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December 23, 2019

St. James Parish Council
5800 Hwy. 44
Convent, LA 70723

By email to: linda.hubbell@stjamesparishla.gov

Re: Request to Rescind Decision Set out in Resolution 19-07 Granting Formosa's Land Use Application in Light of Previously Undisclosed Information Revealing the Existence of Burial Sites of Enslaved People on Property Proposed for a Formosa Plastics Plant

To the St. James Parish Council:

On behalf of RISE St. James and its founder and president Sharon Lavigne, a resident of the Fifth District, we write to bring your attention to recent revelations that burial grounds of enslaved people have been confirmed on the site proposed for Formosa's plastics plant, and to urge you to reopen and rescind Resolution 19-07 which granted the company's land use application. Though Formosa has known of the burial sites for more than a year, it did not bring this pivotal information to the attention of the Planning Commission, the Parish Council, the Council Member representing the Fifth District in which the burials are located, RISE St. James, or other interested and concerned parties while its land use application was pending before the Parish.

We enclose herewith comments submitted to the Louisiana Department of Environmental Quality (LDEQ) on December 18, 2019, alerting that agency to this matter as there are a number of air permits currently under its consideration. That submission includes some of the documents obtained from public records requests to the Louisiana Division of Archeology as well as from LDEQ's permit database which show Formosa's awareness and confirmation of the existence of one of the cemeteries.

Based on a review of those records, it is clear that Formosa's consultants knew as of July 30, 2018, that there were two suspected cemeteries on the properties where the Acadia and Buena Vista plantations once stood. Formosa's consultants later confirmed the existence of one of those suspected cemeteries in early October 2018, advising the Division of Archeology on October 25, 2018 that it had fenced it off. The St. James Parish Planning Commission granted Formosa's land use application on October 30, 2019. Prior to that, the Parish Council conducted two separate public hearings on Formosa's application – on September 5, 2018, in Convent, and September 19, 2018, in Vacherie. RISE St. James appealed the Planning Commission's decision in November 2018 and this Council denied that appeal and approved the land use application on January 23, 2019. Even the possible existence of graves, let alone subsequent confirmation of their existence, would have been highly relevant to those debates and considerations.

Transparent discussion of the location of the burial sites and their significance could have also helped notify potential descendants.

As discussed in the attached comments and documents, Formosa's own investigators believe that the Buena Vista cemetery likely contains the graves of people who were enslaved there. RISE St. James believes that other burial grounds likely exist on the sites Formosa intends to develop. As set out in the attached comments, the burial grounds were located after an independent researcher contacted the Division of Archeology with a detailed historic map and a more precise method for locating the cemeteries. However, it appears that methodology has not been applied to two tracts of land more recently acquired by Formosa that correspond to the location of the former Elina Plantation, nor to the ancillary components such as transmission lines and pipelines which would service the facility.

It is also clear from these records that the cemetery at Buena Vista has already been violated by an industrial pipeline that runs through it and possibly a field road, and that Formosa's investigators reported that the Acadia site may have been destroyed by past ground disturbances. If that is true, that destruction is horrific. However, the same independent researcher who alerted the Division of Archaeology to the existence of the cemeteries remains concerned that the Acadia site has not been thoroughly investigated in the proper location. RISE St. James is especially concerned that the records also show that Formosa's representatives have discussed the removal of any remains should they be found at the Acadia cemetery because protecting the burial ground would be "a difficult option" and that they understood that the State could permit removal quickly, "within a matter of days." However, there are questions remaining about the area searched and the implications of Formosa's correspondence with the State, which suggests that if the graves are found in the future, there may be an effort to quickly remove them.

The Louisiana Attorney General has observed that cemeteries contain the "history of their respective communities" and "lead us to a better understanding of our own culture: who we are, where we have come from, and where we are going... We, the living, are custodians of the dead and the stories that they can tell, and we must strive to protect those stories."¹

The Louisiana Constitution protects the right of the people to preserve, foster, and promote their respective cultural origins. La. Const. Art. XII, Sec. 4. For RISE, many of whom are themselves proud descendants of enslaved people, such unmarked burial grounds are central to the acknowledgement and preservation of their cultural origins. Historic disregard for the burial sites of enslaved people – especially when compared to the owners of the plantations – is reflected in today's dismissal of the cultural and historical legacy these sites hold for the descendants of enslaved people in St. James, but also for the United States and the world.²

¹ Attorney General Opinion No. 07-0183, available at <http://www.lcb.state.la.us/ago/ago07-0183.pdf>.

² See Terry L. Jones, *Researcher maps hidden graveyards of slaves who once tilled Louisiana sugar cane fields*, The Advocate, Feb. 5, 2017, ("The state of the cemeteries further underscores how those buried in them over the years have been denied their dignity even in death.") available at https://www.theadvocate.com/baton_rouge/news/communities/westside/article_7f0fd2e8-e966-11e6-91bd-7b5708a1dc45.html; See also, Evan Nicole Brown, *The Hidden-History of African-American Burial Sites in the Antebellum South: Enslaved people used codes to mark graves on plantation grounds*, Atlas Obscura, Oct. 25, 2018, available at <https://www.atlasobscura.com/articles/africanamerican-grave-markers>.

Among the criteria for inclusion on the National Register of Historic Places – the federal government’s official list of sites deemed worthy of preservation – are sites “associated with events that have made a significant contribution to the broad patterns of our history;” or that are “associated with the lives of persons significant in our past;” or “that have yielded or may be likely to yield, information important in prehistory or history.”³ Burial sites of people enslaved on plantations are certainly associated with “events that have made a significant contribution to the broad patterns of our history” in this country, the “lives of persons significant in our past,” and would likely yield information important in our history.

Pursuant to Section 86-37(h)(3) of the St. James Parish Code of Ordinances, the Planning Commission must consider “the physical and environmental impacts of the proposed use [of land] on the air, water, and land, with particular attention to whether the public benefits of the proposed use are commensurate with those impact, and whether the environmental impacts may impair the ability of the parish to attract other beneficial development.” As a result of Formosa’s failure to inform the Planning Commission and Parish Council publicly of the possible - and later confirmed - existence of these historic graves, the Commission was unable to fully consider all of the physical and environmental impacts of the project and the residents of St. James were denied their rightful opportunity to make an informed judgement about the merits of Formosa’s proposed project.

The Parish Council must do all it can in its land use decisions to protect these important, historical sites. For all of these reasons, RISE St. James requests that the St. James Parish Council rescind its grant of Formosa’s land use application to fully take into account the impact of Formosa’s proposed plastics project for these irreplaceable, historic sites.

Sincerely,



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³ <https://nationalregisterofhistoricplaces.com/faq.html>