

## Daniel Henry

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**From:** Jordan, Lisa W <lwjordan@tulane.edu>  
**Sent:** Friday, September 26, 2014 2:23 PM  
**To:** Daniel Henry; John Adams (DNR)  
**Cc:** Callie Casstevens (callie.casstevens@yahoo.com); Patrick Courreges; Landry, Matthew S; Wick, Caroline J  
**Subject:** confirming details

Daniel and John:

Daniel answered some of my questions over the phone about details on the hearing, and confirmed some of these in an email yesterday. Members of the Concerned Citizens of St. Tammany have likewise learned some details from Patrick Courreges (and I have copied that email below for you convenience). Therefore, I would like to make sure my current understanding on the hearing is correct.

First, I understand that, after the hearing, there will be a minimum of 7 days afterward where the public comment period will remain open for written comments (see below).

Second, I understand that the public comment portion of the hearing will allow each person who wants to speak an opportunity to speak, with a time limit (expected to be around 5 minutes). After all persons who want to speak have been given that opportunity, persons who desire to add to their comments (which includes people who ran out of time) will be allowed to do so.

Third, I understand that Helis will be allowed to go first at the hearing, either with a presentation or with a witness or with both. CCST and the Town of Abita Springs will be allowed to follow with a presentation or witnesses. After that, the public will be allowed to speak.

Fourth, we have not discussed this, but how will the order of the public speakers be determined? Will it be in the order which they signed in/filled out a card? Will that card/sign in sheet be filled out by all who attend or only those who wish to speak?

Fifth, will the DNR decisionmaker/s attend the hearing?

Sixth, I expect that the public will be allowed to speak about whatever aspect of the overall Helis project they wish to, regardless of the particular application pending right now.

Last, I have a suggestion. I have attended more than one public hearing (by DEQ) where the hearing officer has told the public that they cannot ask questions during their comments. In one instance, the hearing officer interrupted more than one speaker mid-question to instruct him/her that he/her was not allowed to ask questions. In my opinion, this was improper and, actually, a violation of free speech. In the instance where the officer interrupted people, it appears to have seriously squelched public comment, as several citizens whose names were called after that said they wanted to pass on their opportunity to speak, and did so. I understand the desire to inform the public that the hearing officers are not there to answer questions, but I feel that it oversteps boundaries when that information is presented as an instruction to the public that they cannot ask questions or phrase their comments in the form of a question. I don't presume that you planned to give such an instruction, but wanted to give you a heads up that I would object to such an instruction.

Thank you for allowing me to clarify these issues. Please correct me promptly if I have anything wrong.

Lisa Jordan  
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Ms. Stevens,

Sorry for the delay, I did not want to give you bad information on how things were likely to go forward. The timetable has changed as of this week, because the Commissioner of Conservation will be calling a public hearing requested by the City of Abita Springs and CCST. It will be held in St. Tammany, but the date hasn't been set yet. In the meantime, the drilling permit application decision will be on hold until 30-day notice of hearing has been published, the hearing has been held followed by a written public comment period (usually at least 7 days following hearing), and public comments (both written and from the public hearing) have been reviewed. That would give a rough timetable of around the first week of November as likely the earliest time for the public hearing, mid-November to receive all written public comments – but timing would be uncertain following that, depending on the number and nature of the information presented through the hearing and comment period.

I hope this helps answer your questions, let me know if there's something I'm missing that you need.

Patrick Courreges  
Communications Director  
La. Dept. of Natural Resources  
Ofc: 225-342-0510  
Cell: 225-454-8223



Tulane Environmental Law Clinic

September 15, 2014

**BY EMAIL TO: [jim.welsh@la.gov](mailto:jim.welsh@la.gov) and U.S. Mail, Overnight Delivery**  
Mr. James Welch, Commissioner of Conservation  
Louisiana Department of Natural Resources  
Office of Conservation, 9<sup>th</sup> Floor  
617 N. Third Street  
Baton Rouge, LA 70802

**BY EMAIL TO: [richard.hudson@la.gov](mailto:richard.hudson@la.gov) and U. S. Mail, Overnight Delivery**  
Mr. Richard Hudson, Manager  
Office of Conservation, Lafayette District  
Louisiana Department of Natural Resources  
825 Kaliste Saloom Rd.  
Brandywine III, Ste. 220  
Lafayette, LA 70508

Re: Request for Hearing and Public Comment Period on Helis Oil  
Drilling Permit Application, Eads Poitevent et al No. 1 Well

Dear Mr. Hudson:

On behalf of the Town of Abita Springs and the Concerned Citizens of St. Tammany (CCST), we write to request a public notice and comment period and, separately, a public hearing on the September 10, 2014, Helis Oil & Gas, L.L.C. application for a drilling permit for the Eads Poitevent et al No. 1 well.

We oppose the granting of this permit, and significant concerns have been raised by citizens, elected officials, and agency personnel regarding the potential negative impacts of this drilling project. And, as you are no doubt aware, Helis's proposed site for this well is in a residentially-zoned area of St. Tammany Parish. The Parish has flatly stated that drilling in this zone violates its zoning ordinances because the area in which Helis proposes to drill is zoned as an A-3 Suburban district. The potential consequences of an oil drilling and production project, as well as its associated activity and infrastructure, in an area designated for suburban activity are significant. Further, Helis proposes to drill through a sole source drinking water aquifer – the Southern Hills Aquifer. Many of these issues were raised before the Engineering Division of your office when Helis's unitization application was before it. Please reference that record for the details. Though that division held a public hearing on the unitization application, it did not

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**CONSERVATION EXHIBIT 3**

provide a decision document when it granted the unitization nor did it issue a response to a single comment raised. Further, commenters were instructed to restrict their comments to the unitization issue. Therefore, thus far the DNR has done nothing to take in public comment or consider and address issues raised by the public and interested persons like the Town of Abita Springs and the members of the Concerned Citizens of St. Tammany.

For these reasons, a public comment period is not only appropriate, but necessary to comply with the Office's duty as public trustee of the environment under Article IX, section 1 of the Louisiana Constitution. Under the Louisiana Supreme Court's interpretation of this duty, the Office must allow public comment, consider and disclose the potential negative impacts of this drilling, determine whether the potential and real adverse impacts have been avoided as much as possible, and investigate whether there are alternative sites, alternative project, or mitigative measures which would offer more protection for the environment without unduly curtailing nonenvironmental benefits. *See Save Ourselves v. La. Env'tl. Control Comm'n*, 452 So. 2d 1152 (La. 1982); *see also In re Rubicon, Inc.*, 95-0108 (La. App. 1 Cir. 2/14/96); 670 So. 2d 475, 483.

Further, statutory law requires that you grant our hearing request. Under La. R.S. § 6(F), "Any interested person has the right to have the commissioner call a hearing for the purpose of taking action in respect to a matter within the jurisdiction of the commissioner by making a request therefor in writing. Upon receiving the request the commissioner *shall* promptly call a hearing." (emphasis added). The matter of Helis's application for a drilling permit is "a matter within the jurisdiction of the commissioner" and, therefore, the hearing is mandatory.

Please respond to us at the below-listed contact numbers and/or addresses. Thank you.

Respectfully submitted,

\_\_\_\_\_/s/ Lisa Jordan\_\_\_\_\_  
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Matthew Landry, Student Attorney  
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*Counsel for the Town of Abita Springs*

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