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## Impacts of Environmental Change on Treaty Rights, Traditional Lifestyles, and Tribal Homelands

*Witnesses:*

### Panel 1

**Joann Chase**

Director for the American Indian Environmental Office, U.S. Environmental Protection Agency

**Margaret Davidson**

Acting Director for the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration

### Panel 2

**The Honorable Mike Williams**

Chief, Yupiit Nation, Akiak, Alaska

**The Honorable Tex “Red Tipped Arrow” Hall**

Chairman, Mandan, Hidatsa and Arikara Nation, New Town, North Dakota

**The Honorable Thomas Dardar**

Chief, United Houma Nation, Golden Meadow, Louisiana

**Bill Frank**

Chairman, Northwest Fisheries Commission

**Malia Akutagawa**

Assistant Professor of Law, William S. Richardson School of Law, University of Hawaii at Manoa

### *Committee Members Present:*

Daniel Akaka (D-HI), Chair

John Barrasso (R-WY), Vice-Chair

Maria Cantwell (D-WA)

Lisa Murkowski (R-AK)

The Special Committee on Indian Affairs held a hearing on July 19 to examine the disproportionate impact that climatic changes have on tribal homelands and the resources available to mitigate and adapt to the changing environment. Scientists agree that rising temperatures worldwide have negatively affected the environment, ocean temperature and local wildlife. Native communities rely on nature more than most modern Americans for their commercial livelihood and spiritual beliefs and have therefore been disproportionately affected by climate change.

Chairman Daniel Akaka (D-HI) opened the hearing by discussing the “sacred” relationship between tribal nations and the environment. He said they have lived in and studied nature for hundreds of years before the U.S. was colonized by Europeans. Respect and care for the environment is the core of all native people’s world view, according to Akaka. The relationship is reciprocal- people will be protected by their environment to the degree that they protect it. The chairman explained that because of native reliance on the environment for food, sellable goods and spiritual health, they are “disproportionately impacted” by environmental deterioration due to climate change.

Vice-chairman John Barrasso (R-WY) criticized the federal agencies’ policies for combatting climate change saying they “always have negative impacts.” These impacts are usually economic rather than environmental, according to the vice-chairman who claimed regulations on greenhouse gases hinder economic growth. Many argue that improving technology to lower emissions will create jobs, but Barrasso argued that this research will be done by the federal government and must be paid for by taxpayers. The vice-chairman looked forward to the witnesses’ testimonies, hoping their experience could lend insight on how to deal with climate change.

Senator Lisa Murkowski (R-AK) said it was clear to see the “changing climate’s” effect on coastal communities in her opening statement. She said many native villagers in Alaska, the state with more than half of the tribal nations in the country, are in danger of flooding from rising sea levels. Murkowski does not recommend moving these communities as a viable option to reduce the danger. Many have been living in the same place for hundreds of years, and the process would be very expensive. The senator praised witness Mike Kelly, chief of the Yupiit nation, as an “overall leader” for many Alaskan issues. She said the environment can be fixed, but can be done without “sacrificing the economy.”

The first panel of witnesses began with testimony from JoAnn Chase, the director of the American Indian Environmental Office (AIEO) of the Environmental Protection Agency (EPA) and a member of the Mandan, Hidatsa and Arikara Nation. Chase explained that the duty of AIEO was to “strengthen” human health and environmental protection in Indian nations. She said the office “bring[s] tribes to the table” when consulting for them on environmental issues. Tribes can even make recommendations for other EPA protection programs. The tribes are especially disappointed in the lack of interagency communication, according to Chase. She testified that the government must “act now” to alleviate the effects of climate change.

Margaret Davidson, acting director of the Office of Ocean and Coastal Resource Management of the National Oceanic and Atmospheric Association (NOAA), testified to the success of the National Climatic Data Center (NCDC) in monitoring climate change and its effect on Earth’s environments. She said the office received positive feedback along with criticism and suggestions for lowering emissions and combating effects of climate change at the First Stewards Symposium this week. The symposium, meant to bring tribal nations from across the U.S. to discuss climate change issues, and the NCDC were based on recommendations by tribal leaders.

During the question and answer section of the first panel, Chairman Akaka asked what federal services are available to tribes suffering from environmental effects of climate change. Davidson said the Interagency Climate Change Adaptation Taskforce has drafted provisions to alleviate and prevent environmental impacts of climate change and is currently accepting public comment.

Mike Williams’s testimony began the second panel by stating “our temperatures are increasing, our ice is melting, our ocean acidifying and our villages sinking.” He said the U.S. Army Corps of Engineers estimates three tribal villages must be relocated or will “literally be swept out to sea.” Some communities have begun to move themselves due to lack of government action. Williams continued that this has been the driest July in 104 years, causing snow and permafrost to melt at record-breaking rates. Permafrost melt releases methane and carbon dioxide which only advances global warming. Williams has raced the Iditarod for most of his life, but says this is the first year the location has had to be moved because of melting snow in Alaska.

Chief of the Mandan, Hidatsa and Arikara Nation (MHA) Tex Hall’s testimony focused on the need to delegate more autonomy for tribal nations to alleviate environmental effects of climate change. As a tribe in North Dakota, the MHA is not in danger of flooding from rising sea levels, but all recounted the dangers to his tribe when the Garrison Dam flooded their lands in 2011. The MHA formed its own rules to fine oil and gas companies for dumping on the reserve. Hall asserted that tribes could form its own rules to protect itself from environmental impacts from climate change, but legislation would have to be passed to give them the authority and resources.

Tomas Dardar, Chief of the United Houma Nation, testified that coastal tribal nations are “fighting an invisible enemy” in attempting to combat effects of climate change. The Houma Nation is along the Gulf Coast in Louisiana and was struck by the effects of Hurricane Katrina in 2005 and the BP Deepwater Horizon oil spill in 2010. Fishing is the main livelihood of Houma members and many have still not financially recovered from devastation. Dardar pleaded for federal acknowledgement, lack of which prevented his people from receiving public aid during the crises.

Senator Maria Cantwell (D-WA) introduced Billy Frank, Chairman of the Northwest Fisheries Commission, whose testimony focused on the loss of Pacific salmon in the Northwest U.S. Fishing is an important industry in this area of the country, and declines in fish populations have adversely affected many in the commission. Frank argued that “no help” is coming from the federal government to combat ocean acidification, or the “poison in the ocean.”

Malia Akutagawa, assistant professor of law at the University of Hawaii (UHI) Manoa, outlined the requests of tribal nations to the federal government in her testimony. She recommended the government provide incentives for individuals moving their houses or businesses away from shores to accommodate sea level rise. The government must provide food security, and protect marine organisms from ocean acidification and rising temperatures. Akutagawa testified that the government should support non-governmental organizations, indigenous organizations and universities which monitor and mitigate climate change effects like forest fires, invasive species and ocean acidification. She pointed out the need for the government to review placement of national reserves to reflect changing migration patterns due to changing climates.

During questioning, Cantwell asked how the government can best combat ocean acidification. Frank responded that the

government should hold hearings in the northwest to hear from locals how ocean acidification has affected their livelihoods. Akutagawa suggested the government continue its support of the Center for Island Climate Adaptation and Policy, (ICAP) a research institute hosted by the UHI William S. Richardson School of Law.

Akaka asked how tribes are responding to and preparing for climate change. Hall said laws were set up by tribes to prevent oil spillage on his reservation, but tribal powers must be extended to give them greater authority over their lands. The chairman asked how the United Houma Nation received aid during Hurricane Katrina and the Deepwater Horizon spill. Dardar replied that most aid was private. His tribe applied for emergency funding but because they are not a federally recognized tribe they could only receive some money from Louisiana. The rest of the aid came from private organizations.

For opening statements, testimony from witnesses and a web cast of the hearing, please visit the committee web site.

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