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DEPARTMENT OF CONSERVATION AND ENERGY

DEPARTMENT GUIDANCE NO. B-2025-01-A

FROM: Dustin Davidson, Secretary *DD*
DATE: October 13, 2025
SUBJECT: Department Guidance Class VI Permit Application Reviews
DG-B-2025-01-A¹

I. **Authority**

This guidance document is issued with consideration for authority granted in Act 458 of 2025 Regular Session, effective October 1, 2025. Although presently serving as guidance, this document may be converted into a directive order upon initiation by the Deputy Secretary, certification by Undersecretary, and issued pursuant to authority granted to the Secretary by La. R.S. 36:354(A)(14) (Act 458 of 2025, Regular Session), empowering the Secretary to establish immediate agency policy effective upon issuance.

The department's memorandum of agreement (MOA) with EPA Region 6 governing LDENR's administration of its primacy program for Class VI wells requires that the State work within its authority to support communities near proposed Class VI projects through a variety of approaches including implementing an inclusive public participation process. This requirement is often met by applicants adopting a public engagement plan. In addition, Act 414 of the 2025 Regular Session, effective August 1, 2025, requires that LDENR give substantial consideration to local government comments on Class VI permit applications.

II. **Purpose**

The purpose of this guidance is to:

(A) Manage Staff Resources Effectively

The volume of Class VI applications now pending before the Department presents significant demands on staff resources. Major modifications submitted outside of structured Requests for Additional Information (RAIs) consume disproportionate staff time, jeopardize the integrity of the review queue, and undermine fairness among applicants. Allocation of staff resources during this period is critical to ensuring timely review and protecting the public interest.

(B) Advance Louisiana's Leadership in Global Energy

Carbon capture and sequestration (CCS) represents a tremendous opportunity for Louisiana to market premium, low-carbon products worldwide. However, this opportunity can only be realized if permitting maintains credibility, efficiency, and community trust.

(C) Protect Communities Through Transparency

Communities living in or near proposed storage sites must understand, in plain language, what is being considered. The Department will hold applicants accountable not only for technical sufficiency but also for communication practices that foster or erode public trust.

(D) Implement Acts 414 and 458 in Tandem

To meet the inclusive public participation requirements set forth in LDENR's MOA, LDENR will ensure that applicants submit a public engagement plan. Under Acts 407 and 414 of the 2025 Regular Session, LDENR will give substantial consideration to local government comments on Class VI projects proposed to be located within their jurisdiction. Under Act 458 of the 2025 Regular Session, the Department is authorized to set immediate standards for application review. These authorities will be implemented in concert to ensure transparent, consistent, and credible permitting.

III. Major Modifications

(A) Definition

Major modifications to previously submitted applications include changes that materially alter the scope or technical basis" of an application, including but not limited to, (a) addition of new injection wells; (b) revisions to site characterization data (geology, hydrology, geomechanics); (c) altered Area of Review (AoR) or plume/pressure modeling; (d) substantive revisions to operational, monitoring, or emergency response plans; (e) material changes to financial responsibility instruments.

(B) Rules for Submission

A major modification submitted with a RAI. Major modifications submitted directly in response to a Department-issued Request for Additional Information (RAI) will not affect the application's place in the technical review queue.

(C) Unsolicited Submissions

Any unsolicited major modification will automatically be treated as "On Applicant-Requested Hold" in the Application Tracker. The application will be removed from its current place in line and reassigned to the end of the technical review queue.

(D) Rationale

Unsolicited major modifications disrupt staff evaluation and compromise the integrity of the review queue. This policy ensures fairness among applicants and predictability in the allocation of staff resources.

IV. Other Considerations

While this guidance primarily addresses rules surrounding major modifications, applicants should also be aware of other considerations that will increasingly shape the Department's review of Class VI applications.

(A) Public Engagement Recommendation (EPA MOA, Act Nos. 407 and 414 of 2025 Regular Session)

Effective August 1, 2025, Act Nos. 407 and 414 require that the Department give substantial consideration to local government comments. Along with implementing an inclusive public participation process pursuant to the EPA MOA, addressing comments raised by local governments, will be considered under Class VI application as part of the applicant's public engagement plan. At a minimum, the plan must comply with regulatory requirements and provide for the following:

- 1) The agreed upon public comment period with local officials;
- 2) Location and time of the hearing(s);
- 3) Documented outreach ;
- 4) Availability of plain-language summaries of technical materials; and
- 5) A process for documenting and addressing concerns raised during engagement.

Applicants are furthermore expected to communicate with professionalism, candor, and discipline in all forums. Public trust is shaped not only by statutory compliance but also by how applicants present

themselves to regulators, stakeholders, and communities. This expectation should help guide applicants in implementing their public engagement plans. Statements that disparage regulators, minimize the permitting process, or alienate local communities undermine confidence and will weigh heavily in the Department's evaluation of applications and whether the applicant has met the requirement to create and implement its public engagement plan.

(A) (B) Retroactivity and Implementation of Public Engagement Plan Requirement

While Acts 407 and 414 require the Department to give "substantial consideration" to local government comments, it should not be interpreted to automatically reopen or expand the requirements of applications filed prior to its effective date. To balance legal obligations with practical implementation, I recommend the following framework:

For applications filed prior to August 1, 2025, if the applicant has already submitted a public engagement plan (even if titled something different) then implementation of said plan shall suffice.

If, however, no public engagement plan has yet been submitted or if local government by resolution expressly requests that the Department give substantial consideration to community engagement beyond what is contained in an existing public engagement plan, then the applicant must supplement its application with a public engagement plan to address the gap. This ensures that the "substantial consideration" requirement under Act Nos. 407 and 414 are met, while not automatically imposing new burdens on staff or applicants. Components of such public engagement plan may include, but are not limited to the following:

- (a.) Engagement with state representatives and senators for which the project is located
- (b.) Town meetings hosted by the applicant
- (c.) Participation in public meetings at the request of the Parish government
- (d.) Engagement with local economic development groups
- (e.) Participation in local job fairs with an emphasis on hiring workforce within the surrounding area
- (f.) Partnering with Career and Technical Education Programs
- (g.) Equipment purchases for local first responders within the AoR and in proximity to prospective pipeline infrastructure
- (h.) Recruitment of future investment from potential offtake partner.

V. Certification and Implementation

Staff Direction: C&E staff must ensure determinations of completeness, technical review, and final decisions conform to this guidance.

Applicant Notice: Any unsolicited major modifications will result in the application being moved to “On Applicant-Requested Hold” and placed at the end of the review queue until staff review is complete.

ⁱ These orders remain effective until superseded by a subsequent directive or formal rulemaking through the Louisiana Administrative Procedure Act (APA), including emergency rulemaking or potpourri notices if necessary. These directives, which aren't 'adjudications' under federal or state law, become official departmental policy. Pursuant to Act 458 of the 2025 Regular Session, the Secretary can issue such directives on behalf of the agency for implementation or other official actions, establishing them as official policy. La. R.S. 36:354(A)(14), as amended by Act No. 458, 2025 La. Acts (authorizing the Secretary of the Department of Conservation and Energy to issue directives for the department's administration, control, and operation, including programs related to carbon capture, utilization, and storage (CCUS)).

