



# Water Policy Interim Committee

69th Montana Legislature

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March 16, 2026

TO: Water Policy Interim Committee  
FROM: Alexis Sandru, Staff Attorney  
RE: Administrative Rule Report – March 2026 Meeting

This report summarizes administrative rules concerning the quality or quantity of water that have been proposed or adopted by the Department of Environmental Quality (DEQ), the Department of Fish, Wildlife, and Parks (FWP), and the Department of Natural Resources and Conservation (DNRC) since WPIC's January 2026 meeting. Rule notices are available at <https://rules.mt.gov>.

## PROPOSAL NOTICES

**MAR Notice Number: 2026-406.1** (Proposed Issue 5 (3/6/26))

Subject: Nondegradation policy and feasibility allowances

Summary: The DEQ is proposing to amend administrative rules in order to implement HB 685 (2025) ("An Act Providing a Feasibility Allowance to Meet the Water Quality Nondegradation Policy"). The proposed amendments:

- revise terminology by replacing references to "authorizations to degrade" with references to "feasibility allowances"; and
- replace the requirement that feasibility allowance applicants affirmatively demonstrate to the DEQ that the proposed activity's economic or social benefit exceeds the costs to society of allowing degradation with the requirement that applicants affirmatively demonstrate that a proposed project will result in economic or social development in the area that the high-quality waters are located.

Notes/Hearing: A public hearing is scheduled for April 21, 2026, at 11 a.m. Written public comment is due by 5 p.m. on April 21, 2026.

## ADOPTION NOTICES

None.