

GENERAL

3. Administrative Agency Decisions Non-MAPA Decisions

We review an agency decision not classified as a contested case under the Montana Administrative Procedure Act to determine whether the decision was “arbitrary, capricious, unlawful, or not supported by substantial evidence.” [*Johansen v. State*](#), 1999 MT 187, ¶ 11, 295 Mont. 339, 983 P.2d 962. In reviewing an agency decision to determine if it survives the arbitrary and capricious standard, we consider whether the decision was “based on a consideration of the relevant factors and whether there has been a clear error of judgment.” [*North Fork Pres. Ass’n v. Dep’t of State Lands*](#), 238 Mont. 451, 465, 778 P.2d 862, 871 (1989) (quoting [*Marsh v. Or. Nat. Resources Council*](#), 490 U.S. 360, 378, 109 S. Ct. 1851-61, 104 L. Ed. 2d 377 (1989)). While our review of agency decisions is generally narrow, we will not “automatically defer to the agency ‘without carefully reviewing the record and satisfying themselves that the agency has made a reasoned decision.’” [*Friends of the Wild Swan v. DNRC*](#), 2000 MT 209, ¶ 28, 301 Mont. 1, 6 P.3d 972 (quoting *Marsh*, 490 U.S. at 378, 109 S. Ct. at 1861). [*Clark Fork Coalition v. Mont. Dep’t of Env’tl. Quality*](#), 2008 MT 407, ¶ 21, 347 Mont. 197, 197 P.3d 482.