

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

APR 05 2011

JAMES W. MCCORMACK, CLERK
By: [Signature] DEP. CLERK

UNITED STATES OF AMERICA)

v.)

) no. 4:11-cr-00060 BSM

HAWK FIELD SERVICES, LLC.)

) 16 U.S.C. § 1538(a)(1)(B)

) 16 U.S.C. § 1540

) 18 U.S.C. § 2

) 50 C.F.R. §§ 17.21(a) & (c)

INFORMATION

THE UNITED STATES ATTORNEY CHARGES THAT:

BACKGROUND

At all times relevant to this Information:

THE DEFENDANT, HAWK FIELD SERVICES

1. HAWK FIELD SERVICES ("HFS") LLC. was engaged in gathering, conditioning, and treating activities related to the development of onshore natural gas properties in the United States. HFS was a wholly-owned subsidiary of PETROHAWK ENERGY CORPORATION ("PEC"), a Delaware corporation with principal offices located in Houston, Texas. PEC was an independent energy company engaged predominately in the exploration, development and production of natural gas properties located onshore in the United States. PEC's properties, and those operated by HFS, are primarily located in Louisiana, Texas, Arkansas and Oklahoma.

2. Prior to the sale of assets in the Fayetteville Shale on January 7, 2011, PEC's Arkansas properties operated by HFS consist of approximately 157,000 acres in the Fayetteville Shale. The Fayetteville Shale is an unconventional gas reservoir located in the Arkoma Basin in Arkansas, at a depth of approximately 1,500 to 6,500 feet and ranging in thickness from 100 to 500 feet. Drilling in the shale began in 2004 and accelerated rapidly over the next two years, with approximately 350 wells drilled during 2008.

3. HFS's pipeline construction and operations that are the subject of this Information were in the Fayetteville Shale in the Little Red River watershed in Van Buren county, in the Eastern District of Arkansas.

STATUTORY BACKGROUND

Endangered Species Act

4. The Endangered Species Act was enacted by Congress to conserve endangered and threatened species and the ecosystems upon which they depend. Title 16, United States Code, Section 1531(b).

5. The term "endangered species" means any species which is in danger of extinction throughout all or a significant portion of its range. Title 16, United States Code, Section 1532(6).

6. It is unlawful for any person subject to the jurisdiction of the United States to take any endangered species of wildlife within the United States. Title 16, United States Code, Section 1538(a)(1)(B) and Title 50, Code of Federal Regulations, Sections 17.21(a) and (c).

7. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Title 16, United States Code, Section 1532(19).

8. The term "harass" means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. Title 50, Code of Federal Regulations, Section 17.3.

SPECKLED POCKETBOOK MUSSEL

9. The speckled pocketbook mussel (*Lampsilis streckeri*) is a freshwater mussel found only in the Little Red River watershed in Van Buren County, Arkansas. It occurs nowhere else in the world.

10. The speckled pocketbook mussel has been designated an endangered species since 1989, due in large part to the destruction of habitat by, among other things, siltation and channelization.

11. The speckled pocketbook inhabits stream sections with clear, constantly flowing water and substrates varying from coarse to muddy sand, in depths up to approximately one and half feet.

COUNT ONE

[16 U.S.C. §§ 1538(a)(1)(B), 1540(b)(1), 50 C.F.R. §§ 17.21(a) and (c), and 18 U.S.C. § 2]

12. The allegations contained in paragraph 1 through 12 are realleged and incorporated herein.

13. From on or about October 1, 2008, through April 17, 2009, in the South Fork Little Red River in the Eastern District of Arkansas, defendant HAWK FIELD SERVICES did knowingly and unlawfully take at least one speckled pocketbook mussel, an endangered species protected by the Endangered Species Act of 1973.

All in violation of Title 50, Code of Federal Regulations, Sections 17.21(a) and (c), and Title 16, United States Code, Sections 1538(a)(1)(B) and 1540(b)(1), and Title 18, United States Code Section 2.

COUNT TWO

[16 U.S.C. §§ 1538(a)(1)(B), 1540(b)(1), 50 C.F.R. §§ 17.21(a) and (c), and 18 U.S.C. § 2]

14. The allegations contained in paragraph 1 through 12 are realleged and incorporated herein.

15. From on or about October 1, 2008, through April 17, 2009, in the Middle Fork Little Red River in the Eastern District of Arkansas, defendant HAWK FIELD SERVICES did knowingly and unlawfully take at least one speckled pocketbook mussel, an endangered species protected by the Endangered Species Act of 1973, all in violation of Title 50, Code of Federal Regulations, Sections 17.21(a) and (c), and Title 16, United States Code, Sections 1538(a)(1)(B) and 1540(b)(1), and Title 18, United States Code Section 2.

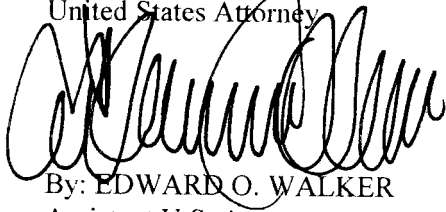
COUNT THREE

[16 U.S.C. §§ 1538(a)(1)(B), 1540(b)(1), 50 C.F.R. §§ 17.21(a) and (c), and 18 U.S.C. § 2]

16. The allegations contained in paragraph 1 through 12 are realleged and incorporated herein.

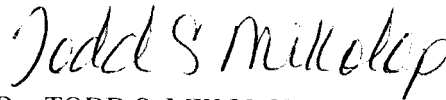
17. From on or about October 1, 2008, through April 17, 2009, in the Archey Fork Little Red River in the Eastern District of Arkansas, defendant HAWK FIELD SERVICES did knowingly and unlawfully take at least one speckled pocketbook mussel, an endangered species protected by the Endangered Species Act of 1973, all in violation of Title 50, Code of Federal Regulations, Sections 17.21(a) and (c), and Title 16, United States Code, Sections 1538(a)(1)(B) and 1540(b)(1), and Title 18, United States Code Section 2.

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