Holland & Hart

FERC Streamlines Energy Infrastructure Approvals: What Companies Need to Know



Emily Schilling

Partner
801.799.5753
Salt Lake City
ecschilling@hollandhart.com



Abby Briggerman

Partner
303.290.1083
Denver
acbriggerman@hollandhart.com



Jake Tyner

Of Counsel & Senior Director of Federal Affairs
202.289.3480
Washington, DC

Insight — November 4, 2026

On Thursday, October 15, 2026, the Federal Energy Regulatory Commission ("FERC") took two actions to speed up energy infrastructure: (1) unanimously approved the publication of a Notice of Proposed Rulemaking to establish a "blanket authorization program" ("the Program") for certain eligible activities at liquefied natural gas ("LNG") facilities; and (2) issued a draft policy statement to accelerate its review of air quality effects of proposed natural gas projects under the National Environmental Policy Act of 1969 ("NEPA"). Chairman Laura Swett championed the announcements as a "defining step in our mission to cut unnecessary delays and deliver regulatory certainty."

The comment period for the blanket authorization program is open until **December 21, 2026**, while the draft policy statement is open to comments until **November 16, 2026**.

Background

The actions by FERC indicate the directional shift following the Biden Administration. In seeking to establish harder quantitative thresholds for climate impacts, FERC issued an Interim GHG Policy Statement in February 2021 that presumed projects emitting over 100,000 metric tons of carbon dioxide equivalent (CO_2e) annually were significant and required full environmental review. In March 2022, facing intense pushback, FERC paused the implementation, redesignating the policy statement as a draft that was never applied final guidance.

Subsequent back-and-forth over FERC's climate metrics ultimately set the stage for the Department of Energy's January 2024 LNG export pause, shifting the battle over lifecycle greenhouse gas ("GHG") emissions from pipeline certificates to export licenses. FERC unanimously withdrew the draft GHG statement in January 2025 and opted to address GHGs on a case-by-case basis, though Democratic commissioners noted that FERC continues to consider GHGs under NEPA and the Natural Gas Act's ("NGA") public-interest standard.

Blanket Certification Program for LNG

The Program would establish three categories of authorizations for qualifying activities carried out under Sections 3 and 7 of the NGA and is modeled after FERC's pipeline blanket certificate program for interstate natural gas pipelines. Qualifying activities under the Program would be:

JMTyner@hollandhart.com



Peter Rindfuss

Federal Affairs Legislative Assistant
202.289.3493
Washington, DC
PBRindfuss@hollandhart.com

1. ***Automatic Authorization***: Activities that would not "(a) increase the authorized capacity of the LNG plant; (b) expand the authorized vertical or horizontal extents within the footprint of the LNG plant; or (c) result in flows, levels, volumes, pressures, temperatures, compositions, or loads outside any of the design limits of the new, replaced, or modified LNG facilities, auxiliary systems, and components and within the authorized design limits of the remaining LNG facilities, auxiliary systems, and components."
2. ***60-Day Prior Notice Period***: "Activities that would increase the authorized capacity of the LNG plant, be located within the footprint of the LNG plant, not result in any change in flows, levels, volumes, pressures, temperatures, compositions, or loads outside the design limits of the new, replaced and modified LNG facilities, auxiliary systems, and components, and not result in any aforementioned changes outside the authorized design limits of the remaining LNG facilities, auxiliary systems, and components."
3. ***90-Day Prior Notice Period***: "Construction of new LNG facilities, such as liquefaction trains, LNG tanks, and marine berths, and auxiliary systems outside of the footprint of the plant."

Eligible companies would first need to apply with FERC to utilize the Program, and, as a result, FERC would establish landowner notification procedures akin to its existing regulations for the NGA Section 7 pipeline blanket program.

FERC argues that the Program would provide a predictable pathway for companies to seek and attain approval from FERC for repairs, replacements, and additions to LNG plants within a faster time frame compared to case-specific authorizations. Notably, the proposal does not include cost limits as part of the Program. Instead, classifications are based on the "physical and operational nature of the activities at issue." FERC does not propose to establish any new or use any existing categorical exclusions in the Program, and activities carried out under the Program would remain subject to environmental, engineering, safety, and other applicable requirements.

Air Quality Draft Policy Statement

The draft policy statement is FERC's attempt to bring its NEPA analysis "back in line with the statutory text" and avoid duplication of review and permitting under the Clean Air Act. FERC proposes to rely on new information, not air dispersion modeling, from LNG project applicants to analyze the air quality effects under NEPA and the NGA in light of the Supreme Court's ruling in *Seven County Infrastructure Coalition v. Eagle County* (2025).

As FERC works to avoid requiring multiple rounds of data requests, it proposes to conform its analysis under NEPA to the "'usefulness' of additional information to its substantive decision making." In the words of Chairman Swett, "the critical question is not whether we *can* require more detailed information, but whether we *should*."

Should the draft policy statement take effect, companies should expect

FERC's air quality review to continue to analyze information for emission factors for criteria pollutants, hazardous air pollutants, and greenhouse gases, as well as “manufacturer's specifications or equipment they commit to implementing to mitigate air quality effects.” FERC anticipates that this new approach will streamline approval of natural gas infrastructure by reducing the regulatory burden under NEPA and the NGA and, thereby, reducing risks for project developers.

Recommendations

Given the accelerated timelines and evolving regulatory framework outlined above, companies with LNG facilities or proposed natural gas infrastructure projects should consider the following:

- **Assess Eligibility for Blanket Authorization**: Companies should evaluate whether their planned repairs, replacements, or facility expansions qualify under one of the three tiers of the Program and prepare applications accordingly to take advantage of the expedited review process.
- **Engage Early with Regulatory Strategy**: The compressed comment and approval timelines make early engagement critical. Holland & Hart's Federal Affairs team helps clients in the energy infrastructure space develop strategic action plans to effectively navigate these regulatory pathways, including coordinating stakeholder engagement, preparing technical comments on the proposed rules, and identifying potential local and environmental opposition to projects.

Subscribe to get our Insights delivered to your inbox.

This publication is designed to provide general information on pertinent legal topics. The statements made are provided for educational purposes only. They do not constitute legal or financial advice nor do they necessarily reflect the views of Holland & Hart LLP or any of its attorneys other than the author(s). This publication is not intended to create an attorney-client relationship between you and Holland & Hart LLP. Substantive changes in the law subsequent to the date of this publication might affect the analysis or commentary. Similarly, the analysis may differ depending on the jurisdiction or circumstances. If you have specific questions as to the application of the law to your activities, you should seek the advice of your legal counsel.