



# ENVIRONMENTAL QUALITY COUNCIL

PO BOX 201704  
HELENA, MONTANA 59620-1704  
(406) 444-3742

---

**GOVERNOR**  
GREG GIANFORTE  
**DESIGNATED REPRESENTATIVE**  
MIKE FREEMAN

**HOUSE MEMBERS**  
PAUL FIELDER  
STEVE GUNDERSON  
JEDEDIAH HINKLE  
JONATHAN KARLEN  
RHONDA KNUDSEN  
MARILYN MARLER

**SENATE MEMBERS**  
DAN BARTEL – Chair  
BOB BROWN  
WILLIS CURDY  
PAT FLOWERS  
STEVE HINEBAUCH  
THERESA MANZELLA

**PUBLIC MEMBERS**  
JIM KEANE – Vice Chair  
DAVE GALT  
JON METROPOULOS  
DAN VERMILLION

**COUNCIL STAFF**  
JASON MOHR, Research Analyst  
TREVOR GRAFF, Research Analyst  
JOLANDA SONGER, Secretary  
JOE CARROLL, Legal Staff  
JOE KOLMAN, Legislative Environmental Analyst

## **EQC Administrative Rule Review** **July 13, 2023**

### **Introduction**

The Montana Administrative Procedure Act (MAPA) mandates and empowers the Environmental Quality Council (EQC) to review administrative rule proposals made by the Department of Fish, Wildlife, and Parks (FWP), the Department of Environmental Quality (DEQ), the Department of Natural Resources and Conservation (DNRC), and entities attached to those departments, except that the Water Policy Interim Committee reviews rule proposals in which the primary concern is the quality or quantity of water.<sup>1</sup>

EQC's obligation is fulfilled by attorney review of administrative rule proposals made by FWP, DEQ, and DNRC for procedural compliance with MAPA. Part of that review is to briefly summarize and present current rule proposals at EQC meetings.

EQC's review role can be furthered by council members asking questions about rule proposals. Procedural questions about MAPA and rule proposals may be directed to council staff. Substantive questions about a particular rule proposal should be directed to the relevant department.

EQC does not need to take any action during administrative rule review. Taking no action allows the agency to carry on with the MAPA process. EQC may take actions by a majority vote that affect the MAPA process, including:

---

<sup>1</sup> 2-4-402(1), MCA; 5-5-231(1)(e), MCA; 75-1-324(10), MCA.

- requesting rulemaking records from the department;<sup>2</sup>
- requiring the department to hold a hearing if one has not been scheduled already;<sup>3</sup> and
- objecting to a rule proposal, which can delay implementation for further review by EQC or by the full Legislature.<sup>4</sup>

Below is a summary of rules available for EQC review.

### **FWP Rule Proposals**

| MAR Notice | MAPA timeline  | Summary  |
|------------|--|--|
| 12-606     | Proposal date: July 7, 2023<br>Hearing date: August 4, 2023<br>Comment due date: August 7, 2023<br>6-month expiration: January 7, 2024 | 12-606 is a proposal to repeal rule 12.9.202, which had established the Brinkman Game Preserve, an area closed to hunting except the hunting of deer. Brinkman Game Preserve is in Liberty County. |

### **DEQ Rule Proposals**

| MAR Notice | MAPA timeline  | Summary  |
|------------|--|--|
| 17-429     | Proposal date: April 28, 2023<br>Hearing date: no hearing scheduled<br>Comment due date: May 15, 2023<br>Proposed action date: July 25, 2023<br>6-month expiration: October 28, 2023 | 17-429 is a proposal to amend 26 existing rules, repeal 2 existing rules, and amend Circular MFSA-2 "pertaining to modernizing application and notice requirements, allowing for electronic-only submittal and use of modern mapping technologies, eliminating requirements related to temporary construction camps, and general housekeeping updates." <sup>5</sup> |

### **DNRC Rule Proposals**

There are no DNRC rule proposals for EQC review at this time.

<sup>2</sup> 2-4-402(2)(a), MCA.

<sup>3</sup> 2-4-402(2)(c), MCA.

<sup>4</sup> 2-4-305(9), MCA; 2-4-406, MCA.

<sup>5</sup> MAR Notice No. 17-429.