

To: Environmental Quality Council members
From: Joe Carroll, staff attorney
Re: Administrative rule review
Date: May 6, 2026

Introduction:

This is the Environmental Quality Council's rule review memo for its May 2026 meeting. The 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).

The EQC has before it one proposal by FWP and two proposals by DEQ. No action is required at this time. Staff is prepared to answer procedural questions about MAPA and to direct substantive questions about specific proposals 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. It is adoptable at this time.

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.

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.

DEQ 2026-362.1 regards methamphetamine cleanup and implements Senate Bill 201 (2025). It seeks to amend 17 existing rules. It is adoptable at this time.

The statement of reasonable necessity says:

The rule amendment proposes to update the methamphetamine cleanup rules to reflect changes from SB 201 that passed the 2025 legislature. These changes include adding a fentanyl decontamination standard, adding additional standards related to contractor certification, and updating definitions. Other proposed changes to these rules are to streamline the rule language and make the format consistent to improve readability and comprehension.

DNRC:

No rules at this time.

MSGOT:

No rules at this time.