

19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

TOWN OF ABITA SPRINGS

VERSUS

JAMES H. WELSH

*
* CASE NUMBER 637209
*
* DIVISION "F"
*
*

COST OK \$ 458
227 ✓
AUG 31 2015

JUDGMENT

~~DEPUTY CLERK OF COURT~~

This Court heard this matter on August 10, 2015, on the Objections to the Administrative Record filed by the Town of Abita Springs, the Exceptions to the Plaintiff's Petition for Judicial Review filed by James H. Welsh, and the Petition for Judicial Review filed by the Town of Abita Springs.

Present were:

Lisa W. Jordan, attorney for the Town of Abita Springs.

Daniel Henry, Jr., attorney for James H. Welsh, Commissioner of Conservation and Assistant Secretary of the Louisiana Department of Natural Resources.

Matt Jones, Timothy Poche, and Harry Rosenberg, attorneys for the Intervenor Helis Oil & Gas Company, LLC, which adopted the position of James H. Welsh.

Having considered the testimony, the Administrative Record, pleadings, briefs submitted by the parties, arguments of counsel, and the law, and for the reasons more fully described in this Court's August 10, 2015, Reasons for Judgment,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff's Objections to the Administrative Record are **PARTIALLY GRANTED** and **PARTIALLY DENIED**. The Plaintiff's request to add Plaintiff's Exhibits A-D to the Administrative Record is **DENIED**. The Plaintiff's request to strike pages 3891-3898 from the Administrative Record is **GRANTED**.

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that the Exceptions of No Cause of Action and No Right of Action filed by James H. Welsh are **DENIED**.

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that the decision of the Commissioner of Conservation, Louisiana Department of Natural Resources, to issue a drilling permit to Helis Oil & Gas Company, LLC, is hereby **REVERSED** and the

REC'D C.P.
AUG 31 2015




drilling permit **VACATED** for the agency's failure to comply with its La. Const. Art. IX, Sec. 1 duty to analyze on the record certain issues related to the "IT Questions," as set forth in *Save Ourselves, Inc. v. Louisiana Env't'l Control Comm'n*, 452 So. 2d 1152 (La. 1984) and its progeny. The matter is **REMANDED** to the Commissioner of Conservation, Louisiana Department of Natural Resources, for proper consideration of issues raised in the permit proceedings in accordance with *Save Ourselves, Inc. v. Louisiana Env't'l Control Comm'n*, 452 So. 2d 1152 (La. 1984) and its progeny.

Further agency proceedings regarding this permit shall not require a new hearing or a reopening of the record, and shall be conducted consistently with the opinion provided in this Court's Oral Reasons for Judgment.

THUS DONE AND SIGNED ON THIS 1 day of Sept, 2015, in Baton Rouge, Louisiana.



JUDGE TIMOTHY KELLEY

FILED
EAST BATON ROUGE PARISH, LA.
2015 AUG 31 PM 12:21

DEPUTY CLERK OF COURT

PLEASE CERTIFY THAT I HAVE BY A COPY OF WRITTEN REASONS FOR JUDGMENT / DECISION / ORDER / WAS MAILED BY ME, WITH SUFFICIENT POSTAGE AFFIXED TO:
Paul Matthew Jones, Lisa Jordan, Daniel Henry, Jr.
DONE AND SIGNED ON 9-2-15
Paul Jones
DEPUTY CLERK OF COURT

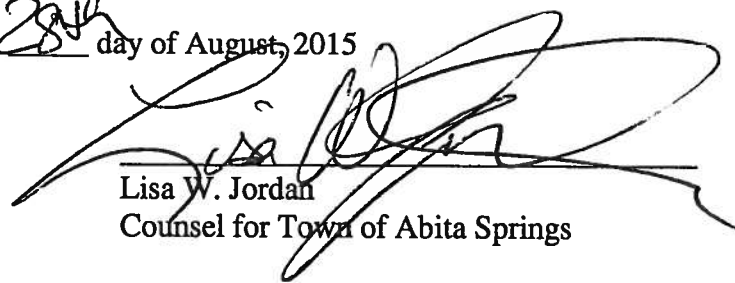
Docket No. 637209
Plaintiff's Objections to the Administrative Record
Defendant's Exceptions of No Cause of Action and No Right of Action
Plaintiff's Petition for Judicial Review

RULE 9.5 CERTIFICATE

I certify that I circulated a proposed judgment to counsel for all parties by email on August 17, 2015, and that counsel for Intervenor-Defendant Helis Oil & Gas Company, LLC indicates no opposition to the attached proposed judgment. Counsel for Defendant James H. Welsh has not provided Defendant's position on the language in the attached proposed judgment.

I have allowed at least five (5) working days before presentation to the Court.

Certified this 28th day of August, 2015



Lisa W. Jordan
Counsel for Town of Abita Springs

FILED
EAST BATON ROUGE PARISH, LA

2015 AUG 31 PM 12:21

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EBR3159941