

**STATE OF LOUISIANA
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF CONSERVATION**

2020 OCT 26 PM 4:08

LDNR

IN RE:

**LOUISIANA WETLANDS, LLC ET AL
V. ENERGEN RESOURCES CORP., ET AL**

**OC LEGACY PROJECT NOS.
016-054-002
016-054-003**

**CASE NO. 130-527, DIVISION B
16TH JUDICIAL DISTRICT COURT
PARISH OF ST. MARY**

(JUDGE SUZANNE DE MAHY)

**SOUTHERN NATURAL GAS COMPANY, L.L.C. AND CHEVRON U.S.A. INC.
MOTION FOR JOINT AND CONSOLIDATED HEARING BEFORE AGENCY ON
TITLE 43, SECTION 19, CHAPTER 6 REVIEW OF PROPOSED FEASIBLE PLANS**

Southern Natural Gas Company, L.L.C. (“SNG”) and Chevron U.S.A. Inc. (“Chevron”) respectfully request that the Department of Natural Resources, Office of Conservation (“the Agency” or “LDNR”) conduct a joint or combined hearing under 43 LAC Pt XIX, § 601, *et seq.* on the limited admissions made by SNG and Chevron on the following grounds.

1.

On August 4, 2020, SNG filed its Limited Admission Under Louisiana Revised Statute § 30.29 in the above-referenced state court proceeding. On the same day, Judge de Mahy signed an order requiring SNG to submit to the Agency “a plan for the evaluation or remediation of ‘environmental damage,’ as provided in La. R.S. § 30.29(C)...,” as to certain “environmental damage” and property at issue in the state court proceeding. On September 14, 2020, SNG submitted to the Agency its Site Investigation Report and Remediation Work Plan (“SNG Plan”) in connection with SNG’s limited admission. The prospective review of the SNG Plan bears LDNR Legacy Project No. 016-054-003.

2.

On September 24, 2020, Chevron filed its Limited Admission Pursuant to Louisiana Revised Statute 30:29 in the state court proceeding. On September 29, 2020, Judge de Mahy signed an order requiring Chevron to submit to the Agency “a plan for the evaluation or remediation of ‘environmental damage’ as provided in La. R.S. 30:29(C) to applicable standards...” as to certain “environmental damage” and property at issue in the state court proceeding. Chevron’s plan shall be submitted to the Agency on or before November 9, 2020. The prospective review of the Chevron Plan bears LDNR Legacy Project No. 016-054-002.

3.

SNG and Chevron urge the Agency to conduct a joint hearing of both the SNG and Chevron plans under 43 LAC Pt XIX, § 601, *et seq.*, because a joint hearing will promote efficiency for both the Agency and all parties before the Agency. The following factors support a joint hearing:

- Both Plans arise from the same state court proceeding before the same presiding judge;
- Plaintiff's claims against SNG and Chevron will be tried to the same judge and jury;
- Both Plans will involve the same Plaintiff landowner and the same counsel;
- While both Plans will involve the respective historical operational areas of SNG and Chevron, both Plans will relate to the same overall property at issue in the state court proceeding, and will share common elements and characteristics applicable to the property as a whole;
- These areas subject to the limited admissions are on the same tract of property, in close proximity to one another, as evidenced by actions of the Agency during a recent site visit, at which time the Agency visited both the SNG and Chevron limited admission areas;
- The Plans will be authored by, and will be presented by, the same experts on behalf of both SNG and Chevron;
- To the extent testimony is allowed by Plaintiff's experts, the same experts are anticipated to testify regarding both SNG's and Chevron's Plans;
- Both Plans will contain similar methodology in the investigation, evaluation and, where required under applicable regulations, remediation of any environmental damage, as defined by La. R.S. 30:29(I)(2), and will allow the panel to address those issues after one hearing instead of two;
- Scheduling a joint hearing will avoid duplicative evidentiary submissions by SNG and Chevron; and
- The Agency will be able to issue the Most Feasible Plans relating to the respective limited admissions quicker through the presentation of testimony and evidence at one hearing, and will more effectively correlate, integrate and harmonize the elements of both Most Feasible Plans by conducting a joint hearing.

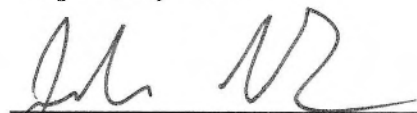
4.

While these factors overwhelmingly support having one hearing on both Plans, Plaintiff counsel has objected. Nevertheless, SNG and Chevron urge that Agency and party efficiency will be best achieved through a joint hearing.

5.

For the foregoing reasons, SNG and Chevron respectfully request that the Agency conduct a joint and consolidated hearing on the Feasible Plans of SNG and Chevron in the above-captioned administrative proceedings under La. R.S. 30:29.

Respectfully submitted:



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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 by placing a copy of the same in the United States mail, postage prepaid and properly addressed.

New Orleans, Louisiana, this 26th day of October, 2020.

