



USET

SOVEREIGNTY PROTECTION FUND

Nashville TN Office
711 Stewarts Ferry Pike, Ste. 100
Nashville TN 37214
P: (615) 872-7900
F: (615) 872-7417

Washington DC Office
400 North Capitol St., Ste. 585
Washington DC 20001
P: (202) 624-3550
F: (202) 393-5218

**Testimony of United South and Eastern Tribes Sovereignty Protection Fund
Submitted to the House Natural Resources Subcommittee for Indigenous People of the
United States for the Record of the February 12, 2019 Hearing, “The Impacts of Climate
Change on Tribal Communities”**

February 26, 2019

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) we write to provide the House Natural Resources Subcommittee for Indigenous People of the United States with the following testimony for the record of the hearing “The Impacts of Climate Change on Tribal Communities” held on February 12, 2019.

USET SPF is an intertribal organization comprised of twenty-seven federally recognized Tribal Nations, ranging from Maine to Florida to Texas¹. USET SPF is dedicated to enhancing the development of federally recognized Tribal Nations, to improving the capabilities of Tribal governments, and assisting USET SPF Member Tribal Nations in dealing effectively with public policy issues and in serving the broad needs of Indian people.

Human-induced climate change will have a lasting impact on Tribal lands, waters, and communities across the United States. USET SPF Member Tribal Nations have a unique historical experience, which factors in climate change impacts as well as options for climate change adaption.

South and Eastern Tribal Nations: A Historical Context

Current broad understanding of Tribal Nations and historical context within the United States stems from the 19th century, when the United States the country and settlers expanded westward. Tribal Nations were forced to sign treaties, cede large tracts of land, and reside on reservations yet were promised autonomy and support from the federal government to manage natural resources, education, and health care. Tribal Nations within the USET SPF region also signed treaties and were forced to cede lands. However, many USET SPF member Tribal Nations are “First Contact Nations” and faced 17th and 18th-century local colonial governments and distant European nations at the onset of colonization of North America.

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Aroostook Band of Micmac Indians (ME), Catawba Indian Nation (SC), Cayuga Nation (NY), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

During the 17th and 18th centuries, colonial wars and disease also decimated Indigenous populations. After the United States was established, often the lands and rights acknowledged in colonial treaties or agreements east of the Appalachians were left to the states to either recognize and fulfill obligations or abolish. Within decades after establishment of the United States, a federal policy of removal was adopted, and many Tribal Nations whose aboriginal territories were in the Appalachians, Southeast, and Midwest were forcibly removed to western territories. For example, the “1830 Indian Removal Act” split entire Tribal Nations and families and forced tens of thousands of Indigenous people to reservations in Oklahoma.

USET SPF Tribal Nations, today, have persevered despite colonization and federal policies of assimilation, termination and other events that have unfolded over the past 400 years. Despite disease, warfare, and removal, our Tribal Nations have persisted and exhibited profound resilience. In environments considered harsh to European and American settlement such as the Gulf Coastal Bayous, the Everglades, the Appalachians, or the Northern Forests, Tribal Nations not only survived, but adapted and rebounded as communities and nations. Tribal communities even integrated into more populated landscapes, have maintained self-governance and distinct cultural identities tied to cultural and traditional homelands and family kinship systems. The 20th century witnessed a rebound in population of Indigenous communities within the USET SPF region and a resurgence of Tribal voices on a national platform to promote Tribal sovereignty and self-determination, management of natural resources on remaining Tribal lands that are now mere fractions of once held territories, and the restoration of Tribal lands lost to the colonies and early states.

The Fourth National Climate Assessment: Key Messages

On November 23, 2018, the Fourth National Climate Assessment (NCA4) was released by the U.S. Global Change Research Program (USGCRP). According to the USGCRP, the report “*focuses on the human welfare, societal, and environmental elements of climate change and variability for 10 regions and 18 national topics, with particular attention paid to observed and projected risks, impacts, consideration of risk reduction, and implications under different mitigation pathways.*” The report includes a chapter on climate change and Indigenous peoples as well as discussion on climate change and Indigenous peoples in other regional and sectoral chapters. The NCA4 acknowledges Indigenous peoples in the United States as, “*diverse and distinct political and cultural groups and populations*” and affirms, “*Though they may be affected by climate change in ways that are similar to others in the United States, Indigenous peoples can also be affected uniquely and disproportionately.*” The NCA4 Chapter 15 “*Tribes and Indigenous Peoples,*” provides three key messages regarding climate change impacts and Indigenous peoples. The key messages are listed below with subsequent comments pertaining to Tribal Nations within the USET SPF region.

Key Message 1: Climate change threatens Indigenous peoples’ livelihoods and economies, including agriculture, hunting and gathering, fishing, forestry, energy, recreation, and tourism enterprises. Indigenous peoples’ economies rely on, but face institutional barriers to, their self-determined management of water, land, other natural resources, and infrastructure that will be impacted increasingly by changes in climate.

Tribal Nations across the United States have regained the management of natural resources for over 100 million acres of Tribal lands. However, USET SPF member Tribal Nations have substantially smaller Tribal land bases from which to assert direct jurisdiction and management of natural resources. This means our Tribal Nations must work with state, municipal, and non-Tribal federal jurisdictions to address climate change impacts on natural resources of cultural and economic significance beyond Tribal lands. Institutional barriers arise as the interests and management plans of non-Tribal jurisdictions often do not align with Tribal priorities or cultural values at best, or at worst, Tribal Nations are not even included in local and regional plans that would have implications on their natural resources and areas of cultural significance. Often fish and wildlife, wild foods, medicinal plants, and places of cultural significance, some of which may be outside of Tribal reservation or trust lands, are impacted by climate change. For some USET SPF Tribal Nations, the Tribal reservation or trust lands have been reduced to one square mile or smaller, and climate change impacts to these vulnerable land bases pose serious threats to Tribal cultures and lifeways. Finally, one of the greatest threats of climate change will be migration of species and shifting of ecosystems beyond Tribal lands or even beyond Tribal regions, rendering the fixed political boundaries and territories of present day Tribal lands unconnected to long held traditional lifeways.

Key Message 2: *Indigenous health is based on interconnected social and ecological systems that are being disrupted by a changing climate. As these changes continue, the health of individuals and communities will be uniquely challenged by climate impacts to lands, waters, foods, and other plant and animal species. These impacts threaten sites, practices, and relationships with cultural, spiritual, or ceremonial importance that are foundational to Indigenous peoples' cultural heritages, identities, and physical and mental health.*

Many of the places that have significance to the cultural heritages, identities, and physical and mental health of Indigenous peoples from Tribal Nations within the USET SPF are located off Tribal reservation or trust lands. In many instances, places of cultural significance are now located within national parks, monuments, wildlife refuges, and sea shores, or state parks, forests, or private lands. While climate change impacts the ecosystems, water, and landscapes of these places, our Tribal Nations continue to struggle with non-Tribal jurisdictions for access to these places for activities of cultural, spiritual, or ceremonial importance. USET SPF member Tribal Nations and their citizens often find themselves in a position of having to request access to locations of cultural significance to partake in cultural activities they have been engaging in for thousands of years. Loss of access to these places impacts both the physical and mental health of Indigenous peoples and has been doing so for many years. Climate change impacts do threaten sites, practices, and relationships with cultural, spiritual, or ceremonial importance which are foundational to Indigenous peoples, yet current barriers to access and a lack of a meaningful role in the climate adaptation planning process of these areas compounds the issue.

Key Message 3: *Many Indigenous peoples have been proactively identifying and addressing climate impacts; however, institutional barriers exist in the United States that severely limit their adaptive capacities. These barriers include limited access to traditional territory and*

resources and the limitations of existing policies, programs, and funding mechanisms in accounting for the unique conditions of Indigenous communities. Successful adaptation in Indigenous contexts relies on use of Indigenous knowledge, resilient and robust social systems and protocols, a commitment to principles of self-determination, and proactive efforts on the part of federal, state, and local governments to alleviate institutional barriers.

The impacts of the 2012 northeastern summer drought and heat wave as well as coastal flooding from Hurricane Sandy respectively prompted the St. Regis Mohawk Tribe and the Shinnecock Indian Nation to complete climate change adaptation plans for their Tribal lands, waterways, and communities. Other Tribal Nations within the USET SPF region have followed suit through exploring climate change adaptation options and opportunities to fund climate change adaptation activities. Often departments within Tribal Nations such as natural resource or cultural preservation departments take the lead, but not exclusively as Tribal emergency management or economic development programs have also explored climate adaptation options. The same institutional barriers of limited jurisdiction and access to traditional territory or places of cultural significance remain factors in Tribal climate adaptation planning. Funding climate change adaptation also remains a challenge because federal natural and cultural resources funding can be very sector, species, or place specific whereas Tribes are concerned about the health of the whole system. Many Tribal managers are in the position of pursuing multiple grants and searching for funding from different sources with varying objectives required in order to address larger climate change impact on their Tribal Nations. Federal funding for climate change adaptation is also at the whims of United States executive and congressional political power shifts. Opportunities available this year may not be available next, hobbling a consistent or long-term climate change adaptation plan.

Climate change adaptation may also mean placing lands into trust to provide communities safety from sea level rise and to provide Tribal Nations access to species of cultural importance whose ranges have shifted due to climate change. 21st century court cases, such as the 2009 *Carcieri* decision with the Narragansett Indian Tribe and the *Littlefield* et al. 2016 with the Mashpee Wampanoag Tribe, challenge the ability of Tribal Nations to have lands taken into Trust by the Bureau of Indian Affairs even when those lands are on cultural domains or aboriginal Tribal territories. Thus, if a location becomes uninhabitable or ecosystems with cultural significance shift due to climate change Tribal Nations face difficulties if adaptation responses mean to relocating or re-acquiring lands that provide access to cultural resources.

Conclusion

Successful adaptation for USET SPF member Tribal Nations will rely on use of Indigenous knowledge, resilient and robust social systems and protocols, and a commitment to principles of self-determination. However, it will also require the acknowledgment from federal, state, and local governments that the impacts of early colonial and United States history have created many of the institutional barriers USET SPF member Tribal Nations face today in adapting to climate change. Should you have any questions or require further information, please contact Mr. Kitcki Carroll, USET SPF Executive Director, at KCarroll@usetinc.org or 615-495-2814.