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St. James Parish Council
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By email to: linda.hubbell@stjamesparishla.gov

Re: Expert Report on Cemeteries – Five More Burial Sites May Exist on Property Proposed for Formosa Plastics

To the St. James Parish Council:

On behalf of RISE St. James, we take this opportunity to present you with a comprehensive and detailed report by an archaeological expert into burial sites on the Formosa Plastics project area. The report, prepared by Coastal Environments, Inc., (CEI), a Baton Rouge-based company that specializes in a range of environmental and archaeological services and which first alerted state archaeologists to the existence of two cemeteries on the site, concludes that: **1) as many as five additional cemeteries may exist on the project site in addition to the two previously identified; and 2) Formosa's consultants searched in the wrong location each time they looked for cemeteries on the former Acadia Plantation.**

On December 23, 2019, on behalf of RISE St. James and its founder and president Sharon Lavigne, a resident of the Fifth District, the Center for Constitutional Rights submitted a request to this Council to rescind the land use permit granted to Formosa Plastics. The basis of that request was that RISE had learned that gravesites - likely of enslaved people - had been found on the proposed site and Formosa had not notified the Parish Council of that fact while its land use application was pending.

Formosa Plastics sent an email to members of the Parish Council on January 21, 2020, responding to RISE's request to rescind the approval. RISE now takes this opportunity to provide the Council with this report containing important new information about the proposed site and to address certain inaccuracies in Formosa's letter.

The events surrounding the discovery of the first two burial sites are set out in RISE's December 23rd letter and attachments. To summarize, in July 2018, after Formosa's archaeological consultants completed a survey during which they found no cemeteries, an independent archaeologist with CEI alerted the Louisiana Division of Archaeology to the possible existence of two cemeteries, relying on a series of detailed maps from 1877 and 1878 that recently became available. Formosa's consultants were sent back out to survey the site again, having not found any cemeteries the first time. They marked out a cemetery on the former Buena Vista Plantation but believed the cemetery on the Acadia Plantation had been destroyed under previous ownership.

When the independent CEI archaeologist reviewed the report of that second site investigation, he advised the Division of Archaeology that Formosa's archaeologists had searched in the wrong locations. Formosa's archaeologists were sent back out to the site and this time found the graves on the Buena Vista Plantation in a different location from that which they had originally fenced off. They again concluded that the Acadia Plantation cemetery had been destroyed. The independent archaeologist was not asked to review Formosa's report of the last site investigation.

However, RISE and the Center for Constitutional Rights asked CEI to do so, and to conduct a full assessment of the entire project area for possible cemeteries. CEI carefully reviewed Formosa's reports and conducted their own analysis which included extensive historical research, as well as cartographic regression, a process which uses modern aerial imagery overlaid on historic maps and surveys.

Their key conclusions are:

1. In Addition to the Cemeteries on the Former Acadia and Buena Vista Plantations, Five More Cemeteries May Exist on the Project Site.

Elina Plantation Cemetery. CEI analyzed a tract of land purchased by Formosa in the Fall of 2018 which was not part of the project area that had been surveyed previously. The tract corresponds to where the Elina Plantation once stood. The 1878 map used by CEI to locate the Buena Vista and Acadia plantation cemeteries also included a symbol on the Elina Plantation representing a graveyard.¹ Through cartographic regression analysis, CEI has pinpointed the coordinates of where they believe the graveyard is located today.²

Other Possible Cemeteries. In addition, through cartographic regression, CEI noted a series of 13 anomalies that appeared over several decades of aerial imagery. CEI was able to exclude 8 of the anomalies as cemeteries because they corresponded to other structures or features identified by other cartographic resources. The remaining five could not be accounted for in this way. Based on their expertise and past experience, CEI believes these remaining five could be cemeteries. One of those possible cemeteries falls outside the project area, leaving four others the archaeologists believe could be graveyards that are at risk of being impacted by construction and should be investigated.³

2. Formosa's Own Documents Show They Repeatedly Failed to Search the Most Likely Location for Graves Associated with the Acadia Plantation Cemetery.

CEI analyzed Formosa's reports of the investigation of the Acadia Plantation Cemetery and

¹ Coastal Environments, Inc., *Cartographic Regression Analysis of Certain Tracts of Land Located in T. 11 S. and 12 S., R. 15 E. (Southeastern Land District West of the Mississippi River), St. James Parish, Louisiana*, February 2020, at pp. 35-36, available at

<https://ccrjustice.org/sites/default/files/attach/2020/03/St.%20James%20Cemeteries%20%28Reduced%29%20%281%29.pdf>.

² *Id.* at pp. 60-61.

³ *Id.* at pp. 91-122.

then conducted their own independent analysis and cartographic regression. CEI concluded the search area originally proposed by Formosa’s consultants, shown on p. 14 of the attached report, would have covered the area that possibly still contains graves. However, Formosa’s consultants, as shown in their own documents, did not conduct the search outlined in their original plan. Instead, they chose to investigate an area where the cemetery was not located.⁴ The company then blanketly asserted to this Council in their January 21st letter that “[t]here are no burial grounds on the Acadia site.”

Formosa also left out of their letter that their search of the Acadia Plantation cemetery was prompted by the independent archaeologist from CEI who alerted the Louisiana Division of Archaeology to the existence of the cemeteries, as shown in public records obtained from the Division.

Archaeologists who have looked at the Acadia Plantation Cemetery agree that much of it has likely already been destroyed when the land was dug up for a borrow pit by a previous owner – a travesty for descendants, and for history. However, CEI believes some graves associated with the cemetery may still exist under a field road and should be investigated and, if found, protected. They have recommended a series of additional methods for doing so that have not been utilized previously.⁵

In addition, RISE takes this opportunity to correct and clarify the following assertions made by Formosa Plastics in its January 21st letter:

1. Formosa Plastics Did Not Disclose the Burial Sites to Either the Planning Commission or the Parish Council While its Land Use Application Was Pending.

Formosa Plastics asserts it has been “fully transparent and in full cooperation with the St. James Parish Council” but does not deny that it did not disclose the existence of the burial sites to either the Planning Commission or the Parish Council. The existence of cemeteries and burial sites, especially those that have cultural and historic significance, was directly relevant to the Council’s consideration of the physical and environmental impacts of a project under Section 86-37(h)(3) of the St. James Parish Code of Ordinances. It is also a matter of deep concern to residents of the Fifth District, not least the council member of that District who should have been apprised of the situation.

Formosa also asserts that it was fully transparent and in full cooperation with state and federal agencies “charged with oversight of cultural resources and burial sites.” However, Formosa only apprised state and federal agencies of the possible existence of the cemeteries in January 2019, which was after its second site investigation when it fenced off the Buena Vista Cemetery in the wrong location and searched in the wrong area for the Acadia Plantation. Formosa did not update the U.S. Army Corps of Engineers or the Louisiana Department of Environmental Quality once the errors were discovered and the consultants undertook a third site investigation in October

⁴ *Id.* pp. 13 and 18-33.

⁵ *Id.* at p. 34.

2019, which resulted in the discovery of “numerous intact burials and grave shafts indicat[ing] much of the cemetery remains intact.”⁶

2. It Is Most Likely People of African Descent Buried in the Cemeteries.

CEI conducted an extensive search of historical records relating to the properties where the cemeteries are located to help determine who might be buried there. Formosa’s consultants likewise consulted historic records and resources. Both sets of researchers noted that hundreds of enslaved people were forced to live and work on these plantations through several generations. Another consultant who conducted a survey for a proposed pipeline related to the Formosa facility noted that as of the beginning of the Civil War enslaved people formed a considerable majority of the population in St. James Parish.⁷

Formosa’s consultants were able to trace the burial of the Acadia and Buena Vista plantation owners to cemeteries in other parishes – because records of their burials were routinely kept and are now traceable.⁸ In contrast, people enslaved on plantations had no choice in where they were buried and their burials were not routinely recorded. The large number of people enslaved on the Buena Vista Plantation and the “absence of verifiable indications” led Formosa’s consultants to believe the cemetery “could have been a slave cemetery.”⁹

The cemeteries shown on the 1877 and 1878 maps, created little more than a decade after the Civil War, most likely contain the graves of people of African descent, who were either enslaved, recently freed, or even descendants of those enslaved there. The cemeteries may have continued in use beyond 1878, as the map provides a snapshot in time of conditions as they existed when the area was surveyed.

After RISE brought this issue to the Council’s attention, Formosa and its consultant have called their own report into question, suggesting in the face of so much historical evidence of so many enslaved people on the property – who could not opt to be buried elsewhere that – “white field hands and overseers could be buried there.”¹⁰

⁶ TerraXplorations, Inc., *Final Report: Archaeological Monitoring and Mechanical Stripping of the Acadia and Buena Vista Cemeteries, St. James Parish, Louisiana*, June 2019, p. 55, (Attachment D annexed to Letter from Center for Constitutional Rights to St. James Parish Council, December 23, 2019) available at <https://ccrjustice.org/sites/default/files/attach/2019/12/RISE%20St.%20James%20DEQ%20Comments%20Dec.%2018%20%20w%20attachments.pdf>.

⁷ See *Phase I Cultural Resources Survey and Archeological Inventory of the Proposed Boardwalk Louisiana Midstream, LLC, 56.2 KM (34.9 mi) Formosa Pipeline Project in Iberville, Ascension, and St. James Parishes*, R. Christopher Goodwin & Associates, Inc., June 2019, available at [link].

⁸ *Supra* n. 6 at p. 18.

⁹ *Supra* n. 6 at p. 55.

¹⁰ David Mitchell, *Graves on Formosa site belonged to slaves? Archaeologist says he isn’t so sure now*, *The Advocate*, January 28, 2020, available at https://www.theadvocate.com/baton_rouge/news/communities/ascension/article_9904d2e2-41f2-11ea-87f6-77ddea180d6.html.

Members of RISE St. James have long known that there are burial sites of enslaved people along the Mississippi River given the history of enslavement on the plantations. Historically, it has been a challenge to locate the burial grounds of enslaved people before harm was done to such graves upon inadvertent discovery. Had it not been for the archaeologist at CEI working independently and going out of his way to alert the Division of Archaeology to the likely existence of these graves, more graves may have been destroyed and lost forever to history and to descendants.

All cemeteries are considered sacred and afforded significant protection and deference by the law. Burial grounds of people who were enslaved have an added profound social, cultural, and historical significance for descendant communities when they are finally discovered. The Parish Council must give these sites serious attention and take the fact of them into account in land use planning and decisions.

RISE St. James reiterates its request that the St. James Parish Council rescind its grant of Formosa's land use application to fully consider the impact of the proposed plastics project for these irreplaceable, historic sites.

Sincerely,



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cc: Pete Dufresne, St. James Parish President
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Enclosures