

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

MAY 31 2024

By: TAMMY H. DOWNS, CLERK
DEP CLERK

UNITED STATES OF AMERICA

and

ARKANSAS GAME AND FISH
COMMISSION AND ARKANSAS
DEPARTMENT OF ENERGY AND
ENVIRONMENT, DIVISION OF
ENVIRONMENTAL QUALITY, AS
AGENCIES OF THE STATE OF
ARKANSAS

Plaintiffs,

EXXONMOBIL PIPELINE COMPANY
LLC and MOBIL PIPE LINE COMPANY

Defendants

Civil Action No. 4:24cv473-KGB

COMPLAINT

The United States of America (“United States”), by authority of the Attorney General of the United States and acting on behalf of the Secretary of the United States Department of the Interior (“DOI”) through the Director of the United States Fish and Wildlife Service (“USFWS”), and the Arkansas Game and Fish Commission (“AGFC”) and the Arkansas Department of Energy and Environment, Division of Environmental Quality (“ADEQ”), as state agencies and co-trustees of natural resources acting on behalf of the State of Arkansas, file this Complaint and allege as follows:

This case assigned to District Judge Baker
and to Magistrate Judge Vilpi

NATURE OF THE ACTION

1. This is a civil action against ExxonMobil Pipeline Company LLC (“ExxonMobil”) and Mobil Pipe Line Company (“MPLC”) (collectively “Defendants”) for recovery of damages for injury to, destruction of, loss of, or loss of use of natural resources and natural resource services (including the unreimbursed costs of assessing such damages and for restoration planning) under Section 1002 of the Oil Pollution Act of 1990 (“OPA”), 33 U.S.C. § 2702, the Arkansas Water and Air Pollution Control Act (“AWAPCA”), Ark. Code Ann. § 8-4-101 *et seq.*, and Arkansas Game and Fish Commission Code 01.00-H—Restitution.

2. Plaintiffs seek damages to compensate for injuries to natural resources resulting from the discharge of heavy crude oil from Defendants’ Pegasus Pipeline on March 29, 2013, that migrated into nearby waterways, wetlands, and a portion of Lake Conway in Mayflower, Faulkner County, Arkansas (the “Mayflower Oil Spill”).

JURISDICTION AND VENUE

3. This court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 (federal question), 1345 (United States as plaintiff), and 1367 (supplemental over State law claims), and Section 1017(b) of OPA, 33 U.S.C. § 2717(b). This Court has pendent jurisdiction over the State law claims pursuant to 28 U.S.C. § 1367(a). The Court also has personal jurisdiction over Defendants.

4. Venue is proper in the Eastern District of Arkansas pursuant to 28 U.S.C. § 1391(b) and Section 1017(b) of OPA, 33 U.S.C. § 2717(b), because it is the judicial district in which the oil discharge and resulting natural resource injuries occurred.

DEFENDANTS

5. Defendant ExxonMobil Pipeline Company LLC, formerly ExxonMobil Pipeline Company, is a Delaware limited liability company with its headquarters in Houston, Texas. ExxonMobil Pipeline Company reorganized as ExxonMobil Pipeline Company LLC in February 2022.

6. ExxonMobil is a “person” within the meaning of Section 1001(27) of OPA, 33 U.S.C. § 2701(27).

7. At all relevant times, ExxonMobil Pipeline Company was an operator of the Pegasus Pipeline. ExxonMobil is the legal successor to ExxonMobil Pipeline Company.

8. Defendant MPLC is a Delaware Corporation with its headquarters in Houston, Texas.

9. MPLC is a “person” within the meaning of Section 1001(27) of OPA, 33 U.S.C. § 2701(27).

10. At all relevant times, MPLC was the owner of the Pegasus Pipeline.

STATUTORY BACKGROUND

11. Section 1102(a) of OPA, 33 U.S.C. § 2702(a), provides that “each responsible party for a vessel or a facility from which oil is discharged, or which poses the substantial threat of a discharge of oil, into or upon the navigable waters or adjoining shorelines or the exclusive economic zone is liable for the removal costs and damages specified in [33 U.S.C. § 2702(b)] that result from such incident.”

12. OPA defines “responsible party” to mean “[i]n the case of a pipeline, any person owning or operating the pipeline.” 33 U.S.C. § 2701(32)(F).

13. OPA defines “facility” to mean “any structure, group of structures, equipment, or

device (other than a vessel) which is used for one or more of the following purposes: exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil. This term includes any . . . pipeline used for one or more of these purposes.” Section 1001(9) of OPA, 33 U.S.C. § 2701(9).

14. OPA defines “oil” to mean “oil of any kind or in any form, including petroleum. . . .” 33 U.S.C. § 2701(23).

15. OPA defines “discharge” to mean “any emission (other than natural seepage), intentional or unintentional” and includes “spilling, leaking, pumping, pouring, emitting, emptying, or dumping.” 33 U.S.C. § 2701(7).

16. OPA defines “navigable waters” to mean “waters of the United States, including the territorial seas.” 33 U.S.C. § 2701(21).

17. OPA defines “natural resources” to include “land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States . . . [or] any State” 33 U.S.C. § 2701(20).

18. OPA defines “person” to include a corporation. Section 1001(27) of OPA, 33 U.S.C. § 2701(27).

19. OPA defines “incident” to mean “any occurrence or series of occurrences having the same origin, involving one or more facilities . . . , resulting in the discharge . . . of oil.” Section 1001(14) of OPA, 33 U.S.C. § 2701(14),

20. OPA defines “damages” for which a responsible party is liable, pursuant to Section 1002(a) of OPA, 33 U.S.C. § 2702(a), to include “[d]amages for injury to, destruction of, loss of, or loss of use of, natural resources, including the reasonable costs of assessing the damage, which

shall be recoverable by a United States trustee, [and] a State trustee....” 33 U.S.C. §§ 2701(5) and 2702(b)(2).

21. Migratory birds and their supporting habitats are federal trust resources protected under the Migratory Bird Treaty Act of 1918, as amended 16 U.S.C. §§ 701 et seq., and are also natural resources of the State of Arkansas managed by the AGFC. Pursuant to 40 CFR § 300.600 (b)(2), DOI, acting through USFWS, is designated the Federal Trustee for migratory birds.

22. DOI, acting through the USFWS, is the Federal Trustee designated pursuant to Section 1006 of OPA, 33 U.S.C. 2706, for assessing and recovering the damages to natural resources belonging to, managed by, controlled by, or appertaining to the United States under DOI’s trusteeship. The USFWS also is responsible for developing and implementing a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent, of the natural resources under its federal trusteeship.

23. The AGFC and ADEQ are State Co-trustees designated pursuant to Section 1006 of OPA, 33 U.S.C. 2706, for assessing and recovering the damages to natural resources belonging to, managed by, controlled by, or appertaining to the State of Arkansas under their co-trusteeship. The AGFC and ADEQ also are responsible for developing and implementing a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent, of the natural resources under their state co-trusteeship.

24. OPA provides that any person owning or operating a pipeline from which oil is discharged, or which poses the substantial threat of a discharge of oil, is liable for damages to natural resources arising from the discharge, or substantial threat of discharge, of oil. 33 U.S.C. § 2702, subject only to enumerated defenses.

GENERAL ALLEGATIONS

A. The Source of the Discharge of Oil

25. The Pegasus Pipeline is a 20-inch-diameter crude oil pipeline constructed in the 1940s that runs approximately 850 miles from Patoka, Illinois, to Nederland, Texas, and has been used by Defendants to transport Wabasca Heavy crude oil that originates from Canada.

26. On March 29, 2013, a segment of the Pegasus Pipeline ruptured in the Northwoods Residential Subdivision in the town of Mayflower, Arkansas due to failure of a section of the Pipeline's longitudinal seam. The split in the pipe was twenty-two feet long and caused approximately 3,190 barrels of heavy crude oil mixed with diluent to spill from the Pipeline. The Pipeline spilled oil for approximately twelve hours over two days.

27. Crude oil from the Pegasus Pipeline spilled directly into a residential neighborhood and then flowed via a ditch into nearby waterways, including an unnamed creek, then to wetlands which are adjacent to a portion of Lake Conway commonly known as Dawson Cove. Lake Conway is a 6,700 acre man-made lake water formed by the damming of Palarm Creek, a continuously flowing water. Beyond the dam, Palarm Creek flows into the Arkansas River. The Arkansas River and the lower portion of Palarm creek are traditional navigable-in-fact waters. The wetlands have a continuous surface connection with Lake Conway.

28. Lake Conway, including Dawson Cove, is owned and managed by AGFC. The waterways in and adjoining Lake Conway are "navigable waters" within the meaning of Section 1001(21) of OPA, 33 U.S.C. 2701(21), and are "waters of the state" within the meaning of the AWAPCA, Ark. Code Ann. § 8-4-102(11).

29. At the time of the spill, the Pegasus Pipeline was owned by MPLC and operated by ExxonMobil.

30. The oil from the Mayflower Oil Spill contaminated homes, lands, and waterways and impacted people, wildlife, and habitat. Residents were forced to evacuate their homes due to the hazardous conditions in the neighborhood. The spilled oil also caused, *inter alia*, a film or sheen upon or discoloration of the surface of the water and adjoining shorelines and caused deposition beneath the surface of the water and upon adjoining shorelines.

31. Pursuant to 15 C.F.R. Part 990, Trustees USFWS, AGFC, and ADEQ initiated an assessment of injuries to natural resources resulting from the Mayflower Oil Spill. The Trustees conducted extensive natural resource injury assessment work. The Trustees used information from the oil spill response and assessment work, including field observations of flora and fauna, research and analysis of the specific oil chemistry involved in the discharge, oil toxicity from literature and studies, and modeling to determine the extent of injuries and the compensatory restoration requirements for the oil discharge. The Trustees coordinated their assessment work and will jointly plan and implement restoration efforts.

32. The Trustees concluded that natural resources had been injured, destroyed, or lost as a result of discharges of oil onto land that migrated to nearby waterways and wetlands, Dawson Cove, and Lake Conway. Vegetation and sediment were oiled as a direct result of the spill. Respondents removed oiled vegetation and sediment from the area to facilitate spill response. Also, a significant number of wildlife were exposed to oil, including birds, mammals, fish, invertebrates, amphibians, and reptiles. The oil caused injuries to natural resources that included land, surface waters and adjacent riparian areas, sediments, multiple wildlife species (including injuries and deaths of oiled waterfowl and other birds, turtles, snakes, amphibians, mammals, other reptiles, fish, invertebrates, macroinvertebrates, and other fauna), reduced and destroyed habitat (including

bottomland hardwood forest, pine-oak forests, and other vegetation and flora), and lost recreational angling and opportunities for navigation and outdoor enjoyment.

33. Lake Conway is a popular fishing area created in 1951 between Conway, Arkansas and Mayflower, Arkansas. It is the largest state conservation lake in the United States. The discharged oil resulted in losses to recreational users of the marine and coastal environment along Lake Conway who decreased use due to concern about the presence and impacts of oil from the spill.

34. The Trustees have incurred costs in connection with assessing the natural resource injuries and performing restoration planning.

35. The discharge of oil resulting from the Mayflower Oil Spill was not authorized under OPA or any other federal, state, or local government law, regulation, or ordinance.

36. The Mayflower Oil Spill was the subject of a separate civil action filed in this district in June 2013 for civil penalties and injunctive relief against Defendants by the United States on behalf of the United States Environmental Protection Agency (“EPA”), and the State of Arkansas, on behalf of the Arkansas Department of Environmental Quality. *United States and State of Arkansas v. ExxonMobil Pipeline Co., et al.*, Civil Action No. 4:13-cv-0355 (E.D. Ark.). That complaint alleged violations of Sections 301(a) and 311(b)(3) of the CWA, 33 U.S.C. §§ 1311(a) and 1321(b)(3), and provisions of Arkansas law. That action was resolved through a consent decree entered by the District Court on August 12, 2015. In that consent decree the United States reserved its rights to bring claims for damages to natural resources.

FIRST CLAIM FOR RELIEF

(Damages to Natural Resources Under Oil Pollution Act of 1990)

37. The allegations of the foregoing Paragraphs 1 through 37 are re-alleged and incorporated herein by reference.

38. The Pegasus Pipeline is a “facility” within the meaning of Section 1001(9) of OPA, 33 U.S.C. § 2701(9).

39. Each Defendant, as owner and/or operator of the facility at the time of the Mayflower Oil Spill and response efforts, is a “responsible party” within the meaning of Section 1001(32)(F), 33 U.S.C. § 2701(32)(F).

40. The crude oil from the Pegasus Pipeline is “oil” within the meaning of Section 1001(23) of OPA, 33 U.S.C. 2701(23).

41. The spill of oil from the Pegasus Pipeline was a “discharge” within the meaning of Section 1001(7) of OPA, 33 U.S.C. § 2701(7). Approximately 3,910 barrels of oil discharged from the Pipeline and a substantial portion migrated into waters of the United States and the State.

42. The discharge of oil resulting from the Mayflower Oil Spill and the subsequent response actions to remove the oil caused injury to, destruction of, loss of, and/or loss of use of, natural resources within the meaning of Sections 1001(20) and 1002(b)(2)(A) of OPA, 33 U.S.C. §§ 2701(20) and 2702(b)(2)(A), for which the USFWS, on behalf of the United States, and the AGFC and ADEQ, on behalf of the State of Arkansas, are trustees within the meaning of Section 1006 of OPA, 33 U.S.C. § 2706.

43. The discharge of oil resulting from the Mayflower Oil Spill and the subsequent response actions to remove the oil also caused injury to, destruction of, loss of, and/or loss of use

of real property owned and managed by AGFC within the meaning of Section 1002(b)(2)(B) of OPA, 33 U.S.C. § 2702(b)(2)(B).

44. Pursuant to Section 1002(a) and (b)(2) of OPA, 33 U.S.C. § 2702(a) and (b)(2), Defendants are strictly, and jointly and severally, liable to the United States and to the State, acting through trustees USFWS, ACFG and ADEQ, for damages for such injury to natural resources resulting from the discharge of oil from the Pegasus Pipeline as alleged in this Complaint.

SECOND CLAIM FOR RELIEF

(Damages under the Arkansas Water and Air Pollution Control Act and Arkansas Game and Fish Commission Code 01.00-H)

45. Plaintiffs AGFC and ADEQ re-allege and incorporate herein by reference the allegations in Paragraphs 1 through 44.

46. Defendants are liable to the State of Arkansas pursuant to Section 103(b)(3) of the AWAPCA, Ark. Code Ann. § 8-4-103(b)(3), for damages to natural resources resulting from the Mayflower Oil Spill, including for all reasonable costs and expenses incurred in connection with the detection, investigation, damage assessment, and restoration and replacement activities.

47. Defendants are also liable under Arkansas Game and Fish Commission Code 01.00-H for monetary restitution for injury to wildlife species, including waterfowl and other birds, turtles, snakes, amphibians, mammals, other reptiles, fish, invertebrates, macroinvertebrates, and other fauna.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

A. Enter a judgment in favor of Plaintiffs against Defendants pursuant to Sections 1002(b)(2)(A) and (B) of OPA, 33 U.S.C. § 2702(b)(2)(A) and (B), for the full value of all damages for injury to, destruction of, loss of, and/or loss of use of natural resources, or resource services,

within the trusteeship of the USFWS, the AGFC and ADEQ, resulting from the Mayflower Oil Spill, including reimbursement of Plaintiffs' reasonable assessment and restoration planning costs.

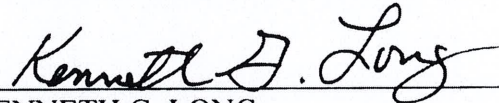
B. Enter a judgment in favor of Plaintiffs AGFC and ADEQ against Defendants pursuant to Section 103(b)(3) of the AWAPCA, Ark. Code Ann. § 8-4-103(b)(3), for the full value of all damages to natural resources resulting from the Mayflower Oil Spill, including for all reasonable costs and expenses incurred in connection with the detection, investigation, damage assessment, and restoration and replacement activities, plus monetary restitution under Arkansas Game and Fish Commission Code 01.00-H for injury to wildlife species, including waterfowl and other birds, turtles, snakes, amphibians, mammals, other reptiles, fish, invertebrates, macroinvertebrates, and other fauna.

C. Award Plaintiffs such other relief as this Court may deem just and appropriate.

Respectfully submitted,

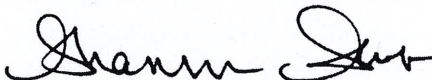
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The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America and Arkansas Game and Fish Commission and Arkansas Department of Energy and Environment, Division of Environmental Quality, as Agencies of the State of Arkansas

(b) County of Residence of First Listed Plaintiff

(c) Attorneys (Firm Name, Address, and Telephone Number)

Kenneth G. Long, USDOJ, ENRD, EES, P.O. Box 7611, Wash., D.C. 20044, Ph: 202-514-2840; Shannon Smith, U.S. Attorney's Office, P.O. Box 1229, Little Rock, AR 72203, Ph: 501-340-2600

DEFENDANTS

ExxonMobil Pipeline Company LLC and Mobil Pipe Line Company

County of Residence of First Listed Defendant Faulkner, Arkansas
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Kevin J. Vaughan, Senior Counsel, Environmental & Safety, Exxon Mobil Corporation, 22777 Springwoods Village Parkway, N1.5B, Spring, Texas 77389

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State: PTF 1, DEF 1
- Citizen of Another State: PTF 2, DEF 2
- Citizen or Subject of a Foreign Country: PTF 3, DEF 3
- Incorporated or Principal Place of Business In This State: PTF 4, DEF 4
- Incorporated and Principal Place of Business In Another State: PTF 5, DEF 5
- Foreign Nation: PTF 6, DEF 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability		INTELLECTUAL PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	LABOR	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 720 Labor/Management Relations	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 495 Securities/Commodities/Exchange
		<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	IMMIGRATION	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 462 Naturalization Application	FEDERAL TAX SUITS	<input checked="" type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment		<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations			<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment			<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			
	<input type="checkbox"/> 448 Education			
	PRISONER PETITIONS			
	<input type="checkbox"/> 463 Alien Detainee			
	<input type="checkbox"/> 510 Motions to Vacate Sentence			
	<input type="checkbox"/> 530 General			
	<input type="checkbox"/> 535 Death Penalty			
	Other:			
	<input type="checkbox"/> 540 Mandamus & Other			
	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 555 Prison Condition			
	<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Oil Pollution Act, 33 U.S.C. § 2702; Ark. Water & Air Pollution Control Act, Ark. Code Ann. § 8-4-101 et seq.; Ark. Game & Fish Comm. Code 01.00-0
Brief description of cause:
Civil action for recovery of damages for injury to, destruction of, loss of, or loss of use of natural resources and natural resource services

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: May 31, 2024 SIGNATURE OF ATTORNEY OF RECORD: /s/ Shannon Smith

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____