



August 23, 2021

By Email

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Ms. Jaclyn Hotard  
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**Re: Formal Complaint Concerning Proposed Greenfield Louisiana, LLC, Grain Terminal, and Request for Zoning Verification Letter**

Dear Mr. Pastorek, Ms. Lambeth, Ms. Hotard:

The Descendants Project, an organization based in Wallace, Louisiana, founded to reverse the contemporary legacies of slavery faced by the local descendant community, and the Center for Constitutional Rights, a legal organization dedicated to advancing equality, social justice, and human rights, submit this complaint in reference to the grain terminal proposed by Greenfield Louisiana, LLC, in accordance with Sec. 113-27 of the Parish's Code of Ordinances, on the following grounds:

**1. The designated I-3 zone violates the required distance from residential development.**

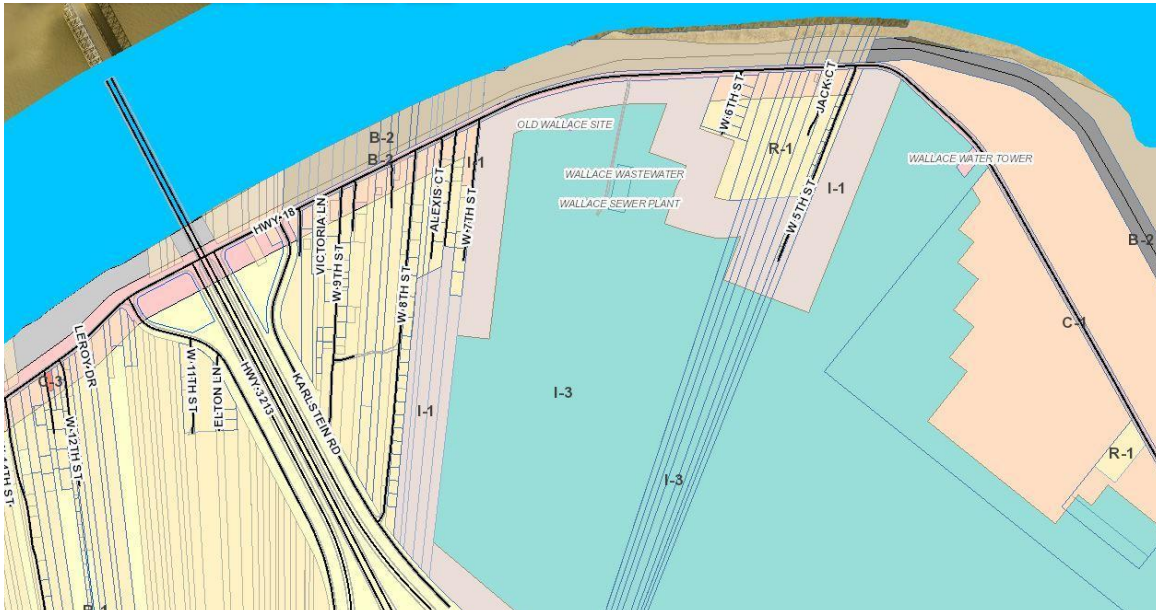
Sec. 113-410 of the Parish Code of Ordinances requires that the planning commission and parish council ensure a distance of 2,000 feet between land zoned as Industrial District Three (I-3) and residential developments.<sup>1</sup> The designation of this area as I-3 is a clear violation of

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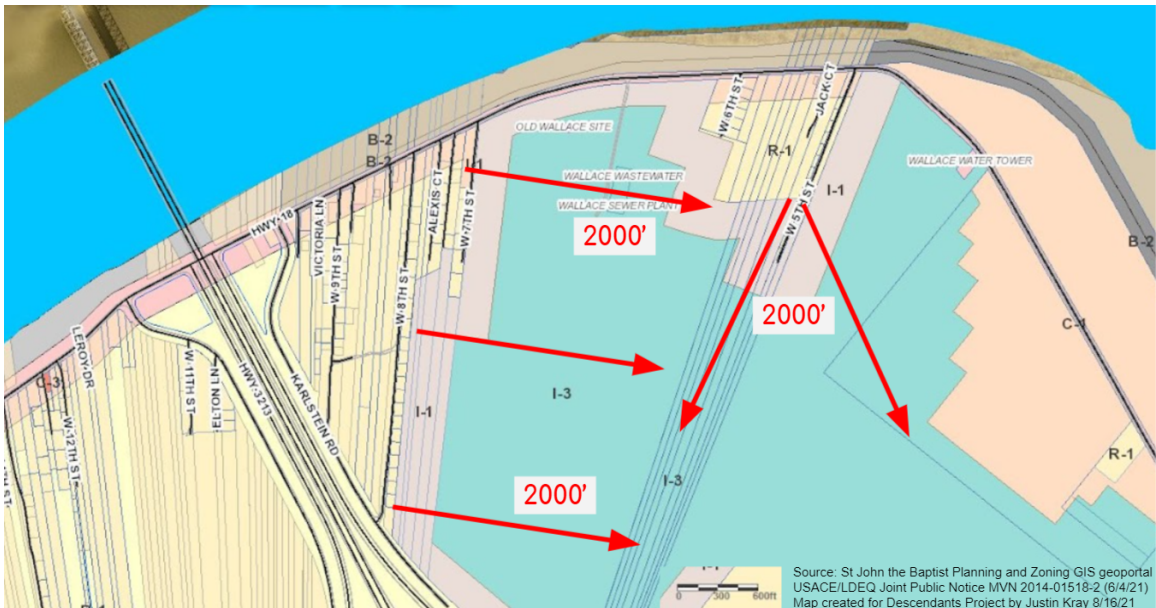
<sup>1</sup> Sec. 113-410 states,

In reaching recommendations and decisions as to rezoning land to Industrial District Three (I-3), the planning commission and parish council *shall* apply the following locational criteria and performance standards: [...] (1)(b) **Separation from residential development.** Sites to be designated Industrial District Three (I-3) *shall* be so located **a minimum 2,000 feet away from a concentration of one dwelling unit per acre (du/ac) gross area.**" (emphasis added in **bold**).

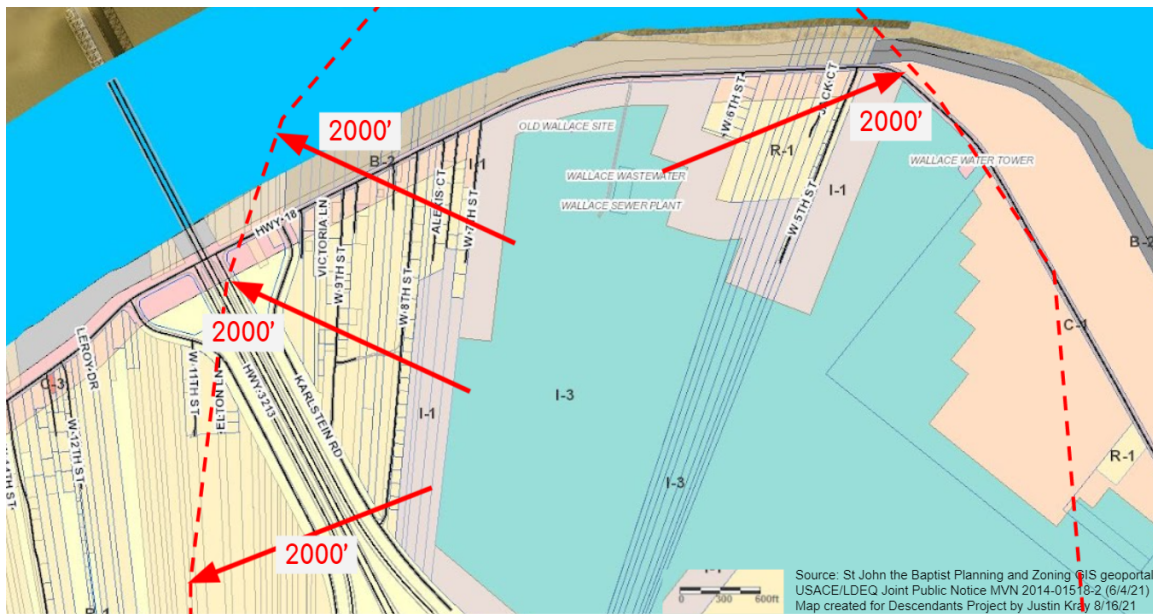
the ordinance's distance requirement as there are a number of residential dwellings, as well as small, locally-owned businesses, concentrated well within 2,000 feet of the site, as shown in Figure 2 below.



**Figure 1:** Official Parish Zoning Map for Wallace, Louisiana showing Heavy Industrial (I-3) (blue), and the established community of Wallace as residential (R-1) (yellow) and commercial (B-1, C-1).  
Source: [https://atlas.geoportalmaps.com/stjohn\\_public](https://atlas.geoportalmaps.com/stjohn_public)

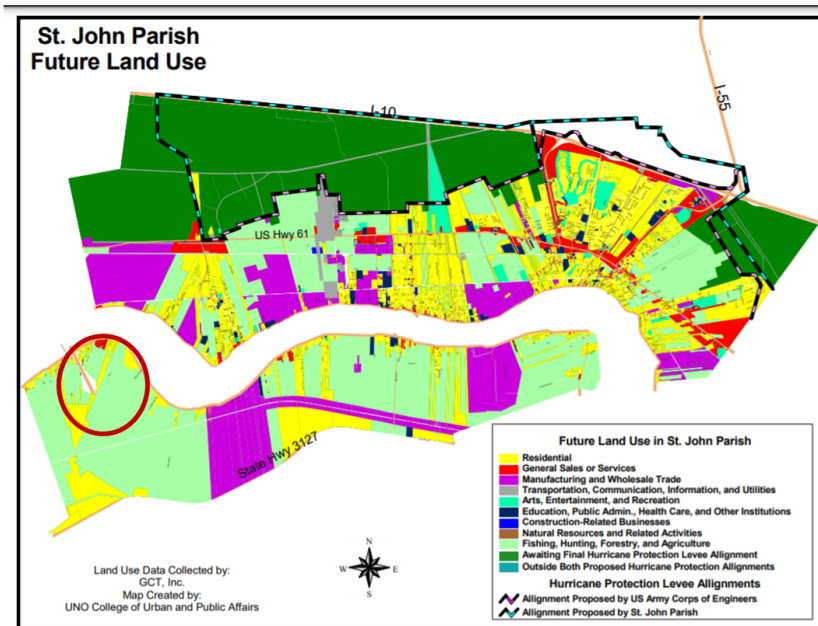


**Figure 2:** The zoning ordinance requires that new I-3 zones be located 2000 feet from existing residential dwellings at the required density of 1 du/acre. The red arrows indicate how this distance requirement was disregarded at multiple locations. Courtesy Justin Kray/ Louisiana Bucket Brigade



**Figure 3:** Dashed red line represents the extent of area encroached upon by the required distance of 2,000 feet from new I-3 zone. This area encompasses the entire community of Wallace. Courtesy Justin Kray/Louisiana Bucket Brigade

Thus, the zone itself is invalid as it violates the Parish’s ordinance, and the Parish must take urgent steps to remove the I-3 designation since this land area should have never been designated as I-3 in the first place. In fact, it appears from the records of the parish’s Comprehensive Plan that it was not originally intended to be designated I-3. The Parish’s [Phase II Task II Land Use Report](#) on its Comprehensive Planning Project included a map entitled “Future Land Use” on p. 47 which clearly showed the various I-3 zones designated for heavy industrial use. The site of the proposed grain terminal was not among them. Rather, it was marked for residential and agricultural use, as seen here:



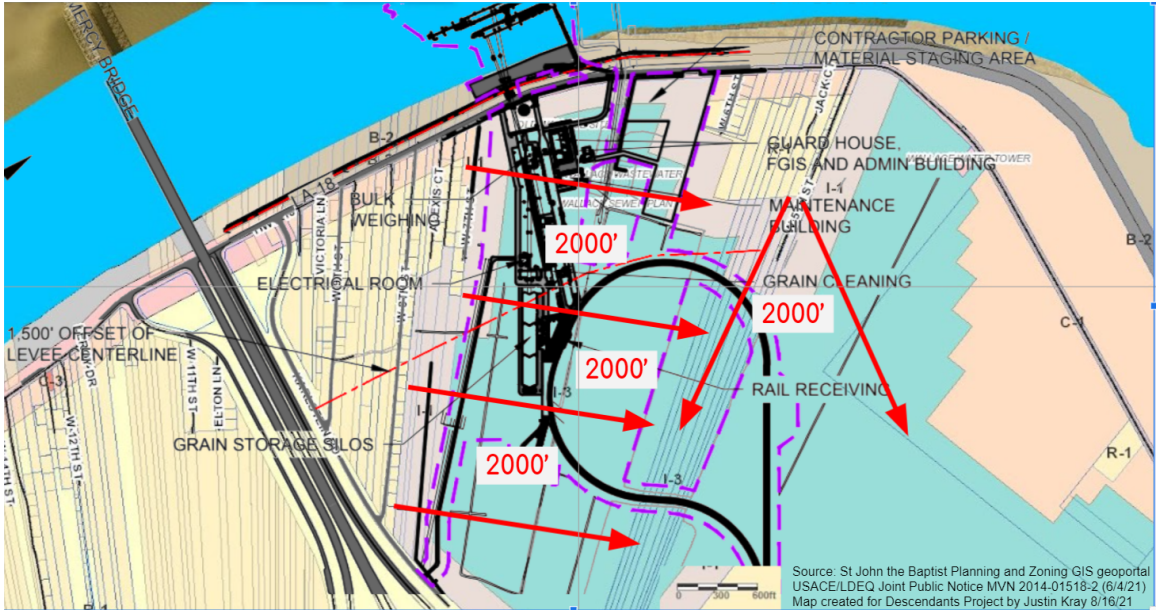
**Figure 4:** Official Map included in a report of the parish’s Comprehensive Planning Project showing that the area targeted for the proposed grain elevator, in the red circle which has been added for purposes of this letter, was originally intended to be zoned for “fishing, hunting, forestry and agriculture”

The Descendants Project, their families and neighbors living next to this proposed site are understandably troubled and concerned about this proposed development and the murky process that led to this incorrect zoning designation. The community’s concerns are heightened in light of the fact that this particular parcel of land has been the subject of controversy in the past. In regard to a facility proposed by Formosa on this property, backroom land dealings and zoning assurances gave rise to charges of public corruption, including extortion and money laundering, for which the former president of the Parish Council was ultimately convicted. *See, e.g., United States v. Millet, 123 F.3d 268 (5th Cir. 1997).*

With respect to this current designation, there are serious questions about the differences in the zoning maps and the history of rezoning of this parcel. The questions about how and why the land use designation was changed from agricultural to heavy industrial need to be answered, particularly when it so clearly violates the distance requirement set out in Sec. 113-410(1)(b) of the Code of Ordinances. The community also deserves to know whether any of the current stakeholders, such as the company seeking to build the facility or other entities and adjacent landowners, had any involvement in the decision to change the designation.

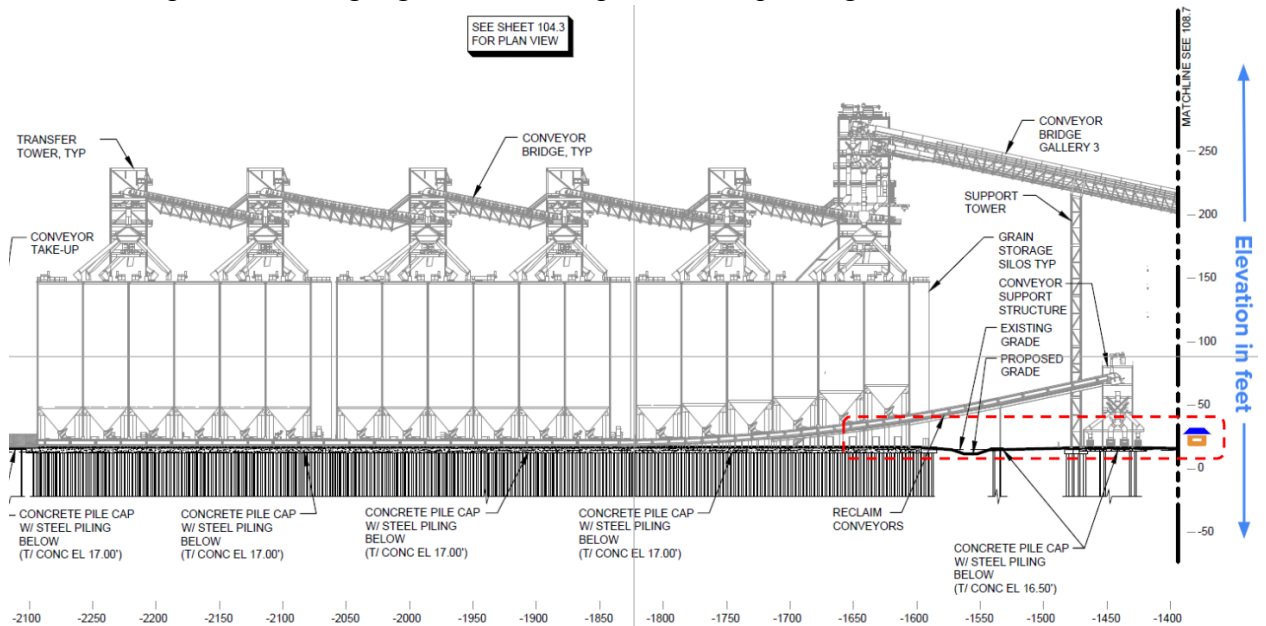
**2. Even if the zoning designation were valid, the proposed grain elevator would violate it because it would wholly occupy the 2,000-foot area right next to residential dwellings.**

Even assuming that the zoning designation were valid, and the requirement of 2,000 feet were intended to be encompassed within the zoned area, the proposed grain elevator would actually sit within the 2,000-foot area directly abutting the residential neighborhood and numerous dwellings.



**Figure 5:** Greenfield site plan overlay with the Zoning map shows how the entire grain elevator facility would sit squarely *within* the required 2,000ft distance from residential dwellings, dramatically violating the Parish ordinance. Courtesy Justin Kray/Louisiana Bucket Brigade

The close proximity of the proposed facility to the neighborhood next to it and the sheer size and enormity of the grain elevator render the setback requirements of the zoning ordinance meaningless. The massive facility, consisting of 54 grain silos and a conveyor structure nearly as tall as the Statue of Liberty, would run roughly north-south and would cast a long shadow over the community residing to the west of it, blotting out the sunrise and much of the sunlight the community now enjoys. This in itself is a violation of one of the stated purposes of Sec. 113-3 of the parish’s zoning regulations -- “to provide adequate light and air.”



**Figure 6:** Diagram of proposed grain elevator to scale next to an average-sized home. Residential homes would be less than 300 feet away from the facility. Dashed red box shows a typical-size home relative

to the scale of the facility. Graphic Justin Kray/Louisiana Bucket Brigade

**3. The project is a “high hazard industry” and would devastate the adjacent neighborhood and community.**

The Descendants Project, which works within the historic African American community that would be directly impacted by this massive project, has heard the fears and concerns from several nearby residents who understand this facility would spell the end of the place some have called home for generations.

The United States Occupational Safety and Health Administration (OSHA) has designated the grain handling industry as a “high hazard industry” that can expose individuals “to numerous serious and life threatening hazards” – including fires and explosions from grain dust accumulation, and other serious workplace hazards.<sup>2</sup> According to OSHA, “[g]rain dust explosions are often severe, involving loss of life and substantial property damage.”<sup>3</sup> In fact, a grain elevator explosion in Westwego was ranked as one of the “worst industrial disasters in modern Louisiana history, and the deadliest disaster to date in the nation’s grain industry.”<sup>4</sup> Thirty-six people died in the Westwego explosion.<sup>5</sup>

In addition to the community’s concerns about explosions, the sheer expanse of the facility with operations going 24/7 would bring additional heavy traffic and noise pollution. Not least, the grain terminal would exacerbate air pollution in a part of the Parish, already designated as having one of the highest risks of cancer in the country, and where Black residents are disproportionately affected. Grain dust itself has been shown to cause a host of respiratory problems, and exacerbate conditions like asthma.<sup>6</sup> Making matters even worse, according to Kim Terrell, staff scientist at the Tulane Environmental Law Clinic, grain dust “can essentially be a vehicle for toxics to get deep into your lungs and into your blood stream.”<sup>7</sup>

This too violates the stated purposes of the parish’s zoning regulations set out in Sec. 113-3 -- and indeed its legal obligations -- to promote and protect “the public health, safety, convenience, order, prosperity, and general welfare of the community.”

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<sup>2</sup> U.S. Occupational Safety and Health Administration, “Grain Handling - Overview,” available at <https://www.osha.gov/grain-handling#:~:text=These%20hazards%20include%3A%20fires%20and%20death%20in%20grain%20storage%20bins.>

<sup>3</sup> *Id.*

<sup>4</sup> Richard Campanella, *Westwego Continental Grain Elevator Explosion*, 64 *Parishes*, April 9, 2021, available at <https://64parishes.org/entry/westwego-continental-grain-elevator-explosion>.

<sup>5</sup> *Id.*

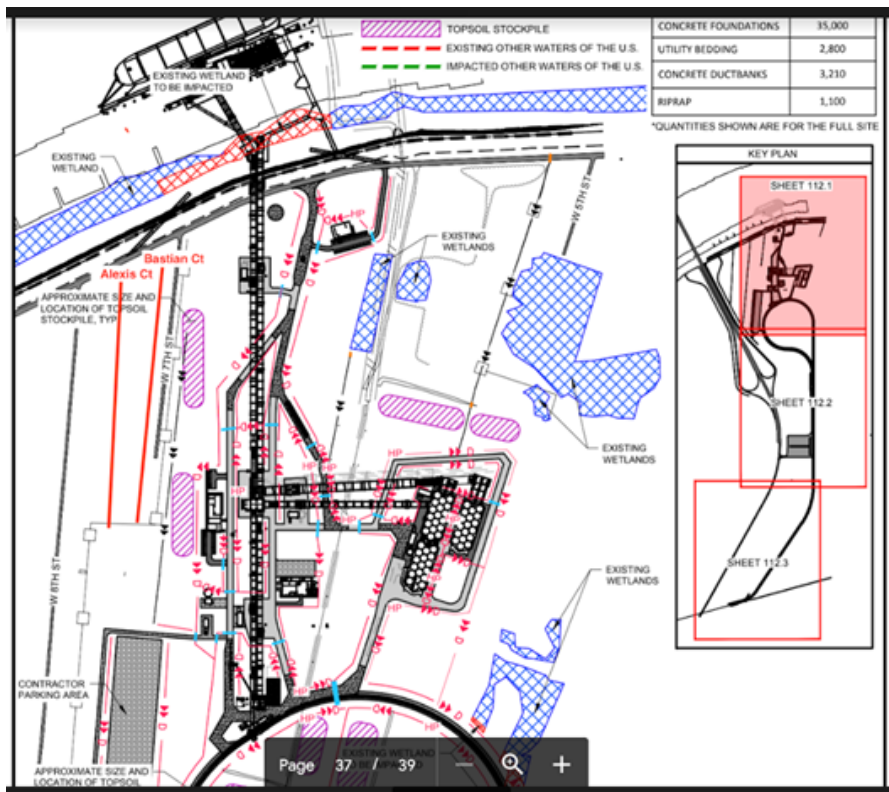
<sup>6</sup> *See, e.g.*, Centers for Disease Control and Prevention, The National Institute for Occupational Safety and Health, Grain Dust: OSHA comments from January 19, 1989 Final Rule on Air Contaminants, <https://www.cdc.gov/niosh/pel88/graindst.html#:~:text=1%2D3%20and%20Rankin%20et.symptoms%20of%20chronic%20respiratory%20disease.>

<sup>7</sup> John Burnett, Marisa Peñaloza, *Descendants of Slaves Say Proposed Grain Complex Will Destroy the Community*, National Public Radio, July 7, 2021, available at <https://www.npr.org/2021/07/07/1012609448/descendants-of-slaves-say-this-proposed-grain-factory-will-destroy-the-community>

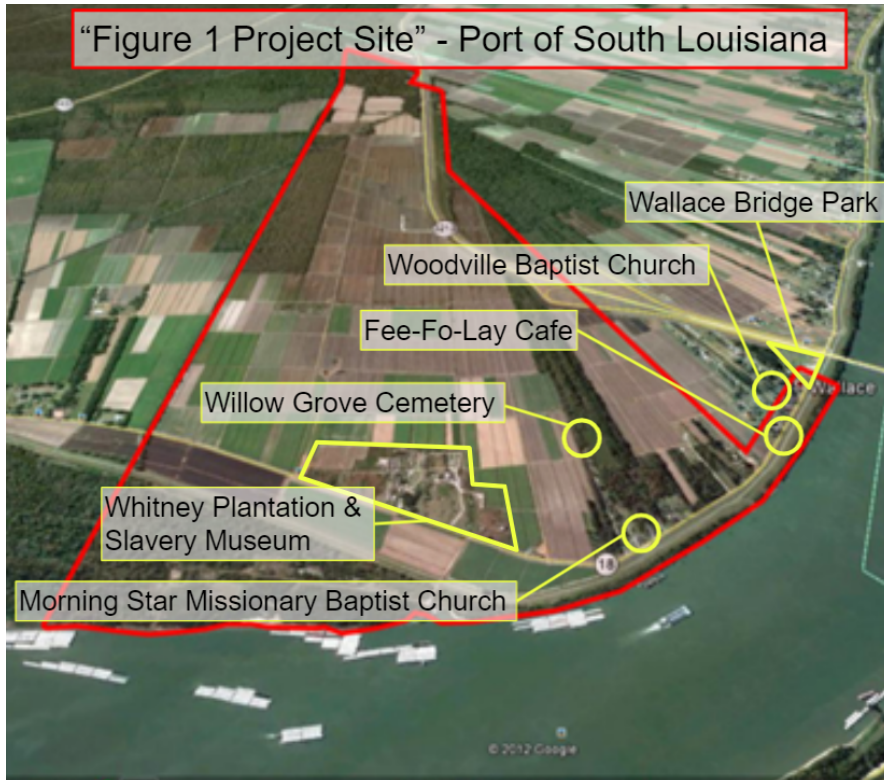
**4. The project proposals and related permit and grant applications erased entire neighborhood streets from their maps.**

Greenfield’s application to the U.S. Army Corps of Engineers and Louisiana Department of Environmental Quality omitted two residential streets from its project map. Alexis Court and Bastian Court are streets that are home to Black families who have lived there for several generations. See Figure 7 below. Similarly, the Port of South Louisiana disregarded the homes, including the home and small business of one of the founders of the Descendants Project, as well as a historic cemetery, church, and slavery museum when it enveloped them within its “project site” in the application it submitted to the U.S. Department of Transportation when it sought funds to build a dock for Greenfield’s use. See Figure 8 below.

The Parish Council, as a government entity accountable to the citizens of the Parish, bears responsibility and authority for land use in the Parish and for respecting, protecting, and fulfilling the rights of parish residents. The casual erasure and disregard of this historic community’s streets and homes from Greenfield’s application and the Port’s maps is deeply troubling. It demonstrates the lack of respect these entities have for the people who would be most impacted by their projects and their rights to property, due process, equality and non-discrimination. The Parish Council must step in and carry out its responsibility for protecting the residents in this neighborhood against this erasure.



**Figure 7:** One of the maps submitted by Greenfield Louisiana LLC in its application for Water Quality Certification to the U.S. Army Corps of Engineers and Louisiana Department of Environmental Quality. The map omitted Alexis Court and Bastian Court, two streets that are home to a number of families, and which have been added here in red, courtesy of Jo Banner/The Descendants Project.



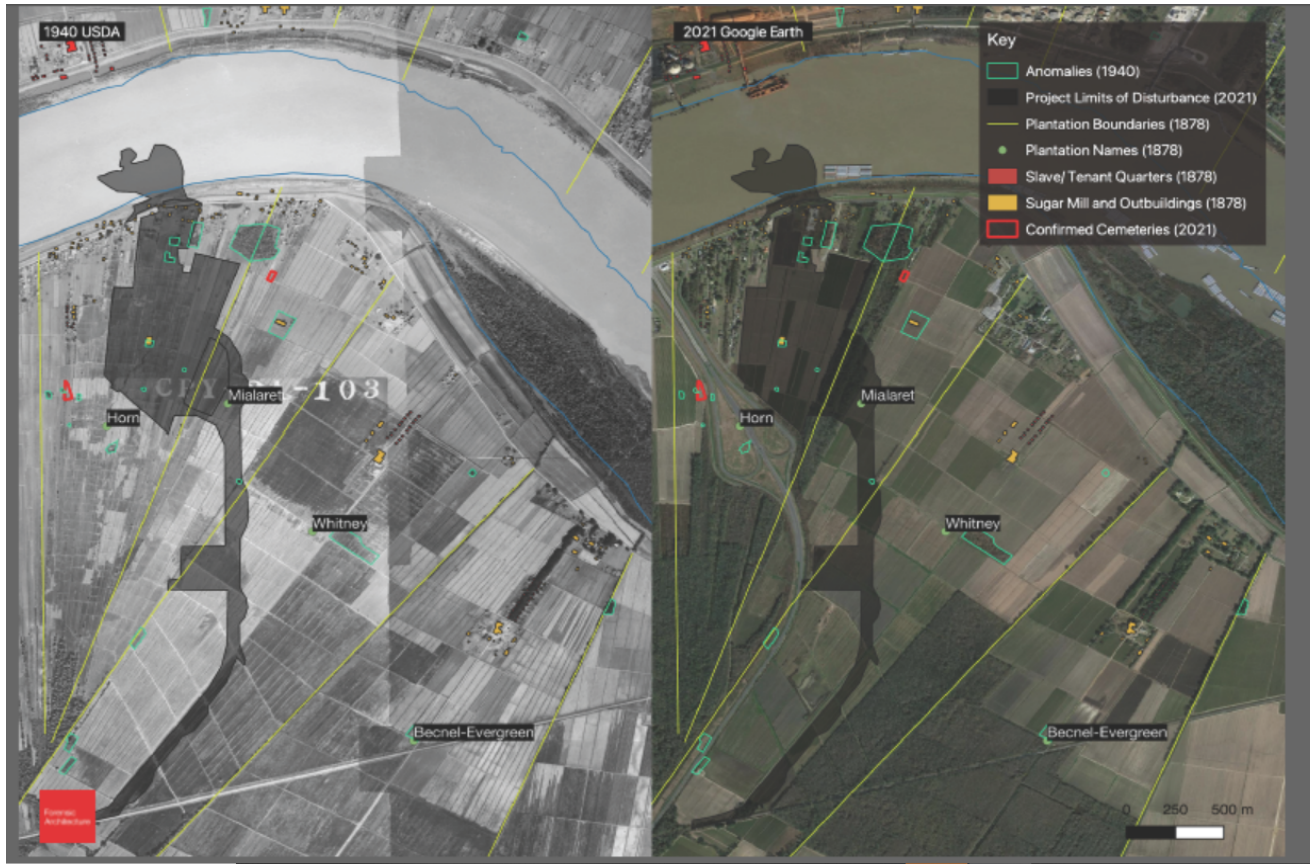
**Figure 8:** One of the maps submitted by the Port of South Louisiana for a grant from the U.S. Department of Transportation for funds to build a dock for Greenfield’s use. The “project site” encompasses dozens of homes, a significant cultural site, a cemetery, a public park and a locally-owned business and restaurant, which have been geolocated and highlighted in yellow, courtesy of Justin Kray/Louisiana Bucket Brigade.

**5. Burial sites of people once enslaved on the property would likely be impacted or destroyed.**

The Descendants Project is deeply concerned about burial sites of people who were enslaved on the plantations that once operated on this site. Figure 9 is a map assembled by forensic researchers which shows a series of anomalies and the locations of sugar mills and outbuildings on the site.<sup>8</sup> In the field of archaeology, particularly in this region, such anomalies often correspond to unmarked gravesites or other historic or cultural resources.

<sup>8</sup> The map was assembled by Forensic Architecture, a research agency based at Goldsmiths, University of London, in consultation with an experienced archaeologist in Louisiana with expertise in the use of cartographic regression to identify probable historic sites, particularly unmarked burials in this area along the Mississippi River. Forensic Architecture is an internationally renowned research agency with expertise in investigating human rights violations, including environmental destruction, and developing and applying new evidentiary methods and complex multimedia spatial analyses. Forensic Architecture has worked with prominent international and non-governmental organizations such as the United Nations, the International Committee of the Red Cross, Amnesty International, Doctors Without Borders, and Human Rights Watch.





**Figure 9:** Anomalies on former plantations, some of which may correspond with burial sites of people once enslaved there. Courtesy Forensic Architecture.

The map shows that the project area spans what were once the Horn, Mialaret, and Whitney Plantations. Anomalies, as used by archaeologists, are “things that appear to be out-of-place in an archaeological setting typified by sugarcane fields,” such as a “small stand of trees in a plowed field [that] might be avoided because it contained headstones or was known to have been a cemetery.” See, e.g., [Cartographic Regression Analysis of Certain Tracts of Land, Coastal Environments, Inc. 2020 at p. 7](#). Archaeologists identified anomalies on this site through careful analysis of historic maps, other historic records, and in this instance, combined with later obtained aerial imagery of the land.

There are unmarked burial sites of people who were enslaved all along this stretch of river where plantations once operated. As an organization founded by and for descendants of people enslaved on these plantations who had no choice in where and how they were buried and commemorated, the Descendants Project believes that this entire area is sacred and should be protected and preserved against destruction and disturbance, especially when the development proposed threatens both the remains of the community’s ancestors and the health of their living descendants. Given recent activity on the site, which involved heavy machinery and loud, violent soil testing, the Descendants Project is concerned that there may have already been damage done to possible unmarked cemeteries.

Cemetery dedication law in Louisiana is rooted in the recognition that “cemeteries are considered by most cultures to be sacred,” that we have “moral duties to the wishes of the dead” and that there is a “generally held sanctity for cemeteries.”<sup>9</sup> For too much of our history, these notions did not and could not extend to the places where enslaved people were buried, and their descendants were deprived of these rites and rituals. This historical and moral breach is what makes the identification, location, protection, and preservation of unmarked burials more urgent for descendants.

The Louisiana Constitution protects the right of the people to preserve, foster, and promote their respective cultural origins. La. Const. Art. XII, Sec. 4. For the Descendants Project, such unmarked burial grounds, and indeed this entire region, are central to the acknowledgement and preservation of their cultural origins.

The Parish itself has benefitted for years from the promotion of plantations and associated tourism and events. Since 2001, St. John the Baptist Parish has allowed for the collection of millions of dollars from visiting tourists through a hotel/motel occupancy tax, with approximately 1 million of those funds being collected in the last five years alone. The parish council and administration has stood by as the River Parishes Tourist Commission, the recipient of these funds, created and promoted the region as “New Orleans Plantation Country,” a deeply problematic marketing strategy that highlighted the grand life of plantation sugar barons while disregarding the enslaved men, women, and children who were violently exploited to build and support this region.<sup>10</sup> This terminology is still used by the River Parishes Tourist Commission<sup>11</sup> as well as other tourism partners despite descendant pleas to the parish council for its discontinuation. Nevertheless, it has paid little attention to the existence of burial sites of people enslaved on plantations in the area, and has failed to address what these sites mean for descendants near and far. In coordination with descendant communities, the Parish Council and Historic Preservation Commission should take urgent steps to include the location, identification, preservation and commemoration of these critically important sites in the land use priorities of the Parish.

The Descendants Project is also concerned with the proximity of the site to Whitney Plantation Museum, the only plantation in the region and in the state with a focus on the life and labor of those enslaved in southeastern Louisiana. As our country struggles to reckon with the history and legacies of slavery, Whitney Plantation has become nationally and internationally

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<sup>9</sup> Attorney General Opinion No. 07-0183, available at <http://www.lcb.state.la.us/ago/ago07-0183.pdf>.

<sup>10</sup> Brooke Robichaux, *Goodbye, New Orleans Plantation Country brand: Tourist Commission now promoting history, culture & flavor of “Louisiana’s River Parishes”*, L’Observateur (June 24, 2020), <https://www.lobserveur.com/2020/06/24/goodbye-new-orleans-plantation-country-brand-tourist-commission-now-promoting-history-culture-flavor-of-louisianas-river-parishes/>; Nick Reimann, *‘Plantation Country’ campaign in River Parishes stirs controversy over legacy of slavery*, NOLA.com (November 20, 2018), [https://www.nola.com/news/article\\_f319ba53-d85a-5834-b94a-23db767055aa.html](https://www.nola.com/news/article_f319ba53-d85a-5834-b94a-23db767055aa.html).

<sup>11</sup> See *Plantations*, Louisiana’s River Parishes, <https://lariverparishes.com/plantation/> (last accessed August 13, 2021) (under “Start Booking. Find the Resources You Need.” the website links to “New Orleans Plantation Country” along with “New Orleans Swamp Country,” “Andouille Trail,” and other links.)

renowned for its mission to educate visitors and the public at large about slavery.<sup>12</sup> Prior to the pandemic, more than 100,000 visitors came to Whitney annually. The dust, noise, and traffic from the grain elevator would interfere with this important cultural, historical, and educational resource, which has become an economic driver in the community. In addition, the construction and heavy operations could damage the 16 original structures on site including an 18th century main house and original slave cabins that are part of a National Historic District. Whitney Plantation also qualifies for National Landmark status.

Whitney Plantation Museum employs a number of local Black community members who descend from people enslaved at Whitney or nearby plantations. Despite the Covid-19 pandemic, Whitney Plantation Museum expects continued growth and success, and more employment opportunities for local residents at all levels of the organization. The grain operation would greatly detract from the tourism industry's ability to grow and diversify the economic base in St. John the Baptist Parish.

**Given the enormous stakes involved for nearby residents, serious concerns about this proposed facility, and legality of the I-3 designation, we request the following:**

- 1) That the Parish President, Director of Planning and Zoning, and/or Zoning Administrator issue a notice to all relevant parish departments and agencies that the I-3 designation for this area violates the distance requirements set out in the Code of Ordinances and that no building or related permits should be issued while this matter is pending;
- 2) That the Parish President, Director of Planning and Zoning, and/or Zoning Administrator issue a letter to the operator of the proposed facility stating the same;
- 3) A Zoning Verification Letter from the Director of Planning and Zoning addressing: a) the issue of the I-3 designation for this area and the distance requirements, and the process by which this area came to be designated I-3; and b) the residential zones that would be impacted by the proposed grain elevator.
- 4) That the issue of the proposed grain elevator, and the I-3 designation be placed on the agenda of the next Parish Council Meeting;
- 5) That the issue of the burial sites of people once enslaved on plantations in the parish be placed on the agendas of Planning Commission and Parish Council meetings slated for October 2021.

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<sup>12</sup> See e.g., David Amsden, *Building the First Slavery Museum*, N.Y. Times (February 26, 2015), <https://www.nytimes.com/2015/03/01/magazine/building-the-first-slave-museum-in-america.html>; *Whitney Heritage Plantation*, International Coalition of Sites of Conscience, last accessed August 10, 2021, <https://www.sitesofconscience.org/en/membership/whitney-heritage-plantation/>; Jared Keller, *Inside America's Auschwitz*, Smithsonian Magazine (April 4, 2016), <https://www.smithsonianmag.com/history/inside-americas-auschwitz-180958647/>; . Most recently, Whitney Plantation was highlighted in an entire chapter of Clint Smith's recent New York Times Best Seller, *How the Word Is Passed*, see Hope Wabuke, 'How The Word Is Passed' Teaches The Importance Of Reckoning With History, NPR (June 2, 2021), <https://www.npr.org/2021/06/02/1002027683/how-the-word-is-passed-teaches-the-importance-of-reckoning-with-history>.

- 6) A meeting with the Historic Preservation Commission to address a) the potential negative impacts of industrial development on historic sites, including damage to their structures, facades, and landscapes; and b) the investigation, identification, and commemoration of burial sites of people enslaved on the plantations in the Parish.

In light of the urgency of these apparent zoning violations and the community’s growing concerns, we ask for your responses by August 31, 2021. We thank you for your immediate attention, and look forward to working with you toward a just conclusion to this matter.

Sincerely,



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