

To: Environmental Quality Council members
From: Joe Carroll, staff attorney
Re: Administrative rule review
Date: March 18, 2026

Introduction:

This is EQC's rule review memo for its March 2026 meeting. EQC reviews nonwater rule proposals by the Department of Environmental Quality, the Department of Natural Resources and Conservation, the Department of Fish, Wildlife, and Parks, the entities attached to them, and the Montana Sage Grouse Oversight Team (MSGOT). This memo reviews one rule proposal by the DEQ and two rule proposals by the FWP. No action is required at this time, but members are encouraged to further review the rule proposals and submit questions to staff. Your EQC staff can answer procedural questions and can direct substantive/policy questions to the appropriate agency.

FWP:

FWP 2026-424.1 seeks to implement House Bill 74 (2025) and to implement the governor's red tape relief initiative. It seeks to adopt 3 new rules, amend 22 existing rules, and repeal 21 existing rules. A hearing is scheduled for March 30. The comment period closes April 6. The proposal cannot be adopted until April 6.

The statement of reasonable necessity says:

House Bill 74 from the 2025 Legislative Session, sponsored by Representative Ken Walsh, amended private fish pond and commercial take laws, as requested by the Water Policy Interim Committee. In addition to updates to rules based on HB 74, this rulemaking proposal amends and repeals rules identified by the Fisheries Division as part of the Governor's Red Tape Relief Initiative.

FWP 2025-274.1 seeks to implement House Bill 932 (2025) regarding the Kelly Flynn Wildlife Habitat Improvement Program and Legacy Act, which was reviewed at EQC's January meeting and has not yet been adopted. It is likely adoptable at this time.

DEQ:

DEQ 2026-271.1 implements House Bill 31 (2025) and makes changes to wind and solar facility bonding deadlines. It seeks to adopt one new rule and amend three existing rules. A hearing is scheduled for March 27. The comment period closes April 3. The proposal cannot be adopted until April 3.

DNRC:

No rules at this time.

MSGOT:

No rules at this time.