

Recent Issues Impacting FERC's Natural Gas Infrastructure Permitting

On February 18, 2022, FERC issued 2 immediately-effective policy statements . . . and soon after re-designated them as having only draft status:

- (1) **Updated Certificate Policy Statement** – revamped framework for reviewing interstate pipelines under NGA section 7
- (2) **Interim GHG Policy Statement** – consideration and mitigation of GHG emissions for section 7 and section 3 projects under NGA and NEPA

Recent decisions have continued to address FERC's consideration of:

- **GHG emissions and environmental justice**
 - *e.g., Vecinos Para el Bienestar de la Comunidad Costera v. FERC; Food & Water Watch v. FERC*
- **Market need determination for pipelines**
 - *e.g., Environmental Defense Fund v. FERC, City of Oberlin v. FERC*
- **Eminent domain rights for pipelines**
 - *e.g., PennEast Pipeline v. New Jersey*