

OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR



KRISTEN JURAS
LT. GOVERNOR

February 17, 2026

The Honorable Lee Zeldin
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Subject: *Comment on Proposed Rule - Updating the Water Quality Certification Regulations (Docket ID No. EPA-HQ-OW-2025-2929)*

Dear Administrator Zeldin,

I write on behalf of the State of Montana to provide comments on the U.S. Environmental Protection Agency's (EPA) proposed revisions to the Clean Water Act (CWA) Section 401 Water Quality Certification regulations. The State of Montana appreciates EPA's efforts to address regulatory uncertainty and increase predictability in the certification process, and we appreciate the opportunity to provide additional feedback on this proposed rule.

Montana has successfully implemented CWA programs, including Section 401 certification, for over 40 years. We have developed effective working relationships with federal agencies and maintained rigorous water quality standards that protect our waters, including the outstanding resource waters within Glacier National Park. Montana's track record shows that states can protect water quality without delaying federal permits.

We support EPA's efforts to establish clearer timelines and standardize certain procedural aspects of the certification process. Greater certainty benefits applicants, certifying authorities, and federal agencies alike. However, we would like to provide additional feedback about certain provisions that may inadvertently shift too much control to applicants in determining when states must begin their review.

Specifically, under the proposed rule, an applicant could submit a request with only baseline information and immediately trigger Montana's statutory review timeline, even when essential project-specific details are missing. This scenario could force Montana to make certification decisions without adequate information, risking unnecessary denials or rushed determinations.

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We respectfully request that EPA retain reasonable flexibility for states by allowing them to define and publicly post additional project-specific information requirements that, together with the federal baseline requirements, constitute a complete request.

This approach would maintain certainty and transparency while ensuring certifying authorities receive information necessary for meaningful review. It would also preserve the bright-line rule regarding when the reasonable period of time begins while ensuring states have the information needed to make sound water quality determinations.

Thank you for considering Montana's comments. We appreciate EPA's commitment to improving the Section 401 certification process and look forward to our continued partnership in implementing the CWA. Should you have any questions, please do not hesitate to reach out to Policy Advisor Christian Bray by e-mail at Christian.Bray@mt.gov.

Sincerely,



Greg Gianforte
Governor