

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**RURAL ROOTS LOUISIANA,
MOUNT TRIUMPH BAPTIST
CHURCH, and HARRY JOSEPH, SR.,**

Plaintiffs,

v.

LT. GEN. WILLIAM H. GRAHAM, JR.,
in his official capacity as Commanding
General of the United States Army Corps
of Engineers, and **UNITED STATES
ARMY CORPS OF ENGINEERS,**

Defendants.

Civil Action No. 1:26-cv-1141-
AHA

PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiffs Rural Roots Louisiana, Mount Triumph Baptist Church, and Pastor Harry Joseph respectfully request this Court to issue a temporary restraining order to: 1) enjoin the Defendants, the United States Army Corps of Engineers (the "Corps") and Lt. Gen. William H. Graham, Jr., from issuing an expedited final permit that would allow an ammonia production facility to conduct heavy construction activities that are likely to disturb the gravesites of the Plaintiffs' enslaved ancestors; and 2) require the Corps to rescind a No Effects Determination that has allowed damaging pre-construction at the site issued on or about March 19, 2026. A TRO is necessary to preserve the status quo and prevent irreparable harm to Plaintiffs' constitutional and legal rights and interests in the protection and preservation of the gravesites

pursuant to the Thirteenth Amendment to the United States Constitution and the National Historic Preservation Act (“NHPA”).

Respectfully submitted this the 2nd of July, 2026,

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MEMORANDUM IN SUPPORT OF
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INTRODUCTION

Plaintiffs Rural Roots Louisiana, Mount Triumph Baptist Church, and Pastor Harry Joseph ask this Court to issue a temporary restraining order (“TRO”) to enjoin the Defendants, the United States Army Corps of Engineers (the “Corps”) and Lt. Gen. William H. Graham, Jr. from issuing a final permit on an expedited basis that would allow an ammonia production company to increase and proceed with heavy industrial construction activities that are likely to disturb the gravesites of Plaintiffs’ enslaved ancestors until a hearing on a preliminary injunction can be conducted. Plaintiffs also request that the Court require the Corps to rescind its “Final Effect Determination” that the undertaking would have no adverse effect on historic properties that has allowed extensive ground-disturbing, pre-permit construction at the site. A TRO is necessary to preserve the status quo and prevent irreparable harm to Plaintiffs’ constitutional and legal rights and interests in the protection and preservation of the gravesites pursuant to the Thirteenth Amendment to the United States Constitution and the National Historic Preservation Act (“NHPA”).

FACTUAL BACKGROUND

This case concerns land in Modeste, Ascension Parish, Louisiana that was once home to several sugarcane plantations that operated during the period of slavery. Am. Compl. ¶ 2, June 16, 2025. Modeste is a multi-racial community of families that have lived there for generations, many of whom are descendants of people who were enslaved and were buried on those plantations. *Id.*; Declaration of Dr. Ryan Gray (“Gray Decl.”), Ex. 1, ¶¶ 4-5.

That land has now been targeted for development by CF Industries (among others), which intends to construct and operate an ammonia plant, referred to as the “Blue Point Project.” Am. Compl. ¶ 1. The proposed construction impacts wetlands and therefore requires a permit from the Corps. *Id.* at ¶ 66. In February 2025, CF Industries applied to the Corps for a permit to construct

the anhydrous ammonia facility. *Id.* at ¶ 95. In March 2026 while its permit application was pending, extensive and heavy ground-disturbing construction activities commenced on the site, *Id.* at ¶¶ 120-21, and continue as of the date of this motion. Declaration of Twila Collins (“Collins Decl.”), Ex. 2 ¶¶ 21, 39.

On May 19, 2026, Secretary of Agriculture Brooke Rollins held a press conference where she was joined by Defendant Graham and other federal officials to announce that the Corps had expedited the permitting process, and “moved” the CF Industries project at “Trump Speed” so that the Corps’ was expected to “wrap up” the permitting process for the facility “within 45 days.”¹ On that timeline, the Corps’ could issue its permit by July 3, 2026.

In its rush to permit the project, the Corps has short-shrifted and circumvented the consultation process required under Section 106 of the NHPA, 54 U.S.C. § 306108. Under the NHPA, the Corps must undertake an analysis of the effects that a proposed undertaking will have on historic properties *before* issuing the permit. Am. Compl. ¶ 67. Section 106 of the NHPA requires the Corps to consult with stakeholders, early in the process, before making its decision. *Id.* at ¶¶ 67-75.

On September 23, 2025, Plaintiff Rural Roots Louisiana requested Consulting Party status with the Corps to participate in the 106 consultation for the CF Industries ammonia plant undertaking. *Id.* at ¶ 96. On December 16, 2025, the Corps granted Rural Roots’ request and advised that the Section 106 consultation process had not yet been initiated. *Id.* at ¶ 98. Then, on March 24, 2026, in a letter addressed to Ashley Gagnard, founder of Rural Roots, the Corps invited Rural Roots to be a Consulting Party. *Id.* at ¶ 99. However, the Corps attached a letter dated March 19, 2026, informing Rural Roots that the Corps had already made a “Final Effect

¹ <https://x.com/SecRollins/status/2056814019822903325>

Determination” of “No Adverse Effect to Historic Properties with Condition of Avoidance” for the permit *without* any consultation with Rural Roots. *Id.* at ¶¶ 100-101; Email from Army Corps of Engineers to Ashley Gaignard, March 24, 2026, attached as Ex. 3; Letter from Army Corps to Ashley Gaignard, March 19, 2026, attached as Ex. 4. The Final Effect Determination acknowledged that the grounds housing the remnants of the Elise Ruess Memorial Schoolhouse, one of the few schools dedicated to educating Black children in Ascension Parish during the Jim Crow era (which was improperly demolished sometime in 2023), were eligible for listing on the National Registry of Historic Places—but referenced only “standard” unmarked human burial site provisions in the event graves were found. *Id.* at 4; *see also*, Gray Decl. ¶ 16 (noting the destruction of the schoolhouse “raises significant concerns about anticipatory destruction of historic properties” and of further harms as a result of “ground-disturbing activities in the larger project area”). The Corps failed to consult with Rural Roots—despite granting it Consulting Party status—before making a final determination as to the potential effects of the undertaking on historic properties.

On April 2, 2026, Plaintiffs commenced this action to enforce their rights under the Thirteenth Amendment and the NHPA with regard to the gravesites of people once enslaved on the land, and to enjoin the Corps’ allowance of extensive pre-permitted construction activities taking place. On April 23, 2026, to protect its administrative appeal rights, Plaintiff Rural Roots Louisiana also submitted comments to the Army Corps protesting its final determination of no adverse effects for this undertaking. Attached as Exhibit 5. In those comments, Rural Roots raised concern about the ongoing pre-permitted construction activity, referenced the lawsuit brought to enjoin that activity, and also highlighted the need for an investigation into the circumstances surrounding the demolition of the Elise Schoolhouse, as one of the rare

schoolhouses for Black children in Ascension Parish during the Jim Crow era. To date, the Corps has failed to respond to those comments.

With all of these concerns identified in a direct communication to the Corps, and a pending lawsuit that makes clear the failures of the Corps' process and risk of harm posed to unmarked gravesites, Defendant Graham nonetheless attended a press conference hosted by Secretary Rollins where she emphasized that the Corps had expedited this project's permitting.² In light of the timeline Secretary Rollins laid out, a permit is now a foregone conclusion, imminently and likely issued by July 3, 2026. If allowed to proceed in this rushed manner, more heavy construction would begin, posing further risk of damage or disturbance to gravesites known to exist on the property, and Plaintiffs would suffer further and ongoing injury to their constitutional and legal rights under the Thirteenth Amendment and the NHPA.

LEGAL STANDARD

Recognizing that temporary restraining orders are “no doubt necessary in certain circumstances . . . [to] preserv[e] the status quo and prevent[] irreparable harm,” *Granny Goose Foods, Inc. v. Bhd. Of Teamsters & Auto Truck Drivers Local No. 70 of Alameda Cnty.*, 415 U.S. 423, 439 (1974), Rule 65 of the Federal Rules of Civil Procedure authorizes this Court to issue TROs. A TRO may be granted only when the plaintiff demonstrates (1) likelihood of success on the merits; (2) that irreparable harm will result in the absence of the requested relief; (3) that the balance of equities tips in the plaintiff's favor; and (4) that the public interest favors entry of a temporary restraining order. *Sultan v. Trump*, 2025 WL 1207071, at *3 (D.D.C. April 24, 2025).

² U.S. DEP'T of AGRIC., *Secretary Rollins Hosts Fertilizer Press Conference*, (YouTube, May 19, 2026), <https://www.youtube.com/watch?v=4gnL9vPoF9k>. (hereinafter “USDA Press Conference”).

The third and fourth factors merge when the government is an opposing party. *Nken v. Holder*, 556 U.S. 418, 435 (2009).

Under Fed. R. Civ. P. 65(c), a TRO requires the movant to pay security in the amount that the court considers proper. Rule 65(c) “vest[s] broad discretion in the district court” in setting the amount of such bond, and this includes the discretion to set it at a nominal amount. *DSE, Inc. v. United States*, 169 F.3d 21, 33 (D.C. Cir. 1999). Courts in this Circuit have routinely either waived the requirement for a bond in public interest cases against the Government or required only a nominal bond, because imposing a significant bond in public interest litigation would tend to frustrate the goals of judicial review. *See, e.g., N. Am.’s Bldg. Trades Unions v. Dep’t of Def.*, 783 F. Supp. 3d 290, 315 (D.D.C. 2025) (courts have frequently declined to require bonds in public interest litigation because imposing a bond runs the risk of “unduly burden[ing] plaintiffs and potentially impair[ing] their ability to seek relief.”). When determining whether to waive a bond or set it to a nominal amount, courts consider factors such as the public interest character of the litigation, a plaintiff’s limited financial means, the minimal or non-existent risk of harm to a defendant, and a strong likelihood of success on the merits.

ARGUMENT

I. Plaintiffs Are Likely to Succeed on the Merits

A. Thirteenth Amendment Claim

Plaintiffs are likely to succeed on their claim under the Thirteenth Amendment, which abolished slavery and provided the means for abolishing all of its “badges and incidents.” *Civil Rights Cases*, 109 U.S. 3, 20 (1883). Like many former plantation sites, this area includes several potentially historical and archaeological sites—including almost assuredly the unmarked graves and cemeteries for enslaved people. There has been a long pattern and history of accidental (and sometimes, apparently deliberate) destruction of these gravesites in connection with industrial

development in the region of the River Parishes of Louisiana, because of neglect, disrespect, disregard, and repeated failures to fully adhere to applicable laws governing the preservation, protection and treatment of cemeteries. Am. Compl. ¶¶ 40-62.

These unmarked gravesites are the actual, physical, enduring remainder of slavery itself, as the resting places of people who suffered immeasurably in that system. As such, they, and the mistreatment to which they have been subjected historically, are clear and direct “badges and incidents” of slavery, which the Thirteenth Amendment was also intended to abolish. *See Civil Rights Cases*, at 20. Although those buried on the site obviously cannot bring their own Thirteenth Amendment claims, members of the descendant community have brought this suit to address the fate of their ancestors’ remains and their own rights to locate, protect, access, and care for the graves.

A federal court in Louisiana has recently ruled that a Thirteenth Amendment claim against a municipality could proceed to address both the impacts of its discriminatory land use system on gravesites of people once enslaved in the parish, as well as the health impacts of its land use decisions on living descendants. *Inclusive Louisiana v. St. James Parish*, No. 23-987, (E.D. La. Feb. 9, 2026) at 10. Recognizing that the Thirteenth Amendment prohibits more than “the subjection of one man to another” and involuntary servitude, the court observed that the concept of “badges and incidents” has expanded and evolved over time, to include, for instance, racially motivated violence giving rise to the Hate Crimes Prevention Act pursuant to Congress’ authority under the Thirteenth Amendment. *Id.*

The Advisory Council on Historic Preservation (“ACHP”), which advises federal agencies on compliance with the NHPA, has issued guidance on burial sites, human remains, and funerary objects. Policy Statement on Burial Sites, Human Remains, and Funerary Objects,

Advisory Council on Historic Preservation, March 1, 2023 (“Policy Statement”).³ The policy requires that human remains be “treated with dignity and respect in all circumstances.” Policy Statement at 2. The ACHP’s policy statement directs agencies to consider the legacies of slavery, which have led to an uneven awareness of where burial sites and human remains are likely to be encountered, and that burial sites of those enslaved are “thus more likely to be affected by development projects.” *Id.* at 3. Such cemeteries may be low visibility and difficult to locate using traditional archaeological survey methods. Gray Decl. ¶ 5.

Further, in its explanatory guidance for federal agencies regarding the treatment of burial sites, the ACHP explicitly recognized the harms to descendants of enslaved African Americans who “continue to experience the impacts of intergenerational trauma resulting from the legacies” of enslavement and that “[d]isturbing the burial areas or remains of ancestors or family members can have traumatic and compounding effects to the social and emotional welfare of associated individuals and communities” Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects: Explanations and Discussion at 12.⁴ Indeed, the exact locations of the graves of people enslaved are unknown precisely because their deaths and graves were unrecorded because they were supposed to be forgotten – a form of intentional neglect and disregard replicated in the Corps’ actions today. In light of the specific context of slavery in the River Parishes in Louisiana, any cultural resource investigation of lands occupied by a historic plantation should make the locating of cemeteries a primary concern. Gray Decl. ¶ 4. The Thirteenth Amendment requires that the Corps make locating and protecting these gravesites of

³ Available at: <https://www.achp.gov/sites/default/files/policies/2023-07/PolicyStatementonBurialSitesHumanRemainsandFuneraryObjects30June2023.pdf>

⁴ Available at: <https://www.achp.gov/sites/default/files/2025-02/BurialPolicyExplanationandDiscussionGuidanceDocumentFeb2025.pdf>

people enslaved in this country, that are known to exist, in consultation with descendants, an affirmative duty and priority in its permitting process. Permitting facilities without doing so results in a violation of the Thirteenth Amendment, and constitutional, mental and emotional harm to descendants, in addition to the risk of harm to the cemeteries themselves.

B. National Historic Preservation Act Claims

Section 106 of the National Historic Preservation Act requires all federal agencies to undertake a review process to account for the effects of their undertakings on historic properties. 36 C.F.R. § 800.1(a). Federal regulations require that the Section 106 review be “initiated early in the undertaking’s planning,” 36 C.F.R. § 800.1(c), and that the federal agency make a “reasonable and good faith effort” to identify historic properties within the Area of Potential Effects (“APE”). 36 C.F.R. § 800.4(b)(1). The agency must provide stakeholders, including “consulting parties,” a reasonable opportunity to identify concerns about historic properties, advise on their identification and evaluations, and participate in resolving adverse effects. 36 C.F.R. § 800.2(a), § 800.2(c). The goal of consultation is to identify historic properties potentially affected by the undertaking, assess the undertaking’s effects and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties. 36 C.F.R. § 800.1(a). Agencies must complete the Section 106 consultation process prior to the issuance of any license. 36 C.F.R. § 800.1(c).

Plaintiffs are likely to be able to show at trial that the Corps failed to conduct the “reasonable and good faith” consultation process required by Section 106 of the NHPA. Plaintiffs will be able to show that the Corps granted Rural Roots Consulting Party status, but then did not consult with Rural Roots before making the final determination of “No Adverse Effects” with condition of avoidance. Rather, the Corps informed Rural Roots after the fact.

Exhibit 3, Exhibit 4. The Corps never responded at all to other members of the community who requested consulting party status as individuals. Collins Decl. ¶¶16-17. The Corps’ failure to undertake meaningful consultation with Plaintiffs and others in the descendant community prior to authorizing ground-disturbing activities on the site constitutes a violation of the NHPA. The Corps doubles down on these violations and compounds the harms by further expediting the permitting process. *See e.g., Federated Indians of Graton Rancheria v. United States Dep’t of the Interior*, 2025 WL 2522376, at *15 (N.D. Cal. Sept. 2, 2025, *appeal dismissed*, 2025 WL 3782659, at *1 (9th Cir. Sept. 6, 2025) (vacating agency’s decision in part on the basis that it was made without adequately consulting plaintiff under NHPA and without sufficiently considering cultural resource impacts).

The documentation showing that the Corps invited Rural Roots’ participation only *after* it had already made a vital and direction-setting decision shows that Plaintiffs should succeed on their Section 106 claims.

II. Plaintiffs Are Likely to Suffer Irreparable Injury if the TRO is Not Granted

A plaintiff shows irreparable harm where “(1) the harm is certain and great, actual and not theoretical, and so imminent that there is a clear and present need for equitable relief to prevent irreparable harm; and (2) that the harm is beyond remediation.” *Capitol Hill Baptist Church v. Bowser*, 496 F. Supp. 3d 284, 301 (D.D.C. 2020) (quoting *League of Women Voters v. Newby*, 838 F.3d 1, 7–8 (D.C. Cir. 2016)).

First, “[i]t has long been established that the loss of constitutional freedoms, ‘for even minimal periods of time, unquestionably constitutes irreparable injury.’” *Mills v. D.C.*, 571 F.3d 1304, 1312 (D.C. Cir. 2009) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion)). In *Mills*, the appellate court held that Plaintiffs had shown irreparable injury to their right to drive upon the public streets as a result of a threatened – and not then-existing

– checkpoint. Here, Plaintiffs are already experiencing a violation of their Thirteenth Amendments rights to be free from the badges or incidents of slavery as a result of the Army Corps’ circumvention of the 106 review process and its allowance of pre-permitted construction activities on the site, for which they are already seeking relief from this Court. If the Corps is allowed to rush the final permit, Plaintiffs’ rights will be further and irreparably harmed through increased, permitted construction in disregard of their rights and concerns for the sanctity of the gravesites. *See* Collins Decl. ¶¶18, 40.

In addition to Plaintiffs’ constitutional harms, if the injunction is not granted, the imminent outcome is that the Corps will issue the permit and CF Industries will increase and fully engage in extensive construction activities using heavy, ground-disturbing equipment that can damage unmarked graves and the human remains they contain. *See* photos 2-5 in Amended Complaint; Collins Decl. ¶¶20-29, 38-39. This outcome is far from the “dignity and respect” that the NHPA calls for in the Policy Statement. Policy Statement at 2. Once disturbed, the damage is done.

This is not a case where the harm can be fixed later. *See Female Union Band Ass’n v. Unknown Heirs at Law*, 403 F. Supp. 540, 540-49 (D.D.C. 1975) (vacating prior court order allowing the disinterment of bodies from a historically black graveyard; stating “the violation of their graves involves the destruction of a monument to evolving free Black culture”); *Nat’l Tr. for Historic Pres. v. Nat’l Park Serv.*, CV 25-4316 (RJL), 2026 WL 877779, at *15 (D.D.C. Mar. 31, 2026), *opinion clarified sub nom. Nat’l Tr. for Historic Pres. in United States v. Nat’l Park Serv.*, CV 25-4316 (RJL), 2026 WL 1027744 (D.D.C. Apr. 16, 2026) (stating that aesthetic and environmental injuries are often irreparable since they are seldom remedied by money damages and are often permanent or last a long time); *United States v. Jenkins*, 714 F. Supp. 2d 1213,

1222 (S.D. Ga. 2008) (granting preliminary injunction while holding “artifacts are, by their nature, unique, and their historical and cultural significance make them difficult to value monetarily”).

By comparison, in *Kingman Park Civic Ass'n v. Gray*, 956 F. Supp. 2d 230 (D.D.C. 2013), plaintiffs sought to enjoin the installation of overhead wires along the H Street trolley line and construction of a car barn and substation on the campus of a high school. The court determined the plaintiff did not establish why “the obstruction of views on H Street and Benning Road is an *irreparable* injury; it could be remedied by simply taking down the wires.” *Id.* at 257. Unlike in *Kingman Park*, if graves are damaged, they cannot be undamaged. If human remains are disturbed by heavy earth-moving equipment, the harm cannot be remedied by simply putting them back.

The harm here is almost certain and is great. Although the exact location is not known, the land is well known to contain unmarked graves of people enslaved on the plantations that once operated there. Gray Decl. ¶¶ 4-5, 7. CF Industries plans a large, industrial facility and marine terminal that will require extensive disturbance of most of the site. Construction throughout the site using heavy machinery is highly likely to damage or destroy graves and human remains that are present there. *See* Photos 2-5 in Complaint; Collins Decl. ¶¶ 22-24. Thus, in the absence of a TRO, harm is near certain to occur.

Based on information currently available to Plaintiffs, it appears human remains have not yet been located on the site. If that is still the case, this is because there has not been sufficient investigation of the site, due to the very deficiencies Plaintiffs assert in this case.

The land at issue here has historically been used for farmland and has not previously been substantially disturbed. Thus, any burial grounds present are likely currently intact and a

preliminary injunction is needed to maintain the status quo—keeping the burial grounds intact—until a decision is reached on the merits of Plaintiffs’ claim.

Finally, while a TRO is an extraordinary remedy, Plaintiffs have no other form of remediation. Considering potential harm to historic burial and cultural sites, the U.S. District Court of the District of Columbia, and other federal district courts, consistently hold there is seldom another avenue of redress, aside from an emergency injunction. *See, e.g., Nat’l Trust*, 2026 WL 877779, at *14-15 (collecting cases).

III. The Balance of Equities and the Public Interest Favor Granting a Preliminary Injunction

The balance of equities favors the Plaintiffs. On Plaintiffs’ side is respect for burial sites of persons who were enslaved in this country and the multiple impacts of harm to those graves on Plaintiffs, as part of the community of their descendants— constitutional, legal, mental, emotional, psychological, and social. *See Collins Decl.* ¶¶ 7-8, 10-15, 18, 31, 40. On the other is a temporary pause in the Army Corps’ rushed permitting process and the business plans of an ammonia producing company. If an injunction is not granted, the harms to Plaintiffs’ constitutional and legal rights will be compounded and harm to burial sites could be permanent and irreparable. These harms and risks outweigh any harm to the Corps or to CF Industries caused by the temporary delay while the Corps properly conducts the Section 106 process and its permitting process as required.

The court in *League of Wilderness Defs./Blue Mountains Biodiversity Proj. v. Connaughton*, 752 F.3d 755, 765 (9th Cir. 2014), recognized that the balance of equities between the irreparable environmental harms caused by logging mature trees and the economic interest in the project tipped toward the environmental harms because those harms are permanent. Likewise, any harm to the Corps’ and/or CF Industries is only a temporary delay, and the Corps

cannot claim to be harmed by being required to follow the law. But if human remains are damaged, that harm is permanent. The temporary harm to economic interests seeking a permit to develop the land does not outweigh the permanent harm to the burial sites it is known to contain. *See also Quechan Tribe of Fort Yuma Indian Reservation v. U.S. Dep't of Interior*, 755 F. Supp. 2d 1104, 1121 (S.D. Cal. 2010) (equities favor tribe seeking injunction to protect historic sites even where solar energy developer already spent millions preparing for project and faces difficulties obtaining investment and financing if the project is held up).

At the press conference hosted by Secretary Rollins, she asserted that the purported basis for expediting the Corps' permitting process for CF Industries was to increase the supply of ammonia for fertilizer for American farmers which had been reduced as a result of the United States' war with Iran.⁵ However, both Secretary Rollins and other agency officials who spoke failed to acknowledge that the majority of the ammonia that would be produced at the facility would be shipped overseas for use as fuel for a power plant and steel factory by CF Industries' two Japanese corporate partners.⁶ They also failed to mention that the facility was expected to start operations in 2029 at the earliest,⁷ so even if the ammonia were intended for domestic use it would not address the immediate needs of American farmers.

Consideration of the public interest also favors an injunction. In amending the NHPA, Congress stated that "the preservation of [the Nation's] irreplaceable heritage is in the public interest." National Historic Preservation Act of 1966, Pub. L. No. 89-665, *amended by* National Historic Preservation Act Amendments of 1980, Pub. L. No. 96-515. Further, the public has an

⁵ USDA Press Conference, *supra* n. 2.

⁶ <https://news.oilandgaswatch.org/post/trump-officials-mislead-on-fertilizer-price-relief-in-effort-to-ram-through-louisiana-ammonia-plant>

⁷ https://www.jera.co.jp/en/news/information/20250409_2155

interest in agencies complying with the law. *Fund for Animals v. Clark*, 27 F. Supp. 2d 8, 15 (D.D.C. 1998). All aspects of balancing the equities and the public interest favor an injunction to maintain the status quo and prevent harm to unmarked graves until the merits of Plaintiffs' claims can be decided.

IV. The Court Should Waive the Bond or Set a Nominal Bond of \$1.00

Rule 65(c) of the Federal Rules of Civil Procedure requires a movant seeking a temporary restraining order to provide “security in an amount that the court considers proper” to pay costs and damages sustained by any party found to have been wrongfully enjoined.

While injunction bonds are “generally required,” *Nat'l Treasury Emps. Union v. Trump*, No. 25-5157, 2025 WL 1441563, at *3 n.4 (D.C. Cir. May 16, 2025), the D.C. Circuit has long recognized that Rule 65(c) “vest[s] broad discretion in the district court” in setting the amount of such bond, and this includes the discretion to set it at a nominal amount. *DSE*, 169 F.3d at 33. When determining whether to waive a bond or set it to a nominal amount, courts consider factors such as a plaintiff's limited financial means and risk of a bond foreclosing judicial review, the public interest character of the litigation, the minimal or non-existent risk of harm to defendant, and a strong likelihood of success on the merits. *See N. Am.'s Bldg. Trades Unions v. Dep't of Def.*, 783 F. Supp. 3d 290, 315 (D.D.C. 2025). All of these factors weigh strongly in favor of waiving a bond requirement, or setting at most a nominal bond, here.

“Courts in both this Circuit and others have widely found that it is generally inappropriate to impose a bond where requiring a bond ‘would have the effect of denying the plaintiffs their right to judicial review of administrative action.’” *Nat'l Council of Nonprofits v. Off. of Mgmt. & Budget*, 775 F. Supp. 3d 100, 130 (D.D.C. 2025). This is especially the case in public interest litigation. *See, e.g., N. Am.'s Bldg. Trades Unions v. Dep't of Def.*, 783 F. Supp. 3d 290, 315 (D.D.C. 2025) (courts have frequently declined to require bonds in public interest litigation

because imposing a bond runs the risk of “unduly burden[ing] plaintiffs and potentially impair[ing] their ability to seek relief.”). Finally, courts in this Circuit have routinely required only nominal bonds from parties seeking preliminary relief against federal officers and agencies where the awarded relief will not impose an undue or significant burden. *See, e.g., Am. Oversight v. Hegseth*, 788 F. Supp. 3d 14, 32 (D.D.C. 2025) (setting nominal bond of \$1.00 in APA challenge); *CREW v. U.S. DOJ*, No. CV 25-4426 (CKK), 2026 WL 472589, at *14 (D.D.C. Feb. 19, 2026) (setting nominal bond of \$100 in FOIA challenge); *Se. Fisheries Ass’n, Inc. v. Lutnick*, No. CV 26-1533 (RC), 2026 WL 1430499, at *13 (D.D.C. May 21, 2026) (setting nominal bond of \$100 in APA challenge to issuances of fishing permits); *accord NRDC v. Morton*, 337 F. Supp. 167, 169 (D.D.C. 1971) (“The Court believes that the public interest will be far more gravely damaged by failure of the courts to rigorously and consistently enforce [the National Environmental Protection Act] than by any harm which could possibly result from delaying this lease sale long enough to resolve the important legal issues presented by this suit.”).

As a local nonprofit organization and community church composed of long-time residents of Modeste and Ascension Parish, many of whom are descendants of people formerly enslaved on the nearby plantations and who continue to be marginalized by the State of Louisiana under the continued legacy of the slavery system, Plaintiffs possess limited financial resources and cannot pay a substantial bond.

Plaintiffs’ lawsuit plainly serves the public interest. Plaintiffs bring this case to protect both the public interest in ensuring that the government respects constitutional rights and observes the important minimum procedures required to ensure that it has properly evaluated the potential impact of federal undertakings to historic sites of profound cultural, spiritual, and religious significance, as well as Plaintiffs’ own rights under the United States Constitution.

Finally, given the serious legal and constitutional issues arising from Defendants' conduct and the lack of any harm to Defendant that could result from temporarily delaying issuance of a permit, or having to rescind its No Effects Determination, there is no risk of any undue or significant harm to Defendant in granting a temporary restraining order.

Requiring any more than a nominal bond would serve no purpose, contradict the requirements of justice, and considerably compound the harms already faced by Plaintiffs in this matter.

CONCLUSION

The purpose of a temporary restraining order is to maintain the status quo and prevent irreparable harms. Allowing the Corps to proceed with its intention to issue a rushed, expedited permit to CF Industries would cause further constitutional injury to Plaintiffs and risk the desecration of human gravesites – a harm which cannot be undone. Likewise, if the improperly-issued Final Effects Determination is allowed to stand, destructive pre-construction activities will continue and further risk disturbance and destruction of human remains. A temporary restraining order is essential to maintain the status quo so that there is no further risk of harm and is justified because of the irreparability of the harm, Plaintiff's likely success on the merits, and the public interest.

PRAYER FOR RELIEF

Plaintiffs respectfully request this Court to:

1. Temporarily restrain the Army Corps of Engineers from issuing any permits for the CF Industries Blue Point Low Carbon Ammonia Facility project site in Ascension Parish, Louisiana (Regulatory Permit # MVN-2023-00269-CF) to preserve the status quo and prevent further harm until a hearing on a preliminary injunction can take place; and

2. Order the Army Corps of Engineers to rescind its No Effects Determination for the CF Industries Blue Point Low Carbon Ammonia Facility project site in Ascension Parish, Louisiana (Regulatory Permit # MVN-2023-00269-CF) issued on or about March 19, 2026.

Dated: July 2, 2026

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**pro hac vice application pending
***pro hac vice application forthcoming

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**RURAL ROOTS LOUISIANA,
MOUNT TRIUMPH BAPTIST
CHURCH, and HARRY JOSEPH, SR.,**

Plaintiffs,

v.

LT. GEN. WILLIAM H. GRAHAM, JR.,
in his official capacity as Commanding
General of the United States Army Corps
of Engineers, and **UNITED STATES
ARMY CORPS OF ENGINEERS,**

Defendants.

Civil Action No. 1:26-cv-1141-AHA

**MEMORANDUM IN SUPPORT OF
MOTION FOR TEMPORARY RESTRAINING ORDER**

EXHIBIT 1: DECLARATION OF DANNY RYAN GRAY

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

RURAL ROOTS LOUISIANA, MOUNT TRIUMPH BAPTIST CHURCH, and PASTOR HARRY JOSEPH SR., <i>Plaintiffs,</i> v. LT. GEN. WILLIAM H. GRAHAM, JR., in his official capacity as Commanding General of the United States Army Corps of Engineers, and UNITED STATES ARMY CORPS OF ENGINEERS, <i>Defendants.</i>	Civil Action: _____
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DECLARATION OF DANNY RYAN GRAY

My name is Danny Ryan Gray. I am over the age of 18 and fully competent to make this declaration. Under penalty of perjury, pursuant to 28 U.S.C. § 1746, I declare:

1. I am Danny Ryan Gray, PhD, RPA (Register of Professional Archaeologists), an archaeologist specializing in the historical archaeology of southeastern Louisiana and a resident of New Orleans, Louisiana.
2. I received my BA in Archaeology from Columbia College of Columbia University, New York, New York, in 1996. I began working in

cultural resource management archaeology in Louisiana in 1999 for the company Earth Search, Inc. In 2007, I returned to graduate school, and I received my MA in Anthropology in 2009 and my PhD in Anthropology in 2012 from the University of Chicago. I began working at the University of New Orleans in 2011. I am currently an Associate Professor of Anthropology at UNO, the University Honors Director, the Associate Director of the Midlo Center for New Orleans Studies, and the director of UNO's archaeological lab and curation facility at the Earl K. Long Library.

3. Through my professional work, I have developed expertise in best practices for archaeological survey in southeastern Louisiana, historical background research for cultural resources investigations, National Register evaluations of historic properties, and archaeological data recovery excavations. I have developed a particular research interest in cemetery preservation and in the identification of unmarked burial sites. I regularly teach courses training students in cultural resource laws and practices, the methods of field archaeology, and the ethics of archaeology.

4. Given the specific context of slavery in the River Parishes of Louisiana, any cultural resource investigation of lands occupied by a historic plantation should make the locating of cemeteries a primary concern of the investigation.

5. I define this as a primary concern based on the following: that cemeteries associated with those enslaved on a plantation and/or with post-Emancipation laborers may be low visibility and thus difficult to locate; that, based on my experience with the National Historic Preservation Act, these sites have protections both as historic properties and as the location of human remains; and that traditional archaeological survey methods are not always well-suited to identify and evaluate such sites.

6. I have reviewed the cultural resource survey done for CF Industries by TerraXplorations, Inc., (hereafter TerraX) as part of the approval process under Section 106 of the National Historic Preservation Act. I have also reviewed a Phase I cultural resources survey by Surveys Unlimited Research Associates, Inc., (hereafter SURA) of a substantially larger area conducted for the Baton Rouge Area Chamber as part of the Louisiana Economic Development Site Certification Program. The results of this survey have been considered by the USACE in their determination of “No Adverse Effect” for the CF Industries undertaking.

7. TerraX, in its survey, acknowledges the high-probability context for human remains on plantation sites in the vicinity, that those human remains would be of enslaved people and plantation laborers, and that enslaved burials are typically unmarked and located in marginal areas like

backswamps and edges of fields. However, TerraX's survey was limited to the area around the Elise Reuss Memorial Schoolhouse, sometimes referred to as the so-called Elise Schoolhouse (discussed further in Section 16 below), one of the lower probability areas for the occurrence of such sites.

8. It is best practice in the industry to use industry-standard methods for detecting low visibility sites like unmarked cemeteries in the initial investigation or as a part of one of more supplemental investigations after the initial one, and to have the identification of unmarked plantation cemeteries as a research goal in surveys.

9. Industry-standard methods used to detect unmarked cemeteries include targeted field strategies, such as close-interval field testing, landscape modeling, and historical background research, including the utilization of oral histories and detailed chain of title research. When sensitive areas are identified, geophysical methods like ground penetrating radar and magnetometry may also be utilized.

10. If potential evidence of unmarked burials is identified, there are further techniques used for delineating a burial landscape that go beyond the kind of anomaly-testing that might uncover unexpected cultural resources at a site.

11. From my review of the SURA report, none of these methods to detect unmarked cemeteries was utilized, despite the knowledge that one or more such cemeteries might exist at the site, and despite the fact that the TerraX report identifies the need for such measures.

12. SURA's survey methodology is deficient in this regard in several ways. It scarcely mentions unmarked burials or cemeteries in its report of investigations. It makes minimal use of historic maps and/or historic aerial imagery for its survey of unmarked burials. Although acknowledging the likelihood of earlier plantation development on the property, it only minimally utilizes historical documents that could identify antebellum land-use. This is insufficient because it treats the presence of burials as a secondary possibility, which is incompatible with the known history of the site.

13. Furthermore, the reported archaeological deposits suggest a potential antebellum component at the site that is, in my opinion, misinterpreted in the report. The photographs of what is referred to as a brick walkway at Site 16AN120 appear to be a tiered brick footing for a structure, and many of the artifacts recovered in the area date to the first half of the nineteenth century. While the identification of such a feature does not mean that an associated site would be automatically eligible for the National Register, it should, at minimum, be subject to evaluation of its eligibility,

which requires more exhaustive historical context research. If such a feature were associated with an antebellum plantation component, it could also be an important factor in determining the location of other sensitive archaeological deposits, including unmarked cemeteries.

14. In my opinion, given the known history of the site, the prolonged presence of enslaved forced labor, and the limitations that the surveyors placed upon themselves, the potential for unmarked burials within the larger project area surveyed by SURA remains unresolved. The investigation did not meet industry standards and was not intensive enough to conclude that no historic properties or resources will be affected, particularly in the case of Site 16AN120.

15. Any ground-disturbing activities on the site before a supplemental Phase IB effort is undertaken puts unmarked graves at risk of damage and destruction. This includes site grading and equipment staging, as appears to have already begun at the site, which may compromise the integrity of archaeological sites and irreparably harm historic properties like cemeteries. A Phase IB effort that is a reasonable and good faith effort as required under Section 800.4(b)(1) of the National Historic Preservation Act would at least include more extensive historical research and landscape modeling in the larger survey area; a formal National Register evaluation of

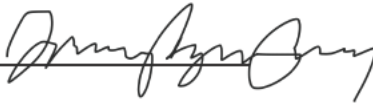
Site 16AN120; and more intensive testing, including potentially the use of geophysical methods, in targeted areas that are determined to be higher probability for the location of unmarked plantation cemeteries.

16. Furthermore, the demolition of the Elise Schoolhouse in 2023, just before the purchase of the land by CK Associates later that same year, raises significant concerns about anticipatory destruction of historic properties in the area. Surveyors were denied access to the tract of land containing the Elise Schoolhouse in 2018, but the standing structure was identified during that survey as likely meeting the criteria for eligibility, both for its connection to education in the parish and its architectural significance. When TerraX surveyors were given access in 2023, the archaeological site associated with the now-demolished building was found to be eligible, particularly given its association with a relatively rare type of archaeological resource, a segregated Black-only educational facility in the River parishes. While the subsurface component of the site is recommended to be protected from development by a buffer, the demolition of the Elise Schoolhouse prior to its consideration in the Section 106 process meant that adverse effects to the historic property from the development of the CK site were never considered. The demolition of the Elise Schoolhouse thus circumvented the Section 106 review process,

raising concerns that ground-disturbing activities in the larger project area prior to resolutions of legal challenges are being used similarly.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection.

Dated: 1 July 2026

/s/ 

D. RYAN GRAY, PH.D., RPA

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Current Position

Director, University Honors Program, University of New Orleans, New Orleans, Louisiana. (Fall 2025-Present).

Associate Professor/Richard Wallin Boebel Endowed Professor of Anthropology, University of New Orleans, Department of Anthropology and Sociology, New Orleans, Louisiana (2012-Present).

Associate Director, Midlo Center for New Orleans Studies, University of New Orleans, New Orleans, Louisiana (January 2021-Present).

Member, Louisiana Archaeological Survey and Antiquities Commission, Appointed by Office of the Governor, Summer 2013 to Spring 2017; September 2020-present.

Higher Education

Ph.D., University of Chicago, Chicago, Illinois, Department of Anthropology. August 2012.

Master of Arts, University of Chicago, Chicago, Illinois, Department of Anthropology. March 2009.

Bachelor of Arts with High Honors in Archaeology. Columbia University, New York, New York, May 1996.

Other Professional Experience

Chair, Department of Anthropology and Sociology, University of New Orleans (August 2022-December 2024).

Visiting Exchange Professor, Institut für Archäologien, die Leopold-Franzens-Universität Innsbruck, Innsbruck, Austria (September 2019-December 2019).

Member, Louisiana Slavery Ancestral Burial Ground Preservation Commission. Fall 2018 to Present.

Project Manager, Laboratory Supervisor, Cultural Resources Consultant, etc., Earth Search, Inc., New Orleans, Louisiana, December 1999 to September 2010.

Awards

University of New Orleans, 2018 Early Career Creativity, Research & Scholarship Award

Society for Historical Archaeology, Award of Merit, 2025.

Glenn Conrad Prize for Best Journal Article in Louisiana History in Prior Year, awarded by the Louisiana Historical Association, 2025, for coauthored article “Technopolitics and Tenderloins” (with Elizabeth Williams).

Books

Gray, D. Ryan

2020 *Uprooted: Race, Public Housing, and the Archaeology of Four Lost New Orleans Neighborhoods*. University of Alabama Press, Tuscaloosa, AL. Release date, February 2020.

Gray, D. Ryan, Rachel Breunlin, and Shana griffin

2022 *Melpomene Street Blues: The Archaeology of a New Orleans Neighborhood*. Public interpretive booklet prepared for the Housing Authority of New Orleans and the Louisiana Division of Archaeology.

Gray, D. Ryan and Shannon Dawdy

n.d. *Underground New Orleans: Archaeology of the Creole City* [Working Title]. LSU Press, Baton Rouge, LA. Under contract. Projected for publication in 2021-2022.

Articles and Chapters

Gray, D. Ryan and Jill-Karen Yakubik

2010 Immigration and Urbanization in New Orleans. In *Archaeology of Louisiana*, ed. by Mark Rees, LSU Press, Baton Rouge, Louisiana.

Gray, D. Ryan

2011 Incorrigible Vagabonds and Suspicious Spaces in 19th Century New Orleans. *Historical Archaeology* 45(3):55-73.

Gray, D. Ryan

2012 Race and Racism in Archaeology. In *Oxford Companion to Archaeology, 2nd Edition*, ed. by Neil Asher Silberman. Oxford University Press.

Gray, D. Ryan and Shannon Dawdy

2014 French Colonial Louisiana: The Rough Terrains of Empire. In *Oxford Handbook of Historical Archaeology*, ed. by Susan Lawrence, James Symonds and Laurie Wilkie, Oxford University Press.

Gray, D. Ryan

2015 ‘A Manger in a Sea of Mud’: Material Legacies and Loss at the Temple of the Innocent Blood. Special volume of the journal *AP3A (Archaeological Papers of the American Anthropological Association)* on “The Materiality of Everyday Life”.

Gray, D. Ryan

- 2015 Untangling the Strands of Creolization in an Urban Household: Recent Archaeology at Madame John's Legacy (16OR51), New Orleans, Louisiana. *Louisiana Archaeology*, special volume on New Orleans archaeology.
- Gray, D. Ryan
2017 New Orleans, Louisiana. In *Ceramics in America 2017*, ed. by Robert Hunter. Chipstone Foundation and University Press of New England.
- Gray, D. Ryan
2019 Memories of Black Indian Materialities in Colonial New Orleans. *Journal of African Diaspora Archaeology and Heritage*, 8(1):78-109.
- Gray, D. Ryan
2020 An Archaeology of a Chinese Laundryman in the Jim Crow South: The Sam Long Laundry, New Orleans, Louisiana. In *Chinese Diaspora Archaeology in North America*, ed. by Ryan Kennedy and Chelsea Rose, University of Florida Press.
- Gray, D. Ryan
2020 The McDow Mystery: An Orphaned Collection from the UNO Archaeology Lab. *Newsletter of the Louisiana Archaeological Society* 48(2):5-7.
- Gray, D. Ryan
2021 The Benachi House: An (Almost) Forgotten Delta Chapter Excavation of the 1980s. *Louisiana Archaeological Society Newsletter* 49(2):17-19.
- Guiry, Eric, J. Ryan Kennedy, Martin O'Connell, D. Ryan Gray, Paul Szpak, and Christopher Grant
2021 Early evidence for long-term overfishing in the Gulf of Mexico. *Science Advances* 7(32), August 2021.
- Godzinski, Michael, D. Ryan Gray, and Elizabeth Williams
2021 New Research Near Spanish Fort: Looking Forward to an Archaeology of the New Orleans Lakefront, *Louisiana Archaeology* 46:159-171.
- Seidemann, Ryan, Christine Halling, and D. Ryan Gray
2022 The Curious Case of the Axis in the Privy: What Legally Constitutes a Cemetery in Louisiana?, *Louisiana Bar Journal* 69(6):442-446.
- Gray, D. Ryan
2023 CRM Practice and Community Engagement. *Newsletter of the Louisiana Archaeological Society* 51(2):3-4.
- Gray, D. Ryan
2024 Peering under St. Louis Cathedral: UNO archaeology project documents three centuries of history. *Preservation in Print*, February/March 2024.
- Gray, D. Ryan
2024 The St. Peter Street Cemetery. *64 Parishes* online encyclopedia entry. Published March 2024 (<https://64parishes.org/entry/st-peter-street-cemetery>).
- Gray, D. Ryan
2024 Transatlantic Identities: A 'Rediscovered' Artifact from the St. Peter Street Cemetery, New Orleans, Louisiana. In *Opfer der eigenen Begeisterung*:

Festschrift fuer Harald Stadler zum 65. Geburtstag, ed. by Anna-Elisabeth Awad-Konrad, Hubert Ilsinger, Florian Mueller, and Elisabeth Waldhart. *Nearchos* 25, Brixen 2024.

Williams, Elizabeth and D. Ryan Gray

2024 Technopolitics and Tenderloins: Sanitation Reform, Segregation, and the Making of Storyville, New Orleans. *Historical Archaeology* 58:454–481.

Gray, D. Ryan

2024 Digging Deep: Archaeology at St. Louis Cathedral helps to document an unparalleled architectural history. *Preservation in Print* October/November 2024.

Gray, D. Ryan

2025 How Did a 2nd Century Roman Headstone Wind up in a New Orleans Backyard? *Preservation in Print* October/November 2025.

Benefiel, Rebecca, Tania Andrade Lima, D. Ryan Gray, and Joe Joseph

2026 Urban Slavery. Chapter in *Oxford Handbook of the Comparative Archaeology of Slavery*, ed. by Mark Leone and Jane Webster, Oxford University Press [in press].

Gray, D. Ryan and Harald Stadler

n.d. Missing in Action Reports and Reality: On the Archaeology and Taphonomy of Downed World War II Aircraft in Austria. *Contemporary Austrian Studies*. Accepted, projected for publication in 2025-2026.

Gray, D. Ryan

n.d. Chapter on the St. Paul Spiritual Temple, Memphis, Tennessee, in volume edited by Judith McWillie, projected for publication in 2019.

Volumes Edited

Gray, D. Ryan

2015 *Critical Approaches to Fringe Science*. Cognella Academic Publishing. [with Introduction]

Gray, D. Ryan and Dennis Jones

2015 *Louisiana Archaeology*, special volume on New Orleans archaeology.

Book Reviews

Gray, D. Ryan

2019 Review of *Contemporary Archaeology and the City: Creativity, Ruination, and Political Action*, edited by Laura McAtackney and Krysta Ryzewski, 2017. For *American Antiquity*, in press.

Grants

Archaeological Test Excavations at Madame John's Legacy, Funded by Tulane University/ Louisiana Division of Historic Preservation (July 30, 2013 - September 30, 2013), awarded July 1, 2013 (\$6,743.00), Completed, Fall 2013, PI D. Gray (100%) with [Type of Funding: State]

Curation of Artifact Collections from the USVA Hospital Area, New Orleans, Louisiana, Funded by USVA/ RC Goodwin and Associates (February 1, 2017 - December 31, 2017), awarded January 15, 2017 (\$47,300.00), Funded - Ongoing, PI D. Gray (100%) with [Type of Funding: Corporate]

Reconstructing Fisheries Use and the Health of Commercially Important Fish Populations in the Greater New Orleans Area. Internal grant funded by UNO ORSP (July 1, 2017-July 1, 2018), awarded July 1, 2017 (\$32,371.00), Funded – In Progress, Fall 2017, Co-PIs, D. Gray and Martin O’Connell (EES).

FEMA’s Hazard Mitigation Grant Program (HMGP) and the Sandy Recovery Improvement Act/Joint Infrastructure Recovery Request (JIRR), Alternative Archaeological Mitigation. External contract funded by City of New Orleans (01/01/2019-01/01/2021), awarded April, 2019 (Total Award Amount: \$398,517.00), Funded – In Progress, PI D. Ryan Gray.

Archaeological Excavation Work in Kimratshofen, Bayern, Federal Republic of Germany. External grant funded by Henry Jackson Foundation for the Advancement of Military Medicine (Period Covered: 06/01/2019 – 12/31/2019), awarded June 2019 (Total Award Amount: \$112,170.00), Funded – In Progress, Co-PIs D. Ryan Gray and Alea Cot.

Culling, Curation, and Archiving Services for Historical Artifacts Recovered at the Guste Community Housing Project. External grant funded by Housing Authority of New Orleans (06/01/2019 – 06/01/2020), awarded June 2019 (Total Award Amount: \$56,188.00), Funded – In Progress, PI D. Ryan Gray.

Curatorial Services for a Plaquemines Port, Harbor and Terminal District Owned Collection. External grant funded by Plaquemines Port Harbor & Terminal District. Awarded December 2020 (Total Award Amount: \$11,250.00, fixed), Funded – In Progress, PI D. Ryan Gray.

Continuing Excavation of Site AU-00513 (MACR 2709), Bad Eisenkappel, Austria. External grant funded by Henry Jackson Foundation for the Advancement of Military Medicine. (Period Covered: 06/01/2021 to 04/01/24, 3 year project, renewed yearly; Total Award Amount: \$423,705.00), Funded – In Progress, Co-PIs D. Ryan Gray and Alea Cot.

A Collaborative Model for Sharing Research on Ancestral African American Cemeteries in the Lower Mississippi Valley. External grant funded by Jefferson National Parks Association/National Park Service (Period covered, 8/9/22 to present, Total Award Amount: \$15,900.00), Funded – In Progress, PI D. Ryan Gray.

Archaeological Test Excavations at Madame John’s Legacy (16OR51). External grant funded by Perrin Erlinger and Associates/Friends of the Cabildo (Period covered, 5/1/23 to present, Total Award Amount: \$23,324.00), Funded – In Progress, PI D. Ryan Gray.

Continuing Excavations under Activity 63 (11-24DE). External grant funded by Henry Jackson Foundation for the Advancement of Military Medicine. (Period Covered: 04/01/24 to present, renewed yearly; Total Award Amount: \$294,740.00), Funded – In Progress, PI D. Ryan Gray.

The UNO Heritage Management and Preservation Hub. External grant funded by the Louisiana Board of Regents (Period Covered: 6/1/24-6/30/24, Total Award Amount: \$147,183.00. Funded, In Progress. PI: D. Ryan Gray.

Curation of Archaeological Collections from University Medical Center Project Area, New Orleans, Louisiana. External grant funded by Louisiana Division of Administration, Office of Facility Planning and Control (Period Covered: 10/1/24-10/1/25, Total Award Amount: \$149,483.00), Funded, In Progress. PI: D. Ryan Gray.

Extension of CEA between UNO and the City of New Orleans for FEMA's Hazard Mitigation Grant Program (HMGP) and the Sandy Recovery Improvement Act/Joint Infrastructure Recovery Request (JIRR), Amendment 5. External contract funded by City of New Orleans awarded September 2024 (Total Award Amount: \$400,000.00), Funded – In Progress, PI D. Ryan Gray.

Papers Presented

Gray, D. Ryan

- 2001 Ethnicity, Identity, and Change in an Old New Orleans Neighborhood: Excavations in the Irish Channel. Paper presented for Louisiana Archaeology Week.
- 2001 Digging Kid Ory: Excavation of a Privy at 2133-2135 Jackson Avenue. Paper presented for the African-American Heritage Council's Jazz Lecture Series.
- 2002 Ethnicity, Identity, and Change in an Old New Orleans Neighborhood: Excavations in the Irish Channel. Paper presented for the Delta Chapter of the Louisiana Archaeological Society.
- 2002 Urban Redevelopment and Displacement: Archaeological and Historical Perspectives on the Construction of the St. Thomas Street Housing Project. Paper presented at the 2002 meetings of the Society of Historical Archaeology, Mobile, Alabama.
- 2002 Archaeology In and Out of the Public Eye: Monitoring and Excavations at the St. Thomas Public Housing Project. Paper presented at the Haag Symposium (papers presented in honor of Dr. William Haag), Louisiana State University, Baton Rouge, Louisiana.
- 2002 Archaeological Excavations at the St. Joseph's Orphan Asylum and in the Irish Channel. Paper presented at the Irish Channel Roots XI Symposium, St. Alphonsus Arts and Cultural Center, New Orleans, Louisiana.
- 2003 'A Scarlet World': Archaeology in New Orleans' Storyville District. Paper presented at the National Meeting of the Archaeological Institute of America, New Orleans, Louisiana.

- 2004 'Gonna Move to the Outskirts of Town': Archaeology and Historic Development on the Edge of New Orleans. Paper presented at the 2004 meeting of the Society for Historical Archaeology, Mobile, Alabama.
- 2005 Creating Community from a Divided Past: Archaeology in New Orleans' St. Thomas Housing Project. Paper presented at 2004-2005 South Central Historical Archaeology Conference, Selma, Alabama.
- 2006 From Ruin to Respectability in Urban New Orleans: Recent Archaeology in the French Quarter and Warehouse District. Paper presented at Loyola University's Nunemaker Hall, New Orleans, Louisiana.
- 2009 'Taming Amorphous Urbanism': Disorder, Informal Development, and the Urban Poor in New Orleans. Paper presented in the "Archaeologies of Poverty" Symposium at the 2009 meetings of the Society for Historical Archaeology, Toronto, Canada.
- 2009 The Material Dimensions of Public and Private Practice: Archaeology of a Chinese Laundry in New Orleans. Paper presented at the Interdisciplinary Archaeology Workshop, University of Chicago, Chicago, Illinois.
- 2009 Identity and the Material Dimensions of Public and Private Practice: Archaeology of a Chinese Laundry in New Orleans. Paper presented at the American Society of Ethnohistory meetings, New Orleans, Louisiana.
- 2010 Effacing the 'Imagined Slum': Spatial Disorder, Social Identity, and the Birth of Public Housing in Jim Crow-era New Orleans. Paper presented at annual meeting of the American Anthropological Association, New Orleans, Louisiana.
- 2011 Re-Racing the Superblock: Spatial Contradictions and Slum Clearance at the Lafitte Public Housing Project, New Orleans, Louisiana. Paper presented at the Society for Historical Archaeology annual meeting, Austin, Texas.
- 2012 'A Manger in a Sea of Mud': Subjectivity and Space in Everyday Life at the Temple of the Innocent Blood, New Orleans, Louisiana. Paper presented at the annual meetings of the Society for American Archaeology, Memphis, Tennessee.
- 2012 Rediscovering the 'Antiguo Cementerio': Identity, Memory, and the Archaeology of the St. Peter Street Cemetery. Lecture presented for Save Our Cemeteries, New Orleans, Louisiana.
- 2013 Storyville Uncovered. Lectures presented at the Old U.S. Mint, New Orleans, Louisiana, in public event sponsored by the Louisiana State Museum and the Jazz National Historical Park.
- 2014 Re-Articulating Entangled Pasts at the St. Peter Street Cemetery, New Orleans, Louisiana. Paper presented at the triennial conference of the Arts Council of the African Studies Association, Brooklyn, New York.
- 2015 Balancing Memory, Tradition, and Place in a Virtual Home for Holt Cemetery. Lecture presented for Save Our Cemeteries, New Orleans, Louisiana.

- 2015 Memories and Material Traces of Afro-Creole Culture in Colonial New Orleans. Paper presented at the Kongo Across the Waters ‘Local Scholars’ Symposium, New Orleans Museum of Art, New Orleans, Louisiana.
- 2015 Memory and Material Culture at Holt Cemetery, New Orleans. Public lecture presented at Latter Memorial Library, New Orleans, Louisiana.
- 2015 Creolization and Cosmopolitan Tastes in Colonial New Orleans. Paper presented at the Creole Heritage Conference, Natchitoches, Louisiana.
- 2015 Re-thinking Colonial Interactions in Early New Orleans: New Data from the Heart of the Quarter. Paper presented at the Southeastern Archaeological Conference, Nashville, Tennessee.
- 2016 The Archaeology of Madame John’s Legacy. Paper presented as part of “Salts of the Earth: Conservation of Historic Masonry Impacted by Salts and Rising Damp”, a symposium of the Louisiana Museum Foundation and the National Center for Preservation Training and Technology, New Orleans, Louisiana.
- 2016 Tribute and Tradition: A Conversation with Ryan Gray and Arthur Raymond Smith. Presentation for Black History Month/Big Easy Scholar Talks, Rosa Keller Library and Community Center, New Orleans, Louisiana.
- :
- 2016 Creolization and Cosmopolitan Tastes: The Archaeology of Colonial New Orleans at the City’s Tricentennial. Lecture for Archaeological Institute of America, Loyola University, New Orleans, Louisiana.
- 2017 Identity and Memory at the St. Peter Street Cemetery, New Orleans, Louisiana. Organization of American Historians Annual Meeting. New Orleans, Louisiana.
- 2017 Three Hundred Years of New Orleans History in Pottery. Public Lecture. Baton Rouge, LA: Louisiana Archaeological Society.
- 2017 The 2017 UNO Summer Field School in Austria: A Strategic Partnership with DPAA. Lecture presented at 10th International Conference on World War II, National World War II Museum, New Orleans, Louisiana.
- 2018 Gender, Power, and Color in the Life of a Creole Midwife. Paper presented at the Annual Meetings of the Society for Historical Archaeology, New Orleans, Louisiana. Chair of symposium on “New Orleans Archaeology at the Tricentennial” and discussant for session on “Refuge and Support: Archaeologies of Native-African Interactions”.
- 2018 A Midwife and a ‘Mother’: An Archaeology of Spirituality, Healing, and Power in the Lives of Two New Orleans Women. Lecture presented at Louisiana State University Department of Geography and Anthropology Friday Forum series, Baton Rouge, Louisiana.
- 2018 Traces of Endangered Pasts: New Orleans Archaeology at the Tricentennial. Public lecture presented at “Making New Orleans Home: A Tricentennial Symposium”, New Orleans, Louisiana.

- 2018 What Lies Beneath: Recent Archaeology in the French Quarter. Public lecture presented at the Historic New Orleans Collection in Invited Symposium on New Orleans archaeology, New Orleans, Louisiana.
- 2018 Immigration, Exclusion, and Race: Archaeology of Overseas Chinese in New Orleans. Paper presented at the Annual Meetings of the Louisiana Archaeological Society, New Orleans, Louisiana.
- 2018 Crossing Borders, Destabilizing Boundaries: Creolization and Movement in Colonial New Orleans. Paper presented at the Annual Meetings of the Louisiana Historical Association, New Orleans, Louisiana.
- 2018 Holt Cemetery, New Orleans: Historical Contexts, Living Traditions. Lecture presented at annual Save Our Cemeteries cemetery seminar, New Orleans, Louisiana.
- 2018 Unearthing a Scarlet World: The Archaeology of Storyville, New Orleans. Public lecture presented for Louisiana Archaeology Month, Baton Rouge, Louisiana.
- 2018 Archaeologies of the African Diaspora in New Orleans: Passebon Cottage and Beyond. Public lecture presented at the New Orleans African American Museum, New Orleans, Louisiana.
- 2018 The St. Peter Street Cemetery: Memory, Identity, and Urban Development at the First Cemetery of New Orleans. Paper presented for the meetings of the North American Death Care Regulators Association, New Orleans, Louisiana.
- 2018 Recent Archaeology in the Heart of the French Quarter: Labor and Trade in the Historic Vieux Carré. Public lecture presented for 'Gallier Gatherings' lecture series, Hermann-Grima and Gallier Historic Houses, New Orleans, Louisiana.
- 2019 Erasing Lines of Class and Color in Storyville(s), New Orleans. Paper presented at the Annual Meetings of the Society for Historical Archaeology, St. Charles, Missouri.
- 2021 Uprooted: Race, Public Housing, and the Archaeology of Four Lost New Orleans Neighborhoods. Public lecture presented at the Capitol Park Museum, Baton Rouge, and at the Friends of the Cabildo, New Orleans (virtual).
- 2021 Unearthing the Vieux Carré's Forgotten Cemeteries. Public lecture presented for New Orleans Catholic Cemeteries.
- 2022 Uprooted: Race, Public Housing, and the Archaeology of Four Lost New Orleans Neighborhoods. Public lecture presented at the Louisiana Historical Society, New Orleans, Louisiana.
- 2023 Partnering on Multi-Year Projects with the HJF and DPAA. Defense POW/MIA Accounting Agency and Henry Jackson Foundation Partnership Symposium, Portland, Oregon.
- 2024 Historical Memory, Restorative Justice, and the Search for the Lost. Friday Forum for LSU Department of Geography and Anthropology, Baton Rouge, Louisiana.

- 2024 High Grades and GriGris: Evolving the Partner Field School Model. Presentation at Annual DPAA Partner Symposium, New Orleans, Louisiana.
- 2024 Midwives, Healers, and Priests: 300 Years of Everyday Magical Practice in New Orleans, Louisiana. International Conference on Healers and Shamanistic Practices in Historical and Archaeological Evidence, Hall In Tirol, Hasegg Castle, Austria, sponsored by the Institute for Archaeology, University of Innsbruck.

Coauthored Presentations

South, Barry and D. Ryan Gray

- 2001 Modified Glass at the North Bend Plantation Site. Paper presented at the 2001 meeting of the Society for American Archaeology, New Orleans, Louisiana.

Bouzon, Helen, J. Ryan Kennedy, and D. Ryan Gray

- 2018 Archaeological Evidence of Household Craft Production and Hide Tanning from a Mid-19th Century Privy in New Orleans. Paper presented at the Annual Meetings of the Louisiana Archaeological Society, New Orleans, Louisiana.

Kennedy, Ryan and D. Ryan Gray

- 2018 Environmental Change and Coastal Resources: Perspectives from Colonial New Orleans. Paper presented at Save Our Coast conference, New Orleans, Louisiana.

Gray, D. Ryan and Erin Greenwald

- 2021 Breaking Ground: A Conversation on French Colonial-Era Archaeological Sites in New Orleans. A talk sponsored by the NEH, LEH, and French Embassy.

Ilsinger, Hubert, Elisabeth Waldhart, D. Ryan Gray, and Harald Stadler

- 2021 In Ruins: Trautson Castle as a Case Study in the Taphonomy of Bomb Damage and Renewal at Late Medieval Castles. Paper presented at Castle Studies Conference, St. Louis University, Spring 2021.

Ilsinger, Hubert, Aleander V. Thöny, Thomas Lörting, D. Ryan Gray, and Harald Stadler

- 2021 Wild Boar Ivory in the Late Medieval Trautson Castle, Tyrol, Austria: Identification of an Object through Optical Microscopy and Raman Spectroscopy. Paper presented at Castle Studies Conference, St. Louis University, Spring 2021.

Rees, Mark and D. Ryan Gray

- 2024 Archaeology in the Unfolding Aftermath: Creative Mitigation of Anthropogenic Disasters in New Orleans and the Mississippi River Delta. Presidential Forum, Society for American Archaeology Annual Meeting, New Orleans, Louisiana.

Technical Reports

Godzinski, Michael, Benjamin D. Maygarden, Allen Saltus, Paul Heinrich, D. Ryan Gray, Eads Poitevent, Jeffrey Clary, Jill-Karen Yakubik, Barry South, and Rhonda Smith

- 2001 *Cultural Resource Investigations on Grand Terre Island, Jefferson Parish, Louisiana*. Submitted to the New Orleans District, U.S. Army Corps of Engineers, New Orleans.

Smith, Rhonda L., Aubra L. Lee, Benjamin Maygarden, Allen Saltus, Jr., Kathryn Lintott, Aixa Wilson, Jason Emery, and D. Ryan Gray

- 2001 *Intensive Cultural Resources Survey of the Proposed Gulf Liquids New River Project Mainline and Motiva Lateral Line, St. John the Baptist, St. James, and Ascension Parishes, Louisiana.* Submitted to the State Division of Archaeology, Baton Rouge.
- Smith, Rhonda L., Benjamin Maygarden, D. Ryan Gray, Mary Beth Weed, and Aixa Wilson
2001 *Intensive Cultural Resources Survey, Proposed Enterprise Products Company Pipeline.* Submitted to the State Division of Archaeology, Baton Rouge.
- Smith, Rhonda L., Mary Beth Weed, Aixa Wilson, and D. Ryan Gray
2001 *Intensive Cultural Resources Survey, CITGO Petroleum Corporation, Lake Charles Refinery.* Submitted to the State Division of Archaeology, Baton Rouge.
- Gray, D. Ryan, Benjamin Maygarden, Jill-Karen Yakubik, and Rhonda Smith
2001 *Archaeological Monitoring of City Squares 102, 103, 104, and Portions of 105, 106, and 107, St. Thomas Hope VI Redevelopment, New Orleans, Louisiana.* Management Summary submitted to the Louisiana Division of Archaeology, Baton Rouge.
- Apollonio, Heather, Mary Elizabeth Weed, Rhonda L. Smith, Aubra L. Lee, Ellen Wilmer, D. Ryan Gray, Anna Lenhart, Kathryn Lintott, and Jill-Karen Yakubik
2002 *Intensive Cultural Resources Survey, Homer Bypass, Claiborne Parish, Louisiana.* Submitted to Arcadis, Geraghty, and Miller, New Orleans.
- Gray, D. Ryan, Rhonda L. Smith, and Jill-Karen Yakubik
2002 *Archaeological Monitoring of City Squares 67-72, 38-42, 109, and Portions of 31 and 32, St. Thomas Hope VI Redevelopment, New Orleans, Louisiana.* Management Summary submitted to Historic Restoration Inc., New Orleans.
- Godzinski, Michael, Benjamin Maygarden, Jeffrey Treffinger, Heather Apollonio, Beth Bingham, Wendy Bosma, Jeffery Clary, Danny Ryan Gray, Gail Lazarus, Kathryn Lintott, Kerriann Marden, Sara Orton, Eads Poitevent IV, Rhonda Smith, Barry South, Mary Elizabeth Weed, Ellen Wilmer, and Jill-Karen Yakubik
2002 *Cultural Resources Evaluation, Desire Streetcar Line.* Submitted to Parsons Brinkerhoff, New Orleans.
- South, Barry, Mary Elizabeth Weed, Jeffrey Treffinger, Jill-Karen Yakubik, Benjamin Maygarden, Paul Heinrich, Aubra Lee, Gail Lazarus, D. Ryan Gray, Eads Poitevent IV, Michael Godzinski, Wendy Bosma, Rhonda Smith, Kathryn Lintott, Michael Seward, and Gary Gordon
2002 *Intensive Cultural Resources Survey, I-49 South Route US 90, Wax Lake Outlet to Berwick, Lafayette, St. Martin, and Iberia Parishes.* Submitted to DMJM+Harris, New Orleans.
- South, Barry, Mary Elizabeth Weed, Jeffrey Treffinger, Jill-Karen Yakubik, Benjamin Maygarden, Paul Heinrich, Aubra Lee, Gail Lazarus, D. Ryan Gray, Eads Poitevent IV, Michael Godzinski, Wendy Bosma, Rhonda Smith, Kathryn Lintott, Michael Seward, and Gary Gordon
2002 *Intensive Cultural Resources Survey, I-49 South Route LA 88, Lafayette, St. Martin, and Iberia Parishes.* Submitted to DMJM+Harris, New Orleans.
- Gray, D. Ryan, Benjamin D. Maygarden, and Jill-Karen Yakubik
2003 *Archaeological Monitoring and National Register Testing of City Squares 33, 37, and Portions of 31 and 32, St. Thomas Hope VI Redevelopment, New Orleans,*

Louisiana. Management Summary submitted to Historic Restoration, Inc., New Orleans.

Smith, Rhonda L., Benjamin D. Maygarden, and D. Ryan Gray
2003 *Phase I Survey and Phase II Investigations, Fontainebleau State Park, St. Tammany Parish, Louisiana.* Submitted to Trapolin Architects, New Orleans.

Maygarden, Benjamin D., D. Ryan Gray, Sara Orton, and Jill-Karen Yakubik
2004 *Historical, Cartographic, and Preliminary Archaeological Assessment of St. Thomas Hope VI Scattered Site Development Properties Located in National Historic Districts, Orleans Parish, Louisiana.* Submitted to OMP Joint Ventures, New Orleans.

Gray, D. Ryan, Christine Hernandez, Benjamin D. Maygarden, Sara S. Orton, and Rhonda L. Smith
2004 *Phase I Cultural Resources Survey, Malmaison National Register Property, Carroll County, Mississippi.* Submitted to the Mississippi Band of the Choctaw, Choctaw, Mississippi.

Lawton, Crorey, Thaddeus Bissett, Agnes A. Burris, D. Ryan Gray, and Aubra L. Lee
2004 *Cultural Resources Survey, Caledonia Gas Storage Field, Monroe and Lowndes Counties, Mississippi.* Submitted to the Division of Archaeology, Baton Rouge.

Gray, D. Ryan, Jennae Biddescombe, and Angele Montana
2004 *Phase I Archaeological Survey of U.S. Route 11 Expansion, Laurel, Jones County, Mississippi.* Submitted to Parsons, Brinkerhoff, Quade, & Douglas, Inc., Atlanta.

Lee, Aubra L., D. Ryan Gray, Rhonda L. Smith, and Jill-Karen Yakubik
2005 *Archaeological Investigations at the John Carroll Jones House and the Roque Brothers Store, Natchitoches Parish, Louisiana.* Submitted to the St. Augustine Historical Society, Natchitoches.

Benjamin D. Maygarden, D. Ryan Gray, and Jill-Karen Yakubik
2005 *Historical and Cartographic Background Research, National D-Day Museum Expansion, Archaeological Mitigation Plan, New Orleans, Louisiana.* Submitted to the Division of Archaeology, Baton Rouge, Louisiana

Orton, Sara S., D. Ryan Gray, and Benjamin D. Maygarden
2005 *Cultural Resources Assessment and Archaeological Mitigation Plan for the Squares Bounded by S. Claiborne Avenue, Earhart Boulevard, Magnolia and Erato Streets, Orleans Parish, Louisiana.* Submitted to The Shaw Group, Baton Rouge.

Gray, D. Ryan
2005 *Archaeological Monitoring at the Federal Emergency Management Agency (FEMA) Temporary Housing Project at the Stallings Park Site, Orleans Parish, Louisiana.* Submitted to the Louisiana Division of Archaeology, Baton Rouge.

Gray, D. Ryan
2006 *Archaeological Documentation at the Federal Emergency Management Agency (FEMA) Temporary Housing Site at the Kingsley House Site, Orleans Parish,*

Louisiana: Preliminary Report. Submitted to the Louisiana Division of Archaeology, Baton Rouge.

Gray, D. Ryan

2006 *Archaeological Monitoring at the Federal Emergency Management Agency (FEMA) Temporary Housing Project (OR-99) at the Avenger Park Site (16OR219), Orleans Parish, Louisiana.* Submitted to the Louisiana Division of Archaeology, Baton Rouge.

Gray, D. Ryan

2006 *Archaeological Monitoring at the Federal Emergency Management Agency (FEMA) Temporary Housing Project (OR-102) at the Lyons Center Baseball Field Site, Orleans Parish, Louisiana.* Submitted to the Louisiana Division of Archaeology, Baton Rouge.

Gray, D. Ryan

2006 *Archaeological Monitoring at the Federal Emergency Management Agency (FEMA) Temporary Housing Project at the New Orleans Sewer and Water Board Canal Street Site (OR-98), Orleans Parish, Louisiana.* Submitted to the Louisiana Division of Archaeology, Baton Rouge.

Gray, D. Ryan

2006 *Archaeological Monitoring at the Federal Emergency Management Agency (FEMA) Temporary Housing Project at the Lynn Dean Site (SB-06), St. Bernard Parish, Louisiana.* Submitted to the Louisiana Division of Archaeology, Baton Rouge.

Gray, D. Ryan

2006 *Archaeological Monitoring at the Federal Emergency Management Agency (FEMA) Temporary Housing Project at the Meraux Foundation Site (SB-07), St. Bernard Parish, Louisiana.* Submitted to the Louisiana Division of Archaeology, Baton Rouge.

Gray, D. Ryan, Benjamin D. Maygarden, and Jill-Karen Yakubik

2006 *Reconnaissance Survey of a Proposed Borrow Area, St. Bernard Parish, Louisiana.* Submitted to the New Orleans District, U.S. Army Corps of Engineers, New Orleans.

Gray D. Ryan, Michael Godzinski, Benjamin D. Maygarden, and Angele Montana

2006 *Archaeological Monitoring at the Federal Emergency Management Agency (FEMA) Temporary Housing Project at the SUNO #1 (OR56), SUNO #2 (OR172), and UNO #1 (OR107) Sites, New Orleans, Orleans Parish, Louisiana.*

Gray, D. Ryan and Kathryn B. Lintott

2006 *Reconnaissance Survey of the Proposed Gatién-Scarsdale Borrow Area, Plaquemines Parish, Louisiana.* Submitted to Ceres Environmental, LaPlace, LA.

Gray, D. Ryan

2006 *Reconnaissance Survey of the Proposed Gatién Navy Ships Property Borrow Area, St. Bernard Parish, Louisiana.* Submitted to Ceres Environmental, LaPlace, LA.

Gray, D. Ryan and Benjamin D. Maygarden

- 2006 *Reconnaissance Survey of the Proposed Tim George Property Borrow Area, St. Bernard Parish, Louisiana.* Submitted to Ceres Environmental, LaPlace, LA.
- Gray, D. Ryan, Kimberly Eppler, Jill-Karen Yakubik, Aubra Lee, Rhonda Smith, Angele Montana, Jessica Barton, David Harlan, Jeanne Marquez, Constantine Orfan, Erin Sneddon, Stuart Nolan, Kathy Lemberg, Christa Clement, Dayna Lee, Sarah Paulson, Anthony White, Benjamin Maygarden, and Sandra Hester
- 2007 *Archaeological Data Recovery, Federal Emergency Management Agency (FEMA) Temporary Housing, Kingsley House Project Area (16OR221), New Orleans, Orleans Parish, Louisiana.* Report submitted to the US Army Corps of Engineers, New Orleans District.
- Dawdy, Shannon, D. Ryan Gray, and Jill-Karen Yakubik
- 2008 *Archaeological Investigations at the Rising Sun Hotel Site (16OR225), New Orleans, Louisiana, Vol. I.* Report prepared for the Historic New Orleans Collection, New Orleans, Louisiana.
- Godzinski, Michael and D. Ryan Gray
- 2008 *Research Design for Phase III Cultural Resources Investigations at the C.J. Peete Housing Complex, New Orleans, Louisiana.* Report prepared for the Housing Authority of New Orleans.
- Gray, D. Ryan, Michael Godzinski, Dayna Lee, and Jill-Karen Yakubik
- 2008 *Research Design for Phase III Cultural Resources Investigations at the Lafitte Housing Complex, New Orleans, Louisiana.* Report prepared for the Housing Authority of New Orleans.
- Gray, D. Ryan and Harriet Swift
- 2008 *Historic Overview, Developmental History, and Demographic Information by Household for Selected Blocks in the MCLNO Project Area, New Orleans, Louisiana.* Report submitted to U.S. Risk Management, New Orleans, Louisiana.
- Gray, D. Ryan, Sarah Riley, Harriet Swift, and Jill-Karen Yakubik
- 2009 *Phase I Cultural Resources Survey of City Square 280 (16OR501), New Orleans, Orleans Parish, Louisiana.* Report submitted to Gulf Coast Housing Partnership, New Orleans, Louisiana.
- Lee, Aubra, D. Ryan Gray, Dayna Lee, Benjamin Maygarden, Justine McKnight, Rhonda Smith, and Jill-Karen Yakubik
- 2010 *A Half-Watch of Work: Class, Labor, and Resistance on a Southern Louisiana Sugar Plantation: Archaeological Data Recovery at North Bend Plantation, St. Mary Parish, Louisiana.* Report submitted to the U.S. Army Corps of Engineers, New Orleans District.
- Gray, D. Ryan
- 2013 Appendix D: Management Summary of Archaeological Test Excavations at Madame John's Legacy (16OR51), Orleans Parish, Louisiana. In *Madame John's Legacy, New Orleans, Louisiana: Technical Conservation Study*, Master of Preservation Studies Program, Tulane University, Architecture. Report prepared for Louisiana Division of Historic Preservation, Baton Rouge, Louisiana.
- Gray, D. Ryan, Justine McKnight, and Rhonda Smith, with contributions by Elizabeth Seleen and Krystal Weber

- 2014 *Archaeological Test Excavations in the Interior of Madame John's Legacy (16OR51), Orleans Parish, Louisiana*. Report prepared for the Louisiana Division of Archaeology, Baton Rouge, Louisiana.

Gray, D. Ryan

- 2016 *Rediscovering the 'Antiguo Cementerio': Archaeological Excavations and Recovery of Human Remains from the St. Peter Street Cemetery (16OR92), Orleans Parish, Louisiana*. Report prepared for the Louisiana Division of Archaeology, Baton Rouge, Louisiana.

Gray, D. Ryan

- 2018 Interim Search and Recovery Report CIL 2017-266-R, a P-51D Crash Site (AU-00497) Associated with MACR 10734, in the Vicinity of the Municipality of Hohenthurn, District of Villach-Land, State of Carinthia, Republic of Austria, 11 July Through 8 August 2017. Report prepared for Defense POW/MIA Accounting Agency, Washington, DC.

Gray, D. Ryan

- 2020 Interim Search and Recovery Report CIL 2019-325, an Aircraft Crash Site (GM-05616) Associated with MACR-6981, in the Vicinity of Kimratshofen, Bayern, Federal Republic of Germany, 25 June Through 16 August 2019. Report prepared for Defense POW/MIA Accounting Agency, Washington, DC.

Gray, D. Ryan, with contributions by J. Ryan Kennedy, PhD, Elizabeth Williams, Sarauniya Zulu, Skyler McCrea, Patrick Deroche, and Alexandra Cavignac

- 2020 *Archaeological Investigations at the Passebon Cottage, 1431-1433 Ursulines Ave. (16OR142), New Orleans, Louisiana*. Report prepared for the New Orleans African American Museum of Art, Culture, and History.

Gray, D. Ryan, Helen Bouzon, and J. Ryan Kennedy

- 2021 *Archaeological Excavations at 936 St. Peter Street (16OR737), New Orleans, Louisiana*. Report prepared for Louisiana Division of Archaeology, Baton Rouge, Louisiana.

Gray, D. Ryan

- 2021 Search and Recovery Report CS21-0210, an Aircraft Crash Site (AU-00513) Associated with WWII-2709-M, in the vicinity of Eisenkappel-Vellach, Völkermarkt District, Kärnten, Austria, 31 May Through 15 June 2021. Report prepared for Defense POW/MIA Accounting Agency, Washington, DC.

Gray, D. Ryan

- 2023 Search and Recovery Report CS23-0241, an Aircraft Crash Site (AT-00513) Associated with MACR 2709, Eisenkappel-Vellach, Völkermarkt District, Kärnten, Austria, excavated from 28 May through 23 June 2023. Report prepared for Defense POW/MIA Accounting Agency, Washington, DC.

Gray, D. Ryan, Ryan Kennedy, and Elizabeth Williams

- 2024 *Cultural Resource Context Statement for the City of New Orleans* (2 volumes). Technical Report Submitted to City of New Orleans/FEMA/GOHSEP.

Gray, D. Ryan and Elizabeth Williams

2024 Archaeological Documentation of Vault Contents at the Jean Baptiste Gaudin Tomb, Ascension of Our Lord Catholic Cemetery. Management Summary prepared for Mr. Dennis Alonzo, New Orleans, Louisiana.

Other Experience and Professional Service

Public Archaeology Outreach, 2001 to present. Presented numerous lectures for Louisiana Archaeology Week and for institutions around the city like the Historic New Orleans Collection, the Louisiana State Museum, and the New Orleans Museum of Art. Prepared artifact displays and coordinated on exhibits at numerous venues. Served as Design Consultant for professional display on archaeology by SW Museum Services, housed at The National World War II Museum. Organized site visits and tours for New Orleans Citizens Diplomacy Council, the Louisiana Archaeological Society, the Louisiana Historical Association, the French Académie des sciences d'outre mer, and the National Association of Interpreters. Public archaeology days at the Passebon Cottage, New Orleans African American Museum campus. Archaeology and outreach efforts featured in local, regional, and national publications. Appearances on radio shows, local TV, and podcasts, including “Tripod: New Orleans at 300”, “Louisiana Eats”, “News With a Twist”, “The Storied House”, and Bernice Bennett’s “Research at the National Archives and Beyond”. Panelist in Panel Discussion for preview of “The Last B-24”, episode of PBS NOVA, The National World War II Museum, New Orleans, Louisiana, November 2018. Regular columns for *Preservation in Print* and *Newsletter of the Louisiana Archaeological Society*.

Holt Cemetery Mapping and Documentation Project. October 2009 to present. Conducting a comprehensive survey and documentation of Holt Cemetery in New Orleans, to be incorporated into an interactive GIS database. Developed interpretive signage for cemetery in conjunction with Save Our Cemeteries.

Advisor/Participating Scholar for Friends of the Cabildo/Louisiana State Museum National Endowment for the Humanities grant project, “Madame John’s Legacy: Exploring the History of the French Quarter”, September 2018-Present.

Bayou Sauvage Access Study Project Management Team, Invited Expert, September 2024-present.

Listed on Register of Professional Archaeologists. Past and/or Current Member of American Anthropological Association, Society for Historical Archaeology, Society for American Archaeology, Organization of American Historians, American Society for Ethnohistory, and Southeastern Archaeological Conference.

Regular service as peer reviewer for scholarly publications and grants (typically ~2/year. Served on NEH grant review panel in December 2023.

Terrestrial Program Chair, Society for Historical Archaeology 2018 Annual Meeting in New Orleans, Louisiana.

Local Programming Committee Member, Annual Meeting of Society for American Archaeology Conference, 2024, New Orleans, Louisiana.

Executive Program Committee Chair, American Anthropological Association Annual Meetings in New Orleans, Louisiana, November 2025.

University Service

Director, University of New Orleans Summer Field School in Historical Archaeology. June 2012 to present. Conducted summer archaeology field schools at a variety of sites around the city, including agreements with the Housing Authority of New Orleans, the New Orleans Redevelopment Authority, and the New Orleans African American Museum. Developed partnership with the Defense POW/MIA Accounting Agency to conduct summer field schools for DPAA recovery cases in Europe, with field schools held in Austria and Germany.

Curator and Collections Manager, University of New Orleans Archaeology Lab. August 2012 to present. Managing archaeological collections stored at on-campus facility at University of New Orleans.

Member, UNO Faculty Senate and Academic Board, 2016-2019; Faculty Senate and Budget Committee, 2020-2023 (Chair of Budget Committee 2022-2023). Member, Courses and Curriculum Committee, 2014-2017. Member, UNO Undergraduate Research Council, Fall 2018 to Summer 2024. Steering Committee, Picture a Scientist/Gender Equity Events, Summer 2021 to Present. International Education Advisory Committee (January 2023-present).

Graduate Programs in Urban Studies. Summer 2012 to present. Developed curriculum for track in MSUS Applied Urban Anthropology Subfield on Cultural Resource Management, including new courses, professional training, and development of internship program in lab, and for Cultural and Historic Preservation Certificate. Chaired numerous MSUS theses and Urban Studies dissertations.

Archaeology as Service Learning Partnerships. Entered into partnerships with the 1811-Kid Ory Historic House Museum, St. John the Baptist Parish, Louisiana, Spring 2021, and the Whitney Plantation Museum and the Descendants Project, St. John the Baptist Parish, Fall 2021, to conduct archaeological research and public outreach activities in conjunction with service learning classes offered through UNO.

Board Member, Austrian Marshall Plan Center for European Studies.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**RURAL ROOTS LOUISIANA,
MOUNT TRIUMPH BAPTIST
CHURCH, and HARRY JOSEPH, SR.,**

Plaintiffs,

v.

LT. GEN. WILLIAM H. GRAHAM, JR.,
in his official capacity as Commanding
General of the United States Army Corps
of Engineers, and **UNITED STATES
ARMY CORPS OF ENGINEERS,**

Defendants.

Civil Action No. 1:26-cv-1141-AHA

MEMORANDUM IN SUPPORT OF
MOTION FOR TEMPORARY RESTRAINING ORDER

EXHIBIT 1: DECLARATION OF TWILA COLLINS

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

RURAL ROOTS LOUISIANA, MOUNT TRIUMPH BAPTIST CHURCH, and PASTOR HARRY JOSEPH SR., <i>Plaintiffs,</i> v. LT. GEN. WILLIAM H. GRAHAM, JR., in his official capacity as Commanding General of the United States Army Corps of Engineers, and UNITED STATES ARMY CORPS OF ENGINEERS, <i>Defendants.</i>	Civil Action: 26-cv-1141-AHA Motion for Temporary Restraining Order
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DECLARATION OF TWILA COLLINS

My name is Twila Collins. I am over the age of 18 and fully competent to make this declaration. Under penalty of perjury, pursuant to 28 U.S.C. § 1746, I declare:

1. I am a lifelong resident of Modeste, Louisiana and a descendant of enslaved people in Ascension Parish.
2. I am a member of Rural Roots Louisiana.
3. My family has lived in Modeste since before Emancipation.

4. We have always buried our deceased loved ones in cemeteries in Modeste. Many of my family members are buried at the St. Phillip's Baptist Church Cemetery, an historic Black cemetery, including my son, mom, brother, and maternal aunt. The cemetery is walking distance from my house and less than a five-minute drive from the proposed industrial sites.

5. Other family members are buried in the St. Mary's Baptist Church Cemetery, an historic Black cemetery, in a family plot that includes my maternal great-grandparents, great-aunts, great-uncles, and cousins. The cemetery is less than a five-minute drive from the proposed industrial sites.

6. In the past, members of my community have been forcibly separated from their deceased loved ones after an industrial company purchased the land where the cemetery sits and blocked access to the cemetery. Community members who paid for burial plots for their family members and visited them for years without incident now have to get advance permission to visit their loved ones and be escorted by security. This is hurtful. It also makes it very difficult for out-of-town family members to visit those cemeteries. Families face the impossible choice between getting permission to visit their loved ones and moving them to a new cemetery.

7. As part of my family's cultural and religious beliefs, we want our deceased to "rest in peace." This is very difficult in Ascension Parish with all of the disturbances to the land and environment around us due to industrial development.

8. I am very concerned about the encroachment of industrial facilities on these cemeteries.

9. For my entire life, St. Phillip's Church Cemetery and St. Mary's Church Cemetery, as well as another historic Black cemetery in Modeste, New Mount Calvary Baptist Church, have been open to loved ones of the deceased 24/7. I would be irreparably harmed if this access to my family members' gravesites was taken away from me.

10. I want to visit, maintain, and protect these burial sites. This is sacred ground.

11. I also want to visit, maintain, and protect the unmarked burial sites of the enslaved on the land where CF Industries and other companies want to build industrial facilities.

12. The people in those graves are part of my ancestral community. I have a cultural and religious duty to protect their gravesites.

13. Because of the history of slavery in Ascension Parish, my community knows that, anywhere there were enslaved people, there are unmarked graveyards. All plantations have burial sites. I want those sites to be fully protected because, during slavery, when my people died, we had no control over what happened to their bodies. Because slavery on sugarcane plantations was so difficult on the human body, I believe there are some babies and children buried on the plantations where CF Industries and other companies want to build. It is sacred ground.

14. All graveyards should be fully protected. As a descendant, I want to ensure that the unmarked cemeteries of the enslaved are identified before CF Industries or any company is given permission to use the land for industrial development. Protecting the cemeteries means restoring their physical condition, doing memorialization work through a historical marker and other efforts, and engaging in historical preservation so that everybody will know those are historic sites that are important to our culture.

15. During slavery, those who died enslaved were not permitted to have proper funerals. I want to visit their final resting places and join my community in holding prayer ceremonies to finally give our deceased a proper

burial. I want to continue to visit their gravesites on a regular basis for as long as I can.

16. I requested to be a consulting party in the 106 process for CF Industries because I am concerned about the impact of industrial development on Modeste, including sites of historical significance like Black church cemeteries and unmarked burial grounds on the former plantation land that CF Industries and other petrochemical companies want to build on.

17. I did not receive a response to my individual consultation request, but Rural Roots did receive a response. However, there was no consultation with our organization before the Army Corps made a determination of No Adverse Effects.

18. I do not understand how there could be no adverse effects. The proposed project by CF Industries would have negative cumulative and indirect impacts on me, my family, and my community, including the potential erasure of my historic, Black community of Modeste; increased pollution and exposure to carcinogens; higher rates of cancer; negative respiratory and other health effects; and decreased property values. We would also be at risk for environmental disaster without adequate evacuation plans if there is a chemical leak, explosion, or other facility-related disaster.

19. All of this needs to be considered during the 106 review process that the Army Corps is required to undertake. That is not possible without meaningful consultation with those of us who live in Modeste.

20. Even without a permit, a lot of construction-related activity has happened on the proposed sites for nearly a year, including on the CF Industries and Hyundai sites.

21. I first started seeing and hearing construction activity in the early fall of 2025.

22. This activity includes hauling dirt, limestone, and gravel; moving heavy equipment, like dump trucks, bulldozers, and other construction vehicles onto the sites; transporting temporary office buildings onto the CF Industries site; and hauling pylons and cranes onto the Hyundai site. Since this activity started, I have taken pictures of the activity on the road near my house and visible from the sites.

23. There are huge mountains of gravel sitting on the CF Industries site.

24. In April 2026, I saw that, on the CF Industries site, a road had been built, a trench had been dug, and some trees had been removed. I took

pictures of the heavy equipment on the site digging and moving large amounts of dirt.

25. On the morning of June 30, 2026, I saw a portable building being transported onto the sites as I left my home.

26. At times, this work has happened 24/7, including for several months at the beginning of this calendar year. Spotlights were moved onto the CF Industries site so that work could happen all through the night.

27. I could not sleep at night from the sound of trucks passing and the light from the spotlights.

28. Throughout April 2026, I used a decibel meter from inside my house to measure the sound from the trucks passing by. Around 10:00pm on April 5, 2026, I registered the volume at 96 decibels.

29. It seemed like there was a hurry to get the construction completed and that is why they were having people work overnight.

30. I am concerned about the cultural resources that might be damaged or destroyed as this construction activity takes place so quickly.

31. In March 2026, I took pictures of “no trespassing” signs newly placed near slave cabins on the Hyundai site. I am very concerned about the preservation of these cabins. Two of the original four have already been

destroyed. It was devastating to me when the former Elise Plantation School on the CF site was torn down a few years ago. That school was historically and culturally important to me. The only thing I have left to remember the school is a picture from many years ago.

32. The construction noise disturbed me and my neighbors, including babies and young children, while we tried to sleep.

33. When I am on my front porch during the day, I can feel the vibration on the road from the heavy trucks going to the sites.

34. The roads in my neighborhood were not designed for heavy trucks.

35. At least three times, a truck carrying dirt or gravel has overturned on the road, blocking traffic and leaving a massive mess. I took pictures of the trucks overturned on the road with dirt and gravel spilling out onto the road.

36. The roads in my neighborhood are damaged now from all the truck traffic. The roads are very uneven and riddled with new potholes. I took pictures of the damage to the road near my home that shows how the road is torn up and that it is impossible to drive on the road and avoid driving over the damaged parts.

37. Last week, I had to take my truck to a body shop for repairs, likely due to the worsened condition of the road which was causing the bolts on the undercarriage of my truck to loosen. I had to have the bolts replaced and have locks added to them.

38. Since May 2026, I have seen at least three new access roads for trucks to get to the proposed sites for CF Industries and Hyundai.

39. To date, the construction activity on the CF Industries site is ongoing, and several temporary buildings remain on the site. I took pictures of the temporary buildings in use on the site. There is still heavy traffic on the roads, and a lot of noise in the neighborhood from the activity on the sites.

40. If a permit is issued to CF Industries before there is a meaningful consultation process with the local community, I will be irreparably harmed because historic sites in my community will be opened for further industrial development. My community of Modeste is historic and should be protected, including the Black church cemeteries where my loved ones are buried and the unmarked graves of those who died enslaved on the plantations.

Dated: July 1, 2026

/s/ Twila Collins
Twila Collins

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**RURAL ROOTS LOUISIANA,
MOUNT TRIUMPH BAPTIST
CHURCH, and HARRY JOSEPH, SR.,**

Plaintiffs,

v.

LT. GEN. WILLIAM H. GRAHAM, JR.,
in his official capacity as Commanding
General of the United States Army Corps
of Engineers, and **UNITED STATES
ARMY CORPS OF ENGINEERS,**

Defendants.

Civil Action No. 1:26-cv-1141-AHA

MEMORANDUM IN SUPPORT OF
MOTION FOR TEMPORARY RESTRAINING ORDER

EXHIBIT 3: MARCH 24, 2026 EMAIL TO ASHLEY GAIGNARD



Pam Spees <pspees@ccrjustice.org>

Fw: Section 106 Consultation No Adverse Effects Blue Point Low Carbon Ammonia Facility Ascension Parish (MVN-2023-00269-CF)

1 message

KEEONKAH JUDSON <kee-kee@ruralrootslouisiana.org>
To: Pam Spees <pspees@ccrjustice.org>

Thu, Apr 2, 2026 at 11:55 AM

Best Regards,

*KeeKee Julien-Judson
Rural Roots Louisiana
Grant's Manager
(225) 229-7438*

From: Ashley Gagnard <admin@ruralrootslouisiana.org>
Sent: Thursday, April 2, 2026 11:55 AM
To: KEEONKAH JUDSON <kee-kee@ruralrootslouisiana.org>
Subject: FW: Section 106 Consultation No Adverse Effects Blue Point Low Carbon Ammonia Facility Ascension Parish (MVN-2023-00269-CF)

From: Ashley Gagnard <admin@ruralrootslouisiana.org>
Date: Thursday, April 2, 2026 at 11:53 AM
To: pspees@ccrjustice.org <pspees@ccrjustice.org>
Subject: FW: Section 106 Consultation No Adverse Effects Blue Point Low Carbon Ammonia Facility Ascension Parish (MVN-2023-00269-CF)

From: Powers, Erin L CIV USARMY CEMVN (USA) <erin.l.powers@usace.army.mil>
Date: Tuesday, March 24, 2026 at 2:32 PM
To: Ashley Gagnard <ashley@ruralrootslouisiana.org>
Cc: Steinkoenig, Zachary J (Zach) CIV USARMY CEMVN (USA) <Zachary.J.Steinkoenig@usace.army.mil>, COURTNEY HARRIS <courtney@ruralrootslouisiana.org>,
[REDACTED]**Subject:** Section 106 Consultation No Adverse Effects Blue Point Low Carbon Ammonia Facility Ascension Parish (MVN-2023-00269-CF)

Dear Ms. Gagnard,

I hope you are well. The Corps of Engineers, New Orleans District (CEMVN) has reviewed your request and invites you to participate as a Consulting Party member for the CEMVN Regulatory Division's Section 106 review of permit application MVN-2023-00269-CF for the Blue Point Low Carbon Ammonia Facility in Ascension Parish, Louisiana.

CEMVN has reviewed the enclosed documents for the Project, please find the CEMVN effects determination letter attached along with the enclosed documents sent via DoD Safe Link. CEMVN respectfully requests written comments within thirty (30) days of this email. If you need additional information, please contact Zachary Steinkoenig (zachary.j.steinkoenig@usace.army.mil).

V/r,

Erin L. Powers, MS, RPA

Archaeologist

Regulatory Division

New Orleans District

U.S. Army Corps of Engineers

[t] 504.862.2080

[c] 504.717.9754



 **MVN-2023-00269-CF CL TO Gaignard RRL.pdf**
419K

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**RURAL ROOTS LOUISIANA,
MOUNT TRIUMPH BAPTIST
CHURCH, and HARRY JOSEPH, SR.,**

Plaintiffs,

V.

Civil Action No. 1:26-cv-1141-AHA

LT. GEN. WILLIAM H. GRAHAM, JR.,
in his official capacity as Commanding
General of the United States Army Corps
of Engineers, and **UNITED STATES
ARMY CORPS OF ENGINEERS,**

Defendants.

**MEMORANDUM IN SUPPORT OF
MOTION FOR TEMPORARY RESTRAINING ORDER**

EXHIBIT 4: MARCH 19, 2026 LETTER TO ASHLEY GAINARD



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS LA 70118-3651
March 19, 2026

Regulatory Division

Subject: Section 106 Review Consultation Phase I Report No Adverse Effect with Special Condition

Undertaking: CF Industries Blue Point Low Carbon Ammonia Facility
Ascension Parish, Louisiana (Lat. 30.183125 Long. -
91.024742) (Regulatory Permit # MVN-2023-00269-CF)

Ashley Gaignard
Rural Roots Louisiana

Dear Ms. Gaignard:

The U.S. Army Corps of Engineers, New Orleans District (CEMVN), Regulatory Division, Central Evaluation Branch (RGC), has reviewed the enclosed reports (Enclosures 1 and 2) by SURA, Inc. (SURA) dated November 2018 and titled, *Phase I Cultural Resources Survey of 944 Acres (382 Hectares) near Donaldsonville, Ascension Parish, Louisiana*, and by TerraXplorations, Inc. (TerraX) dated October 2023 and titled, *A Phase I Cultural Resources Survey of the Elise Schoolhouse in Ascension Parish, Louisiana*.

Description of the Undertaking

The permit application (Enclosure 3) proposed project activity involves construction of a greenfield low carbon ammonia manufacturing facility in Ascension Parish, Louisiana. Proposed project components include an ammonia plant, cooling towers, carbon dioxide compression, plant utility equipment, and storage and loading facilities. There will also be a marine terminal on the Mississippi River for loading and offloading and water intake and discharge, heavy haul road, process support facilities, tank farm, and emergency flares (Undertaking). This Undertaking will involve the clearing, grading, and filling of wetlands and non-wetland Waters of the United States (WOTUS).

Area of Potential Effects (APE)

The APE for direct and indirect effects is approximately 944 acres (ac; 382 hectares [ha]) consisting of a portion of the west bank of the Mississippi River, agricultural fields, and backswamp within Ascension Parish, Louisiana (Figure 1).

Identification and Evaluation of Historic Properties

Four newly recorded archaeological sites and 13 structures were identified during two investigations (LDOA # 22-6023 and 22-7400). The Noel Cane Site (16AN122) was first recorded in 2018 by SURA as a nineteenth and twentieth century historic artifact scatter related to the Elise Plantation. A total of 1,137 artifacts were collected, including ceramics, glass, metal, construction materials, faunal and shell items, and personal items. The archaeological investigation yielded no features to suggest further research potential nor does it possess integrity. CEMVN determines that 16AN122 is **ineligible** for listing on the National Register of Historic Places (NRHP) based on Criteria A through D per 36 CFR 60.4[a-d].

The Noel West Site (16AN121) was first recorded in 2018 by SURA as a nineteenth and twentieth century historic artifact scatter related to the Elise Plantation. Two historic standing structures (LHRI # 03-00760 and 03-00762) are within the site boundary but are discussed individually below. A total of 98 artifacts were collected, including ceramic, glass, metal, construction materials, faunal remains, and shells. The archaeological investigation yielded no features to suggest further research potential nor does it possess integrity. CEMVN determines that 16AN121 is **ineligible** for listing on the NRHP based on Criteria A through D.

The Noel East Site (16AN120) was first recorded in 2018 by SURA as a nineteenth and twentieth century historic artifact scatter related to the Elise Plantation. Three historic standing structures (LHRI # 03-00767; 03-00768; and 03-00769) are within the site boundary but are discussed individually below. A total of 471 artifacts were collected, including ceramic, glass, metal, construction materials, faunal remains, and shell. The archaeological investigation yielded one articulated brick walkway feature associated with mid twentieth century occupation of the property. 16AN120 possesses no integrity, as a result, CEMVN determines that 16AN120 is **ineligible** for listing on the NRHP based on Criteria A through D.

The Elise Reuss Memorial Schoolhouse (16AN158) was first recorded in 2023 by TerraX as a twentieth century historic artifact scatter associated with the extant school house structure (03-00763) located within the site boundary. The school house was established in 1906 as one of eight schools for Black children in Ascension Parish. George Reuss had four daughters, one of the daughters, Elise, passed away during her childhood, thus the school was named in her memory. A total of 252 artifacts were collected, including ceramic, glass, metal, construction materials related to the school house and personal items. Archaeological investigation revealed that the brick foundation of the school house was present, suggesting subsurface intact features and further research potential is likely. CEMVN determines 16AN158 **eligible** under **Criterion D** for listing on the NRHP.

A total of 13 historic structures (above ground resources) were identified during the two investigations. SURA identified thirteen newly recorded structures (LHRI # 03-00760 through 03-00772).

Structure 1 (LHRI # 03-00760) is the last remaining tenant quarter, once part of a row of residences, within site 16AN121. Built circa 1935, this bungalow has front and rear additions and the central chimney was removed. This structure no longer possesses integrity and CEMVN determines Structure 1 **ineligible** for the NRHP based on Criteria A through D.

Structure 2 (LHRI # 03-00761) is a wood-framed wrapped with corrugated metal that houses a water pump. This structure no longer possesses integrity and CEMVN determines Structure 2 **ineligible** for the NRHP based on Criteria A through D.

Structure 3 (LHRI # 03-00762) is a wood-framed structure with a fireplace on the rear wall. The structure was likely a small residence during the twentieth century. The structure is severely dilapidated and has little to no integrity as a residential structure. CEMVN determines Structure 3 **ineligible** for the NRHP based on Criteria A through D.

Structure 4 (LHRI # 03-00764) is a wooden barn with a central opening, open sides, and a corrugated metal roof. This structure is likely associated with the agricultural production of Elise Plantation, however, it possesses little integrity. CEMVN determines Structure 4 **ineligible** for the NRHP based on Criteria A through D.

Structure 5 (LHRI # 03-00765) is a wooden bar with a gabled, tin roof and a raised concrete pier foundation. This structure is likely associated with the agricultural activity of Elise Plantation, however, it possesses little integrity. CEMVN determines Structure 5 **ineligible** for the NRHP based on Criteria A through D.

Structure 6 (LHRI # 03-00766) is a corrugated metal shed. This structure is likely associated with the agricultural activity of Elise Plantation, however, it possesses little integrity. CEMVN determines Structure 6 **ineligible** for the NRHP based on Criteria A through D.

Structures 7 through 11 (LHRI # 03-00767 through 03-00771) are five agricultural outbuildings located nearby to the extant row of tenant quarters. Structure 7 (03-00767) is a wooden chicken coop, Structure 8 (03-00768) is an open carport/garage, Structure 9 (03-00769) is a metal garage for farming equipment, Structure 10 (03-00770) is a red monitor barn for farm animals, and Structure 11 (03-00771) is a metal garage. These five do not possess integrity, CEMVN determines Structures 7 through 11 **ineligible** for the NRHP based on Criteria A through D.

Structure 12 (LHRI # 03-00772) is a ranch-style residence that has been altered numerous times since its construction. This residence does not possess integrity and as a result, CEMVN determines this structure **ineligible** for the NRHP based on Criteria A through D.

Structure 13 (LHRI # 03-00763) is the Elise Reuss Memorial School House and as of TerraX's investigation in 2023, the school house was no longer extant. As a result, CEMVN determines the structure **ineligible** for the NRHP based on Criteria A through D.

Assessment of Effect to Historic Properties

CEMVN has determined that there is one historic property (16AN158) **eligible** for the NRHP. There are three archaeological sites and 13 structures that are determined **ineligible** within the APE. To avoid effects to 16AN158, CEMVN requires that the applicant adhere to the following avoidance measures as part of the conditions of the permit (Enclosure 4). This permit condition will ensure that construction operations will be restricted from the archaeological site boundaries by placing a 30-foot (ft; 10 meters [m]) buffer around 16AN158 during construction. This avoidance measure will not affect characteristics making 16AN158 eligible for the NRHP listing. Therefore, CEMVN is making a finding of No Adverse Effect to Historic Properties with Condition of Avoidance for this permit action and submitting it to you for review and comment. This project will be subject to the standard change in scope of work, unexpected discovery, and unmarked human burial site provisions.

Final Effect Determination: No Adverse Effect to Historic Properties with Condition of Avoidance 36 CFR 800.4(d)(1).

Should you have any questions or need additional information regarding this undertaking, please contact Erin Powers at (504) 862-2080, or by email at Erin.L.Powers@usace.army.mil, or Brian E. Ostahowski, RPA, REM, Archaeologist and Tribal Liaison at 504-862-2188 or by email at Brian.E.Ostahowski@usace.army.mil.

Sincerely,

Neil T. Gauthier
Chief, Central Evaluation Branch,
Regulatory Division

Encls

List of Recipients:

1. Alabama-Coushatta Tribe of Texas
2. Alabama Quassarte Tribal Town
3. Chitimacha Tribe of Louisiana
4. Choctaw Nation of Oklahoma
5. Coushatta Tribe of Louisiana
6. Jena Band of Choctaw Indians, Louisiana
7. Mississippi Band of Choctaw Indians
8. Seminole Nation of Oklahoma
9. Tunica Biloxi Tribe of Louisiana
10. Louisiana State Historic Preservation Officer (SHPO)
11. Rural Roots Louisiana
12. Rise St. James

Enclosures:

1. Phase I Survey Report LDOA # 22-6023
2. Phase I Survey Report LDOA # 22-7400
3. Permit Application and Drawings
4. Special Condition of Avoidance Template

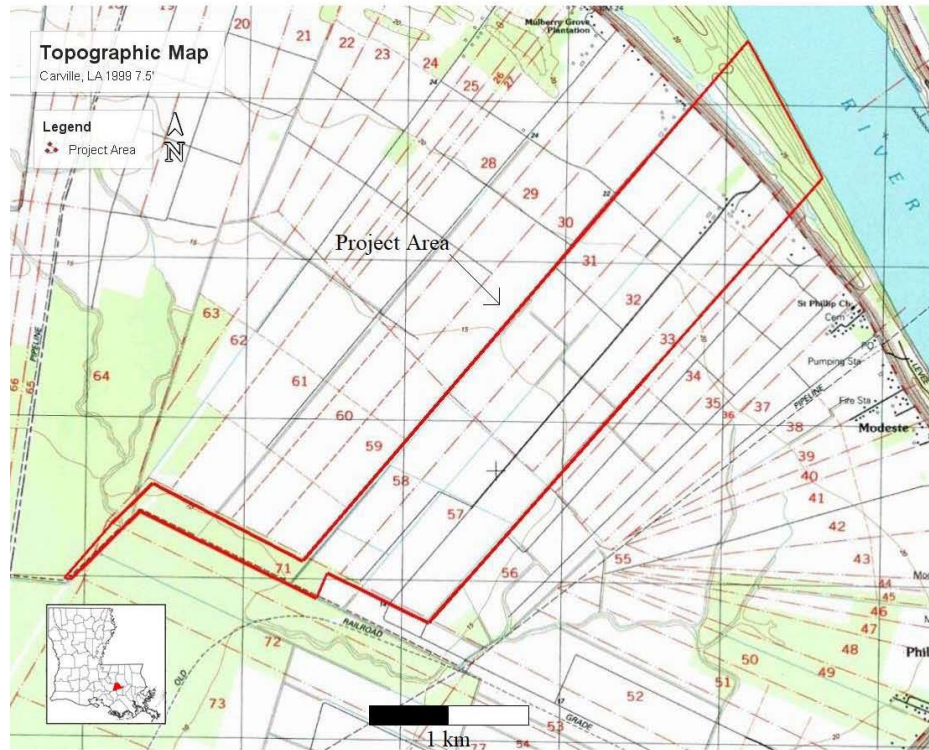


Figure 1. Portion of Carville, LA 1999 7.5-minute topographic map (source: USGS).

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**RURAL ROOTS LOUISIANA,
MOUNT TRIUMPH BAPTIST
CHURCH, and HARRY JOSEPH, SR.,**

Plaintiffs,

v.

LT. GEN. WILLIAM H. GRAHAM, JR.,
in his official capacity as Commanding
General of the United States Army Corps
of Engineers, and **UNITED STATES
ARMY CORPS OF ENGINEERS,**

Defendants.

Civil Action No. 1:26-cv-1141-AHA

MEMORANDUM IN SUPPORT OF
MOTION FOR TEMPORARY RESTRAINING ORDER

EXHIBIT 5: COMMENTS ON FINAL NO ADVERSE EFFECTS DETERMINATION

April 23, 2026

Neil T. Gauthier
Chief, Central Evaluation Branch,
Regulatory Division
U.S. Army Corps of Engineers

Erin L. Powers
Archaeologist
Regulatory Division
New Orleans District
U.S. Army Corps of Engineers

**Re: Comments on Final No Adverse Effects Determination in Section 106 Review
Consultation Phase I Report of the Undertaking by CF Industries Blue Point
Ammonia Facility, Ascension Parish, Louisiana (Lat. 30.183125 Long. - 91.024742)
Regulatory Permit # MVN-2023-00269-CF**

Dear Mr. Gauthier, Ms. Powers,

As you may know, on April 2, 2026, Rural Roots Louisiana filed a lawsuit in relation to the above-referenced undertaking in light of extensive ground-disturbing construction activities currently taking place on the site, and out of concern for unmarked burial sites known to exist on the property. Attached please find a copy of the complaint for your ease of reference.

The suit seeks declaratory and injunctive relief and alleges that the Corps has: 1) failed to meaningfully consult with Plaintiff Rural Roots Louisiana and others in the descendant community prior to authorizing extensive, ground-disturbing activities on the site of the undertaking that could pose a threat to unmarked gravesites known to exist on the property; (ii) failed to require the permit applicants to affirmatively and positively locate the gravesites known to exist on the property prior to undertaking any construction-related activities; and (iii) issued a final determination of no adverse effects on historic properties prior to consulting with Plaintiff Rural Roots Louisiana and other concerned members of the descendant community.

While the lawsuit is focused primarily on harm to the unmarked graves of people enslaved on the property, the historic preservation concerns related to this undertaking are broader given the history of the area impacted by this project, the existence of African American churches with marked cemeteries, the community of Modeste itself, in addition to structures already listed on the National Register.

Rural Roots Louisiana takes this opportunity to summarize the concerns set out in the lawsuit and highlight additional concerns about the inadequacies of Corps' process thus far under Section 106 of the National Historic Preservation Act ("NHPA"):

1) The Corps made a final no adverse effects determination without first consulting with affected parties.

Federal regulations require that the Corps "shall ensure that the section 106 process is initiated early in the undertaking's planning" and that it "must complete the section 106 process prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license." 36 C.F.R. § 800.1(c). The regulations further require that the Corps not authorize activities before final permits are issued that are destructive or that could "restrict the subsequent consideration of alternatives to avoid, minimize or mitigate the undertaking's adverse effects on historic properties." *Id.*

Rural Roots Louisiana first requested consulting party status for the 106 review of this undertaking on September 23, 2025. Rural Roots received an email from the Corps on December 16, 2025, acknowledging receipt of their request and inviting them to participate as a consulting party in the Corps' review of the undertaking. The email further advised that the "Section 106 consultation has not been initiated yet" and that once it was initiated "you will be receiving a CEMVN letter... and an initial consultation meeting invitation... ."

However, on March 24, 2026, Rural Roots received a communication from the Corps that it had made a "Final Effect Determination" of "No Adverse Effect to Historic Properties with Condition of Avoidance" for the permit sought by CF Industries. The Corps arrived at this determination without conferring or consulting with Rural Roots, which the Corps granted consulting party status in December, months before this decision was issued.

As such, the decision did not take into account the concerns of Rural Roots about the project's impacts on their community, churches and cemeteries, both marked and unmarked, as well as the Mulberry Grove Plantation and its four quarters houses that once housed people enslaved on the plantation and later sharecroppers that are already listed on the National Register – two of which were demolished in the fall of 2025. The undertaking will assuredly cause additional air, soil, and water pollution, in addition to noise and light pollution and will affect the viewshed. The Corps made this determination without consulting with Rural Roots and other consulting parties as to these impacts and whether and how they could be avoided.

Given the extensive, heavy, ground-disturbing construction activities occurring on the site, the project is likely already having an adverse impact on historic and cultural resources - through air, noise, and light pollution, and ground disturbance on nearby resources.

2) The Corps should investigate whether historic resources were demolished in anticipation of this undertaking's need for a permit.

Section 110(k) of the NHPA, 54 U.S.C. § 306113; 36 C.F.R. § 800.9(c), prohibits intentional advance destruction of historic properties. This provision requires the Army Corps to deny the permit application where such intentional anticipatory demolition has occurred, unless and until the agency goes through a special consultation process with the Advisory Council on Historic Preservation to determine whether circumstances justify granting the permit at all, in light of the earlier demolition. Section 110(k) states that “a federal agency may not grant a permit to an applicant who has already adversely affected historic property.” *Committee to Save Cleveland's Huletts v. U.S. Army Corps of Engineers*, 163 F. Supp. 2d 776, 792-93 (N.D. Ohio 2001).

In its March 24, 2026 correspondence in which it advised Rural Roots of its “no adverse effects” determination, the Corps also provided two cultural resource surveys - one from 2018 undertaken by Surveys Unlimited Research Associations (“SURA”)¹ and one from 2023 undertaken by TerraX for CF Industries.²

The SURA survey in 2018 confirmed the existence of the Elise Schoolhouse, which the surveyors believed “meets the National Register’s criteria for evaluation under Criterion A and Criterion C.”³ The authors recommended “further evaluation of the historic properties associated with the Elise Schoolhouse prior to ground disturbing activities to determine eligibility for inclusion to the NRHP.”⁴

In 2023, when TerraX commenced a study of the project area, it noted that in 1904 the “Elise School was one of only eight plantation schools for Black children in Ascension Parish, compared to the ten active, and fourteen proposed White-only Schools.”⁵

However, TerraX noted that the schoolhouse had been destroyed between the time of the earlier SURA and its survey. TerraX reported that “the schoolhouse was still standing until early 2023.

¹ Brandy Kerr, Jennie Garcia & Malcolm Shuman, *Phase 1 Cultural Resources Survey of 944 Acres (382 Hectares) near Donaldsonville, Ascension Parish, Louisiana: Final Report*, 17 Surveys Unlimited Research Associates, Inc. (SURA) (Nov. 2018) (hereinafter “SURA Report”).

² Steven J. Filoromo, Margaret Schultz & Cristyn Maxey, *A Phase 1 Cultural Resources Survey of the Elise Schoolhouse in Ascension Parish, Louisiana*, TerraXplorations, Inc. (Oct. 2023) (hereinafter “TerraX Report”).

³ SURA Report, *supra* note 1 at i.

⁴ *Id.*

⁵ TerraX Report, *supra* note 2 at 13.

The former landowner or relative (a Hayward) destroyed the schoolhouse in hopes to sale [sic] the property with greater ease. CF Industries purchased the property in 2023.”⁶ As a result of its demolition, the schoolhouse was investigated as an archeological site, and TerraX recommended it “as potentially eligible for inclusion in the National Register under Criterion D”⁷

The destruction of this building is a profound and devastating loss, given the significant role it played in the history of the Black community in the area.



Photo of Elise Schoolhouse from SURA report, p. 50

Given the seriousness and irreversibility of such destruction and the obligations under Section 110(k), the Corps must undertake an investigation in consultation with the ACHP to determine whether any representative, agent, or consultant of CF Industries was involved in any way in collusion with the landowner or responsible relative in the decision to demolish the Elise Schoolhouse.

3) The Area of Potential Effects (“APE”) Identified by the Corps for this Undertaking is Deficient and Violates the Federal Regulation.

Federal regulations define the Area of Potential Effects, or APE, as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of

⁶ *Id.* at 14.

⁷ *Id.* at Abstract.

historic properties, if any such properties exist.” 36 CFR § 800.16(d). The regulation further clarifies that “[t]he area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.” *Id.* The ACHP has previously advised the Corps that “the APE must be based upon the undertaking and all of its related parts.”⁸ The ACHP has also reminded the Corps as to what is included in the definition of “undertaking” pursuant to Section 106, noting that it is defined to include a project, activity, or program... “under the direct or indirect jurisdiction of a Federal agency.” 54 U.S.C. § 300320.”⁹ As such, the ACHP has advised the Corps that:

[T]he “undertaking” should not be identified as the permit or grant itself, nor should it be limited to the part of the project that is under the specific jurisdiction of the federal permit or grant. Rather, the undertaking is the overall project which, as proposed, cannot move forward or be completed without the federal authorization or the federal assistance (36 CFR § 800.16(y)).¹⁰

In violation of this regulation, the Corps acknowledged in its “no adverse effects” determination of March 19, 2026, that it limited the APE for the CF Industries undertaking to “approximately 944 acres... consisting of a portion of the west bank of the Mississippi River, agricultural fields, and backswamp within Ascension Parish, Louisiana (Figure 1).” However, Figure 1 is designated as the “project area” for CF Industries, as shown below:

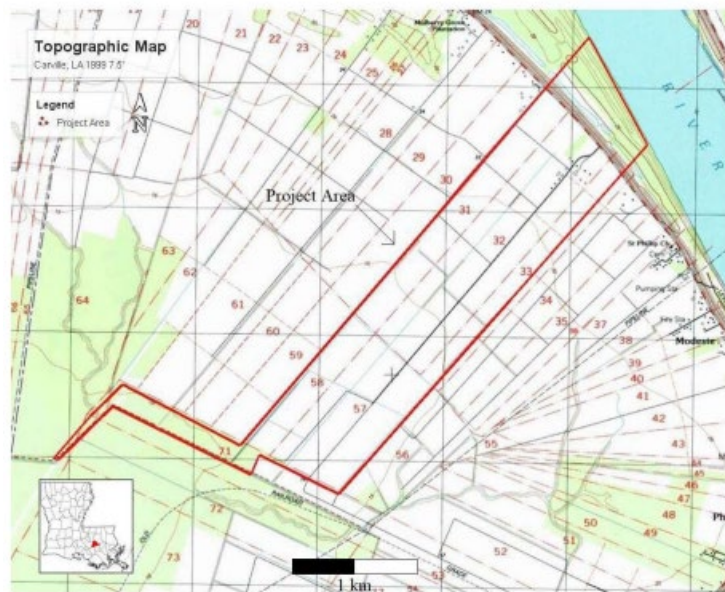


Figure 1. Portion of Carville, LA 1999 7.5-minute topographic map (source: USGS).

⁸ Letter from ACHP Executive Director to Asst. Secretary of the Army (Civil Works), July 29, 2022.

⁹ *Id.* (emphasis in original).

¹⁰ *Id.*

Thus, in direct contravention of the regulatory requirement, the Corps limited the APE to a consideration of effects within the 944-acre project area and did not consider the potential effects on nearby cultural and historic resources that may be eligible for listing, or already listed, on the National Register. For instance, the Mulberry Grove Plantation and its four quarter houses were listed on the National Register of Historic Places in 1993.¹¹ Mulberry Grove sits on property adjacent to the proposed undertaking by CF Industries. The Corps did not consider the effects on or eligibility of such churches as St. Philip Baptist Church, New Mt. Calvary Baptist Church, and affiliated cemeteries, nor on St. Mary's Cemetery.

With regard to what constitutes an “adverse effect,” the regulations provides that:

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.¹²

The proposed CF Industries undertaking would be an ammonia-producing plant, and would add to the air, soil, and water pollution in the area, as well as noise, light, vibration, and increased road, rail, and river traffic. It would also affect the viewshed of Mulberry Grove, a property already listed on the National Register, and now owned by the State of Louisiana. The Corps’ determination failed to take into account the indirect and cumulative effects of this undertaking on properties that are already listed, and those that may be potentially eligible for listing.

4) Contrary to the ACHP’s Policy Guidance, the Corps Has Not Given Sufficient Attention and Priority to Locating Unmarked Burial Sites of People Enslaved on the Plantations that Once Operated on the Property, and Are Now Threatened by Construction Activities.

The ACHP issued a policy statement in 2023 which emphasized that burial sites, human remains, and funerary objects are of “significant social and moral consequence in the United States”

¹¹ Mulberry Grove is now the site of a proposed Hyundai Steel facility. Two of these cabins were destroyed in the Fall of 2025.

¹² 36 C.F.R. § 800.5(a)(1).

regardless of whether they are deemed eligible for individual listing on the National Register of Historic Places.¹³ As such, the ACHP instructs that disturbance “should not be pursued unless there are no other alternatives available and only after consultation with descendants or ... [associated communities] and fully considered avoidance of impact and preservation in place.”¹⁴

While any burial site is considered sacred ground, the ACHP has emphasized that burial sites of enslaved Africans and those of African descent have added layers of risk, trauma, and significance associated with them given the legacy of slavery and the barriers to access and recognition that followed. The ACHP policy recognizes that as a result of this legacy of disenfranchisement, such burial sites have a “higher probability of being unmarked and undocumented and thus more likely to be affected by development projects.”¹⁵ The ACHP further recognizes that descendant communities “continue to experience the impacts of intergenerational trauma resulting from the legacies of these federal policies” and that “[d]isturbing the burial areas or remains of ancestors or family members can have traumatic and compounding effects to the social and emotional welfare of associated individuals and communities”¹⁶

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.”¹⁷

The sites of former plantations and the graves of people enslaved on them meet each of these criteria: They are associated with events that have made a significant contribution to the broad patterns of our history—hundreds of years of slavery and the foundation of the country; they are the burial places of people significant in our past, though too often not regarded as such by federal, state, and local authorities; and they are likely to yield important information about our history.

Federal permitting agencies have an obligation under the Thirteenth Amendment to affirmatively address this lasting vestige of the slavery system in consultation with descendant communities. They can no longer be allowed to wait for accidental or inadvertent discovery of unmarked graves, which inherently comes with disturbance, in addition to the possibility of damage or destruction.

¹³ Advisory Council on Historic Pres., *Policy Statement on Burial Sites, Human Remains, and Funerary Objects* 1 (Mar. 1, 2023), [PolicyStatementonBurialSitesHumanRemainsandFuneraryObjects20230301_1.pdf](https://www.achp.gov/sites/default/files/20230301_1.pdf) (hereinafter “ACHP Burial Sites Policy Statement”).

¹⁴ ACHP Burial Sites Policy Statement, *supra* note 4, at 2.

¹⁵ *Id.* at 1.

¹⁶ Advisory Council on Historic Pres., *Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects: Explanations and Discussion* 12 (Feb. 4, 2025), <https://www.achp.gov/sites/default/files/2025-02/BurialPolicyExplanationandDiscussionGuidanceDocumentFeb2025.pdf> (hereinafter “ACHP Burial Sites Guidance”).

¹⁷ 36 C.F.R. § 60.4.

The Corps must affirmatively locate such sites in the Areas of Potential Effects under their direct, and indirect, permitting authority and ensure their protection and preservation in consultation with descendant communities.

The area covered by the proposed undertaking was once home to a plantation that used enslaved labor. Louisiana's former chief archaeologist has confirmed that "with almost 100% certainty" that there is "going to be a slave cemetery" on "every plantation that existed."¹⁸ He further testified that this was particularly so because "child mortality rates in those days was very high" and as a result he would "expect that most plantations are going to have [sic] cemetery of some size, somewhere on their property."¹⁹

In 2023, the TerraX investigators acknowledged the history of slavery on the site and even opined that "[e]nslaved peoples likely laid to rest their loved ones within the marginal lands" on the property.²⁰ However, they limited their search for burial sites to a review of "historic aerial imagery and maps of the project area and batture."²¹

Although the report concluded "there are no locations that might potentially indicate the presence of an unmarked cemetery,"²² there is no indication that this survey, which relied on locating anomalies and absences in maps and imagery, was followed up with industry-accepted standards for locating burial sites such as ground penetrating radar, magnetometry, landscape modeling or oral histories. Consequently, the report's conclusion about unmarked burial sites reflects the self-imposed limitations of the investigation and is not actually a conclusory statement about the presence of unmarked cemeteries on the site. Considering the sensitivity and cultural and religious significance of the burial sites known to exist on these properties, this methodology falls far short of the "reasonable and good faith effort" the ACHP says is required by Section 106.

Despite this policy guidance and the cultural, historic, and religious significance of the burial sites, before permitting the Project and without having initiated meaningful consultation with descendants, the Corps has made a premature final "no adverse effects" determination and is allowing CF Industries to undertake extensive ground-disturbing on the site, such as those shown in the photos, annexed hereto.

¹⁸ Charisse Gibson, *Who Benefits from the petrochemical industry in St. James Parish?*, WWL TV CBS (Feb. 14, 2020), <https://www.wwltv.com/article/news/local/who-benefits-from-the-petrochemical-industry-in-st-james-parish/289-e41c3adb-0a11-47c4-b28e-dcfc2bc230e6>.

¹⁹ Testimony of Dr. Charles McGimsey in *The Descendants Project v. St. John the Baptist Parish*, 40th Judicial District Court, Case No. C-77305, p. 59:1-5.

²⁰ TerraX Report, *supra* note 2 at 9.

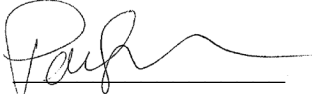
²¹ *Id.*

²² *Id.*

Conclusion

For the reasons set forth above, the Corps should issue a cease-and-desist order to the applicant in light of the serious concerns raised about the inadequacy of the Section 106 consultation thus far, and the risk of harm to unmarked burial sites known to exist on the property. Further, the Corps should investigate whether historic resources deemed eligible for listing on the National Register were destroyed in anticipation of this permit. Finally, the Corps should not issue a final permit for this project until it fully addresses the issues set out in these comments and undertakes a full and thorough consultation pursuant to Section 106 of the NHPA with consulting parties.

Sincerely,



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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**RURAL ROOTS LOUISIANA,
MOUNT TRIUMPH BAPTIST
CHURCH, and HARRY JOSEPH, SR.,**

Plaintiffs,

V.

Civil Action No. 1:26-cv-1141-AHA

LT. GEN. WILLIAM H. GRAHAM, JR.,
in his official capacity as Commanding
General of the United States Army Corps of
Engineers, and **UNITED STATES ARMY
CORPS OF ENGINEERS,**

Defendants.

CERTIFICATION PURSUANT TO RULES 7(m) AND 65.1(a)

The undersigned Counsels for Plaintiffs certify that in accordance with LCvR 7(m) and LCvR 65.1(a), counsels for Plaintiffs provided Amanda Rudat, counsel of record for Defendants, with actual notice of Plaintiffs' forthcoming Motion for Temporary Restraining Order via email on the morning of July 2, 2026. Plaintiffs' counsel informed defense counsel that the motion would be filed that afternoon but indicated that they would be willing to hold off on seeking a TRO if Defendants would agree to temporarily hold off on permit issuance. The parties were unable to reach an agreement that would obviate or delay the need for the requested TRO.

Copies of the motion, accompanying memorandum, and exhibits were provided to counsel for the Defendants shortly before the filing of the Motion. Copies of all papers and

pleadings filed in this matter to date, including the Amended Complaint and its exhibits, have already previously been served on Defendants.

Dated: July 2, 2026

Respectfully submitted,

s/ Sanghyun Lee

Sanghyun Lee, DC Bar No. 1632212

Lauren Grady, DC Bar application pending,

pro hac vice motion pending

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**RURAL ROOTS LOUISIANA,
MOUNT TRIUMPH BAPTIST
CHURCH, and HARRY JOSEPH, SR.,**

Civil Action No. 1:26-cv-1141-AHA

**[PROPOSED] ORDER GRANTING
MOTION FOR TEMPORARY RESTRAINING ORDER**

Plaintiffs Motion for Temporary Restraining Order is GRANTED.

Defendants, Lt. Gen. William H. Graham, Jr. and United States Army Corps of Engineers
shall:

1. Not issue any permits for the CF Industries Blue Point Low Carbon Ammonia Facility project site in Ascension Parish, Louisiana (Regulatory Permit # MVN-2023-00269-CF), until such time as a hearing on a preliminary injunction can take place; and,
2. Rescind its No Effects Determination for the CF Industries Blue Point Low Carbon Ammonia Facility project site in Ascension Parish, Louisiana (Regulatory Permit # MVN-2023-00269-CF) issued on or about March 19, 2026.

This order shall remain in effect for 14 days from the date of issuance.

DATED:

SO ORDERED:

Hon. Amir H. Ali
District Judge