

The banner features a dark background with a glowing lightbulb held in a hand, surrounded by various icons representing energy and infrastructure. A red vertical bar on the right contains a white letter 'G'.

Energy Market Drivers Series

Regulatory Reset 2026: Environmental and Permitting Strategies for Energy & Infrastructure Projects

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The regulatory environment for energy, infrastructure, and other projects is undergoing a dramatic shift. New executive orders, evolving agency priorities, landmark court decisions, and pending federal legislation are reshaping permitting, enforcement, and environmental compliance across the United States.

For energy companies, developers, and investors, success in 2026 will depend not only on understanding the rules, but on strategically navigating a rapidly changing regulatory landscape.

Key Takeaways

1. The Fundamentals of Regulatory Success Haven't Changed

Despite shifting political priorities, core project management principles remain essential:

- Develop deep, cross-functional project knowledge
- Identify short- and long-term project goals early
- Establish realistic permitting timelines and milestones
- Anticipate notice, review, and compliance requirements
- Prepare proactively for enforcement and dispute resolution
- Maintain both “macro” regulatory awareness and project-specific focus

2. Executive Orders Are Reshaping Energy and Environmental Policy

Since January 2025, the administration has issued numerous executive orders aimed at:

- Expanding domestic energy and mineral production
- Accelerating permitting timelines

- Reducing regulatory burdens
- Increasing federal support for fossil fuel and infrastructure development

Key initiatives include:

- EO 14154: Unleashing American Energy
- EO 14156: Declaring a National Energy Emergency
- EO 14270: Zero-Based Regulatory Budgeting To Unleash American Energy

These directives are driving agencies to:

- Re-evaluate existing regulations
- Streamline approvals
- Prioritize domestic production and infrastructure reliability

3. Courts Are Limiting Agency Authority and Expanding Project Leverage

Recent Supreme Court decisions have fundamentally altered administrative law:

- In *West Virginia v. EPA*, the Court strengthened the “major questions doctrine,” limiting expansive agency action without clear congressional authorization.
- In *Loper Bright Enterprises v. Raimondo*, the Court overturned “Chevron deference”, requiring courts to independently interpret ambiguous statutes. Previously, the Chevron deference doctrine (established by the Supreme Court in 1984; see *Chevron U.S.A., Inc. v. Natural Resources Defense Council*) required federal courts to defer to a government agency's interpretation of an ambiguous statute that the agency was tasked with administering, provided the agency's interpretation was "reasonable" or "permissible".

Agencies now face greater legal constraints, and regulated entities have stronger grounds to challenge aggressive regulatory interpretations.

4. NEPA Reviews Are Becoming Narrower and Faster

Recent case law is also reshaping the scope of environmental review under the National Environmental Policy Act:

- *Marin Audubon Society v. FAA* limited the authority of the Council on Environmental Quality to impose binding NEPA regulations.

- *Seven County Infrastructure Coalition v. Eagle County* narrowed the scope of environmental review and reinforced judicial deference to agencies.

Result:

- Shorter environmental analyses
- Reduced review obligations for indirect impacts
- Greater agency discretion in defining project scope

However, courts may still invalidate reviews if they are deemed too vague or unsupported.

5. EPA Enforcement Is Shifting Toward “Compliance First”

The Environmental Protection Agency is signaling a major enforcement philosophy shift:

- Increased emphasis on:
 - Voluntary compliance
 - Self-reporting and corrective action
 - State-federal coordination
 - Tailored remedies rather than punitive enforcement

Enforcement actions are expected to require clear and well-supported findings of violation. In response to any enforcement action, proactive engagement and transparency may significantly reduce enforcement exposure.

6. Pending Legislation Could Dramatically Accelerate Permitting

Several federal bills propose to streamline environmental review and infrastructure development, including:

- Shortened litigation windows
- Increased permit certainty
- Digital and AI-assisted environmental review processes
- Faster infrastructure and critical mineral approvals

Proposed federal legislation includes the following:

- **SPEED Act** (The “Standardizing Permitting and Expediting Economic Development Act” seeks to modernize NEPA by shortening environmental review timelines, limiting judicial review windows, and redefining what qualifies as a "major federal action").
- **Interactive Federal Review Act** (would require U.S. DOT to encourage recipients of federal highway funding who are conducting environmental reviews under NEPA to use of certain digital platforms and models.
- **Streamlining Critical Mineral Permitting Act** (would amend the Solid Waste Disposal Act to allow an owner/operator of a critical energy resource facility to obtain an interim permit subject to final approval by U.S. EPA).
- **REPAIR Act** (goal is to enhance funding and support for critical repairs).

7. Energy Development Is Becoming a National Strategic Priority

Federal policy increasingly links energy production to:

- National security
- AI and data center growth
- Supply chain resilience
- Critical mineral independence

This broader policy alignment is creating:

- More favorable permitting conditions
- Increased government support for infrastructure expansion
- Greater emphasis on energy reliability and domestic production

8. Long-Term Stability Still Requires Caution

While current trends favor accelerated development:

- Regulatory priorities can shift with future administrations
- Agency interpretations may continue evolving
- Litigation risk remains significant

Best practices include:

- Maintaining strong compliance records
- Structuring projects to withstand policy changes
- Building flexible permitting and operational strategies
- Evaluating both short-term opportunities and long-term stability risks

The Bottom Line

The 2026 regulatory landscape presents a rare combination of opportunity and uncertainty for the regulated community. Executive orders, judicial decisions, and proposed legislation are creating new tools to accelerate permitting and reduce regulatory friction, but the environment remains politically and legally fluid.

Companies that combine proactive planning, strategic regulatory engagement, and adaptable compliance strategies will be in the best position to capitalize on today's opportunities while protecting long-term operational stability.

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