

WHY THE ST. JAMES PARISH 2014 LAND USE PL^aAN MUST BE CHANGED

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"I HAVE TWO PLANTS - ONE IN MY FRONT DOOR, ONE IN MY BACK DOOR - AND ST. JAMES PARISH 4TH DISTRICT IS THE ONLY PLACE I'VE EVER LIVED IN MY LIFE. AND IT'S LIKE A SLAP IN THE FACE FROM OUR POLITICIANS TO COME IN AND JUST LET ALL THESE PLANTS COME IN AND TAKE OUR LIVES. I HAVE WATCHED TOO MANY OF MY RELATIVES TO DIE FROM CANCER."

> — Myrtle Felton, March against Death Alley, Governor John Bel Edward's Office, 6.3.19

Cover: Chart No 71, Survey of the Mississippi River, the Mississippi River Commission (1877) Map Division, New York Public Library, NY, NY

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– Ophelia Williams, St. James Parish Council meeting, 1.23.19



he 2014 St. James Parish Land Use Plan has paved the way for massive industrial development of St. James Parish, drastically changing the future for thousands of residents living in these historic communities.

The Parish government is steering industry into the 4th and 5th Districts and subjugating the interests of residents. In the 5th District, the communities under threat include Lemanville, Welcome, Freetown, Chatmantown, Barris, and Moonshine. In the 4th District, the communities of Union, Romeville, Convent and White Hall are on the chopping block.

If changes are not made, the St. James Parish Land Use Plan will bring massive industrial pollution to the entire parish and eliminate two of the three majority African American districts in St. James Parish within the next decade. **The purpose of this report is to prevent the destruction of the parish, especially the 4th and 5th Districts, and to expose the secretive way that the 2014 Land Use Plan was made.** The stated reason for concentrating industry in the 4th and 5th Districts is that the population is dwindling and there is little new residential construction.¹ This description by parish officials fails to acknowledge the active role that the parish is playing by disinvesting in these communities while at the same time concentrating polluting industry there.

The parish is closing services - schools, a post office, and even an evacuation route – in the 4th and 5th Districts. The parish claims it cannot find funding for community services while permitting billions of dollars of new industrial construction. The Land Use Plan restricts what people can do with their property, limiting the subdivision and sale of residential property to family members. With "Now we're here in the Governor's office to have a plea with him, to let him know how we feel and to plea upon his heart. To let him know we are here, and we want him to play an integral part in dealing with the emissions and stopping more petrochemical plants and industries."

— Stephanie Cooper, March against Death Alley, 6.3.19

restrictive laws, lack of services and an industrial onslaught, the Parish is making these areas uninhabitable.

ST. JAMES PARISH DEMOGRAPHICS

	5th District	4th District	St. James Parish
Total Population	2,243	2,262	21,367
Black (%)	90%	64%	50%
White (%)	8%	36%	49%
Median Household Income	\$30,263	\$45,469	\$52,055
Persons in poverty (%)	31.1%	26.0%	15.6%
Children in poverty (%)	61.2%	47.2%	25.5%

Source: US Census Bureau, American Community Survey 2017

RESIDENTIAL FUTURE INDUSTRIAL?

At the heart of the St. James Parish 2014 Land Use Plan is a category that makes no sense: Residential / Future Industrial. This category was used only in the 4th and 5th Districts. The purpose of land use is to protect people, to separate residential and industrial uses.

Not only does the category Residential / Future Industrial fail to protect 4th and 5th District residents, it targets these districts, facilitating an industrial takeover that threatens their health and renders their homes worthless.

REPORT FINDINGS

FINDING #1: THE 2014 LAND USE PLAN IS DECEPTIVE.

Talk to people in the 4th and 5th Districts, and they will tell you they were completely uninformed about the plan to industrialize their neighborhoods. Blaise Gravois, indicted in 2016 for actions benefitting private industry, is now Director of Operations and routinely chairs the parish Planning Commission meetings.² He claims that people in the 4th and 5th Districts requested the changes to the land use map.³ But people in these districts will tell you that this designation is unwanted and was a complete surprise. **Who would support the conversion of their neighborhood to polluting industry?**

At the heart of the matter are two different land use plans: the "Comprehensive Plan 2031" which was published in 2011 by the South Central Planning and Development Commission but never introduced and passed as a land use plan, and the 2014 Land Use Plan which was adopted by the Parish Council.

Those who defend the 2014 Land Use Plan claim that there was an exhaustive public process for the plan. In truth, there is conflation between the 2011 planning process and the 2014 plan. If the 2011 and 2014 plans were the same, that would be fine. But the plans are not the same. There are significant changes between the 2011 and 2014 plans, and it is unreasonable to claim that the 2014 plan was publicly vetted under the 2011 process.

This conflation was cemented by the preamble to the 2014 Parish Land Use Plan:

"WHEREAS, the Planning Commission review committee worked with the draft plan in detail, with a strong emphasis on the future land use plan as a tool for guiding the long term development of St. James Parish, and that committee recommended to the full Planning Commission a future land use plan **substantially similar** to the plan proposed in the draft comprehensive plan, and the committee also recommended regulations to implement the future land use plan;^{*4}

CHANGES IN THE PLAN:

- Areas in the 4th and 5th Districts which were designated as "Residential" in 2011 are changed to "Residential / Future Industrial" in 2014.
- There are new restrictions on subdividing residential property within Residential / Future Industrial areas.
- The plan includes a buffer map that acknowledges and protects schools and churches in some parts of the parish while ignoring and omitting churches and schools in the 4th and 5th Districts.

"If you ride around the parking lot you will see a license plate from every state except Louisiana. If you have five people that's working in the area at these plants, it is a miracle. But they keep saying they gonna give us jobs."

> — Rita Cooper, FaceBook Live 12.17.18

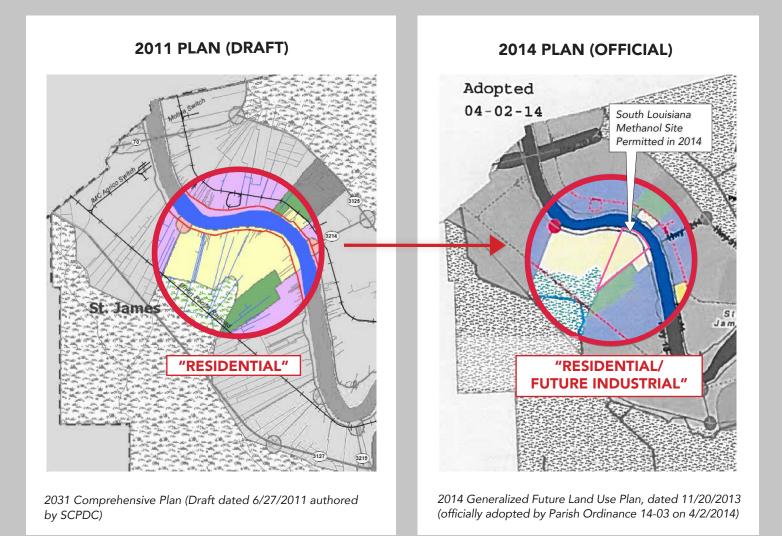
LOUISIANA BUCKET BRIGADE RISE ST. JAMES

2. Mitchell, David J. "Top official in St. James Parish pleads not guilty to malfeasance charge." The Advocate, November 14, 2016.

^{3.} Justin Kray telephone conversation with Blaise Gravois 12/20/2018.

^{4.} St. James Parish Council Proposed Ordinance 14-03, 3/5/2014

SAME COLOR - OPPOSITE MEANINGS



This new Residential / Future Industrial category is deceptively similar on the 2014 map, represented in the same yellow/beige color that was Residential on the 2011 map.

FINDING #2: THE PROCESS FOR CREATING THE 2014 LAND USE PLAN WAS SECRETIVE AND RUSHED.

How did the Comprehensive Plan from 2011 become the 2014 Land Use Plan?

Public records requests for documents related to the process – including committee members, meeting dates & minutes, email correspondence – have turned up no results. There is simply nothing in the public record that shows how the decision was made to de-map longstanding residential communities.⁵

What we do know is that the process was

rushed. The plan was introduced to the Planning Commission on November 20, 2013 and passed on April 2, 2014. There were two public hearings, but these were held within a two week span **after** the final plan had already been introduced by the St. James Parish Council. At the beginning of the first hearing in Vacherie, Council Chair Ketchens stated that "It's not a question and answer..." session.⁶ Residents could voice their opinions but would get no answers. The plan was approved immediately after the second hearing in Convent.

Contrast this quick and secretive process with the year-and-a-half long, transparent planning that created the 2011 Comprehensive Plan.

PROCESS FOR THE 2011 COMPREHENSIVE PLAN	PROCESS FOR THE 2014 LAND USE PLAN	
Seventy page report on the process and purpose of the plan: St. James Parish Government Comprehensive Plan 2031	Revised plan approved by Planning Commission on 11/20/13. No minutes available.	
Nineteen Steering Committee Members created the plan (St. James Parish Government Comprehensive Plan 2031, p. 1)	Steering committee dissolved in 2012. No record of how plan revisions were created. ⁷	
Outreach about the plan to the community via flyers, personal invitations at civic meetings and letters to ministers (St. James Parish Comprehensive Plan 2031, p. 7)	No outreach about the plan	
Nine public meetings and additional focus groups held over a 10 month span (St James Parish Government Comprehensive Plan 2031 p. 9-10)	Two public meetings in two weeks	
Over 400 residents attended (St. James Parish Government Comprehensive Plan 2031, p. 7)	18 people attended the hearings; five were against it or asked for a delay (Minutes, 3.5.14 hearing and 4.2.14 St. James Parish Council Meeting).	
"The St. James Comprehensive Plan evolved over an 18 month period." (St. James Parish Government Comprehensive Plan 2031, p. 6)	Five months from introduction at the planning commission to passage by the council	

5. Public Records Request. St. James Parish. 1/14/19, 2/5/19, 2/19/19, 2/28/19

6. St. James Parish Council. Proceedings of Public Hearing on the 2014 Land Use Plan. March 19, 2014.

7. Justin Kray telephone conversation with Blaise Gravois 5/22/19.

TWO URGENT QUESTIONS:

Who resurrected the plan? Who changed the plan?

There is no information in the public record about who restarted the process or who was involved in this change that resulted in the industrialization of the 4th and 5th Districts.

Barbara Washington lives in the 4th District, on the east bank of the Mississippi River near Occidental, Mosaic, and the proposed Wanhua chemical plant. She spoke at a rally of Cancer Alley communities in the Tchoupitoulas Chapel in St. John Parish. Here's what Ms. Washington said to the crowd.

"I started coming to the [RISE St. James] meetings on the east and the west bank [of the Mississippi River]. But the people were fearful and fear is torment. God has not given us the spirit of fear but of love, power and a sound mind.

My relatives work at the plants. But in the last ten years I sat down and wrote about 50 people that I know personally has died of cancer, my sister being one of them. She was 57 years old and she had metastatic lung cancer. And my prayer partner who went on to glory. She died from cancer.

I get flak for this work I do. And I don't want this fight. I didn't want this fight. But every time I try to say I ain't fighting, my old ancestors' spirits rise up in me and say, "You've got to fight, you've got to fight."

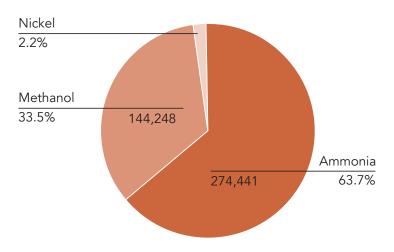
My great-great-grandmother came out from slavery, and in 1874 she purchased 34 acres of land that is still in our family today. I can't just sit down and let industry come in and do this to us. It just can't happen. So I'm fighting. I'm fighting, and I'm going to keep on fighting.

James Earl Jones said, his Daddy told him, "If you see a good fight, jump in."

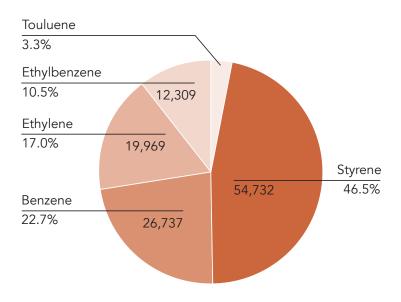
This is a good fight, and I'm in. I'm in."



MOSAIC FAUSTINA PLANT EMISSIONS (POUNDS)



AMSTY EMISSIONS (POUNDS)



Source: "My Right-To-Know Application." EPA. Accessed May 23, 2019. https://www.epa.gov/toxics-release-inventory-tri-program/my-right-knowapplication.

The 5th District already bears an unfair burden of pollution.

With numerous pipelines, eight operating facilities, two under construction, and four slated for approval, the 5th District is choked with industry. Rampant air pollution is already making it impossible for residents to live healthy lives. Yet more industry moves in every year.

THE MOSAIC COMPANY, FAUSTINA AMMONIA PLANT

The plant released 215 tons of toxic chemicals in 2017 (Toxic Release Inventory).

Imagine the Statue of Liberty (225 tons) standing next to your house, but composed of toxic chemicals that dissipate and pollute the air with every gust of wind.

Ammonia burns the respiratory tract and skin.

Methanol causes nausea, blindness, and seizures.

AMERICAN STYRENICS

In 2017, AmSty emitted **59 tons of toxic chemicals** (Toxic Release Inventory).

Benzene exposure causes cancer and anemia.

Styrene exposure causes chronic fatigue and depression.

"I hate to see the land I grew up on contaminated the way it is. Enough is enough." — Gail LeBoeuf , Facebook Live, 12.17.18

INDUSTRY IN THE 5TH DISTRICT

CORPORATION	STATUS
The Mosaic Company	Operating
Americas Styrenics	Operating
NuStar, L.P.	Operating
Ergon St. James, Inc.	Major Expansion Pending
Plains Marketing, L.P.	Operating
ExxonMobil Pipeline Company	Operating
Marathon Pipe Line, LLC	Operating
Capline Pipeline Company, LLC	Operating
Bayou Bridge, LLC	Operating
YCI Methanol One, LLC	Under Construction
South Louisiana Methanol	Under Construction
Formosa Plastics Corporation	Proposed
ACE Pipeline	Proposed
Linde Hydrogen Plant	Proposed
Syngas	Proposed

A SNAPSHOT OF OTHER 5TH DISTRICT COMPANIES:

Plains Marketing, L.P: Spilled over 12 million gallons of crude oil in St. James in March of 2017.⁸

Marathon Pipeline, LLC: Throughout the United States, spilled approximately one million gallons of hazardous liquids from its pipelines since 2006.⁹

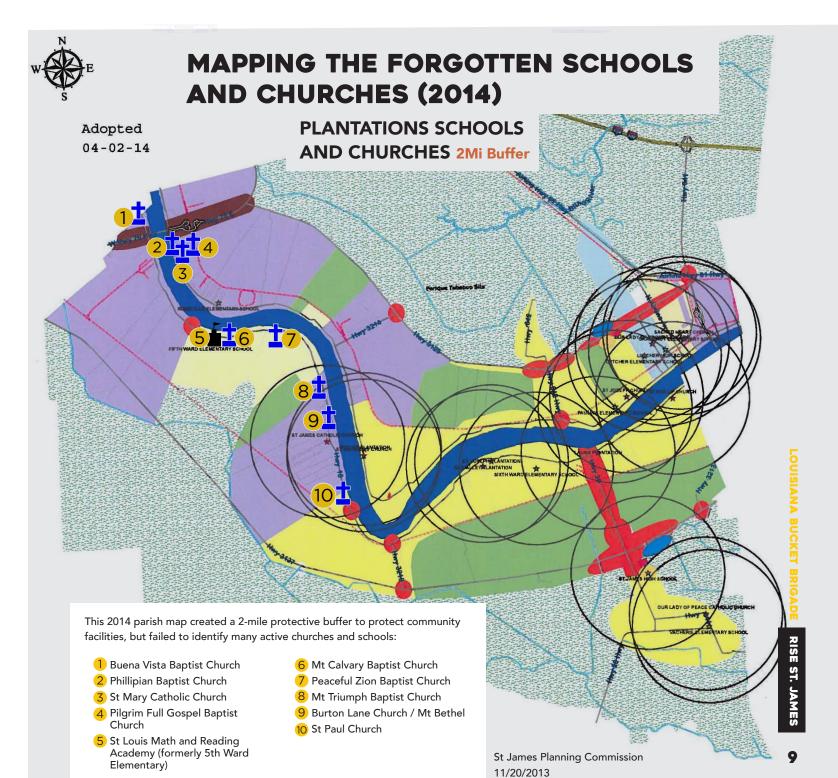
Proposed Formosa (FG): In January, Formosa's Texas plant was cited by the Texas Commission on Environmental Quality for releasing 200 tons of plastic pellets into Lavaca Bay and the Gulf of Mexico.¹⁰

- 8. "2017 Reports." USCG National Response Center. Accessed May 23, 2019. http://nrc.uscg.mil/.
- "Pipeline Incident 20 Year Trends." PHMSA. Accessed February 10, 2019. https://www.phmsa. dot.gov/data-and-statistics/pipeline/pipeline-incident-20-year-trends.
- 10. Luck, Marissa. "Formosa's Texas plant fined \$122,000 after plastic pellet spill." The Houston Chronicle, January 18, 2019.

FINDING #3: AFRICAN AMERICAN INSTITUTIONS AND SERVICES ARE NOT EVEN NOTED IN THE BUFFER ZONE MAPS

This buffer map was adopted alongside the Land Use Plan in 2014. This map identifies areas (within the black circles) where additional review would be required before permitting new industry to locate nearby community facilities. The problem is that this buffer map fails to include almost every church and school within the 4th and 5th Districts.

If the schools and churches in the 4th and 5th District had been included, it would have created an opportunity for public input on the location of several major industrial facilities adjacent to



residential areas, such as Formosa Plastics and South Louisiana Methanol. These new giant facilities are both within the 2-mile buffer range of Mt Calvary Baptist Church, Peaceful Zion Baptist Church Mt Triumph Baptist Church, and the 5th District Elementary school, now known as St Louis Math and Reading Academy.

Councilman Clyde Cooper represents the Fifth District

His Father was the first African American elected to the parish council, and though outnumbered, he is one parish official who has stood up to the petrochemical industry.

"I'm concerned. I'm a resident. But every time you [the parish council] have to make a pivotal decision when it comes to the black community, we don't get the support. On the Bayou [Bridge] pipeline you didn't vote with us. When it comes to serious stuff that's affecting the black community, when are we going to make the right decision that will help those communities?"

- Councilman Clyde Cooper, St. James Parish Council hearing on Formosa, 12.19.18



DOUBLE STANDARD CASE STUDY: PETROPLEX VS. SOUTH LOUISIANA METHANOL

On April 23, 2014, just twenty days after the St. James Parish Council approved the Land Use Plan, the Planning Commission held a special meeting to consider two applications for new industrial facilities adjacent to residential areas. The applicants:

- Petroplex International, a company that sought to build a new tank farm in the 6th District.
- 2. South Louisiana Methanol, a large methanol plant to be built in the 5th District.

Attorney Vic Franckiewicz, who provides legal counsel on land use matters to the Parish, addressed the Commission. From the public record:

"[Franckiewicz] noted that the land purchased by Petroplex was made after the draft land use map was presented to the Planning Commission and the public. He concluded that the facility was in a non-conforming area and therefore, does not have a right to initiate construction without a review [...] and an approval from the Parish Council."¹¹

The Parish approved both applications, but then fought Petroplex in court to block its permit on the basis that the tank farm was a non-conforming use in a residential area. This reveals a willingness of Parish officials to use the land use plan to steer development away from certain residential areas of the Parish.

By 2018, South Louisiana Methanol (SLM) was in a similar situation to Petroplex in 2014. By that time, the Land Use Plan in that part of the 5th District was amended to residential growth under the leadership of Councilman Clyde Cooper. Property records indicate that SLM did not start buying land for their project until after this change.

South Louisiana Methanol should have been held to the same standard as Petroplex and been considered a non-conforming use in a residential area.

"Why bring more chemical plants in when we're not taking care of what we already have here? Enough is enough. We put you [St. James Parish Councilmembers] in office to take care of people."

- Pastor Harry Joseph, St. James Parish Council Meeting, 12.19.18

11. St. James Planning Commission. Meeting Minutes. April 23, 2014.

FINDING #4 PARISH PREVENTS INDUSTRY FROM LOCATING IN WHITE NEIGHBORHOODS

Parish officials have kept out two industrial developments near white communities: Wolverine and Petroplex. But the same protection has not been offered to the 4th and 5th Districts.

The parish held two public meetings after the Land Use Plan was introduced. At one of those meetings, Councilman Amato affirmed the need to protect residents from industry. The residents of District 3, which Councilman Jason Amato seeks to protect, are more than 80% white.¹² The Parish has not demonstrated the same willingness to protect the residents of Districts 4 and 5, which are majority African American (see demographics table on page 4).

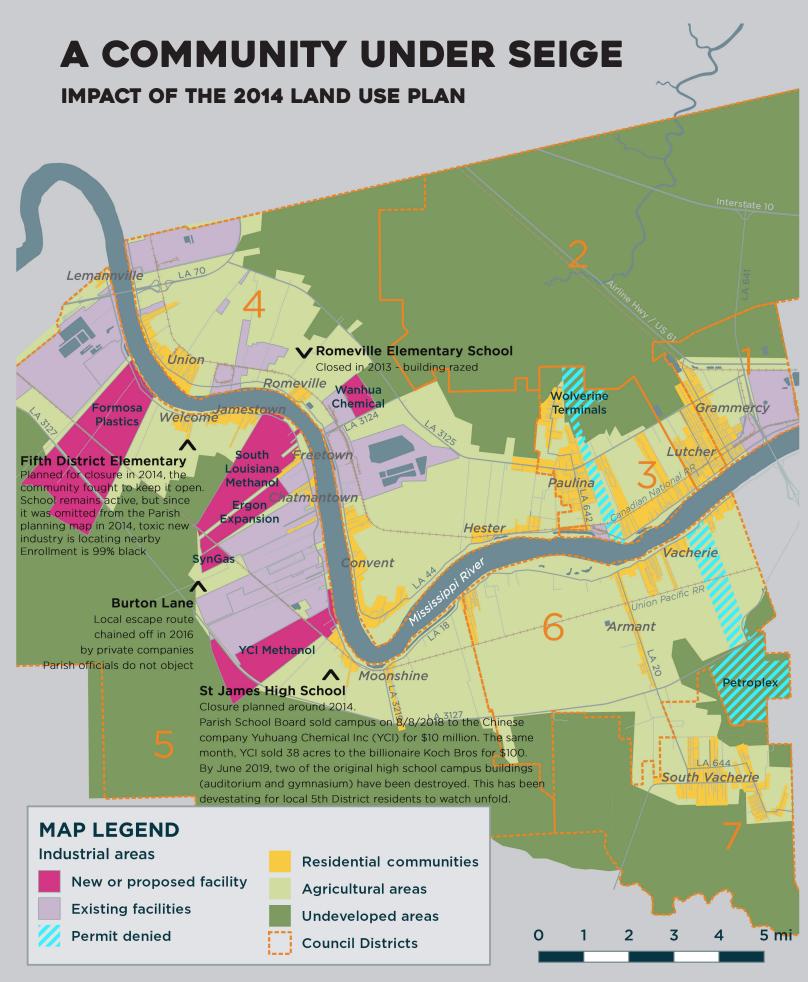
Minutes from 3.19.14 public hearing on the 2014 Land Use Plan held by the St. James Parish Council in conjunction with the St. James Parish Planning Commission

"We talk about how do we, how do we grow, how do we keep our young people, our young residents in the community? It's easy. Go ride down in Mr. McCreary's district, District 3, Belleview Subidvision. Lots of young families. They'll tell you, man. It's a restricted subdivision and they feel pretty secure their property is gonna be valued from here on out, for twenty years plus that we can't put an industry next to them."

— Councilman Jason Amato

12. US Census Bureau, American Community Survey 2017.





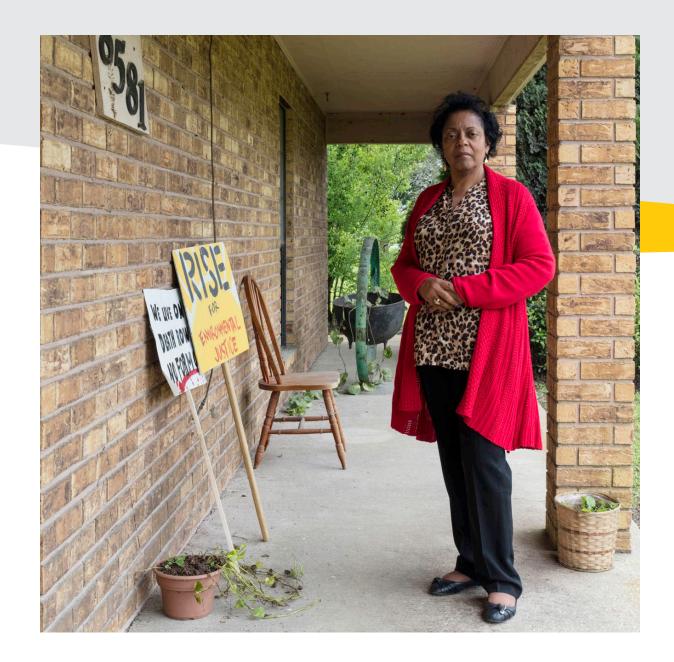
Data Sources: St James Clerk of Court, GIS, Assessor, Operations; US Department of Agriculture (aerial imagery) Map created by Justin Kray for RISE St James and Louisiana Bucket Brigade

Sharon Lavigne, Founder and President of RISE St. James, gave this speech at the Tulane Environmental Law Conference in the spring of 2019

"I was born in St. James Parish when Jim Crow still ruled. Racist laws made sure that many black Louisianans were unable to participate in democracy.

It has been more than 50 years since the Voting Rights Act and the Civil Rights Act, but the proposed Formosa Plastics Plant shows that democracy has not fully come to St. James Parish. If my community had a say, Louisiana would not be spending \$1.5 billion to attract a foreign polluter. If my community had a say, we would not allow a plastics producing plant to bulldoze 3.5 square miles of wetlands and sugar cane fields. Formosa has a terrible track record as far as treating workers, their safety and our environment.

continued on next page



But nobody ever asked us. We were not even informed when in 2014 the northern part of the 5th District – my home – was zoned for industrial use.

Before industry took over my parish, we had clean air and productive land. My grandfather caught fish and shrimp in the Mississippi River. Our fig and pecan trees kept us well fed and even provided enough for us to sell. It was peaceful and quiet. Now the land and everything that grows on it is poison. Now our houses are flooding when there's heavy rain.

The Civil Rights Act and the Louisiana Constitution are supposed to protect black communities from this type of environmental racism. They have not in Cancer Alley. Our agencies are rubber stamping every permit that comes across their desks. When we call the Department of Environmental Quality about a terrible smell in the air they come out three days later and tell us they don't smell anything. Year after year, our Louisiana legislators have rejected demands for air monitors at industrial sites with a history of air permit violations.

From the moment I heard about Formosa, I was told that it was a done deal. The government had yet to issue any permits, but the state was already celebrating the announcement of the project. What they are actually celebrating is not just poisoning our air and drinking water, but also the air and water for residents of Lutcher, LaPlace, Metairie and New Orleans. Air and water do not stop at the parish line.

At several parish level hearings, every local resident who spoke, spoke out against the plant. They described how their children have trouble breathing, how they have to deal with skin rashes, nose bleeds, respiratory ailments, cancer. They pleaded with the council not to permit yet another humongous toxic plant. The plant's supporters seemed to be all Taiwanese executives and wealthy businessmen who live safely outside Cancer Alley. The parish voted to approve the project anyway.

This is our land, this is our home, and we are standing up together to defend it. St. James is rising."

BURTON LANE

In 2016, Burton Lane was closed without explanation. Burton Lane was the only local road connecting two major state roads, River Road to Highway 3127 in the 5th District. Burton Lane played an important role as a connecting street and evacuation route for residents in case of an industrial accident.

There has been lip service but no action on finding an alternative route; the parish government has discussed the problem for five years, but done nothing. Residents are now trapped by expanding industry and what is now a dead end road.





These parents and their children led the integration of the St. James public schools in the 1960s.

REPORT RECOMMENDATIONS

- Revoke parish permits granted since the Land Use Plan was adopted, including Formosa, the Ergon expansion, Syngas, South Louisiana Methanol, Wanhua, YCI, Linde and the ACE pipeline. These permits were issued under a flawed, secretive land use plan that targets the black community. Other parishes have taken action to protect their residents from emissions. Jefferson Parish, for example, revoked a permit it had issued for a cyanide plant.¹³
- 2. Draft and adopt an amendment to the land use map ordinance to properly classify the residential areas of the 4th and 5th Districts as Residential and, where appropriate, Agricultural. These inhabited areas are home to over 4,000 residents, and without proper designation on the land use map, their communities have no protection from industrial expansion and construction.
- **3.** Investigate the murky process by which the 2014 Land Use Plan was created, including how the plan was resurrected and changed. Louisiana's reputation for corruption includes shenanigans in small parishes. The Parish President and Director of Operations have been indicted for malfeasance in dealings with industry in the parish.¹⁴ The 2014 Land Use Plan was a prime opportunity for corruption given the rich and powerful industries involved.
- **4. Revoke the construction permit for South Louisiana Methanol plant.** The Parish can use the same reasoning used to deny Petroplex: SLM did not own the land at the time of a significant land use change.
- 5. **Reopen Burton Lane** and allow residents to resume their long time use of the road.

^{13.} Broach, Drew. "Cyanide plant permit revoked by Jefferson Parish Council in extraordinary about-face." Nola.com, April 5, 2019.

^{14.} Mitchell, David J. "St. James officials accept immunity deals for testimony in parish president's prosecution." The Advocate, May 7, 2018.

Planning Commission Member Dean Millet spoke at a 3/25/19 Planning Commission hearing on the proposed Wanhua Chemical Plant.

"I sat here, I watched Formosa come. I said you know what man, it's good for the parish. You know economics, they've always told me that through all my years--that the parish really needed the money and all that. I started to look back, got home, and felt a little guilty.

I ain't used to doing this, but I'm gonna tell you my heart. I'm talking from my heart right now.

I got a family. I got children. I got grandchildren. I'm one of the few that can say proud to have my kids within five miles of me. I have four kids. All of them came home because they love St. James Parish. But so many of my friends are gone. Yes, they work in St. James Parish, but no, they don't wanna live in St. James Parish. They moved to some other parish. Yes we got great jobs, they got great jobs. They won't-it's the impact, the environmental impact they putting on their families. That's what these people are scared of. Not that you're a bad company. We worked for them, we made a great living in the chemical plants, but yet, we know what went on.

I don't know how to put it, but I got a strong tradition for family, and I'm proud to say that I'm not in favor of you all. Not because you're not a good company because I don't know, but because I believe in family. Okay. It means a lot to me. And it comes out from my heart, I'm talking from my heart now. I want my kids to stay home. I believe in tradition. I know what's happening in St. James Parish. That's all I got to say."

Photo: Julie Dermansky

