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Louisiana Family's Long Legal Fight Over Texaco Drilling Lease Takes a Twist

By **CAMPBELL ROBERTSON**

ERATH, La. — It began as a landlord-tenant dispute, Louisiana style.

The tenant was Texaco; the landlord the Broussard family, heirs of a Cajun rancher, who claimed that Texaco's operation of a gas plant on their property had left the land contaminated. The lawsuit, of a kind not all that rare in these industry-heavy parts, had dragged on so long that 13 of the heirs had died.

But it took a sudden and bitter turn in recent months, when another company — a company that, like Texaco, is a subsidiary of Chevron — [sued to condemn](#) most of the disputed land and expropriate it, arguing that it was acting in the national interest.

The boundaries of the national interest are hard to draw in any place, but particularly so here in south Louisiana, where pipelines run under the bayous and refinery flares light the sky.

As old leases get examined and environmental concerns become more publicized, neighborly disputes between residents and those drilling on their land are bound to get more heated. And few are more complicated than the fight between Chevron and the Broussards.

The Chevron subsidiary that sued to take the land, Sabine Pipe Line, had quietly operated a pipeline hub across the road for nearly 60 years. In June, Sabine sent a letter to the family, saying the 14-year legal fight with Texaco was threatening the continued operation of one of the most important [natural gas](#) pipeline hubs in the country. The family could agree to sell the land, the letter said, or be forced to do so.

The Broussards say the timing of the letter and the scope of the demand is more than a little curious. They contend that Sabine's actions are not to protect any pipeline, but are simply a pretext to shield Chevron from millions in environmental damages.

“It was all collusion, no doubt in my mind,” said Warren A. Perrin, who is leading the Broussard family in its legal fight. “My cousin just said, ‘You don’t seem to be behaving like good neighbors if you’re taking away our property.’ ”

The Broussards, like most Cajun families, are no foes of the oil and gas industry. Some of them worked at the Texaco gas plant. Mr. Perrin himself was born in a little house a few hundred yards from the plant, and his first law office was in the back of a Texaco gas station.

But pugnacity comes naturally to Mr. Perrin, a compact man who will talk about his Cajun forebears and the injustices visited upon them as long as a person will let him.

In the 1990s, he went to battle with the Queen of England, pressing her to apologize for the expulsion of the Acadians, the forebears of today’s Cajuns, from Canada in 1755. The queen issued a Royal Proclamation in 2003 acknowledging the “dark chapter” and calling for a day of commemoration. That proclamation hangs on the wall of Mr. Perrin’s office like a trophy.

Mr. Perrin is one of the 75 or so heirs of Aristide Broussard, who bought 3,000 acres here in Vermilion Parish at the end of the 19th century. The land was perfect for growing sugarcane, raising cattle and trapping alligators.

That it was also perfect for drilling the Broussards found out four decades later, when the Texas Company discovered a big deposit underneath. The company bought the mineral rights, but it had bigger plans, and in 1942 asked to lease an 80-acre plot in one of Mr. Broussard’s cow pastures.

It was an easy decision after the lean days of the Depression: Mr. Broussard leased the land to the company for 75 years, at a rent of \$1,600 annually (an amount later renegotiated to \$110,000 a year). The company gave him a Cadillac and a lifetime supply of free gas, and promised jobs for his grandsons.

And it built an enormous gas recycling plant in his backyard.

Even though some members of the family worked on the property — some still do — they have never entirely been aware of what went on there. They knew there were some places in the pasture where grass did not grow, and that pipelines crossed their land so thickly that Texaco simply paid them not to graze cattle in certain areas.

But it was not until a legal argument broke out between Texaco and another company working at the site that the family learned that one of the wells had blown out in 1997.

As the fight intensified, the heirs of Aristide Broussard hired environmental experts, who found leaky saltwater pits on the property, countless aluminum pellets and radioactive material.

In a lawsuit, the Broussards argued that the contamination was so bad that Texaco had breached the lease and that they would try to kick the company off the property unless it was cleaned to their standards. Less than a month later, the family received a surprise: Sabine, a company that seemed completely unrelated to the contamination suit, [offered the Broussards a little under \\$1 million](#) to buy most of the land in question. If the offer was not accepted, the letter said, Sabine would expropriate the land and pay the family the fair market value.

That Sabine had been operating a pipeline across the street since 1964 the family knew. They knew that in 1990 Sabine began managing the so-called Henry Hub, an interchange of gas lines so crucial that it is where the prices are set for natural gas futures based on the traffic there. What the family did not know is that part of this hub had migrated onto their property. And they are still unsure of just how much of it is on their property.

The Broussard family discussed the offer with Sabine but they could not agree on a price. Assuring Sabine that they had no intention of disrupting its operation of the pipelines, the family members declined to sell. The day before Thanksgiving, Sabine sued to take over the property.

“Sabine has tried, for the past several months, to secure the rights necessary to the operation of its facilities through good-faith negotiations,” said a spokesman for Chevron in a statement, adding that the company had offered a price “significantly” above fair market value. “Having been unable to reach a negotiated resolution of this matter,” the statement continued, “and in view of the Broussards’ ongoing efforts to terminate these leasehold rights, Sabine has exercised its rights under the Natural Gas Act to acquire the property it needs to continue its operations.”

Disputes between pipeline operators and property owners over condemnation suits are not rare, and in most cases the pipeline owners are successful. But several eminent domain lawyers said they had never encountered a situation quite like this.

“This,” said Gideon Kanner, a professor emeritus at Loyola Law School in Los Angeles, “is what the lawyers call a sui generis case.”

