



# LOUISIANA WILDLIFE FEDERATION

*The voice of Louisiana's wildlife and natural resources since 1940.*

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January 19, 2025

Louisiana Department of Energy and Natural Resources  
Steven M. Giambrone  
Interim Director  
Office of Conservation  
617 North Third Street  
LaSalle Building, 9<sup>th</sup> Floor  
Baton Rouge, La. 70802

Via email to [houston.holley@la.gov](mailto:houston.holley@la.gov)

Re: Request for Comments – Class VI Carbon Dioxide Geologic Sequestration Well –  
Confidential Business Information

Dear Steven M. Giambrone,

Thank you for the opportunity to comment on “Class VI Carbon Dioxide Geologic Sequestration Well – Confidential Business Information.” As an organization with 24 affiliates and 12,000 members who hunt, fish, bird watch, and enjoy sportsman’s paradise, we believe early community and stakeholder involvement in projects is vital.

In the request for comments, the Louisiana Department of Energy and Natural Resources (DENR) specifically asked for “the extent to which these rules should differ from those of the United States Environmental Protection Agency (EPA) found at 40 CFR 2:201-2.215 and 2.304.” The following breaks down comments for each section.

In **2.202**, EPA states that a document or other record should be considered as a single unit, even if there are multiple individual items of information. This could mean a larger portion of the record, including non-confidential information, could be swept up in the confidential classification.

Instead, the Louisiana Wildlife Federation would recommend clarifying the language with the February 2024 updated [Guidelines for UIC Class VI Applicants](#) which requires the submission of two versions of each document- one redacted version and one complete version with the claimed confidential business information being marked. In this way, a redacted application can be posted on DENR’s website while DENR goes through the process of determining how much of the requested information qualifies as confidential business information.

By posting applications as soon as possible, DENR would also be fulfilling recommendations within [EPA’s Quick Reference Guide on Public Participation for Class VI Injection Wells](#) that recommends bringing stakeholders into the process early: “Providing all potentially affected communities with the means to understand the potential risks and benefits of a proposed Class VI injection well early in project development ensures that communities are informed. This enables communities to participate in the application review, and enables UIC Program Directors and permit 1 applicant or potential Class VI well owners or operators understand community

concerns, preferences and perceptions on GS (Geologic Sequestration) and the proposed Class VI well.”

The release of the application components not deemed confidential business information would also help fulfill aspects of the Memorandum of Understanding between Louisiana and EPA Region 6 for the Class VI UIC Program. “The state will fully incorporate robust and ongoing opportunities for public participation, especially for lower-income people, communities of color and those experiencing a disproportionate burden of pollution and environmental hazards, as described in the Program Description.”

EPA guidance on community involvement is further explored within the “Environmental Justice Guidance for UIC Class VI Permitting and Primacy” memorandum of Aug. 17, 2023.

“It is important for EPA and primacy agencies to communicate throughout the permitting process and to address concerns affecting the community. Similarly, it is important for the applicant and EPA to meaningfully engage with the community to discuss and consider potential approaches to addressing concerns before, during, and after the UIC Class VI permitting process,” from Environmental Justice Guidance for UIC Class VI Permitting and Primacy Memorandum.

In **2.203**, EPA allows the business to assert business confidentiality for all or part of the information submitted. In effect, permit applications and associated documentation could all fall under confidentiality if requested even though a large portion of the information would not fall under this label. The stated goals of Environmental Justice (EJ) outlined by EPA and through the Memorandum of Understanding cited above are at odds with a business’ ability to claim all of its application confidential. Instead, the Louisiana Wildlife Federation recommends the release of the redacted permit application to run in parallel with a review of confidentiality claims. This is reflected in **2.204** “situations requiring action” which allows for this review even if no request for release of the information has been received.

In **2.205**, EPA states that information deemed to be non-confidential will be released to the public on the tenth working day after the date of the business’ receipt of the written notice of the determination. This 10-day waiting period seems appropriate to allow for any additional conversation needed.

In **2.208**, the criteria for use in confidentiality determinations is overly broad in that it allows information to be confidential if the business makes a confidentiality claim. While almost all applications will likely include some confidential information that is important to the business, simply claiming confidentiality without scrutiny should not be enough to make an application unavailable to the public in total.

Towards the end of the process, the current EPA schedule includes a public comment period of no less than 30 days. However, even with early and continuing communication with the community, stakeholders, and the public, the complexity of Class VI well applications is daunting within a month’s time. The Louisiana Wildlife Federation would recommend increasing that public comment process to allow for additional public outreach as outlined in DENR and

EPA documents cited above which in turn will provide more meaningful public comments. Research has shown that public comments and input are vastly more valuable when solicited after education, context, and conversations: Examples, (Malone, et. al. Moving from misinformation derived from public attitude surveys on carbon dioxide capture and storage towards realistic stakeholder involvement; Coyle, “‘Best practice’ community dialogue: The promise of a small-scale deliberative engagement around the siting of a carbon dioxide capture and storage (CCS) facility”; and Greenberg, et. al. Stakeholder Analysis Technical Report for CarbonSAFE Illinois -- Macon County.”)

“Along with technical and economic considerations, stakeholder engagement is considered a critical component for successful deployment of Carbon Capture Utilization and Storage (CCUS). This process builds awareness and understanding of the implications, both local and global, that deploying this technology entails,” as stated in the Stakeholder Analysis Technical Report for CarbonSAFE Illinois -- Macon County” from the Illinois State Geological Survey.

In conclusion, transparency to the extent possible along with planned-for enhanced community and stakeholder engagement about Class VI wells is vital as Louisiana moves forward with the evaluation of applications. Current EPA rules on public engagement have been supplemented through memorandums and guidance documents to expand the need for more disclosure of application material long before a formal public comment period. The Louisiana Wildlife Federation requests, as outlined above, that DENR move forward with efforts to expand the information to the public as well as require businesses to engage with communities and stakeholders early and often over proposed facilities.

Thank you again for the opportunity to comment on this important topic and feel free to reach out any time if we can be of assistance.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Triche".

Rebecca Triche  
Executive Director