

SIXTEENTH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARY

STATE OF LOUISIANA

DOCKET NO. 130-527

DIVISION "B"

LOUISIANA WETLANDS, LLC, ET AL.

v.

ENERGEN RESOURCES CORPORATION, ET AL.

FILED:           AUG 04 2020          

  CHARLENE M. LeBLANC    
DEPUTY CLERK

**SOUTHERN NATURAL GAS COMPANY, L.L.C.'S LIMITED ADMISSION UNDER**  
**LOUISIANA REVISED STATUTE §30:29**

Southern Natural Gas Company, L.L.C. ("SNG") submits this limited admission under Louisiana Revised Statute §30:29 ("Act 312").

1.

SNG obtained a limited interest in a mineral lease in 1953 to conduct oil and gas operations on certain parts of Plaintiffs' property in the Franklin Oil and Gas Field in St. Mary Parish, Louisiana.

2.

SNG's oil and gas operations were limited to 3 wells: (1) Foster Et Al #1 Well (SN 62456); (2) G SU A Foster #2-ALT Well (SN 64701); and (3) 11200 SUA; Foster A #1 Well (SN 114167). SNG's operations started in 1956 and ended in 1973.

3.

SNG released its interest in the mineral lease in 1975. SNG did not operate on or hold a lease interest in Plaintiffs' property after 1975.

4.

Plaintiffs filed this lawsuit on December 27, 2016, claiming that SNG's historical operations caused "environmental damage" on their property.

5.

Act 312 defines “environmental damage” as “any actual or potential impact, damage, or injury to environmental media caused by contamination resulting from activities associated with oilfield sites or exploration and production sites.” La. R.S. §30:29(I)(2).

6.

Act 312 was enacted “to ensure that damage to the environment is remediated to a standard that protects the public interest” and to provide “the procedure for judicial resolution of claims for environmental damage[.]” La. R.S. §30.29(A).

7.

When a plaintiff alleges “environmental damage” in a lawsuit, a defendant may make a limited admission under Act 312 for the “environmental damage” and take “responsibility for implementing the most feasible plan to evaluate, and if necessary, remediate all or a portion of the contamination that is the subject of the litigation to applicable regulatory standards.” La. Code Civ. P. art. 1563(A)(1).

8.

When a defendant makes a limited admission, the Louisiana Department of Natural Resources (“LDNR”) holds a public hearing to determine the “most feasible plan” to evaluate or remediate the “environmental damage” under applicable regulatory standards. La. Code Civ. P. art. 1563(A)(2).

9.

A defendant who makes a limited admission must implement the “most feasible plan,” regardless of the cost, and all money paid by a defendant goes into escrow to be used only for remediation of the land under the “most feasible plan.” *See* La. R.S. §30:29(C).

10.

A limited admission shall not mean that SNG is responsible to Plaintiffs for their private damages, including that SNG's historical operations were negligent or that SNG breached any relevant contract or lease with Plaintiffs. *See* La. Code Civ. P. art. 1563(A)(1); La. R.S. § 30:29(H)(1). SNG's historical operations were reasonable and consistent with its lease terms and industry practice. SNG's limited admission does not constitute a waiver of any rights, claims, or defenses of SNG against Plaintiffs' claims grounded in private law. *See* La. Code Civ. P. art. 1563(A)(1).

11.

SNG wishes to ensure that any money awarded in this lawsuit is used to address "environmental damage" on Plaintiffs' property and believes that the relevant state agencies are in the best position to develop and evaluate, and if necessary, remediate such environmental damage to standards that protects the health, safety and welfare of the public.

12.

SNG admits that it is a "responsible party" under Act 312 to evaluate and, if necessary, remediate to applicable regulatory standards any "environmental damage" on Plaintiffs' property identified on Exhibit A<sup>1</sup> – AOI1, associated with Well Serial #64701, and AOI3, associated with Well Serial #114167 – that was caused by SNG's operations or the operations of lessees that preceded or succeeded SNG at those areas. Plaintiffs have found no exceedances near SNG's former Foster Et Al #1 Well (SN 62456).

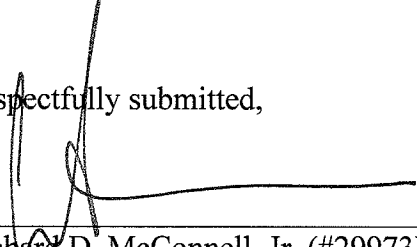
13.

SNG requests that the Court enter the attached Order to refer this matter to the Louisiana Department of Natural Resources to conduct a public hearing as required by Louisiana Code of Civil Procedure article 1563(A)(2) and Act 312.

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<sup>1</sup> SNG notes that the yellow boxes associated with AOI1 and AOI3 do not delineate the geographic scope of any environmental impact within those AOIs. Rather, the yellow boxes are merely to depict Plaintiffs' investigation at those particular wells.

Respectfully submitted,



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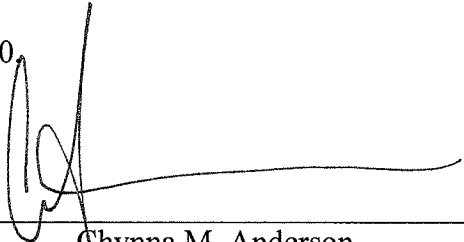
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing has been served upon all known counsel of record by electronic mail and/or placing a copy in the United States mail, postage prepaid and properly addressed.

New Orleans, Louisiana, this 31st day of July, 2020.



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Chynna M. Anderson

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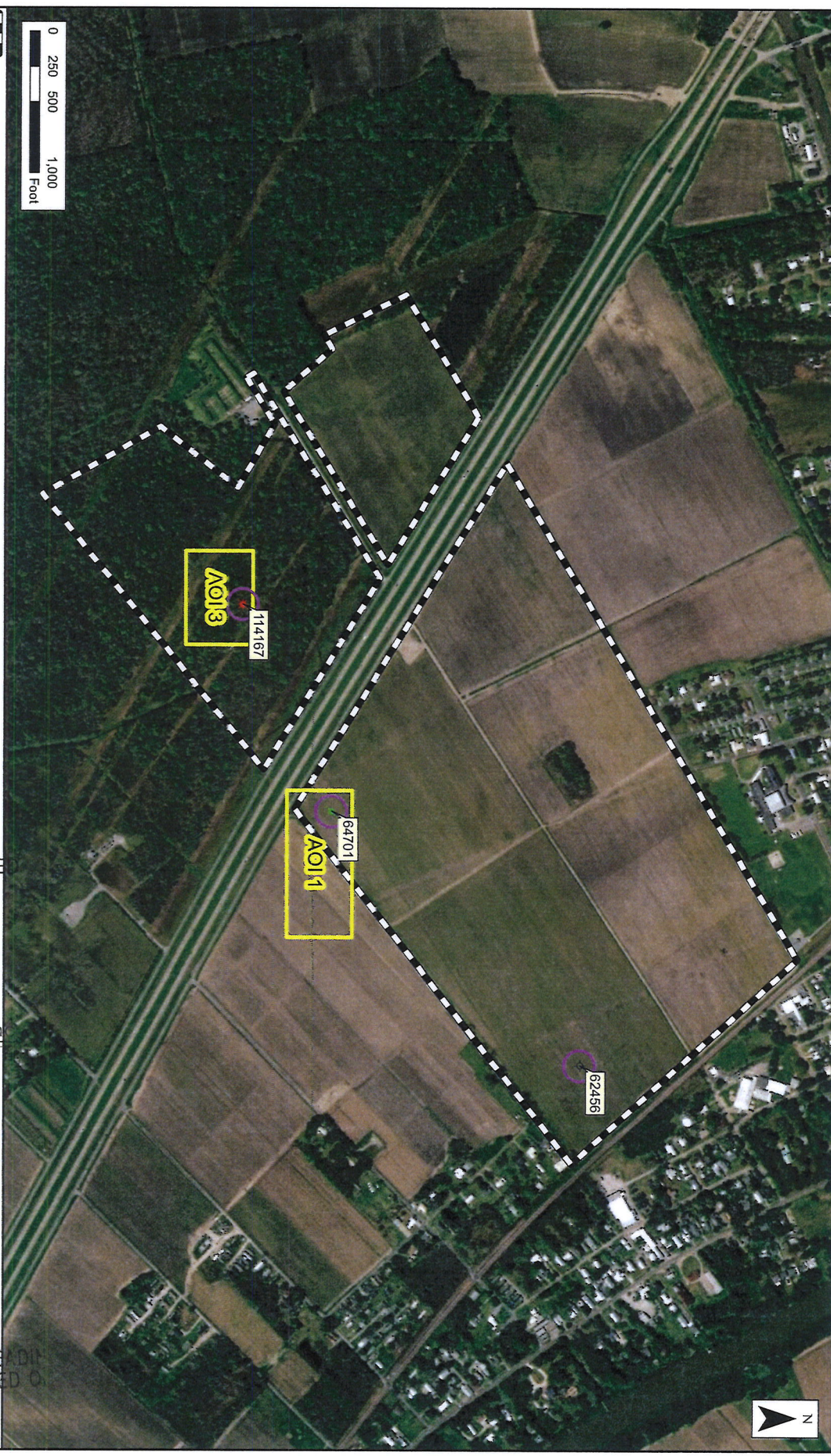
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- Property Boundary
- ICON AOIs in Vicinity of SNG Wells
- SNG Well in Petition
- P&A Dry Hole
- P&A Oil Producer
- P&A Gas & Condensate Producer

Source: Esri - ArcGIS Online; NAD 1983 UTM Zone 15N

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**Figure 1**  
**ICON AOIs in Vicinity of SNG Wells**  
 Louisiana Wetlands, LLC and New 390 LLC vs  
 Energen Resources Corporation, et al.  
 Franklin Oil & Gas Field  
 St. Mary Parish, Louisiana

Environmental Resources Management  
 www.erm.com