

# ONE J

*Oil and Gas, Natural Resources, and Energy Journal*

---

VOLUME 8

NUMBER 2

---

## MONTANA



*Amanda J. Dick\**

### *Table of Contents*

I. Introduction .....	382
II. Legislative and Regulatory Developments.....	382
A. Legislative Developments .....	382
B. Regulatory Developments.....	382
III. Judicial Developments .....	382

---

\* Amanda J. Dick is an associate in the Denver, Colorado office of Steptoe & Johnson PLLC. She is licensed in Colorado and focuses her practice in the area of energy transactions.

A. Montana Supreme Court..... 382  
B. Federal Court ..... 383

*I. Introduction*

This article provides an annual survey of the law summarizing developments in the area of oil and gas for the State of Montana. Oil and gas in the State of Montana make up a relatively small portion of the state’s profile; Montana currently ranks thirteenth in crude oil production and twentieth in natural gas production in the United States.<sup>1</sup>

*II. Legislative and Regulatory Developments*

*A. Legislative Developments*

Montana has a biennial legislature that holds regular session every other year; therefore, there were no legislative developments during the period for this annual update.

*B. Regulatory Developments*

There was one regulatory update to Montana’s administrative regulations that will impact the oil and gas industry. ARM 36.25.205 covers the procedures for issuance of a state lease in Montana. This section was amended to include online sale procedures in addition to the in-person and oral sales already included in the regulation. The amendment also added a requirement that the successful bidder must pay the first year’s rental, the bonus amount, the issuance fee, and any other associated fees.<sup>2</sup> This amendment was effective as of August 7, 2021.

*III. Judicial Developments*

*A. Montana Supreme Court*

There were no significant judicial developments from the Montana Supreme Court regarding oil and gas.

---

1. See U.S. Energy Information Administration, Montana State Profile and Energy Estimates, <https://www.eia.gov/state/?sid=MT> (last accessed on August 30, 2022).

2. 2021 MT REG TEXT 582513.

*B. Federal Court*

There were several cases in Montana federal courts that were reviewing the issuance or non-issuance of federal leases.<sup>3</sup> Due to the similarity of issues addressed and overlap of courts' analyses, the topic of federal leasing is not covered in this section but is instead discussed in the Sovereign Lands section of this publication. There were no other significant judicial developments from Montana federal courts.

---

3. See *Montana Wildlife Fed'n v. Bernhardt*, No. CV-18-69-GF-BMM, 2022 WL 2438963 (D. Mont. July 5, 2022); *Am. Petroleum Inst. v. U.S. Dep't of Interior*, No. 2:21-CV-02506, 2022 WL 1150813 (W.D. La. Apr. 18, 2022); *Montana Wildlife Fed'n v. Haaland*, No. 20-35793, 2022 WL 42794 (9th Cir. Jan. 5, 2022).