

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA,
GREAT FALLS DIVISION

Montana Wildlife Federation et al. v. Douglas Burgum, in his official
capacity as Secretary of the Interior, et al.

Montana Wildlife Federation · No. CV-18-69-GF-BMM · Decided December 17, 2025

SUMMARY

The United States District Court for the District of Montana denied Federal Defendants’ motion for voluntary remand of six Bureau of Land Management oil and gas leasing decisions challenged under FLPMA and NEPA. The court found that the motion was not made in bad faith or frivolous, but that Federal Defendants had not demonstrated an intent to seriously reconsider the prior decisions and that remand at that stage would unduly prejudice Plaintiffs. The court lifted the stay on summary judgment briefing and directed the parties to meet and confer regarding revised deadlines.

CASE DETAILS

COURT	United States District Court for the District of Montana, Great Falls Division
JURISDICTION	United States District Court for the District of Montana, Great Falls Division
DECIDED	December 17, 2025
DOCKET	CV-18-69-GF-BMM
DISPOSITION	other
PROCEDURAL POSTURE	Federal Defendants moved for voluntary remand of six Bureau of Land Management oil-and-gas leasing decisions challenged in Phase Three of the action. The district court denied the motion and lifted the stay on summary-judgment briefing.
STANDARD OF REVIEW	The court exercised broad discretion in evaluating voluntary remand, weighing the seriousness of agency errors against the disruptive consequences of an interim change. It considered whether the motion was brought in bad faith or was frivolous, whether the agency demonstrated an intent to seriously reconsider or re-review its decision, and whether remand would unduly prejudice other parties.
PRECEDENTIAL VALUE	Unknown; district court order with no published reporter citation.

PARTIES

Montana Wildlife Federation et al. v. Douglas Burgum, in his official capacity as Secretary of the Interior, et al.

TOPICS

judicial review of agency action

administrative procedure act

environmental impact review

environmental law

remedies

PRACTICE AREAS

administrative law

environmental law

civil procedure

remedies

mineral rights

QUESTIONS PRESENTED

1. Whether Federal Defendants' motion for voluntary remand was brought in bad faith or was frivolous.
2. Whether Federal Defendants demonstrated an intent to seriously reconsider or re-review the challenged Phase Three leasing decisions.
3. Whether remand at that stage of the litigation would unduly prejudice plaintiffs and fail to conserve judicial resources.

HOLDINGS

1. The motion was not shown to have been brought in bad faith to avoid judicial review and was likely not frivolous because Federal Defendants offered plausible reasons for seeking remand.
2. Federal Defendants failed to demonstrate an intent to seriously reconsider or re-review the Phase Three leasing decisions; reliance on new or potential laws applicable to future leasing decisions and changed factual circumstances was insufficient.
3. Remanding the Phase Three leasing decisions at that stage would unduly prejudice plaintiffs and would not likely conserve judicial resources.

KEY QUOTATIONS

“A court possesses “broad discretion” in deciding whether to grant requests for voluntary remand.” (at 3)

“Federal Defendants fail to demonstrate “an intent to seriously reconsider or re-review [their] decision” on the Phase Three leases.” (at 7)

“To remand the Phase Three leases at this late stage would unduly prejudice Plaintiffs.” (at 10)

“Plaintiffs deserve final resolution of their claims.” (at 12)

FACTUAL BACKGROUND

Plaintiffs challenge six BLM oil-and-gas lease sales conducted in Montana and Wyoming in 2019 and 2020 as part of Phase Three litigation concerning greater sage-grouse conservation and compliance with FLPMA and NEPA. The court had retained the administrative record, plaintiffs had filed their summary-judgment briefing,

and litigation had continued for more than seven years. Federal Defendants sought remand based on intervening legislation, potential revisions to the greater sage-grouse resource management plan, changed NEPA regulations, and the fact that only nine of 1,111 sold lease parcels had producing wells.

PROCEDURAL HISTORY

Plaintiffs challenged the 2018 Instruction Memorandum concerning greater sage-grouse conservation and subsequent BLM leasing decisions. In earlier phases, the court vacated the 2018 memorandum and multiple lease sales for violations of FLPMA, and the Ninth Circuit affirmed the Phase One decision. Phase Three concerns six 2019 and 2020 Montana and Wyoming lease sales; after plaintiffs filed summary-judgment briefing and while the case was approaching merits adjudication, Federal Defendants sought voluntary remand. The court denied remand, finding insufficient evidence of a serious intent to reconsider the challenged decisions and undue prejudice from further delay.

DISPOSITION

other

REMAND INSTRUCTIONS

The court denied voluntary remand, lifted the stay on summary-judgment briefing, and directed the parties to meet and confer regarding proposed amendments to the summary-judgment briefing deadlines in the scheduling order.

CASES CITED

- Utility Solid Waste Activities Group v. EPA, 901 F.3d 414, 436 (D.C. Cir. 2018)
- California Communities Against Toxics v. EPA, 688 F.3d 989, 992 (9th Cir. 2012)
- Pollinator Stewardship Council v. EPA, 806 F.3d 520, 532 (9th Cir. 2015)
- Center for Biological Diversity v. Burgum, 2025 WL 1255145, at *5 (C.D. Cal. Mar. 21, 2025)
- Western Organization of Resource Councils v. BLM, 2022 WL 3082475 (D. Mont. Aug. 3, 2022)
- SKF USA Inc. v. United States, 254 F.3d 1022, 1028 (Fed. Cir. 2001)
- Keltner v. United States, 148 Fed. Cl. 552, 565 (2020)
- American Waterway Operators v. Wheeler, 427 F. Supp. 3d 95, 98 (D.D.C. 2019)
- Environmental Defense Center v. Bureau of Ocean Energy Management, 36 F.4th 850, 879 n.5 (9th Cir. 2022)
- Prutehi Litekyan: Save Ritidian v. U.S. Department of Airforce, 128 F.4th 1089, 1100 n.3 (9th Cir. 2025)
- Seven County Infrastructure Coalition v. Eagle County, 605 U.S. 168, 179, 183 (2025)
- Montana Wildlife Federation v. Bernhardt, 127 F.4th 1, 42-46, 50-52 (9th Cir. 2025)
- Chlorine Chemistry Council v. EPA, 206 F.3d 1286, 1288 (D.C. Cir. 2000)
- Rock Creek Alliance v. U.S. Fish & Wildlife Service, No. CV 01-152-M-DWM (D. Mont. Mar. 19, 2002)

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