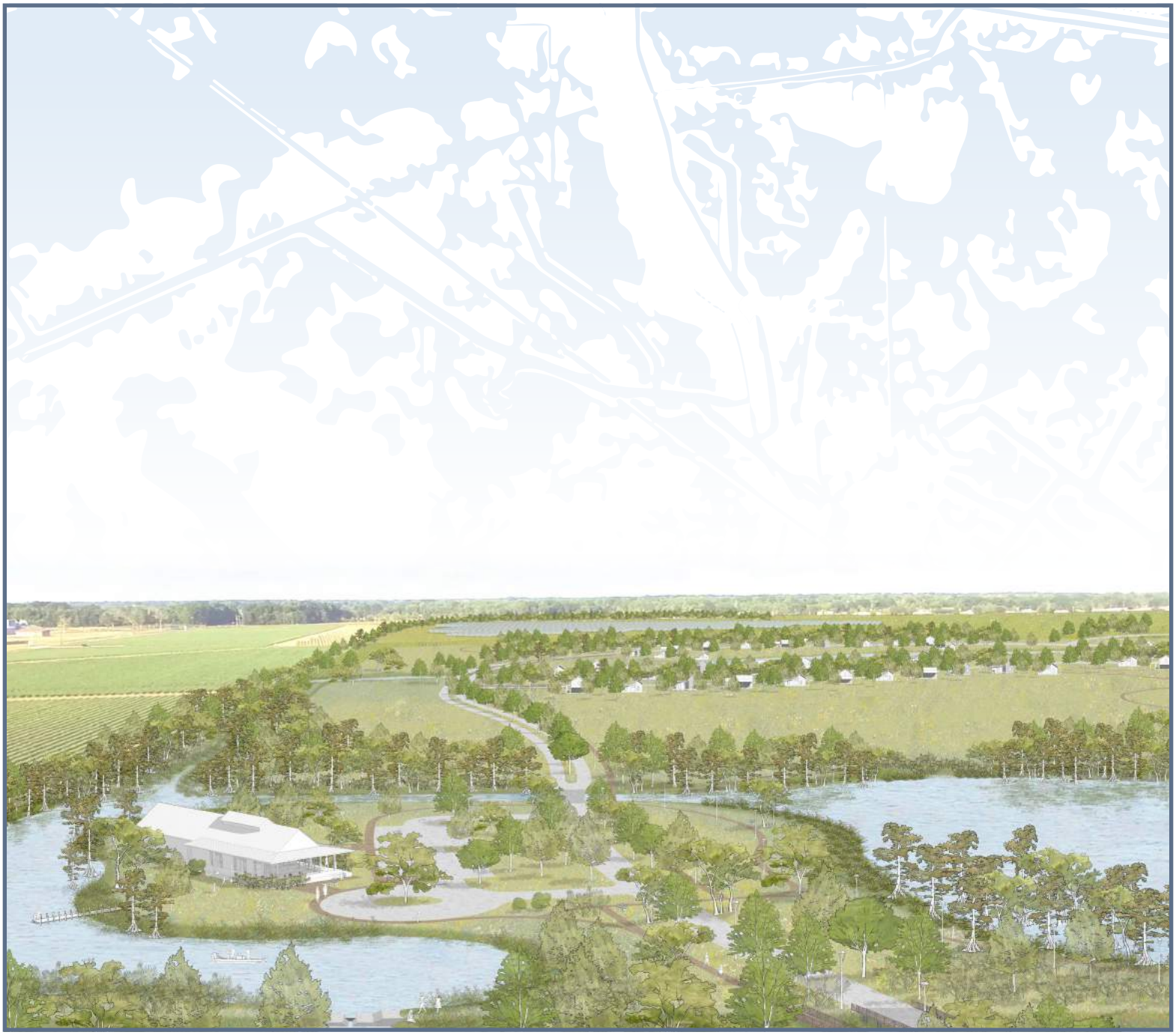
RESETTLEMENT OF ISLE DE JEAN CHARLES

BACKGROUND & OVERVIEW



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RESETTLEMENT OF ISLE DE JEAN CHARLES

THE MULTIFACETED VIEW

Imperiled on the front line of coastal erosion and rising seas, the bayou region of south Louisiana is home to diverse peoples and cultures. The residents of Isle de Jean Charles—a population of predominantly tribal ancestry—live in this region, on an island that is rapidly disappearing into the Gulf of Mexico. Once encompassing more than 22,000 acres, only 320 acres of Isle de Jean Charles remain. The sole connecting road to the mainland—Island Road, built in 1953—is often impassable due to high winds, tides, sea level rise or storm surge. This effectively blocks residents from school, work and essential goods and services.

The land where island residents and their families once hunted, trapped, grazed animals and farmed is now open water. Unfortunately, the challenges of restoring or preserving the island's landmass are insurmountable. So the question arises, how does the state help residents resettle to a new home, while preserving their culture and values in a new place that offers a prosperous and sustainable future? In response to that question, a dedicated team of state and local officials, planners, engineers, architects and policymakers is collaborating with current and former island residents to develop a program for the Resettlement of Isle de Jean Charles.

Even with this focused effort, the Resettlement emerges as a complex process, involving a wide range of cultural, social, environmental, economic, institutional and political factors. As with any inclusive effort, all stakeholders bring unique values and perspectives to the table, which often complicates consensus-based decision-making. Therefore, the Resettlement cannot be driven solely by economic and operational objectives, but must incorporate a comprehensive, holistic and open-ended approach.

RESETTLEMENT FUNDING: HUD AWARDS $48.3 MILLION IN CDBG FUNDING

In January 2016, the U.S. Department of Housing and Urban Development awarded the state of Louisiana $48.3 million in Community Development Block Grant funds for the Resettlement of Isle de Jean Charles, as part of the Office of Community Development's winning application to the National Disaster Resilience Competition.[1]

With Resettlement funding now in place, Louisiana has the ability to make possible a structured and voluntary retreat from Isle de Jean Charles that is thoughtful and equitable, while maximizing opportunities for current and past island residents. As the Resettlement establishes itself over time, the state expects on-site generated revenue and capital to contribute to the economic sustainability of the new community.

RESETTLEMENT MISSION: HOLISTIC APPROACH TO RELOCATION

From the outset, the state's expressed purpose has been to provide all current, permanent residents with relocation options that reflect the values of the Isle de Jean Charles people. In keeping with this goal and mindful of the dire environmental conditions faced by island residents, the intended primary beneficiaries of the Resettlement are current, permanent residents of the island and former island households displaced since Aug. 28, 2012.[2]

The Resettlement team is committed to implementing the relocation process in a manner that emphasizes residents' self-determination. Guided by an understanding of their expressed priorities, needs and concerns, the new settlement will reflect the Isle de Jean Charles community's values, cultural affiliations and economic objectives.

With resilience in mind, the Resettlement will incorporate sustainable materials and practices conducive to residents' future safety and stewardship of natural resources. Moreover, as the Resettlement establishes itself over time, the state expects on-site generated revenue and capital to contribute to the economic sustainability of the new community, specifically as the community's commercial corridor is established.

Finally, in addition to serving the needs of the island residents, the state hopes its holistic approach will illustrate best practices and lessons learned for the resettlement of other diverse and culturally rich communities facing climate-driven relocation.

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[1] United States Department of Housing and Urban Development. "HUD Awards $1 Billion Through National Disaster Resilience Competition." Last modified Jan. 29, 2016.https://www.hudexchange.info/news/hud-awards-1-billion-through-national-disaster-resilience-competition/ Grantee profiles: https://www.hud.gov/sites/documents/NDRCGRANTPROF.PDF

[2] This date marks Hurricane Isaac's landfall, which qualified OCD's Resettlement project for funding through HUD's National Disaster Resilience Competition.

RESETTLEMENT GOALS

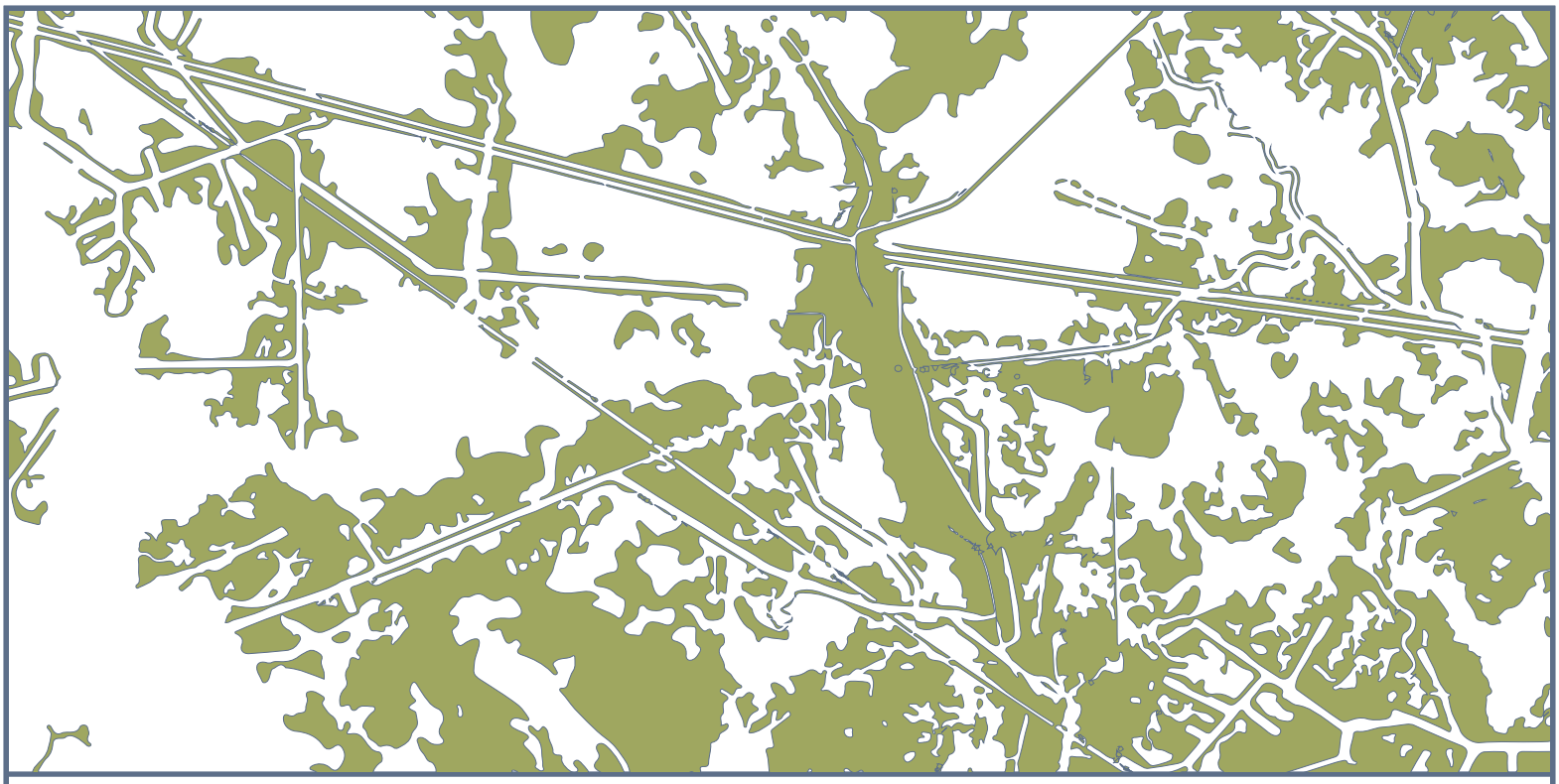
SAFETY, COLLABORATION, SUSTAINABILITY AND PRESERVATION

THE GOALS OF THE ISLE DE JEAN CHARLES RESETTLEMENT INCLUDE:

- Assist willing island residents in moving out of harm's way to safe, new homes in a community that provides an improved quality of life; or, if they prefer not to join the community, they may move to an established home in a lower-risk area in Louisiana.
- Create an opportunity for past island residents to rejoin the community in its new location.
- Collaborate with current and past island residents on the design of the new community.
- Ensure that the community is economically sustainable in its new location.
- Facilitate preservation and continuity of islanders' diverse cultural identities and traditions.
- Create a holistic approach to the Resettlement that will illustrate best practices and lessons learned for consideration by other diverse and culturally rich communities facing climate-driven relocation.

RESETTLEMENT CONTEXT: THE AMERICAN INDIAN ANCESTRY OF ISLE DE JEAN CHARLES

- In 1979, the Houma Alliance and the Houma Tribe merged into the United Houma Nation, forming a not-for-profit organization. In 1981, the UHN joined the Intertribal Council of Louisiana, which guides Louisiana government in matters concerning American Indians. In 1985, the United Houma Nation, which included some residents of Isle de Jean Charles, filed its first petition for federal recognition, which was denied in 1994. UHN filed a rebuttal in 1996.
- Following the Bureau of Indian Affairs' denial of the United Houma Nation's petition for federal recognition in 1994, some individuals withdrew from the UHN. The Biloxi-Chitimacha Confederation of Muskogees, Inc. and the Pointe-au-Chien Tribe each filed separate petitions for federal recognition, but both were denied in 2008. On July 1, 2015, the U.S. Department of the Interior published a new set of guidelines for recognition. All three Tribes are now seeking federal recognition under the revised regulations.
- Some U.S. states have established legal processes to evaluate and recognize American Indian tribes and organizations that are not federally recognized, in order to provide aid or assistance to members of those groups. These processes vary across states and there is no official registry of state-recognized tribes. In 2004, the Louisiana Legislature acknowledged the Indian ancestry of members of the Pointe-au-Chien Indian Tribe; and the Isle de Jean Charles Band, the Bayou Lafourche Band, and the Grand Caillou/Dulac Band of the BCCM (referred to in the resolution as the "BCCM tribes") "for the sole purpose of qualifying for Indian education and health care benefits due these Native American citizens" (SCR 105).



RESETTLEMENT CENSUS: THE CURRENT POPULATION OF ISLE DE JEAN CHARLES

After HUD awarded the grant to the state of Louisiana, OCD conducted a census of island residents. This was the first foray into what would become an extensive, on-the-ground outreach and engagement initiative, which also documented the island's infrastructure. During this initial effort, the team formed relationships with many island residents, as well as the extended community.

Through this exhaustive process, the state discovered a diverse community of sometimes competing tribal interests. Some residents speak of ties to the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogees while others speak of ties to the United Houma Nation Tribe. Some speak of ties to both tribes, and still others speak of no tribal affiliation. The outreach team also noted that many former island residents, identifying with differing tribal affiliations, moved inland after repeated disasters, seeking safety and economic opportunity. Hence, in addition to resettling current residents, the program is designed to give former residents a chance to rejoin the community in its new location.

Regardless of which tribe residents and former residents identify with, the Resettlement is, by federal law and the state's desire, not tied to any particular tribe, race or belief system. The residents' participation in the Resettlement is entirely voluntary; the state is not forcing anyone to leave the island and will ensure that all residents make their own decisions, free from fear or favor. The state continues to conduct outreach and strengthen relationships with island residents in many ways, including regular visits to the island.

RESETTLEMENT TRANSITIONAL HOUSING: OPTIONAL RELOCATION ASSISTANCE PROGRAM

Nearly 20 island families are living in upland rental units off the island while the new community is being developed. This interim rental option allows residents the ability to relocate prior to completion of the new community. These families represent about half of the island's 2016 population. Some residents have opted to remain on the island until the new community is ready for move-in, while others may choose not to leave the island at all.

RESETTLEMENT DEVELOPMENT IN PHASES

PHASE I: DATA GATHERING AND ENGAGEMENT (JUNE 2016–NOVEMBER 2016)

Phase I included initial outreach to and engagement with current island residents, as well as a preliminary land use and infrastructure survey of the island. The team's interactions with residents provided insight into residents' priorities and revealed additional complexities to be addressed during subsequent phases. The team learned that residents' values include privacy, seclusion, access to water, safety, flood protection, continued access to the island and maintaining and strengthening cultural identity. However, values vary widely from individual to individual—there is no single, homogeneous set of community priorities shared by all island residents. The program team continues to build relationships with each island resident to ensure this diversity of values and priorities is well represented in the development of a new community for Isle de Jean Charles. A final report on Phase I can be found on IsledeJeanCharles.la.gov.

PHASE II: SITE SELECTION, ACQUISITION AND MASTER PLANNING (DECEMBER 2016–FEBRUARY 2019)

Understanding and reflecting residents' needs and their vision for their future community is the project's highest priority. As part of the Resettlement's planning phase, a series of public meetings and one-on-one conversations took place, with meetings continuing throughout the planning effort to ensure island residents have ongoing engagement with team members and the resettlement process as a whole.

- December 2016-June 2017: The state conducted an exhaustive site evaluation process throughout Terrebonne Parish. In May 2017, the state provided island residents an opportunity to visit potential sites for the new community.
- July 2017-December 2017: In July 2017, the Resettlement team hosted its third community meeting to discuss the pros and cons of the identified suitable tracts; to discuss general market and appraised values; and to take a site preference survey of island residents. The state also issued an RFP for a master planner. A selection committee, which included representatives from the island community, chose a consultant team to develop a master plan. The planning team was introduced at the fourth community meeting in December 2017, and team members began to work with current and former island residents to solidify design plans and programming for the new Isle de Jean Charles community, including a structured retreat from the island.
- January 2018-September 2018: A steering committee comprising island residents and various island community stakeholders—including representatives from the United Houma Nation and Isle de Jean Charles Band of Biloxi-Chitimacha Confederation of Muskogees—convened six times throughout the master planning process. The steering committee serves as an advisory board and liaison between the state and the island community. The state held two design workshops in which planners, architects and current and former residents explored multiple design options that best expressed the values and priorities of the community. A separate academic advisory committee provides guidance to the planning team. The academic advisory committee includes local and national scholars who understand the environment and cultures of the region, as well as the complexities of resettlement processes.
- March 2018: The state placed a purchase option on the property a majority of residents selected during the site preference survey.
- December 2018: Following completion of site due diligence, including federally required environmental reviews, the Louisiana Land Trust, on behalf of the state, purchased the selected property for development of the new community.

PHASE III: DEVELOPMENT AND CONSTRUCTION (MARCH 2019–OCTOBER 2019)

Phase III is the execution phase, during which the state will implement the master plan created during Phase II. Phase III will consist of completing the next phase of the environmental review, finalizing site design work, acquiring permits, laying infrastructure, constructing housing, initiating business development activities, launching workforce training programs and helping residents move into the new community.

PHASE IV: LIVING IN THE NEW COMMUNITY

Eligible families that participate in the program will enter into a forgivable mortgage on the property in the new community. One-fifth of the mortgage will be forgiven each year over the course of five years, during which time no payments are required, provided the resident maintains primary residency and the required insurance on the new property. After five years the resident will own the new property in full, provided these requirements have been met.

RESETTLEMENT CONSTRAINTS: COMPLIANCE WITH FEDERAL LAWS AND FUNDING REQUIREMENTS

Given that the Resettlement is federally funded with CDBG funds from HUD, the program is subject to a vast and complex body of regulations and laws. Two federal requirements are particularly relevant to the program design: cost reasonableness and compliance with the Fair Housing Act.

COST REASONABLENESS: RELOCATION COSTS AND CONTINUED USE OF ISLAND PROPERTY

As required by HUD, costs paid with CDBG funds must be necessary and reasonable[3] to carry out the grant's objectives. The state's application argued that high-risk conditions on the island make it unsafe for habitation—a position HUD agreed with in awarding the grant to OCD. It is neither necessary nor reasonable to use federal funds to relocate families from high-risk properties, only to allow those families to return to those high-risk properties for residential purposes in the future. Not only would this place them in harm's way, it would also create a potential need for more disaster recovery funding in the future.

That said, 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, historical and recreational purposes. Therefore, in order to comply with HUD requirements and respect the desires of islanders, the state has created an approach that allows owners continued access to their island properties. This approach allows existing structures to remain intact while ensuring the properties are not used for residential purposes or redevelopment. This is an innovative solution and a significant departure from traditional HUD-funded relocation programs, which require vacated land to become permanent open space.

To achieve these goals, the state has proposed two legal options for property owners to choose from in exchange for Resettlement assistance:

OPTION 1 | A no-fee mortgage on the property; or
OPTION 2 | A deed restriction[4] in the form of an easement, also known as a "servitude" under Louisiana law.

These legal commitments will allow program participants continued use of island property for non-residential purposes, including recreational, cultural and/or historical purposes. Former and current island residents who do not own island property will enter into a personal grant agreement that limits their current or future use of any island property to non-residential purposes.

THE FAIR HOUSING ACT

In addition to cost reasonable requirements, the Resettlement must comply with the Fair Housing Act, which makes it illegal for public or private housing developments to discriminate based on race, color, religion, sex, disability, familial status or national origin. Therefore, the program is open to all residents of the island, and in later phases to past residents of the island, regardless of tribal affiliation, race, color, religion, sex, national origin, familial status or disability.

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[3] 2 CFR 200.403, 2 CFR 200.404

[4] HUD is considering allowing the structures to remain intact when the property is subject to a deed restriction. Normally, acquisition of a real estate interest would require demolition.

RESETTLEMENT STATUS: ANTICIPATED EVENTS

The formal application process for participation launched in March 2019. Resettlement team members will host a series of outreach events to provide additional information and answer questions. Dates and locations of outreach events are yet to be determined. Groundbreaking is anticipated in fall 2019, after the state releases a master plan for the new site. For more information, visit IsledeJeanCharles.la.gov.

HEART OF THE RESETTLEMENT: PARTING FROM THE ISLAND

The Resettlement of Isle de Jean Charles is a process filled with both relief and uncertainty for islanders. Most islanders know they should move; but for many, this move will take them away from all they have ever known. Several residents have expressed concern about the distance between the new community and the island.

In interviews with the Resettlement team, island residents revealed they see Isle de Jean Charles as a place of security and isolation. They embrace the rural setting—the quiet and the tranquility. It is a place where they know each other and their history, and a place where both independence and care for neighbors and family are core values.

Despite its challenges, residents know how to live on the island. They are resilient and ingenious “do-it-yourself” individuals who can repair their houses and fix their cars, heaters and pipes. They know how to prepare for storms and how to recover afterward. Some of these skills are transferable to the new site, but others will be lost. As one islander said, "I have never fished in fresh water; I have only fished in salt water." He went on to describe how he views the difference and the magnitude of change it requires. This is just one of the many changes islanders are facing. Although the proposed move is only 40 miles north, in many ways, it is perceived as a world away.

Parting from the island will be a transformative process, as individuals and families adapt in significant ways. The Resettlement team will continue to work closely with the community to ensure that throughout this leave-taking and the losses it entails, there are new opportunities, new connections and a new peace and security to be found.

RESETTLEMENT OPTIONS: ELIGIBILITY CRITERIA AND PROGRAM BENEFITS

The Resettlement options are first available to residents currently living on the island and those displaced since Hurricane Isaac's landfall in 2012 who do not own an off-island home. The state also anticipates that former permanent island residents displaced before Hurricane Isaac will be able to rejoin the Isle de Jean Charles community at the new site if they lived in a program eligible parish (Jefferson, Lafourche, Plaquemines, St. John the Baptist, St. Tammany and Terrebonne) at the time of Hurricane Isaac. If properties remain after earlier portions of the program conclude, those properties will be processed in a manner consistent with CDBG requirements while taking community needs into consideration.

A NEW HOME IN THE NEW COMMUNITY

AVAILABLE BENEFIT

Eligible households will receive a new housing unit built at the community resettlement site.

ELIGIBILITY CRITERIA

Current permanent, primary residents on the island.

— or —

Past permanent, primary residents who do not currently own an off-island home and:

- *lived on the island on Aug. 28, 2012 (Hurricane Isaac), have been displaced since that time and currently live in a program eligible parish.*

  - or -

- *lived in a program eligible parish on Aug. 28, 2012, lived on the island after that time and currently live in a program eligible parish.*

A

A BUILT HOME IN LOUISIANA

AVAILABLE BENEFIT

Eligible households will receive funding toward an existing home within Louisiana that meets program standards, is located outside the currently recognized 100-year floodplain and is separate from the community resettlement site.

ELIGIBILITY CRITERIA

Current permanent, primary residents on the island.

— or —

Past permanent, primary residents who do not currently own an off-island home and:

- *lived on the island on Aug. 28, 2012 (Hurricane Isaac), have been displaced since that time and currently live in a program eligible parish.*

  - or -

- *lived in a program eligible parish on Aug. 28, 2012, lived on the island after that time and currently live in a program eligible parish.*

D

A VACANT LOT IN THE NEW COMMUNITY

AVAILABLE BENEFIT

Eligible households will receive a vacant lot on the resettlement site. The program will support residents in identifying potential financing options to build a home on the community resettlement site.

ELIGIBILITY CRITERIA

Past permanent, primary residents displaced from the island before Aug. 28, 2012 (Hurricane Isaac), who lived in a program eligible parish at the time of the storm, currently reside in a program eligible parish and can demonstrate financial ability to build a new home.

— or —

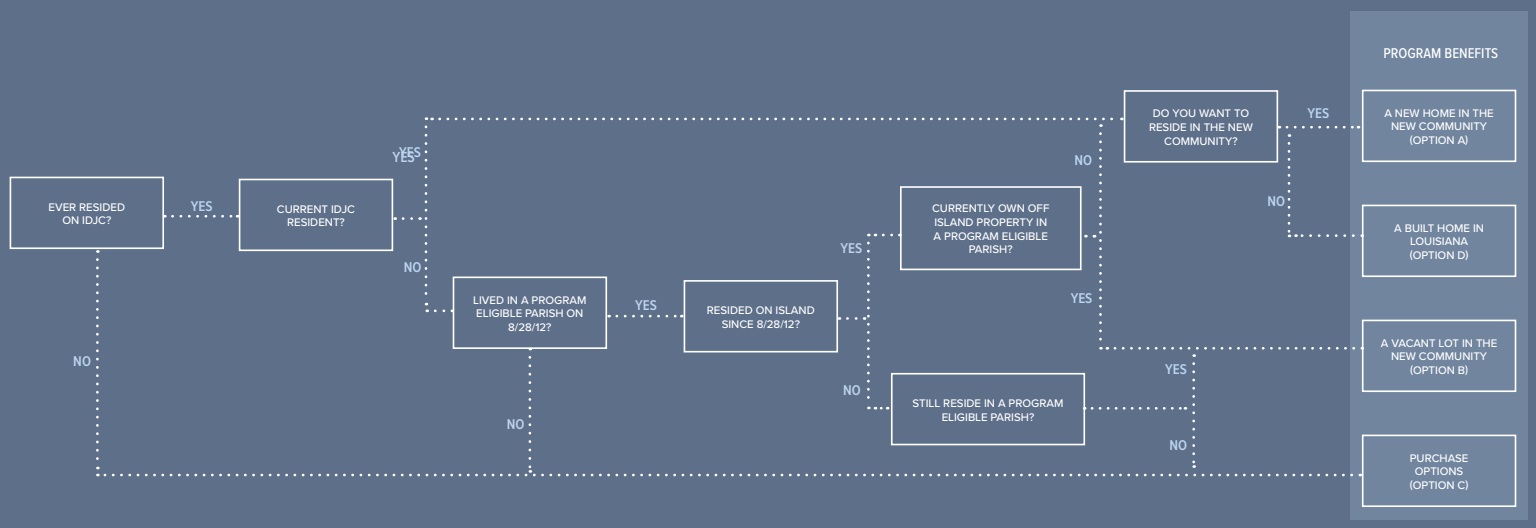
Past permanent, primary residents displaced on or after Aug. 28, 2012 who currently own an off-island home.

Eligible applicants will be prioritized based on when they lived on the island.

Application period to open at a later date.

B

RESETTLEMENT OPTIONS: ELIGIBILITY CRITERIA AND PROGRAM BENEFITS



PROGRAM ELIGIBLE PARISHES: JEFFERSON, LAFOURCHE, PLAQUEMINES, ST. JOHN THE BAPTIST, ST. TAMMANY AND TERREBONNE

RESETTLEMENT SITE MAP

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