



## Displacing a Right to Act Communally Within Community Relocation

### INTRODUCTION

Despite the widely proclaimed principle of “community-led” processes within climate adaptation discourse, individuals’ assertion of a right to act communally is often undercut by the law, the application of the law, and planning conventions. The previous chapter emphasized some of the profound challenges associated with individual choice and community action during the administration of buyout programs. In Kinston, North Carolina, ill-conceived framings of the buyout community, local officials’ myopic exploitative quest for participation, and the goal of claiming success ultimately displaced possibilities for local collective self-determination, critique from participants, and adaptation in place. This chapter elaborates on these kinds of barriers to local community action within relocation planning by bringing readers’ attention back to community resettlement planning on Louisiana’s Gulf Coast.

As a reminder to readers, Jean Charles Choctaw Nation leaders have worked to plan and advocate for their Tribal community resettlement since 2002. That year, their traditional homelands were excluded from planned regional hurricane protection by the U.S. Army Corps of Engineers. After continued advocacy and planning and forging multiple partnerships, including with a local non-profit, The Lowlander Center. The Lowlander Center, in 2010 and the state of Louisiana’s Office of Community Development Office of Community Development (OCD) in 2014. In 2016, the state was awarded \$48.3 million of Department of

Housing and Urban Development (HUD) funds through the National Disaster Resilience Competition National Disaster Resilience Competition (NDRC) to advance the Tribe's plans. This chapter describes some of the ways that power-laden notions of "community" clashed during the planning process and how OCD officials relied on ambiguities of the term to undercut the Tribe's collective action once federal funding was allocated. For fifteen years prior to state and federal involvement in the resettlement, the Tribe centered their efforts on the aim of reunifying kinship-linked families who constituted a "Tribal community" and restoring cultural lifeways (Maldonado, 2019). Once state officials began to administer the HUD funds, however, the state imposed a divisive planning process that contested the meaning of community to instead emphasize individuals who remained on the Island as distinct from the Tribe as a whole, eliminating the option to choose to act communally and prioritizing individual property ownership instead.

This chapter explores the relationship between a so-called "community-led" resettlement and recognition of community as an entity with rights, including legal rights, and the challenges individuals face in acting communally. Narrow notions of risk often emphasize physical exposure to hazards over social dimensions of vulnerability or adaptive aspirations (Marino & Faas, 2020). In doing so, "community" is aligned with geographic locations or jurisdictions in environmental governance (see Clipp et al., 2017). Ambiguities in the meaning of community became a tool that state officials leveraged in refusing the Tribe's assertion of sovereignty and collective self-determination, reflecting their inconsistent and incoherent approach to recognizing the existence and rights of Indigenous peoples (Jessee, 2020). Definitions of community wielded in this resettlement were varied and dynamic. Some of the ways it was operationalized by Tribal leaders, planners, and local officials included, but were not limited to, community as a tribe, community as geographic location, community as a shared relation to coastal flooding, community as collection of disparate stakeholders, and community as a group that lacks conflict. At times within the planning process, these notions overlapped and at other times they were pitted against each other, implicating vastly different programmatic and political possibilities and constraints. Ultimately, tracking community and community action throughout the encounters produced during the resettlement indicate that despite the existence of possibilities for collective ownership and stewardship of land, including those—like community

land trusts—increasingly embraced within movements for housing and land justice and anti-displacement struggles, the application of the law in the United States is subject to the weight of convention and pressures to capitalize on land and thus may discourage possibilities even when they are desired by local resettlement advocates. Moreover, this context demonstrates how community and community engagement, as well as individually focused legal land transactions, might be weaponized to further undercut some forms of community action within resettlement planning.

## LEGAL DEFINITIONS OF COMMUNITY

Definitions of community vary and often conflict in their usage. The sociological and anthropological literature in which community features as a key point of analysis is vast, and for nearly a century, scholars point to the divergent conceptualizations of the term (Bryson & Mowbray 1981; Gold, 2005; Titz et al., 2018; Williams, 2002, 2014). As Michael Watts described in his brief summation of the role of community within political ecology:

The community is important because it is typically seen as: a locus of knowledge, a site of regulation and management, a source of identity (a repository of “tradition”), an institutional nexus of power, authority, governance, and accountability, an object of state control, and a theater of resistance and struggle (of social movement, and potentially of alternate visions of development). (2003, 266)

Within U.S. law, scholars have also debated the meaning of community and the legal implications of influential conceptualizations (Schrager, 2001; Weintraub, 1994). However, our search for a strictly legal *definition* across federal statutes or in case law came up fruitless.

One of the most consequential forms of community, though, has been realized through the history of municipal incorporation. The number of incorporated places in the United States has grown to approximately 19,500 by the year 2020 (census), many of which were formalized in the twentieth century (Jackson, 1985). After massive municipal annexations throughout the nineteenth century, town and village incorporation became more widespread as a result of states passing laws allowing “home-rule” charters and improving suburban infrastructure funded by

new financial mechanisms and World War I (Freund, 2007, 47–48; Jackson, 1985, 150). Perhaps most influential was the racist drive for “moral control” among white suburban dwellers. According to Jackson:

With the vast increase in immigration in the late nineteenth century, the core city increasingly became the home of penniless immigrants from Southern and Eastern Europe. And of course, in the early years of the twentieth century increasing numbers of Southern blacks forsook their miserable tenant farms for a place where, they hoped, “a man was a man.” In the view of most middle-class, white suburbanites, these newcomers were associated with and were often regarded as the cause of intemperance, vice, urban bossism, crime, and radicalism of all kinds. And as the central city increasingly became the home of the disadvantaged, the number of white commuters rose markedly. These recent escapees from the central city were anxious to insulate their neighborhoods from the “liquor power” and other pernicious urban influences. An independent community offered the exciting promise of moral control. (Jackson, 1985, 150–151)

The history of incorporation is thus in large part a story of white community action for racial exclusion. In the book, *Colored Property*, historian David Freund tracked the ways that incorporation and subsequent zoning throughout the mid-twentieth century, transformed constructions of race and racism via white elites’ embrace of euphemistic language around property values and market dynamics to describe, rationalize, and institutionalize racialized exclusion (Freund, 2007). According to Freund, by the early twentieth century, zoning became a driver of incorporation (ibid., 48). Freund writes, “As of 1931, only 800 cities had adopted ordinances, compared with 6,880 in 1968—and land-use restriction became the central focus of local politics in most suburban municipalities” (2007, 36).

Despite the history of municipal jurisdiction as an expression of white racist community action, it is a version of community that is most legible within the regulatory state. The U.S. Department of Housing and Urban Development’s Community Development Block Grant (CDBG) program allocates funds to county or parish and local governments, for example, as grantees. Then, grantees can provide a sub-grant to non-profit or for-profit subrecipients to implement funded community development activities in accordance with program goals and the Housing and Community Development Act of 1974. However, subrecipients must meet certain requirements, including administrative capacity and a history of success

with similar grants or quantities of money. Specific initiatives like the CDBG-Disaster Recovery (CDBG-DR) or CDBG-Mitigation (CDBG-MIT) programs may include guidance specific to them that evoke slightly different notions of community pertinent to the allocation of funds. For example, the initial Federal Registrar announcement of the CDBG-DR-sponsored National Disaster Resilience Competition (NDRC) that funded the Isle de Jean Charles resettlement included a “Waiver And Alternative Requirement for Distribution to CDBG Metropolitan Cities and Urban Counties—Applicable to State Grantees Only,” which stated:

Section 5302(a)(7) of 42 U.S.C. (definition of “nonentitlement area”) and provisions of 24 CFR part 570 that would prohibit or restrict a State from distributing CDBG funds to entitlement communities and Indian tribes under the CDBG program, are waived, including 24 CFR 570.480(a) and 570.486(c) (revised April 23, 2012). Instead, the State may distribute funds to local governments and Indian tribes. (Federal Register/Vol. 81, No. 109/Tuesday, June 7, 2016/Notices 36573)

In other words, it seems as though normal regulatory restrictions that would prevent the distribution of funds to the Tribe did not apply within the implementation of National Disaster Resilience Competition funds. The burden to figure out and likewise the ultimate discretion on how that language or its implications, like for example, may relate to needs in a specific context, largely falls on the grantee, in this case the state.

The U.S. Federal Emergency Management Agency (FEMA) also typically links community to local governments. Since 1990, FEMA has overseen the Community Rating System (CRS) to incentivize local floodplain management. The program encourages municipal mitigation measures by offering residents of those that do, and who are in “Special Flood Hazard Areas” up to 45% discounts on flood insurance premiums (FEMA CRS, 2017). Participation is typically available to U.S. jurisdictions that exceed the minimum requirements of the National Flood Insurance Program (NFIP). According to the program’s website, “Over 1,500 communities participate nationwide” (ibid.). The current database of CRS “eligible communities” lists over 1,700 towns, cities, villages, boroughs, municipalities, counties/parishes, and, notably, two Indigenous nations: the Lummi Nation and the Lower Elwha/Klallam Tribe (FEMA CRS, 2023). FEMA’s notion of “Whole Community,” referenced in the previous chapter, advances a stakeholder model of community

whereby differently positioned actors within a jurisdiction are encouraged to come together and build consensus around plans (FEMA, 2011). The CRS gestures to this broader sense of community by giving some credit for public information efforts and participatory hazard mitigation planning. However, smaller communities and those lacking staff capacity for floodplain management are often unable to participate in such initiatives.

More recently, FEMA's 2020 Building Resilient Infrastructure and Communities (BRIC) pre-disaster mitigation grant program provided eligibility to "Small Impoverished Communities" as subapplicants. A "small, impoverished community" for pre-disaster hazard mitigation means "a community of 3,000 or fewer individuals that is economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President" (CFR 42 USC § 5133(a). According to BRIC's technical criteria, a grantee's application is awarded additional points if subapplicants can prove that they are an Economically Disadvantaged Rural Community (EDRC) or:

A community of 3,000 or fewer individuals, as identified and validated by the applicant in the project subapplication, that is economically disadvantaged; meaning that residents have an average per capita annual income that does not exceed 80% of the national per capita income, based on best available data. 2 A state, territory, or federally recognized tribal government serving as a subapplicant must document the Economically Disadvantaged Rural Community status of the community in which the project is planned to receive the point allotment for this criterion. (FEMA BRIC, 2021, 7)

The contours of community within disaster regulations therefore come to bear on the possibility of securing funds, the cost-sharing ratio between the local jurisdiction, state, and federal governments, and the flow of funds locally—even where these are loosely defined.

Within some federal programs, community is inferred through census tracts. For example, in the administration of new market tax credits, "low-income community" refers to any population census tract if—"(A) the poverty rate for such tract is at least 20%, or (B) (i) in the case of a tract not located within a metropolitan area, the median family income for such tract does not exceed 80% of statewide median family income, or (ii) in the case of a tract located within a metropolitan area, the median family income for such tract does not exceed 80% of the greater of statewide median family income or the metropolitan area median family

income. Subparagraph (B) shall be applied using possession wide median family income in the case of census tracts located within a possession of the United States” (26 USC § 45D(e)(1)). The Biden administration’s White House Council on Environmental Quality (CEQ)’s recent Justice40 Initiative, aimed at coordinating environmental and climate justice investments, also uses census tracts and an analysis of over twenty variables reflecting environmental and health conditions to determine “disadvantaged communities” (CEQ, 2021). The Interim Implementation Guidance for the initiative drew on the CEQ’s 1997 National Environmental Policy Act environmental justice guidance: “Either a group of individuals living in geographic proximity to one another, or a geographically dispersed set of individuals (such as migrant workers or Native Americans), where either type of group experiences common conditions” (Young et al. 2023). Justice40 has been criticized for not accounting for race within its operationalization of “disadvantaged community” despite the reality that race is a predictor for the siting of toxic polluting facilities and exposure to hazards associated with the climate crisis (Chemnick, 2022).

The process for U.S. acknowledgment of federally recognized Indigenous nations also involves a specific notion of community. For federal recognition, a petitioning Tribe must satisfy seven criteria, one of which is the expectation that the nation “comprises a distinct community and demonstrates that it existed as a community from 1900 until the present.” Importantly, the criteria for federal recognition are imposed and rooted in racist colonial ideologies rather than the diverse experiences, expressions of sovereignty or political philosophies, and social institutions created and sustained by Indigenous peoples (Barker, 2011). According to 25 CFR § 83.11(b) though, “Distinct community means an entity with consistent interactions and significant social relationships within its membership and whose members are differentiated from and distinct from nonmembers. Distinct community must be understood flexibly in the context of the history, geography, culture, and social organization of the entity. The petitioner may demonstrate that it meets this criterion by providing evidence for known adult members or by providing evidence of relationships of a reliable, statistically significant sample of known adult members.”

Constructions of community, both as local government jurisdiction and as physical geographic location, came to bear on Jean Charles Choctaw Nation as their resettlement plans garnered funding through the NDRC. In the federal competition, the state of Louisiana was the grantee,

and the Jean Charles Choctaw Nation—then referred to as the Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw Tribe—was framed in HUD materials and state plans as the beneficiaries as a “historically-contextual community” (HUD, 2016, 7). While we have been unable to find a regulatory or legal definition of historically-contextual community, the term seemed appropriate to Tribal leaders who had worked on the application at the time. Once the funding was allocated to Louisiana’s OCD, however, state officials began articulating a definition of community that departed from that advanced by Tribal leaders and initially embraced by both state and federal agencies. As the next section describes, state officials relied on ambiguities of the meaning of community to sideline community action as expressed by the Tribal leaders’ long-standing efforts that led to the funding in the first place and in doing so erased the very notion of a tribal community with rights within the resettlement planning process. The tribe’s ability to act as a non-profit entity was also undercut due to the small annual budget and lack of full-time staff capacity which did not permit IDJC to serve as a traditional sub-grantee.

### UNDERMINING COMMUNITY ACTION WHILE ADMINISTERING COMMUNITY RESETTLEMENT FUNDS

Ethnographic description of the Isle de Jean Charles resettlement planning process may help build an analysis of how ambiguities surrounding the notion of community are at times exploited to undercut collective action. On June 16, 2016, nearly five months after the NDRC award announcement, Jean Charles Choctaw Tribal Leaders and their partners with the Lowlander Center met OCD officials and state subcontractors that included Pan American Engineers, Chicago Bridge & Iron Company, and Concordia Architecture. Not long into the meeting it became clear that, rather than advancing the original Tribal community resettlement plans, the state agency would reduce their commitments to the Tribal Council and Tribal community.

Early in the meeting, a contractor from Concordia pointed to a copy of a 2015 resettlement prospectus that was co-produced by the Tribe’s partners and OCD during the application phases of the NDRC. “We have read the report. There is a lot of good information,” she assured, before adding, “There are two points: We are committed to the community as the beneficiary. The people in this room have a lot of expertise and know a lot, but I think HUD would want us to speak with every family

unit and find out what they think.” The statement indicated a divergence from likely expectations and a new approach to community that prioritized contractor engagement with households on the Island individually. The statement also seemed to set up a dichotomy between the “community as the beneficiary” and “the people in this room” which included numerous Tribal leaders who were from the Island themselves but had moved off and who are close family to those who remained living there.

The husband of one Tribal citizen responded, “We need to define family, structures, and community. The families remaining on the Island do not constitute a community.” Recognizing the importance of the social networks that exist between on and off Island tribal members and the capacity of Tribal leadership, one of the scholars from the Lowlander Center confirmed the conceptualization of community used throughout the Tribal resettlement planning process up to that point: “We must agree that the community is the entire Tribe, and not just those who remain on the Island.” Louisiana’s Resilience Policy and Program Administrator responded, “What I would say is we have remnants of community that are somewhat left behind. We have thirty-one households.” The director of the OCD added, “We know that the community is as depleted as the land it grows on.” Using the Island’s land mass as a metaphor, the official asserted his perception that those who remain on the Island are depleted, though not specifying what, and focused on a frame of the community as a location-specific designation. Moreover, the focus on vulnerability as a characteristic of Island residents ignored the capacity, social capital, and possibilities that the Tribal leadership and off-Island Tribal social infrastructure have long contributed to the Island.

After the meeting, OCD began a “Data Gathering and Engagement” process that elaborated a notion of community in opposition of the Jean Charles Choctaw Nation. First, state planners and subcontractors assessed land use and physical infrastructure on the Island and conducted surveys with some Island residents. Additionally, surveys in the engagement process prioritized remaining island residents. The resulting report’s description of methodology is opaque at best, or worse, intentionally confusing. Descriptions of sampling, for example, lack consideration of its representativeness of Island residents. While surveys with individuals from 10 of 26 households lasted 60–90 minutes during organized meetings, others were reportedly brief, and at least some Island residents declined to participate, indicating the possibility of a sampling bias (LDOA, 2017,

6). Moreover, data from respondents are presented in brief summarizing sentence fragments rather than direct quotes, potentially removing context and reflecting assumptions by the planners. This routine planning convention obscured social complexity, locally meaningful notions of community, and what ideal processes for acting communally might entail.

Surveyors prioritized questioning Island residents' existing knowledge of pre-NDRC Tribal-driven planning (*ibid.*, 6). According to the report, 16 of 20 people who responded knew about the Tribe's planning, but 12 of them reportedly "did not participate" in those efforts (*ibid.*, 21). However, it is unclear how surveyors probed explanations of residents' knowledge of and participation in Tribal planning. In the documentation, the survey used the term "previous visioning efforts," a phrase that reflects the state's early unwillingness to call Tribal planning "planning" and which may have confused respondents as it is not a phrase used by the Tribe. During one of the Tribe's meetings, a Tribal leader suggested that the language mattered, because while most Island residents were involved in the planning overall, they may not have distinguished the NDRC from other grants that the Tribe had pursued. While the report briefly acknowledged Tribal leaders' contributions to the NDRC application and confirmed that all those surveyed approved of Tribal-driven resettlement plans, authors also diminished pre-award Tribe's planning as "rumors" (*ibid.*, 4).

Additionally, the report presents unsubstantiated claims about political and communal relations on the Island, deemphasizing Tribal affiliation. Authors of the report thus acknowledge their lack of understanding of local meanings, the Tribe or community's social organization, and the possibility that respondents were unwilling to share with them, but nonetheless established a tension between Tribal affiliation and "each other as family and neighbors." The state thus deployed the common conjecture that authentic communities lack conflict to delegitimize a community to whom they did not wish to be beholden. This reductive process of imposing a particular frame for community highlights the reality of multiple overlapping communities and the state's insistence on embellishing one that accorded with the state's own vision, assumptions, and priorities for the resettlement. Contradictory representations of the meaning of family, Tribal affiliation, neighbors, and community pervade the report. According to Appendix A, for example, OCD asked, "How do you interact with your neighbors?" (LDOA, 2017, C-3). Fifteen responses were recorded as bullet-point fragments, with neither direct

quotes nor contextualization: “Doesn’t really get together with neighbors much,” “Seems like family visit them (had two family member’s (sic) drop by during our interview,” and “Knows and talks to everyone” (ibid.). Authors point out that “family members” visited during the encounter, but do not indicate whether these family members were also current Island residents. Out of the fifteen responses, eight described interactions with neighbors, but only four, according to the authors, indicated extensive interaction. Four responses described no interaction at all. Two respondents described Chief Naquin’s visits in response to this question about neighbors despite his not living on the Island since the 1970s. Moreover, the relationships between off-Island Tribal leaders and remaining Island residents include many close kinship relations—brothers, sons, nieces, cousins, and grandchildren. The survey also asked respondents how they would define “community” to which there were sixteen responses (ibid.). Ten of them were “family” while four were listed by authors as “other” (ibid.).

The Data Gathering and Engagement phase concluded with a public meeting organized by the state on the morning of October 8, 2016, during which many of the underlying tensions from this process erupted. The meeting, held under the elevated Island home of a Tribal elder, began with a presentation about land use on the Island. Following this, one of the state’s subcontractors reported on the results from the data gathering and engagement process. Pointing to a series of posters with pie charts and data visualizations, they broke down the number of households on the Island, the number of people they spoke with who hoped to resettle, the number of people still unsure, and the number of those who did not plan to move, summing up their effort as follows: “We really wanted to find out what is important to you. We know that there was previous work that was done and some people on the Island participated in that. I’m happy to say and not surprised that when we had the conversations on the Island most people really shared the same sentiments that came across in the earlier work that was done.” The contractors acknowledged that the findings confirmed the values and vision that emerged from the Jean Charles Choctaw Tribal-driven process conducted during the application phases but rearticulated a distinction between the people on the Island and the earlier work that was done.

An OCD representative subsequently established a hierarchy of aims that devalued the Tribe’s most fundamental resettlement goals of reuniting their Tribal citizens and ensuring their cultural survival: “So the

HUD grant and the primary function of this project is to move people out of harm's way." He then rearticulated a distinction between the Jean Charles Choctaw Nation leadership and those who remain on the Island:

Now, I will add the caveat and say we work for you, the people we intend to benefit, those of you who currently live on the Island especially. If you tell us that you want us to work through the Tribe, that you don't want us to talk to you, and that your input is best served through Chief Albert and his council or whomever, we have to be responsive to what you tell us. But I will say that that is not what we heard when we sat in your living rooms. The information that we got from you all was that, yea, Chief Albert and his folks have developed a vision and generally speaking you all liked the vision but almost none of you said that you had any input on it. So again, you have to tell us what's important to you and how you would like us to move forward.

The planner referenced the findings of the Report on Data Gathering and Engagement that call into question the Tribal Council's previous engagement with remaining Island residents.

The Tribal Council were thus placed in a difficult position in which they had to negotiate multiple dynamics simultaneously. Chief Naquin responded:

I guess my gripe is you know, the Tribal leaders and the Council must be respected. In other words, the Tribal leadership has been part of our culture. They just said that if somebody doesn't want to move with the community, they will find something for them, but in our plan, we had everybody taken care of. I do believe that if we stay together and move to one location eventually those that say they don't want to go, will eventually come with us too. I believe in that whole-heartedly. If not, the Tribe is being broken up.

Tribal leaders continued to advocate that a Tribal community resettlement was the right path for the future of the Tribe and tried to maintain authority throughout the planning process despite the deepening involvement of state planners in the process. Chief Naquin continued, "'Divide and conquer' is what I'm seeing at the moment," to which the subcontractor from Concordia responded, "Well, that is certainly not the intent, Chief, and we would encourage people to move as a community... but we also believe that this is a democracy and people have the right

to make a choice.” The contractor’s response framed the complex and uneven process of resettlement planning and decision-making as a tension between the Island heritage and individual choice and democracy.

In the months that followed, a developer subcontracted by the state and state planners floated the idea of incorporating the new site. Incorporation would, according to them, give a degree of local control while ensuring that regulatory and legal expectations and conventions were adhered to. Skeptical, Tribal leaders, and their allies worried that incorporation would not ensure the kind of continuity or reunification that the Tribe’s plans prioritized. During meetings at the time, the subcontractor assured Tribal leaders and their allies repeatedly, “We can get 90% of what you want.” After one meeting with Parish officials, when asked about social continuity, he explained, “Well, that is the 10% that we cannot figure out.” For him, the problem was a matter of law, including the Fair Housing Act as discussed in Chapter Three, but also of Tribal community capacity. As the contractor mused on multiple occasions, “Who is going to mow the lawn?” Incorporation would, in theory, provide financial and organizational means legible to the developer, for political authority and economic development. The idea that the Tribal community lacked capacity, though, was seen by Tribal leaders as an affront to their history of self-sufficiency, success in planning the resettlement with no funding, and a racist colonial trope of the Indigenous nations who could not cultivate the land. According to one Tribal citizen:

They take us for ignorant people, just like the man said, ‘Our tribe can’t mow the lawn or run the land.’ We’re smart people... All we need is opportunity, and that is what this land is. [...] We are a tribe with a lot of smart people, and we got a lot of smart people helping this tribe. [...] Let me break this down. We had the master plan. We had the land picked out—the same land that they’re going to buy. We had the layout made [...] But we can’t run this place? For real? To me, it’s just they don’t want to see Indians succeed.

Several themes were evident from the community engagement process described above. Most important to Tribal leaders was that state planners and their consultants made clear that they were not interested in understanding the collective needs of the beneficiaries as a tribal community described in the initial OCD co-authored resettlement

prospectus, the successful National Disaster Resilience Competition application, and subsequent action plans—the entire Jean Charles Choctaw Nation. Second, planners refused to recognize the Tribal leaderships initiative and multi-faceted work on the resettlement as planning or development. Also, multiple references to the Coastal Master Plan and planners self-identifying as “experts” beg the question as to the politics of expertise in development processes and the technocratic encounters of climate adaptation. The repeated references to the “best science available” while discussing the impending disappearance of the Island and conducting land use surveys to extend state control of land also seem comparable to formations of inevitability of settler colonial development that drove manifest destiny in the 19th Century.

### CONSEQUENCES OF REDEFINING COMMUNITY

Two and half years later, in 2019, state officials drew upon the fraught engagement process as they defended the euphemistically termed “narrative clarification” substantial amendment request to HUD, which intended to dispel previous commitments to the Tribe from the resettlement plan officially. The substantial amendment proposal to HUD stated: Subsequent to the state’s submission of its application to the National Disaster Resilience Competition, the state has worked closely with leaders and residents of Isle de Jean Charles and the surrounding communities, national resettlement and Native American subject matter experts and other nonprofit organizations to better understand the intricate complexities faced by a diverse set of stakeholders (LDOA, 2019, 1).

The state reported that they had come to understand the resettlement’s “multiple stakeholders and the diversity of potential program participants” by way of the “Data Gathering and Engagement” phase described above, raising questions about the rules for changing beneficiaries. According to NDR guidelines, “the following modifications will constitute a substantial amendment requiring HUD prior approval: a change in program benefit, beneficiaries, or eligibility criteria; the allocation or re-allocation of more than \$1 million; or the addition or deletion of an activity” (Federal Register/Vol. 81, No. 109, 36561). What constitutes a change in beneficiaries for HUD? Would including non-Tribal “stakeholders” or creating barriers for Tribal citizens who once lived on the Island constitute a change in beneficiaries? If so, should

the substantial amendment not have come immediately after the Data Collection and Engagement process and before moving on to “Phase 2: Site Selection, Acquisition, and Master Planning” and subsequent phases? The state was exercising its discretion in interpreting what constituted a substantial amendment and when it had taken place, notably submitting the amendment request after the divisive planning process, after the transition between the Obama and Trump HUD administrations, and after the state purchased the land with the HUD funds. In part due to their existing interpersonal relationships to the continuing decision-makers within HUD, state administrators were able to use bureaucratic processes to support what they had already done.

There were also broader social impacts to transforming the operationalization of community within the planning process, as the perception that the state was engaged in a “divide and conquer” campaign persisted. According to one middle-aged father who grew up on the Island and moved a couple miles up the bayou in the early 1990s:

What do I see? I see we got a battle on our hands, a long battle. The Tribal Council are going to have a long battle with the government as far as them dividing us and trying to get what they want and more importantly what they deserve. We can want a lot of things, but what we deserve is better treatment than what we are getting. We have to keep fighting to keep us together. If we split, we’re done. We are over with... The Island always kept their community. The Chief always kept outsiders out and look at what’s happening. They got us. They broke it. They were able to get people from the outside in, now they got us scattered, now what are they going to do with us? My ancestors are rolling in their grave big time right now. Y’all just don’t know the tears that come rolling down these eyes when I see that. If my grandpa was still alive, today he would be furious. The problem is this government guy going down, and I understand they are trying to do good, but all he is doing is dividing, dividing the community.

Another person, who lived just a few miles from the Island and whose sister lived on their family home on the Island, recounted:

Will it happen at all? I think it will, but not to the level that we expected and that we would like. Everyone in the same community? No, I think they’re going to keep our people split up, and that will not be a community like what we had down there.

As a result of the state's divisive planning process, Tribal leadership became increasingly concerned about not only whether those who used to live on the Island would be excluded from the new site but also that the resettlement would be a place for the state to relocate anyone living in a location deemed "at risk" to future coastal flooding. "They don't care about a historically contextual community at all," one Councilperson emphasized:

They just want to move the Island residents. We just going to have a big old subdivision. It ain't going to be a community. What we had; we were rebuilding the Island with this move. That was the resettlement. We could have a church, a store, community center, day care center, and a deal for the elderly. That would have been the whole community. As far as resettlement, now it is going to be a regular subdivision. That's how it's going to be. They just want a place to dump all us 'climate refugees.' The next thing you know they say anybody can go to this here resettlement community. It is not a Tribal community anymore, so these people over here need a home. They are going in there too. It is not going to be the Island community.

## CONCLUSIONS

Groups planning resettlements, as well as their allies, have observed that there is currently no legal or policy framework in place to manage community-led resettlement in response to climate change (Pettus, 2019). Instead, individual buyouts are often used in floodplains and those trying to relocate as a group struggle to do so and have their efforts hampered by a confusing mass of conflicting agency regulations (Bronen & Chapin, 2013). In some cases, governing agencies may express a commitment to community, shared culture, or heritage but then rely on individual households as "units of administration" when conducting planning activities (Wilmsen & Webber, 2015). All too often planners treat the concept of "community-driven" or "community-led" as nothing more than a process which allows for multiple stakeholders of a region to share opinions on plans or processes, while decisions are made by jurisdictional leaders and the meaning of community goes ill-defined or contested. At best, community is romanticized in grant narratives, but ignored in practice.

Critical development and disaster scholars have become increasingly skeptical about the notion of community due to its use in masking within-group conflict, discrimination, and violence (Guijt & Shah, 1998; Titz et al., 2018). Michael Watts described the underlying assumption of singularity: “[Community] is often invoked as a unity, as an undifferentiated entity with intrinsic powers, which speaks with a single voice to the state, to transnational NGOs or the World Court. Communities, of course, are nothing of the sort” (2003, 266–267). Anthropologists have argued that constructions of community are linked to broader political economy and struggles for justice. In *Practicing Community*, anthropologist Rhoda Halperin described how community can be seen as an action, the “day to day, ongoing, often invisible practices” that are “connected but not confined to place” (1998, 5). For Halperin, community is both a “dynamic, changing, and at times tumultuous and dangerous process” and yet one that also can engender a sense of “peace and well-being” (ibid.). Halperin’s work describes the myriad of ways community is practiced in response to class conflict, racism, colonialism, and gentrification in the East End in Cincinnati, Ohio. Similarly, Jeff Maskovsky (2006) described how community in neighborhood planning meetings expressed ahistorical and race-avoidant approaches to urban governance that engendered renewed resistance among African American residents in their struggle against gentrification. Melissa Checker (2011) also observed the ways community was used rhetorically within planning meetings to encourage Harlem residents “to accommodate a technocratic compromise that shunned politics as unseemly and counter-productive” (225). These analyses demonstrate some of the ways that the social construction of community brings together conflict over self-determination, the allocation of resources, place-making, and redress for ongoing legacies of historical social injustices.

The version of public community advanced by local officials was wielded in opposition to the existing concept of a Tribal community used by Jean Charles Choctaw Nation leaders. Resilience administrators utilized individual discretion, though also constrained by legal formations of community, liberal planning conventions, and inter-governmental and inter-agency relationships in their approach. The engagement process was at times a violent exercise that reduced the social process of acting communally into an imagined form that contorted to widespread notions of legal community and reduced the relationship with a community

partner to a relationship with one among many stakeholders. The particular notion of a public community advanced by local officials was also wielded in opposition to Tribal community action, functioning as what Alyosha Goldstein (2014) refers to as a settler colonial formation, drawing on the work of Stoler and McGranahan (2007) who observed that “imperial formations are politics of dislocation, processes of dispersion, appropriation, and displacement” (2007, 8). Ambiguities around the meaning of community prompted and embellished by state planners enabled them to align the resettlement more directly with broader regional redevelopment aims on the Island and at the inland location. In part, this established conditions to transform Tribal members’ kinship-based land tenure on the Island into individualized property relations at the new site and creating confusion regarding land use and new inequities among Indigenous people resettling and non-Indigenous property owners and campers on the Island. Moreover, representations of community, community meetings, and reports on those community meetings that advance co-opted notions of community were key sites for fabricating consent to state-driven processes, casting assimilation into the U.S. property regime as climate adaptation, and re-territorializing land in accord with capitalist redevelopment (Jessee, 2022). Reducing resettlement to little more than a series of individual land transactions, as is the case when property acquisition is, or is viewed as, the only viable (or most desirable) policy vehicle (or outcome), risks excluding people and undercutting collaboration and collective healing.

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