government

- White House Campaign for Environmental Justice
- Incorporating EJ into policy, programs, and decision-making



Stay in Touch

- ❖ Sign-up for the CEQ Environmental Justice team's monthly newsletter, the EJ Connector, at ej@ceq.eop.gov



QUESTIONS?

Carbon Management Recommendations

Developed by the **Carbon Management Workgroup**

Speakers

Dr. Beverly Wright
Workgroup Co-Chair

Founder & Executive Director
Deep South Center for
Environmental Justice

LaTricea Adams
Workgroup Co-Chair

Founder & CEO
Black Millennials for Flint



TALKING POINTS

1. Preamble & Timeline
2. Recommendation 1
3. Recommendation 2
4. Recommendation 3
5. Recommendation 4
6. Recommendation 5
7. Concluding Remarks
8. Acknowledgements

PREAMBLE & TIMELINE

December 2022

During a public meeting, the WHEJAC received a document with information about a charge from CEQ, in collaboration with DOE and other agencies, to form a workgroup on environmental justice and carbon management. After learning of the initial charge, the WHEJAC unanimously rejected the charge.

March 2023

The WHEJAC proposed the following revised language to the charge:

- *“What criteria should be applied to the evaluation and permitting of carbon management strategies and projects in ways that prevent harm, align with, and advance environmental justice and protection for communities?”*

June 2023

During a public meeting, the WHEJAC voted to approve the revised charge language. After revising the charge language that prioritizes environmental justice and protection from harm, The WHEJAC Carbon Management Working Group worked to draft the first phase of recommendations.

RECOMMENDATION I

Halt the implementation of the following carbon management technologies and associated programs now:

- Carbon Capture and Sequestration (CCS)
- Carbon Capture Utilization and Storage (CCUS)
- Direct Air Capture
- Bioenergy with Carbon Capture and Storage (BECCS)
- Hydrogen co-firing biofuels

RECOMMENDATION I DISCUSSION

- Carbon management programs have serious public health and environmental risks on communities affected by environmental injustice.
- These technologies are not proven as safe and effective alternatives to non-carbon-based energy sources.
- Federal agencies should not count carbon management projects toward Justice40 goals, as it was not designed to represent benefits through programs that increase the burdens of health and environmental risk on communities.

RECOMMENDATION I CASES

DIRECT AIR CAPTURE

- The recently announced direct air capture hubs are an opportunity for the Department of Energy to publicly produce its “Go - No Go” decision tree and to show, in that decision tree, how potential host communities can have the opportunity to halt the advancement of either of these projects.

CCS AND HYDROGEN

- CCS and hydrogen fuel mixing in the EPA power sector rules requires state implementation plans that give states leeway in the approaches that will achieve the required carbon emissions reductions goals for covered power plants.

STATE LEVEL REGULATORY IMPACTS

- States, either through their existing regulatory review processes or through additional protective laws such as cumulative impacts laws, can halt projects and withhold support or legally challenge projects that threaten public health, environmental and social wellbeing.

RECOMMENDATION 2

WHEJAC recommends as a starting point draft language on the landscape of the relationships among different technologies that are being referred to as carbon management.

- The term “carbon management” is an umbrella term that can blur and include diverse technologies, carbon reduction strategies or low/non-carbon fuels (i.e., CCS, CCUS, BECCS, biochar, hydrogen fuels, direct air capture, blue carbon, RNG etc.) for climate mitigation.
- These terms can be obscure to the public and communities affected by environmental injustice important information.

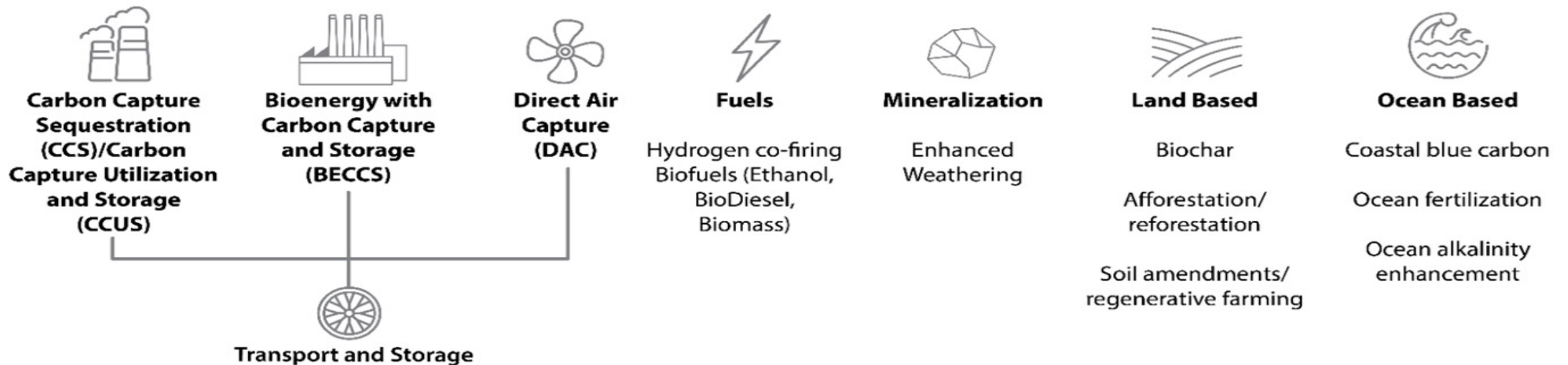
RECOMMENDATION 2 DISCUSSION

The government needs to explicitly identify individual technologies when engaging with Federal and state agencies, local bodies, and the public.

Carbon Management and Carbon Dioxide Removal

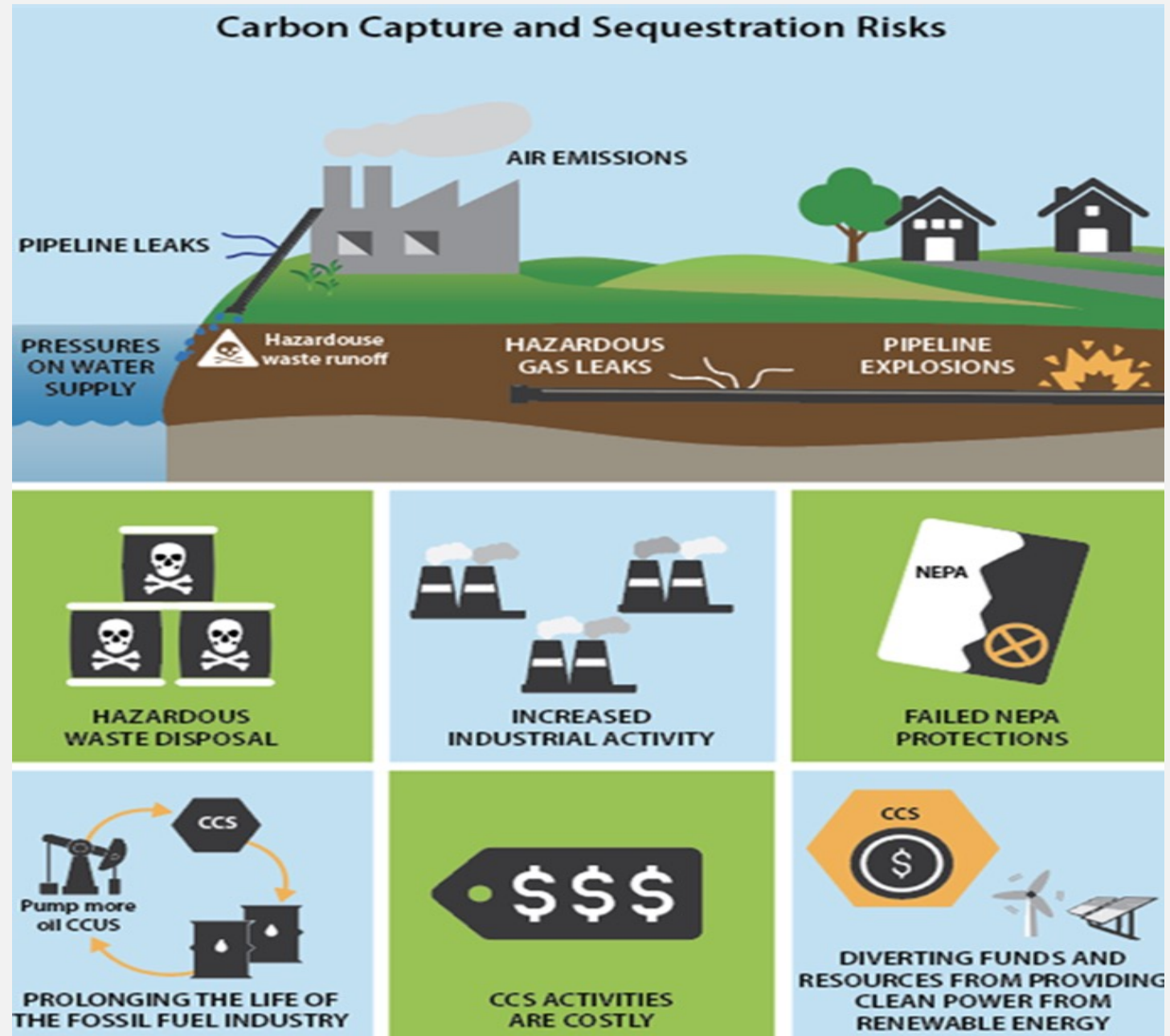
INDUSTRIAL/TECHNICAL/ENGINEERED

BIOLOGICAL/GEOLOGICAL



RECOMMENDATION 2 DISCUSSION

Unclear or unspecified terminology and definitions in carbon management obscure the unique risks associated with each of the different technologies and approaches and the accountability for assessing the respective impacts.



RECOMMENDATION 2 DISCUSSION

Concerns about carbon management strategies are important to consider in relation to environmental justice precisely because EJ communities are often disproportionately impacted by existing fossil fuel infrastructure and proposed or future carbon management practices that coincide with these infrastructures

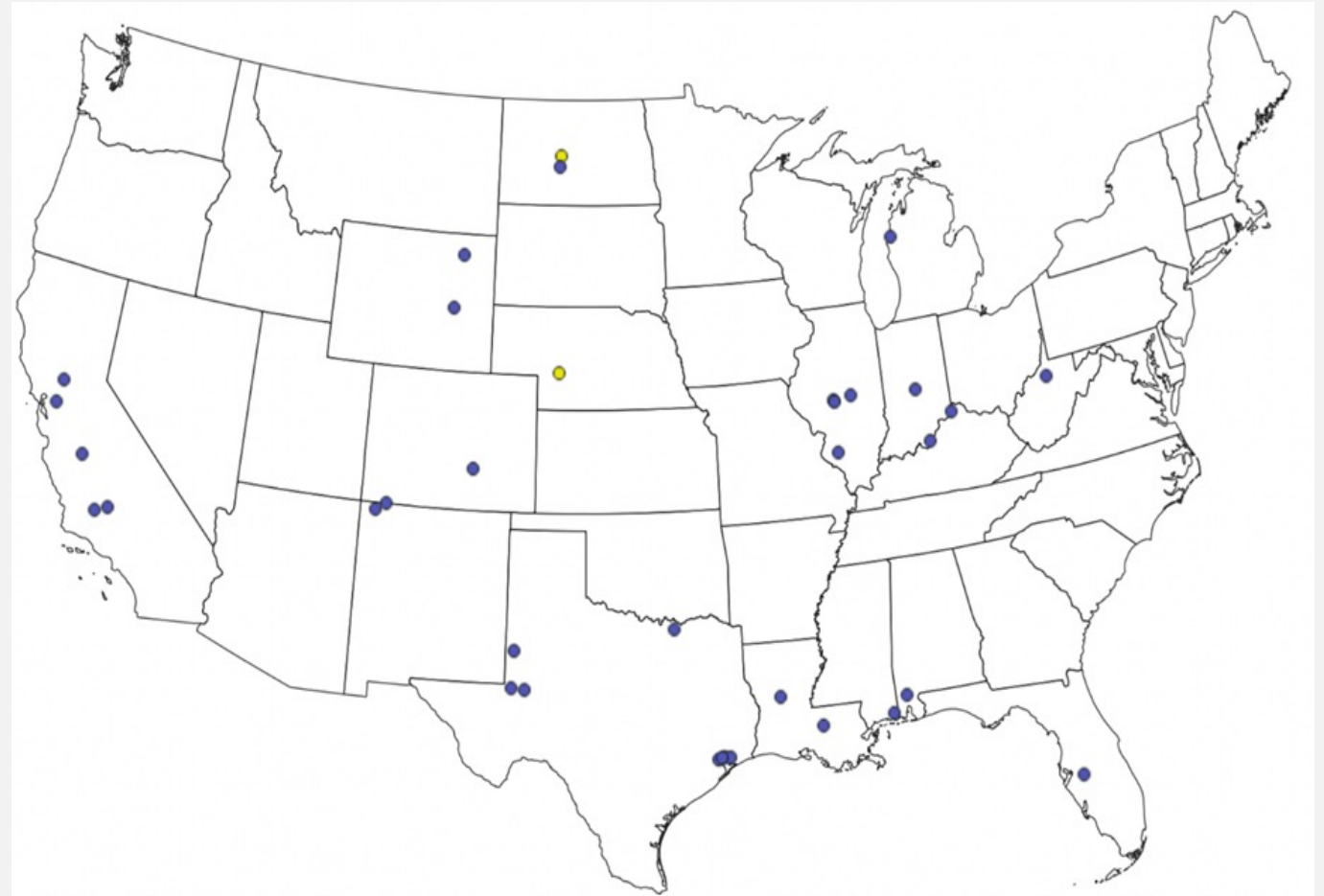


Figure 3. Proximity Between Planned CCS Projects in the US Power Generation Sector and EJ Communities

- Blue circle - Project located within 3 miles of an EJ community
- Yellow circle - not located within 3 miles of an EJ community

RECOMMENDATION 2 CASES

- DOE's Office of Carbon Management under the Office of Fossil Energy and Carbon Management website includes several carbon management programs that treat different aspects of industrial carbon removal or carbon management separately.
- The infographics and factsheets related to industrial carbon removal and carbon management approaches provided by the Department of Energy's, Office of Fossil Energy and Carbon Management, are insufficient to relay to the public the full extent of the risks and impacts to local communities.
- In many instances, low carbon fuels (i.e., RNG, biofuels, etc.) or hydrogen fuels are not clearly described or delineated under the various definitions in use as carbon management or carbon removal.

RECOMMENDATION 2

AGENCY SPECIFIC RECOMMENDATIONS AND REQUESTED RESPONSES

1. **DOE** must provide an enhanced level of transparency and clarity about each carbon management technology, fuel, or strategy.
2. **The Office of Fossil Energy and Carbon Management** should not omit reference to fossil energy in any of their resources or summary of carbon management strategies.
3. **Federal agencies** should create and coordinate a comprehensive map and listing of all proposed, planned, in-process and completed carbon management projects (i.e., CCS, CCUS, pipelines, hydrogen hubs, etc.) and the associated socio-demographic, environmental justice and disadvantaged indicators of host and adjacent communities.
4. **Federal agencies, including DOE**, must coordinate and clarify across all their respective programs that they consider carbon management strategies, and their environmental justice implications.

RECOMMENDATION 3

The WHEJAC recommends that the relevant federal agencies, including DOE and EPA, undertake a systematic review of the scientific evidence, of all the carbon management and hydrogen strategies under the purview of DOE's carbon management programs.

- The federal government should focus on and prioritize technologies that immediately reduce dependency on fossil fuel sources of energy and immediately stop environmental injustices.

RECOMMENDATION 3 DISCUSSION

WHEJAC finds insufficient scientific evidence regarding the effectiveness of multiple carbon management technologies as climate mitigation strategies.

RECOMMENDATION 3

CASES

Air Products and Chemicals proposed carbon capture and sequestration project in Ascension Parish, Louisiana

- This case demonstrates a lack of sufficient evidence of public health and safety studies, of cumulative impacts studies, as well as a lack of protective regulatory
- The residents of the Parish impacted by this proposal have raised concerns about the dangers of seismic activity, adverse impacts of planned detonation of dynamite under Lake Maurepas, groundwater contamination, air pollution, chemical spills, pipeline explosions and other dangers
- The project is in the proposal and pre-permitting phase, but many of these questions have not been answered.

Petra Nova carbon capture and sequestration facility at a coal fired power plant in Texas

- Predicted levels were 90% but estimates of real capture rates are at about 55-58%; data needed to verify Petra Nova's claim of a 90% capture rate at any point has not been made public
- The technology does not capture co-pollutant air pollution emission streams from the site
- The upstream coal mining emissions of methane are not considered in the accounting of carbon capture for PN projects as well as other CCUS project.

RECOMMENDATION 3

AGENCY SPECIFIC RECOMMENDATIONS AND REQUESTED RESPONSES

- 1. Department of Energy**, and in particular the **Office of Fossil Energy and Carbon Management** as well as the **Office of Clean Energy Demonstration** which oversee CCS/CCUS demonstration and pilot projects, Direct Air Capture and Hydrogen Hubs. **DOE's National Energy Technology Laboratory** should also receive and implement recommendations contained herein.
- 2. The National Technology Science Committee, EJ subcommittee** that is managed by **OSTP** and **CEQ (EO 14096)** could be tasked with overseeing independent reviews and directing the development of research that fills the gaps associated with the risks to environmental justice communities stemming from carbon management strategies.
- 3. US EPA's Office of Air and Radiation, Office of Environmental Justice and External Civil Rights, Office of Research and Development**, and any other relevant programs with oversight of permitting, regulation, compliance and enforcement related to carbon management projects.
- 4. Department of Transportation, Pipeline and Hazardous Materials Safety Administration**
- 5. Department of the Interior, US Department of Agriculture**

RECOMMENDATION 4

WHEJAC recommends that communication about carbon management honestly reflects that status of known and unknown information about environmental risks and harms, public health implications, energy savings, and reduction of carbon emissions and use.

- Some federal communication about carbon management has expressed with confidence that carbon management technologies are safe for communities, effective in lowering emissions and carbon use, and absolutely necessary, as part of a portfolio of climate mitigation measures that advance environmental justice.

RECOMMENDATION 4 DISCUSSION

Communications to the public about carbon management technologies should align with the available evidence and cover the relevant information that communities and the public need to know to be informed.

RECOMMENDATION 5

Consent and Engagement of Communities Must be Put in Practice

- The WHEJAC recommends that any initiative that would provide answers to these questions would have to be guided by principles of meaningful engagement; free, prior and informed consent; and precaution. Municipal or government to government engagement should not be a substitution for community engagement.
- The WHEJAC recommends that any initiative would have to be guided by principles of meaningful engagement; free, prior and informed consent, and precaution.

RECOMMENDATION 5 DISCUSSION

- WHEJAC's preliminary review suggests that Black, Brown, and Indigenous communities and communities with lower average incomes will be overwhelmingly subjected to hosting carbon management.
- Prior to any future recommendations on community benefits agreements, potential host communities should receive accurate information about key questions pertaining to whether studies exist about public health and environmental risks, cumulative impacts and co-pollutants, whether the technological intervention requires further fossil-fuel based energy and infrastructure, and whether new pipelines and other transportation infrastructure will need to be built.
- There is little publicly accessible information about the broad category labeled carbon management which is available to communities that may be approached to host technologies.
- Multiple institutions must be involved in ensuring that communities are adequately informed and educated concerning carbon management, and that there is meaningful public and community participation regarding any carbon management project. These tasks should not be left to government alone but should also involve organizations that have a proven history of working with communities.

RECOMMENDATION 5 CASE

Denbury Gulf Coast Pipeline, LLC

- On February 22, 2020, Denbury's Delhi Pipeline ruptured, releasing liquid. The site of the rupture was approximately one mile from **Satartia, Mississippi**.
- Partial results of the ruptured pipeline were as follows:
 - 45 people needed immediate hospitalization and treatment
 - 200 Satartia residents were evacuated by Yazoo County Office of Emergency Management.
- Modeling performed by the company had not included the topographical nature of this area which led to the CO₂ not dissipating as predicated resulting in the impact on residents.

CONCLUDING REMARKS

- Potentially impacted communities are not well informed enough (or at all) regarding carbon technologies.
- There is not a clear answer provided by DOE if a community says no to a project, if the project will indeed move forward.
 - The Community Benefits Plan does not efficiently address this concern

- There is not enough research to determine the highly nuanced public health and environmental risks associated with carbon management technologies.
- There is an absence of data and scientific research regarding the efficacy of the carbon technologies to reduce CO₂ emissions.
- These technologies create long-term dependency on the fossil fuel industry and does not truly align with the administration's climate goals.

ACKNOWLEDGMENTS

The **White House Environmental Justice Advisory Council** acknowledges the efforts of the **Carbon Management Workgroup** in preparing this report

Workgroup Members

- ❖ Dr. Kyle Whyte (Co-Chair)
- ❖ Dr. Beverly Wright (Co-Chair)
- ❖ LaTricea Adams (Co-Chair)
- ❖ Angelo Logan
- ❖ Catherine Coleman Flowers
- ❖ Jerome Foster II
- ❖ Juan Parras
- ❖ Dr. Nicky Sheats
- ❖ Dr. Rachel Morello-Frosch
- ❖ Maria Lopez-Nunez
- ❖ Peggy Shepard
- ❖ Dr. Ana Batista
Tishman Environment & Design Center
(External member)

ACKNOWLEDGMENTS

- The WHEJAC acknowledges the stakeholders and community members who participated in the workgroup's deliberation by providing public comments.
- The Workgroup's efforts were supported by the Industrial Economics, Inc. and U.S. Environmental Protection Agency, Office of Environmental Justice and External Civil Rights

REFERENCES

- Jones, A. C., & Lawson, A. J. (2022). Carbon capture and sequestration (CCS) in the United States. Congressional Research Service. <https://sgp.fas.org/crs/misc/R44902.pdf>
- Lorando, M. and Thibodeaux, R. (October 14, 2021). *Air Products Announces \$4.5 Billion Blue Hydrogen Clean Energy Complex*. Louisiana Economic Development. [https://www.opportunitylouisiana.gov/led-news/news-releases/news/2021/10/14/air-products-announces-\\$4.5-billion-blue-hydrogen-clean-energy-complex](https://www.opportunitylouisiana.gov/led-news/news-releases/news/2021/10/14/air-products-announces-$4.5-billion-blue-hydrogen-clean-energy-complex).
- Mosbrucker, K. (October 14, 2021). *\$4.5 billion facility in Ascension Parish to be Louisiana's first carbon capture project*. The Advocate. https://www.theadvocate.com/baton_rouge/news/business/4-5-billion-facility-in-ascension-parish-to-be-louisianas-first-carbon-capture-project/article_711aa81e-2d0b-11ec-b4db-ff8a4e7c6569.html.
- National Academy of Sciences. (2001). National Research Council (US) Chemical Sciences Roundtable. *Carbon Management: Implications for R&D in the Chemical Sciences and Technology: A Workshop Report to the Chemical Sciences Roundtable*. Washington (DC): National Academies Press (US); 2001. 8, Industrial Carbon Management: An Overview. <https://www.ncbi.nlm.nih.gov/books/NBK44136/>
- National Research Council (US) Chemical Sciences Roundtable. (2001). *Carbon Management: Implications for R&D in the Chemical Sciences and Technology: A Workshop Report to the Chemical Sciences Roundtable*. Washington (DC): National Academies Press (US); 2001. 8, Industrial Carbon Management: An Overview. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK44136/>
- Runci, P. J., & Dooley, J. J. (2004). Research and Development Trends for Energy. *Encyclopedia of Energy*, 443–449. <https://doi.org/10.1016/B0-12-176480-X/00477-0>
- Sekera, J., & Lichtenberger, A. (2020). Assessing Carbon Capture: Public Policy, Science, and Societal Need. *Biophysical Economics and Sustainability*, 5(3), 14. <https://doi.org/10.1007/s41247-020-00080-5>
- Office of Fossil Energy and Carbon Management. (2023). Carbon Dioxide Removal. U.S. Department of Energy. <https://www.energy.gov/fecm/carbon-dioxide-removal>

QUESTIONS?

PRESENTATION OF NEW CHARGE

INDIGENOUS PEOPLES AND TRIBAL NATIONS

Dr. Jalonne White-Newsome

Federal Chief Environmental Justice Officer

White House Council on Environmental Quality



**CHARGE
QUESTION**

Indigenous Peoples and Tribal Nations

How can federal government policies and programs better prevent or address the impacts on tribal communities?

BREAK

15:00

Start Stop Reset mins: 15
 secs: 0
 type: None

 Breaktime for PowerPoint by Flow Simulation Ltd.

Pin controls when stopped

PUBLIC COMMENT PERIOD

- Attendees who pre-registered for public comment will be given access to speak as time allows.
- Each commenter has three minutes to speak.
- **For the benefit of interpreters, please speak *clearly* and *slowly*.**
- If you do not get a chance to speak during the allotted time, please submit your comments in writing.
- Comments will help the WHEJAC form better recommendations to CEQ/IAC.



**WRITTEN COMMENTS CAN BE SUBMITTED
THROUGH OCTOBER 10, 2023
IN THREE WAYS:**

1

Use the webform at:

www.epa.gov/environmentaljustice/forms/white-house-environmental-justice-advisory-council-whejac-public-comment

2

Search Docket ID Number "EPA-HQ-OEJECR-2023-0099"
and Submit comment at: <http://www.regulations.gov>

3

Send in an email to: whejac@epa.gov

BREAK

10:00

Start

Stop

Reset

mins: 10

secs: 0

type: None



Breaktime for PowerPoint by Flow Simulation Ltd.

Pin controls when stopped

BUSINESS MEETING

**CLOSING REMARKS
& ADJOURN**

Verbal & Written Comments

White House
Environmental Justice
Advisory Council
Public Meeting

September 26, 2023
Virtual

NORTHEAST

Maine, Massachusetts, Rhode Island, Connecticut, New Hampshire,
Vermont, New Jersey, New York, Puerto Rico, and U.S Virgin Islands

Full Name: Charlie Quimby
Name of Organization or Community: Individual
City and State: Dover Plains, NY
Region: Northeast
Topic: Environmental Justice Scorecard
Brief description:

To whom it may concern;

I have some comments as someone who has boots on the ground in Dover, NY (Dover Plains and Wingdale), a EJ and Disadvantaged Community as recognized by NYS Dept. of Environmental Conservation, but not Justice40.

While I commend the work being done by Justice40/WHEJAC, and I am so happy that initiatives are being taken in Washington. It just feels like these high %tile thresholds and the "if, and" way of ranking communities does not address the problem, and does not help communities like ours (that are already considered EJ by other sources, but not by Justice40 - and this may undermine existing protections and policies).

Additionally, I understand these policies require "reinvestment" in these communities, but that will lead to additional burdens in our communities with new infrastructure and projects claiming to be green.

Thank you,
Charlie Quimby

Elizabeth Bechard
Moms Clean Air Force

To the members of the White House Environmental Justice Advisory Committee,

These comments are being submitted on behalf of Moms Clean Air Force and EcoMadres, our Latino engagement program, in response to WHEJAC's invitation for public comment on current WHEJAC initiatives. Specifically, our comments relate to the [Climate & Economic Justice Screening Tool](#) and the [EJ Scorecard](#).

[Climate & Economic Justice Screening Tool](#)

We appreciate the broad functionality of this tool. We recommend adding the following indicators:

- **Information about pregnancy and birth outcomes:** Research indicates that climate change increasingly threatens pregnancy birth outcomes, with extreme heat and air pollution contributing to premature birth, low birth weight, and even stillbirth. Adverse birth outcomes are particularly prevalent in communities of color, with Black and Latina mothers often most impacted. Information about birth outcomes within a census tract could help identify communities where additional resources are needed to support prenatal and perinatal wellness for pregnant people and their babies.
- **Language spoken at home:** Latino and immigrant communities are often on the front lines of the climate crisis. When extreme weather hits, it is critical that important emergency information be accessible in the languages that individuals and families most easily understand. Information about languages spoken at home may help public health officials identify communities with particular need for emergency materials and other important forms of climate communication that are available in languages other than English.
- **Access to mental health care:** In addition to its impact on physical health, climate change increasingly threatens mental health as well, and many communities lack adequate mental health care infrastructure. Having readily-accessible information about communities' level of access to mental health care (e.g., number of licensed mental health care professionals in a given census tract) may help public health officials identify communities that would particularly benefit from initiatives designed to build mental and emotional resilience, such as funding for community resilience programs, like those described in the [Community Mental Wellness and Resilience Act](#).

[EJ Scorecard](#)

We offer the following comments about the [EJ Scorecard](#):

The Justice40 initiative is critical to ensuring that federal investments reach the communities most vulnerable to climate change and other environmental threats. Moms Clean Air Force and

EcoMadres propose that EPA develop a scorecard related to environmental justice and children's health that ensures that important federal investments are directed to the children who need it most. This could be folded into the existing EJ Scorecard or into a separate initiative, and could include indicators like the amount of funding directed to initiatives that support the specific needs of children from overburdened and marginalized communities.

Thank you for the opportunity to comment on these WHEJAC initiatives. For questions regarding these comments, please contact Elizabeth Bechard, Senior Policy Analyst, at ebechard@momscleanairforce.org.

Respectfully,

Elizabeth Bechard on behalf of Moms Clean Air Force and EcoMadres

Full Name: Patty Buchanan

Name of Organization or Community:

City and State: Croton on Hudson, NY

Region: Northeast

Topic: Ways that the WHEJAC could recommend advancing environmental justice through a whole-government approach.

Brief description:

Brief description about your recommendation relevant to your selection above:

Please recognize children's fundamental rights to a safe climate, especially rights of youth living within environmental justice communities and tell the U.S. DOJ to end its opposition to Juliana v U.S. case proceeding to trial.

MID-ATLANTIC

Virginia, West Virginia, Pennsylvania, Maryland, Delaware, and DC

Full Name: William Nichols

Name of Organization or Community: EPA

City and State: Washington, DC

Region: Mid-Atlantic

Topic: Ways in which the Federal government can address community impacts on, and concerns of Indigenous Peoples and Tribal Nations.

Brief description:

In regards to the new Tribal charge from CEQ presented at the 9/26 WHEJAC.

Using the word subsistence to refer to indigenous peoples' hunting and gathering practices refers to a bare minimum amount. While EPA traditionally helps to protect the land and waters used for subsistence lifeways the word does not encompass the broader purpose of those lands to provide not only nutrition but also mental and lifeways health. The lands we help protect or cleanup such as brownfields and NPL sites along with traditional (tribal) ecological knowledge preserve not only fish game and plants but a greater than the sum of its parts ecosystem.

"subsistence" vs "sustenance"

We need to use the word sustenance instead of subsistence.

Here's why...

The terms "subsistence" and "sustenance" are similar in meaning and are often used interchangeably, but they have slightly different connotations. "Subsistence" typically refers to the minimum level of food, clothing, and shelter that is necessary for survival. It implies a bare-bones, minimal lifestyle. For example, a subsistence farmer might grow just enough food to feed their family, with little or no surplus to sell or trade.

"Sustenance" refers to the means of maintaining life and health, and includes not only food, clothing, and shelter, but also things like medical care and education. It implies a more holistic approach to well-being.

For example, a person might say that "sustenance" includes not only food, but also exercise and a supportive community. In short, "subsistence" implies a focus on bare necessities for survival, while "sustenance" implies a focus on overall well-being and maintaining life over time.

With coordination and tribal "approval" we should change the vocabulary to use sustenance going forward.

This was presented at the Tribal Lands and Environment Forum in August. EPA should verbalize a more high level thinking to reflect on/describe the benefits tribes receive from our protective partnerships with tribes to be more holistic and sustaining.

Alexandra Fosbury
Individual

Good afternoon,

I apologize for the late submission, but thought I would submit nonetheless!

I have seen that the EPA has done some research regarding locations of major power plants across the United States. Namely, that these power plants have been built in or around low-income neighborhoods and has resulted in increased health risks for low-income communities of color. With this new research, how does the EPA plan to address these findings with other organizations and what solution is available besides moving residents from their communities?

Thank you!

All my best,
Alexandra Fosbury (she/her/hers)

Jade Woods
Center for International Environmental Law
October 10, 2023

Comment to the White House Environmental Justice Advisory Council

Carbon management is a subject that should be at the forefront of environmental justice deliberations. I thank the WHEJAC for the opportunity to submit comments, and I write with two main requests for consideration.

My first request is that I ask that the WHEJAC consider carbon dioxide injection as a serious environmental justice concern. Carbon dioxide waste injection — indeed any type of underground injection— introduces many risks, many known and some unknown, to the surrounding communities. The known risks include: subsidence and shifting of underground rock layers, increased or even induced seismicity, and migration/escape of emissions through nearby wells, which could interfere with a community’s water supply or stability. These risks are not merely hypothetical. In 2012 after the failure of an injection well, the community of Bayou Corne, Louisiana was forced to make the gut-wrenching choice of whether to live near a rapidly-growing sinkhole or abandon their homes.¹ Over 300 residents were affected, and most community members were displaced from their homes and never able to return. The population of the town today hovers around a few dozen.

Also in Louisiana just this past month, a state of emergency was declared due to concerns over another potential injection well failure, this time in southwest Louisiana². Louisiana is just the state that I know best, but these incidents are two among many. If state regulatory agencies cannot manage the injection programs they currently have authority over they should not be trusted with additional responsibilities to manage the injection of a toxic, corrosive waste product like carbon dioxide

Carbon waste injection is an environmental Justice issue, as poor communities and communities of color will be forced to carry the full burden of these risks, and will even have to relocate if and when injection wells fail - likely with limited help from the government or responsible companies.

My second request is that the WHEJAC reconsider Direct Air Capture (DAC), specifically Project Cypress, as a Justice40 initiative. I appreciate the recommendation made by the WHEJAC’s carbon management working group during the September 26 public meeting that CCS and CCUS not be considered as part of Justice40, but I suggest that DAC should be included in that consideration also. In August 2023, the Department of Energy announced that \$600 million would be allocated to establish a DAC project called “Project Cypress” in southwest Louisiana as part of President Biden’s Justice40 initiative.³ The Justice40 priority benefits that Project Cypress has been categorized under are:

- “Decrease energy costs and burdens.”
- “Decrease environmental exposure and burdens.”

¹ <https://placesjournal.org/article/when-the-ground-gives-way-bayou-corne-sinkhole/?cn-reloaded=1>

² https://www.nola.com/news/business/stability-issues-prompt-emergency-for-louisiana-salt-cavern/article_2f09f06a-5806-11ee-9df9-674cdbd1fc16.html

³ <https://www.energy.gov/articles/biden-harris-administration-announces-12-billion-nations-first-direct-air-capture>

⁴I struggle to see how these benefits are applicable, as DAC projects are not directly linked to clean energy, contribute to increased exposure to toxic air emissions, and will likely cause a significant increase in local utility bills due to the energy penalty of the project

I urge WHEJAC to consider that DAC and CCS projects, and carbon injection wells, are not in the best interest of EJ communities and that these projects present additional risks and burdens, not benefits.



October 10, 2023

Audrie Washington
White House Environmental Justice Advisory Council (WHEJAC) Designated Federal Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

Re: Docket ID No. EPA-HQ-OEJECR-2023-0099 WHEJAC; Notification of Virtual Public Meeting September 26, 2023

Submitted electronically

Dear White House Environmental Justice Advisory Council:

The Association of Metropolitan Water Agencies (AMWA) is pleased to have the opportunity to provide comments to the White House Environmental Justice Advisory Council (WHEJAC). AMWA is an organization of the largest publicly owned drinking water systems in the United States. Members serve over 100,000 customers and collectively provide clean drinking water to over 160 million people. As large public water agencies, AMWA utilities are focused on ensuring the long-term sustainability of their utilities by serving their diverse customer bases with clean, affordable drinking water.

AMWA was grateful for the opportunity to deliver oral comments at the September 26, 2023, virtual public meeting of the WHEJAC and is happy to expand upon those comments. The Association supports federal agencies' continuing emphasis on establishing environmental justice (EJ) priorities based on science and data and is pleased to provide the following feedback related to the WHEJAC's charge regarding both carbon management and ways that the WHEJAC could recommend advancing environmental justice through a whole-of-government approach.

Carbon Management

AMWA understands the importance of the administration's mission of reducing greenhouse gas emissions to mitigate climate change and its disastrous impacts both globally and in towns and cities across the nation. AMWA appreciates the steps EPA and other federal agencies have taken in pursuit of this mission, including through implementation of Bipartisan Infrastructure Law and

BOARD OF DIRECTORS

PRESIDENT

John Entsminger
Las Vegas Valley Water Dist.

Mike Armstrong
WaterOne

Calvin Farr
Prince William County
Service Authority

Holly Rosenthal
Phoenix Water Services
Department

VICE PRESIDENT

Yvonne Forrest
Houston Water

Tad Bohannon
Central Arkansas Water

Randy E. Hayman
Philadelphia Water Department

John P. Sullivan, Jr.
Boston Water and Sewer
Commission

TREASURER

Jeffrey Szabo
Suffolk County Water Authority

Edward Campbell
Portland Water Bureau

Ghassan Korban
Sewerage and Water Board of
New Orleans

Todd Swingle
Toho Water

SECRETARY

James S. Lochhead
Denver Water

Shane Chapman
Metropolitan Water District of
Southern California

Yann Le Gouellec
Newport News Waterworks

Timothy Thomure
Tucson Water

**CHIEF EXECUTIVE
OFFICER**

Tom Dobbins

Scott Dewhirst
Tacoma Water

Lindsey Rechin
Northern Kentucky Water
District

Andrea Cheng
Chicago Department of Water
Management

Angela Licata
New York City Department of
Environmental Protection

Paul Vojtek
Erie Water Works

Inflation Reduction Act programs related to clean energy development, energy efficiency, and more.

AMWA has concerns about one development in the federal government's approach to carbon management: the increase in both permit applications and states applying for primacy to oversee Class VI wells permitting (UIC) programs. Class VI wells are used to inject carbon dioxide into geologic formations thousands of feet underground, and EPA Office of Water (OW) grants permits or state primacy for these wells under SDWA's Underground Injection Control program.¹ While carbon capture, utilization, and sequestration (CCUS), including permanent geologic sequestration utilizing Class VI wells will likely serve as one of many tools to reduce emissions in the decades to come, AMWA has specific concerns about the potential impacts to drinking water associated with the anticipated expansion of permitting Class VI underground injection control wells in states across the country.

While Class VI well injections occur thousands of feet below the surface and below underground water sources, activities at the surface to build and maintain these wells, as well as improper sealing of an injection well, can threaten drinking water sources. If leaks occur in these wells due to improper siting, permitting, maintenance, monitoring, or other circumstances, carbonic acid can leach metals out of subsurface rock formations and potentially contaminate groundwater with arsenic, lead, copper, mercury, cadmium, and others at levels above EPA's maximum contaminant levels (MCLs).² These metals can gravely alter groundwater chemistry, introducing contaminants that can cause significant health risks, forcing public water utilities to spend millions or billions of dollars to remediate contamination and find alternative sources of water.

To ensure the protection of underground sources of drinking water, federal agencies should ensure that the most extensive possible requirements for monitoring, advanced warning mechanisms, and iterative stakeholder feedback are included in permit applications and applications for state primacy. Robust community and stakeholder engagement is paramount in ensuring that communities are both aware of the potential risks associated with carbon capture and sequestration projects and also are able to provide feedback. Specifically, EPA should ensure that state applications for primacy should include mechanisms to establish relationships with and solicit feedback from water utilities and the communities they serve throughout the lifecycle of all Class VI well projects. **As the federal government continues to explore carbon management possibilities, all federal agencies, including EPA, must ensure that protection of drinking water resources is a top priority in proposed Class VI well permits, as well as in all future Class VI well primacy decisions for states.**

¹EPA. (October 2, 2023). Class VI Wells. <https://www.epa.gov/uic/class-vi-wells-used-geologic-sequestration-carbon-dioxide>

² Little, M. G., & Jackson, R. B. (2010). Potential impacts of leakage from deep CO₂ geosequestration on overlying freshwater aquifers. *Environmental science & technology*, 44(23), 9225–9232. <https://doi.org/10.1021/es102235w>

Ways the WHEJAC could recommend advancing environmental justice through a whole-of-government approach: maintaining funding for a low-income household water assistance program and urging the establishment of a long-term program.

WHEJAC, EPA, and other federal entities must consider concerns about water affordability in the United States and how these disproportionately affect low-income households. Despite the much appreciated \$50 billion of federal investment in the water sector from recent legislation, American water infrastructure still requires billions more to maintain adequate infrastructure, prepare for climate change resilience, and protect public health. EPA's 7th Drinking Water Infrastructure Needs Survey and Assessment report to Congress estimated that drinking water systems alone will need \$625 billion to replace pipes, upgrade treatment plants, improve storage tanks, and enhance other critical assets to ensure the public health, safety, and economic well-being of communities.³ These costs will ultimately be passed on to all ratepayers but will be felt most severely by those at the lower end of the income scale.

The impact of rising rates on the most economically vulnerable is why AMWA strongly supports the creation of a permanent, federal water assistance program to benefit low-income households and urges WHEJAC to consider this as a whole-of-government approach to advancing environmental justice. In April, AMWA was one of five water sector organizations to release a landmark report⁴ on policy options to consider when developing a federal low-income water customer assistance program. This report included a first-of-its-kind needs assessment that found that as many as 21.3 million household nationwide may have trouble paying their water and wastewater bills. To fully meet the needs of these water-burdened households, up to \$7.9 billion in water bill assistance would need to be provided, every year. In light of these affordability concerns, AMWA has the following three recommendations regarding ways WHEJAC can recommend a whole-of-government approach to advancing environmental justice.

1. AMWA urges WHEJAC to recommend that the temporary Low Income Household Water Assistance Program (LIHWAP)⁵ provided through Health and Human Services (HHS) continues to be funded in Fiscal Year 2024. This is unlikely to happen based on proposed appropriations bills in Congress, so we ask WHEJAC to urge the Office of Management and Budget to include LIHWAP funds in their supplemental budget request.

Congress established LIHWAP as a temporary program, and without further action, the program expired at the end of FY23. Notwithstanding, LIHWAP has proven to be a valuable resource over

³ EPA. (September 2023). Drinking Water Infrastructure Needs Survey and Assessment 7th Report to Congress. https://www.epa.gov/system/files/documents/2023-09/Seventh%20DWINSA_September2023_Final.pdf

⁴ Low-Income Water Customer Assistance Program Assessment. (April 20, 2023).

<https://www.amwa.net/publication/low-income-water-customer-assistance-program-assessment>

⁵ Low Income Household Water Assistance Program (LIHWAP). (September 2, 2022.) Department of Health and Human Services (HHS): Office of Community Services (OCS). <https://www.acf.hhs.gov/ocs/programs/lihwap>

the past two years. Since its inception in 2021, the program has aided over 1 million households.⁶ In the interim, as Congress debates a path forward, AMWA supports providing LIHWAP with an additional \$1 billion, so the program can remain operational through the 2024 fiscal year.

Extending LIHWAP will maintain essential assistance for at-risk households and ensure that drinking water providers continue to receive financial support for their critical functions. Extending the program will also provide Congress with additional data about its potential as a model for a permanent low-income water assistance program and offer an opportunity to refine the program to ensure the federal government, states, and local water systems develop best practices for delivering aid to eligible households in a timely and efficient manner.

2. AMWA urges WHEJAC to support the establishment of a permanent LIHWAP program that is separate and independent from the Low-Income Household Energy Assistance Program (LIHEAP).

Continued funding for the HHS LIHWAP program in the interim can serve as a model for any permanent low-income water ratepayer assistance. HHS has provided over one million low-income customers with water assistance to date, demonstrating the agency's ability to quickly stand up and operate a program. AMWA recognizes that a number of states were very successful at quickly standing up LIHWAP, promoting the program to eligible households, and working with water systems to apply the funds to the correct accounts. Just as we believe that LIHWAP's implementation challenges could be managed and overcome if the program is given a chance to mature, we also believe that states and communities can learn from the program's successes and duplicate those best practices across the country if a new permanent program is established in another agency.

Alternatively, EPA has been authorized to run a pilot assistance program, but the agency can only do so after implementing a water affordability needs assessment. The Drinking Water and Wastewater Infrastructure Act (DWWIA) of 2021 established the Rural and Low-Income Water Assistance Pilot Program at EPA. The program authorizes the agency to award up to 40 grants to support municipally operated water and wastewater affordability programs across the country through direct aid to eligible households, lifeline rates, bill discounts, and other hardship provisions. DWWIA requires EPA to conduct a needs assessment on the prevalence of local governments with water service providers that serve a disproportionate number of households with qualifying need and providers that have taken on high levels of debt due to customer nonpayment before the pilot program can be developed. EPA is in the process of conducting this assessment, so we urge the WHEJAC to support EPA in completing this task as soon as possible.

⁶ HHS OCS. (August 25, 2023). LIHWAP DCL-2023-20 WWW 1 Million Served Dashboard FY2023. <https://www.acf.hhs.gov/ocs/policy-guidance/lihwap-dcl-2023-20-www-1-million-served-dashboard-fy2023>.

3. Until a permanent program is established, WHEJAC should urge the President to request funding in his FY25 budget for LIHWAP that is separate and independent from LIHEAP. Separate funding streams will ensure that households receive necessary funding for various critical services. AMWA supports the establishment of a permanent federal program to help low-income households maintain drinking water and wastewater service, and we believe there are two promising paths forward in the Rural and Low-Income Water Assistance Pilot Program and the Low-Income Household Water Assistance Program. Until either or another permanent program is established, providing funds to continue the LIHWAP program as is will ensure vulnerable households maintain critical drinking and wastewater services.

AMWA thanks EPA for the opportunity to provide comment on these charges before the WHEJAC. If you have any questions about this letter, please contact Jessica Evans, AMWA's manager of government affairs and sustainability policy at evans@amwa.net.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Dobbins". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

Thomas Dobbins
Chief Executive Officer
Association of Metropolitan Water Agencies

Full Name: Jim Walsh

Name of Organization or Community: Food & Water Watch

City and State: Washington, DC

Region: Mid-Atlantic

Topic: Carbon Management

Brief description:

Response to Request from White House Environmental Advisory Council for Comments on Carbon Management

The Carbon Management Shell Game

Carbon management is the worst kind of shell game imaginable. Those pushing carbon management schemes like carbon capture, direct air capture, carbon offsets and hydrogen production are playing a publicly funded shell game – asking us to guess where they hid the emissions while they are poisoning our water and air. This is a poison burden that, as members of White House Environmental Justice Advisory Council know all too well, disproportionately falls on environmental justice communities.

The fossil fuel industry wants us to focus on the shiny shells they are moving around and ignore cumulative impacts, pretending all that matters is their tiny distraction, not the person picking your pocket or blowing smoke in your face.

The carbon management shell game is allowed to go forward because there is little to no oversight for much of the industry. That is by design. While there are loan guarantees and direct subsidies for these projects in the carbon management shell game, the bulk of subsidies that are driving this industry forward are in the tax credits known as 45Q.

The use of 45Q tax credits to reward certain behaviors has left the Treasury Department largely responsible for oversight of key parts of the carbon management shell game, not the EPA, which actually has staff responsible for enforcing pollution standards. And because tax credits are submitted with tax document, the public has no ability to review and verify the documentation industry is providing to reap public money for activities they claim to undertake. To put it plainly, the industry claims to capture carbon, and gets paid as if they do – without adequate oversight. This is particularly concerning because the Treasury has empowered an army of third parties that are largely responsible for carbon management verification. Third party verifiers are inherently conflicted, having a financial incentive to approve carbon management schemes.

The Inspector General of Treasury found that nearly \$900 million of \$1 billion in claimed tax credits for carbon capture were given out without any verification by EPA that emissions had actually been sequestered. Instead of requiring EPA to do the verification before the tax credits were given out, the Treasury made it clear that third party verifiers could just sign off on carbon capture claims. In fact there are no federal officials responsible for monitoring and oversight of

emissions from cradle to grave. This is concerning given that there is a system in place that could pay out hundreds of billions of dollars in tax credits for this carbon capture shell game.

This problem extends beyond carbon capture. A recent report from the EPA Inspector General documented nearly 339 million fraudulent Renewable Identification Numbers and fraudulent sales of about \$87 million for renewable fuel subsidies.

The hydrogen tax credit calculations are still being worked out, so we don't have any reports of fraud for these, but we fully expect to see it going forward without action to prevent it through transparency, oversight, and accountability.

The fossil fuel industry embraces the carbon capture shell game because it makes them money by bringing value to their pollution, perpetuating the system of pollution from fossil fuels that is disproportionately impacting environmental justice communities. It not only creates excuses to continue drilling, fracking, pipeline building, petrochemical development, fossil fuel exports, and power plants, but it actually incentivizes more of it.

This carbon management shell game distracts us from technologies and efforts that can actually help provide real benefits to environmental justice communities, such as distributed renewable energy systems, more investment in public transit and walkable communities, and a deeper focus on creating jobs and industries that will help break us away from fossil fuel development.

The infrastructure that is needed for all these new technologies is largely unregulated, just like the oversight for the tax credits. That is because Congress passed enormous tax credits for these programs without setting up a regulatory apparatus to oversee the safety of this industry. These regulatory and safety gaps exist in every link of the supply chain of the carbon management industry.

Thank you to all to the WHEJAC carbon management working group for your report on and recommendations around the dangers of CCUS and other carbon scams. We applaud the WHEJAC for voting in support of the report's recommendation and calling on the Biden Administration to remove its support and funding for carbon capture.

We call on the WHEJAC to continue to recommend policies that focus on eliminating the source of emissions, rather than playing the carbon management shell game that will leave communities continuing to struggle with the burdens of pollution. Any projects that rely on hydrogen, carbon capture, bioenergy or carbon offsets should get an F on any environmental justice scorecards because they will perpetuate existing harms, create new harms and largely benefit large corporate interests that are destroying our planet and perpetuating environmental injustice.

Sincerely,

350 Chicago
Alabama Interfaith Power & Light
Alliance for Appalachia
Center for Coalfield Justice
Citizens Caring for the Future
Climate Justice Alliance
Concerned Health Professionals of Pennsylvania Earth Care Earth Ethics, Inc.
Eco-Justice Collaborative
Extinction Rebellion San Francisco Bay Area Food & Water Watch Great Plains Action Society
HobokenRESIST Institute for Policy Studies Climate Policy Program Locust Point Community
Garden NC Disaster Response and Resilience Network New Energy Economy Oil and Gas Action
Network Our Revolution Michigan PACAN Plastic Pollution Coalition Premier Tech Solutions Rise
Up WV San Luis Valley Ecosystem Council Stand.Earth Terra Advocati The Climate Reality
Project, Western New York Chapter The Last Plastic Straw The People's Justice Council The
Quantum Institute The Wei LLC Vote Climate Waterspirit Youth Untied for Climate Crisis Action

Full Name: Rob Mayer

Name of Organization or Community: KABOOM!

City and State: Bethesda, MD

Region: Mid-Atlantic

Topic: Ways that the WHEJAC could recommend advancing environmental justice through a whole-government approach.

Brief description:

KABOOM! is the national nonprofit whose mission is to end playspace inequity in historically disinvested communities across the country. Many of the neighborhoods that lack safe, engaging, and high-quality playspaces are also on the front line of the climate crisis that many Black, brown, and low-income residents are now facing. While access to play is a critical factor in helping children achieve better mental and physical health outcomes into adulthood, the playspaces KABOOM! is creating can also be part of a community's climate mitigation plan. When playspaces are designed to include natural and manufactured shade, water management features, and equipment that does not absorb and radiate heat then they can become a vital piece of a city's environmental justice strategy.

We want to applaud the Administration's commitment to environmental justice and recognize the important work that is being done across all of the federal agencies to ensure that the people who have been the most negatively impacted by climate change are the ones who will see the benefits of solution investments most. Translating those policies into actionable initiatives at the community level is a challenge that KABOOM! has the experience and capacity to assist with.

Many of the same conditions that created the environmental injustices Black and low-income residents currently face—like redlining, housing segregation, and discriminatory city budgeting—created the playspace inequities KABOOM! is trying to address. It therefore makes sense to address the environmental and health consequences of those policies at the same time. While this approach may require a greater degree of coordination and higher up-front investment, it will also meet the needs of residents in a more comprehensive, sustainable, and consistent manner. This will also be more cost effective for local municipal governments in the long run. The current practice of seeing these two issues as unrelated and attempting to address them separately can ultimately create fiscal barriers, especially when project coordination at the municipal department level cannot or does not occur. However, KABOOM! advocates for a “dig once” approach to this work and urges the federal government to offer incentives or structure funding streams so that municipalities may be able to undertake surface and below-ground infrastructure projects, like new playground surfacing and drainage improvement work, at the same time and in a coordinated fashion.

Being comprehensive and strategic in an approach will be the key to this strategy's success. This will require the Council on Environmental Quality (CEQ) to act in coordination with a variety of partners at the national and local levels. Nationally focused Non-Governmental Organizations (NGOs), like KABOOM!, have extensive experience in working with municipal partners and community-based organizations in engaging residents in a participatory planning process. For

KABOOM! that community participation work helps foster a sense of belonging over the project in the community playspaces we co-create. We are now expanding our work to include other national leaders in the “green playgrounds” field to help broaden our community partners’ perspective around sustainable equipment and climate sensitive playspace features for their neighborhoods and schools. That conversation is ongoing and will require authentic, long-term, and sustained dialogue with impacted residents. As people begin to experience the benefits of community spaces that help them lead healthier lives they will appreciate the role climate change mitigation strategies, like shade and community gardens, have on their day-to-day lives.

We hope to have the opportunity to share with the CEQ the best practices we have learned in working with communities to implement a comprehensive climate mitigation strategy that builds on the existing outdoor infrastructure serving the neighborhoods where impacted residents live. While an individual playground project may not make much of a difference beyond the neighborhood it is in, when taken as a whole, the aggregate number of playspaces that can be built or renovated in a manner consistent with the principles of environmental justice can have a profound effect across a whole municipality. We encourage the Council to promote these types of practices and bring experienced NGOs and other service providers to the table to discuss the best ways to undertake this work and promote healthier, safer, and equitable living for residents in every community across the country.

Denbury Pegasus CO2 Pipeline							
Table 1. Comparison of Demographic Conditions for Areas Potentially Impacted by Construction and/ or Operation of the Project							
Census Tract and Block Group	total Population	Persons below poverty Level (%)	Minority (%)	Highest Minority (%)	Highest Minority (Name)	Native American (%)	Coastal
		Greater than State	Majority Minority			Greater than State Levels	
Projected Alternative		Block Group Levels Greater than Parish					
Louisiana		20.20	33.00			1.3	Yes and No
Ascension	124142	9.8	35.9	22.2	African American	0.4	
Block Group 1, Census Tract 310.01	1121	27.6	60.4	55.6	African American	0.0	
Jefferson	435830	15.9	50.0	26.3	African American	0.6	
Block Group 2, Census Tract 279.03	509	32.2	9.0	3.7	Two or more groups	2.6	
Block Group 2, Census Tract 279.04	835	3.9	17.1	12.6	Two or more groups	1.1	
Block Group 3, Census Tract 279.04	1237	16.2	14.9	9.5	Two or more groups	1.5	
Lafourche	95632	15.7	26.5	13.2	African American	2.6	
Block Group 2, Census Tract 210	1110	10.6	11.4	3.6	Other	2.2	
Block Group 3, Census Tract 211.02	1579	7.3	23.1	6.1	Other	4.6	
Plaquemines	23179	17.5	39.2	20.5	African American	1.1	
Block Group 1, Census Tract 501	1337	54.7	86.9	82.5	African American	0.0	
Block Group 1, Census Tract 504	820	0.0	67.9	49.1	African American	5.2	
St. Bernard	43456	21.7	44.0	17.7	African American	0.7	
Block Group 0, Census Tract 9900	0	0.0	86.9	0.0		0.0	
Block Group 2, Census Tract 301.05	335	16.8	67.9	16.7	African American	0.6	
St. Charles	51629	10.2	36.2	26.6	African American	0.5	
Block Group 1, Census Tract 632	752	21.3	39.6	32.0	African American	1.5	
Block Group 2, Census Tract 627	1168	28.6	87.5	86.1	African American	0.1	
Block Group 2, Census Tract 632	2156	0.0	6.2	3.8	Two or more groups	1.0	
Block Group 3, Census Tract 632	1180	2.2	13.3	5.7	Two or more groups	1.9	
St. James	20189	12.0	50.6	50.6	African American	0.2	
Block Group 1, Census Tract 405	545	33.5	88.1	80.4	African American	0.4	
Block Group 2, Census Tract 405	1388	23.0	94.5	92.6	African American	0.2	
Block Group 3, Census Tract 407	1678	2.3	30.7	27.2	African American	0.1	
St. John the Baptist	42088	14.9	67.3	53.5	African American	0.4	
Block Group 1, Census Tract 711	980	7.7	74.2	69.1	African American	0.2	
Total Number of Block Groups affected by Construction		17			<i>Proportion of Impact</i>	100.00%	
Number of EJ Block Groups		17			<i>Disproportionate</i>		



935 Gravier St, STE 700
New Orleans, LA 70112

To: Environmental Protection Agency Region 6, Lisa Pham, Groundwater/UIC Section
Re: Louisiana Class VI Primacy Application - Docket ID No. EPA-HQ-OW-2023-0073
pham.lisa@epa.gov, Kelly.Suzanne@epa.gov

Dear EPA,

We are losing our land, and losing our people. New studies show that Coastal Louisiana is missing one-fifth of its population due to land loss.¹ Indirect impacts of oil and gas features have long been the primary driver of that land loss in the coastal zone, to the tune of 172,174 acres.² Dr Turner has documented the waterlogging of marshes and its correlation with land loss over the decades, and has published : "Plant physiologic stress is documented where hydrologic changes occur, and much of the wetland loss could be attributed to the effects of soil waterlogging on plants, not to sediment deprivation".³

The Code of Federal Regulations recognizes the significance of secondary impacts from wetland destruction by emphasizing that "minor loss of wetland acreage may result in major losses through secondary impacts."⁴ We have seen this across the coast, in areas where current Class VI applicants seek to inject CO₂ in pristine wetlands.

Louisiana code states that :: "Mineral exploration and production sites shall be cleared, revegetated, detoxified, and ... restored as near as practicable to their original condition upon termination of operations to the maximum extent practicable." LAC 43:I.719(M).

LDNR has failed to follow this law in administering the coastal zone management act for a number of Class VI applicants, and we seek an extension of the comment period for 60 days to outline the individual permits, as well as file requests to USEPA for enforcement under the Clean Water Act.

The cumulative impacts of EPA's granting of primacy to the Louisiana Department of Natural Resources include the foreseeable direct and indirect impacts to Clean Water Act 404 wetlands from CO₂ pipelines and injection fields, including those for the following and other projects.

¹Wetland Loss in Coastal Louisiana Drives Significant Resident Population Declines Bernardo A. Bastien-Olvera, David Batker, Jared Soares, John Day, Luke Boutwell, Tania Briceno Version 1 : Received: 4 May 2023 / Approved: 5 May 2023 / Online: 5 May 2023 <https://www.preprints.org/manuscript/202305.0341/v1>

² Process Classification of Coastal Land Loss between 1932 and 1990 in the Mississippi River Delta Plain, Southeastern Louisiana Shea Penland, et al USGS Open-file Report 00-418, Poster, 43x33 inches, 2001 <https://pubs.usgs.gov/of/2000/of00-418/>

³ Landscape Development and Coastal Wetland Losses in the Northern Gulf of Mexico 1 R. EUGENE TURNER

⁴ 40 C.F.R. §230.41.



935 Gravier St, STE 700
New Orleans, LA 70112

We estimate the **direct** wetlands impact of these pipelines at 4,000 acres, and the indirect impacts at 40,000 acres. We estimate the direct and indirect wetlands impact of seven coastal injection fields at 2,100 acres.

The magnitude of these impacts, and inconsistency with federal wetlands mitigation and federal restoration projects warrants an Area-Wide Environmental Impact Statement, without which primacy cannot be granted.

Foreseeable Pipelines impacting Louisiana Coastal Zone, via applicants with clear, outstanding issues of compliance:

1. Enlink to Conoco Roux injection Site –re-use of Gas Pipeline into a Scenic River
2. Enlink to Exxon Low Carbon Energy –re-use of Gas line and new CO2 Pipeline **CUP20230173**
3. Exxon Mobil Low Carbon Energy, St James and Assumption Parishes **CUP20230399**

Foreseeable Injection fields impacting Louisiana Coastal Zone, via applicants with clear, outstanding issues of compliance:

1. Exxon Low Energy, Vermillion Parish near White Lake
2. ConocoPhillips "Roux" Project, Lafourche and St Charles Parish in Des Allemands

Furthermore, these outstanding compliance issues must be resolved before EPA issues primacy to LDNR.

ExxonMobil

By reviewing LDNR Coastal Use Permits since 1980, we found many attributable to Exxon, Mobil, or its affiliated companies. I then selected permits

- a. Associated with oil and gas direct and indirect damages attributed to "Oil and Gas" by Exxon Company, Louisiana Mid-Continent Oil and Gas Association, Shell Offshore, Environmental Protection Agency and others as part of a USGS study (ofr 00-418)
- b. Associated with inactive wells, locations where mineral activity must be terminated and wetlands restored. LAC 43:I.719(M).

For these companies, we found 397 Coastal Use Permits where Exxon had not revegetated their direct and indirect damages. At time of writing we do not have an estimate for the number of acres that



935 Gravier St, STE 700
New Orleans, LA 70112

Exxon owes Louisiana, but it is likely more than 400 acres, as each permit for a keyhole canal affects one acre directly and more indirectly. This list of permits is attached as Appendix A.

ConocoPhillips

By reviewing LDNR Coastal Use Permits since 1980, we found many attributable to Conoco, Phillips, or its affiliated companies. I then selected permits

- c. Associated with oil and gas direct and indirect damages attributed to "Oil and Gas" by Exxon Company, Louisiana Mid-Continent Oil and Gas Association, Shell Offshore, Environmental Protection Agency and others as part of a USGS study (ofr 00-418)
- d. Associated with inactive wells, locations where mineral activity must be terminated and wetlands restored. LAC 43:I.719(M).

For these companies, we found 155 Coastal Use Permits where Conoco had not revegetated their direct and indirect damages. At time of writing we do not have an estimate for the number of acres that Conoco owes Louisiana, but it is likely more than 160 acres, as each permit for a keyhole canal affects one acre directly and more indirectly. This list of permits is attached as Appendix B.



935 Gravier St, STE 700
New Orleans, LA 70112

APPENDIX A

COASTAL USE PERMITS WITH DOCUMENTED OIL AND GAS LOSSES AND LACK OF MINERAL ACTIVITY – EXXON MOBIL

See Attachment.



Fig 1. Map of ExxonMobil non-compliance with Coastal Use Permits, Southwest and Central Louisiana. The vast majority of compliance issues are in disadvantaged coastal areas. We request extension of the comment period for 60 days to make our analysis more explicit.



935 Gravier St, STE 700
New Orleans, LA 70112

APPENDIX B

COASTAL USE PERMITS WITH DOCUMENTED OIL AND GAS LOSSES AND LACK OF MINERAL ACTIVITY – CONOCO PHILLIPS

See Attachment.



Fig 2. Map of ConocoPhillips non-compliance with Coastal Use Permits, Southeast Louisiana. The vast majority of compliance issues are in disadvantaged (and mostly Non White) areas in the Barataria watershed, where the Class VI "Roux" project is proposed. We request extension of the comment period for 60 days to make our analysis more explicit.

Rights of Indigenous People in Addressing Climate-Forced Displacement

January 15, 2020

Complaint submitted to:

Cecilia Jimenez-Damary,

Special Rapporteur on the Human Rights of Internally Displaced Persons

Victoria Lucia Tauli-Corpuz,

Special Rapporteur on the Rights of Indigenous Peoples

David R. Boyd,

Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment

Hilal Elver,

Special Rapporteur on the Right to Food

Karima Bennoune,

Special Rapporteur in the Field of Cultural Rights

Dainius Puras,

Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health

Leilani Farha,

Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living

Philip Alston,

Special Rapporteur on Extreme Poverty and Human Rights

E. Tendayi Achiume,

Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance

Léo Heller

Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation

Table of Contents

INTRODUCTION	3
THE COMPLAINANT	3
THE VICTIMS	3
ISLE DE JEAN CHARLES BAND OF BILOXI-CHITIMACHA-CHOCTAW INDIANS OF LOUISIANA.....	4
POINTE-AU-CHIEN INDIAN TRIBE.....	5
GRAND CAILLOU/DULAC BAND OF BILOXI-CHITIMACHA-CHOCTAW	6
GRAND BAYOU VILLAGE	7
NATIVE VILLAGE OF KIVALINA	8
SUMMARY	9
RECOMMENDATIONS.....	10
INTERNATIONAL LAW & BEST PRACTICES FOR THE RIGHTS OF INDIGENOUS PEOPLE TO ADDRESS CLIMATE- FORCED DISPLACEMENT	12
TRIBAL SELF-DETERMINATION	13
EXCEPTION TO DOMESTIC REMEDIES EXHAUSTED	15
U.S. FEDERAL GOVERNMENT AND LOUISIANA AND ALASKA STATE AGENCIES.....	16
FACTUAL EVIDENCE.....	18
FACTUAL EVIDENCE: LOUISIANA	18
LAND LOSS DUE TO RISING SEA LEVEL AND HUMAN-MADE INFRASTRUCTURE	18
SEA LEVEL RISE	18
ECOLOGICAL DISASTERS CAUSED BY UNCHECKED OIL & GAS EXPLOITATION	19
DEEPWATER HORIZON OIL SPILL OF 2010	20
FAILURE TO APPLY LEGAL PROTECTION	21
MISSISSIPPI RIVER LEVEE SYSTEM	22
MORGANZA-TO-THE-GULF FLOOD PROTECTION SYSTEM	22
THE IMPACT OF NATURAL DISASTERS	24
ISLE DE JEAN CHARLES RESETTLEMENT PLAN.....	28
FACTUAL EVIDENCE: ALASKA	30
LAND LOSS	32
INCREASINGLY SEVERE STORMS.....	32
KIVALINA PLANNED RESETTLEMENT	33
THE U.S. HAS FAILED TO IMPLEMENT A RELOCATION GOVERNANCE FRAMEWORK	36
ALLEGATIONS.....	38
THE U.S. GOVERNMENT AND THE GOVERNMENTS OF LOUISIANA AND ALASKA HAVE FAILED TO PROTECT THE RIGHT TO LIFE AND FAILED TO FULFILL ITS DUTY TO PROTECT THESE INDIGENOUS TRIBES FROM HARM	38
THE U.S. GOVERNMENT HAS FAILED TO PROTECT TRIBES’ RIGHT TO SELF DETERMINATION	40
THE U.S. GOVERNMENT HAS FAILED TO PROTECT CULTURAL HERITAGE	41

THE U.S. GOVERNMENT HAS FAILED TO PROTECT THE RIGHT TO SUBSISTENCE AND FOOD SECURITY 43

THE U.S. GOVERNMENT AND ALASKA AND LOUISIANA STATE GOVERNMENTS HAVE FAILED TO PROTECT THE INDIVIDUAL AND COLLECTIVE RIGHTS TO SAFE DRINKING WATER, PHYSICAL AND MENTAL HEALTH AND AN ADEQUATE STANDARD OF LIVING..... 46

 THE HUMAN RIGHT TO SAFE DRINKING WATER AND SANITATION 46

 RIGHT TO THE ENJOYMENT OF THE HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH 47

 RIGHT TO AN ADEQUATE STANDARD OF LIVING 47

CONCLUSION 48

APPENDIX 49

Introduction

The Alaska Institute for Justice submits this complaint on behalf of five Tribes faced with climate-forced displacement and experiencing ongoing human rights violations caused by the United States government. The Tribes are located in Louisiana and Alaska. The Louisiana Tribes are Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw Indians of Louisiana; Pointe-au-Chien Indian Tribe; Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw Tribe; and the Atakapa-Ishak Chawasha Tribe of the Grand Bayou Indian Village. The Alaska Tribe is the Native Village of Kivalina. Despite their geographic differences, the Tribes in Louisiana and Alaska are facing similar human rights violations as a consequence of the US government’s failure to protect, promote and fulfill each Tribe’s right to self-determination to protect Tribal members from climate impacts. The human rights violations cut across several thematic mandates of the UN Special Rapporteurs because climate-forced displacement threatens the full enjoyment of a wide range of human rights. These rights include the rights to life, health, housing, water, sanitation, a healthy environment and food, among others.

The Complainant

The Alaska Institute for Justice is an independent human rights organization based in the United States working to protect the human rights of those displaced because of the climate crisis.

The Victims¹

Louisiana

Four Louisiana Tribes submit this complaint: **Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw Indians of Louisiana; Pointe-au-Chien Indian Tribe; Grand Caillou/Dulac Band of Biloxi-Chitimacha-**

¹ For Tribal Resolutions, see Appendix A.

Choctaw Tribe; and the Atakapa-Ishak Chawasha Tribe of the Grand Bayou Indian Village. The traditional lands of these Tribes are located in the following Parishes in what is now called the southern Louisiana coast: Terrebonne Parish, Lafourche Parish and Plaquemines Parish.² The Tribes have always been stewards of the land and ocean. Historically, the Tribes have sustained themselves by trapping, fishing, hunting and farming. However today, the coastal region of Louisiana is rapidly disappearing. The areas inhabited by the coastal Louisiana Tribes are the fastest eroding areas in the United States.³ Sea level rise, extreme weather events and subsidence are causing land to be permanently submerged. Sea level rise and coastal erosion impact the Tribes' subsistence lifestyle, sacred sites, and historical sites. Natural disasters, such as Hurricanes Katrina, Rita, Gustav, Ike, Lee, Isaac, and Barry have also taken a significant toll, resulting in increased flooding and damage to these Tribal communities.⁴ The Mississippi River flood control system⁵ and the oil and gas industries have also destroyed the land and exacerbate coastal erosion and subsidence.⁶ These profound environmental changes negatively impact the ability of the Tribes to protect the health and safety of tribal citizens and to protect its land base and natural resources.⁷ Yet, despite these changes and the systemic inequity caused by "generations of displacement, discrimination, exclusion from regional levees, threats to food sovereignty and traditional ways of life, and the imposed criteria for political recognition," the Indigenous Tribes living here continue to subsist, and want to continue to subsist, on their remaining traditional lands.⁸

Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw Indians of Louisiana

The Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw Indians of Louisiana (IDJC Tribe) are descendants of these three historic Tribes who inhabited southern Louisiana and the southeastern part of what is now the United States. The Chitimacha have historically called what is now southeastern Louisiana home. In 1830, the U.S. government passed the Indian Removal Act and members of the Biloxi and Choctaw Tribes fled to the bayou area to escape forced relocation. The IDJC Tribe was originally located on Isle de Jean Charles, Louisiana, an area in southern Terrebonne Parish that has lost most of its land mass. Now only approximately 80 of 700 total tribal citizens live on the Island, while others form a

² Parish is a term used in Louisiana to refer to a local territorial division and administrative unit of the Louisiana state government within the U.S. states.

³ The Barataria-Terrebonne Basin has lost over 935 square miles since 1935. Habitat Loss, BTNEP Website, available at <https://btnep.org/estuary-issues/habitat-loss/>.

⁴ "Vulnerability of Coastal Louisiana Tribes in a Climate Change Context," Tribal Climate Change Profile: Coastal Louisiana Tribes (September 2012), available at https://www7.nau.edu/itep/main/tcc/docs/Tribes/Tribes_CoastalLA.pdf.

⁵ The Mississippi River flood control system is also known as a "levee system."

⁶ Patty Ferguson-Bohnee, "The Impacts of Coastal Erosion on Tribal Cultural Heritage," *Forum Journal* 29.4 (Summer 2015), 58.

⁷ *Id.*

⁸ Nathan Jesse, a doctoral candidate in anthropology at Temple University whose dissertation is on Isle de Jean Charles, as quoted in Boyce Upholt, "Goodbye to Good Earth," *Oxford American* (September 3, 2019), available at <https://www.oxfordamerican.org/magazine/item/1816-goodbye-to-good-earth>

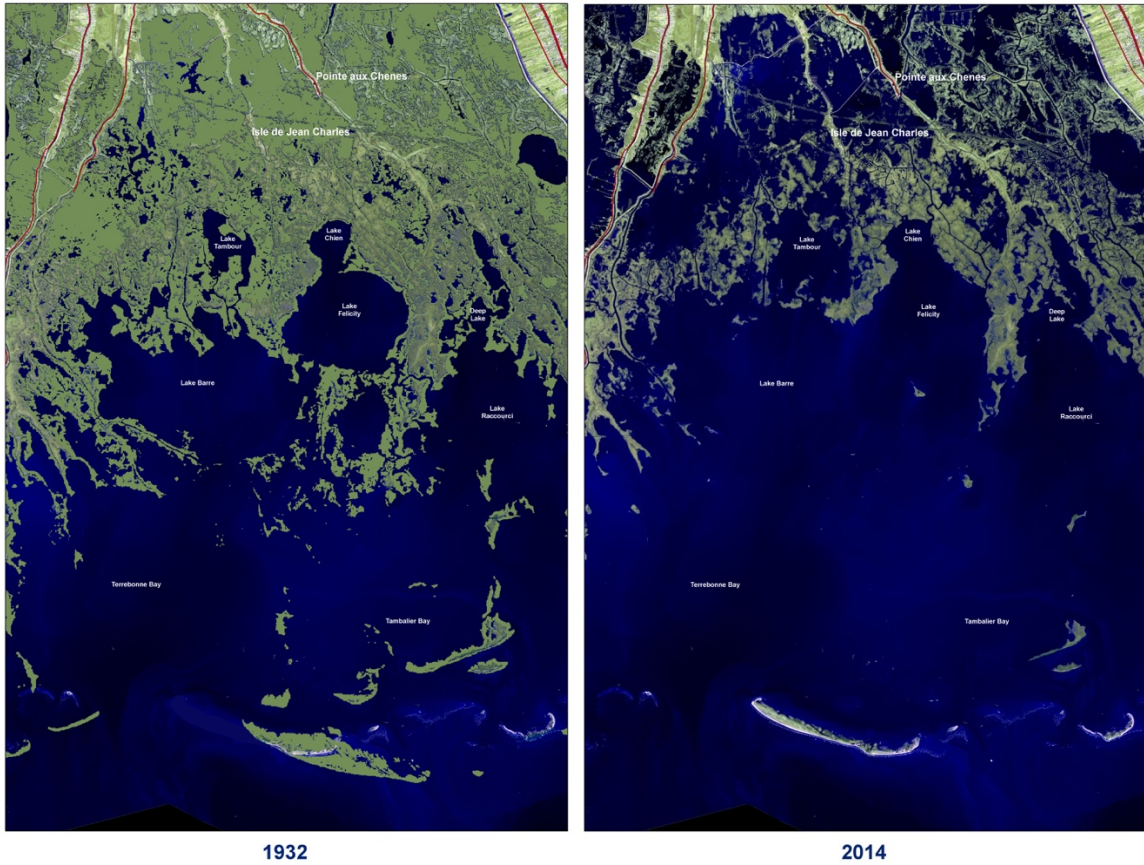
diaspora in nearby communities. The IDJC Tribe is a state recognized Tribe and has been seeking federal recognition since the 1990s. Since 2002, the IDJC Tribe has been actively working to implement a Tribal-led resettlement to bring both Island residents and the diaspora together in one place that ensures the Tribe's safety and cultural survival.



Isle de Jean Charles Aerial View

Pointe-au-Chien Indian Tribe

The Pointe-au-Chien Indian Tribe (PACIT) has inhabited their traditional territory in the southernmost end of Louisiana along and around Bayou Pointe-au-Chien since time immemorial. Today, this area is known as Terrebonne and Lafourche Parishes. The Tribe descends primarily from Chitimacha and Biloxi Tribes, as well as the Acolapissa and Atakapas Tribes and has approximately 750 members. Several villages where Pointe-au-Chien members historically lived are no longer inhabitable due to land loss and salt water intrusion. As a consequence, many tribal citizens have been forced to relocate to family properties further north in the current Pointe-au-Chien village, nearby communities, or beyond. PACIT is a state recognized Tribe and has been seeking federal recognition since the 1990s.



Land Loss around Isle de Jean Charles and Pointe-au-Chien

The Pointe-au-Chien Indians have always been stewards of the water and land. Today, Pointe-au-Chien Indians continue to have a subsistence and agrarian livelihood – fishing, catching oysters, shrimp, and crabs and growing vegetables. Saltwater intrusion has limited the ability of Tribal members to engage in large-scale agricultural practices and has made the land unusable for herding and trapping. Instead, Tribal members are only able to tend small gardens. Commercial fishing is a primary occupation. Increased flooding has resulted in some Tribal members relocating to higher ground and others raising their homes to adapt to these changes. “This small French-speaking Tribe continues to comprise a distinct community despite colonization, land loss, lack of status as a federally recognized Tribe, exploitation of the land and people, and denial of educational opportunities.”⁹

Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw

The Grand Caillou/Dulac Band is a Tribe of 1098 citizens who have historically lived in and around the ancestral village of Grand Caillou/Dulac in southern Terrebonne Parish, Louisiana. The Tribe is primarily

⁹ History/Background: Our Community Yesterday, Today, Tomorrow, Pointe-au-Chien Indian Tribe Website, available at <https://www.pactribe.com/history>.

descended from Biloxi, Chitimacha and Choctaw Tribes, along with the Atakapas and Acolapissa Tribes. The Grand Caillou/Dulac Band, as part of the Biloxi-Chitimacha Confederation of Muskogeans, was recognized by state of Louisiana in 2004 and has been working to gain federal recognition since the 1990s.

Like other tribal communities in southern Louisiana, the Grand Caillou/Dulac Band has traditionally sustained itself through trapping, fishing, and farming in lands and waters that were historically lush. Because of the diversion of the Mississippi River and other development projects, oil and gas extraction, erosion, salt-water intrusion, and the climate crisis, the Tribe has seen these traditional practices threatened. Forests that used to exist are fewer and fewer due to saltwater intrusion.¹⁰ Land loss and increasingly severe storms now put the community at frequent risk of disaster and flooding.¹¹ Land loss means less hunting and trapping. Especially since the catastrophic Deepwater Horizon Oil Disaster in 2010, tribal members have experienced smaller shrimp yields. Salt-water incursion and flooding make it difficult to maintain gardens.

Grand Bayou Village

Grand Bayou Village, home of the Atakapa-Ishak Chawasha Tribe, is located at the southernmost part of Plaquemines Parish, Louisiana, south of New Orleans, and is accessible only by boat.¹² The Atakapa have called this area home for thousands of years and settled along what is now Grand Bayou – a place oral histories recall as a “paradise” with forests on high ground and plenty of game. The Tribe’s sacred burial sites and ancestral fishing waters are here. The Atakapa-Ishak Chawasha lacks any formal state or federal recognition as an Indian Tribe.¹³

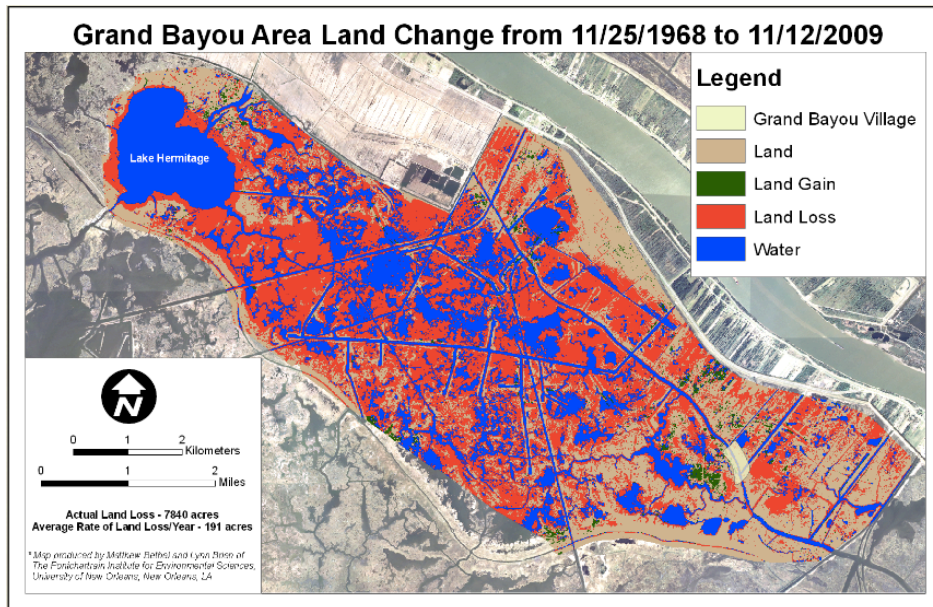
In the last century, the Mississippi River levee systems, sea level rise and destruction of wetlands caused by oil and gas exploration have caused the lands around the village to erode and subside. Saltwater intrusion has killed the forests and medicinal plants and made it impossible to carry out traditional gardening. Major storms like Hurricane Katrina in 2005 flooded the community and destroyed homes, causing many families to move elsewhere. Today, only 14 families live full-time in Grand Bayou in homes built on 16-foot pilings; however the diaspora continue to return to the Grand Bayou Village for the bi-annual celebration of community, sacred place and family, celebrating their Tribal lifeway. The community is routinely at risk from coastal land loss, flooding, and storms.

¹⁰ Chief Shirell Parfait-Dardar, “Fighting to Save Home,” *available at* <https://www.youtube.com/watch?v=rbphUxHHIDY>.

¹¹ Brooks Hays, “Native Groups Fight to Save Land, Culture from Rising Seas,” *United Press International* (December 5, 2017), *available at* https://www.upi.com/Science_News/2017/12/05/Native-groups-fight-to-save-land-culture-from-rising-tides/3881512148020/.

¹² Grand Bayou Indian Village, First Peoples Conservation Council website, *available at* <http://fpccLouisiana.org/our-communities/our-communities-grand-bayou/>.

¹³ Tribal Climate Change Profile: Louisiana Tribes, Vulnerability of Coastal Louisiana Tribes in a Climate Change Context at 3, *available at* https://www7.nau.edu/itep/main/tcc/docs/Tribes/Tribes_CoastalLA.pdf.



Grand Bayou Land Change, Matthew Bethel et al.

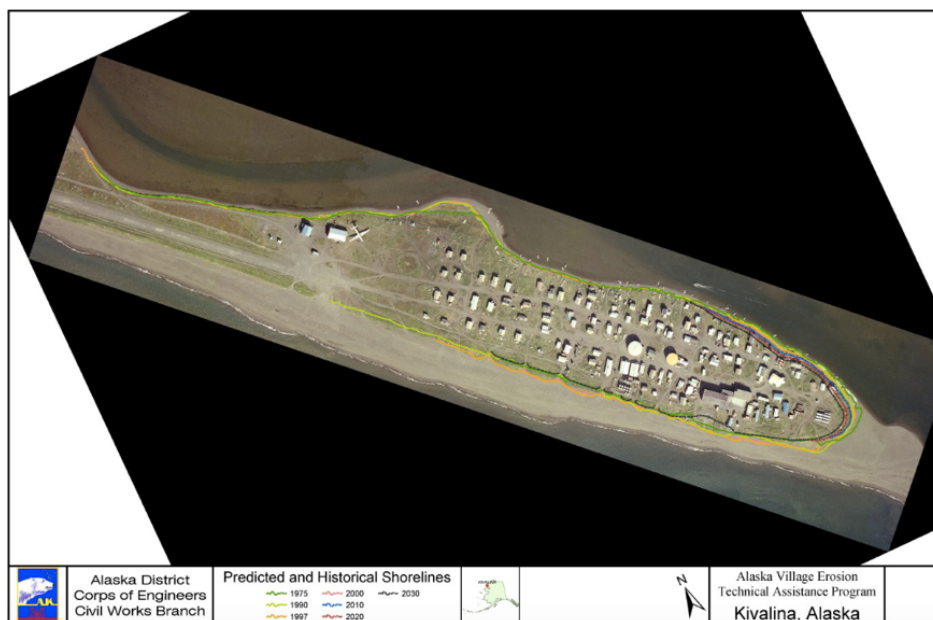
Alaska

One Alaska Native Tribe joins with the four Louisiana Tribes in this complaint.

Native Village of Kivalina

The Native Village of Kivalina is a federally recognized Tribe and includes approximately 400 Inupiaq people. The community is located on a barrier reef island between the Chukchi Sea and the mouths of the Wulik and Kivalina Rivers. No roads lead to or from the community, which is only accessible by small planes or boats and is approximately 100 miles north of the Arctic Circle and 1,000 miles northwest of Anchorage, Alaska. Inupiaq communities have resided in this region for thousands of years. Historically, the island where Kivalina sits had been used by Inupiaq people for seasonal hunting and fishing, not permanent habitation. The United States Congress authorized the building of schools in rural Alaska in 1905, overseen by the Governor of the district of Alaska. These government authorities built a school on the island of Kivalina and informed people in the region that they had to bring children to school or face imprisonment.¹⁴ The people of Kivalina noted in the very first years of the permanent settlement that this was not a safe place. As early as 1910, reports from the school committee document that residents wished to move because of the risks of erosion. To this day, the community has not been able to relocate.

¹⁴ Christine Shearer, *Kivalina: A Climate Change Story* (Chicago: Haymarket Books, 2011), 34.



Kivalina Land Loss

USACE Kivalina Draft Master Plan 2014

Summary

The United States government has failed to protect the human rights of Tribal Nations in Louisiana and Alaska, who are being forcibly displaced from their ancestral lands. The five Tribes named in this complaint request immediate intervention and investigation by the UN Special Rapporteurs of the human rights violations in accordance with the UN Guiding Principles on Internal Displacement, the UN Declaration on the Rights of Indigenous Peoples, and other international human rights legal doctrine. The United States government's failure to protect the Tribal Nations named herein has resulted in the loss of sacred ancestral homelands, destruction to sacred burial sites and the endangerment of cultural traditions, heritage, health, life and livelihoods. Furthermore, it has interfered with tribal nation sovereignty and self-determination and is breaking apart communities and families.

The United States government has known for decades that changes to the environment caused by the effects of climate change, as well as human-made disasters, threaten these coastal Tribal Nations in Alaska and Louisiana. Among these threats include rising sea levels, catastrophic storms, and unchecked extraction of oil and gas. When these threats impact citizens of these Tribal Nations, the government has failed to allocate funds, technical assistance and other resources to support the Tribes' right to self-determination to implement community-led adaptation efforts that effectively protect the lives and livelihoods of Tribal citizens. The government's inaction has gone beyond basic negligence where the government has failed to engage, consult, acknowledge and promote the self-determination of these Tribes as they identify and develop adaptation strategies, including resettlement. By failing to act, the U.S. government has placed these Tribes at existential risk.

Recommendations

The Tribes respectfully urge the Special Rapporteurs to find that climate-forced displacement is a human rights crisis. To respond to this crisis and rectify the human rights violations occurring in the United States, the Tribes request that the Special Rapporteurs make the following recommendations to the United States federal government and the State governments of Louisiana and Alaska:

The United States federal government should:

- Recognize the self-determination and inherent sovereignty of all of the Tribes, including those federally recognized and those who have not received federal recognition;
- Grant federal recognition to the Tribal Nations in Louisiana so that these Tribes are able to access federal resources that will support their self-governance of the various climate impacts that affect them;
- Recognize the Tribes' collective rights to the land, subsistence, and cultural identities and their collective right to return to and maintain access to their ancestral homelands;
- Assist the Tribes in protecting and restoring their homelands to the extent possible;
- Create a Federal relocation institutional framework that is based in human rights protections to adequately respond to the threats facing Tribal Nations, including the rapid provision of resources for adaptation efforts that protect the right to culture, health, safe-drinking water, food, and adequate housing;
- Ensure that Tribal Nations are integral to decision-making processes and that all federal government entities obtain their free, prior, and informed consent to all infrastructure developments, coastal resiliency master plans and any agreements pertaining to the underlying use of the land that impacts Tribes or their aboriginal lands;
- Work with the State government of Louisiana to explore and develop models of shared land ownership that would ensure the protection of land and the promotion of healthy ecosystems and land rejuvenation;
- Recognize and protect Tribal Cultural Heritage, including the use, practice, and designation of sacred sites, historical sites, cultural sites, fishing and hunting sites via mechanisms like the National Register of Historic Places;
- Recognize and respect access of the Tribes to their lands, sacred sites, cultural sites, and their aboriginal subsistence lands when Tribes are forcibly displaced or have voluntarily relocated;
- Allocate funding to restore tribal lands and protect sacred sites, village sites, and subsistence hunting and fishing areas, as well as consult with Tribes on restoration projects;
- Allocate funding for adaptation measures for Tribes experiencing increased sea-level rise;

- Respect the inherent sovereignty of the resettlement decisions of the Tribal communities by implementing and upholding their decisions relating to resettlement; and
- Allocate funding to implement the tribal-led relocation process for the Alaska Native Village of Kivalina and Isle de Jean Charles Indian Tribe.

The Louisiana state government should:

- Allocate funding to the Louisiana Tribes listed in this complaint to respond to the humanitarian crisis they are currently experiencing.
- Designate the Louisiana Tribes listed here as entities eligible for assistance directly from federal government agencies, such as, U.S. Housing and Urban Development community development block grants (CDBG), and Federal Emergency Management Agency (FEMA) disaster relief and response funding;
- Require the oil and gas industry to give advanced notice to the Tribes of their intent to conduct oil and gas exploration or drilling that may pose a risk to Tribal cultural heritage, lands, and waters.
- Hold oil and gas corporations responsible for damages they have caused to the Louisiana coast; require mitigation measures and compensation.
- Respect the right to self-determination of the Tribes and ensure that there is free, prior and informed consent prior to the state government's development of projects for the Louisiana Master Plan;
- Amend State laws and policies, including to create a relocation institutional framework, based in human rights protections to ensure that resources are provided to accelerate adaptation efforts to protect the right to culture, health, safe-drinking water and adequate housing; and
- Allocate funding to implement the tribal-led relocation process for Isle de Jean Charles.

The Alaska state government should:

- Amend their laws and policies, including to create a relocation institutional framework based in human rights protections to ensure that resources are provided to accelerate adaptation efforts to protect the right to culture, health, safe-drinking water and adequate housing; and
- Allocate funding to implement the tribal-led relocation process for the Alaska Native Village of Kivalina

International Law & Best Practices for the Rights of Indigenous People to Address Climate-Forced Displacement

International legal doctrine outlines the responsibilities of the United States government to protect internally displaced populations. The Guiding Principles on Internal Displacement (Guiding Principles), Pinheiro Principles and Peninsula Principles specifically articulate the human rights protections required for those who are displaced by natural or human-made disasters and places the primary duty and responsibility to provide protection and humanitarian assistance on the United States government to displaced persons within their jurisdiction.¹⁵ The right to self-determination is the most important principle to protect, promote and fulfill in the context of climate-forced displacement.¹⁶

The Guiding Principles articulate the duty of the United States government to ensure all feasible mitigation alternatives are explored to avoid and minimize displacement. The Principles also highlight the importance of family unity, free and informed consent, and the rights to life, dignity, liberty and security. Guiding Principle 9 emphasizes that States are under a “particular obligation to protect against the displacement of Indigenous peoples, minorities, peasants, pastoralists, and other groups with a special dependency on and attachment to their lands.”¹⁷

The Pinheiro Principles on Housing and Property Restitution echo the principle that nation state governments have an obligation to guarantee human rights protections to persons affected by internal displacement and emphasize the obligation to protect human rights related to housing and property restitution.¹⁸ Drawing on established human rights declarations and covenants, the Peninsula Principles outline the human rights principles that must be adhered when individuals and communities are forcibly displaced internally because of climate change.

Several international human rights documents affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their own political status, and freely pursue their economic, social and cultural development, including the Charter of the UN, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as the Vienna Declaration and Programme of Action, and Article 3 of the Declaration on the Rights of Indigenous Peoples. Additionally, the Right of Free, Prior and Informed Consent (FPIC) is a critical component of the fundamental, inherent right to self-determination as defined in international law. This right undergirds Indigenous Peoples’ ability to conclude and implement agreements in order to

¹⁵ UN High Commissioner for Human Rights, Guiding Principles on Internal Displacement E/CN.4/1998/53/Add.2 (1998).

¹⁶ Peninsula Principles on Climate Displacement within States (August 2013), *available at* <http://displacementsolutions.org/wp-content/uploads/2014/12/Peninsula-Principles.pdf>.

¹⁷ UNHCHR, Guiding Principles on Internal Displacement.

¹⁸ Centre on Housing Rights and Evictions, The Pinheiro Principles, principle 8.2 (2007), *available at* <https://2001-2009.state.gov/documents/organization/99774.pdf>.

uphold their sovereignty over and protection of lands and natural resources, and to develop and participate in processes that redress violations of their land and Treaty rights.

The UN Declaration on the Rights of Indigenous Peoples affirms that Indigenous peoples possess collective rights, indispensable for their existence and well-being, including the right to collective self-determination and the collective right to the lands, territories and natural resources they have traditionally occupied and used.¹⁹ The collective right to self-determination ensures that Indigenous communities can determine their own identity, belong to “an Indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned” and make decisions about internal and local affairs.²⁰ The Declaration also provides that Indigenous peoples have the right to freely define and pursue their economic, social and cultural development. These rights protect the collective right of Indigenous peoples to live as “distinct peoples” and “maintain and strengthen their distinct political, legal, economic, social and cultural institutions.”²¹ Collective self-determination ensures that communities are empowered to make the critical decisions related to climate adaptation, including relocation.

Tribal Self-Determination

Indigenous communities in the United States were autonomous self-governing peoples living on the land, long before the current manifestation of the United States of America and its constitutional democracy as it stands today. When Tribal Nations negotiated treaties with the U.S. federal government, they were done under the auspices of relationship, responsibility, respect, and reciprocity. The United States government agreed to undertake a duty of protection in-perpetuity to Native communities during the creation of the first federal-tribal relationships. However, for Tribes that are not federally recognized, these rights are harder to reach.

Tribal governments in the United States are sovereign governments with powers that are derived from their inherent sovereignty that predates the United States Constitution.²² In order for its powers of sovereignty, or self-government, to be recognized and officially functional within the United States legal system, or to be eligible for assistance designated for Indian Tribes, an Indigenous group must have specific recognition by the federal government.²³ Gaining federal recognition is critical to self-

¹⁹ United Nations Declaration on the Rights of Indigenous Peoples, art. 1, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 (Sept. 13, 2007); United Nation Development Group Guidelines on Indigenous Peoples’ Issues (February 2008), <http://www2.ohchr.org/english/issues/Indigenous/docs/guidelines.pdf>.

²⁰ United Nations Declaration on the Rights of Indigenous Peoples, arts. 9, 33, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 (Sept. 13, 2007).

²¹ United Nations Declaration on the Rights of Indigenous Peoples, arts. 5 and 7, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 (Sept. 13, 2007).

²² *Talton v. Mayes*, 163 U.S. 376, 385 (1896).

²³ James Anaya, Report of the Special Rapporteur on the rights of Indigenous peoples: The situation of Indigenous peoples in the United States of America, U.N. Doc. A/HRC/21/47/Add.1, ¶ 56 (Aug. 30, 2012), *available at* https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-47-Add1_en.pdf.

determination.²⁴ Tribes are primarily recognized through Congress or the administrative process, known as the Federal Acknowledgement Process (FAP).

The administrative federal recognition process is time consuming, burdensome, and expensive. In 2012, James Anaya, Special Rapporteur on the rights of Indigenous Peoples noted concerns about the cost and length of the federal recognition process.²⁵ He found that Indigenous groups have strived to achieve recognition through the FAP for decades and noted that the federal recognition process needs reform.²⁶ The Rapporteur's report quoted Alaska U.S. Senator Lisa Murkowski during a 2007 U.S. Senate Committee on Indian Affairs hearing on the process of federal recognition of Indian Tribes, "It is not right, it is not a system that is working under any stretch of the imagination."²⁷

A 2014 UN Committee on the Elimination of Racial Discrimination report affirmed the Special Rapporteur's analysis and noted concerns with "[t]he ongoing obstacles to the recognition of Tribes, including high costs and lengthy and burdensome procedural requirements."²⁸ It further reiterated its recommendation from 2007 to "[t]ake effective measures to eliminate undue obstacles to the recognition of Tribes."²⁹ The United States government has failed to address the broken federal acknowledgment process.

As a consequence, none of the coastal Tribes in the State of Louisiana have this official federal recognition. Pointe-au-Chien, Grand Caillou Dulac, and Isle de Jean Charles have been petitioning for federal recognition through the United States administrative process since the mid-1990s. Although the criteria for federal recognition changed in 2015 to improve transparency and to reduce the burden of the petitioner, for under resourced Indigenous communities, the cost, expertise, and resources needed to prepare a petition are still a barrier to the process. Nevertheless, Pointe-au-Chien, Grand Caillou Dulac, and Isle de Jean Charles have renewed their efforts for recognition after administrative regulations changed in 2015.

The lack of federal acknowledgment impedes the ability of Louisiana's coastal Tribes from fully exercising their self-determination rights and severely hampers the Tribes' plans for protecting its members and

²⁴ *Id.*

²⁵ *Id.* at ¶ 57.

²⁶ *Id.*

²⁷ *Id.*; see also *Process of Federal Recognition: Hearing Before the Comm. on Indian Affairs*, 110 Cong. 1 (2007), available at <https://www.indian.senate.gov/sites/default/files/upload/files/September192007.pdf>.

²⁸ Committee on the Elimination of Racial Discrimination, International Convention on the Elimination of All Forms of Racial Discrimination, Concluding observations on the combined seventh to ninth periodic reports of the United States of America at ¶ 24, CERD/C/USA/CO/7-9 (Sept. 25, 2014), available at <https://2009-2017.state.gov/documents/organization/235644.pdf>.

²⁹ *Id.*; see also Alberto Saldamando, International Indian Treaty Council, Racial Discrimination Against Indigenous Peoples in the United States, Consolidated Indigenous Shadow Report at 29, available at <https://www2.ohchr.org/bodies/cerd/docs/ngos/usa/USHRN8> ("the United States employs a lengthy and demanding federal approval process to determine which Indian Nations or peoples it will 'recognize' on a government-to-government basis").

their sacred sites, villages, and subsistence hunting and fishing practices from the impacts of the climate crisis. This lack of recognition impacts the ability of Louisiana Tribes to respond to environmental disasters because they do not directly qualify for many financial resources and cannot directly deal with the US Federal Emergency Management Agency (FEMA).³⁰ This lack of recognition has significantly limited the Isle de Jean Charles' efforts to reunite the Tribe in a safe new home.

Although federal recognition should not be required to protect traditional tribal homelands, there is no mechanism to have a government-to-government relationship with the United States federal government to protect these lands without this recognition.³¹ The United Nations Declaration on the Rights of Indigenous Peoples ("Declaration"), adopted in 2007, recognizes that Indigenous peoples have a right to their land, territories and resources and shall have legal recognition to protect these lands, territories and resources.³² The Declaration also recognizes the right to protect historic sites and tribal culture.³³ For Tribes in Louisiana, their right to their land and resources is not protected.

In 2004, the State of Louisiana recognized the Isle de Jean Charles Band of Biloxi-Chitimacha Confederation of Muskogees, Bayou Lafourche Band of the Biloxi-Chitimacha-Choctaw, Grand Caillou/Dulac Band of the Biloxi-Chitimacha-Choctaw, and the Pointe-au-Chien Indian Tribe (See Appendix B). The Grand Bayou Indian Community has neither federal nor state recognition. State recognition acknowledges a Tribe's continued existence, and ensures that tribal citizens are included in federal Indian education programs, qualify for scholarships, and qualifies them to use Indian Health Service. In addition, state and federal Tribes in Louisiana are part of the Louisiana Indian Commission and, importantly, should be engaged in emergency management through the Louisiana Governor's Office of Indian Affairs and parish governments.³⁴

Exception to Domestic Remedies Exhausted

UN treaty bodies only require complainants—alleged victims or their representatives—to exhaust remedies that are available and effective.³⁵ This determination requires evaluating the circumstances of the case, including the personal circumstances of the complainants and the legal and political context in

³⁰ Hazard Mitigation is described by FEMA and the Disaster Mitigation Act of 2000 (DMA 2000) as any sustained action taken to reduce or eliminate long-term risk to life and property from a hazard event. Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended by DMA 2000, provides for States, Federally recognized Native American Tribes and local governments to undertake a risk-based approach to reducing risks to natural hazards through mitigation planning.

³¹ Patty Ferguson-Bohnee, "The Impacts of Coastal Erosion on Tribal Cultural Heritage," 65.

³² *Id.*; United Nations General Assembly, Declaration on the Rights of Indigenous Peoples, art. 26 (2007).

³³ *Id.*, arts. 11, 12, 25, 26, 29, 31.

³⁴ State of Louisiana Emergency Operations Plan, Appendix 4 (2009), *available at* http://www.lsp.org/pdf/Emergency_Operations_Plan.pdf.

³⁵ See Human Rights Committee, *Vicente et al. v. Colombia*, Communication 612/1995, Views of 29 July 1997, U.N. Doc. CCPR/C/60/D/612/1995, para. 5.2, *available at* <http://hrlibrary.umn.edu/undocs/612-1995.html>.

which the remedies exist. Domestic remedies are considered unavailable if there is no legal process under national law to protect the rights allegedly violated, if national law authorizes the human rights violation being complained of, or if the State denies access to the courts or other legal procedures to bring a claim to protect the right infringed.³⁶

In this current case, there are no available and effective legal remedies to address the complainants human rights violations. Over the years, the Tribes involved in this complaint have been denied both access and adjudication of their legal challenges to violations of environmental and permitting laws. They have also been denied opportunities to redress their rights to live, occupy, and use their aboriginal land.³⁷ They have not been able to avail themselves of administrative procedures when they have sought assistance with climate change mitigation, adaptation and relocation efforts with with both State and Federal agencies and courts.

Complainants seek multijurisdictional relief that can only be remedied by an international human rights system with jurisdiction over government-to-government relations and an understanding of international Indigenous rights protections.

U.S. Federal Government and Louisiana and Alaska State Agencies

The United States Federal Emergency Management Agency (FEMA) is the lead United States federal government agency responsible for disaster preparation and response and supporting hazard mitigation.

United States Department of Housing and Urban Development (HUD) is the federal government agency responsible to housing assistance and community development. HUD is the federal government agency that administers Community Development Block Grants (CDBG) in both Alaska and Louisiana.

United States Army Corps of Engineers (USACE) is the federal agency that is responsible for flood protections and infrastructure developments throughout the United States. USACE excluded IDJC from the Morgana-to-the-Gulf Hurricane Protection Levee.

³⁶ Manfred Nowak, *A Handbook on the Individual Complaints Procedures of the UN Treaty Bodies* (Boris Wijkstrom 2006), 64-65.

³⁷ In the 1970s, Pointe-au-Chien Tribal members worked together to put a stop to the Louisiana Land and Exploration Company attempting to dig a canal and dynamite through a mound complex, directly aimed at one of the Tribe's burial mounds. Tribal members fought off attempts by Louisiana Land and Exploration to dig canals and one tribal member went to jail. However, the oil company never filled in the cut leading to the cemetery and other canals surrounding the burial mounds. In 1992, an oil company sued eight Pointe-au-Chien tribal members who were fishing in their ancestral fishing grounds, in Terrebonne and Lafourche Parishes, for trespass and damage to the property. The federal district court in Louisiana stayed the decision until after the federal government makes a final determination on the Tribe's petition for federal recognition. Over two decades have passed, and the federal court in Louisiana has yet to determine the status of the land See *Louisiana Land & Expl. Co. v. Verdin*, 95-2579 (La. App. 1 Cir. 9/27/96), 681 So. 2d 63, 64, writ denied, 96-2629 (La. 12/13/96), 692 So. 2d 1067; *Verdin v. Louisiana Land & Expl. Co.*, CIV. A. 93-3537, 1995 WL 311897, at *1 (E.D. La. May 18, 1995).

United States Department of the Interior (DOI) is the federal agency responsible for management and protection of U.S. lands and natural resources.

Within DOI, the Bureau of Indian Affairs (BIA) is charged with engaging with Tribes in fulfilling the U.S. trust responsibility to Tribes. The Office of Federal Acknowledgment is within the Office of the Assistant Secretary – Indian Affairs in the Department of Interior and is responsible for implementing the administrative federal recognition process.

Denali Commission is a federal agency to provide critical infrastructure, utilities, and economic support in Alaska. It was designated as the central coordinating agency for climate resilience efforts in Alaska, including community relocations.

Louisiana Office of Community Development (OCD) administers grants received from HUD for public facilities, economic development, demonstrated needs projects to local units of government, including funds for rehabilitating, improving and constructing projects for community water systems to provide safe, clean drinking water. This office also administers HUD funding for disaster recovery and mitigation grants to help state residents recover from hurricanes Katrina, Rita, Gustav, Ike and Isaac; and lessen the impacts of future storms.

In Louisiana, CDBG funds have gone to the OCD's Disaster Recovery Unit, which has partnered with Coastal Protection and Restoration Authority (CPRA) and local interests across the coast to identify potential flood protection projects such as levee construction or improvements, floodgate installation, critical infrastructure, and shoreline protection.

Louisiana Oil Spill Coordinators Office serves as the single point of contact for all programs related to oil spills in Louisiana, including restoration of natural resources, protecting economic infrastructure and safeguarding the public health.

Louisiana Department of Natural Resources is responsible for permits issued to oil and gas companies.

Louisiana Governor's Office of Indian Affairs is responsible for overall liaison and coordination with the Tribes for emergency responses.³⁸ From 2010-2016, the Governor of Louisiana failed to appoint a director of the Governor's Office of Indian Affairs.

Alaska Department of Transportation and Public Facilities (DTPF) designs, constructs, and maintains Alaska's transportation infrastructure.

Alaska Division of Community and Regional Affairs (DCRA) is within the Department of Commerce, Community, and Economic Development. Kivalina's Inter-Agency Planning Group is within DCRA's Community Resilience Programs.

³⁸ State of Louisiana, Emergency Operations Plan 4.2 (2009), *available at* http://www.lsp.org/pdf/Emergency_Operations_Plan.pdf

Factual Evidence

The combination of slow ongoing environmental change, such as sea level rise and erosion, and extreme weather events, such as flooding, is causing the land upon which the Tribes live and thrive to become uninhabitable. Despite knowing the cause and impacts of sea level rise and erosion, the government has failed to act to protect the Tribes.

Factual Evidence: Louisiana

For thousands of years, the Mississippi River has snaked across southern Louisiana, depositing sediment from 31 states and 2 Canadian provinces across its delta. As sediment accumulated, land was built and continually changed the Mississippi River's path to the Gulf of Mexico. This constant ebb and flow created a dynamic ecosystem process of habitats and natural resources. The flood control structures built along the Mississippi River and unmitigated oil and gas extraction forever transformed this ecosystem. Climate-induced environmental change, such as sea level rise, coupled with frequent and increasingly intense extreme weather events accelerate rapid land loss.

Land Loss Due to Rising Sea Level and Human-made Infrastructure

In 1955, Isle de Jean Charles (IDJC) consisted of 22,000 acres. By 2015 (60 years later), IDJC's land mass decreased by 98% due to sea level rise, erosion, oil and gas infrastructure and the effects of levee development.³⁹ In 2016, the land mass was only 320 acres.⁴⁰ The Tribal Council's most recent calculation shows that the liveable space on the Island is only 110 acres. The Terrebonne Basin in which these communities sit has lost approximately 502 square miles of wetland since 1932.⁴¹ Areas that was formerly used for cattle, farming, gardens, forests, and even full residential communities are now water. GPS systems today cannot keep up with the rate of land loss.

Sea Level Rise

Louisiana's barrier shoreline is one of the fastest eroding shorelines in the world because of sea level rise and subsidence, which is occurring at a higher rate than anywhere else in the United States.⁴² "Shoreline

³⁹ State of Louisiana, National Disaster Resilience Competition Phase II Application (October 27, 2015), 105, available at https://www.doa.la.gov/OCDDRU/NDRC/NDRC_PII_Final_Exlmg.pdf.

⁴⁰ Ted Jackson, "On the Louisiana Coast, a Native Community Sinks Slowly into the Sea," *Yale Environment 360* (March 15, 2018) available at <https://e360.yale.edu/features/on-louisiana-coast-a-native-community-sinks-slowly-into-the-sea-isle-de-jean-charles>.

⁴¹ Habitat Loss, Barataria-Terrebonne National Estuary Program, available at <https://btnep.org/estuary-issues/habitat-loss/>.

⁴² Halle Parker, "Its Sinking Land AND Climate Change," *Houma Courier*, June 19, 2019, available at <https://www.houmatoday.com/news/20190610/its-sinking-land-and-climate-change>; Coastal Protection and Restoration Authority, 2017 Coastal Master Plan, Attachment C2-1, Eustatic Sea Level Rise, available at http://coastal.la.gov/wp-content/uploads/2017/04/Attachment-C2-1_FINAL_3.16.2017.pdf; CPRA, Barrier Island

erosion data [shows] that most of Louisiana’s shoreline is eroding faster than ever before with some short-term (1996 – 2005) erosion rates more than double the historic (1890s – 2005) averages.”⁴³ This results in increased flooding and erosion. In 2019, Pointe-au-Chien and Isle de Jean Charles were inundated with 8-feet of water in their Tribal villages from Hurricane Barry, a category 1 hurricane. The Louisiana Coastal Restoration and Protection Authority estimates that in the next 50 years sea level rise will increase anywhere from 2.85 feet to 4.85 feet in the Terrebonne Basin, where PACIT, IDJC, and Grand Caillou Dulac reside.⁴⁴

Ecological Disasters Caused By Unchecked Oil & Gas Exploitation

In 1901, oil companies discovered fossil fuel deposits in southern Louisiana, which launched a booming oil and gas industry where almost a quarter million wells would be drilled by 2014.⁴⁵ The industry has wreaked ecological havoc, destroying ecosystems through land loss and oil spills and stealing tribal lands through violence and fraudulent land deals.

By the 1940s, oil companies built offshore platforms to excavate gas and oil deposits throughout southern Louisiana. To transport the drilling and rig equipment, construction materials, and personnel to off-shore oil platforms, construct pipelines, and to mark boundaries, these companies excavated canals across these Tribes’ territory. Oil and gas companies have cut over 10,000 miles of canals across coastal Louisiana.⁴⁶

The canals cause saltwater intrusion, which kills the flora and destroys tree roots that holds the land together.⁴⁷ Without tree roots, the surrounding land sinks, which makes it difficult for Tribes to grow their traditional fruits and vegetables and harvest medicinal plants. The degradation has never been remediated.⁴⁸ The erosion and deterioration of the coastal lands cause storms to be much more intense. Rising sea level and increasingly intense hurricanes exacerbate these issues.⁴⁹

Status Report FY 2020 Annual Plan at 22, *available at* <http://coastal.la.gov/wp-content/uploads/2017/04/AppB-FY20-Barrier-Island-Report.pdf>.

⁴³ *Id.*, Summary at 3.

⁴⁴ Halle Parker, “Sinking Land.”

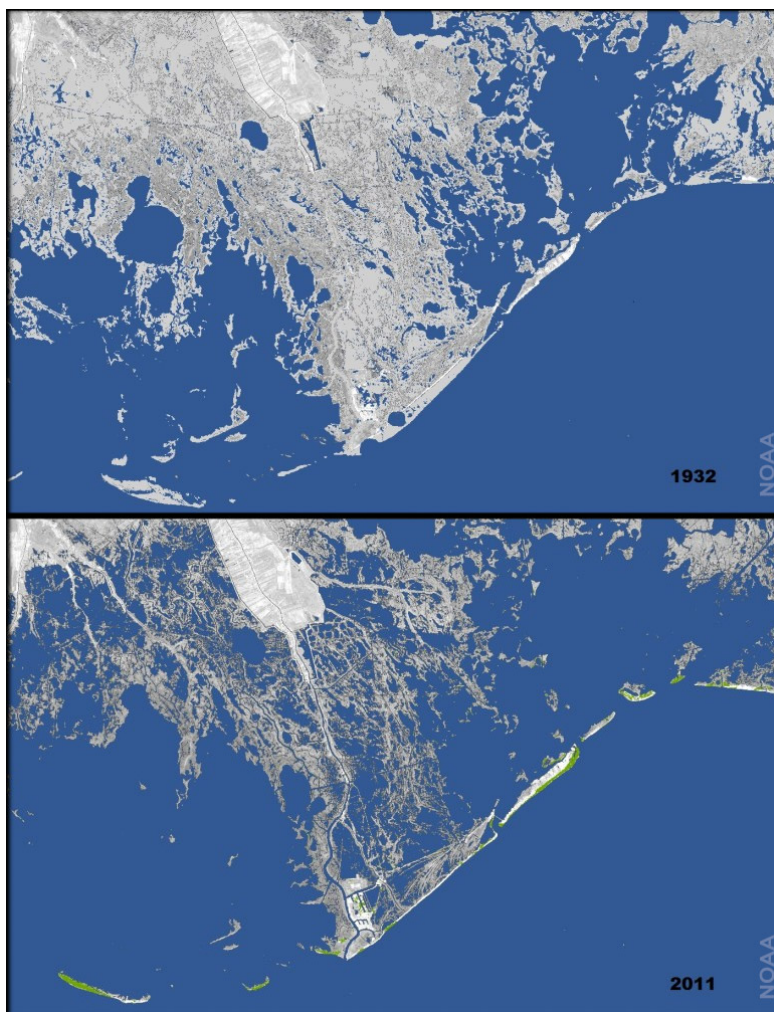
⁴⁵ Chris Kardish, “Southern Louisiana Picks a Fight with Big Oil to Save the Wetlands,” *Governing* (Aug 25, 2015), *available at* <https://www.governing.com/topics/transportation-infrastructure/gov-louisiana-wetlands-lawsuits.html>.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ Shirley Laska et al, “Layering of Natural and Human-Caused Disasters in Context of Sea Level Rise,” in Michele Companion, ed., *Disasters Impact on Livelihood and Cultural Survival: Losses, Opportunities, and Mitigation* (CRC Press, 2015), 227.

⁴⁹ Debra Utacia Krol, “In Louisiana, A Plan to Relocate The Country’s First ‘Climate Refugees’ Hits a Roadblock,” *Huffington Post*, Mar. 3, 2018, *available at* https://www.huffpost.com/entry/louisiana-climate-refugees-plan-roadblock_n_5ab402ade4b008c9e5f55c1b.



Land Loss in Southern Louisiana 1932-2011, NOAA

Deepwater Horizon Oil Spill of 2010

The 2010 Deepwater Horizon Oil Spill in the Gulf of Mexico devastated Pointe-au-Chien, Isle de Jean Charles, Dulac, and Grand Bayou. More than 200 million gallons of crude oil spilled into the Gulf of Mexico, creating an epic environmental disaster.⁵⁰ The oil spill also impacted the traditional subsistence fishing practices and the economic livelihood of many Tribal citizens.⁵¹ The State of Louisiana received billions of dollars in restoration funds and fines from the Deepwater Horizon Settlement; however, the Tribes have not been consulted or included in any restoration projects or discussions for use of the funds. The federal government also has not ensured that Tribal areas were appropriately represented or considered for

⁵⁰ Terri Hansen, "Drowning in It," *Indian Country Today*, May 4, 2011, at 20.

⁵¹ Barry Yeoman, "Reclaiming Native Ground," *SAPIENS*, (Feb. 24, 2017), available at <https://www.sapiens.org/culture/louisiana-native-americans-climate-change/>.

restoration funds in order to protect their subsistence livelihoods, sacred sites and cultural heritage.⁵² Today, the state of Louisiana continues to permit for unmitigated oil exploration despite ongoing problems with recurring oil spills.⁵³

Failure to Apply Legal Protection

Although some legal protections exist to regulate oil and gas development, little has been done to enforce the laws in place, and few actions have been taken to address the inequities created by the power imbalance that favors development and extraction of resources over protection, restoration, and maintenance of Tribal communities. For example, the State and Local Coastal Resources Management Act of 1978, La. R.S. § 49:214.21, *et seq.*, (“the CZM Laws”) regulates “uses” within Louisiana’s Coastal Zone through a permitting system.⁵⁴ The CZM Laws prohibit anyone from engaging in a “use” without first applying for and receiving a coastal use permit.⁵⁵ The purpose of the law is to protect, develop, and, where feasible, restore or enhance the resources of the state's coastal zone.⁵⁶ Often the government fails to take into consideration the impact of the permittee’s actions on tribal fishing, hunting, and sacred sites. Pointe-au-Chien requested to receive notice of coastal zone permits applied for in its territory. The State of Louisiana failed to respond to the request for notice of coastal permitting.

The district attorney of Terrebonne Parish is investigating whether oil companies properly filed the required permits for oil and gas exploration activities in the state’s coastal zone or if a permit was obtained, whether any provisions of the permit were violated.⁵⁷ Parish officials have criticized the

⁵² US Department of the Interior, Historic NRDAR Settlement Reached for Deepwater Horizon Spill, *available at* <https://www.doi.gov/restoration/historic-nrdar-settlement-reached-deepwater-horizon-spill>; Tribal communities are notably absent from the list of Trustees who were consulted in this planning, see <https://la-dwh.com/>.

⁵³ In 2019, after fifteen years, the Taylor Oil Spill that occurred after Hurricane Ivan was finally contained. *Taylor Energy Co. v. Letrell* (Status Report, 18-14046, Dkt. 96, May 14, 2019) *available at* https://earthjustice.org/sites/default/files/files/96_CG%20Status%20Report_5-14-19.pdf; Darryl Fears, “A 14-year Old Oils Spill in the Gulf of Mexico Verges on Becoming One of the Worst in US History,” *Washington Post*, Oct. 20, 2019, *available at* https://www.washingtonpost.com/national/health-science/a-14-year-long-oil-spill-in-the-gulf-of-mexico-verges-on-becoming-one-of-the-worst-in-us-history/2018/10/20/f9a66fd0-9045-11e8-bcd5-9d911c784c38_story.html; Yessinia Funes, “Longest Oils Spill in US History May be 900 Times Larger,” *Gizmodo*, June 25, 2019, *available at*, <https://earther.gizmodo.com/longest-oil-spill-in-u-s-history-may-be-900-times-larg-1835847992>; Joan Mieners, “There were 540 Oils Spills After Katrina. Oil Companies have yet to be accountable for any of them,” *Times Picayune*, Dec. 27, 2019, *available at* https://www.nola.com/news/environment/article_ae173ac4-2377-11ea-8f3f-37710b50344c.html.

⁵⁴ *Plaquemines Par. v. Palm Energy Offshore, LLC*, CIV.A. 13-6709, 2015 WL 3404032, at *1 (E.D. La. May 26, 2015 (citing La. R.S. § 49:214.30)).

⁵⁵ *Id.*

⁵⁶ State of Louisiana Department of Natural Resources Office of Coastal Management, *available at* <http://www.dnr.louisiana.gov/index.cfm/page/90>.

⁵⁷ John DeSantis, “Terrebonne Enters Oilfield Fray: DA Commencing Environment Damage Probe,” *Houma Times*, Mar. 17, 2019, https://www.houmatimes.com/news/terrebonne-enters-oilfield-fray-da-commencing-environment-damage-probe/article_cdc3bfa6-48f7-11e9-92fb-e781a8c1689f.html; John DeSantis, “Terrebonne Parish Sues its District Attorney and the State,” *Houma Times*, Apr. 8, 2019,

district attorney's actions as jeopardizing the oil industries contributions to the state, local economy, and labor market.⁵⁸ With such high stakes, the Terrebonne Parish President is suing the Parish district attorney and the State to stop the investigations into oil companies, permits, and coastal damages.⁵⁹

Mississippi River Levee System

European settlers reconfigured the Mississippi River after they arrived, building flood control structures that diverted the Mississippi River. As a result, the environment changed. As early as 1896, experts knew the effect of levee development on communities outside of the levee system. The government made a decision to protect some citizens, while ignoring others, specifically Tribal communities living on the coast.⁶⁰ Levees caused saltwater intrusion, prevented the river from depositing sediment into its wetlands damaging them, and eroded the barrier islands.⁶¹ Land loss occurred, causing the vegetation and natural buffer zone to disappear, making the coastal region vulnerable to flooding.⁶²

Morganza-to-the-Gulf Flood Protection System

In the early 1990s, the U.S. Congress tasked the U.S. Army Corps of Engineers (USACE) to construct the Morganza-to-the-Gulf Flood Protection System to keep hurricane waves from breaking across the land.⁶³ The USACE did not engage in any consultation process with the Tribes nor obtain their free, prior and informed consent before deciding which communities would be included in the flood protection system. In 2000, the USACE decided not to include Isle de Jean Charles in the Morganza-to-the-Gulf Flood Protection System, finding that it would not be cost-effective.⁶⁴ Excluding IDJC condemned the community to future land loss and hazardous conditions during storms.⁶⁵ Concerned with the USACE's determination, IDJC's Chief Albert Naquin urged the federal government to protect IDJC and include the

https://www.houmatimes.com/news/terrebonne-parish-sues-its-district-attorney-and-the-state/article_21e94704-5a64-11e9-aeb4-ebb94e114ca.html.

⁵⁸ *Id.*

⁵⁹ DeSantis, "Terrebonne Parish Sues its District Attorney and the State," *Houma Times*.

⁶⁰ Ferguson-Bohnee, "High Water and High Stakes: Cultural Resources and Climate Change," *Forum Journal* 29.4 (Summer 2015), 59; E.I. Cothell, "The Delta of the Mississippi River," *National Geographic* (Dec. 1897), 354, available at http://www.lacoastpost.com/National_Geographic_Dec_1897.pdf.

⁶¹ Sara Sneath, "Hilcorp Energy Settles Suit with Oystermen over Unauthorized Dredging through Wetlands," *The Times-Picayune*, June 15, 2018, https://www.nola.com/news/environment/article_6df4e1e6-29d2-51cb-a68a-cdd14a90247d.html.

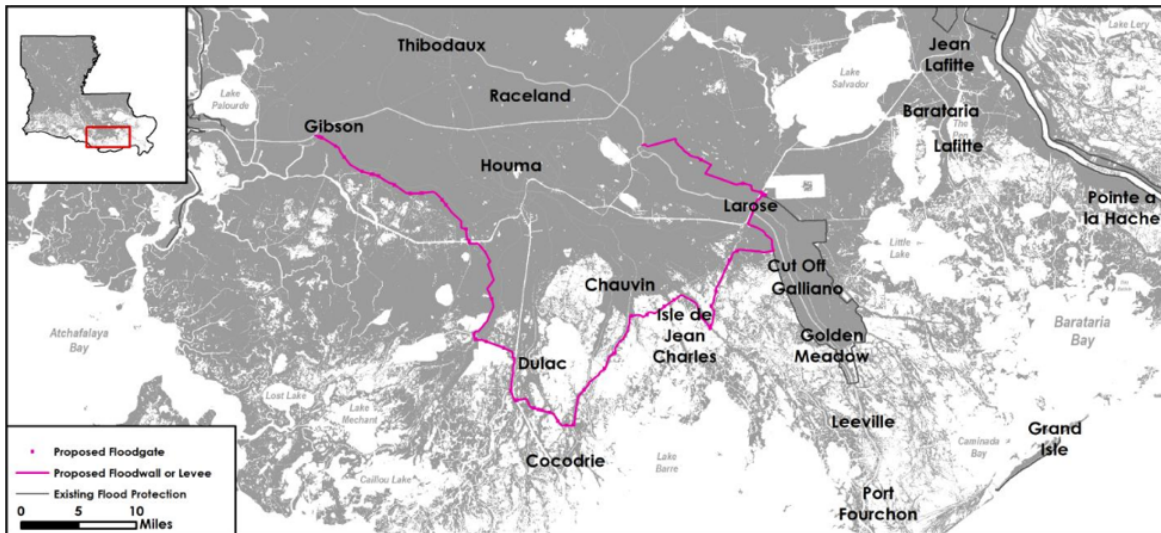
⁶² Andrew Stelzer, "Gulf Coast Tribes Face Erosion, Lack of Aid," *The New Standard*, April 27, 2007, <http://newstandardnews.net/content/index.cfm/items/2969>.

⁶³ Boyce Upholt, "Goodbye to Good Earth," *Oxford American*, Sept. 3, 2019, <https://www.oxfordamerican.org/magazine/item/1816-goodbye-to-good-earth>.

⁶⁴ Letter from Dr. James Johnson, Chief, Planning Division – Office of Deputy Commanding General for Civil Works, U.S. Army Corps of Engineers, to Honorable Albert P. Naquin, Chief, Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw, Feb. 9, 2000 (See Appendix C).

⁶⁵ *Id.*

community in the levee system.⁶⁶ The USACE, however, denied this request and instead determined that it would consider relocating residents or construct smaller flood control projects to protect the Tribe.⁶⁷ As a consequence, the USACE constructed a smaller flood control structure, a ring levee, to surround Isle de Jean Charles for protection. This levee is often breached by storms and in 2019, Category 1 Hurricane Barry breached the levee and filled the Island like a bathtub, inundating homes and forcing an evacuation.



Morganza-to-the-Gulf, Louisiana CPRA

Grand Bayou is not protected by the Morganza system or by smaller levees. The state of Louisiana's recent coastal restoration strategy in the Grand Bayou region includes land and marsh restoration projects, none of which are specifically targeted to protect Grand Bayou Village. Members of the Grand Bayou Atakapa-Ishak Chawasha Tribe have urged planners to include more socio-cultural indicators and Traditional Ecological Knowledge (TEK) in their planning to better assess the impacts these projects have on the community.⁶⁸ However, the projects have not included sufficient consultation with the community, and in some cases have not even adequately assessed impacts on the village.

The USACE included the current Pointe-au-Chien village area in the Morganza-to-the-Gulf Flood Protection System. This is the last segment of the Morganza-to-the-Gulf to be completed. Lack of federal funding has hampered levee construction. Currently, the levee system stops at a floodgate near the Pointe-au-Chien marina, separating Pointe-au-Chien from open water and marsh that used to be dry land.

⁶⁶ Id.

⁶⁷ Id.

⁶⁸ Matthew Bethel et al, "Blending Geospatial Technology and Traditional Ecological Knowledge to Enhance Restoration Decision-Support Processes in Coastal Louisiana," *Journal of Coastal Research* 27.3 (May 2011), https://scholarworks.uno.edu/cgi/viewcontent.cgi?article=1022&context=chart_pubs.

Hurricane Barry brought eight feet of water into the tribal community in 2019, causing tribal homes and vehicles to flood. Although, the primary residential village that currently makes up Pointe-au Chien will sit inside the levee system when it is completed, as illustrated in the plan above, the levee system excludes most of the Tribe's aboriginal territory.⁶⁹ PACIT's ancestral burial grounds, historic farmland and villages, traditional fishing and hunting grounds, and sacred sites are not protected by the levee system and do not have hurricane protection.⁷⁰ As a consequence, salt water intrusion and coastal erosion destroyed these cultural heritage sites and village sites, and Tribal citizens were forced to relocate and adapt to the changes in the landscape.

The Impact of Natural Disasters

Hurricanes and tropical storms have had devastating impacts on the Tribes damaging thousands of homes and leaving some Tribal citizens homeless for long periods of time. The intensity and frequency of these storms have increased dramatically. The flood protection systems have provided insufficient protection from these storms. They also submerged the natural barriers, such as barrier islands and wetlands, which used to protect the southern Louisiana coast.

In the early 1900s, tropical storms or hurricanes were relatively infrequent and the impacts on Louisiana's tribal communities were manageable because of protection from the barrier islands and the natural marsh. From 1900-1947, nine hurricanes hit the Louisiana coast.⁷¹ From 1956-1988, seventeen hurricanes hit the Louisiana coast.⁷² From 1988-2000, five major storms occurred, including Hurricane Andrew in 1992.⁷³ Beginning in the 2000s, a surge in the number of tropical storms and hurricanes along the southern Louisiana coast has increased the rate of devastation for tribal communities. From 2000 until 2004, eleven tropical storms and hurricanes inundated the southern Louisiana coast.⁷⁴ From 2005 until 2009, ten storms inundated southern Louisiana, including four major hurricanes, Rita and Katrina in 2005 and Gustav and Ike in 2008.⁷⁵

⁶⁹ Ferguson-Bohnee, "The Impacts of Coastal Erosion on Tribal Cultural Heritage," 61.

⁷⁰ Pam Radtke Russell, "Fighting Rising Tides, Coastal Towns Turn to Humble Oysters to Save Their Land and Their Culture," *Huffington Post*, May 24, 2019, https://www.huffpost.com/entry/oyster-shells-rising-sea-level-louisiana_n_5ce2c7f2e4b0e69c18efae1a (noting that a sacred tribal mound, one of five tribal mounds, which dates back to 900 A.D. is at risk).

⁷¹ Gregory W. Stone, John M. Grymes III, John R. Dingler, and David A. Pepper, "Overview and Significance of Hurricanes on the Louisiana Coast, U.S.A." *Journal of Coastal Research* 13.3 (1997): 656, 660. www.jstor.org/stable/4298661.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ David Roth, *Louisiana Hurricane History*, at 10, National Weather Service, Camp Springs, MD <https://www.wpc.ncep.noaa.gov/research/lahur.pdf> (last accessed Nov. 15, 2019).

⁷⁵ Rachel Steffan, A Brief History of Louisiana Hurricanes, *Beauregard Daily News* (May 24, 2017), <https://www.beauregarddailynews.net/news/20170524/brief-history-of-louisiana-hurricanes>.

In 2005, Hurricanes Katrina and Rita inundated the communities in southern Louisiana. Hurricane Rita brought eight-foot floodwaters and flooded 10,000 homes, many of them in the southern part of the Parish where the Pointe au Chien Indian Tribe, Isle de Jean Charles Tribe, and Grand Caillou/Dulac Tribe reside.⁷⁶ Months after the storms, the tribal communities in the bayou region had received minimal aid and faced bureaucratic denials for aid from the Federal Emergency Management Agency (FEMA). Tribal members continued to live in homes that were moldy, dilapidated, or had been gutted and left people vulnerable to winter weather for months after the storm.

Hurricane Katrina completely devastated Grand Bayou, causing homes to be uninhabitable. Government officials failed to support the self-determination of the Tribe or protect the right to life and safety of the community at Grand Bayou following Katrina. From outright discrimination to attempts to use red tape to displace community members, one and one-half years after the disaster, Tribal citizens were struggling to rebuild, and access electricity and other utilities. Tribal citizen Rosina Philippe notes that it was four years before a volunteer disaster agency, acting on her and the village's behalf, was able to obtain the necessary permits and other resources to rebuild her home in Grand Bayou Village.

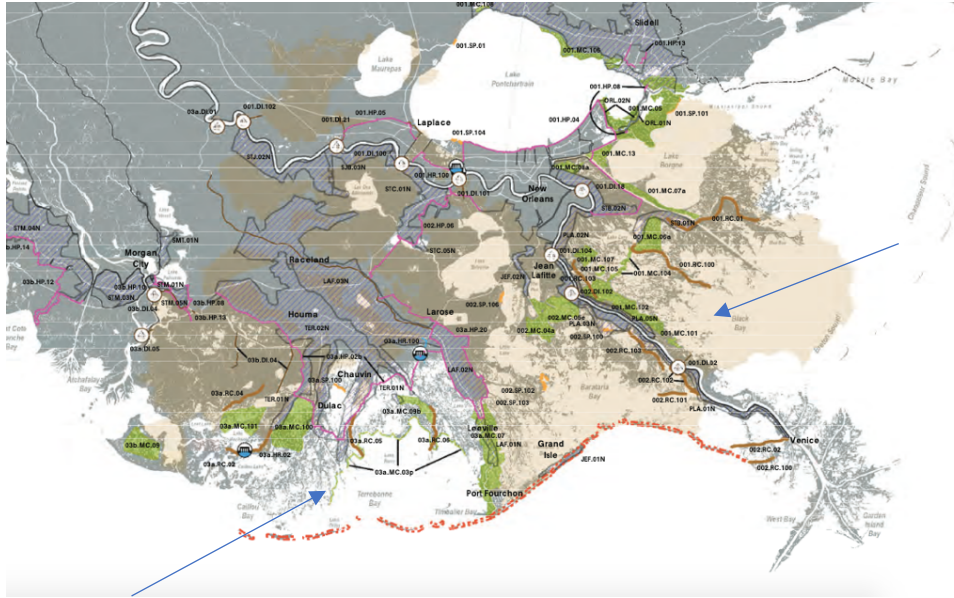
Following Hurricane Katrina, Louisiana created a Road Home program with federal money to buy out homeowners or assist them with rebuilding. In Pointe-au-Chien, where many tribal citizens live on collective "family" property, tribal citizens did not qualify for the same amounts to rebuild as non-Indian homeowners because of the way in which tribal citizens hold property collectively. The state treats these homeowners as "renters."

The Louisiana Legislature also created the Coastal Protection and Restoration Authority (CPRA), with federal funding, to achieve comprehensive coastal protection and restoration. CPRA was charged with working collaboratively with coastal partners to develop a master plan to guide coastal restoration work. **Tribes are notably excluded from the list of coastal partners.**⁷⁷ The CPRA 'Master Plan' to protect and restore the coast insufficiently protects the Louisiana Tribes participating in this complaint or, worse, excludes them. When Tribal citizens have appealed to state officials for restoration of the land and barrier islands, they have been told that "the science-based plan used objective tools to select the projects that would create the most lasting land for the least amount of money, and building land in [the area where these communities live] was . . . too expensive and not sustainable."⁷⁸

⁷⁶ Coastal Tribes, Press Release: Louisiana Coastal Tribes Appeal for Help, Jan 5, 2006, *available at* <http://pacTribe.tripod.com/id13.html>.

⁷⁷ Coastal Protection and Restoration Authority, Coastal Partners, *available at* <http://coastal.la.gov/about/coastal-partners-overview/>

⁷⁸ Patty Ferguson-Bohnee, "The Impacts of Coastal Erosion on Tribal Cultural Heritage," *Forum Journal* 29.4 (Summer 2015), 63.



2017 CPRA Master Plan Restoration Projects⁷⁹

Arrows Point to Community Regions

In 2008, the Tribes were hit back-to-back by Hurricanes Gustav and Ike. Hurricane Gustav directly hit IDJC and part of Pointe-au-Chien (PAC), destroying tribal buildings and homes and leaving some tribal citizens homeless. Before Gustav, IDJC had 55 homes in the community. Gustav destroyed 30 of these homes and several homes in PAC. Gustav also damaged the only road leading to IDJC, and Island leaders faced an uphill battle to get the road repaired by Terrebonne Parish Officials. Hurricane Ike caused 6-8 foot storm surges in lower PAC and IDJC, damaging almost every home in the community. Grand Bayou Village which sits outside the levee and no longer has barrier islands and other protections flooded, as is now routine. The Village existed centuries before the levees were constructed, yet the community was excluded from its protection, reasons given for the exclusion were that it was not feasible due to the ratio of the cost/benefit analysis. The land and vegetation were destroyed.

Hurricanes Katrina, Rita, Ike, and Gustav had a devastating impact on Dulac, where the estimated population dropped from 2,458 in 2000 to 1,463 in 2010, largely because of the damage from back-to-back hurricanes and rising flood insurance rates that would allow people to protect themselves from the

⁷⁹ State of Louisiana, Louisiana’s Comprehensive Master Plan for a Sustainable Coast (June 2, 2017), *available at* <http://coastal.la.gov/our-plan/2017-coastal-master-plan/>.

economic impacts of future storms.⁸⁰ Insurance rates can be over \$25,000 a year in this area, and in Dulac the median income is under \$20,000.⁸¹

Following Hurricanes Gustav and Ike, the federal government provided \$27.4 million to Louisiana for coastal protection and restoration projects to help communities recover from the storms and prepare to better withstand future hurricanes.⁸² The U.S. Dept. of Housing and Urban Development (HUD) funded Community Development Block Grants (CDBG) to the La. Office of Community Development's Disaster Recovery Unit to identify potential flood protection projects. No consultation process occurred with any of the Tribes to determine how to allocate the funds to protect their communities.

From 2010 until 2019, eleven storms occurred, including Lee in 2011 and Barry in 2019 causing flooding in Pointe-au-Chien and Isle de Jean Charles. In 2012, Hurricane Isaac struck causing widespread damage in Isle de Jean Charles, flooding five homes with over three feet [one meter], requiring that virtually everything in the home be replaced.⁸³ In Grand Bayou, where homes are now 16 feet off the ground on pilings, Isaac inundated the village and Tribal citizens took to their boats to ride out the storm. But this storm brought a new phenomenon: a tsunami effect in which the waters rose and then receded before rushing in and again. Residents had gone back to yards and homes when the waters rose quickly, tearing boats from their moorings.

After Hurricane Isaac in 2012, Terrebonne Parish used CDBG funding to "buy out" Grand Caillou/Dulac Tribal citizens' homes that had been damaged.⁸⁴ The parish then auctioned these homes off to developers to create revenue for the government.⁸⁵ This sort of economic displacement is common. In Grand Caillou/Dulac, a Tribal elder was unable to remain on their property due to age and repeated damages from hurricanes and flooding. A developer then approached the elder to purchase the property and it was sold for approximately \$45,000.00 because the elder had no knowledge of property values or real estate sales. Once the developer divided the property, 100 by 100 foot parcels of land were sold for

⁸⁰ Julie K. Maldonado, *Seeking Justice in an Energy Sacrifice Zone: Standing on Vanishing Land in Coastal Louisiana* (New York: Routledge, 2019), 32.

⁸¹ Maldonado, *Seeking Justice*, 32, 40.

⁸² Coastal Programs, Coastal Protection and Restoration Authority, *available at* <https://coastal.la.gov/about/coastal-programs/>

⁸³ Chief Albert Naquin, Isle de Jean Charles Assessment of Damage from Hurricane Isaac, Completed on September 4, 2014, Chief Naquin IDJC Files.

⁸⁴ State of Louisiana, Office of Community Development – Disaster Recovery Unity, Cooperative Endeavor Agreement (2013), https://www.doa.la.gov/OCDDRU/Disasters/IC_Contracts/Terrebonne_HMA.pdf.

⁸⁵ Karl Gommel, "TPCG Looks at Property Sales," *The Houma Times*, May 17, 2016, *available at* https://www.houmatimes.com/news/tpcg-looks-at-property-sales/article_b72af8da-1c46-11e6-a02b-eb7424c927a5.html

approximately \$45,000.00 each, undeveloped. Now, this area is a vacation home community called “Southern Comfort” with private wharves and bulkheads to protect against storms.⁸⁶

On July 13, 2019, Hurricane Barry (category 1) hit South Louisiana and breached the 7-foot ring levee protecting Isle de Jean Charles, filling the island, with storm surge rising 5-6 feet high in some places. Barry flooded eight homes of IDJC Tribal members and also severely impacted Pointe au Chien, flooding 12 homes. Pointe-au-Chien Tribal citizens also suffered damage to crab traps and fishing nets. Insufficient and unbuilt levee systems, where the large-scale Morganza-to-the-Gulf levee system has not yet been completed, and storm surge caused the flooding.

Isle de Jean Charles Resettlement Plan

Following the US Army Corps of Engineers’ decision to exclude the Isle de Jean Charles from the Morganza-to-the-Gulf flood protection system, the Isle de Jean Charles Tribal Council made the difficult decision in 2002 to leave their ancestral island and resettle elsewhere. The Tribe made this decision to protect the lives of Tribal citizens still residing on the island and also to bring together again the Tribal citizens who were forced to flee the island because of the impact of previous hurricanes.

The Tribe has developed three resettlement plans since 2002. Each time, federal, state, and parish officials have failed to implement the Tribe’s plans. In 2015, the U.S. Department of Housing and Urban Development (HUD) issued a request for proposals for a National Disaster Resilience Competition grant program. The competition required that state governments submit applications for this competition. The Tribe collaborated with the state of Louisiana, and the state of Louisiana secured a \$92 million dollar grant, including \$48 million to fund the Isle de Jean Charles Biloxi-Chitimacha-Choctaw Tribal Resettlement.⁸⁷ IDJC worked intensively to develop a tribal-led resettlement plan to include in the state’s application.

Since receiving these funds, the state has fundamentally changed the IDJC resettlement plans violating the Tribe’s right to self-determination. The federally-funded activities of the state, and in particular the Louisiana Office of Community Development (OCD) charged with implementing the IDJC resettlement plan, substantially changed the resettlement plan without consulting tribal leadership, and in some cases, took major action without notifying the Tribe. As early as March 2016, the state’s plans for the resettlement began to substantially diverge from the Tribe’s plans, when an early fact sheet for the award

⁸⁶ Southern Comfort Waterfront Community advertisements, *available at* https://www.realtor.com/realestateandhomes-search/Southern-Comfort-Waterfront-Community_Dulac_LA/overview; Southern Comfort satellite photo, *available at* <https://www.google.com/maps/place/Southern+Comfort+Ct,+Dulac,+LA+70353/@29.369652,-90.727741,764m/data=!3m1!1e3!4m5!3m4!1s0x8621a8580173eab1:0x3773eac4c0e471ea!8m2!3d29.3696333!4d-90.7249837>

⁸⁷ Julie Dermansky, “Isle de Jean Charles Tribe Turns Down Funds to Relocate First US ‘Climate Refugees’ as Louisiana Buys Land Anyway,” *DeSmog Blog*, Jan. 11, 2019, *available at* <https://www.desmogblog.com/2019/01/11/isle-de-jean-charles-tribe-turns-down-funds-relocate-climate-refugees-louisiana>; *see also* National Disaster Resilience Competition, Grantee Profiles, (Jan. 2016), <https://www.hud.gov/sites/documents/NDRCGRANTPROF.PDF>; <https://www.hudexchange.info/news/hud-awards-1-billion-through-national-disaster-resilience-competition/>; About the Project, Isle de Jean Charles Coastal Resettlement Webpage, *available at* <http://www.coastalresettlement.org/about-the-project.html>.

asserted that “tribal affiliation” would not be a part of the resettlement plan.⁸⁸ The state included individuals not affiliated with the IDJC Tribe, asserting that it must prevent discrimination in the distribution of public housing.⁸⁹

In September 2018, the state’s Permanent Relocation & Homeownership Assistance Program was unveiled. The state’s plan at that time, developed without Tribal consultation, required that the Tribal citizens participating in the resettlement process relinquish the properties on their ancestral homelands and required Island residents to enter into mortgages to secure land and a home in the resettlement site.⁹⁰

Chief Naquin of the IDJC Tribe has repeatedly objected to the Louisiana government’s resettlement plans. None of these written and verbal objections have changed the state’s resettlement plan. On Sept 25 2018, Chief Naquin wrote an open letter to state officials stating that the resettlement process was a dishonor to the Tribe’s ancestors because the “homeownership assistance program” for the relocation required IDJC residents to “sign away the legacy from their ancestors.”⁹¹ On October 29, 2018, the IDJC Tribal Council also wrote to the Director of Office of Block Grant Assistance at U.S. Housing and Urban Development to recommend that the grant funds be returned to the National Disaster Resilience Competition grant committee.⁹²

In January 2019, the state purchased land for the resettlement site. The Isle de Jean Charles Tribe learned of this purchase through a press release. The state did not consult nor directly notify the Tribe prior to this action. In response to the state’s purchase of the land without consultation, the IDJC Tribal Council issued a press release “The Isle de Jean Charles Tribal Resettlement: A Tribal-driven, whole community process,” explaining the origins and intentions of the resettlement plan and the ways the new plans diverge.⁹³ On January 24, Chief Naquin met with the Director of OCD, Pat Forbes, to discuss the plan. On February 7, the Tribe sent Forbes a list of the Tribe’s desired changes. On February 21, 2019, the OCD presented and defended its new plans before the Houma-Terrebonne Parish Planning Commission. Chief

⁸⁸ State of Louisiana CDBG-NDR Award Fact Sheet, as cited in Nathan Jessee, “Community Resettlement in Louisiana: Learning from Histories of Horror and Hope,” in Shirley Laska, ed., *Louisiana’s Response to Extreme Weather: A Coastal State’s Adaptation Challenges and Successes* (Springer, 2019), 170.

⁸⁹ Boyce Upholt, “Goodbye to Good Earth,” *Oxford American* (Sept. 3, 2019), <https://www.oxfordamerican.org/magazine/item/1816-goodbye-to-good-earth>.

⁹⁰ Julie Dermansky, “Isle de Jean Charles Tribe Turns Down Funds to Relocate First US ‘Climate Refugees’ as Louisiana Buys Land Anyway,” *Desmog*, January 11, 2019, available at <https://www.desmogblog.com/2019/01/11/isle-de-jean-charles-tribe-turns-down-funds-relocate-climate-refugees-louisiana>.

⁹¹ Chief Albert Naquin to State of Louisiana, September 26, 2018, Chief Albert Naquin IDJC Files (Appendix D).

⁹² Chief Albert Naquin to Stan Gimont, Director, Office of Block Grant Assistance, US Department of Housing and Urban Development, October 29, 2018, Chief Albert Naquin IDJC Files (Appendix E).

⁹³ Isle de Jean Charles Tribe Press Release, The Isle de Jean Charles Tribal Resettlement: A Tribal-Driven, Whole Community Process, Jan 15, 2019, available at <https://static1.squarespace.com/static/5672cfb1d82d5e366e753691/t/5c425ac4c74c507d878e696a/1547852484564/IDJC+Press+release+1-18-19.pdf>.

Naquin of IDJC, Chief Dardar of Grand Caillou Dulac, Chief Creppel of the United Houma Nation, and Commissioner Kurtz from the Houma-Terrebonne Parish Planning Commission, among others, objected to the project.⁹⁴ On March 7, Forbes wrote to Chief Naquin rejecting all of the changes, including an outright rejection of the tribal sovereignty of the IDJC Tribe.⁹⁵

In April 2019, OCD released a fifth substantial amendment to the resettlement plan, with an open comment period until April 23, 2019. The IDJC Tribe was not directly notified. The amendment replaces a section of the original resettlement plan that focused on “supporting and enhancing tribal identity, sovereignty, and dignity” and the tribal community center.⁹⁶ This amendment denies IDJC tribal sovereignty and self-determination. The Pointe-au-Chien Indian Tribe, among other local Tribes, sent a public comment letter in response to this amendment. The letter notes that the new amendment minimizes both the existence and leadership of the Tribe (and other coastal Tribes). On May 14, 2019, Patty Ferguson-Bohnee of the Pointe-au-Chien Indian Tribe received an email response to the public comment asserting that the state refuses to acknowledge the Tribes as sovereign, as they are not federally recognized by the Bureau of Indian Affairs, and claims that the Isle de Jean Charles Tribe is only recognized by the state for “education and health care benefits” (See Appendix F). The current state web site for the resettlement states that the resettlement has no affiliation with any tribal or religious organization “by federal law and state desire.” At this time, IDJC Tribe-led resettlement plans have been suspended because of the state’s refusal to allocate funds to IDJC to implement the Tribe’s plan as originally described in the National Disaster Resilience Competition grant application. The state continues its own planning without consultation with the Tribe.

Factual Evidence: Alaska

The Arctic region is warming at an accelerated and unprecedented rate, resulting in warmer oceans, decreased seasonal sea ice extent, and thawing permafrost.⁹⁷ Temperatures along the northern Alaskan coast, for example, have increased by an average of 3.5 degrees Celsius since the beginning of the twentieth century, 2 degrees Celsius higher than the global aspirational target established by the United Nations Framework Convention on Climate Change (UNFCCC) Paris Agreement for warming relative to pre-industrial times. These increased temperatures are causing catastrophic changes to the environment

⁹⁴ Julie Dermansky, “Critics say Louisiana ‘Highjacked’ Climate Resettlement Plan From Isle de Jean Charles Tribe,” *DeSmog*, Apr 20, 2019.

⁹⁵ Patrick Forbes of the Louisiana Office of Community Development to Chief Albert Naquin, March 7, 2019, Chief Albert Naquin IDJC Files (Appendix G).

⁹⁶ Nathan Jessee, “Community Resettlement in Louisiana: Learning from Stories of Horror and Hope,” in Shirley Laska, ed., *Louisiana’s Response to Extreme Weather* (Springer, 2019).

⁹⁷ Intergovernmental Panel on Climate Change (IPCC), *Climate Change 2014: Impacts, Adaptation, and Vulnerability. Working Group II Contribution to the IPCC 5th Assessment Report*; B.M., Jones, et al. “A Decade of Annual Permafrost Coastal Observations Indicate Changes in the Arctic System,” *Environmental Research Letters* 13.11 (2018): 1-13, available at <http://iopscience.iop.org/article/10.1088/1748-9326/aae471>.

and threatening the lives and livelihoods of Alaska Native communities, forcing the community of Kivalina to decide that the relocation of their entire community is the best long-term adaptation strategy.



State of Alaska, Triangle Indicates Kivalina Location

The risks and severity of climate impacts are particularly high for coastal communities in Alaska, such as Kivalina, where loss of land-fast sea ice is increasing storm impacts.⁹⁸ Since the 1980s, the Arctic seas have remained ice-free approximately three weeks longer in the autumn, compared to the historical record.⁹⁹ Loss of arctic sea ice, the natural storm barrier for coastal communities, results in inundation of coastal communities by flooding and storm surges during extreme weather events. The loss of this natural sea wall during the late fall and early winter storm season increases the exposure of many communities to stronger wave impacts.¹⁰⁰ Coastal storms also result in hurricane-strength winds, damaging infrastructure, subsistence land use areas, and transportation corridors that are vital to health and socioeconomic well-being. During the winter of 2017-2018, 42 storms battered the west coast of Alaska, causing damage in many coastal and riverine communities. In addition, warmer winter temperatures and more erratic weather patterns are causing heavy rain and melting snow extreme weather events, resulting in significant flooding.

Permafrost underlies much of Alaska, and this perennially frozen ground keeps the land intact and habitable by providing a stable foundation for the built environment and by supporting critical ecosystem

⁹⁸ Z. Fang, Z., P. T. Freeman, et al., "Reduced sea ice protection period increases storm exposure in Kivalina, Alaska," *Arctic Science* 4 (2018): 525–537; J.C. Vermaire, M. Pisaric, et al., "Arctic climate warming and sea ice declines lead to increased storm surge activity," *Geophysical Research Letters* 40.7 (2013): 1386-1390.

⁹⁹ B.M. Jones, D.L. Bull, et al., "A decade of annual permafrost coastal observations indicate changes in the Arctic System," *Environmental Research Letters* 13.11 (2018): 1-13, <http://iopscience.iop.org/article/10.1088/1748-9326/aae471>.

¹⁰⁰ C.E. Tweedie, C.E. A. Aguire, et al., "Spatial and temporal dynamics of erosion along the Elson Lagoon Coastline near Barrow, Alaska," 2002-2011 (2012) in *Proceedings of the Tenth International Conference on Permafrost*, 425-430, available at <https://ipa.arcticportal.org/meetings/international-conferences>.

services.¹⁰¹ When ice-rich permafrost thaws, the resulting ground collapse increases flood risk and threatens the structural integrity of infrastructure.¹⁰² Permafrost thaw in the Arctic has already reached depths that scientists predicted would not thaw until the end of the century.¹⁰³ Coastal bluffs that were once “cemented” by permafrost are thawing leaving them more vulnerable to erosion from wave attack during coastal storms. Inundation of land by seawater, in turn, contributes to further destabilization of permafrost.¹⁰⁴ Flooding, erosion, and permafrost thaw, which work in concert to influence the vulnerability of land to each hazard individually, can lead to *usteq*—catastrophic land collapse.¹⁰⁵

Land Loss

The climate crisis has exacerbated erosion of the island where the Native Village of Kivalina is located and has made Kivalina a dangerous place to live. In 1953, Kivalina Island was 55 acres.¹⁰⁶ By 2003, a National Oceanographic and Atmospheric Administration study showed that the island had shrunk to 27 acres of livable space.¹⁰⁷ During the same year, the US Government Accountability Office reported that most of Alaska’s 200 native villages were affected by flooding, erosion, and 31 – including Kivalina – faced “imminent threats” “due in part to rising temperatures that cause protective shore ice to form later in the year, leaving the villages vulnerable to storms.”¹⁰⁸ The thick sea ice that historically has protected the coast from the impacts of storms is no longer present, or freezes up later in the year, meaning that fall storms are increasingly severe and destructive. In addition, Kivalina village sits on permafrost, and as it thaws the river bank washes into the Wulik River. The only year-round access to the community, its airstrip, is not protected by the seawall and is exposed to erosion and flooding when storms inundate the community.

Increasingly Severe Storms

The sea is now at Kivalina residents’ doorsteps and in recent decades, increasingly severe storms have sped the rate of erosion and prompted repeated disaster declarations. In 2004 and 2005, storms caused

¹⁰¹ M.T. Jorgenson, G.V. Frost, D. Dissing, “Drivers of landscape changes in coastal ecosystems on the Yukon-Kuskokwim Delta, Alaska,” *Remote Sensing* 10.8 (2018): 1280.

¹⁰² State of Alaska, DHSEM, *Alaska State Hazard Mitigation Plan* (2019) at 6-8 to 6-12, available at <https://ready.alaska.gov/Plans/Mitigationplan>.

¹⁰³ Grant Currin, “Arctic Permafrost is Going Through a Rapid Meltdown—70 Years Early,” *Live Science* (June 13, 2019), available at <https://www.livescience.com/65709-arctic-permafrost-melts-decades-early.html>.

¹⁰⁴ Jorgenson et al, “Drivers of landscape changes.”

¹⁰⁵ DHSM, *Alaska State Hazard Mitigation Plan*.

¹⁰⁶ Shearer, *Kivalina*, 50.

¹⁰⁷ *Id.*

¹⁰⁸ US General Accounting Office, *Alaska Native Villages: Most are Affected by Flooding and Erosion, but Few Qualify for Federal Assistance* (Washington, DC: GAO, 2003), 17.

major erosion into the Chukchi Sea, including around the fuel tank farm, school, and airstrip.¹⁰⁹ In 2004, evacuation was not possible – people were trapped. Millie Hawley, Kivalina’s Tribal Administrator notes that the worst years of erosion were 2005-2007.¹¹⁰ In 2005, the village was declared a disaster area after fall storms. FEMA provided funding for sandbags to guard against erosion. In 2006, storms caused erosion up to 50 feet inland and exposed permafrost. In 2007, storms were so bad that community leaders called for an evacuation,¹¹¹ but Kivalina did not have an evacuation road, so there was no way to leave by vehicle or foot, and boat travel is dangerous during storms.

Kivalina Planned Resettlement

As early as 1910, residents wanted to move because of threats of erosion. In 1953, Kivalina had its first community election on the question of relocation, but voted not to relocate at that time.¹¹² During the 1980s and 1990s both city and tribal governments considered relocation for a variety of reasons, mainly to escape flooding, erosion, and storms. In 1992, the Kivalina community voted to relocate.¹¹³ Community leadership then began planning a relocation process and petitioning state and federal government entities for help to make a community relocation a reality.

In 1998, after having commissioned an engineering report, Kivalina residents voted and selected a site for relocation: Igrugaivik. However, the U.S. Army Corps of Engineers did their own assessment the same year and rejected Kivalina residents’ choice.¹¹⁴ Two years later, Kivalina residents held another election and chose another site for relocation: Kiniktuuraq. Elders reported that that area had not flooded historically, even when Kivalina did. The USACE decided that it would not be cost effective to shore up the relocation site against permafrost melt and other impacts of climate change.¹¹⁵

Fall storms in 2005 caused major damage and the village was declared a disaster area. Kivalina’s leadership worked with state and federal legislators to help them understand the severity of the situation. That year Congress passed Section 117 of the Consolidated Appropriations Act (Section 117) allowing

¹⁰⁹ US Army Corps of Engineers, *Section 117 Expedited Erosion Control Project Kivalina Alaska* (Sept 2007), https://www.commerce.alaska.gov/web/Portals/4/pub/2007_Kivalina_Erosion_Control_EA&FONSI.pdf

¹¹⁰ Interview with Millie Hawley, Kivalina Tribal Administrator, June 26, 2019.

¹¹¹ “Arctic Villagers Evacuate as Storm Erodes Island,” *NBC News*, Sept 14, 2007, available at http://www.nbcnews.com/id/20772026/ns/us_news-environment/t/arctic-villagers-evacuate-storm-erodes-island/#.XfD-W-t7n-Y.

¹¹² Glen Gray and Associates, *Kivalina Consensus Building Project Final Report* (July 2010), 11, available at http://www.relocate-ak.org/wordpress/wp-content/uploads/2012/09/Kivalina_Consensus_Building_Project_Final_Report_July_20106.pdf.

¹¹³ Shearer, *Kivalina*, 102.

¹¹⁴ US Army Corps of Engineers, *Kivalina Relocation Master Plan* (2006), available at <https://www.poa.usace.army.mil/Portals/34/docs/civilworks/reports/KivalinaMasterPlanMainReportJune2006.pdf>

¹¹⁵ *Id.*; Glenn Gray and Associates, *Kivalina Consensus Building Project: Situation Assessment* (July 2010), available at http://www.relocate-ak.org/wordpress/wp-content/uploads/2012/09/Situation_Assessment_Final_July_20105.pdf

USACE to carry out storm damage protection projects for Alaska Native villages at federal expense, not through the usual cost-sharing mechanism. Kivalina began working with the US Alaska Congressional delegation to get funding to support an evacuation road across the lagoon and to the mainland.

In 2006, the regional native corporation,¹¹⁶ NANA Pacific, secured a contract for a seawall to protect Kivalina. Unfortunately, there was not sufficient consultation with village/tribal leadership. The project went ahead with a plan for wire mesh boxes filled with sand. The seawall was completed and almost immediately thereafter, on October 11, 2006, the protective seawall washed away in a storm.¹¹⁷

Kivalina next received funding for a protective barrier – a rock revetment which was originally meant to be 3100 feet.¹¹⁸ Ultimately, only 1600 feet of the revetment was funded and built between 2009-2010 before funding ran out.¹¹⁹ The rock revetment was intended to have a lifespan of approximately 10-15 years. Kivalina's Strategic Management Plan notes that reports have suggested that Kivalina may be uninhabitable as early as 2025.¹²⁰

¹¹⁶ With the passage of the Alaska Native Claims Settlement Act in 1971, 13 Alaska Native corporations were created to manage those claims.

¹¹⁷ Robin Bronen, *Climate-Induced Displacement of Alaska Native Communities* (Brookings Institute, 2013), available at <https://www.brookings.edu/wp-content/uploads/2016/06/30-climate-alaska-bronen-paper.pdf>.

¹¹⁸ US Army Corps of Engineers, *Section 117 Expedited Erosion Control Project Kivalina, Alaska: Environmental Assessment and Finding of No Significant Impact* (September 2007), available at https://www.commerce.alaska.gov/web/Portals/4/pub/2007_Kivalina_Erosion_Control_EA&FONSI.pdf.

¹¹⁹ US Army Corps of Engineers, *Kivalina Coastal Erosion Condition of Improvements* (December 31, 2017), available at <https://www.poa.usace.army.mil/Portals/34/docs/operations/EFC/2017KivalinaOverview.pdf?ver=2018-12-31-112731-157>.

¹²⁰ HDR, RIM First People, *Kivalina Strategic Management Plan* (September 2016), available at https://www.commerce.alaska.gov/web/Portals/4/pub/1_Kivalina_SMP_September_2016.pdf.



Kivalina's Rock Revetment¹²¹

To find safety for the community, by 2011, Kivalina's leadership shifted to focusing on securing funding for an evacuation road. In 2012, Kivalina and other rural Alaska Native communities won a lawsuit based on the discriminatory allocation of state funding for schools. The community voted to pursue a plan to use that settlement money to build a new school seven miles inland on a high point called Kisimigiiqtuq Hill.¹²² This vote allowed the community to begin working with local, state, and federal agencies, work which has resulted in the State of Alaska providing funding for an evacuation road in the amount of \$55million.

In 2014, Kivalina engaged in a 2-year planning process with Alaska Division of Community and Regional Affairs to develop another master plan – the Kivalina Strategic Management Plan that covers adaptation, resilience, and relocation. Kivalina also worked to engage an Inter-Agency Planning Work Group that meets quarterly to coordinate resources and technical assistance from state and federal agencies, regional organizations, and local governments.¹²³

¹²¹ Kivalina, Kotzebue Shoreline Survey, *available at* <https://www.flickr.com/photos/shorezone/11471418433>

¹²² Alaska Department of Transportation and Public Facilities, Northern Region, *Kivalina Evacuation and School Site Access Road*, *available at* <http://dot.alaska.gov/nreg/KivalinaEvacRd/>.

¹²³ Kivalina Inter-Agency Work Group, *available at* <https://www.commerce.alaska.gov/web/dcra/PlanningLandManagement/KivalinaInter-AgencyPlanningWorkGroup.aspx>.

In 2018, the Alaska Department of Transportation completed the final environmental assessment of the school access/evacuation road.¹²⁴ The road construction began in summer 2019 across the lagoon out of Kivalina and to Kisimigiuqtuq Hill (the potential school site), 7 miles away.

The U.S. Has Failed to Implement A Relocation Governance Framework

The United States government and Alaska state government have recognized for at least the last decade the critical need to create a relocation governance framework and identify a lead federal agency to coordinate federal government agencies to facilitate a relocation process if a community decides that relocation is the best long-term adaptation strategy. In 2007, former U.S. Alaska Senator Stevens organized a Congressional hearing on the state and federal response to storm damage and erosion in Alaska and Kivalina leadership testified on the impact of coastal erosion on disaster recovery.¹²⁵ In the same year, former Alaska Governor Palin created the Sub-Cabinet on Climate Change and tasked the Immediate Action Work Group, a working group of the sub-cabinet, with making recommendations to address the threats to Alaska Native communities from erosion and flooding.¹²⁶

In 2009, the US Government Accountability Office reported that there had been “Little Progress . . . on Relocating Villages Threatened by Flooding and Erosion” in Alaska and recommended that the government assign a lead entity on relocation.¹²⁷ In 2013, the Bicameral Task Force on Climate Change first recognized the complex challenges of climate-induced population displacement and the need for a federal relocation governance framework. Recognizing the U.S. relocation governance gap, the Task Force recommended:

that the Administration devote special attention to the problems of communities that decide they have little choice but to relocate in the face of the impacts of climate change. Because the relocation of entire communities due to climate change is such an

¹²⁴ Alaska Department of Transportation and Public Facilities, *Final Environmental Assessment Kivalina Evacuation and School Site Access Road* (January 2018), available at <http://dot.alaska.gov/nreg/KivalinaEvacRd/files/kiv-final-ea.pdf>.

¹²⁵ “The State and Federal Response to Storm Damage and Erosion in Alaska’s Coastal Villages,” Pub. L. No. 110–486, § Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs (2007).

¹²⁶ Immediate Action Workgroup (IAWG), Recommendations Report to the Governor’s Subcabinet on Climate Change, Alaska SubCabinet on Climate Change, Juneau, Alaska (2008);

IAWG, Recommendations Report to the Governor’s Subcabinet on Climate Change, Alaska SubCabinet on Climate Change, Immediate Action Workgroup, Juneau, Alaska (2009).

¹²⁷ US Governmental Accountability Office, *Alaska Native Villages: Limited Progress has been Made on Relocating Villages threatened by Flooding and Erosion* (June 2009), available at <https://www.gao.gov/new.items/d09551.pdf>.

unprecedented need, there is no institutional framework within the U.S. to relocate communities, and agencies lack technical, organizational, and financial means to do so.¹²⁸

President Obama's Task Force on Climate Preparedness and Resilience echoed this recommendation in November 2014, and affirmed that the federal government should take a lead role to establish a relocation governance framework to respond to the complex challenges of climate-induced population displacement.¹²⁹ President Obama designated the Denali Commission, an independent federal agency,¹³⁰ to be the central coordinator of the federal effort to build climate resilience in Alaska, but at the time did not allocate any additional funding to accomplish this goal. President Obama also traveled to Alaska as the first sitting US President to travel north of the Arctic and in February 2015 then Department of the Interior Secretary Sally Jewell visited Kivalina to learn about climate change impacts there.

The United States Department of the Interior was leading the effort to address the relocation governance challenges for tribal communities throughout the United States. Joel Clement was the senior policy analyst at the DOI working on these issues. He resigned in 2017 after he was suddenly reassigned from leading the DOI section on policy analysis to working in the DOI auditing office that collects and disperses royalty income from oil, gas, and mining companies. He became a public whistleblower speaking out about the Trump administration's failure to take action on climate change and specifically to provide leadership to address the relocation issues affecting tribal communities in Alaska.¹³¹

Despite decades of awareness, state and federal government agencies are struggling to respond because they lack the statutory mandate and the funding to facilitate a community relocation process. The lack of a human rights-based governance framework to facilitate and fund a relocation process is the primary barrier.

To date, Kivalina continues to lead its relocation planning efforts and to engage a wide range of state and federal agencies and foundations to secure funding for its community relocation. A lack of dedicated

¹²⁸ United States Congress Bicameral Task Force on Climate Change, "Implementing the President's Climate Action Plan: US Department of the Interior" (United States Congress, December 19, 2013), 18.

¹²⁹ The State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience, "Recommendations to the President" (Washington, DC: White House, 2014), available at https://obamawhitehouse.archives.gov/sites/default/files/docs/task_force_report_0.pdf.

¹³⁰ Introduced by Congress in 1998, the Denali Commission is designed to provide critical utilities, infrastructure, and economic support throughout Alaska. With the creation of the Denali Commission, Congress acknowledged the need for increased inter-agency cooperation and focus on Alaska's remote communities.

¹³¹ Joel Clement, "I'm a Scientist. I'm Blowing the Whistle on the Trump Administration," *Washington Post*, July 19, 2017, available at https://www.washingtonpost.com/opinions/im-a-scientist-the-trump-administration-reassigned-me-for-speaking-up-about-climate-change/2017/07/19/389b8dce-6b12-11e7-9c15-177740635e83_story.html; Testimony of Joel Clement Before the House Committee on Science, Space, and Technology, Joint Hearing on Scientific Integrity in Federal Agencies, July 17, 2019, available at <https://science.house.gov/imo/media/doc/Clement%20Testimony.pdf>.

federal and state funding has meant that the relocation process moves too slowly for Kivalina’s residents whose lives are in danger every time a storm inundates the community.

Allegations

By Its Acts and Omissions the US Government and the State Governments of Louisiana and Alaska Violated the Collective and Individual Human Rights of Indigenous Tribes Facing Climate Displacement

The United States government has failed to protect the individual and collective human rights of the Indigenous Tribes in Louisiana and Alaska from the climate crisis.

The U.S. Government and the Governments of Louisiana and Alaska Have Failed to Protect the Right to Life and Failed to fulfill Its Duty to Protect these Indigenous Tribes from Harm

The United States government has the most stringent obligation to protect the lives of Indigenous tribal citizens in Louisiana and Alaska from climate-induced and human-driven ecological change which threatens the civil, economic, social and cultural rights fundamental to the inherent dignity of tribal citizens as individuals and also collectively as tribal nations.¹³² This right is explicitly articulated in the Universal Declaration of Human Rights, which describes the right to life as the “supreme right,” “basic to all human rights.”¹³³ This duty also includes the prohibition against acts that violate the human right to life as well as steps that must be taken to protect the right.¹³⁴

¹³² Nation state governments have an obligation to protect the people residing within their jurisdiction from climate-induced ecological change and the failure to protect is a human rights violation. See European Court of Human Rights, *Budayeva and others v. Russia*, Applications nos. 15339/02, 21166/02, 20058/02, 11673/02 and 1534/02, judgment of March 20, 2008 (finding that government officials violated the right to life of community residents when they failed to implement land-planning and emergency relief policies even though they were aware of an increasing risk of a large-scale mudslide. The Court also noted that the population had not been adequately informed about the risk).

¹³³ Universal Declaration of Human Rights, art. 3 G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948; International Covenant on Civil and Political Rights art. 6, *opened for signature* Dec. 16, 1966, G.A. Res. 2200A (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3 (entered into force March 23, 1976); Office of the High Commissioner of Human Rights, Human Rights Committee, *General Comment No. 6: The Right to Life*, ¶ 5, U.N. Doc. HRI/GEN/1/Rev.7 (Apr. 30, 1982) (requiring States to adopt positive measures to protect the “inherent right to life”); Office of the High Commissioner of Human Rights, Human Rights Committee, *General Comment No 14: Nuclear Weapons and the Right to Life* ¶ 1 Twenty-third session (November 9, 1984).

¹³⁴ Universal Declaration of Human Rights, art. 3 G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948; International Covenant on Civil and Political Rights, art. 6, *opened for signature* Dec. 16, 1966, G.A. Res. 2200A (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3 (entered into force March 23, 1976); Human Rights Committee, *General Comment No. 6: The Right to Life*, ¶ 5, U.N. Doc. HRI/GEN/1/Rev.7 (Apr. 30, 1982) (requiring States to adopt positive measures to protect the ‘inherent right to life’); Office of the High

As the UN Human Rights Committee explained, these obligations extend to “reasonably foreseeable threats and life-threatening situations that can result in loss of life.”¹³⁵ States violate the right to life by exposing victims to a real risk of the deprivation of life, even if “such threats and situations do not result in loss of life.”¹³⁶

The Human Rights Committee has also noted that climate change is one “of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life.”¹³⁷ The Human Rights Committee has further found that:

Implementation of the obligation to respect and ensure the right to life, and in particular life with dignity, depends, inter alia, on measures taken by States parties to preserve the environment and protect it against harm, pollution and climate change caused by public and private actors. States parties should therefore ... pay due regard to the precautionary approach.¹³⁸

The Guiding Principles on Internal Displacement also affirm the importance of the duty to protect the right to life to prevent and avoid conditions that lead to displacement and also affirms the special duty to protect Indigenous peoples who have close ties to land.¹³⁹ This elevated responsibility to Indigenous peoples is also articulated in the Universal Declaration on the Rights of Indigenous Peoples.

The duty to protect life also implies that “State parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity.”¹⁴⁰ These general conditions may include “degradation of the environment,” and “deprivation of land, territories and resources of Indigenous peoples.”¹⁴¹

Commissioner of Human Rights, Human Rights Committee, *General Comment No 14: Nuclear Weapons and the Right to Life* ¶ 1 Twenty-third session (November 9, 1984).

¹³⁵ UNHRC, General Comment No. 36, CCPR/C/GC/36, ¶ 7.

¹³⁶ UNHRC, General Comment No. 36, CCPR/C/GC/36, ¶ 7.

¹³⁷ UNHRC, General Comment No. 36, CCPR/C/GC/36, ¶ 62.

¹³⁸ UNHRC, General Comment No. 36, CCPR/C/GC/36, ¶ 62.

¹³⁹ Guiding Principles of Internal Displacement Principle 5 and 9.

¹⁴⁰ UNHRC, General Comment No. 36, CCPR/C/GC/36, ¶ 26.

¹⁴¹ UNHRC, General Comment No. 36, CCPR/C/GC/36, ¶ 26; The Inter-American Commission on Human Rights has also recognized that Indigenous peoples’ “special relationship [to their territories] is fundamental ... for the[ir] material subsistence,” and that such subsistence is related to the right to life. Inter-Am. C.H.R., *Indigenous and Tribal Peoples’ Rights over their Ancestral Lands and Natural Resources: Norms and Jurisprudence of the Inter-American Human Rights System* (Inter-Am. C.H.R., *Indigenous and Tribal Peoples’ Rights*) (Dec. 30, 2009), ¶ 56. In *Yakye Axa*, the Court found that Paraguay’s failure to legally recognize and protect traditional lands of Indigenous peoples “has had a negative effect on the right of the ... [Yakye Axa] Community to a decent life, because it has deprived them of the possibility of access to their traditional means of subsistence.” *Yakye Axa Indigenous Community v. Paraguay*, 2005 Inter-Am. Ct. H.R. (ser. C) No. 125 (June 17, 2005), ¶ 168.

In the United States, state and federal government agencies have failed to protect the Tribes in Alaska and Louisiana. Federal government agencies have consistently failed to respond to the urgent needs of these tribal nations. The tribal governments of the Native Village of Kivalina and IDJC each decided decades ago that the relocation of their entire community is the best long-term adaptation strategy. Despite making this very difficult decision, the United States government has failed to implement the relocation plans so that neither community has yet relocated. As a consequence, the lives of Tribal citizens are threatened every time a storm occurs and the communities are inundated.

The U.S. Government Has Failed to Protect Tribes' Right to Self Determination

The United Nations Declaration on the Rights of Indigenous Peoples ("Declaration"), adopted in 2007, recognizes that Indigenous peoples have a right to their land, territories and resources and shall have legal recognition to protect these lands, territories and resources.¹⁴² Article 18 of the Declaration on the Rights of Indigenous Peoples provides that "Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions." Article 19 of the Declaration provides that "States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them."

The United States government, and through federal government funding, the state governments of Louisiana and Alaska, have repeatedly failed to protect the right to self-determination of the Indigenous nations in each state. In Alaska, the United States government and the State of Alaska have in the past failed to implement the decisions of the Native Village of Kivalina by failing to complete the protective rock revetment and failure thus far to facilitate the tribal government's relocation plans.

In Louisiana, the lack of federal recognition of the Tribes has meant that the Tribes do not have a government-to-government relationship with the U.S. federal government and have been forced, at great consequence to Tribal citizens, to engage with the Louisiana state government, which has systemically discriminated against and excluded the Tribes from protection from sea level rise, land subsidence and extreme weather events caused by the climate crisis. This can be seen through the government-to-government dialogue that has unfolded during discussions of the Louisiana IDJC Tribe's relocation efforts and the way that the State of Louisiana took over the process, excluding the Tribe from participation and ultimately, from the decision-making about the community's future. The state of Louisiana has failed to protect the IDJC Tribe's collective human rights by failing to consult with tribal leadership in good faith throughout the grant application and award process and did not provide free prior and informed consent regarding the nature of the NRDC grant and all of the subsequent revisions to IDJC's resettlement plan. Louisiana's failure to implement the IDJC resettlement plan, especially the mortgage process, fails

¹⁴² *United Nations Declaration on the Rights of Indigenous Peoples*, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 (Sept. 2001, 46 I.L.M. 1013 (2007)) http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf.

to uphold Tribe's right to preserve spiritual connection to land, water and homeland.

The U.S. Government Has Failed to Protect Cultural Heritage

The Declaration recognizes the right to protect historic sites and tribal culture.¹⁴³ Common elements of cultural heritage include intangible, tangible, and natural heritage.¹⁴⁴ The Special Rapporteur in the Field of Cultural Rights noted in the 2011 Report that:

the concept of heritage reflects something that has been developed, built or created, interpreted and re-interpreted in history, and transmitted from generation to generation. Cultural heritage links the past, the present, and the future as it encompasses things inherited from the past that are considered to be of such value or significance today, that individuals and communities want to transmit them to future generations.¹⁴⁵

Other international human rights bodies have recognized the special relationship that Indigenous peoples have with their land and resources, and its connection to their right to culture.¹⁴⁶ The UN Human Rights Committee has also explained that degradation of natural resources may violate the right to enjoy culture as defined in the International Covenant on Civil and Political Rights (ICCPR):

[C]ulture manifests itself in many forms, including a particular way of life associated with the use of land resources, especially in the case of Indigenous peoples. That right may include such traditional activities as fishing or hunting and the right to live in reserves protected by law. ... The protection of these rights is directed towards ensuring the survival and continued development of the cultural, religious and social identity of the minorities concerned, thus enriching the fabric of society as a whole.¹⁴⁷

The Inter-American system also recognizes that the right to culture has particular importance for Indigenous peoples, including in particular, the vital connection of their lands and natural resources to this right. For example, in *Case of the Mayagna (Sumo) Awas Tingni Community*, the Inter-American Court has emphasized the importance of this connection:

¹⁴³ *United Nations Declaration on the Rights of Indigenous Peoples*, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 (Sept. 2001, 46 I.L.M. 1013 (2007)) http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf.

¹⁴⁴ Farida Shaheed (Special Rapporteur in the Field of Cultural Rights), *Report in the Field of Cultural Rights*, ¶ 4, A/HRC/17/38, (March 21, 2011).

¹⁴⁵ *Id.* at ¶ 5.

¹⁴⁶ *See, e.g., Centre for Minority Rights Development v. Kenya*, Case 276/2003, Afr. Comm'n on Human and Peoples' Rights, ¶ 156 (2009) (citing extensively the Inter-American Court's jurisprudence in *Awas Tingni*, *Moiwana*, and *Saramaka* in observing that Indigenous peoples' "culture, religion, and traditional way of life are intimately intertwined with their ancestral lands [] and the surrounding area" and that "without access to their ancestral land, [they] are unable to fully exercise their cultural and religious rights, and feel disconnected from their land and ancestors.").

¹⁴⁷ OHCHR, Gen. Comment No. 23, ¶¶ 7, 9.

[T]he close ties of Indigenous people with the land must be recognized and understood as the fundamental basis of their cultures, their spiritual life, their integrity, and their economic survival. For Indigenous communities, relations to the land are not merely a matter of possession and production but a material and spiritual element which they must fully enjoy, even to preserve their cultural legacy and transmit it to future generations.¹⁴⁸

The United States government has failed to protect the cultural heritage of the Tribes submitting this complaint. The U.S. government's failure to grant federal recognition of the Tribes in Louisiana has prevented them from protecting their right to their land and resources. Federal government agencies and federally-funded activities, such as the Louisiana Master Plan, do not protect, maintain and preserve tribal identity, culture, and history.¹⁴⁹ Tribal heritage includes traditional ecological knowledge, sacred sites, cemeteries, village sites, fishing sites, waterways, and the history and culture associated with these sites.¹⁵⁰ Projections of land loss, caused by sea level rise and land subsidence, indicate that numerous cemeteries, sacred sites and historic mounds are on the brink of disappearing in the aboriginal territory of Louisiana's coastal Tribes.¹⁵¹ Tribes are not able to protect their historic sites that are threatened by rising sea level.

Relying on U.S. government federal funding, the Louisiana Master Plan, which outlines coastal protection and restoration actions, excluded the Louisiana Tribes,¹⁵² stating that it was "too expensive and not sustainable" to include the tribal communities in the protection plan.¹⁵³

These actions have been taken by the Louisiana state government despite the provisions of the Louisiana Constitution which establishes the "right of the people to preserve, foster, and promote their respective historic linguistic and cultural origins is recognized."¹⁵⁴ The State's Constitution emphasizes the importance of preserving cultural origins.¹⁵⁵ Despite this, climate change has impacted the culture of Tribes in Louisiana. For instance, because of the constant threat of rising water, Tribal citizens are no

¹⁴⁸ *Mayagna (Sumo) Awas Tingni Community v. Nicaragua, Merits, Reparations and Costs*, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 79, ¶ 149 (Aug. 31, 2001) (Awas Tingni).

¹⁴⁹ Ferguson-Bohnee, "The Impacts of Coastal Erosion on Tribal Cultural Heritage," 58.

¹⁵⁰ *Id.* at 62.

¹⁵¹ *Id.* at 63.

¹⁵² Louisiana Coastal Protection and Restoration Authority, 2017 Coastal Master Plan, Appendix C: Modeling, available at http://coastal.la.gov/wp-content/uploads/2017/04/Appendix-C_chapter1_FINAL_3.16.2017.pdf

¹⁵³ Ferguson-Bohnee, "The Impacts of Coastal Erosion on Tribal Cultural Heritage," 63

¹⁵⁴ LA Constitution. art. XII §4.

¹⁵⁵ LA Constitution. art. XII §4.

longer able to live in their traditional dirt floor palmetto homes.¹⁵⁶ Today, homes are raised 10-15 feet off the ground to avoid potential flood damage.¹⁵⁷

In Kivalina, there is no more space to build infrastructure, so the airstrip was built adjacent to the community's burial site. The burial site is now partially protected from inundation because the Federal Aviation Administration built a revetment to protect the airstrip, but eventually the community knows that its burial site will be washed away by the rising seas along with the remains of the approximately 400 people buried there.

Federal government officials have failed to use historic preservation mechanisms to protect the Tribes' historic and cultural sites. One key mechanism for protecting historic and cultural sites in the United States is having them listed on the National Register of Historic Places. Under the National Historic Preservation Act, Congress has created ways to preserve and protect "historical and cultural foundations of the Nation."¹⁵⁸ Every four years, state and federal officials are tasked with reviewing "significant threats to properties included in, or eligible for inclusion in, the National Register" to recommend protective action.¹⁵⁹ The Pointe-au-Chien Indian Tribe is currently determining if or how it can nominate its historic cemeteries and mounds through the State of Louisiana for historic preservation.¹⁶⁰ The Louisiana archaeological database includes numerous sites related to Pointe-au-Chien and the Tribe has identified more than 20 "traditional cultural properties" that could be considered for the National Register. The state preservation agency has never nominated a site in Pointe-au-Chien for National Register status, despite the clear threats these sites face

The U.S. Government has Failed to Protect the Right to Subsistence and Food Security

Human rights doctrine explicitly affirms that the right to food and the right to be free from hunger are indispensable to human dignity and critically connected to other fundamental rights.¹⁶¹ States have the primary responsibility to promote and protect the right to food.¹⁶² The United States government is prohibited from taking any actions that prevent individuals from access to food and have the obligation

¹⁵⁶ *Id.* at 61-62.

¹⁵⁷ *Id.* at 62.

¹⁵⁸ National Historic Preservation Act, Public Law 89-665, 54 U.S.C. §300101 *et seq.*, Section 1(b)(2).

¹⁵⁹ *Id.* at Section 101(a)(8).

¹⁶⁰ Ferguson-Bohnee, "The Impacts of Coastal Erosion," 64.

¹⁶¹ Comm. on Econ., Soc. and Cultural Rights, *General Comment 12: The Right to Adequate Food*, ¶ 1, U.N. Doc. E/C.12/1995/5 (May 12, 1999).

¹⁶² Human Rights Committee, *The Right to Food*, A/HRC/RES/16/27 ¶ 11 (2011).

to 'strengthen people's access to and utilization of resources and means to ensure their . . . food security.'¹⁶³

The right to subsistence, an element of the right to self-determination, is one of the essential human rights connected to the right to food.¹⁶⁴ In Kivalina, subsistence hunting and gathering provides primary sources of food, which is often shared among community members. These activities are central to their culture and resilience. However, subsistence harvesting is becoming more dangerous and less reliable because of the climate crisis. Frozen rivers and sea ice serve as winter roads in Alaska and are used for hunting and fishing. In Kivalina, people can no longer predict when traditional hunting, fishing, or subsistence practices will take place. Walrus hunts have not been successful for fifteen years. Hunters have not seen the beluga since 1989. Now, in December 2019, there is still open water on the ocean, meaning that traditional seal hunting can not take place. In addition, two of the community's historic ice cellars are no longer useable. They now flood with water and then freeze.

As Kivalina's Tribal Administrator, Millie Hawley explains:

We have not caught the bearded seal for 2 years, due to lack of solid ice formation. The ice conditions are weak. Soft, thin ice that doesn't support the bodies of the bearded seal nor the hunters necessary to hunt the seal as practiced in the last century. The bearded seal was a daily nutritional source of food for the community of Kivalina for time immemorial. . . . All the marine mammals we gather to feed our families for the winter are lacking and our childbearing women suffer the most due to low iron in their blood. The food we rely on now are western food that is flown in and is incredibly expensive. For a can of 12 oz milk, people of Kivalina must pay \$2.99, the quart size whole milk is \$3.95. A loaf of bread cost \$3.89, and a dozen of eggs are \$3.25. Imagine trying to feed a family of 7, which is average number of people in a household in Kivalina.

At the same time, over the past several months, many species of fish and marine mammals have been washing up dead along the coast of Norton Sound and in other locations in Alaska because ocean and river temperatures are causing fish to die. These changes raise concerns about the future health of fish stocks and marine mammals on which communities depend.¹⁶⁵ The combination of these factors, which impacts the availability of local and non-monetary food sources, creates a situation of food insecurity.

¹⁶³ Comm. on Econ., Soc. and Cultural Rights, *General Comment 12: The Right to Adequate Food*, ¶ 15, U.N. Doc. E/C.12/1995/5 (May 12, 1999).

¹⁶⁴ International Covenant on Economic, Social and Cultural Rights, opened for signature Dec. 16, 1966, G.A. Res. 2200A (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3 (entered into force Jan. 3, 1976).

¹⁶⁵ Davis Hovey KNOM, "Warmer waters investigated as cause of pink salmon die-off in Norton Sound region," *Anchorage Dispatch News* (July 12, 2019), available at <https://www.adn.com/alaska-news/rural-alaska/2019/07/12/warmer-waters-investigated-as-cause-of-pink-salmon-die-off-in-norton-sound-region/>.

The right to food is a collective right, and fundamentally connected to sovereignty, rights to land and territories, health, subsistence, treaties, economic development and culture.¹⁶⁶

In Louisiana, the Constitution guarantees the “freedom to hunt, fish, and trap wildlife, including all aquatic life, traditionally taken by hunters, trappers and anglers, is a valued natural heritage that shall be forever preserved for the people.”¹⁶⁷ The state is also bound to protect the wildlife and marine life to ensure resources are available to hunt and fish.¹⁶⁸ Under the Constitution, the state must manage and regulate hunting and fishing activities to “protect, conserve and replenish the natural resources of the state.”¹⁶⁹ The state of Louisiana has not adequately protected the fish and wildlife resources because these resources are no longer abundant.

The 2010 oil spill, levee systems and recurring storms are impacting the traditional subsistence fishing practices and the economic livelihood of many tribal members and the U.S. federal government is failing to protect these cultural rights.¹⁷⁰ Tribal citizens are being forced to change their subsistence livelihood, and instead to purchase food from the grocery store.¹⁷¹ Having to purchase food causes a burden on families whose main source of income is also tied to the natural resources that are adversely impacted by climate change.¹⁷²

In addition, traditional practices that sustain the Tribe’s close knit community are at risk.¹⁷³ The tribal communities have longstanding practices of sharing one’s catch or having a crab-boil at the dock.¹⁷⁴ Tribal citizens no longer have a bountiful catch to share because of ecosystem damage to marine habitats.¹⁷⁵ Not being able to share ones catch and feed the community have negatively impacted Tribal citizens who have always practiced this tradition.¹⁷⁶ Without this tradition, Tribal citizens do not have the numerous community gatherings and interactions that they have always relied.¹⁷⁷

¹⁶⁶ Office of the United Nations High Commissioner on Human Rights, Consultation on the Relationship Between Climate Change and Human Rights 4 (October 22, 2008).

¹⁶⁷ LA Constitution. art. I §27.

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ Terri Hansen, “Drowning in It,” *Indian Country Today*, May 4, 2011, at 20; Barry Yeoman, *Reclaiming Native Ground*, *SAPIENS*, (Feb. 24, 2017), <https://www.sapiens.org/culture/louisiana-native-americans-climate-change/>.

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ Yeoman, *Id.* (explaining that trips to the grocery store are replacing community gatherings at the bayou).

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ *Id.* (describing how the tradition fell apart as a result of the sporadic crab hauls).

¹⁷⁷ *Id.*

The U.S. Government and Alaska and Louisiana State Governments Have Failed to Protect The Individual and Collective Rights to Safe Drinking Water, Physical and Mental Health and an Adequate Standard of Living

The human rights related to physical security and basic necessities are most profoundly implicated when climate change renders communities uninhabitable, requires community residents to relocate, and eliminates one of the core elements of tribal sovereignty—it's territory.¹⁷⁸ Climate change also impacts the human right to water, housing, health and property, all critical to human dignity. The combination of sea level rise and extreme weather events, sea surges, flooding and erosion—all have led to the contamination of water supplies, damage to sanitation and medical infrastructure and increase of disease transmission—all impact the right to adequate living standards.

The Human Right to Safe Drinking Water and Sanitation

The human right to water is essential for leading a life in human dignity and is indispensable to the realization of all the human rights related to basic necessities, and fundamental for life and health.¹⁷⁹ The Committee on Economic, Social and Cultural Rights defines the right to water as the equal and non-discriminatory right of everyone to access sufficient, safe, and affordable water for personal and domestic uses.¹⁸⁰ This means that the United States government is obligated to implement strategies to ensure that there is access to water.¹⁸¹

In Alaska, climate change is impacting access to freshwater and water quality. Extreme weather events, rising sea-levels and flooding damage or destroy infrastructure, including rainwater storage tanks, water treatment plants and sanitation systems, causing the latter to leak human waste and contaminating the groundwater. In Kivalina, the Wulik River is the community water source. Thawing permafrost causes the banks of the Wulik River to erode, increases the turbidity of the water and prevents the water treatment plant from eliminating dangerous organisms in the community's water supply.¹⁸² Residents of Kivalina do not have flush-toilets or sewage systems, but rather use 5-gallon buckets called "honey-buckets" to transport solid waste to disposal sites. Kivalina has not received funding to improve sanitation and water

¹⁷⁸ Montevideo Convention on the Rights and Duties of States *opened for signature* July 13, 1934 (entered into force December 26, 1934).

¹⁷⁹ Office of the High Commissioner of Human Rights, Consultation on Human Rights and Access to Safe Drinking Water and Sanitation 4 (May 2007).

¹⁸⁰ U.N. Comm. on Econ., Soc. & Cultural Rights, *General Comment No. 15: The Right to Water*, arts. 11 and 12, U.N. Doc. E/C.12/2002/11 (Nov. 29, 2002).

¹⁸¹ Office of the High Commissioner of Human Rights, Consultation on Human Rights and Access to Safe Drinking Water and Sanitation 4 (May 2007), *available at* <http://www2.ohchr.org/english/issues/water/docs/consultationReportmay07.pdf>

¹⁸² See Michael Brubaker et al., *Climate Change in Kivalina Alaska Strategies for Community Health* (ANTHC Center for Climate and Health 2010), 37-41.

because of the community's decision to relocate. Yet without the funding and technical resources to relocate, the community continues to live without safe drinking water and sanitation.

For several years, Pointe-au-Chien and Island residents have been affected by *Naegleria fowleri*, a brain eating amoeba that affects the water supply.¹⁸³ The amoeba was found in an area between Isle de Jean Charles and Pointe-au-Chien. Residents are warned to not swim in the water or get in in their noses.

Right to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health

The right to health extends to the necessities required to lead a healthy life, such as food, housing, safe drinking water and adequate sanitation. The human rights obligations of the United States government extends to both preventing exposure to health hazards, and improving the capacity of individuals to cope with health hazards. Decreased access to clean water also affects the incidence of disease. Sea level rise salinates freshwater and disrupts sanitation and water supply. Flooding may also lead to groundwater contamination. In Kivalina, Alaska, community health aides have documented a variety of illnesses related to the decrease in water supply, caused by climate-induced ecological change.¹⁸⁴

Following storms, coastal Louisiana residents are often overworked cleaning their homes. Some Tribal citizens continue to live in unsafe homes because there is little to no support for them to fix their homes following flooding or damage to their homes. As mentioned above, brain eating amoeba affects the water supply in Louisiana.

Right to an Adequate Standard of Living

Housing is the basis of stability and security for an individual or family. The right to adequate housing, which is defined as habitable, culturally appropriate and able to protect from environmental threats, is also enshrined in additional international human rights doctrine, including the Pinheiro Principles on Housing and Property Restitution for Refugees.¹⁸⁵

Deprivation of the use and enjoyment of land through climate change threatens the human right to property.¹⁸⁶ The permanent loss of land and housing due to climate change and the consequent inability

¹⁸³ CBS News, "Brain-eating amoeba found in Louisiana water district for the third time since 2015," June 13, 2018, available at <https://www.cbsnews.com/news/brain-eating-amoeba-found-louisiana-terrebonne-parish-pointe-aux-chenes/>.

¹⁸⁴ See, Michael Brubaker et al., *Climate Change in Kivalina Alaska Strategies for Community Health*. According to the Alaska Native Health Consortium, these diseases include "mouth sores, strep throat, gastroenteritis, vomiting and diarrhea, cellulitis, abscesses, impetigo, MRSA skin infections, ear infections, and respiratory syncytial virus".

¹⁸⁵ Center on Hous. Rights & Evictions, The Pinheiro Principles, Principle 18 (2007), available at <http://www.unhcr.org.ua/img/uploads/docs/PinheiroPrinciples.pdf>; Comm. on Econ., Soc. and Cultural Rights, *General Comment 7: The Right to Adequate Housing* (1997); Comm. on Econ., Soc. and Cultural Rights, *General Comment 4, The Right to Adequate Housing* (1991)(Environmental harms include "cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors).

¹⁸⁶ The right to property includes the right to land. See Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948); Brookings-Bern Project on Internal Displacement, Human Rights and

to return to original homes and lands is one of the most intense losses caused by the climate crisis. For the Tribes submitting this complaint, land is fundamentally connected to national, cultural and personal identity.¹⁸⁷ Sea level rise, extreme weather events, storm surges, erosion and flooding endanger these coastal communities by reducing the area of land that buffers them from the ocean.¹⁸⁸ These ecological changes also affect the habitability of their homes by damaging the physical structure of housing, as well as impact access to basic services such as electricity, water supply, and sanitation that are essential elements of the right to adequate housing. Flooding also results in soil subsidence, which damages homes.

Kivalina is now also severely overcrowded due to its decreasing liveable space. Multiple families must live together in a small house with no water and sewer installed in the homes. Heating fuel cost \$4.85 /gallon, and average monthly electrical bill is \$300/month. Families must choose between feeding their families or paying for electricity and fuel during the winter months. Tribal Administrator Hawley notes that “Most families pay their electrical bill and go hungry for half a month.”

Conclusion

The Guiding Principles on Internal Displacement, Pinheiro Principles and Peninsula Principles specifically articulate the human rights protections required for those who are displaced by natural or human-made disasters and place the primary duty and responsibility to provide protection and basic rights on national governments. The Guiding Principles articulate the duty of the United States government to ensure all feasible mitigation alternatives are explored to avoid and minimize displacement.

The United States government’s failure to protect the Tribal Nations named in this complaint from both the human-made and natural effects of the climate crisis has resulted in significant human rights violations that affects these tribal nation’s ability to secure basic human rights and continue to lead to individual and community displacement from their land. In accordance with international law and universally held human rights norms, the U.S. government must take immediate action to redress the human rights violations enumerated in this complaint. We submit this evidence of the human rights violations of tribal nations in Louisiana and Alaska and we provide recommendations for immediate U.S. government action to redress these harms and ensure the protection of human rights.

Natural Disasters Operational Guidelines and Field Manual on Human Rights Protection in Situations of Natural Disasters 44-47 (2008), available at [http://www.reliefweb.int/rw/lib.nsf/db900sid/KHII-7EE9KM/\\$file/brookings_HR_mar08.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/KHII-7EE9KM/$file/brookings_HR_mar08.pdf?openelement)

¹⁸⁷ See Office of the United National High Commissioner on Human Rights, Consultation on the Relationship Between Climate Change and Human Rights 4 (October 22, 2008).

¹⁸⁸ Scott Leckie, “Climate-related Disasters and Displacement: Homes for Lost Homes, Lands for Lost Lands” in J.M.Guzmán et al, eds., *Population Dynamics and Climate Change* (2009), 119-132.

Appendix

Appendix A

Isle de Jean Charles Biloxi-Chitamacha-Choctaw Indians of Louisiana
Traditional Chief Albert P. Naquin
100 Dennis St.
Montegut, LA 70377

RESOLUTION

**A RESOLUTION BY THE Isle de Jean Charles Biloxi-Chitamacha-
Choctaw Indians of Louisiana**

TO SUBMIT A HUMAN RIGHTS COMPLAINT TO THE UNITED NATIONS SPECIAL RAPPORTEUR

WHEREAS: Isle de Jean Charles Biloxi-Chitamacha-Choctaw Indians of Louisiana is a self-governing Tribe in The United States;

WHEREAS: Isle de Jean Charles Biloxi-Chitamacha-Choctaw Indians of Louisiana is the duly elected governing body of the Tribe;

WHEREAS: Isle de Jean Charles Biloxi-Chitamacha-Choctaw Indians of Louisiana recognizes that the collective and individual human rights of tribal members must be protected when a tribal government decides and implements climate adaptation strategies;

WHEREAS: Isle de Jean Charles Biloxi-Chitamacha-Choctaw Indians of Louisiana recognizes that the human right to self-determination is the most important human right to protect;

WHEREAS: Isle de Jean Charles Biloxi-Chitamacha-Choctaw Indians of Louisiana recognizes that state and federal government agencies have not been protecting the individual and collective human rights of tribal members despite efforts by tribal governments to implement climate adaptation strategies. These rights include the Right to Self-Determination; Right to Life, Right to Practice and Revitalize Cultural Traditions; Right to Subsistence; Right to Improve Livelihoods; Right to Safe Drinking Water; Right to Health; and Right to Safe and Sanitary Housing;

WHEREAS: Isle de Jean Charles Biloxi-Chitamacha-Choctaw Indians of Louisiana supports the submission of a complaint documenting the human rights violations currently occurring to the United Nations Special Rapporteurs;

WHEREAS: Isle de Jean Charles Biloxi-Chitamacha-Choctaw Indians of Louisiana has agreed to work with the Lowlander Center, Unitarian Universalist Service Committee and Alaska Institute for Justice to submit this Complaint;

NOW THEREFORE BE IT RESOLVED THAT:

Isle de Jean Charles Biloxi-Chitamacha-Choctaw Indians of Louisiana hereby supports working with the Alaska Institute for Justice to submit a Complaint to the United Nations Special Rapporteurs at its meeting held on *(date).

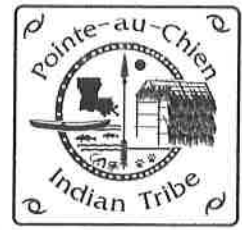
CERTIFICATION

**PASSED AND APPROVED BY A CONSTITUED QUORUM OF THE * ON 8th DAY OF May
BY A VOTE OF 6 FOR, 0 AGAINST AND 0 ABSTAIN.**



Signature

POINTE-AU-CHIEN INDIAN TRIBE
Chairman Charles "Chuckie" Verdin
Second Chairman Donald Dardar
PO Box 416
Montegut, LA 70377
(985) 466-3129



RESOLUTION OF THE POINTE-AU-CHIEN TRIBAL COUNCIL
(Authorizing the Submission of a Human Rights Complaint
to the United Nations Special Rapporteur)
DATED May 18, 2019

RESOLUTION NO. 2019-06

WHEREAS, the Pointe-au-Chien Indian Tribe is a self-governing Tribe located in the United States; and

WHEREAS, the Pointe-au-Chien Indian Tribal Council is the duly elected governing body of the Tribe;
and

WHEREAS, Pointe-au-Chien Indian Tribe's aboriginal land is located in the fastest eroding basin in the United States and the Tribal Council intimately understands the impacts of land loss, coastal erosion, climate change, and environmental disasters on the survival of our people; and

WHEREAS, over the last twenty years, the Pointe-au-Chien Indian Tribe has faced extreme weather and environmental events including successive hurricanes and oil spills; and

WHEREAS, several Pointe-au-Chien villages have become uninhabitable, and tribal members have been required to relocate due to salt water intrusion, land loss, and haphazard cuts made by extractive industries; and

WHEREAS, sustaining and protecting the Pointe-au-Chien community including the remaining village sites, sacred sites, fishing sites, traditional places for subsistence hunting and gathering, and cemeteries is an integral part in maintaining the cultural heritage and self-determination of the Pointe-au-Chien people; and

WHEREAS, the Pointe-au-Chien Indian Tribe recognizes that the collective and individual human rights of tribal members must be protected when a tribal government decides and implements climate adaptation strategies; and

WHEREAS, the Pointe-au-Chien Indian Tribe recognizes that the human right to self-determination is the most important human right to protect; and

WHEREAS, the Pointe-au-Chien Indian Tribe recognizes that state and federal government agencies have not been protecting the individual and collective human rights of tribal members despite efforts by tribal governments to implement climate adaptation strategies. These rights include the Right to Self-Determination; Right to Life, Right to Practice and Revitalize Cultural Traditions; Right to Subsistence; Right to Improve Livelihoods; Right to Safe Drinking Water; Right to Health; and Right to Safe and Sanitary Housing; and

WHEREAS, the Pointe-au-Chien Indian Tribe supports the submission of a complaint documenting the human rights violations currently occurring to the United Nations Special Rapporteurs; and

WHEREAS, the Pointe-au-Chien Indian Tribe has agreed to work with the Lowlander Center, Unitarian Universalist Service Committee and Alaska Institute for Justice to submit this Complaint.

NOW THEREFORE BE IT RESOLVED THAT the Pointe-au-Chien Indian Tribe hereby supports working with the Alaska Institute for Justice to submit a Complaint to the United Nations Special Rapporteurs at its meeting held on May 18, 2019.

CERTIFICATION

The foregoing Resolution was passed by the Pointe-au-Chien Tribal Council on the 18th of May 2019 at a meeting at which a quorum was present with a vote of 7 FOR; 0 AGAINST; 0 NOT VOTING; and 2 ABSENT, pursuant to the powers vested in the Council by Article IV, Section 1 of the Constitution of the Pointe-au-Chien Indian Tribe.

POINTE-AU-CHIEN TRIBAL COUNCIL



Charles Verdin, Chairman

ATTEST



Michelle Matherne, Secretary

Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw
C/O Chief Shirell Parfait-Dardar
5057 Bayouside Drive
Chauvin, LA 70344
Ph: 985-791-2222

RESOLUTION

A RESOLUTION BY THE GRAND CAILLOU/DULAC BAND OF
BILOXI-CHITIMACHA-CHOCTAW

TO SUBMIT A HUMAN RIGHTS COMPLAINT TO THE UNITED NATIONS SPECIAL RAPPORTEUR

WHEREAS: Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw is a self-governing Tribe in The United States;

WHEREAS: Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw is the duly elected governing body of the Tribe;

WHEREAS: Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw recognizes that the collective and individual human rights of tribal members must be protected when a tribal government decides and implements climate adaptation strategies;

WHEREAS: Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw recognizes that the human right to self-determination is the most important human right to protect;

WHEREAS: Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw recognizes that state and federal government agencies have not been protecting the individual and collective human rights of tribal members when tribal governments implement climate adaptation strategies. These rights include the Right to Self-Determination; Right to Life, Right to Practice and Revitalize Cultural Traditions; Right to Subsistence; Right to Improve Livelihoods; Right to Safe Drinking Water; Right to Health; and Right to Safe and Sanitary Housing;

WHEREAS: Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw supports the submission of a complaint documenting the human rights violations currently occurring to the United Nations Special Rapporteurs;

WHEREAS: Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw has agreed to work with the Lowlander Center, Unitarian Universalist Service Committee and Alaska Institute for Justice to submit this Complaint;

NOW THEREFORE BE IT RESOLVED THAT:

Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw hereby supports working with the Alaska Institute for Justice to submit a Complaint to the United Nations Special Rapporteurs at its meeting held on August 10, 2019.

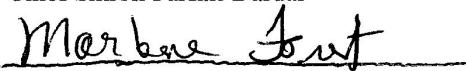
CERTIFICATION

**PASSED AND APPROVED BY A CONSTITUED QUORUM OF THE GOVERNING BODY ON THE 10th DAY OF AUGUST, 2019
BY A VOTE OF 9 FOR, 0 AGAINST AND ABSTAIN.**

Signature



Chief Shirell Parfait-Dardar



Chairwoman Marlene J. Forel

Grand Bayou Village
Atakapa-Ishak/Chawasha
P.O. Box 1021
Port Sulphur, LA 70083
rpatakapa@yahoo.com

RESOLUTION

**A RESOLUTION BY THE GRAND BAYOU VILLAGE ATAKAPA-
ISHAK/CHAWASHA TRIBE**

TO SUBMIT A HUMAN RIGHTS COMPLAINT TO THE UNITED NATIONS SPECIAL RAPPORTEUR

WHEREAS: Grand Bayou Village Atakapa-Ishak/Chawasha is a self-governing Tribe in The United States;

WHEREAS: Grand Bayou Village Atakapa-Ishak/Chawasha is the duly elected governing body of the Tribe;

WHEREAS: Grand Bayou Village Atakapa-Ishak/Chawasha recognizes that the collective and individual human rights of tribal members must be protected when a tribal government decides and implements climate adaptation strategies;

WHEREAS: Grand Bayou Village Atakapa-Ishak/Chawasha recognizes that the human right to self-determination is the most important human right to protect;

WHEREAS: Grand Bayou Village Atakapa-Ishak/Chawasha recognizes that state and federal government agencies have not been protecting the individual and collective human rights of tribal members when tribal governments implement climate adaptation strategies. These rights include the Right to Self-Determination; Right to Life, Right to Practice and Revitalize Cultural Traditions; Right to Subsistence; Right to Improve Livelihoods; Right to Safe Drinking Water; Right to Health; and Right to Safe and Sanitary Housing;

WHEREAS: Grand Bayou Village Atakapa-Ishak/Chawasha supports the submission of a complaint documenting the human rights violations currently occurring to the United Nations Special Rapporteurs;

WHEREAS: Grand Bayou Village Atakapa-Ishak/Chawasha has agreed to work with the Lowlander Center, Unitarian Universalist Service Committee and Alaska Institute for Justice to submit this Complaint;

NOW THEREFORE BE IT RESOLVED THAT:

Grand Bayou Village Atakapa-Ishak/Chawasha hereby supports working with the Alaska Institute for Justice to submit a Complaint to the United Nations Special Rapporteurs at its meeting held on *(date).

CERTIFICATION

**PASSED AND APPROVED BY A CONSTITUED QUORUM OF THE * ON _DAY OF _
BY A VOTE OF __ FOR, __ AGAINST AND ABSTAIN.**

Rosina Philippe

Signature



KIVALINA IRA COUNCIL

P.O. Box 50051 Kivalina, AK 99750 Ph: (907)645-2153 Fax: (907)645-2193
e-mail: tribeadmin@kivaliniq.org

“Advocating for our people, land, waters and subsistence way of life”

RESOLUTION 19- 06

TO SUBMIT A HUMAN RIGHTS COMPLAINT TO THE UNITED NATIONS SPECIAL RAPPORTEUR

WHEREAS: The Kivalina IRA Council is a self-governing Tribe in The United States;

WHEREAS: The Kivalina IRA Council is the duly elected governing body of the Tribe;

WHEREAS: The Kivalina IRA Council recognizes that the collective and individual human rights of tribal members must be protected when a tribal government decides and implements climate adaptation strategies;

WHEREAS: The Kivalina IRA Council recognizes that the human right to self-determination is the most important human right to protect;

WHEREAS: The Kivalina IRA Council recognizes that state and federal government agencies have not been protecting the individual and collective human rights of tribal members despite efforts by tribal governments to implement climate adaptation strategies. These rights include the Right to Self-Determination; Right to Life, Right to Practice and Revitalize Cultural Traditions; Right to Subsistence; Right to Improve Livelihoods; Right to Safe Drinking Water; Right to Health; and Right to Safe and Sanitary Housing;

WHEREAS: The Kivalina IRA Council supports the submission of a complaint documenting the human rights violations currently occurring to the United Nations Special Rapporteurs;

WHEREAS: The Kivalina IRA Council has agreed to work with the Lowlander Center, Unitarian Universalist Service Committee and Alaska Institute for Justice to submit this Complaint;

NOW THEREFORE BE IT RESOLVED THAT:

The Kivalina IRA Council hereby supports working with the Alaska Institute for Justice to submit a Complaint to the United Nations Special Rapporteurs at its meeting held on May 17, 2019.

CERTIFICATION

**PASSED AND APPROVED BY A CONSTITUED QUORUM OF THE
KIVALINA IRA COUNCIL ON 17 DAY OF MAY, 2019**

BY A VOTE OF 5 FOR, _____ AGAINST AND _____ ABSTAIN.

Joan Segef

President

Thomas Hamby

Secretary

Appendix B

SENATE CONCURRENT RESOLUTION NO. 105—
BY SENATOR DUPRE

A CONCURRENT RESOLUTION

To recognize the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogees ("BCCM"), the Bayou Lafourche Band of the BCCM, the Grand Caillou/Dulac Band of the BCCM, known collectively as the "BCCM Tribes" and the Pointe-au-Chien Indian Tribe ("PACIT").

SENATE CONCURRENT RESOLUTION NO. 106—
BY SENATOR LENTINI AND REPRESENTATIVE MARTINY
A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections to extend and expand the pilot program for home incarceration and electronic monitoring that was established by Act No. 1139 of the 2001 Regular Session.

SENATE CONCURRENT RESOLUTION NO. 113—
BY SENATORS ULLO, DARDENNE, DUPLESSIS, DUPRE, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MICHOT, MOUNT, NEVERS, ROMERO, SCHEDLER, AND THEUNISSEN AND REPRESENTATIVE SCALISE

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to develop sound energy policies that promote expansion and production of domestic crude oil reserves, and encourages the development of petroleum refining facilities in the United States.

SENATE CONCURRENT RESOLUTION NO. 116—
BY SENATOR MCPHERSON

A CONCURRENT RESOLUTION

To urge and request the commissioner of administration to study the feasibility of delegating, through the office of facility planning and control, all or a portion of the office's administrative responsibilities regarding any capital outlay project appropriated to a non-state entity to the governing authority of the non-state entity, or to an agency of such governing authority.

SENATE CONCURRENT RESOLUTION NO. 123—
BY SENATORS SMITH AND MCPHERSON

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study the laws that govern the operation of vehicles which haul Louisiana products on the highways and roadways of Louisiana in excess of the standard limitations set forth in law, and to include in such study more particularly, vehicles transporting forestry products in their natural state and vehicles transporting Louisiana-produced lignite coal and coke fuel.

SENATE CONCURRENT RESOLUTION NO. 140—
BY SENATOR FIELDS

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Board of Private Investigator Examiners to take appropriate steps to provide for the offering of courses in private investigation at Southern University.

SENATE CONCURRENT RESOLUTION NO. 152—
BY SENATORS DUPRE, BOASSO, B. GAUTREAUX, N. GAUTREAUX, MOUNT, ROMERO, THEUNISSEN AND ULLO

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to enact legislation eliminating the "new shipper" bonding privilege.

Respectfully submitted,
CHARLES D. JONES
Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

Message to the Governor

SIGNED SENATE BILLS

June 11, 2004

To the Honorable Governor of the State of Louisiana:

The President of the Senate and the Speaker of the House of Representatives have signed the following Senate Bills:

SENATE BILL NO. 97—
BY SENATOR ADLEY (By Request)
AN ACT

To amend and reenact R.S. 37:2301, 2302(2) and (3), 2303(A)(5), 2308, 2309(B), (D), (G), (H), (K) and (L), 2313(A)(2)(d) and (e), and 2317(B), relative to the maintenance and repair of citizen band radios; to repeal requirements that a person must be licensed by the Louisiana State Radio and Technicians Board in order to repair a citizen band radio; and to provide for related matters.

SENATE BILL NO. 105—
BY SENATOR DUPRE AND REPRESENTATIVE BALDONE
AN ACT

To amend and reenact R.S. 56:2(D), relative to wildlife and fisheries; to provide relative to the Wildlife and Fisheries Commission; to provide for the elections of the chairman and vice-chairman; and to provide for related matters.

SENATE BILL NO. 138—
BY SENATOR SCHEDLER AND REPRESENTATIVE STRAIN
AN ACT

To enact R.S. 13:2575.2, relative to administrative adjudication procedures and judicial reviews of code violations in the parish of St. Tammany; to provide additional administrative adjudication procedures in St. Tammany Parish; to provide additional judicial review procedures in St. Tammany Parish; and to provide for related matters.

SENATE BILL NO. 140—
BY SENATOR BAJOE
AN ACT

To amend and reenact R.S. 40:1300.51(3) and to enact R.S. 40:1300.51(2)(h), (i) and (j), relative to those employed to care for the infirm; to provide for criminal background checks on those seeking employment at agencies that care for the infirm; to provide a bar to employment in these agencies of persons convicted of certain offenses; to provide for an effective date; and to provide for related matters.

Appendix C

**DEPARTMENT OF THE ARMY**U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

9 FEB 2000

REPLY TO
ATTENTION OF:Planning Division
Central Planning Management BranchHonorable Albert P. Naquin
Chief, Isle de Jean Charles Band
of Biloxi-Chitimacha-Choctaw
100 Dennis Street
Montegut, Louisiana 70377

Dear Chief Naquin:

Thank you for your recent e-mail to President Clinton concerning a study being conducted by the New Orleans District of the U.S. Army Corps of Engineers. President Clinton has referred your e-mail to me because I have oversight responsibility for the Corps Civil Works planning program.

The hurricane protection levee to which you refer is being investigated under our Morganza, Louisiana, to the Gulf of Mexico study. This feasibility study is identifying the Federal interest in flood damage reduction measures for Terrebonne and Lafourche Parishes. You urge that the alignment of the levee be such that it would protect the entire island of Isle de Jean Charles and that it not be located on the island. Construction of a levee having sufficient elevation to protect against a hurricane surge with a return frequency of 100 years would require a levee base width of 300 feet or greater. To protect your community, the levee would have to be built across open water and would require several lifts (raises of the levee to compensate for subsidence). The additional cost of such a levee alignment would not be economically justified.

The New Orleans District is sensitive to your community's problems and intends to look further into providing flood protection. The Corps has authority under its section 205 program to construct smaller flood control projects, including non-structural measures. Of course, the work must be economically justified and must be cost-shared by a non-Federal sponsor. The New Orleans District will also consider the possibility of relocating the residents of Isle de Jean Charles out of the floodplain.

Thank you for your interest in this study.

Sincerely,

A handwritten signature in black ink, appearing to read "James E. Johnson".

Dr. James E. Johnson
Chief, Planning Division
Office of Deputy Commanding General
for Civil Works

Appendix D



Isle de Jean Charles Biloxi-Chitimacha-Choctaw

Chief Albert White Buffalo Naquin

100 Dennis Street

Montegut, LA 70377

Cell: (985) 232-1286 Fax: (985) 594-3725

Email: whitebuffalo@aim.com

Website: www.isledejeancharles.com

September 25, 2018

Greetings,

The Isle de Jean Charles Tribal Resettlement project has taken some very strong curves and is no longer meeting the goals and objectives set out by the residents and IDJC Tribe. The changes are so much so that I have begun to question my ability to be a part of the project committee due to what I believe are unjust actions and proposals set forth in the IDJC Permanent Relocation Project.

The IDJC Tribe began working in 2002 to help resident ensure a future together as a tribal community. Through various turns of events our tribe began **working with and partnering** Louisiana OCD officials and other non-profit organizations to submit our Tribe's ideas and goals for a new tribal community. As of now:

1. The efforts to design a tribal community have been replaced with a "As such, the IDJC Resettlement is an **initiative led by the State of Louisiana's Office of Community Development (OCD)**¹"
2. The project that was supposed to be led by the Isle de Jean Charles Community and Tribe is now just "in close collaboration."²
3. The project that was supposed to build the capacity of the Tribe and community now places it in the hands of a housing authority and a new non-profit corporation³.
4. The project was to ensure the **Culture and life-ways** of the community would survive to live on into the future is no longer even mentioned in the master plan.
5. The project was to bring justice to a marginalized community by not valuing them or their land to be protected⁴. The new plan allows for camp owners to have more rights and privileges than land owners.

I believe the final unjust act is the requiring Island property owners to sign away interest of their homes. The last thing anyone wants to do is sign away the legacy from their ancestors who worked so hard to keep it. Our Tribe feels this is dishonoring of everything our ancestors did to ensure we survived the

¹ Isle de Jean Charles (IDJC) Resettlement Permanent Relocation & Homeownership Assistance Program (Option A) Version 1.0 9/16/2018 pg.4

² Isle de Jean Charles (IDJC) Resettlement Permanent Relocation & Homeownership Assistance Program (Option A) Version 1.0 9/16/2018 pg.5

³ Isle de Jean Charles (IDJC) Resettlement Permanent Relocation & Homeownership Assistance Program (Option A) Version 1.0 9/16/2018 pg.8

⁴ USACE Morganza to the Gulf realignment 1999.



Isle de Jean Charles Biloxi-Chitimacha-Choctaw

Chief Albert White Buffalo Naquin

100 Dennis Street

Montegut, LA 70377

Cell: (985) 232-1286 Fax: (985) 594-3725

Email: whitebuffalo@aim.com

Website: www.isledejeancharles.com

Indian Removal Act 1830, Indian Relocation Act of 1956, Jim Crow Laws and other discriminatory acts. The injustices are contrary to everything our Tribe stands for and will not be tolerated.

In our opinion, the State of Louisiana has managed to ruin their chance to be leaders of our country and world by ignorance and "good 'ole Louisiana politics." We believe the parameters set forth are unconstitutional.

It is our suggestion that some real discussion and collaboration happen. We have a scheduled meeting October 8, 2018 with the Office of Community Development and fully expect to address these issues in length.

Sincerely,

Chief Albert White Buffalo Naquin

100 Dennis Street

Montegut, LA 70377

Cell: (985) 232-1286 Fax: (985) 594-3725

Email: whitebuffalo@aim.com

Website: www.isledejeancharles.com

Appendix E



Isle de Jean Charles Biloxi-Chitimacha-Choctaw

Chief Albert White Buffalo Naquin

100 Dennis Street

Montegut, LA 70377

Cell: (985) 232-1286 Fax: (985) 594-3725

Email: whitebuffalo@aim.com

Website: www.isledejeancharles.com

October 29, 2018

Stan Gimont

Director, Office of Block Grant Assistance

US Department of Housing & Urban Development

451 7th Street, SW

Washington, DC 20410

The Isle de Jean Charles Biloxi-Chitimacha-Choctaw Tribal (IDJC/BCC) Resettlement project has taken some very strong curves and is no longer meeting the goals and objectives set out by the residents and Isle de Jean Charles Biloxi-Chitimacha-Choctaw Tribe. The changes are so much so that we question our ability to be a part of the resettlement project. It is our Tribal Council's recommendation that the grant funds be returned to the National Disaster Resilience Competition Grant committee due to deviances and "scalable model" the state has proposed IDJC/BCC Permanent Relocation Project.

The Isle de Jean Charles Biloxi-Chitimacha-Choctaw Tribe began a partnership with the Louisiana Office of Community Development Disaster Recovery Unit to help our Tribe and its resident to ensure a future together as a sustainable, resilient, and healthy tribal community. The following changes have occurred since the grant funds were awarded no longer meeting the goals and needs of the community. As of now:

1. In the document, [National Disaster Resilience Competition Grantee Profile](#) it states, "Relocation of the Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw Tribe, has seen a 98-percent loss of land since 1955, to a resilient and historically-contextual community." The project plan has been changed to community relocation, even allowing for lots to be sold at public auction¹.
2. The project that was presented and scored for its cutting edge concept to be led by the Isle de Jean Charles Tribe and community is now just "in close collaboration."² In fact, The IDJC/BCC Tribal Council finally secured a meeting with the Louisiana OCD officials on October 8, 2018 asking for more specific communication and answers to pointed land ownership questions as of the date of this letter no communication has taken place in response to any of those questions.
3. The proposal was scored and reviewed based on the principle that grant funds and project would not only build the capacity of the Tribe but rely on additional resources and funding because of the Tribal Government and partnership. The Tribe's capacity to qualify for additional funding and resources has been severed because the new community is now placed in the hands of a housing authority and a new non-profit corporation³.

¹ Isle de Jean Charles (IDJC) Resettlement Permanent Relocation & Homeownership Assistance Program (Option A) Version 1.0 9/16/2018

² Isle de Jean Charles (IDJC) Resettlement Permanent Relocation & Homeownership Assistance Program (Option A) Version 1.0 9/16/2018 pg.5

³ Isle de Jean Charles (IDJC) Resettlement Permanent Relocation & Homeownership Assistance Program (Option A) Version 1.0 9/16/2018 pg.8

4. The project was to bring justice to a marginalized community and not by devaluing them or their land to be protected⁴. For example, the new plan allows for camp owners to have more rights and privileges than land owners⁵.

We believe the final unjust act is the requiring Island property owners to sign away the interest of their homes. The last thing anyone wants to do is sign away the legacy from their ancestors who worked so hard to keep it. Our Tribe feels this is dishonoring of everything our ancestors did to ensure our Tribes survival under the Indian Removal Act 1830, Indian Relocation Act of 1956, Jim Crow Laws and other discriminatory acts. The injustices are contrary to everything our Tribe stands for and will not be tolerated.

In our opinion, the State of Louisiana has managed to ruin their chance to be leaders of our country and world by ignorance and “good ‘ole Louisiana politics.” We believe the parameters set forth are unconstitutional.

Therefore, the Isle de Jean Charles Biloxi-Chitimacha-Choctaw Tribal Council request the official retract of benefits under the Housing and Urban Development National Disaster Resilience Competition Grant Funds awarded for the Isle de Jean Charles Biloxi-Chitimacha-Choctaw Tribe Resettlement Project.

Sincerely,



Chief Albert White Buffalo Naquin
100 Dennis Street
Montegut, LA 70377
Cell: (985) 232-1286 Fax: (985) 594-3725
Email: whitebuffalo@aim.com
Website: www.isledejeancharles.com

⁴ USACE Morganza to the Gulf realignment 1999.

⁵ Isle de Jean Charles (IDJC) Resettlement Permanent Relocation & Homeownership Assistance Program (Option A) Version 1.0
9/16/2018

Appendix F

POINTE-AU-CHIEN INDIAN TRIBE

Chairman Charles "Chuckie" Verdin
Second Chairman Donald Dardar
PO Box 416
Montegut, LA 70377
(985) 466-3129



23 April 2019

OCD—Disaster Recovery Unit
Attn: Janice Lovett
PO Box 94095
Baton Rouge, LA 70804-9095
VIA EMAIL: ocd@la.gov

RE: Isle de Jean Charles Resettlement

Dear Ms. Lovett:

The Pointe-au-Chien Indian Tribe submits this comment to the LA Office of Community Development – Disaster Recovery Unit regarding Substantial Amendment No. 5 for utilization of CDBG Funds under the National Disaster Resiliency Competition to Resettle Isle de Jean Charles.

The Pointe-au-Chien Indian Tribe is concerned about the progress of and changes to the Resettlement Project made by the State of Louisiana. The changes to the Project undermine the Project's original intent and the self-determination of the Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw (IJC-BCCM). The Pointe-au-Chien Tribal Council passed a resolution in support of the Isle de Jean Charles Resettlement as envisioned by the Tribe. This resolution is attached hereto and incorporated into the Tribe's comment.

As a Tribal Coastal Community that participated in the resiliency competition meetings, we were fully aware that IJC BCCM was the only Tribe that requested resettlement due to their history of exclusion from protection levees. The IJC-BCCM put together a project for the resiliency competition, and that project was selected. Everyone who participated in the meetings and who were following the competition knew that the IJC-BCCM spearheaded the application process. The State of Louisiana would not have received the funding for the project to resettle Isle de Jean Charles without the substantial effort and work put into the application by the IJC BCCM. In fact, the State agreed to partner with the IJC-BCCM on resettlement as part of this process. However, it seems now that the IJC BCCM is not even part of the process. Pointe-au-Chien is very concerned as to how these changes happened, the impact on resiliency and cultural heritage of the IJC BCCM people, and the self-determination of the IJC-BCCM.

On page 3-4 of Amendment 5, the State sets forth the resettlement context. The Pointe-au-Chien Indian Tribe is concerned that the State is seeking to minimize that the Isle de Jean Charles is inhabited primarily by the IJC-BCCM, an indigenous Tribe. The State seems to minimize the political leadership of IJC-BCCM by implying that IJC-BCCM and the other coastal tribes are not state recognized, and even describes the UHN as a nonprofit organization. The State has cherry picked documents to undermine that Isle de Jean Charles was a self-sustaining indigenous community with a traditional line of leadership. It seems that if the State actually consulted with the IJC-BCCM and used tribal experts that its discussion of

the tribal backgrounds would be very different, and in fact, more accurate. However, the tone of minimizing Tribes carries through the document by:

1. Removing the IJC-BCCM Tribe and Indian community from the description;
2. Replacing the IJC-BCCM tribally-driven approach with the State's approach;
3. Removing the commitment to tribal cultural heritage through establishment of a community center;
4. Excluding the Tribe from the process; and
5. Including a public auction option that may open up settlement to nonIsland residents.

We are concerned that without the IJC-BCCM's leadership involved in this process, that this Project will fail, and will actually hurt the Tribe in its efforts to maintain its cultural heritage. The Isle de Jean Charles people are not only indigenous peoples, but displaced peoples, who deserve to be consulted. We agree that this is a difficult endeavor. Our hope is that our neighbors/cousins/friends who were deemed unworthy to be protected and whose land and lives have been devalued by those choices, will not only be safely resettled, but will be resettled in a way that reflects their unique cultural heritage and that will support the self-determination of the Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw.

Sincerely,



Second Chairman, Donald Dardar

POINTE-AU-CHIEN INDIAN TRIBE
Chairman Charles "Chuckie" Verdin
Second Chairman Donald Dardar
PO Box 416
Montegut, LA 70377
(985) 466-3129



**RESOLUTION OF THE POINTE-AU-CHIEN TRIBAL COUNCIL
(Supporting the Self-Determination of the Isle de Jean Charles Indian Community)**

DATED January 19, 2019

RESOLUTION NO. 2019-01

WHEREAS, the Pointe-au-Chien Indian Tribe resides in the fastest eroding basin in the United States and intimately understands the impacts of land loss, coastal erosion, climate change, and environmental disasters on the survival of our people;

WHEREAS, the Isle de Jean Charles Indian Community is a distinct indigenous community; and

WHEREAS, Isle de Jean Charles people are our neighbors, relatives, and friends, and we have worked together to preserve and maintain our distinct cultures, including our language, history, and traditions; and

WHEREAS, for decades Isle de Jean Charles and Pointe-au-Chien have suffered from overt discrimination, exploitation of resources, and paternalistic policies; and

WHEREAS, many decisions are made that directly impact our self-determination without any consultation or discussion; and

WHEREAS, the Isle de Jean Charles Indian Community has a right to Self-Determination, their traditional lands, and their distinct cultural heritage; these rights are recognized in the Declaration on the Rights of Indigenous Peoples;

WHEREAS, the Declaration on the Rights of Indigenous Peoples recognizes the Isle de Jean Charles Indian Community's right to the Isle de Jean Charles (the "Island"), including their right to return to the Island.

WHEREAS, many Island residents have been forced to relocate due to man-made environmental disasters and the unwillingness of the local, state, and federal governments to address the causes of land loss and coastal erosion; and

WHEREAS, the Island is excluded from the Morganza-to-the Gulf levee system; and

WHEREAS, decisions have been made by government actors to not protect or preserve the Island;

WHEREAS, in May 2018, the Pointe-au-Chien Indian Tribe voted to support the Isle de Jean Charles process to resettle their entire community and to support their efforts to preserve their culture, community, ancestral land, and economic development; and

WHEREAS, Article 18 of the Declaration on the Rights of Indigenous Peoples provides that "Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through

representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions;” and

WHEREAS, Article 19 of the Declaration on the Rights of Indigenous Peoples provides that “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or a legislative or administrative measures that may affect them;” and

WHEREAS, the Pointe-au-Chien Indian Tribe continues to support the Isle de Jean Charles Indian Community’s commitment to resettle together as a tribal community and under the direction of the Isle de Jean Charles Tribal leadership;

WHEREAS, the Pointe-au-Chien Indian Tribe is concerned that the State of Louisiana is ignoring the self-determination of the IJC Indian Community through its current process.

NOW, THEREFORE, BE IT RESOLVED, that the Pointe-au-Chien Indian Tribe supports the Isle de Jean Charles Indian Community’s commitment to resettle their entire community as set forth in the plan developed by the Tribe with its Tribal citizens.

BE IT FURTHER RESOLVED, that the Pointe-au-Chien Indian Tribe encourages the State of Louisiana and the United States government to respect the self-determination and cultural heritage of the Isle de Jean Charles Indian Community by recognizing that the Island is a distinct Indian community with its own government, and has the right to participate directly in the resettlement efforts of its people.

BE IT FURTHER RESOLVED, that the State and Federal Governments be requested to recognize and respect that the Island is the aboriginal land of the Isle de Jean Charles Indian people and that the Isle de Jean Charles people should not be required to lose any rights to protect or have access to sacred sites, cultural sites, or subsistence activities on the Island.

BE IT FINALLY RESOLVED that this Resolution shall be shared with the State of Louisiana and the Department of Housing and Urban Development, and any other local, state, or federal officials.

CERTIFICATION

The foregoing Resolution was passed by the Pointe-au-Chien Tribal Council on the 19th of January 2019 at a meeting at which a quorum was present with a vote of 7 FOR; 0 AGAINST; 0 NOT VOTING; and 2 ABSENT, pursuant to the powers vested in the Council by Article IV, Section 1 of the Constitution of the Pointe-au-Chien Indian Tribe.

POINTE-AU-CHIEN TRIBAL COUNCIL

Donald Dardar

Donald Dardar, Second Chairman

Pointe-au-Chien Indian Tribe

ATTEST

Michelle Matherne

Michelle Matherne, Secretary

Subject: RE: Pointe-au-Chien Public Comment

Date: Tuesday, May 14, 2019 at 2:34:09 PM Eastern Daylight Time

From: OCDHUD

To: Patricia Ferguson

Thank you for your comment on the State of Louisiana's proposed Action Plan Amendment 5 for the resettlement of the residents of Isle de Jean Charles.

The state originally described the concept of community resettlement as part of a broader resilience policy framework. In its [Phase I application](#), this framework was referred to simply as Louisiana's Resilience Framework (LRF), later evolving in the state's [Phase II application](#) to Louisiana's Strategic Adaptations for Future Environments (LA SAFE). In Phase I, the application described resettlement as a potentially appropriate intervention for "at-risk communities currently in environmentally unsafe conditions, such as Isle de Jean Charles in coastal Terrebonne Parish" (page 39). Moreover, such communities for which resettlement may be appropriate were described using a series of location-specific characteristics, inclusive of places having been "ravaged by multiple events, and are subject to long-standing environmental stressors, such as land loss, subsidence, and sea-level rise contributing to the severity of disaster events. Specifically, these are communities within Special Flood Hazard Areas, outside of planned future structural protection systems, and those that cannot reasonably absorb future projected insurance costs, or the cost of projected losses of a 100-year flood event occurring within the next 50 years" (page 40).

Phase I additionally described what such community resettlement projects may entail, noting, "resettlement activity may involve removing a community from an area that is not realistically viable to a safer location either in close proximity to an existing economic corridor (e.g. the hub of an immovable industry), or to a location prime for future economic growth" (page 46). Further underlining a location-specific approach, Phase I described the primary objective of community resettlement, "to relocate a community from an area that is neither environmentally nor economically sustainable to one that can be sustainable in both respects through the measured 50-year modeling period" (page 46). In its Phase I submission, the state clearly outlined community resettlement as an intervention appropriate for specific geographic locations susceptible to prohibitively high degrees of current and future flood risk, characteristics all describing present-day Isle de Jean Charles. Finally, Phase I outlined the presence of several native tribes in specifically high-risk places, "Coastal Louisiana is home to the Isle de Jean Charles Band of Biloxi-Chitimacha Choctaw, the Pointe-Au-Chien Indian Tribe, the Grand Caillou-Dulac Band of the Biloxi-Chitimacha Choctaw, the Bayou Lafourche Band of the Biloxi-Chitimacha, the Avoyel-Taensa Tribe/Nation, and the United Houma Nation" (page 40).

As the state moved forward in preparation of its Phase II submission, it sought to propose a specific example of a community resettlement project in line with the characteristics clearly outlined and described in Phase I – characteristics describing specific locations and peoples living at high risk of severe flood impacts. Concurrently, tribal leadership of the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogeans (BCCM) provided the state with a basic narrative, paraphrased for the purposes of this response: Isle de Jean Charles is home to their tribe. The Island is eroding away at an alarming rate and is subject to severe repetitive disaster events. Therefore, in following this narrative as presented, resettling the tribe would represent an ideal example embodying the community resettlement concept outlined in the state's Phase I submission. Having no reason to question this description of Isle de Jean Charles at the time, the state described in its Phase II submission the resettlement project accordingly. However, the submission also made specific note of location-specific characteristics, stating, "This resettlement is necessitated by ongoing coastal land loss and barrier island destruction, a condition both demonstrated and exacerbated by Hurricane Isaac" (page 15). The Phase II submission went on to

describe the process by which a community resettlement would be conducted, noting it would entail, "...a systems-based approach to community-led planning and group migration. It is a small-scale, targeted strategy for culturally-sensitive at-risk communities and special needs groups, including the disabled, the elderly, disaffected minority groups and very low income populations. It is intended to capture a community's remaining – and often rapidly dwindling – value and transfer it to an environment in which it has the opportunity to grow and ultimately thrive" (page 105).

The state's primary error in its Phase II submission was accepting the narrative BCCM leadership offered in its description of Isle de Jean Charles' residents as being exclusively affiliated with the BCCM and its broad characterization of the Island as being synonymous with the BCCM tribe. Shortly after the resettlement grant award was announced, United Houma Nation (UHN) leadership contacted the state and pointed out the historical community and population of current residents are not homogeneously synonymous with the BCCM tribe, and that the Isle de Jean Charles community is composed of a diverse peoples inclusive of BCCM tribal members, UHN tribal members, individuals with ties to both tribes, and those who claim no tribal affiliation. Subsequent to the UHN's claim, the state conducted its own inventory of on-Island conditions, including an initial census of households and initial engagement activities. These findings, outlined in a November 2016 report on initial [Data Gathering and Engagement](#), noted, "...some residents maintain UHN membership. At least two residents are unsure about which organization they belong to. During our interviews, residents did not bring up tribal distinctions and more often noted that everyone on the Island is related" (page 18).

Moreover, as part of this initial engagement effort, the state specifically asked Island residents about their participation in and knowledge of previous resettlement planning efforts. The report states, "Of the 20 residents who responded, 16 had heard about the previous visioning efforts. Of the 16 who heard about it, four said they attended a community meeting. Of these four, two indicated that they were observers and not participants in the work (the other two did not indicate one way or the other). Of the 12 who heard about previous visioning efforts but did not participate, 10 heard about it from other community members and two heard about it from Chief Albert" (page 21). Following this initial engagement effort, the state proceeded in conducting the "community-led" planning effort described in its Phase II submission, with specific emphasis on empowering Island residents living in the specific location at greatest risk, adopting the location-specific approach outlined and described in detail in both Phase I and Phase II submissions.

In facilitating a community-led planning effort, the state has conducted an exhaustive and unprecedented engagement effort. This effort has been punctuated by weekly on-Island, in-home consultations with Island residents, and has encompassed five separate community meetings – three of which were held on the Island itself, with the remaining meetings held just off the Island in Montegut and Pointe Aux-Chenes. Additionally, the resettlement's design team has conducted three design workshops, co-designing specific site elements hand-in-hand with the Isle de Jean Charles community. Finally, as a mechanism to guide the planning process as a whole, a steering committee was formed and convened on six occasions. This steering committee included five Island residents, a representative from both BCCM and UHN tribal councils, a representative from Terrebonne Parish government, and a representative from the Governor's Office of Indian Affairs. Plans described within this Amendment and in greater detail on the project's website, www.isledejeancharles.la.gov, reflect this inclusive, exhaustive, and detail-oriented planning process.

In addition, the state hosted weekly calls throughout 2016 and bi-weekly calls throughout 2017 with BCCM and UHN tribal members and leadership and has attended numerous BCCM and UHN tribal council meetings, all oriented as open-ended outlets to provide input and guidance regarding all aspects of the Isle de Jean Charles resettlement project. BCCM leadership was specifically vocal – and influential – in the project's site selection, with the state having recently completed the purchase of the BCCM tribal leadership's preferred resettlement site.

However, the state must also remain mindful of the Island's non-homogeneous population. Regarding BCCM and UHN tribes, only one Island resident is an active member of either tribal council. In most cases, those tribal council members with direct ties to the Island moved off of the Island – and to locations that are higher, drier, and safer than the Island – decades ago. More importantly, several Island residents have voiced specific concerns regarding their participation in the project should the project's resources, or the new Isle de Jean Charles community, end up under the direct control of either tribe's leadership. As the specific population at highest risk, the state must prioritize the input of the Island's residents.

On the issue of tribal sovereignty, the state cannot recognize the BCCM or UHN as a sovereign tribal community as doing so would constitute a significant and inappropriate overreach. Neither tribe has been federally recognized by the Bureau of Indian Affairs (BIA), the entity with the responsibility to recognize tribal sovereignty within the United States. Regarding the BCCM, specifically, the state must adhere to its own legal description of the tribe stated in Senate Concurrent Resolution No. 105, as adopted by the Louisiana State Legislature. SCR No. 105 clearly states its intent to “formally reacknowledge (sic) the Indian ancestry of members of the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogees (“BCCM”)... for the sole purpose of qualifying for Indian education and health care benefits due these Native American citizens.”

The state contends it has conducted itself in good faith, working hand-in-hand with the Isle de Jean Charles community, to develop a plan for a new home for Isle de Jean Charles that directly reflects the wishes and desires expressed by that community. In this sense, the state believes the plan, when constructed, provides every opportunity to support tribal aspirations, preserve cultural heritage and improve tribal economic conditions. Current development plans include a Community Center with capacity for museum exhibits documenting the Island's Native American history, Park Facilities, Festival Grounds on which Pow Wows can be conducted, and a Marketplace. All represent examples of this good faith approach in the planning effort for a new Isle de Jean Charles community. Moreover, regarding the proposed Community Center, specifically, OCD has revised this amendment to clarify its intention to build the center. The amendment now reads, “The state will use program funding to make infrastructure improvements necessary for the development of the new community to include, but not limited to: a community center, streets, sewerage, water and other utilities, sidewalks, parks, etc. If funding is available, the program may also construct additional public facilities.”

However, it is essential the Resettlement's direction emphasizes residents' self-determination first and foremost. The residents of Isle de Jean Charles have consistently maintained their desire to make individual choices and have consistently affirmed their right to self-determination apart from the wishes or desires of either tribe's leadership. As such, while the state believes the project can and should benefit the broader interests of both BCCM and UHN tribes, the new community cannot be developed to the exclusive benefit of either. Moreover, while this response illustrates the state's position as to why the project should not be to the exclusive benefit of either tribe, it is also imperative to highlight that the project cannot be to the exclusive benefit to any group in a manner inconsistent with Fair Housing Act (FHA) requirements, which prohibit housing discrimination on the basis of race, color, national origin, religion, sex, familial status, or disability.

As fundamentally vital stakeholders to the Isle de Jean Charles resettlement, the state believes both BCCM and UHN tribes should have use rights to the areas referenced above, including the Community Center/Museum, Pow Wow Grounds/Festival Space, and Marketplace. The state welcomes further discussion as to what appropriate – yet non-exclusive – use agreements may entail. Additionally, and again in recognition of the reality both BCCM and UHN tribes are fundamentally vital stakeholders to the project, the state will continue to exhaust every effort to engage the tribes as partners and will continue to explore every viable opportunity to implement the resettlement project in a manner beneficial to both tribal

groups.

Finally, to clarify misconceptions regarding eligibility, all individuals and families who have been permanent residents of the Island at any point in time after August 28, 2012 – the date of Hurricane Isaac’s landfall – are eligible to receive property improved with a new home regardless of whether they are renters or own homes on the Island. Former permanent residents of the Island, defined as those who can illustrate permanent residency on the Island prior to Isaac’s landfall, are eligible to receive property within the new community, so long as they can illustrate financial ability to improve that property with a new home. This illustration of financial ability serves as a safeguard to ensure all of the homes in the new community are developed in a consistent manner and are constructed with a consistent level of quality, benefitting the community as a whole. To this end, the state is working with other partners and the local banking community to make this opportunity as accessible and affordable as possible to populations residing on the Island prior to August 28, 2012.

Thank you again for your input and interest in the Resettlement of Isle de Jean Charles. For current information on the Resettlement’s status, please visit www.isledejeancharles.la.gov. Additionally, do not hesitate to contact OCD if you have any additional questions or comments regarding this initiative.

From: Patricia Ferguson <pafergus@asu.edu>

Sent: Tuesday, April 23, 2019 4:53 PM

To: OCDHUD <OCDHUD@LA.GOV>

Cc: pacitp1@aol.com; Donald Dardar (ddardar13@gmail.com) <ddardar13@gmail.com>; verdin1504 <verd1504@yahoo.com>

Subject: Pointe-au-Chien Public Comment

I attach a public comment on behalf of the Pointe-au-Chien Indian Tribe.

Best,

Patty Ferguson-Bohnee

Appendix G

Office of Community Development

Disaster Recovery Unit

State of Louisiana

Division of Administration



JOHN BEL EDWARDS
GOVERNOR

JAY DARDENNE
COMMISSIONER OF ADMINISTRATION

March 7, 2019

Chief Albert White Buffalo Naquin
Isle de Jean Charles-Biloxi-Chitimacha-Choctaw
100 Dennis Street
Montegut, LA 70377

Dear Chief Naquin:

Thank you for meeting with me at Parish President Dove's office on January 24, 2019 and for the information you provided on February 7, 2019 in response to my question at that meeting. I have addressed the concerns and statements in bold in the corresponding sections below:

1. In order to "enhance and support the tribal identity, sovereignty, and dignity," as stated in the State's successful application for NDRC funds, the state of Louisiana must agree to legally-binding terms of our partnership for the resettlement. These terms must include a clear mutually-agreed upon process for communication and decision making.

The Office of Community Development (OCD) supports a collaborative working relationship with the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogees Tribe, as demonstrated by OCD's past, present and future planning sessions, workshops and community meetings with residents, the steering committee and the tribal council. The state would need more information about any additional expectations for communication and decision-making before providing an answer to your request. However, the state will not enter into any agreement, legally binding or otherwise, that does not represent and consider the interests of all eligible community participants, as outlined by CDBG-NDR regulations and federal law.

2. The Isle de Jean Charles Biloxi-Chitimacha-Choctaw Tribe shall be respected by Louisiana's Office of Community Development as a sovereign tribal community. The 2004 Senate Concurrent Resolution #105 articulates the State of Louisiana's policy to support our tribal aspirations, preserve our cultural heritage, improve our economic condition and assist us in the achievement of our just rights. All members of the Tribe, and our tribal social organization, shall be considered rights holders to the funds awarded through the National Disaster Resilience Competition that are devoted to supporting the sovereignty, identity, dignity, and resilience of the Isle de Jean Charles Biloxi-Chitimacha-Choctaw Tribe. The funds were provided to the State of Louisiana to support our tribal aspirations, preserve our cultural heritage, improve our economic

condition and assist us in the achievement of our just rights through resettlement. We are the only ones in a position to determine how these are to be achieved.

OCD is not in a legal position to recognize a sovereign tribal community of the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogeas Tribe. There is no aspect of federal law or regulations regarding the administration of CDBG-NDR funds that would allow the state to recognize tribal sovereignty. Moreover, any attempt to do so would constitute an overreach of the specific parameters outlined in SCR No. 105.

SCR No. 105 clearly states its intent to “formally reacknowledge (sic) the Indian ancestry of members of the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogeas (“BCCM”)... for the sole purpose of qualifying for Indian education and health care benefits due these Native American citizens.”

The state has conducted an exhaustive outreach and engagement process that included the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogeas Tribe and its leadership. Subsequently, OCD has acted in good faith to develop a new community that supports the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogeas Tribe’s aspirations to co-locate previously displaced members in the new community—if its members so wish; to preserve its cultural heritage; and to improve its economic condition. Some examples of the state’s good faith include plans for a community center with capacity for museum exhibits; park facilities; festival grounds where Pow Wows can be conducted; and a marketplace.

Finally, the state is unclear about the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogeas Tribe’s expectations regarding recognition as ‘rights holders.’ The grant is not for the sole purpose of the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogeas Tribe; rather, the grant is intended to provide assistance to current and past residents of Isle de Jean Charles. That said, the state must act on behalf of all eligible community participants, without regard for tribal affiliation, in accordance with the state’s obligations to adhere to the federal Fair Housing Act and associated guidelines.

3. **Land Ownership:** To ensure a historically contextual community and our Tribe’s collective survival and resilience, The Isle de Jean Charles Biloxi-Chitimacha-Choctaw Tribe must maintain ownership of community property. The ownership should include but not be limited to Community Center, Tribal Museum, Park Facilities, Pow Wow Grounds, and Marketplace.

If the state were to grant this request, it would be acting in direct opposition to feedback received from Isle de Jean Charles residents and stakeholders, many of whom have stated on several occasions their unwillingness to be a part of the new community if the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogeas has ownership of community property. However, as an important stakeholder, the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogeas Tribe as a whole should have ‘use rights’ to many of the common spaces, including the community center, museum, Pow Wow grounds, festival space and marketplace. OCD welcomes continued discussion as to appropriate, but non-exclusive, use rights.

4. **Current Island Property:** The current Island Property is not a negotiating tool. No mortgages shall be placed on the Island property. The Island is ancestral property with deep significant cultural value, to which there are continuing obligations and relationships and should not be used as anything else.

The state understands the island holds an important sense of place for its current and former residents. As detailed in the state's application to HUD, it is critical to allow property owners continued access to the island for ceremonial, cultural, historic and recreational purposes.

When awarding the resettlement grant to the state, however, HUD agreed with OCD that high-risk conditions on Isle de Jean Charles make it unsafe for habitation. Therefore, it is not reasonable to use grant funds to relocate families from high-risk properties, only to allow those families to return to those high-risk properties for residential purposes. Not only would this place them in harm's way, it would create a potential need for more disaster recovery funding in the future.

Therefore, in order to provide continued access to the Island residents, while complying with HUD requirements, the state has created an innovative approach that allows owners continued access to their island properties. This approach allows existing structures to remain intact, while ensuring they are not used for residential purposes or future redevelopment. This is a significant departure from traditional HUD-funded relocation programs, which require the removal of all structures from vacated land and the land designated as permanent open space at the time of relocation.

To implement this innovative approach, the state has proposed two legal options for property owners to choose from in exchange for Resettlement assistance:

- Option 1—A mortgage on the property; or**
- Option 2—A deed restriction in the form of an easement, also known as a “servitude” under Louisiana law.**

These legal commitments will allow program participants continued ownership and use of island property for non-residential purposes, including recreational, cultural and historic purposes. Former and current island residents who are not island property owners but who are resettlement participants, will enter into a personal grant agreement that limits their use of island property to non-residential purposes. HUD has provided written guidance and an alternative requirement specifically for activities associated with the relocation of the residents of Isle de Jean Charles in the latest Federal Register Notice, which is attached for your review. HUD's approval of this innovative approach will provide property owners the opportunity to keep their island properties and existing structures for ceremonial, cultural, historic and recreational uses instead of requiring that the structures be immediately removed.

5. The “Isle de Jean Charles Biloxi-Chitimacha-Choctaw Tribe” shall be the name used for our Tribe in any further communication or documentation related to this resettlement. The use of

“Biloxi-Chitimacha-Choctaw” or “BCC” as a short-hand for our people is disrespectful and misrepresents our Tribe’s historical and present connection to our traditional homeland, the Island.

SCR No. 105 refers to ‘the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogees (“BCCM”)’. Henceforth, the state will use this recognized name and apologizes for any unintentional disrespect or misrepresentation caused by alternative references to the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogees Tribe.

We encourage you to honor the United Nations Declaration of Rights of Indigenous Peoples

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

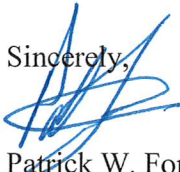
Article 26

Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

The state acknowledges and respects the United Nations Declaration of Rights of Indigenous Peoples.

While the responses I have provided today don’t provide some of the things you’ve requested, we thank you for your input and hope to be able to continue to work closely together for the good of residents and former residents of the Isle de Jean Charles community.

Sincerely,



Patrick W. Forbes, P.E.
Executive Director

Below is an excerpt from the Federal Register Notice published on 02/19/2019 related to the CDBG-NDR funds made available to the State of Louisiana for the Resettlement of the Isle de Jean Charles Community. It can be found pages on 4838-4839 of the FRN. The FRN can be found at: <https://www.govinfo.gov/content/pkg/FR-2019-02-19/pdf/2019-02695.pdf>

4. Clarification that certain actions constitute part of new construction and disposition activities associated with relocation of the Isle de Jean Charles community (State of Louisiana only)

The Department awarded the State of Louisiana \$92,629,249 in CDBG–NDR funds, of which \$48,373,249 was to enable the community on the Isle de Jean Charles (IDJC) to relocate to a new and more resilient community. As part of this award, the State grantee will construct new housing on land it acquires for relocation purposes. This housing will be transferred to former residents of the Isle de Jean Charles community that relocate to the new community.

In its approved application for CDBG– NDR funds, the State noted that IDJC has experienced a 98 percent loss of land since 1955, with only 320 acres remaining of what was a 22,400-acre island in 1955. The State’s Phase 1 application notes that the island’s residents will relocate to a new community, but as long as the island itself exists, the residents will retain their property on the island for ceremonial, cultural, historic and recreational uses. The Phase 1 application also notes that the connecting road to the island will very soon be impassible and that access will then be available only by boat.

To implement the IDJC portion of its grant, the State of Louisiana has explored a variety of voluntary relocation assistance options to facilitate the movement of island residents to the planned new community. Both the State and IDJC community have indicated that to effectively relocate as many island residents as possible, it is critical to provide those residents with continued access to their property for ceremonial, cultural, historic and recreational uses for the finite remaining life of the island.

While it is important to permit the community’s continued access to the island for these limited purposes, it is also important to take reasonable measures to ensure that the land is no longer used for primary residences or otherwise developed in ways that frustrate the purposes of the grant to relocate the community to a safer area.

The current residents of the island will continue to own their property on the island. However, as a condition of receiving newly constructed housing, the State plans to restrict owners’ use of their former land on the island as a primary residence. The State indicates that it may need to record mortgage liens or limited real property interests such as easements or deed restrictions on the property of relocated island residents to restrict the use of the island land as a primary residence.

For this reason, HUD is clarifying that costs incurred by the State to establish and record mortgage liens or limited real property interests on the island to restrict the use of the land as a primary residence are eligible costs that may be charged to the grant as part of the State’s new construction and disposition activities to relocate island residents. HUD considers the costs incurred to restrict continued use of the island property as a primary residence to meet the same national objective as the new construction and disposition activities.

HUD is also clarifying that since the actions to limit use as a primary residence are undertaken as a condition of new construction and disposition activities to provide relocated residents with more resilient housing, the actions are not undertaken as part of acquisition activities that trigger buyout requirements.

The State should impose conditions on assistance to relocate island residents that are consistent with the purpose of the CDBG–NDR award. Specifically, the State should prohibit new construction, reconstruction, and major rehabilitation on the property and prohibit use of the property as a primary residence. CDBG–NDR funds may not be used for rehabilitation of structures on the island. However, if the State chooses to permit limited, minor rehabilitation of structures on the property with other, non-grant funds to allow for the continued interim use of the property for ceremonial, cultural, historic and recreational uses, the State should specify in its policies and procedures the allowable activities that would constitute a minor rehabilitation. Under the second homes prohibition established for all CDBG–NDR grantees in the June 7, 2016 notice (81 FR 36578), the State may not provide CDBG–NDR funds for rehabilitation of residential structures on the island.

Article

Wetland loss in coastal Louisiana drives significant resident population declines.

Bastien-Olvera B. A.^{*1}, Batker D.², Soares J.², Day J.³, Boutwell L.⁴ and Briceno T.⁵

¹ Scripps Institution of Oceanography, University of California San Diego, San Diego, CA and USA.

² Batker Consulting LLC, Tacoma, Washington, USA.

³ Dept. of Oceanography and Coastal Sciences, School of the Coast & Environment, Louisiana State University, Baton Rouge, LA, USA.

⁴ Mather Consulting Group, Atlanta, GA, USA.

⁵ Intrinsic Exchange Group, Washington, D.C., USA.

* Correspondence: bbastien@ucsd.edu

Abstract: Despite increased hurricane intensity, the U.S. Gulf of Mexico coast has experienced dramatic coastal population increase of 24.5% from 2000 to 2016. However, in coastal Louisiana areas with dramatic wetland loss, parishes have experienced population declines and lower rates of population growth. Therefore, understanding the magnitude of the effect of wetland loss as a main driver in population loss in coastal Louisiana is critical. Using regression analysis, this study finds that wetland loss has a significant and persistent negative effect on population growth in coastal Louisiana. This effect resulted in a reduction in the population growth rate in coastal parishes over time. A counterfactual simulation was conducted to estimate the potential population size in the absence of wetland loss from 1990 to 2021. On average, the effect of 1 hectare of wetland lost causes a reduction of approximately 1000 persons. This indicates that for the year 2021, the population was approximately 18% lower than the population that would have existed in the absence of wetland loss. This research underscores the role of wetlands in providing direct and indirect benefits to people in coastal Louisiana that are ultimately reflected in its population levels.

Keywords: population loss; wetland loss; land cover

1. Introduction

In recent years, the continuing decrease in population in Louisiana's coastal parishes has attracted attention to the potential causes behind it (AP News, 2023; Mosbrucker, 2021; Hemmerling, 2018). From 2021 to 2022, four of the ten counties in the United States with the largest population loss were on the Louisiana coast, with decreases of 5.1% in St. John the Baptist Parish, 3.9% in Terrebonne Parish, 3.3 % in Plaquemines Parish and 2.7% in St. Charles Parish (U.S. Census Bureau, 2023). Some authors point to fewer jobs in the oil and gas sector and COVID-19 as the main causes of lower population growth (The Advocate, 2021; Hemmerling, 2018). There has been considerable debate regarding the role of diminished community resilience in the context of climate change, particularly with respect to sea level rise and tropical cyclones, which contribute to climate-induced migration (Blanchard, 2010; Hauer et al., 2019; Hemmerling, 2018). For example, Blanchard's (2010) population projections for Louisiana's parishes attributed lower levels of population exclusively to Hurricanes Katrina and Rita. However, even with crises in the oil and gas sector and an increase in the frequency and intensity of tropical cyclones hitting the Gulf Coast, the whole region has seen the fastest population growth among U.S. coastal regions since 2000 (U.S. Census Bureau, 2018; Wilson & Fischetti, 2010), with counties and metropolitan areas in Texas, Florida, and Alabama among the largest gaining and fastest growing (U.S. Census Bureau, 2017, 2022). This difference in population trends between Louisiana's parishes and other Gulf Coast counties raises the question if other drivers, such as changes in wetland cover, might be behind low population growth in Louisiana.

Louisiana's parishes are situated in the Mississippi River delta, which has the second largest river basin in the world, and like other river deltas and coastlines, is a diverse and dynamic region with areas of historical land gain and loss. Over the past 5000 to 6000 years, the Mississippi River Delta grew dramatically to over 10,000 km² (Roberts 1997, Day et al. 2007 Bentley et al. 2016). In the 20th century, however, about 25% of coastal wetlands in the Mississippi Delta were lost due primarily to anthropogenic factors such as levee construction, oil and gas extraction and associated canals and impoundment, hydrological disruption, reduced Mississippi River sediment load and changes in relative sea-level (Day et al. 2007, Couvillion et al. 2017, Edmonds et al. 2023). Specifically, Louisiana's coastal parishes have undergone significant environmental changes since the 1930s, primarily due to human interventions impacting the deltaic plain (Day et al., 2007, 2019, Laska 2020, Edmonds et al., 2023, Day & Hunter, 2022). The oil and gas industry's direct and indirect impacts have caused significant chemical, biological, and physical damage (McClenachan et al. 2018; Day et al. 2020, 2022). Levees and channelization have resulted in energy and material flow alterations, leading to subsidence (Day et al. 2022; Edmonds et al. 2023), and pollution-driven toxic stress has resulted in vegetation mortality (Day et al., 2020, 2022). These factors have contributed to permanent conversion of over 485,622 hectares of wetlands to open water, more than all other U.S. States combined (Couvillion et al., 2017; Day et al., 2020, 2022).

The impact of these changes on the livelihoods, infrastructure, economy, culture, and ecosystem goods and services of coastal Louisiana has been well documented in the literature (Batker et al., 2014, Barnes et al., 2015; Barnes & Virgets, 2017; Batker & Briceno, 2022). For example, Barnes et al. (2015) conducted an economic valuation study that assessed the direct and indirect impacts of land loss on coastal Louisiana. Using georeferenced data on non-residential, residential, and network infrastructure, they calculated the capital stock value at risk of future land loss. Their research found that under a moderate land loss scenario, even without considering large storm damages, residential infrastructure replacement costs would amount to 360 million USD over a 50-year time frame. Furthermore, temporary and permanent business disruptions could result in 450 million USD in lost wages. Other studies have analyzed detailed livelihood dynamics within historically marginalized communities. One of the most emblematic examples is the resettlement effort of the Biloxi-Chitimacha-Choctaw Tribe from the Ile de Jean Charles in Terrebonne Parish, where 98% of the territory was lost due to saltwater intrusion and subsidence that resulted from the oil and gas industry's modification of the landscape and shoreline erosion (Simms et al., 2021). In another example, Colten et al. (2018) studied the practices of non-urban communities in Orleans and Terrebonne parishes, where older residents resisted mobility while younger residents relied on inland migration as a resilience strategy. Their research found that between the 2000 and 2010 census tallies, a decrease in residents living in the same house occurred in areas where the land loss was more prominent (Colten et al., 2018). This decline in population also has an impact on the population that remain as residents, since across the United States, population declines are related to a decline of healthcare services, community services, and other benefits centered on supporting social well-being (Davis et al., 2022).

Therefore, a comprehensive coast-wide analysis is essential for understanding the impact of wetland loss on population growth and assessing whether such effects persist over time or are merely temporary shocks from which populations can recover. This analysis is crucial in coastal Louisiana, where net land loss was estimated to be approximately 483,300 hectares from 1932 to 2016 (Couvillion et al., 2017), and taking no action could result in an additional loss of up to 400,000 hectares. To address this research gap, our objective was to provide an understanding of the impact of wetland loss on population growth in coastal Louisiana using a dynamic growth model and historical data.

In addressing this objective, we examined two related hypotheses: (1) the conversion of wetlands to open water leads to population decline and that (2) this decline is persistent. To make the concepts clearer and highlight the importance of both hypotheses, Figure 1 shows the potential effects of losing a unit of wetland in an idealized parish scenario.

The idealized scenario examines a parish composed of wetlands, open water, and a category representing all other land cover types. Year 1 serves as the analysis starting point, with solid lines

depicting historically observed population levels and growth. The dashed line represents the counterfactual, illustrating the expected population trajectory without changes in growth rate (Pearl, Glymour & Jewell, 2016). Hypothesis 1 suggests that the conversion of wetlands to open water, occurring in year 2, impacts population growth. Hypothesis 2 investigates whether the population would return to the original counterfactual trajectory in year 3, when no further wetland conversion takes place, indicating a temporary effect of wetland loss on population growth, or if it will remain at a permanently lower level, signifying a persistent effect.

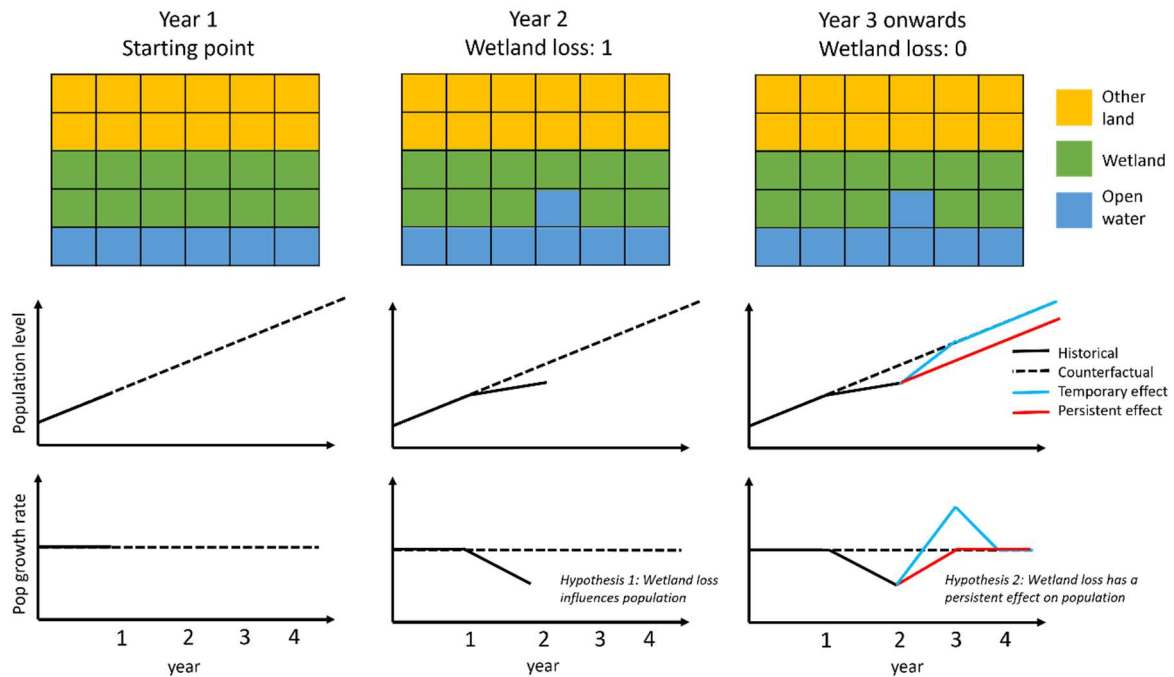


Figure 1. Illustration of the effects of a one-unit wetland loss on the population of a parish in an idealized scenario. The top panels display land cover changes across different years, the middle panels present the population levels through the years (logarithmic scale for readability), and the lower panels depict the associated population growth rates. The blue line represents the temporary effect, while the red line shows a persistent shock on population growth. Solid lines represent observed data and dashed lines represent the counterfactual, i.e. no wetland loss.

2. Methods

2.1. Data collection

To investigate the relationship between population growth and wetland loss we collected data from two main sources: the U.S. Census Bureau and the U.S. Geological Survey. Data on annual estimates of population was retrieved from 1990 to 2021, for the following parishes: St. Charles, St. John the Baptist, St. Mary, Iberia, Cameron, Plaquemines, Vermilion, Orleans, Lafourche, St. Tammany, St. Bernard, Jefferson, and Terrebonne.

For changes in land cover, we collected land cover data from the Land Change Monitoring, Assessment, and Projection (LCMAP) Collection 1.3 dataset provided by the U.S. Geological Survey (U.S. Geological Survey, 2022). The products in this dataset provide a systematic geospatial monitoring of land cover and land change derived from satellite observations from January 1st, 1985, to December 1st, 2021. LCMAP uses a harmonic model and boosted decision tree classification algorithms to classify each 30 x 30 m pixel into one of the following classes: developed, cropland, grass/shrub, tree cover, water, wetland, ice/snow, and barren (Brown et al., 2020; Zhu & Woodcock, 2014).

To apply this classification at the parish level, we filtered the LCMAP data with a vector layer delimiting each parish. We then counted pixels that indicated parish-level annual areas covered by water, wetland, and “other lands”, which contains the LCMAP classifications of developed, cropland, grass/shrub, tree cover, and barren. Because this dataset only shows net land gain or loss by year per parish, we additionally obtained the Land Cover Change (LCCH) sub-product from the LCMAP dataset, which tracks yearly changes in land cover at the pixel level. With this dataset, we were able to accurately capture the impacts of land cover change by parish rather than just looking at net value of change at the parish level.

2.2. Regression analysis

To test our hypotheses, we constructed a statistical regression model that investigated population growth as a function of changes in wetland cover to open water over time. This model was adapted from the dynamic growth equations developed by Bond et al. (2010) and Dell et al. (2012). This type of model is widely used in econometric research to perform growth rate analysis, for example, to estimate growth rate in GDP per worker as a result of GDP investments, or temperature impacts in economic growth. This empirical framework allowed us to identify 1) the strength and statistical significance of the relationship between dependent and independent variables (population growth and wetland loss), and 2) the presence of a lagged time effect, which would indicate if the impacts of wetland loss to open water are temporary or permanent. All calculations were performed using the software *R* for the following 13 parishes: St. Charles, St. John the Baptist, St. Mary, Iberia, Cameron, Plaquemines, Vermilion, Orleans, Lafourche, St. Tammany, St. Bernard, Jefferson, and Terrebonne.

To develop our adapted dynamic growth equation, we started with a population growth function (equation 1), where g_P represents the baseline growth rate of the parish P , W represents wetland lost to open water and coefficients β and γ measure the effect of wetland loss on population levels and growth rate, respectively. In other words, β measures the temporary effect of land loss on the number of people (e.g., temporary evacuation) and γ the persistent effects of losing land (e.g., definitive outmigration or the effect on decision-making regarding family sizes). The coefficient β takes an opposite sign for $W_{P,t-1}$ (i.e. the wetland loss one year before) because a temporary effect by definition is one from which one can fully recover the following year (see Figure 1, bottom-left panel).

$$g_{P,t} = g_P + (\gamma + \beta)W_{P,t} - \beta W_{P,t-1} \quad (1)$$

Given that this dataset contains repeated observations for individual parishes over several years (also known as *panel data*) (Baltagi, 2008), we were able to estimate the model represented in equation (1) with a regression analysis by adding two variables symbolizing parish-fixed effects (θ_p) and year-fixed effects (θ_t), which helped us capture the differences between individual parishes and time-dependent variations in our model. Further, we included loss of areas with infrastructure (e.g., areas covered by residential, commercial, or industrial structures) to open water (I) as a covariate to account for the direct impact of flooding on human infrastructure. This variable is closely related to wetland loss to open water, and not considering it in the analysis could result in overestimating the wetland loss coefficient. Therefore, the estimated regression was:

$$g_{P,t} = \rho_0 W_{P,t} + \rho_1 W_{P,t-1} + \mu I_{P,t} + \theta_P + \theta_t + \epsilon_P \quad (2)$$

In the resulting equation (2), ρ_0 is the sum of coefficients β and γ shown in equation (1), which represents the contemporaneous effect that wetland loss has on population growth. Adding up ρ_0 and ρ_1 yields the persistent effect γ , and ϵ_P is the error term clustered by parish.

Using the LCCH product from the LCMAP Collection, which records pixel-level changes in the land cover dataset, we estimated regression (2). We specifically selected those pixels categorized as wetland and developed. LCMAP defines pixels classified as wetland as “Lands where water

saturation is the determining factor in soil characteristics, vegetation types, and animal communities. Wetlands are composed of mosaics of water, bare soil, and herbaceous or wooded vegetated cover” (U.S. Geological Survey, 2022, p. 4), while the developed class represents:

areas of intensive use with much of the land covered with structures (e.g., high-density residential, commercial, industrial, mining, or transportation), or less intensive uses where the land cover matrix includes vegetation, bare ground, and structures (e.g., low-density residential, recreational facilities, cemeteries, transportation/utility corridors, etc.), including any land functionality related to the developed or built-up activity. (U.S. Geological Survey, 2022, p. 4)

In this context, the variable W represents the area of wetlands converted to water as a percent of “other land” in the parish. The variable I represents the area of developed land as a percent of “other land”. We defined “other land” as the sum of all land covers in LCMAP that are neither wetland nor open water. Having the change as the percentage of developed land and wetland for each year as a proportion of the total other lands cover allowed us to measure the effects of proportional changes.

We used the values for coefficient γ , which represents the persistent effects of wetland loss on population growth, to estimate the counterfactual, meaning the population growth that would have happened if there had been no wetland loss since 1990 (Pearl, Glymour & Jewell, 2016). We also calculated the relative (compared to the 2021 population) and total cumulative population loss for each parish from 1990 to 2021. Furthermore, we conducted a Monte Carlo simulation to generate 10,000 counterfactual population trajectories and test the sensitivity of the results to the uncertainty in the estimated coefficients (Robert & Casella, 2010). To achieve this, we drew random samples from a normal distribution that used the coefficient estimate and standard error of the regression as the mean and standard deviation, respectively. This process allowed us to re-calculate annual changes in population growth for each parish.

3. Results

3.1. Regression analysis

We found that the null hypothesis, in which developed wetland loss does not affect population growth, was rejected with a confidence of 95% (Table 1, Model 1). This shows that, while many factors may affect population rate of change, wetland loss is a key driver affecting change rates in Louisiana’s parishes. From the second model (Table 1, Model 2), the results show that the sum of coefficients for wetland loss is $\gamma = -1.49$, with a p-value of 0.0005, suggesting that the conversion of wetlands to water has a persistent negative impact on population rate of change. This implies that losing a wetland area proportionate to 1% of the area classified as “other land” has a lasting impact on the population growth rate for that year, leading to a 1.49 percent points decrease.

Table 1. Results from the regression analysis of the two models

<i>Dependent variable</i>		
Population growth (%)		
	Model 1	Model 2
Wetland loss (%)	-1.749** (0.801)	-0.961** (0.316)
Wetland loss lag (%)		-0.586*** (0.066)
Fixed effects	Parish and year	Parish and year
Covariates	Developed land loss and total “other land” cover	Developed land loss and total “other land” cover
Observations	403	403
R2	0.472	0.563

Adjusted R2	0.406	0.507
Residual Std. Error	4.615 (df = 357)	4.206 (df = 356)
	Note	*p<0.1; **p<0.05; ***p<0.01

Interpreting the effects of wetland loss by looking at the estimated coefficient of the regression analysis is not straightforward due to the distinct proportions of wetland area to other land in each location. To illustrate these individual impacts, Table 2 presents the corresponding values for each parish. For example, in Cameron Parish, the average decrease in population growth rate is 0.64 per hectare of lost wetland. For all studied parishes, this decrease in population growth rate ranges from -0.44 (Terrebonne Parish) to -34.79 percent points (St. John the Baptist Parish). Moreover, since starting population levels and baseline growth rates differ across parishes, the impact of the gamma coefficient on population levels varies as well. Table 2, Column 2, shows the number of people lost in each parish for every hectare of wetland loss, reflecting these unique effects. The mean loss of population per hectare of wetland loss ranges from 6 (Cameron Parish) to 9252 persons (Orleans Parish) for 2021. This reflects the great differences in population in these two parishes.

Table 2. Effects of wetland loss in each parish.

Parish	Mean change in population growth by 1 hectare of lost wetland (Percent points)	Mean loss of population per hectare of lost wetland (# of persons)
Cameron	-0.64	-6
Iberia	-4.14	-29
Jefferson	-3.88	-887
Lafourche	-1.14	-19
Orleans	-11.59	-9252
Plaquemines	-0.47	-24
St. Bernard	-2.87	-869
St. Charles	-5.70	-92
St. John the Baptist	-34.79	-582
St. Mary	-2.98	-32
St. Tammany	-8.54	-1377
Terrebonne	-0.44	-31
Vermilion	-2.32	-11
Mean value	-6.12	-1016

The results of the population counterfactual analysis (i.e., population trajectory without wetland loss) show how population levels would have changed if there had not been wetland loss from 1990 to 2021. For each parish we calculated the difference between its counterfactual trajectory and the observed population as a percent of the observed population each year. For example, Cameron Parish has a significant loss of population that increases as the counterfactual diverges from the observed trajectory (Figure 2, left). Some parishes would have had a small difference of additional population compared to the observed levels in 2021, such as St. John The Baptist (1.37%), St. Tammany (1.53%) and Iberia Parish (2.55%), while Cameron, Plaquemines and St. Bernard Parishes show a difference of 62.72%, 154.32%, and 249.26%, respectively (see Figure 2, right). This stresses the persistent effect of wetland loss in population growth.

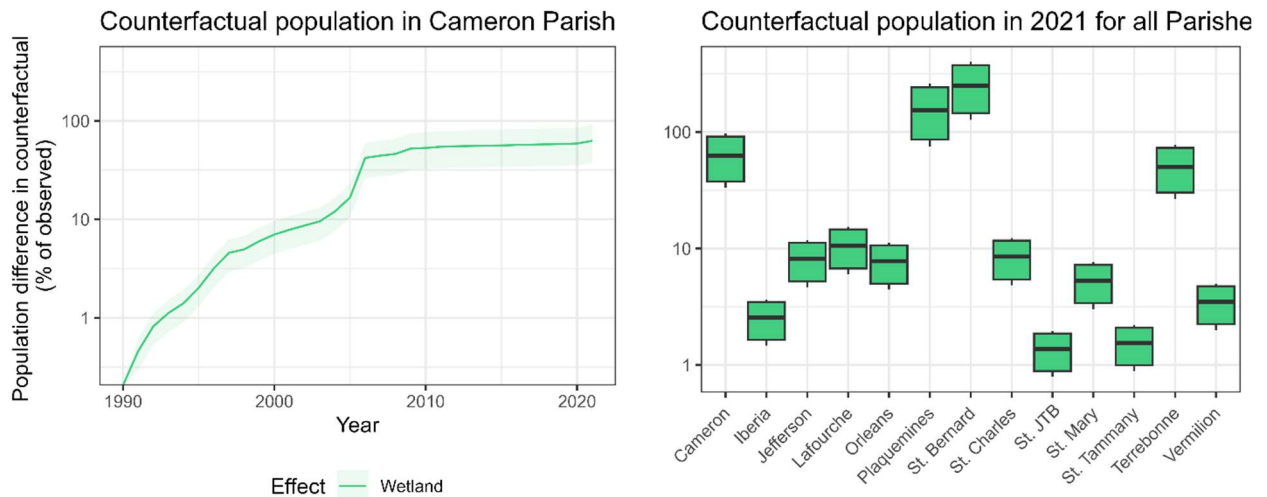


Figure 2. Left: Population difference from counterfactual model in relation to observed data for Cameron parish. Right: Population difference from counterfactual model in relation to observed data for the year 2021 for each parish (Table S1).

Overall, the counterfactual analysis for the whole period 1990-2021 demonstrates that the cumulative loss of population for all parishes yields a total of 294,671 lost population in 2021. The parishes that lost more population with respect to the counterfactual estimates for the whole period are St. Bernard, Terrebonne, and Jefferson (Figure 3, left). The Monte Carlo simulation allowed to test the sensitivity of the results to the uncertainty in the coefficients, yielding a mean value of -294,863 lost population for 2021 for all the parishes, with a 1% to 99% quantile range of -246,981 to -344,920 (Figure 3, right).

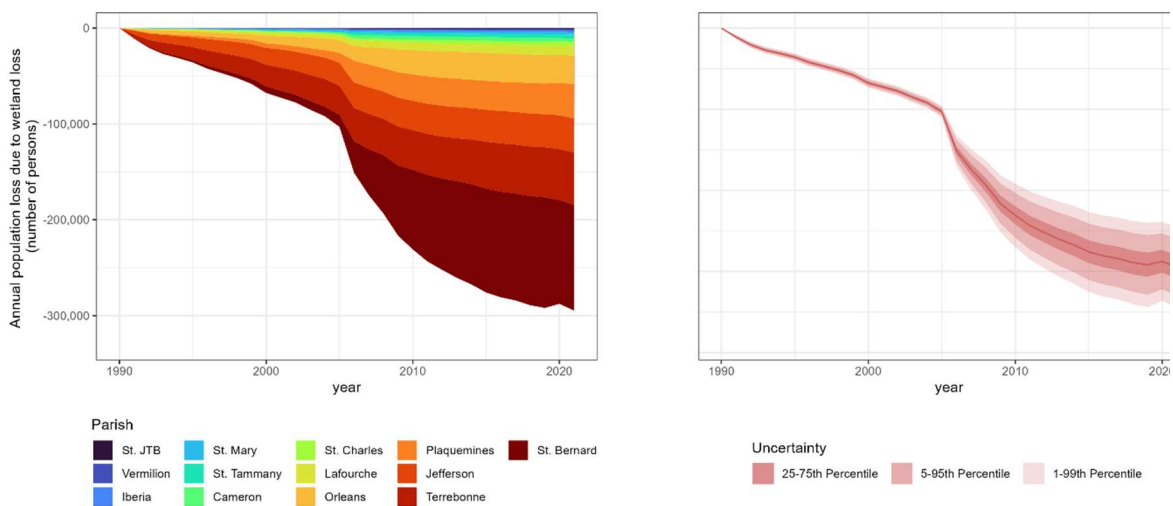


Figure 3. Left: Cumulative difference in population loss due to wetland loss for 13 parishes. Right: Monte Carlo Results for the total difference in population loss, shaded areas show the 25% to 75% quantile, 5% to 95% quantile, and 1% to 99% quantile of 10,000 simulations.

5. Discussion

The results of our study demonstrate that wetland loss has a negative and significant effect on population levels and rate of change across Louisiana's coastal parishes. Moreover, we found that this effect is persistent over time, meaning that even if wetland loss stopped happening, the initial

shocks are sufficient to maintain that effect in the long-term. Controlling for year-fixed effects effectively removes land loss shocks that are common to all parishes, such as those that could be caused by temporary hurricane impacts, indicating that direct hurricane shocks would cause only temporary population decline in the absence of wetland loss. This seems to be the case for the U.S. Gulf of Mexico coastline which has experienced hurricane impacts, but long-term rapid population increases, higher than the U.S. Pacific or Atlantic coastlines (U.S. Census Bureau, 2018; Wilson & Fischetti, 2010).

Some years show extraordinary losses in population levels with respect to the counterfactual. These years are associated with the impact of hurricanes Katrina and Rita in 2005 and hurricanes Laura and Zeta in 2020. While Gulf-wide hurricanes outside of Louisiana result in short-term population decline with recovery and rebuilding and the restoration of the population, the indirect effect of hurricanes in association with other factors acting through wetland loss in Louisiana causes permanent declines in population. Moreover, while hurricanes bring sediment and benefits to healthy wetlands, supporting coastal and deltaic land building, the hydrological disruptions caused by the leveeing of the Mississippi River and pervasive hydrologic alterations caused largely by oil and gas industries have reversed this effect (Day & Hunter, 2022; Morton & Barras, 2011; Day et al. 2020, 2022).

The counterfactual simulation further demonstrates the effect of wetland loss on population rate of change across parishes and across time, with a high degree of certainty. We found that for parishes like Plaquemines and St. Bernard, the population in 2021 would have been 2.5 and 3.5 times, respectively, the observed population if there had not been wetland loss. Furthermore, the Monte Carlo analysis shows that the current population is likely 18% smaller than it would have been without wetland loss from 1990 to 2021 in Louisiana's coastal parishes. The magnitude of these changes is not uncommon in regions that have been systematically affected by extractive industries across the globe (e.g., Pallagst & Al, 2009) and reflects the findings of studies in coastal Louisiana that have measured cumulative damages as a function of community resilience (Kim et al., 2018).

Loss of wetlands can cause population decline through several direct and indirect mechanisms. Authors have identified direct impacts in the form of reduced protection against flooding and storms (Li et al., 2018; Twilley et al., 2016), as well as economic loss from impacts on nursery areas for fisheries (Nicholls, Hoozemans & Marchand, 1999). A less direct mechanism involves understanding the populations' motivations and how they perceive the risk or the damage that losing wetland could bring to their communities (Colten et al., 2018). To fully understand the mechanisms underlying change in population dynamics caused by wetland loss, it is important to develop parish-level or community-level models that incorporate the role that wetlands play in factors that inform population growth, such as those related to birth rate and migration.

The hydrological dynamics of the Mississippi River Delta contributed to land gains on the coast of Louisiana until the 1930s, however, since then the region has seen a rapid decline in wetlands (Couvillion et al., 2017). This indicates that a longer time series (for example, from 1930 to 2022) will likely find a greater impact of land loss on population migration.

While several studies have analyzed the persistent nature of temperature shocks in economic metrics such as gross domestic products (Bastien-Olvera et al., 2022; Burke et al., 2015; Dell et al., 2012; Newell et al., 2021), this study looks at the relatively unexplored question of persistent damages of wetland loss on population growth in coastal Louisiana, a question that is of particular interest in regions that are at risk of losing land due to oil and gas extraction, wetland collapse, sea-level rise, or a combination of anthropogenic and natural factors.

Conclusions

This study highlights the significant impact of wetland loss on population decline and negative growth rates in Louisiana's coastal parishes. Our findings indicate that it is possible to distinguish a persistent effect of changes of wetland to open water on population levels as well as population growth rates, leading to a cumulative effect over time. The simulation results show that the current population in Louisiana's 13 coastal parishes is likely 18% lower than it would have been without

wetland loss from 1990 to 2021. This highlights the key role that wetlands play in influencing population growth.

This impact is more evident considering that, unlike Louisiana's coastal parishes, the rest of the Gulf of Mexico region has seen the greatest increase in population among coastal regions, with a growth of 24.5% during the period of 2000 to 2016 (Cohen, 2018). This has been more evident in counties from Texas and Florida (U.S. Census Bureau, 2017; 2022).

Further research is needed to understand the mechanisms that link wetland loss and population decline, especially in a context where an increasing number of communities might have to be relocated in the future due to relative sea-level rise, ecosystem collapse, or a combination of anthropogenic and natural processes. Modeling across a longer time series, for example from 1930 to 2022, could provide greater insights into the dynamics of population and wetland loss in coastal Louisiana. Studies such as ours are essential to inform good relocation practices currently underway (e.g., Simms et al., 2021) and coastal wetland restoration at scale (CPRA, 2017) to effectively present policymakers with tools that allow them to shape restoration plans.

Data availability Statement: Data processing, regression estimates and simulations available at: <https://github.com/BerBastien/Wetland-loss-effects-on-population-growth>

Acknowledgements: We acknowledge that some of the authors have served as experts in litigation related to oil and gas activities in the Mississippi Delta. No direct funding for the preparation of this manuscript came from this service.

References

1. AP News. (2023, March 30). Louisiana parishes among top in the U.S. for population loss. AP NEWS. <https://apnews.com/article/population-decrease-parish-county-louisiana-06b3a604e96ffeea56d4dce0975365ed>
2. Baltagi, B. H. (2021). *Econometric analysis of panel data* (6th Ed.). Springer Nature.
3. Barnes, S., Bond, C., Burger, N., Anania, K., Strong, A., Weiland, S., & Virgets, S. (2015). *Economic evaluation of coastal land loss in Louisiana*.
4. Barnes, S. R., & Virgets, S. (2017). Regional impacts of coastal land loss and Louisiana's opportunity for growth. *LSU EJ Ourso College of Business Economics and Policy Research Group, Environmental Defense Fund*.
5. Bastien-Olvera, B. A., Granella, F., & Moore, F. C. (2022). Persistent effect of temperature on GDP identified from lower frequency temperature variability. *Environmental Research Letters*, 17(8), 084038.
6. Batker, D., & Briceno, T. (2022). The Impact of Oil and Gas Activities on the Value of Ecosystem Goods and Services of the Mississippi River Delta. In J. W. Day, R. G. Hunter, & H. C. Clark (Eds.), *Energy Production in the Mississippi River Delta: Impacts on Coastal Ecosystems and Pathways to Restoration* (pp. 155–191). Springer International Publishing. https://doi.org/10.1007/978-3-030-94526-8_7
7. Blanchard, T. C. (2010). Population projections of Louisiana parishes through 2030. *Office of Electronic Services, Division of Administration, State of Louisiana*.
8. Bond, S., Leblebicioğlu, A., & Schiantarelli, F. (2010). Capital accumulation and growth: A new look at the empirical evidence. *Journal of Applied Econometrics*, 25(7), 1073–1099. <https://doi.org/10.1002/jae.1163>
9. Brown, J. F., Tollerud, H. J., Barber, C. P., Zhou, Q., Dwyer, J. L., Vogelmann, J. E., Loveland, T. R., Woodcock, C. E., Stehman, S. V., Zhu, Z., Pengra, B. W., Smith, K., Horton, J. A., Xian, G., Auch, R. F., Sohl, T. L., Saylor, K. L., Gallant, A. L., Zelenak, D., ... Rover, J. (2020). Lessons learned implementing an operational continuous United States national land change monitoring capability: The Land Change Monitoring, Assessment, and Projection (LCMAP) approach. *Remote Sensing of Environment*, 238, 111356. <https://doi.org/10.1016/j.rse.2019.111356>
10. Burke, M., Hsiang, S. M., & Miguel, E. (2015). Global non-linear effect of temperature on economic production. *Nature*, 527(7577), 235–239.
11. Cohen, D. T. (2018, August 6). 60 Million Live in the Path of Hurricanes. U.S. Census Bureau. <https://www.census.gov/library/stories/2018/08/coastal-county-population-rises.html>
12. Colten, C. E., Simms, J. R., Grismore, A. A., & Hemmerling, S. A. (2018). Social justice and mobility in coastal Louisiana, USA. *Regional Environmental Change*, 18, 371–383.

13. Couvillion, B. R., Beck, H., Schoolmaster, D., & Fischer, M. (2017). *Land area change in coastal Louisiana (1932 to 2016)*. US Geological Survey.
14. Davis, J. C., Rupasingha, A., Cromartie, J., & Sanders, A. (2022). *Rural America at a Glance: 2022 Edition*. <http://www.ers.usda.gov/publications/pub-details/?pubid=105154>
15. Day, J. W., Boesch, D. F., Clairain, E. J., Kemp, G. P., Laska, S. B., Mitsch, W. J., ... & Whigham, D. F. (2007). Restoration of the Mississippi Delta: lessons from hurricanes Katrina and Rita. *Science*, 315(5819), 1679-1684
16. Day, J. W., Clark, H. C., Chang, C., Hunter, R., & Norman, C. R. (2020). Life cycle of oil and gas fields in the Mississippi River Delta: A review. *Water*, 12(5), 1492.
17. Day, J. W., & Hunter, R. G. (2022). Environmental Setting of the Mississippi River Delta. In *Energy Production in the Mississippi River Delta: Impacts on Coastal Ecosystems and Pathways to Restoration* (pp. 7–38). Springer.
18. Dell, M., Jones, B. F., & Olken, B. A. (2012). Temperature shocks and economic growth: Evidence from the last half century. *American Economic Journal: Macroeconomics*, 4(3), 66–95.
19. Edmonds, D. A., Toby, S. C., Siverd, C. G., Twilley, R., Bentley, S. J., Hagen, S., & Xu, K. (2023). Land loss due to human-altered sediment budget in the Mississippi River Delta. *Nature Sustainability*, 1-8.
20. Hauer, M. E., Hardy, R. D., Mishra, D. R., & Pippin, J. S. (2019). No landward movement: examining 80 years of population migration and shoreline change in Louisiana. *Population and Environment*, 40, 369-387.
21. Hemmerling, S. A. (2018). Eroding communities and diverting populations: Historical population dynamics in coastal Louisiana. *Mississippi Delta Restoration: Pathways to a sustainable future*, 201-230.
22. Kim, H., Marcouiller, D. W., & Woosnam, K. M. (2018). Rescaling social dynamics in climate change: The implications of cumulative exposure, climate justice, and community resilience. *Geoforum*, 96, 129–140.
23. Li, X., Bellerby, R., Craft, C., & Widney, S. E. (2018). Coastal wetland loss, consequences, and challenges for restoration. *Anthropocene Coasts*, 1(1), 1-15.
24. McClenachan, G., Turner, R. E., & Tweel, A. W. (2013). Effects of oil on the rate and trajectory of Louisiana marsh shoreline erosion. *Environmental Research Letters*, 8(4), 044030. <https://doi.org/10.1088/1748-9326/8/4/044030>
25. Morton, R. A., & Barras, J. A. (2011). Hurricane impacts on coastal wetlands: A half-century record of storm-generated features from southern Louisiana. *Journal of Coastal Research*, 27(6A), 27–43.
26. Mosbrucker, K. (2021, January 29). Louisiana's population continues to shrink: Stats show nearly 13K decline between 2019, 2020. *The Advocate*. https://www.theadvocate.com/baton_rouge/news/business/louisiana-as-population-continues-to-shrink-stats-show-nearly-13k-decline-between-2019-2020/article_3833634c-5cdc-11eb-951d-b39a30651d28.html
27. Newell, R. G., Prest, B. C., & Sexton, S. E. (2021). The GDP-temperature relationship: Implications for climate change damages. *Journal of Environmental Economics and Management*, 108, 102445.
28. Nicholls, R. J., Hoozemans, F. M., & Marchand, M. (1999). Increasing flood risk and wetland losses due to global sea-level rise: regional and global analyses. *Global Environmental Change*, 9, S69-S87.
29. Pallagst, K., & Al, E. (2009). *The Future of Shrinking Cities: Problems, Patterns and Strategies of Urban Transformation in a Global Context*. <https://escholarship.org/uc/item/7zz6s7bm>
30. Pearl, J., Glymour, M., & Jewell, N. P. (2016). *Causal inference in statistics: A primer*. John Wiley & Sons.
31. Robert, C.P., Casella, G. (2010). Monte Carlo Integration. In: *Introducing Monte Carlo Methods with R*. Use R. Springer, New York, NY. https://doi.org/10.1007/978-1-4419-1576-4_3
32. Roberts, H. H. (1997). Dynamic changes of the Holocene Mississippi River delta plain: the delta cycle. *Journal of Coastal Research*, 605-627.
33. Simms, J. R. Z., Waller, H. L., Brunet, C., & Jenkins, P. (2021). The long goodbye on a disappearing, ancestral island: A just retreat from Isle de Jean Charles. *Journal of Environmental Studies and Sciences*, 11(3), 316–328. <https://doi.org/10.1007/s13412-021-00682-5>
34. Turner, R. E., & McClenachan, G. (2018). Reversing wetland death from 35,000 cuts: Opportunities to restore Louisiana's dredged canals. *PLOS ONE*, 13(12), e0207717. <https://doi.org/10.1371/journal.pone.0207717>
35. Twilley, R. R., Bentley, S. J., Chen, Q., Edmonds, D. A., Hagen, S. C., Lam, N. S. N., ... & McCall, A. (2016). Co-evolution of wetland landscapes, flooding, and human settlement in the Mississippi River Delta Plain. *Sustainability science*, 11, 711-731.
36. U.S. Census Bureau. (2023, March 30). *Growth in the Nation's Largest Counties Rebounds in 2022* [Press release]. <https://www.census.gov/newsroom/press-releases/2023/population-estimates-counties.html>

37. U.S. Geological Survey. (2022). *Land Change Monitoring, Assessment, and Projection (LCMAP) Collection 1.3 Science Products for the Conterminous United States: USGS data release* [Tif]. <https://doi.org/10.5066/P9C46NGO>
38. Wilson, S. G., & Fischetti, T. R. (2010). *Coastline population trends in the United States 1960 to 2008* (pp. 1-28). Washington, DC: US Department of Commerce, Economics and Statistics Administration, US Census Bureau.
39. Zhu, Z., & Woodcock, C. E. (2014). Continuous change detection and classification of land cover using all available Landsat data. *Remote Sensing of Environment*, 144, 152–171.

Supplementary Information

Table S1.

Parish	Additional Population in 2021 with no wetland loss from 1990 to 2021 (# of persons)	Additional Population in 2021 with no wetland loss from 1990 to 2021 (%)	Mean change in population growth by 1 hectare of wetland loss (Percent points)	Mean loss of population per hectare of wetland loss (# of persons)	Wetland lost to water from 1990 to 2021 (hectares)
Cameron	3186.17	62.72	-0.64	-5.97	453.12
Iberia	1760.14	2.55	-4.14	-28.63	31.31
Jefferson	35445.19	8.17	-3.88	-886.63	47.13
Lafourche	10329.04	10.59	-1.14	-19.33	134.46
Orleans	29345.92	7.78	-11.59	-9252.42	26.99
Plaquemines	35961.25	154.32	-0.47	-23.53	455.42
St. Bernard	110321.30	249.26	-2.87	-868.89	95.35
St. Charles	4447.78	8.507	-5.70	-92.48	26.03
St. John the Baptist	577.68	1.37	-34.79	-581.79	4.09
St. Mary	2553.73	5.29	-2.98	-32.07	49.24
St. Tammany	4143.46	1.53	-8.54	-1377.47	45.54
Terrebonne	54607.52	50.23	-0.44	-31.38	334.97
Vermilion	1991.40	3.48	-2.32	-10.99	117.28

SOUTHEAST

Kentucky, Tennessee, North Carolina, South Carolina,
Georgia, Alabama, Mississippi, and Florida

Full Name: Finnian Spencer

Name of Organization or Community: Farmworker Association of Florida

City and State: Apopka, FL

Region: Southeast

Topic: Carbon Management

Brief description: [comment]

Industrial agriculture is one of the world's leading carbon emitters, largely in part because of the chemical fertilizers and pesticides that the system has become too dependent on. These chemical fertilizers and pesticides are made from fossil fuels and fossil fuel extraction. Healthy and robust soils- supported by farming techniques that work with the environment rather than in spite of it- sequester carbon at a far greater rate than depleted soils. Additionally, these chemicals disproportionately affect the health of farmworkers and frontline communities, the majority of which are very often people of color, where these toxic pesticides and fertilizers are being produced, transported, and applied. Non-homogenous, organic, agroecological farming practices are necessary for the sustainability of our food systems and for the health of our farmworkers and frontline communities. Currently, carbon capture in agriculture is being coopted by corporate billionaires who are constructing pipelines from large industrial farms, emitting more carbon whilst collecting federal dollars for this false solution. The privatization of carbon, and creating a system in which environmental degradation must be bought does nothing but exacerbate the crisis.

Judy Freiberg
Democratic Environmental Caucus of Florida

My name is Judy Freiberg. I am Vice President of the Democratic Environmental Caucus of Florida and part of the DNC Environmental Environment and Climate Crisis Council.

I am very involved in working with an historic African American community here in Naples, Florida call River Park. I am working with the local NAACP President, Mr. Vincent Keeys, with that effort.

The residents there were catastrophically flooded during Hurricane Ian. Several homeowners are still unable to live in their homes. In addition, the community is attempting to work with local, state and national governments in an attempt to mitigate future storm damage. We are currently working with the Army Corps of Engineers, and also trying to work with state government to understand how to access community block grant funds as well.

Needless to say, we live in a bright red county in a bright red state. Therefore, navigating these various governments who do not necessarily place this community as a priority is quite daunting for homeowners and volunteers like myself.

I very much wish that this administration could set up a resource that could guide communities like River Park, almost like a case manager, someone who is familiar with the federal resources, how to access those resources, and how federal administrative agencies can impact our ability to access resources that have been allocated to the state. That person would be an advocate, if you will.

I am not able to attend the entire workshop, as it appears to be 3 pm to 9 pm, and I will be traveling. I intend to listen using my phone when I can. Will you be able to tape it so that I can listen?

In addition, is it possible for you to address my concern in that forum? I can tell you the steps we are taking to get ourselves into a position to help ourselves. We are doing what we can.

Judy Freiberg
314-409-9548
judyfreiberg@sbcglobal.net

Full Name: Kadesha Minor

Name of Organization or Community: Alliance for Affordable energy

City and State: New Orleans, LA

Region: Southwest

Topic: Carbon Management

Brief description:

I am from Lake Charles, La. I live in New Orleans.

As a mutual aid organizer, I have raised over \$100,000 to assist residents of Louisiana and Texas in the wake of Hurricane Laura and Ida. I do this by crowdfunding donations and disbursing them in digital payments to people who need to evacuate.

My ask of you today is to consider the ways in which history has shown us who is a good steward of our lands.

In Louisiana, we suffer from a salt dome collapse to the west and a salt water intrusion to the east. Our fishers can't fish and our shrimpers can't shrimp.

The country and world has decided that the what we know as the vein of Louisiana is sacrificial. From LNG to CCS, these extractive industries have cultivated a toxic environment that continues to perpetuate centuries long distrust and disinvestment from our communities.

A just transition in Louisiana cannot begin until we mitigate the harm done in the past and present by the oil and gas industries. Plugging and remediating abandoned oil wells that emit methane could serve as an expedient way to mobilize our 250,000 member oil & gas workforce from our most northern parish to our the continental shelf.

Storm hardening and resilience cannot continue to show preference to industry. Our ratepayers deserve reliable utilities that are built with our changing climate in mind.

Extractive companies could commit to local climate action plans, such as the New Orleans Reforestation plan. With a tree canopy of only 18%, New Orleans suffers as the most energy burdened city in our nation, with heat islands that are as much as 10° hotter than their bordering neighborhoods. Yet in the midst of the hottest summer in the history of ever, our water and energy companies proceeded with shutoffs.

Community Benefits Agreements that are done in secret have no place in environmental justice. Reports such as this

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eenews.net%2Farticles%2Ffalse-promise-does-carbon-removal-plans-rankle-&data=05%7C01%7Cwhejac%40epa.gov%7C8d674927fa9144b176e008dbbeefa49a%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C638313708695343232%7CUnknown%7CTWFpbG>

[Zsb3d8eyJWljoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=TFBwh10P2QCrOSMjnePmVUuPgjWsVUrxaaG6nQwmnY%3D&reserved=0](https://www.fda.gov/oc/foia/Zsb3d8eyJWljoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=TFBwh10P2QCrOSMjnePmVUuPgjWsVUrxaaG6nQwmnY%3D&reserved=0)

community-advocates/ state that a community benefits agreement has been coordinated for the Project Cypress Direct Air Capture hub in Southwest Louisiana, and participants were forced to sign NDAs. How can we ensure misrepresented communities are represented in secret?

Please call for transparency in the ways in which federal and state governments volunteer communities' participation in solving our climate crisis.

Scott Eustis
Healthy Gulf

Thank you to Dr Sheats of Kean University, whose name I fumbled.

After the long legacy of Exxon and Conoco's destruction of USA wetlands, we are distressed to see the CO2 industry move south, from outside of the Coastal Zone-- i.e. the Denbury Green Pipeline, built in 2007 in DOE's 'Clean Coal' era--down into the Coastal Zone where pipelines are regularly damaged by natural force movement and over 4,000 acres of essential coastal wetland will be excavated.

I feel that the movement to bury fragile steel pipes in land that will likely become the ocean by 2050 speaks to the general assumption by industry that these projects are expected to fail.

We must demand a Programmatic EIS for petrochemical developments in these coastal wetland areas. 20 of 22 Carbon Management projects we have reviewed so far are disproportionately in Environmental Justice areas. See attached for two examples. These federal actions are connected by watershed, by commerce, and by environmental injustice as a profit strategy.

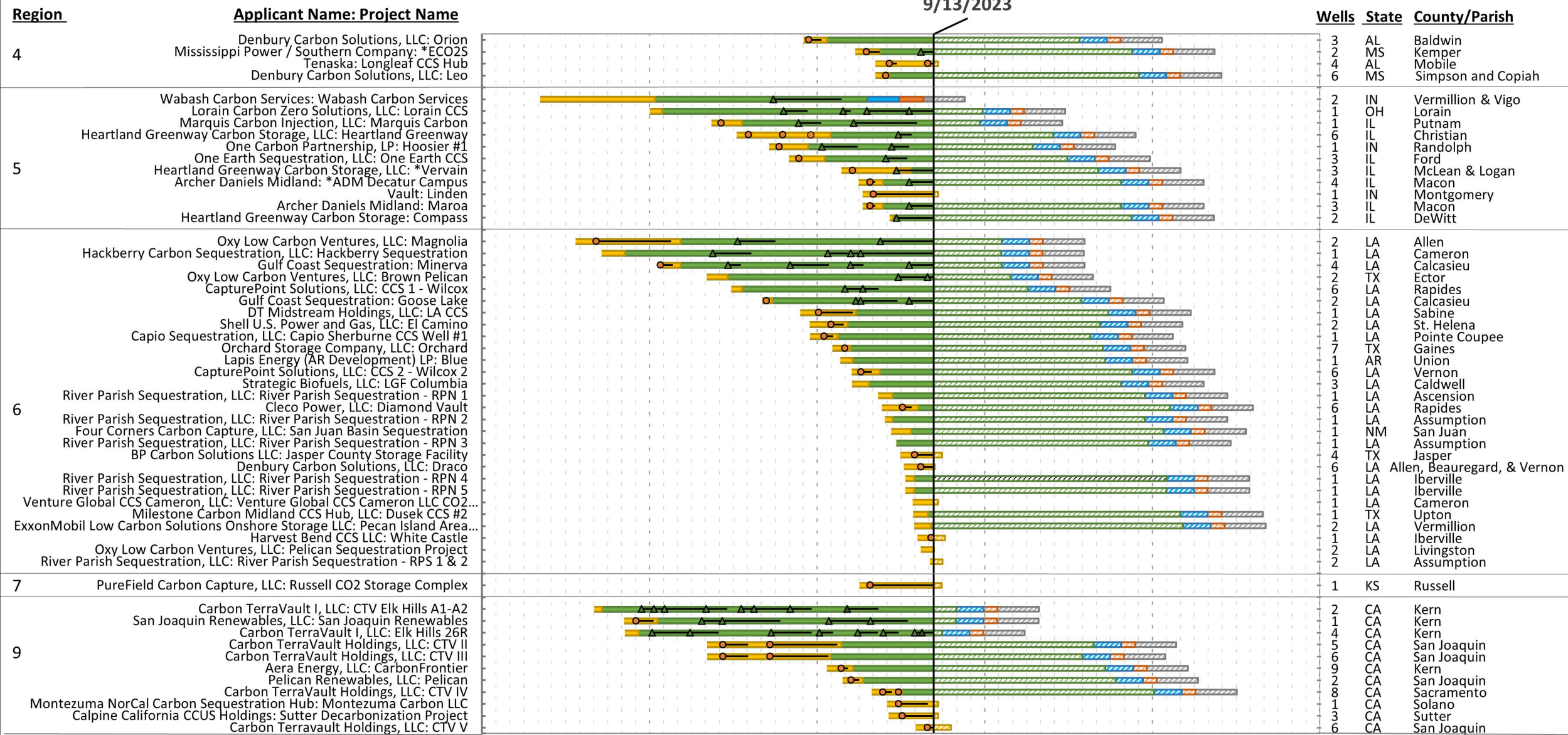
We need CEQ and EPA to stop exempting coastal "stripper" oil wells from methane regulations as an alternative. Many of Louisiana's 28,000 inactive wells are leaking methane, but are being exempted from methane regulation, leading to the loss of oil jobs.

We need action to re-hire oilfield workers and fix these wells before EPA permits or allows Louisiana to permit injecting CO2 into these methane-leaking oilfields. Otherwise these broken straws will likely leak any CO2 pushed into our vanishing land.

Scott Eustis

Class VI Permit Tracker

9/13/2023



Total Projects = 55

Jan-21 Jan-22 Jan-23 Jan-24 Jan-25 159

■ Completeness Review (est. 30 days)
 ■ Technical Review** (est. 18 months)
 ■ Prepare Draft Permit (est. 60 days)
 ■ Public Comment Period (est. 30-45 days)
 ■ Prepare Final Permit Decision*** (est. 90 days)

● Notice of Deficiency (NOD) Sent
 ▲ Request for Additional Information (RAI) Sent
 — Applicant response time to NODs and RAIs

Note: Hashed bars represent estimates of future review periods.
 *Completeness review restarted after substantial changes made to project.
 **Estimated Technical Review period depends on the complexity and quantity of RAIs needed to evaluate the application and receiving timely responses from the applicant.
 *** Time to Prepare Final Permit Decision depends on the number and complexity of Public Comments received.

**PRESS ROOM** ([HTTPS://EARTHJUSTICE.ORG/NEWS](https://earthjustice.org/news))

April 14, 2023

Potential Graves of Enslaved Being Investigated at Proposed Air Products Blue Hydrogen and Ammonia Site in Cancer Alley

Company has not notified local communities of their investigation

CONTACTS

Dustin Renaud, drenaud@earthjustice.org (<mailto:drenaud@earthjustice.org>), (228) 209-2194

BURNSIDE, LA — According to [records obtained from the Louisiana Division of Archeology \(/document/air-products-site-formerly-orange-grove-plantation-fact-sheet\)](#), Air Products is currently investigating potential burial grounds on its site once occupied by one of the largest sugar plantations dependent on slave labor in Louisiana.

For at least 18 months, the company has had plans to construct a hydrogen and ammonia manufacturing plant on the former Orange Grove Plantation. Air Products has failed to notify local communities of its investigation and recent discoveries.

“There is no indication that Air Products has attempted to find any descendants of anyone who may have been buried at the Orange Grove Plantation,” states **Kaitlyn Joshua, Earthworks’ Gulf Coast Campaigner, resident of Ascension parish**. “Air Products should make this process known to the public, especially residents in area communities and places where potential descendants may live.”

Air Products also failed to notify the Louisiana Department of Environmental Quality (LDEQ) about the potential burial grounds on its site before obtaining a construction permit for its plant. The plant is part of Air Products "Blue Energy Project" that involves the highly contested plan to inject carbon dioxide deep under Lake Maurepas. Burnside is named after John Burnside who had enslaved over 750 people at the Orange Grove and other plantations in that area. An earlier survey of the Air Products site describes a small cemetery that would likely have been for "the owners of the Orange Grove Plantation and their managerial employees" and that "no slave/tenant cemetery has been identified to date." State records show Air Products contacted the Louisiana Division of Archeology on November 17, 2022 in an email with the subject "Unmarked Burials Permit," stating:

We are planning to conduct ground scraping within the buffered area around the known extent of graves at the Orange Grove Cemetery in Ascension Parish. This is part of the Darrow Blue Energy Project.

On December 8, 2022, Air Products told the Division of Archeology that it found:

[A]pproximately 15 stones, mostly squared and resembling cemetery markers ... distributed over an area located between 65 and 350 feet north of the protective fence around the Orange Grove cemetery.

These grave markers are located in an area where Air Products plans to build, according to detailed site drawings the company submitted to LDEQ over a year ago. But instead of telling LDEQ that it has discovered potential unmarked graves on its site, Air Products asked for a construction permit for its project on December 9, 2022. There is no indication that Air Products has altered its site plan or that it will look beyond the area around the known cemetery for other burial grounds.

"Air Products has a serious blind spot. It has shown zero understanding of the horrors of slavery by planning its facility and seeking construction permits *before* doing the research needed to find and preserve all of the burial grounds that may

exist on its site," says **Corinne Van Dalen, Earthjustice attorney.**

For comparison, Shell Oil Company discovered "the unmarked graves of as many as 1,000 slaves" on sugar plantations immediately downriver of and adjacent to the Orange Grove Plantation in 2013 when it surveyed its property for plans to expand the Shell Convent Refinery. Shell Oil did not share this information with the public for another five years.

"The reason this land is available today for a project like Air Products is because of the plantation economy and slavery," asserts **Shamell Lavigne, Chief Operating Officer of RISE St. James.** "The sugar industry was built on the backs of Black people. Petrochemical companies like Air Products don't care about the living so I'm not surprised that they don't care about the dead. It's all about making money."

More about the Site and the Project:

Industrial gas supplier Air Products plans to build a new industrial complex that will include a gas-fed blue hydrogen facility and an ammonia chemical plant. The 376-acre site is located in Ascension Parish on the East Bank of the Mississippi River just upriver of the St. James border in Burnside in a broader area called Darrow. This area already has some of the worst air pollution in the state. Toxic air pollution from existing industrial facilities in the area put residents within two miles of the site at a higher risk of cancer and respiratory ailments than 90% of all Louisiana residents. Air Products' facility, if built and operating, would emit another 185 tons per year of toxic air pollutants.

Air Products plans to capture the carbon dioxide from the facility, compress it, and transport it in a new pipeline approximately 35 miles through the Maurepas Swamp to two injection wells deep under Lake Maurepas for storage. The storage project under Lake Maurepas has drawn much criticism from local advocates and authorities.

The Orange Grove Plantation site was once owned by John Burnside, namesake of the town and enslaver of 10% of the enslaved population (753/~7500) of Ascension Parish in 1860. The site was operated as a sugar plantation.

Air Products' facility plan shows that the company intends to develop its entire site. It appears that Air Products has configured its heavy haul road to skirt around the small cemetery that was identified in a 2014 survey report but no other area appears to be spared.

[Review fact sheet with sources, figures, and diagrams. \(/document/air-products-site-formerly-orange-grove-plantation-fact-sheet\)](#)



Shell Convent refinery in St. James Parish, Louisiana. (Alejandro Dávila Fragoso / Earthjustice)

ADDITIONAL RESOURCES

- [Air Products Site Formerly Orange Grove Plantation Fact Sheet](https://earthjustice.org/document/air-products-site-formerly-orange-grove-plantation-fact-sheet)
(<https://earthjustice.org/document/air-products-site-formerly-orange-grove-plantation-fact-sheet>)
- [About the Fossil Fuels Program](https://earthjustice.org/office/fossil-fuels) (<https://earthjustice.org/office/fossil-fuels>)

ABOUT EARTHJUSTICE

Earthjustice is the premier nonprofit environmental law organization. We wield the power of law and the strength of partnership to protect people's health, to preserve magnificent places and wildlife, to advance clean energy, and to combat climate change. We are here because the earth needs a good lawyer.

“Our work to rectify 150 years of injustice is far from over.”

–ISAAC MORIWAKE

Managing attorney of Earthjustice’s Mid-Pacific Office, on the fight to restore water to Maui streams

THE STORIES TO READ ON JUSTICE-CENTERED ([HTTPS://EARTHJUSTICE.ORG/GOALS/JUSTICE-CENTERED](https://earthjustice.org/goals/justice-centered))

Where a Logging Camp Once Stood, a Center for Healing Takes Root (<https://earthjustice.org/article/tongass-alaska-kake>)

The Biggest Climate Spending Bill Ever Just Turned One. Here’s What It Has Achieved. (<https://earthjustice.org/article/the-biggest-climate-spending-bill-ever-just-turned-one-heres-what-it-has-achieved>)

TAKE ACTION

Restore the People’s Environmental Law (https://earthjustice.org/action/restore-the-peoples-environmental-law?ms=web_footer)

WHAT YOU NEED TO KNOW THIS WEEK ([HTTPS://EARTHJUSTICE.ORG/LIBRARY](https://earthjustice.org/library))

Environmental Rulings Reveal Supreme Court's Dangerous Ambitions
(<https://earthjustice.org/experts/sambhav-sankar/environmental-rulings-reveal-supreme-courts-dangerous-ambitions>)

Oil Companies Are Trying to Grab an Endangered Whale's Small Pocket of Ocean
(<https://earthjustice.org/brief/2023/us-commits-to-3-steps-to-save-gulf-of-mexico-whale>)

Joining Forces to Fight the Climate Crisis and Move Beyond Carbon
(<https://earthjustice.org/article/joining-forces-to-fight-the-climate-crisis-and-move-beyond-carbon>)

ABOUT

Who We Are (<https://earthjustice.org/about>)

En Español (<https://earthjustice.org/historias>)

Diversity, Equity, and Inclusion (<https://earthjustice.org/about/diversity-equity-inclusion>)

Board of Trustees (https://earthjustice.org/about/board_of_trustees)

Annual Reports (<https://earthjustice.org/about/annual-reports>)

Victories (<https://earthjustice.org/our-work/victories>)

Career Opportunities (<https://earthjustice.org/about/jobs>)

Privacy Policy (https://earthjustice.org/site_info/privacy)

Contact (<https://earthjustice.org/about/contact>)

Request for Legal Assistance (<https://earthjustice.org/about/request-legal-assistance>)

GET INVOLVED

[Donate \(/donate/give-today?ms=web_menu_footer\)](/donate/give-today?ms=web_menu_footer)

[Action Center \(https://earthjustice.org/action\)](https://earthjustice.org/action)

[Email & Text Alerts \(/action/join?ms=web_menu_footer\)](/action/join?ms=web_menu_footer)

[Renew Your Support \(/donate/renew?ms=web_menu_footer\)](/donate/renew?ms=web_menu_footer)

[Become a Justice Partner \(/donate/justice-partners?ms=web_menu_footer\)](/donate/justice-partners?ms=web_menu_footer)

[Legacy Gift Planning \(https://legacy.earthjustice.org\)](https://legacy.earthjustice.org)

[Earthjustice Store \(https://stores.kotisdesign.com/earthjusticeshop?utm_source=ej&utm_medium=referral&utm_content=footer\)](https://stores.kotisdesign.com/earthjusticeshop?utm_source=ej&utm_medium=referral&utm_content=footer)

[Supporter FAQ \(https://earthjustice.org/action/faq\)](https://earthjustice.org/action/faq)

MEMBER CENTER

[Manage Your Monthly Gift \(https://act.earthjustice.org/a/earthjustice-member-center?ms=web_menu_footer\)](https://act.earthjustice.org/a/earthjustice-member-center?ms=web_menu_footer)

[Manage Your Email Subscriptions \(https://act.earthjustice.org/a/earthjustice-member-center?ms=web_menu_footer\)](https://act.earthjustice.org/a/earthjustice-member-center?ms=web_menu_footer)

[Manage Your Postal Mail Subscriptions \(/mail\)](/mail)



[Update Your Contact Information \(https://act.earthjustice.org/a/earthjustice-member-center?ms=web_menu_footer\)](https://act.earthjustice.org/a/earthjustice-member-center?ms=web_menu_footer)

[View Your Donation History \(https://act.earthjustice.org/a/earthjustice-member-center?ms=web_menu_footer\)](https://act.earthjustice.org/a/earthjustice-member-center?ms=web_menu_footer)

THE LAW MAKES CHANGE

Stay informed on how we hold accountable those who break our environmental laws.

SIGN UP

[\(https://www.facebook.com/Earthjustice\)](https://www.facebook.com/Earthjustice)  [\(https://twitter.com/earthjustice\)](https://twitter.com/earthjustice) 

[\(https://instagram.com/Earthjustice\)](https://instagram.com/Earthjustice) [\(https://youtube.com/Earthjustice\)](https://youtube.com/Earthjustice)

[\(https://www.linkedin.com/company/earthjustice\)](https://www.linkedin.com/company/earthjustice)

(<https://www.reddit.com/user/earthjustice/>)

(<https://www.tiktok.com/@earthjustice>)



© 2023 Earthjustice. [We respect your privacy \(https://earthjustice.org/privacy\)](https://earthjustice.org/privacy). Earthjustice is a 501(c)3 nonprofit. Your contribution is tax-deductible. EIN 94-1730465.



(<https://www.charitynavigator.org/ein/941730465>)



(<https://www.give.org/charity-reviews/national/environment/earthjustice-in-san-francisco-ca-269>)

DOCNO	type	DOC_ACCESS	Permit Status Code	Permit Parish Code	CZM_Parish	CZM_YEAR	enf
P19800275	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	57	VERMILION	1980	1
P19811025	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12	CAMERON	1981	1
P19811496	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38	PLAQUEMINES	1981	1
P19820001	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38	PLAQUEMINES	1982	1
P19821702	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12	CAMERON	1982	1
P19820104	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	12	CAMERON	1982	1
P19820514	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	57	VERMILION	1982	1
P19830831	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12	CAMERON	1983	1
P19840749	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	51	SAINT MARY	1984	1
P19841303	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12	CAMERON	1984	1
P19840506	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	55	TERREBONNE	1984	1
P19841239	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	51	SAINT MARY	1984	1
P19841419	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1984	1
P19851274	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	55	TERREBONNE	1985	1
P19850591	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	53	TANGIPAOA	1985	1
P19850358	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	30	55	TERREBONNE	1985	1
P19850472	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12	CAMERON	1985	1
P19851287	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	61	38	PLAQUEMINES	1985	1
P19870849	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38	PLAQUEMINES	1987	1
P19871155	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38	PLAQUEMINES	1987	1
P19870672	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	61	38	PLAQUEMINES	1987	1
P19870349	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12	CAMERON	1987	1
P19880352	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1988	1
P19880383	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1988	1
P19880439	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	30	12	CAMERON	1988	1
P19890228	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1989	1
P19890853	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1989	1
P19890630	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	29	LAFOURCHE	1989	1
P19890193	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	55	TERREBONNE	1989	1
P19891135	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12	CAMERON	1989	1
P19900210	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1990	1
P19900630	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1990	1
P19900834	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1990	1
P19900783	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1990	1
P19900827	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	55	TERREBONNE	1990	1
P19900307	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	4	ASSUMPTION	1990	1
P19910982	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38	PLAQUEMINES	1991	1
P19910981	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38	PLAQUEMINES	1991	1
P19910813	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1991	1
P19911268	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1991	1
P19911023	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1991	1
P19910643	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1991	1
P19911168	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1991	1
P19911004	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38	PLAQUEMINES	1991	1
P19911142	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1991	1
P19911169	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38	PLAQUEMINES	1991	1
P19911150	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1991	1
P19910862	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1991	1
P19911014	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	39	38	PLAQUEMINES	1991	1
P19910189	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	15	38	PLAQUEMINES	1991	1
P19920425	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38	PLAQUEMINES	1992	1
P19920143	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1992	1
P19921094	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1992	1
P19920429	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1992	1
P19921223	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1992	1
P19921093	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	30	38	PLAQUEMINES	1992	1
P19920438	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38	PLAQUEMINES	1992	1
P19920534	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	50	SAINT MARTIN	1992	1
P19931088	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38	PLAQUEMINES	1993	1
P19930315	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1993	1
P19931204	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38	PLAQUEMINES	1993	1
P19930740	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1993	1
P19931314	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38	PLAQUEMINES	1993	1
P19930773	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1993	1
P19931066	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1993	1
P19930782	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38	PLAQUEMINES	1993	1
P19930216	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1993	1
P19940671	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1994	1
P19941275	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	55	TERREBONNE	1994	1
P19940482	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	55	TERREBONNE	1994	1
P19941178	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38	PLAQUEMINES	1994	1
P19940067	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	30	38	PLAQUEMINES	1994	1
P19941191	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38	PLAQUEMINES	1994	1

P19940586	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1994	1
P19941237	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1994	1
P19941028	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1994	1
P19940874	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1994	1
P19941316	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1994	1
P19940855	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1994	1
P19941035	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	20	38 PLAQUEMINES	1994	1
P19941022	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1994	1
P19950492	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1995	1
P19951347	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1995	1
P19950981	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	30	38 PLAQUEMINES	1995	1
P19950278	WELL NO 3	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1995	1
P19950648	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1995	1
P19950491	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1995	1
P19950646	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1995	1
P19951234	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1995	1
P19950515	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1995	1
P19951252	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1995	1
P19950524	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1995	1
P19960153	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1996	1
P19960215	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1996	1
P19960747	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1996	1
P19960570	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1996	1
P19960399	DREDGE SL	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	55 TERREBONNE	1996	1
P19961281	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	55 TERREBONNE	1996	1
P19961152	AS-BUILT P	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1996	1
P19961808	P & A WELI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1996	1
P19961459	PLUG FAST	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	20	38 PLAQUEMINES	1996	1
P19961987	RECOMPLE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	20	55 TERREBONNE	1996	1
P19970248	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1997	1
P19971005	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1997	1
P19971134	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	55 TERREBONNE	1997	1
P19970855	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1997	1
P19970616	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1997	1
P19970822	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	55 TERREBONNE	1997	1
P19971538	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1997	1
P19970856	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1997	1
P19970584	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1997	1
P19970988	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1997	1
P19971666	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1997	1
P19971540	MAINT. DRI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	55 TERREBONNE	1997	1
P19970118	MAINTENA	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1997	1
P19970745	MAINTENA	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1997	1
P19971052	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	55 TERREBONNE	1997	1
P19970576	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	55 TERREBONNE	1997	1
P19971539	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	55 TERREBONNE	1997	1
P19970720	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	61	38 PLAQUEMINES	1997	1
P19971212	CANCELLET	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997	1
P19970244	PLUG & AB	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997	1
P19970651	RECOMPLE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997	1
P19970290	WORKOVE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997	1
P19970289	WORKOVE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997	1
P19980857	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	4 ASSUMPTION	1998	1
P19980396	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	55 TERREBONNE	1998	1
P19980071	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1998	1
P19980404	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	55 TERREBONNE	1998	1
P19980474	PLUG & AB	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1998	1
P19980634	REMOVE F.	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1998	1
P19991356	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1999	1
P19991192	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1999	1
P19991358	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1999	1
P19990543	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1999	1
P19991074	DREDGE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1999	1
P19991073	DREDGE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1999	1
P19990623	BANK REP	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	55 TERREBONNE	1999	1
P19990635	DAM	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	81	55 TERREBONNE	1999	1
P20001488	S.O.V. SITE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	80	23 IBERIA	2000	1
P20000706	WORKOVE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2000	1
P20000740	WORKOVE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2000	1
P20011715	DREDGE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2001	1
P20011334	DREDGE &	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2001	1
P20011507	ABANDONI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2001	1
P20020246	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002	1
P20020171	DREDGE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002	1

P20020682	PLUG/ABAI http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	80	38 PLAQUEMINES	2002	1
P20020341	S.O.V. - AB http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	82	55 TERREBONNE	2002	1
P20020820	SITE CLEAR http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	80	38 PLAQUEMINES	2002	1
P20031442	DREDGE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	55 TERREBONNE	2003	1
P20090750	MARSH RE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	61	12 CAMERON	2009	1
P20101303	BENEFICIAL http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	29 LAFOURCHE	2010	1
P20120680	CULVERT R http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	2012	1
P20120681	EXCAVATIC http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	2012	1

P20110387	CLEANOUT http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	29 LAFOURCHE	2011
P20150098	CLEAR FOR http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2015
P20031764	DOCK #2 S' http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	81	10 CALCASIEU	2003
P20020171	DREDGE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	DREDGE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	DREDGE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	DREDGE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20010059	DREDGE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	10 CALCASIEU	2001
P20020171	DREDGE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	DREDGE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	DREDGE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P19991072	DREDGE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1999
P20000740	DREDGE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2000
P19961199	DREDGE FC http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	39	38 PLAQUEMINES	1996
P20000706	DREDGE SV http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2000
P19950278	DREDGING http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1995
P19900210	EXCAVATE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1990
P19971666	HEATERPLT http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1997
P20150098	LOADING E http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2015
P19900900	MAINTENA http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1990
P20020171	MARSH CR http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	MARSH CR http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	MARSH CR http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	MARSH CR http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	MARSH CR http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	MARSH CR http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	MARSH CR http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	MARSH CR http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	MARSH CR http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	MARSH CR http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	MARSH CR http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	MARSH CR http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	MARSH CR http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20090750	MARSH RE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	61	12 CAMERON	2009
P19981466	NEW APPR http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	81	10 CALCASIEU	1998
P20150098	PIPE RACK http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2015
P20070639	RFD - BORI http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	71	38 PLAQUEMINES	2007
P20110788	RFD - EXCA http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	71	38 PLAQUEMINES	2011
P20090238	RFD - EXCA http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2009
P20131715	RFD-RCRA http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	71	38 PLAQUEMINES	2013
P20120679	RUT RESTO http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	40	12 CAMERON	2012
P20061572	SOLID WAS http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	71	38 PLAQUEMINES	2006
P20150915	SOV - DISPI http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	82	10 CALCASIEU	2015
P20150915	SOV - MAI http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	82	10 CALCASIEU	2015
P20020171	SPOIL http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	SPOIL http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20000715	SPOIL http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2000
P20000740	SPOIL http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2000
P20020171	SPOIL http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	SPOIL http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002

P20140562	MONITORI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	2014
P20140562	MONITORI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	2014
P20150953	MONOPOL	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2015
P20150953	MONOPOL	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2015
P19981466	NEW DOCK	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	81	10 CALCASIEU	1998
P19981466	NEW DOCK	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	81	10 CALCASIEU	1998
P19981466	NEW DOCK	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	81	10 CALCASIEU	1998
P19960570	P & A SL 21	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1996
P19961808	P & A WELI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1996
P19960570	P & A WELI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1996
P19960570	P & A WELI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1996
P19960570	P & A WELI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1996
P19971212	P&A E.COC	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P19971212	P&A E.COC	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P19971212	P&A J.S.AB	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P20140393	PHILLIPS 6f	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2014
P20140393	PHILLIPS 6f	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2014
P20120995	PHILLIPS 6f	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2012
P19910075	PILING REN	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	12 CAMERON	1991
P19900844	PIPELINE B	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	1990
P19941258	PIT AREA F	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1994
P19980474	PLUG & AB	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1998
P19980474	PLUG & AB	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1998
P19980474	PLUG & AB	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1998
P19980474	PLUG & AB	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1998
P19970244	PLUG & AB	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P19970244	PLUG & AB	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P19970244	PLUG & AB	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P19990882	PLUG/ABA1	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	50 SAINT MARTIN	1999
P19990882	PLUG/ABA1	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	50 SAINT MARTIN	1999
P20020682	PLUG/ABA1	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	80	38 PLAQUEMINES	2002
P20020682	PLUG/ABA1	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	80	38 PLAQUEMINES	2002
P20020682	PLUG/ABA1	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	80	38 PLAQUEMINES	2002
P19981348	PROPOSED	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1998
P19981348	PROPOSED	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1998
P19981348	PROPOSED	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1998
P19981348	PROPOSED	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1998
P19970855	PROPOSED	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1997
P20150098	PROTECTIV	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2015
P20150098	PROTECTIV	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2015
P20100528	PUMP HOL	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	10 CALCASIEU	2010
P20071617	PURGE TRE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2007
P20080909	RAMP LOC	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2008
P20080909	RAMP LOC	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2008
P19970651	RECOMPLE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P19961808	RECOMPLE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1996
P19970651	RECOMPLE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P19970651	RECOMPLE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P19910629	RECOMPLE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	12 CAMERON	1991
P19900210	RE-ENTER	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1990
P19900210	RE-ENTER	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1990
P20051444	RELOCATE1	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2005
P19980634	REMOVE #	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1998
P19941258	REMOVE B	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1994
P19980634	REMOVE SI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1998
P19900210	REMOVE SI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1990
P19900210	REMOVE SI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1990
P19900210	REMOVE SI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1990
P19900210	REMOVE SI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1990
P19980634	REMOVE SI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1998
P19900210	REMOVE V	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1990
P19911018	REWORK V	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	12 CAMERON	1991
P20130279	RFD - ATM	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	71	38 PLAQUEMINES	2013
P20111365	RFD - COP	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	71	38 PLAQUEMINES	2011
P20111365	RFD - COP	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	71	38 PLAQUEMINES	2011
P20111365	RFD - COP	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	71	38 PLAQUEMINES	2011
P20140351	RFD - DOC1	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	71	38 PLAQUEMINES	2014
P20121205	RFD - REAC	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	71	38 PLAQUEMINES	2012
P20131735	RFD - SOIL	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	71	38 PLAQUEMINES	2013
P20001102	RISER REM	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	39	57 VERMILION	2000
P20001102	RISER REM	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	39	57 VERMILION	2000
P20001102	RISER REM	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	39	57 VERMILION	2000
P20110387	ROCK PAD	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	29 LAFOURCHE	2011
P19961557	SL 1170 # 1	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	12 CAMERON	1996

P19961557	SL 1170 NC http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	12 CAMERON	1996
P19970583	SL 14978 V http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	51 SAINT MARY	1997
P19960967	SL 14979 V http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	51 SAINT MARY	1996
P19960967	SL 14979 V http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	51 SAINT MARY	1996
P19960967	SL 14979 V http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	51 SAINT MARY	1996
P19960967	SL 15198 V http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	51 SAINT MARY	1996
P19960967	SL 15213 V http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	51 SAINT MARY	1996
P19800071	SL 2550 WI http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1980
P19960967	SL 25978 V http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	51 SAINT MARY	1996
P19970549	SL15056#1 http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	4 ASSUMPTION	1997
P20140562	SOIL BORIN http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	2014
P20140562	SOIL BORIN http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	2014
P20140562	SOIL BORIN http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	2014
P20140562	SOIL BORIN http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	2014
P20140562	SOIL BORIN http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	2014
P20140562	SOIL BORIN http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	2014
P20140562	SOIL BORIN http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	2014
P20140562	SOIL BORIN http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	2014
P20140562	SOIL BORIN http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	2014
P20140562	SOIL BORIN http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	2014
P20081134	TANK 100 f http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2008
P20081134	TANK 100 f http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2008
P20081134	THD UNIT : http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2008
P20150569	UNIT 294 http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2015
P20150569	UNIT 295 http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2015
P20120995	UTILITY AR http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2012
P20071617	WATER CL/ http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2007
P19820415	Weir http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	1982
P19991072	WELL STRU http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1999
P20071617	WET GAS S http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	2007
P19890465	WITHDRAW http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	30	12 CAMERON	1989
P20000715	WORKOVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2000
P20020171	WORKOVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	WORKOVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20020171	WORKOVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P20011291	WORKOVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	2001
P20011291	WORKOVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	2001
P19981339	WORK-OVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	4 ASSUMPTION	1998
P19950157	WORKOVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	12 CAMERON	1995
P19970290	WORKOVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P19970290	WORKOVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P19970290	WORKOVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P20020171	WORKOVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	2002
P19970289	WORKOVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P19970289	WORKOVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P19970289	WORKOVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P19970289	WORKOVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P19970289	WORKOVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P19970289	WORKOVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P19970289	WORKOVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P19970290	WORKOVE http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1997
P19810512	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	12 CAMERON	1981
P19911096	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	12 CAMERON	1991
P19900011	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1990
P19951412	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1995
P19911097	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	12 CAMERON	1991
P19940827	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1994
P19941094	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1994
P19860654	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1986
P19910802	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	29 LAFOURCHE	1991
P19940330	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1994
P19910105	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	57 VERMILION	1991
P19841505	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	61	44 SAINT BERNARD	1984
P19821734	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	26 JEFFERSON	1982
P19940610	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	1994
P19840164	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	26 JEFFERSON	1984
P19911280	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	12 CAMERON	1991
P19940698	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1994
P19870782	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	26 JEFFERSON	1987
P19810827	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	1981
P19930597	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1993
P19930378	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1993
P19881026	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	30	55 TERREBONNE	1988
P19920522	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	29 LAFOURCHE	1992
P19911086	na http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1991

P19830429	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	26 JEFFERSON	1983
P19920260	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1992
P19840425	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	12 CAMERON	1984
P19900486	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	26 JEFFERSON	1990
P19880896	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	29 LAFOURCHE	1988
P19910950	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1991
P19951348	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1995
P19851434	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	67 COASTWIDE	1985
P19880262	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1988
P19930629	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1993
P19951093	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1995
P19870343	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1987
P19921094	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1992
P19930427	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	39	29 LAFOURCHE	1993
P19920214	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	29 LAFOURCHE	1992
P19931097	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1993
P19920751	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1992
P19881029	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	55 TERREBONNE	1988
P19810721	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	1981
P19940807	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	24 IBERVILLE	1994
P19920521	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	51 SAINT MARY	1992
P19950716	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1995
P19900209	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	57 VERMILION	1990
P19910706	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	29 LAFOURCHE	1991
P19910879	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1991
P19830719	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1983
P19911130	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1991
P19890438	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1989
P19840557	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	1984
P19860222	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1986
P19930279	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1993
P19870849	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1987
P19930631	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1993
P19900834	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1990
P19881027	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	55 TERREBONNE	1988
P19951346	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1995
P19850454	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	55 TERREBONNE	1985
P19881028	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	55 TERREBONNE	1988
P19880992	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	1988
P19951345	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	30	38 PLAQUEMINES	1995
P19950189	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1995
P19911027	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	20	12 CAMERON	1991
P19820510	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1982
P19950190	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1995
P19910863	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	12 CAMERON	1991
P19900960	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	51 SAINT MARY	1990
P19870342	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1987
P19890426	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	29 LAFOURCHE	1989
P19920711	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	30	38 PLAQUEMINES	1992
P19871269	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	51 SAINT MARY	1987
P19830312	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	1983
P19841641	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	51 SAINT MARY	1984
P19950188	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1995
P19870461	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	61	38 PLAQUEMINES	1987
P19851085	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	51 SAINT MARY	1985
P19950284	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1995
P19931204	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1993
P19900602	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1990
P19911190	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	12 CAMERON	1991
P19920939	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1992
P19911045	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1991
P19900550	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	51 SAINT MARY	1990
P19930617	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	29 LAFOURCHE	1993
P19951088	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1995
P19880292	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1988
P19880402	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	48 SAINT JOHN THE BAPTI	1988
P19920648	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	1992
P19930398	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	1993
P19820415	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	1982
P19870012	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1987
P19890305	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1989
P19920748	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1992
P19900755	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1990
P19920251	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1992

P19931065	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	1993
P19841270	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	61	12 CAMERON	1984
P19871206	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	61	12 CAMERON	1987
P19920626	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	30	38 PLAQUEMINES	1992
P19821735	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	26 JEFFERSON	1982
P19810810	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	44 SAINT BERNARD	1981
P19911071	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1991
P19921107	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	12 CAMERON	1992
P19880548	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1988
P19860861	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	26 JEFFERSON	1986
P19910600	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	26 JEFFERSON	1991
P19920858	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	26 JEFFERSON	1992
P19930164	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	1993
P19871205	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	61	12 CAMERON	1987
P19860109	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1986
P19840499	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	15	12 CAMERON	1984
P19890228	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1989
P19870341	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1987
P19920306	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	12 CAMERON	1992
P19890885	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	12 CAMERON	1989
P19941225	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	31	38 PLAQUEMINES	1994
P19910635	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocume	32	38 PLAQUEMINES	1991

DOCNO	type	DOC_ACCESS	Permit Status Code	Permit Parish Code	CZM_Parish	CZM_YEAR	enf
P19800074	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	38	PLAQUEMINES	1980	1
P19800282	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1980	1
P19800393	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	51	SAINT MARY	1980	1
P19810119	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	38	PLAQUEMINES	1981	1
P19810200	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	23	IBERIA	1981	1
P19810371	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	38	PLAQUEMINES	1981	1
P19811186	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1981	1
P19811654	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1981	1
P19811677	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1981	1
P19811940	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	51	SAINT MARY	1981	1
P19811998	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	23	IBERIA	1981	1
P19810712	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	12	CAMERON	1981	1
P19811212	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1981	1
P19811252	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	51	SAINT MARY	1981	1
P19811873	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	51	SAINT MARY	1981	1
P19811939	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	51	SAINT MARY	1981	1
P19811999	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1981	1
P19820248	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1982	1
P19820538	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	4	ASSUMPTION	1982	1
P19820951	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	30	55	TERREBONNE	1982	1
P19821077	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	38	PLAQUEMINES	1982	1
P19821196	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1982	1
P19821760	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	55	TERREBONNE	1982	1
P19821775	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1982	1
P19821791	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1982	1
P19821792	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1982	1
P19820392	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	51	SAINT MARY	1982	1
P19820700	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	29	LAFOURCHE	1982	1
P19820971	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	38	PLAQUEMINES	1982	1
P19821467	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1982	1
P19821724	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	30	23	IBERIA	1982	1
P19831323	Plug/Dam	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1983	1
P19830149	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1983	1
P19830758	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1983	1
P19831425	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1983	1
P19831276	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	51	SAINT MARY	1983	1
P19831303	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	4	ASSUMPTION	1983	1
P19831469	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	30	23	IBERIA	1983	1
P19831675	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	51	SAINT MARY	1983	1
P19831676	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	51	SAINT MARY	1983	1
P19840105	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1984	1
P19840257	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1984	1
P19840387	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	38	PLAQUEMINES	1984	1
P19840743	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1984	1
P19841507	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1984	1
P19841673	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1984	1
P19841773	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1984	1
P19850377	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1985	1
P19850378	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1985	1
P19850663	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	38	PLAQUEMINES	1985	1
P19850806	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1985	1
P19851186	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1985	1
P19851187	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1985	1
P19851188	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1985	1
P19850390	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1985	1
P19850705	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1985	1
P19850773	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	55	TERREBONNE	1985	1
P19850817	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1985	1
P19850818	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1985	1
P19851003	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1985	1
P19851503	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	55	TERREBONNE	1985	1
P19860122	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1986	1
P19860055	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	29	LAFOURCHE	1986	1
P19860141	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	55	TERREBONNE	1986	1
P19860151	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	62	55	TERREBONNE	1986	1
P19860313	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12	CAMERON	1986	1
P19860327	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1986	1
P19860479	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1986	1
P19860745	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	29	LAFOURCHE	1986	1
P19860876	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12	CAMERON	1986	1
P19860966	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1986	1
P19861027	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	61	29	LAFOURCHE	1986	1
P19861049	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12	CAMERON	1986	1
P19870002	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1987	1
P19870104	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1987	1
P19870105	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1987	1
P19870714	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1987	1
P19870718	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1987	1
P19870102	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1987	1
P19870114	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1987	1
P19870155	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1987	1

P19940335	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1994	1
P19940477	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1994	1
P19940518	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1994	1
P19940592	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1994	1
P19940640	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	55	TERREBONNE	1994	1
P19940693	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	57	VERMILION	1994	1
P19940704	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1994	1
P19940854	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	12	CAMERON	1994	1
P19940951	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	55	TERREBONNE	1994	1
P19940968	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	57	VERMILION	1994	1
P19950167	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1995	1
P19950207	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1995	1
P19950292	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1995	1
P19950434	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	57	VERMILION	1995	1
P19950564	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	61	12	CAMERON	1995	1
P19950569	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	61	12	CAMERON	1995	1
P19950706	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1995	1
P19950897	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	57	VERMILION	1995	1
P19950937	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	51	SAINT MARY	1995	1
P19950969	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1995	1
P19951297	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1995	1
P19960266	CANAL & 2	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	12	CAMERON	1996	1
P19960567	CANCELLEC	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55	TERREBONNE	1996	1
P19961120	MAINT.DRI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1996	1
P19961129	MAINTENA	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1996	1
P19961785	PILING RE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	23	IBERIA	1996	1
P19960301	PLATFORM	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	57	VERMILION	1996	1
P19960349	PROPWASH	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1996	1
P19961626	RIP-RAP	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1996	1
P19961778	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1996	1
P19961810	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1996	1
P19961811	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1996	1
P19960491	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	57	VERMILION	1996	1
P19961263	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1996	1
P19961627	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1996	1
P19961628	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	40	23	IBERIA	1996	1
P19961629	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1996	1
P19961913	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	23	IBERIA	1996	1
P19970085	INSTALL 4	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1997	1
P19970688	OXIDATION	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1997	1
P19970970	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1997	1
P19970600	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1997	1
P19970885	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	57	VERMILION	1997	1
P19971061	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1997	1
P19971814	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1997	1
P19980719	ABANDON	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1998	1
P19981347	CANCELLEC	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	57	VERMILION	1998	1
P19981771	CLUSTER P	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	57	VERMILION	1998	1
P19981431	DREDGE AF	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1998	1
P19980222	MAINTENA	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1998	1
P19980976	OXIDATION	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	57	VERMILION	1998	1
P19981645	P & A WAT	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1998	1
P19981796	P & A WAT	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1998	1
P19981033	P/L?	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	30	57	VERMILION	1998	1
P19980826	REMOVE O	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	23	IBERIA	1998	1
P19980170	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12	CAMERON	1998	1
P19980868	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1998	1
P19980912	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1998	1
P19981159	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	57	VERMILION	1998	1
P19981306	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	39	57	VERMILION	1998	1
P19990288	DREDGE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1999	1
P19990294	DREDGE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1999	1
P19990489	DREDGE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1999	1
P19990572	DREDGE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1999	1
P19990754	DREDGE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1999	1
P19991059	DREDGE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	1999	1
P19990289	DRUDGE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1999	1
P19990544	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12	CAMERON	1999	1
P19991364	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	30	23	IBERIA	1999	1
P19990286	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1999	1
P19990287	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	1999	1
P20001108	BANK STAB	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	2000	1
P20000314	CLEANOUT	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	2000	1
P20000189	CLEANOUT	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	2000	1
P20001109	DREDGE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57	VERMILION	2000	1
P20001045	PILING	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	12	CAMERON	2000	1
P20001622	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12	CAMERON	2000	1
P20001649	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	2000	1
P20010656	BULKHEAD	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12	CAMERON	2001	1
P20011549	LEVEE MAI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23	IBERIA	2001	1
P20011565	S.O.V. SITE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	82	57	VERMILION	2001	1
P20011861	STRUCTURI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	80	12	CAMERON	2001	1

P20010064	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12 CAMERON	2001	1
P20010284	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12 CAMERON	2001	1
P20010900	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12 CAMERON	2001	1
P20020840	CAISSON/P	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	39	26 JEFFERSON	2002	1
P20021507	CANCELLET	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	20	51 SAINT MARY	2002	1
P20020308	CL&F "D" #	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55 TERREBONNE	2002	1
P20021120	DREDGE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2002	1
P20020855	DRIVEWAY	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	12 CAMERON	2002	1
P20020705	PRODUCTI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	12 CAMERON	2002	1
P20020307	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	12 CAMERON	2002	1
P20020378	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12 CAMERON	2002	1
P20020534	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	38 PLAQUEMINES	2002	1
P20020982	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2002	1
P20030663	CLEANOUT	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	23 IBERIA	2003	1
P20030969	CLEANOUT	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12 CAMERON	2003	1
P20030642	DREDGE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2003	1
P20030693	MAINTENA	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2003	1
P20031028	PROPOSED	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	38 PLAQUEMINES	2003	1
P20031839	PROPWAS	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2003	1
P20031880	SITE CLEAR	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	82	12 CAMERON	2003	1
P20030345	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	51 SAINT MARY	2003	1
P20040049	CLEANOUT	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2004	1
P20040741	CLEANOUT	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2004	1
P20041657	MOEM 14"	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	38 PLAQUEMINES	2004	1
P20041178	SITE CLEAR	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	82	55 TERREBONNE	2004	1
P20041704	SITE CLEAR	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	82	57 VERMILION	2004	1
P20051281	AS-BUILT V	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12 CAMERON	2005	1
P20050871	CLEANOUT	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2005	1
P20051144	CLEANOUT	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2005	1
P20050803	CONDENSA	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2005	1
P20050625	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2005	1
P20060843	SITE CLEAR	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	12 CAMERON	2006	1
P20060677	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2006	1
P20071563	CAMERON	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	31	12 CAMERON	2007	1
P20071017	CLEANOUT	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2007	1
P20070960	LUTCHER C	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12 CAMERON	2007	1
P20071598	MARSH BU	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12 CAMERON	2007	1
P20071597	PROPWAS	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	39	57 VERMILION	2007	1
P20071182	STRUCTURI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	38 PLAQUEMINES	2007	1
P20081591	BOARD RO.	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	61	12 CAMERON	2008	1
P20081594	BOARD RO.	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	61	12 CAMERON	2008	1
P20080225	BOARD RO.	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	61	12 CAMERON	2008	1
P20080818	BRIDGE & f	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	61	12 CAMERON	2008	1
P20080208	CHEVRON \	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	61	12 CAMERON	2008	1
P20080820	DREDGING	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2008	1
P20080710	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12 CAMERON	2008	1
P20081495	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12 CAMERON	2008	1
P20090570	EAST MUD	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	39	12 CAMERON	2009	1
P20091021	FILL FOR DI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12 CAMERON	2009	1
P20091414	LEVEE REP/	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2009	1
P20090136	LEVEE REP/	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2009	1
P20091316	PLUG & AB	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12 CAMERON	2009	1
P20091373	PROP WAS	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12 CAMERON	2009	1
P20091319	PROP WAS	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12 CAMERON	2009	1
P20091363	PROPWAS	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12 CAMERON	2009	1
P20090022	SITE CLEAR	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2009	1
P20100456	14" PIPELIN	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	38 PLAQUEMINES	2010	1
P20100962	PROPWAS	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2010	1
P20101308	REMOVE F/	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12 CAMERON	2010	1
P20100747	SOV - SITE	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	20	12 CAMERON	2010	1
P20100374	na	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	12 CAMERON	2010	1
P20110488	BERM & BC	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2011	1
P20110725	CLUSTER RI	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2011	1
P20110835	PROPWAS	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2011	1
P20111498	PROPWAS	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	38 PLAQUEMINES	2011	1
P20130087	CLEARING,	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	55 TERREBONNE	2013	1
P20141097	DREDGING	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	57 VERMILION	2014	1
P20151048	BULKHEAD	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	24 IBERVILLE	2015	1
P20150522	PLATFORM	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	38 PLAQUEMINES	2015	1
P20150449	REMOVE S'	http://ucmwww.dnr.state.la.us/ucmsearch/FindDocuments.asp	32	51 SAINT MARY	2015	1

Full Name: Will Charouhis

Name of Organization or Community: We Are Forces of Nature

City and State: Miami, Florida

Region: Southeast

Topic: Ways that the WHEJAC could recommend advancing environmental justice through a whole-government approach.

Brief description:

While we urgently need to transition to a zero carbon economy, we also need a just transition that is as fair and inclusive to all of society as possible - one where everyone can see opportunity. The clean energy revolution has created new technologies, new jobs, and whole new industries. But at the same time, jobs are being lost in fossil fuel and carbon intensive companies. It's imperative we gain all of society's support for the change needed to a zero carbon society. The government can help by providing tax incentives to employers that provide training and prioritize green jobs for those wage earners who are currently working in fossil fuel industries, particularly those earning under \$60,000 a year. "A just transition" cannot stop at the words alone. We need tax and educational policies that support employers upskilling and reskilling opportunities so that people have the capabilities they need to perform the new green jobs." - Will Charouhis, Founder of We Are Forces of Nature, age 17

GREAT LAKES

Wisconsin, Illinois, Indiana, Ohio, Michigan, and Minnesota

Linda Karr
Individual

March 1, 2023 Resolutions submitted to Wisconsin Conservation Congress (WCC)

Passed April 13, 2023 by WCC

Resolution 1

Wisconsin government should provide citizen-scientist residents 2.5 micrometer Particulate Matter PM2.5 air quality monitors to end residential wood burning, which emits excessive hyper-localized PM 2.5 health harm to near neighbors. (requires legislation)

Would you support legislative action to provide citizen-scientist residents 2.5 micrometer Particulate Matter (PM2.5) Purpleair monitors to end residential wood burning, which emits excessive hyper-localized PM 2.5 harm to health of near neighbors? (requires legislation)

PurpleAir PM2.5 monitors cost less than \$300, with data put on United States (US) Airnow Smoke and Fire maps. In 2020, US Scientists wrote a letter to the US Congress warning against declaring wood burning Carbon Neutral. PM2.5 is Particulate Matter of 2.5 micrometer size. Wood Smoke is 90 percent PM2.5. Since hyper-localized PM2.5 PurpleAir website data is available to the general public and government officials 24/7, weekend and overnight readings from yards of near neighbors can be downloaded by government officials during normal working hours, with no need to enter residences to shut down residential wood burning. Residential wood burning in U S certified wood stoves emit 450 times PM 2.5 as natural gas furnaces.

Full Name: Peggy Ann Berry

Name of Organization or Community: Between the Waters

City and State: Dayton, Ohio

Region: Great Lakes

Topic: Carbon Management

Brief description:

Carbon capture is a false narratives that will cause a delay in moving away from fossil fuels. The technology does not operate with safety and health considerations as demonstrated by a pipeline rupture in Satartia, Mississippi. As a registered nurse certified as an occupational health nurse specialist, this is a massive failure wrapped as a climate savior. WE need to stop this now, not create hoops and regulations to continue this unsafe practice.

GREAT PLAINS

Iowa, North Dakota, South Dakota, Nebraska, Kansas, and Missouri

Full Name: Jolene R Keplin

Name of Organization or Community: Tribal Health

City and State: Belcourt, ND

Region: Great Plains

Topic: Examples of environmental hazards of particular concern for Indigenous Peoples and Tribal Nations related to Federal activities that may affect sacred sites and areas of cultural significance, cultural or other traditions or practices, subsistence, and w

Brief description:

Our Turtle Mountain Band of Chippewa have Sacred Sites which are not protected by the responsible government entities may we have guidance for our Indian Country on our Sacred Sites not to be erupted!

What protocol may we have implemented in our Indian Country!

ROCKY MOUNTAINS

Utah, Colorado, Wyoming, Montana, and Idaho



Oct. 10, 2023

Re: WHEJAC September 2023 Meeting Public Comments

Submitted via email to whejac@epa.gov

White House Environmental Justice Advisory Council:

The Getches Wilkinson Center for Natural Resources, Energy, and the Environment, at the University of Boulder Law School (Center), appreciates the opportunity to comment on the White House Environmental Justice Council (WHEJAC) as it considers, among other things, the Environmental Justice Scorecard, recommendations for “advancing environmental justice through a whole-government approach,”¹ and how “the Federal government can address community impacts on, and concerns of Indigenous Peoples and Tribal Nations.”² The Center has a history of convening leaders and practitioners in public lands, natural resources, and Tribal members, to foster discussions and innovative solutions in the American West.³

Environmental Justice Scorecard: Metrics & Accountability for Federal Investments in Tribal Water Infrastructure

Water is both a critical and necessary component of life. A study by DigDeep and the U.S. Water Alliance revealed that an alarming number of people in the United States lack access to drinking water and sanitation, defined as safe, “reliable running water; [a] tap, toilet, and shower in the home; and [a] system for removing and treating wastewater.”⁴ “While Black and Latinx households are almost twice as likely as white households to lack indoor plumbing, Native American households are about *19 times* as likely.”⁵

We recommend that the Environmental Justice Scorecard include statistics that allow for a meaningful analysis of improvements over time in access to clean drinking water. Future iterations of the Scorecard should include statistics to measure progress in the proportion of households that have access to drinking water and sanitation with a focus on disadvantaged and underserved communities.

¹ White House Environmental Justice Advisory Council, EPA (Sept. 21, 2023), <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>.

² *Id.*

³ Getches-Wilkinson Center, <https://www.getches-wilkinsoncenter.cu.law/>.

⁴ DigDeep & U.S. Water All., *Closing the Water Access Gap in the United States* (2020), at 10, https://www.digdeep.org/s/Dig-Deep_Closing-the-Water-Access-Gap-in-the-United-States_DIGITAL_compressed-2hyx.pdf.

⁵ Heather Tanana, Initiative Lead, Universal Access to Clean Water, *Universal Access to Clean Water for Tribal Communities, Water as a Trust Resource: Examining Access in Native Communities, Written Testimony* (2023), at 1, <https://www.indian.senate.gov/sites/default/files/2023-09-27-HRG-Testimony-Tanana.pdf>.

Furthermore, despite the Biden-Harris Administration's Justice40 Initiative goal of delivering 40% of federal investments to disadvantaged communities, agency scorecards offer little evidence that allows an analysis of adherence to that goal or the effectiveness of the investments. EPA's Scorecard, for example, offers information on the number of programs administered pursuant to Justice40, but not the proportion of funds invested in disadvantaged communities under Justice40 or the proportion of federal investments in water infrastructure projects.⁶ We recommend the inclusion of meaningful information on the proportion of funds granted to disadvantaged and underserved communities in the Environmental Justice Scorecard.

Potential Recommendations for Advancing Environmental Justice Through a Whole-of-Government Approach

Improving Tribal access to clean water requires a whole-of-government approach if meaningful access is to be achieved effectively and efficiently. The Universal Access to Clean Water initiative, which strives towards "universal access to clean, safe drinking water for all Native communities in the United States,"⁷ estimates that at least seven different federal agencies administer around twenty-three programs that address water infrastructure.⁸ However, these programs are often administered in silos, with little to no understanding of how all the programs can fit together to facilitate Tribal water access projects.⁹

Although technical assistance (TA) is available to Tribes for many of the programs, TA providers are often unable to fully serve Tribal water needs. More specifically,

[m]any Tribes lack a dedicated water resource staff, program, or department. Additionally, identifying and successfully applying for the various forms of federal funding available is an arduous and time-consuming task. Tribal governments, which are often already at capacity in addressing other facets of governance, must also track and prepare applications for funding programs across several federal agencies. Many Tribes lack a qualified grant writer or sufficient staff to handle the research and application process. And, even if Tribes are apprised of funding opportunities, the amounts offered may not be sufficient to merit an application.¹⁰

The federal government should pursue a whole-of-government approach to develop a strategy that coordinates all of these programs in a way that optimizes federal assistance programs available to Tribes. In developing this strategy, the federal government "should work in close consultation with Tribes to identify shortcomings and refine" water infrastructure selection processes for improved project prioritization.¹¹ A whole-of-government approach should build up

⁶ OMB & CEQ, Environmental Protection Agency Environmental Justice Scorecard, <https://ejscorecard.geoplatform.gov/scorecard/environmental-protection-agency/>.

⁷ Universal Access to Clean Water for Tribal Communities, <https://tribalcleanwater.org>.

⁸ Heather Tanana et al., Universal Access to Clean Water for Tribes in the Colorado River Basin (2021), at 5, <https://tribalcleanwater.org/wp-content/uploads/2021/09/WTI-Full-Report-4.20.pdf>.

⁹ Tanana, supra note 5, at, at 11.

¹⁰ Id.

¹¹ Tanana supra note 8, at 5.

Tribal capacity through continued technical assistance and support for post-construction operations and maintenance.¹²

Contaminants of Particular Concern to Tribes and Tribal Nations

The legacy of mining in the western United States continues to threaten Tribal water resources. Uranium mining on the Navajo Nation is one of the most prominent examples of mishandling natural resources on Tribal lands.¹³ Between the 1940s and 1980s, the federal government mined some thirty million tons of uranium ore on or near the Navajo Nation.¹⁴ Although uranium mining and milling activities are no longer occurring on the Navajo Nation, abandoned uranium mines, old mill sites, and homes that were built with, near, or upon uranium mine and mill waste continue to threaten the health and well-being of people on the Navajo Nation.¹⁵ Uranium mining and milling activities are known to contaminate Navajo water resources.¹⁶ Adverse health impacts associated with uranium exposure include kidney disease,¹⁷ impaired kidney function,¹⁸ and lung cancer.¹⁹

Several federal agencies, including the EPA, the Department of the Interior, and the Department of Energy, in coordination with the Nation, developed a ten year plan to address the hundreds of abandoned uranium mines remaining on the Nation.²⁰ Remediation cannot come fast enough, and there are few signs suggesting the need for remediation will diminish anytime soon. As recently as March 2023, EPA proposed adding Lukachukai Mountains Mining District, located in northwest Arizona, to the General Superfund Section of the Superfund National Priorities List, due to concerns related to the dozens of abandoned uranium mines.²¹ The Navajo People have relied on flora and fauna within this area “for centuries for cultural, ceremonial, and medicinal purposes.”²²

¹² Tanana, *supra* note 5, at 11.

¹³ Additional contaminants of concern resulting from mining activities in the western United States include but are not limited to: arsenic, cadmium, cobalt, copper, mercury, nickel, zinc, molybdenum, selenium, vanadium, copper, iron, chromium, manganese, and lead. Johnnye Lewis et al., *Mining and Environmental Health Disparities in Native American Communities*, 4 Current Env'tl. Health Rep. 130, 132 (2017) (listing “common metals and metalloids associated with waste from mines an estimate of the number of Native Americans living within 10km of each mine type.”).

¹⁴ EPA et al., *Ten-Year Plan, Federal Actions to Address Impacts of Uranium Contamination on the Navajo Nation, 2020–2029* (2021), at 5, <https://www.epa.gov/sites/default/files/2021-02/documents/nnaum-ten-year-plan-2021-01.pdf>.

¹⁵ *Id.*

¹⁶ *Id.* at 31.

¹⁷ Nicole Redvers et al., *Uranium Exposure in American Indian Communities: Health, Policy, and the Way Forward*, 129 Environ Health Perspect 35002, at 35002-3, (2021).

¹⁸ EPA et al., *supra* note 14, at 5.

¹⁹ Doug Brugge & Rob Goble, *The History of Uranium Mining and the Navajo People*, 92 Am. J. Public Health 1410 (2002), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3222290/pdf/0921410.pdf>

²⁰ *See* EPA et al., *supra* note 14, at 5, 8.

²¹ National Priorities List, 88 Fed. Reg. 18,499, 18,503 (Mar. 28, 2023), <https://www.federalregister.gov/documents/2023/03/29/2023-06233/national-priorities-list>.

²² Letter from Jonathan Nez, President, The Navajo Nation, to Martha Guzman, Region 9 Administrator, EPA, re: Proposed Listing of the Lukachukai Mountains Mining District on the Superfund NPL (Dec. 22, 2022), at 1, <https://downloads.regulations.gov/EPA-HQ-OLEM-2023-0041-0003/content.pdf>.

The federal government should, in all its federal activities, consider the unique history of mining activities as they relate to Tribes and work immediately to remedy the adverse mining impacts it has permitted on and near Tribal lands and to ensure that future activities will not adversely impact or threaten water or other Tribal sites, practices, subsistence, and ways of life. This is especially true in light of the United States' interest in securing domestic mining supplies in support of its transition from fossil fuels to renewable energy.²³ The health and welfare of Tribes and Tribal Nations cannot again be placed in a position of low priority in the name of progress towards sustainability.

Addressing Community Impacts on, and Concerns of, Indigenous Peoples and Tribal Nations

The federal government must improve its ability to address impacts on and concerns of Indigenous Peoples and Tribal Nations if it wants to truly address historic environmental injustices. This can be achieved in at least two ways.

First, the federal government can commit to inviting Tribes to all federal decision-making processes. The United States has a special relationship with Tribes and Tribal Nations, including its federal trust responsibility.²⁴ If the federal government seeks to address community impacts and concerns of Indigenous peoples and Tribal Nations, it must entrench the practice of involving Tribes in its decision making processes. Existing procedural mechanisms like the National Environmental Policy Act and the National Historic Preservation Act are insufficient in their ability to facilitate Tribal involvement and meaningfully consider Tribal concerns, especially in light of the fact that some Tribes may already be at capacity in addressing other facets of governance, such as addressing water infrastructure crises. Inviting Tribes to all federal decision making processes would also allow the federal government to incorporate Indigenous knowledge.

Second, the federal government must work to obtain free, prior and informed consent, before moving forward with any action or decision that may affect Indigenous Peoples and Tribal Nations.

We appreciate your consideration of our comments and look forward to continued efforts in advancing environmental justice.

Respectfully,

Frannie Monasterio

Water Law Fellow

frannie.monasterio@colorado.edu

Getches-Wilkinson Center for Natural Resources, Energy, & the Environment
University of Colorado Law School

²³ Julia Simon, [The U.S. Needs Minerals for Green Tech. Will Western Mines Have Enough Water?](https://www.opb.org/article/2023/09/26/the-u-s-needs-minerals-for-green-tech-will-western-mines-have-enough-water/), Or. Pub. Broad. (Sept. 26, 2023; 8:08 AM), <https://www.opb.org/article/2023/09/26/the-u-s-needs-minerals-for-green-tech-will-western-mines-have-enough-water/>.

²⁴ See e.g., [Arizona v. Navajo Nation](https://www.supremecourt.gov/opinions/22pdf/21-1484_aplc.pdf), No. 21-1484, slip op. at 9 (U.S. June 22, 2023), https://www.supremecourt.gov/opinions/22pdf/21-1484_aplc.pdf (“ . . . the United States maintains a general trust relationship with Indian tribes.”).

SOUTHWEST

Texas, Oklahoma, New Mexico, Arizona, California, Idaho, Alaska, and Hawaii,
American Samoa, Guam, and Northern Mariana Islands

October 10, 2023

WHEJAC September 2023 Meeting Public Comment

Dear WHEJAC,

My name is Ennedith López and I am submitting a comment on behalf of Youth United for Climate Crisis Action (YUCCA) as their Policy Campaign Manager. YUCCA is a member-based youth-led environmental and climate justice organization here in New Mexico with thousands of members and supporters across the state. On behalf of our members and alongside our partners in the No False Solutions Coalition and Climate Justice Alliance, we stand in strong opposition to carbon management projects like carbon capture and sequestration (CCS).

We urge you, WHEJAC to similarly stand strong against carbon capture and sequestration technology . CCS is unproven, expensive, and a false solution. CCS is a nonsensical distraction from real comprehensive climate action. In fact, recent studies have found that CCS projects will in fact increase greenhouse gas emissions. A study by [Radbud University](#) found that 32 out of 40 CCS projects in the Netherlands emitted more carbon than it captured. This is the case because from capture to injection, CCS requires huge amounts of electricity. “A fraction of the fuel must be dedicated to CCS operations, which reduces a power plant’s electric output (otherwise referred to as the “energy penalty”) to compensate for decreased efficiency, generators must expand and burn more fossil fuels to produce the same amount of electricity. This means that when CCS proponents point to “CO2 captured” as a metric of success, they hide the increase in CO2 emissions from additional combustion. For example, our nation’s only successfully retrofitted CCS power plant built an entirely new polluting power plant to run the capture system.”¹

The Biden Administration’s overreliance on unproven technologies like CCS and hydrogen pose a threat to real justice as the technology will worsen the climate crisis by actively emitting toxic pollutants into the atmosphere.

In New Mexico, CCS projects will be disastrous for our communities as they will extend the life of the oil and gas industry. This technology is counterproductive to comprehensive climate action, according to [Food & Water Watch](#) if all coal plants used CCS, they would burn 39 percent more natural gas and 43 percent more coal. New Mexico is currently in a drought, experiencing an increase in wildfires, and hotter days which is exacerbating pressures on already marginalized low-income, frontline, youth, and Indigenous communities. As the prospective infrastructure for CCS projects, Class VI injection wells in the state pose the risks of [polluting](#) our groundwater, and air. This is not sustainable for our futures, environment, or community health since it relies on fossil fuels and contaminates already scarce resources.

Carbon capture technology has repeatedly failed to achieve results, causing billions of dollars in public and private losses. These projects are costly for the average ratepayer and taxpayer, for example, Of \$2.66 billion spent by the U.S. Department of Energy (DOE) since 2010 to develop advanced fossil energy technologies, nearly half was dedicated to nine carbon capture and storage(CCS) demonstration projects. Only three major projects remained active at the end of FY17 and cost the DOE a combined \$615 million.² [Kemper’s CCS](#) project was originally estimated to cost \$2.4 billion, but ultimately cost \$7.5 billion. Approximately \$270 million was covered by the Department of Energy, but Mississippi’s ratepayers and taxpayers were stuck with the rest of the bill resulting in a \$1 billion bond.

Petra Nova Carbon Capture Project, USA received \$190 million in public funding and cost over \$1 billion. Captured less than 2 million tons of CO2 annually. It was shuttered in 2021 for financial reasons. The CCS technology at Petra Nova required so much energy that NRG built a separate gas plant—the

¹<https://www.reuters.com/article/us-carboncapture-economics-kemp/carbon-captures-energy-penalty-problem-kemp-idUSKCN0HV1VD20141006>

² <https://www.powermag.com/doe-sank-billions-of-fossil-energy-rd-dollars-in-ccs-projects-most-failed/>

emissions of which were not offset by the Petra Nova technology—just to power the scrubber. NRG, the plant's major investor, said CCS couldn't compete because of its reliance on volatile O&G markets. The government lost all its investment, as did other investors. Many other CCS projects were abandoned for financial reasons, despite large amounts of public funding, among them the Antelope Valley Project, USA, (\$400 million in public funding), the Sweeny Gasification Project, USA, (\$3 million in public funding) and numerous international projects. Tim Baxter, a senior researcher with the Australian Climate Council, [reported](#) that he was not aware of a single large carbon capture and storage project linked to fossil fuels in the world that had delivered on time, on budget, and captured the agreed amount of carbon.

The Biden Administration is actively misinforming the public by investing billions of taxpayer dollars in carbon market schemes conflating corporate interests as climate solutions.

In addition, this technology would demand for risky mass scale pipeline development as current regulations and [existing infrastructure](#) may not be equipped to transport high pressure CO2.

Our members living by the Four Corners Power Plant and the closed San Juan Generating Station are still plagued with the coal combustion residuals that have not been cleaned up or remediated. These folks live in fear of the risk of developing cancer, heart and thyroid disease, reproductive failure, and neurological harm from coal ash pollution. How could we trust that the contamination from CCS will be actively monitored to avoid further pollution and to protect public health?

The global Indigenous community, including our own members, have demanded for the protections against the commodification of the sacred - air, water, soil, forests. It is critical for the Biden Administration to center the traditional knowledge and stewardship of Indigenous communities.

Investments in false solutions, like CCS and hydrogen, are a reckless decision perpetuating legacies of environmental racism and undermining grassroots efforts for an equitable Just Transition. A multi agency strategy MUST NOT prioritize carbon markets, CCUS, hydrogen, or any type of burning fuel in their climate action plans.

Billions of funds could be allocated to community owned wind and solar projects, which do not release greenhouse gas emissions, pollute communities, are cheaper to make, and creates jobs *without* sacrificing our communities. In addition, wind and solar already have existing infrastructure globally. New Mexico has incredible potential for these truly renewable resources as the state ranks second in the nation for solar generation and tenth for wind electric power potential.

We urge the Biden Administration to work with communities to develop an alternative path away from extraction and pollution and to hold our concerns with the same weight as industry interest. We call on this body to urge the president to halt the implementation of the following carbon management technologies and associated programs now: Carbon Capture and Sequestration (CCS); Carbon Capture Utilization and Storage (CCUS); Direct Air Capture; Bioenergy with Carbon Capture and Storage (BECCS); and Hydrogen co-firing biofuels. New Mexican youth can no longer afford the systemic commodification of our environment, and future. Our communities envision a Just Transition toward a regenerative economy.

Sincerely,
Ennedith López
Policy Campaign Manager
Youth United for Climate Crisis Action (YUCCA)

John Mueller
Individual

WHEJAC Public Meeting March 1, 2023

Good afternoon, WHEJAC members and thank you especially to Ms Mallory and Dr White-Newsome for your attention today. I am John Mueller, and by my count, this is my 11th public meeting with WHEJAC commenting about water fluoridation, and it is well documented that fluoridation is a harmful environmental injustice. My comment today, of necessity, is founded in the whole-of-government approach. The WHEJAC must address the issue of water fluoridation for the documented environmental justice violations as well as for embracing the precautionary principle, as your workgroup, Carletta, has already done, thankfully.

My comment today is largely metaphorical and admittedly it does get a bit personal but only to make a strong point. That said, I must begin by stating that we are all here to make a difference in our great nation's public health by addressing environmental pollution and its harmful effects, especially in sensitive communities. I believe Ms Mallory and Dr White-Newsome have considerable influence over the heartbeat of environmental policy at the White House. Heartbeat is the key word for my metaphor, because I spent the last week in a truly wonderful heart hospital in Oklahoma City after an event that revealed my ticker has been working overtime to get the job done. That one-week experience exposed me to the remarkable achievements of our dedicated medical professionals and their world-changing, skillful and technological accomplishments to advance public health. And that one-week experience is the inspiration for my public comment today. But the promotion of water fluoridation by our governments – from HHS down to the local levels – is contaminated itself with an enshrined falsehood that fluoridation is safe and effective and one of the ten great public health achievements of the 20th century. Pausing for a moment, Carletta, I have told you in the past that I have a soft spot for Havasu Canyon, having hiked into it three times. But those falsehood claims of fluoridation have no more scientific validity than the horse biscuits fertilizing the trail between Hualapai Hilltop and Supai! Pardon the expression. Public health advocacy continues to be cut off at the knees by ineffective programs at the CDC and its partnerships with corporate America. Our public health is on a slippery downhill slope – our nation's mental health crisis is a clear example. A sure contribution to that decline is the poisoning of our public water supplies with a developmental

neurotoxin, and the weight of evidence of that fact is being proven in the current lawsuit against the EPA in federal district court in San Francisco.

Just as I need a new major valve in my heart, the White House must institute a new major heartbeat of public health policy that can only be achieved with a whole-of-government approach.

Thank you.

WEST

Texas, Oklahoma, Oregon, Nevada, Arizona, Idaho, Montana, Alaska, and Hawaii,
American Samoa, Guam, and Northern Mariana Islands

Erin Shingaki
Individual

Hi Amanda,

I'd like to submit the attached written letter from survivors, descendants and allies of the Minidoka concentration camp (now the Minidoka National Historic Site). I'm not sure I will be able to attend the event via Zoom. Please advise if you're the correct person to send this to. Thank you!

Be well,
Erin



September 6, 2023

The Honorable Deb Haaland
Secretary
U.S. Department of the Interior
1849 C St., N.W.
Washington, D.C. 20240

Dear Secretary Haaland:

We are Japanese American and Alaska Native survivors of Minidoka, and descendants of survivors, who were wrongfully incarcerated during World War II.

We respectfully ask you to protect the Minidoka National Historic Site and nearby Bureau of Land Management (BLM) lands from the proposed Lava Ridge wind project and future projects by designating an Area of Critical Environmental Concern (ACEC).

If approved by BLM, LS Power's wind project would desecrate sacred ground, dishonor the military service and sacrifice of Japanese Americans and Alaska Natives and reverse nearly 50 years of progress on our road to healing.

We have worked to rebuild our lives and overcome racial prejudice. Thanks to over twenty years of National Park Service leadership and bipartisan Congressional support, we've turned a place of trauma into a place for healing and enjoyment.

Through Minidoka's Honor Roll, we commemorate the military service of nearly 1,000 Minidoka incarcerated. We honor the lives of 73 soldiers who made the ultimate sacrifice to defend our nation's freedom, while their Gold Star Families remained imprisoned. We admire the courage of Min Yasui and resisters who fought for justice.

We support President Biden's statement that "[p]reserving incarceration sites as national parks and historic landmarks is proof of our Nation's commitment to facing the wrongs of our past, to healing the pain still felt by survivors and their descendants, and to ensuring that we always remember why it matters that we never stop fighting for equality and justice for all. My Administration is committed to maintaining these national parks and landmarks for future generations and to combating xenophobia, hate, and intolerance..."

We also appreciate President Biden's Day One commitment to racial justice and his whole-of-government guidance to federal agencies to protect environmental justice communities and places of worship, as outlined in his April 2023 Executive Order, "Revitalizing Our Nation's Commitment to Environmental Justice for All."

We appreciate your acknowledgment of the tragic parallels between family separations of Japanese Americans and the terrible legacy from Federal Indian Boarding Schools. Many of our family members were separated when they were imprisoned in Santa Fe and Lordsburg, New Mexico, Fort Missoula, Montana and other sites.

To tell our stories and heal the trauma from the incarceration, President Bill Clinton designated Minidoka as a National Monument. Secretary Ken Salazar who protected Minidoka from LS Power's proposed transmission line in 2009.

We support renewable energy and the Administration's commitment to fight the climate crisis without putting a disproportionate burden on people of color. In terms of siting projects on sacred lands, Bill McKibben recently wrote that "repeating the mistakes of our history at this point is truly unforgivable."

We hope that, under your leadership, BLM will not repeat the mistakes of the past. According to BLM, its preferred alternatives in its draft environmental impact statement (DEIS) would have "disproportionately high and adverse impacts to the Japanese American community and Native American Tribes given the importance of setting and feeling ...". Also, BLM's proposed mitigation measures, including conservation easements, removal of structures in the foreground and scholarships for Pilgrimages would not offset the visual and emotional impacts of Alternatives C, E or some combination.

We encourage BLM to adopt the No Action Alternative in the Lava Ridge final environmental impact statement (FEIS) and Record of Decision. Federal lands around Minidoka constitute Traditional Cultural Property (TCP) which is rooted in our history and important to maintain our cultural identity. We support the Idaho State Historic Preservation Office's finding that Minidoka TCP is eligible for listing on the National Register of Historic Places.

To protect Minidoka National Historic Site and TCP, we encourage BLM to begin a public planning process to designate 237,000 acres of BLM land as the Greater Minidoka Area of Critical Environmental Concern.

By designating the ACEC, BLM can honor the memories of our parents and grandparents, the lives of 200 people who died in Minidoka and leave a lasting legacy of healing our children, grandchildren, community and nation.

Thank you for considering our request to help our nation avoid repeating the mistakes of the past and to achieve its highest ideals of equality and justice.

We can be contacted at: minidokapilgrimage@gmail.com or c/o 3114 22nd Ave S. Seattle, WA 98144-6404.

Sincerely,

Minidoka Survivors:

Mary (Tanaka) Abo
Barracks: 6-4-C
Age: 83
Bremerton WA

Alice (Tanaka) Hikido
Barracks 6-4-C
Age: 90
San Jose, CA

John David Sakura
Barracks: 15-8-E
Age: 87
Thornton, NH 03285

Frederick S. Sakura
Clinton, WA
Age: 80
Prison number: 35860
Barrack: 17-F-5
Military Service No.: RA 56 427
090

Eugene Minoru Tagawa
Prison number: 11820E
Block 15, Barrack 1B
Age: 81
Seattle, WA
Military Service: Washington
National Guard 1961-1967

Fujiko (Tamura) Gardner
17732
Block 21, Barrack 10E
Age: 91
Lakewood, WA
Military Service: Hiroshi Tamura
(KIA 4/20/45), Mitsuru Tamura,
Masuru Tamura

Marie Matsuno Nash
Block 1, Barrack 8C
Age: 79
Ugashik, AK
Military Service: Father, Fred
Matsuno served in the 442nd,
awarded Bronze Star, Purple
Heart, commendation for the
442nd rescue of the Texas
"Lost Battalion," Congressional
Gold Medal

Sam Kito, Jr.
Barrack: 24-3-C
Age: 85
Sultan, WA (incarcerated from Petersburg, AK)
Military service: brother, Harry Kito, deceased in Vietnam War;
Gold Star Family
Tribal affiliation: Tlingit (Alaskan) and Japanese

Barbara Kito
Barrack: 24-3-C
Age: 83
Petersburg, AK (incarcerated from Petersburg, AK)
Tribal affiliation: Tlingit (Alaskan) and Japanese

John Kito
Barrack: 24-3-C
Age: 82
Anchorage, AK (incarcerated from Petersburg, AK)
Tribal affiliation: Tlingit (Alaskan) and Japanese

Linden Takuma Nishinaga
13-7-E
Age: 78
Torrance, CA

Sadayo Nojima
(aka Nikki Nojima Lewis)
Prison Number: 11061B
Block 44, Barrack 2A
Age: 85
Albuquerque, NM

Herb Tsuchiya
Age: 92
Seattle, WA
Military Service: 2 brothers in 442nd RCT, 1 brother US Air Force

Roy Toshio Ouchida
Prison Number: 15477
Barracks: 39-2-E + 39-9-E
Age: 89
Redmond, OR
U.S. Army

John Morimi Shigaki
Prison Number: 11295E
Barracks: 42-9-D
Age: 79
Seattle, WA
National Guard

Irene Teiko Saito
Prison Number: 11659D
Barrack: 28

Gloria (Tomita) Shigeno
Renton, WA

Paul Tomita
Bellevue, WA

Mabel Tomita
Bellevue, WA

Minidoka Descendants:

Julie Abo Dominguez
Chevy Chase, MD

Maya Abo Dominguez
Pasadena, CA

Aiko Abo Dominguez
Los Angeles, CA

Andrew Abo
San Carlos, CA

Rob Hikido
San Jose, CA

Annie Hikido
Waterville, ME

Brian Hikido
San Jose, CA

Christine Hikido
San Francisco, CA

Peter Hikido
Danville, CA

Guy Michael Tanaka
Santa Monica, CA

Michael Tsutomu Tanaka
Redondo Beach, CA

Jon Takeshi Tanaka
New York, New York
Jim Tanaka
Victoria, British Columbia/
Canada

Sho Yamagushiku
Victoria, British Columbia/Canada

Emma Tanaka
Toronto Canada

David Tanaka
Denver, CO

Clio Tanaka
Tokyo, Japan

Amber Tanaka
Seattle, WA

Richard Tanaka
Poulsbo, WA

Cathy (Tanaka) Bianchetto
Seattle, WA

Tyler Bianchetto
Seattle, WA

Alicia Bianchetto
Seattle, WA

Liz (Tanaka) Phillips
Dayton, WA

Davy Phillips Seattle, WA	Cara Sakura Skillingstead Missoula, MT	George Abe Albuquerque, NM Tribal affiliation: Mandan, Hidatsa and Arikara
Sarah Oscar Spokane, WA	Lucy Kay Sakura Washington, DC	Harvey Shirai Jr. Tribal affiliation: Tsimshian, Tlingit Dallas, TX
Keisha Phillips Spokane, WA	Pauline Shigaki Seattle, WA	James Ishii Kent, WA
Jenna Phillips Seattle, WA	Alison Shigaki Seattle, WA	Janet Sekijima Seattle, WA
Ed Tanaka Spokane, WA	Kai Morimi Randolph Seattle, WA	Margaret Sekijima Seattle, WA Ken Mochizuki Maple Valley, WA
Susan Koba Churchill Anchorage, AK	Erin Shigaki Seattle, WA	Kyle Kinoshita Seattle, WA
Lesley Ishii Juneau, AK	Joy Shigaki Seattle, WA	Leslie Marr Pierce Seattle, WA
Sam Kito, III Anchorage, AK	Nancy (Fukuyama) Albright Seattle, WA	Marlene Susumi Smick Spokane, WA
Michelle Kito San Francisco, CA	Todd Albright Seattle, WA	Yutaka Sugahiro-Wong Milwaukie, OR
Cynthia Kito Lexington, Kentucky	David Albright Seattle, WA	Norman Bruce Sakura Rancho Palos Verdes, CA
Hope Kito Bellingham, WA	Ann Elizabeth Murao Davis, CA	Patricia Koto Yakima, WA
William Kito Washington D.C.	Christine Susumi Bainbridge Island, WA	Tom Koto Boise, ID
Greg Kito Sitka, Alaska	Clarke Kido Idaho Falls, ID Father Fred M. Kido served in the 442nd RCT	Ryan Koza Seattle, WA
Kimberly Kay Louis Seattle, WA	Connie Masuoka Portland, OR	Stephen Kitajo Auburn, WA
Dan Sakura Chevy Chase, MD	Eileen Yamada Lamphere Kent, WA	Dale H. Watanabe Seattle, WA
Melna (Sakura) Skillingstead Camano Island, WA		

Kanako Kashima Mercer Island, WA	Anchorage, AK Wendy Henson Eagle River, AK
Jonathan Narita Seattle, WA	Ronald K Inouye Fairbanks, AK
Keith Yamaguchi Seattle, WA	Suzanne Ishii-Regan Anchorage, AK
Minidoka Allies:	
Karen Atkinson Albuquerque, NM	Matthew Regan Anchorage, AK
Laurel Goodluck Albuquerque, NM	John Jensen Anchorage, AK
Kalen Goodluck Albuquerque, NM	Scott Kawasaki Anchorage, AK
Forrest Goodluck Albuquerque, NM	Aaron Kusano Anchorage, AK
Victor Yamada Albuquerque, NM	Jennifer Lorentz Anchorage, AK
Kiku Kato Tule Lake Concentration Camp survivor Age: 101 Albuquerque, NM	Kelly Marciales Palmer, AK
Alan Akiyama Juneau, AK	Anthony Nakazawa Eagle River, AK
Dennis Arashiro Anchorage, AK	Lynette Nakazawa Eagle River, AK
Jean Caswell, Anchorage, AK	Erika Ninoyu Arlington, Virginia
Jim Caswell, Anchorage, AK	Shunji Ninoyu Anchorage, AK
M Kay Gatlin Anchorage, AK	Patrick Regan Anchorage, AK
Greg Hayashida	Lincoln Saito Anchorage, AK
	Martin Suzuki Juneau, AK

A Keith Taniguchi Soldotna, AK	Jonathan B. Jarvis, Director, National Park Service (2009- 2017) Berkeley, CA
Laurel Tatsuda Anchorage, AK	Diane Honda (descendant of Poston concentration camp) Brentwood, TN
George Tolbert Anchorage, AK	Japanese American Museum of Oregon Portland, OR
Richard Yamada Auke Bay, AK	Karen Matsumoto (descendant of Jerome concentration camp, Board Member BIJAC) Bainbridge Island, WA
Brian Yamamoto Fairbanks, AK	Kristjana Eyjólfsson, Education Director, Historical Museum at Fort Missoula Missoula, MT
Lesley Yamauchi Anchorage, AK	H. Leo Tanaka, MD San Diego, CA
Dixie Johnson Juneau, AK	Scott C. Miller Seattle, WA
David Gray Juneau, AK	Shelley Takeuchi (descendant of Santa Fe Prison Camp) Albuquerque, NM
Margie Shackelford Fresno, CA	Hana Fedorenko (descendant of Jerome concentration camp) Seattle, WA
Janie Homan Juneau, AK	Yoko Fedorenko (descendant of Jerome concentration camp) Seattle, WA
Marsha Bennett Ashland, OR	Bill Tashima (descendant of Heart Mountain & Poston Incarceration Sites) Fall City, WA
Karleen and Roger Grummett Juneau, AK	Michael B. Murray, Chair, Coalition to Protect America's National Parks Washington, DC
Mark Albright Seattle, WA	

John Bond Individual

Ewa's amazing and suppressed Hawaiian cultural history of big pet sharks. And officials hid the big bronze shark goddess statue because she was, well a bare breasted shark goddess giving birth to a baby shark. Yikes! We have to HIDE THIS and don't let the kids see it!

And Ewa residents really did treat big sharks like family pets and rode them like horses. When will Disney make this into an animated musical movie?

And the biggest and MOST SUPPRESSED native Hawaiian National Register Traditional Cultural Place in Hawaii State history. It was a really big deal for HART rail in 2012- big detailed TCP report, lots of big maps, charts, meetings and then IT WAS SO SCARY to the Navy and big land developers that they then LIED WHERE IT REALLY WAS so that HART rail could start construction on its first segment. It was FREAKING OUT the big rail honchos in HNL and DC.

This was HART Rail's biggest LIE of the entire rail project. Then after the very rushed and sloppy Kiewit construction began, EVERY City, State and Federal agency worked to CRUSH it, SUPPRESS it and IGNORE that it even existed and make sure that it will NEVER be nominated to the National Register as REQUIRED in the HART Rail federal PA (Programmatic Agreement.)

And then the Honolulu City Council resolution that totally FREAKED OUT Hawaii's politicians in DC, Hawaii State Legislature- City Council chair REFUSED to even allow it to be introduced. It was about recognizing that the Karst actually exists in Ewa. No, No, No! The political reaction was total PANIC, phone calls lighting up government agency switchboards. NO KARST, KILL THIS, KILL THIS NOW!

The Karst Shark Caves of the Ewa Plain, Pearl Harbor and Honolulu
<https://kanehili.blogspot.com/2023/08/the-karst-shark-caves-of-ewa-plain.html>

Leilono to Kanehili The - Leina a ka uhane – Spirit Leaping Place
<https://kanehili.blogspot.com/2023/08/leilono-to-kanehili-kaupea-leina-ka.html>

Victoria Celeste Rojas Raygoza
2785 Jurado Ave
Hacienda Heights, CA 91745
vcrojas5@gmail.com; (310) 910-8801

August 14, 2023

1200 Pennsylvania Avenue, NW
(MC-2201A)
Washington, D.C. 20460
United States of America

Dear Madam Karen Martin:

My name is Victoria Celeste Rojas Raygoza, and I am a senior at Bishop Amat High School in La Puente, California.

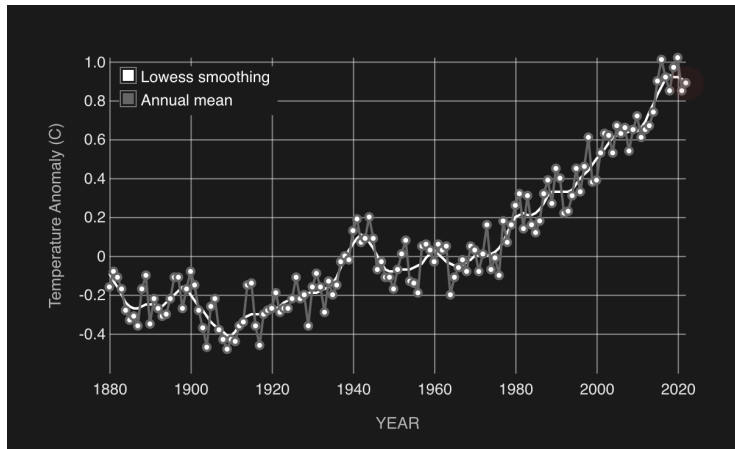
1. I respectfully request that the United States seek to implement, or to emphasize a new calendar that I am proposing.
2. The Planet Earth has many man made calendars, such as the: Gregorian, Chinese, Persian, and other calendars that reflect a point of time of initiation that is man made.
3. My proposal seeks a new calendar based on the actual age of Planet Earth. Planet Earth is approximately 4.5 billion years old.
4. This calendar would reflect Planet Earth's age, plus the man made calendar age. For example, the calendar date would be 4.5billion2023. The Planet Earth calendar can be shortened to 4.5b2023, with the b representing a billion. This calendar could also change every additional year, for example 4.5b2024.
5. This new calendar puts into a clear perspective how old the Planet Earth is in comparison to the man made calendars. This differentiation of numbers clearly shows how immense the difference is based on years.

6. This is important to me because I see that climate change is a real human made threat to mankind's way of life, and possible existence.

7. Earth has existed for 4.5 billions of years, but in less than a century, humanity has put our world in severe danger. As reported by the United States Environmental Protection Agency (EPA), “Global carbon emissions from fossil fuels have significantly increased since 1900. Since 1970, CO2 emissions have increased by about 90%, with emissions from fossil fuel combustion and industrial processes contributing about 78% of the total greenhouse gas emissions increase from 1970 to 2011.”

8. The provided statement properly demonstrates the worrying rise in global carbon emissions and their negative environmental effects. It emphasizes the importance of combating climate change through collaborative efforts, shifting to sustainable energy sources, and enacting effective regulations. The call to action emphasizes the importance of global collaboration and environmental stewardship in ensuring a sustainable future for future generations.

9. The following chart produced by the National Aeronautics and Space Administration (NASA), clearly shows temperature increases since 1880 when NASA started keeping records to present times. 2020 was tied with 2016 to be the hottest year yet. A great factor to this increase has been methane gasses, usage of fossil fuels in industrialization, and human activity per say. This has caused the rate of change in Greenland and Antarctic ice sheets to decrease by 418 billion metric tons per year and sea levels to rise 72 millimeters since 2002.



10. We need to put into perspective to society how our Planet Earth has lived for 4.5 Billion years and it's to be taken care of if we want to keep living on it.

In Totality, please review this matter. Planet Earth has been our center of humankind's existence. It is important now that we acknowledge Planet Earth's age, as it is speaking to us to make changes.

Respectfully submitted,

Victoria C. Rojas Raygoza

