

**REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
MINUTES
SEPTEMBER 21, 2026, AT 9:00 A.M.
STATE CAPITOL, ROOM 303
HELENA, MT**

Members Present

Greg Gianforte, Governor
Susie Hedalen, Superintendent of Public Instruction
Austin Knudsen, Attorney General
James Brown, Commissioner of Securities and Insurance
Christi Jacobsen, Secretary of State
Brenda Johnson, Land Board Secretary
Sonia Gavin, Land Board Secretary

Testifying Staff

Amanda Kaster, DNRC Director

Attachments

Related Materials, Attachment 1 – Sign-in-Sheet

Call to Order

00:00:00 Governor Gianforte called the meeting to order.

Adopt Proposed Agenda

00:00:56 Austin Knudsen, Attorney General, moved to approve the September agenda. The motion was seconded by Christi Jacobsen, Secretary of State, and carried unanimously.

Adopt Prior Months Meeting Minutes

00:01:10 Austin Knudsen, Attorney General, moved to approve the August minutes. The motion was seconded by Christi Jacobsen, Secretary of State, and carried unanimously.

Business Considered

0926-1 Department of Corrections Sale of former WATCH East Property

00:01:22 Amanda Kaster, DNRC Director, gave an overview of the item.

Public Comment: N/A

00:02:33 Christi Jacobsen, Secretary of State, moved to approve item 0926-1. The motion was seconded by Austin Knudsen, Attorney General, and carried unanimously.

0926-2 Timber Sales

00:02:50 Amanda Kaster, DNRC Director, gave an overview of the items.

Public Comment: N/A

00:05:38 Austin Knudsen, Attorney General moved to approve items 0926-2. The motion was seconded by Christi Jacobsen, Secretary of State, and carried unanimously.

0926-3 Oil and Gas Lease Sale

00:05:58 Amanda Kaster, DNRC Director, gave an overview of the item.

Public Comment: N/A

00:07:01 Christi Jacobsen, Secretary of State moved to approve agenda item 0926-3. The motion was seconded by Austin Knudsen, Attorney General, and carried unanimously.

0926-4 Easements

00:08:06 Amanda Kaster, DNRC Director, gave an overview of the item.

Public Comment: N/A

00:08:39 Christi Jacobsen, Secretary of State, moved to approve agenda item 0926-4. The motion was seconded by Austin Knudsen, Attorney General, and carried unanimously.

0926-5 Executive Session: Litigation Update and Strategy Discussion

00:09:59 Austin Knudson, Attorney General, moved to amend Commissioner Brown's motion from the February 2, 2026, meeting. The motion was seconded by Christi Jacobsen, Secretary of State.

00:11:44 James Brown, Commissioner of Securities and Insurance, commented: Members of the public, good morning. Colleagues, I understand the basis for the Attorney General's motion and I'd say given the procedural posture of the litigation involved in this and Judge Abbott's ruling. I certainly understand why we would move to vacate the moratorium, but I'm going to be voting against this motion on several grounds. Most importantly, because I believe Judge Abbott, who was the judge on this case, has trampled on the constitutional authority of this Land Board as clearly set forth in the Montana Constitution. I think this is judicial overreach and I think it sets terrible precedent for the decision making of this board given our fiduciary capacity. The thing I would say is this, that as we know the basis for our rule making is that we do not have an established formula for stocking rates for bison grazing on state lands. Therefore, we have possible harm to state trust lands as we discussed way back earlier this year which is that we have real possibility of overgrazing and damage to state trust lands. Second thing is that similar to federal litigation is there really authority somewhere for bison to be grazing on state lands? I would say maybe not. So that was the basis. So we have the litigation. Judge Abbott in his ruling stated that he believes the land board's decision was an administrative rule subject to MAPA in part because "the motion was not limited by its terms to American Prairie or its efforts to expand its bison grazing to new parcels of state land." Rather he took issue with my motion that stated that land board directs DNRC not to authorize any new or pending bison grazing requests including APR but not singling them out until we resolve the stocking rate issue. The reality is under the judge's decision, if we had made a motion directly to say we weren't going to approve new bison grazing for APR land, the litigation would have been that we were acting in an arbitrary and capricious manner. And so the first judicial district has put us in a different position here and I think the precedent that is going to be established as part of this case is problematic and so I will not be supporting this motion though again I do not take fault with any of my colleagues for their position on this vote. Thank you, Mr. Governor.

00:14:41 Motion passed four to one.

0926-6 Informational item: Trust Land Legislative Proposals

00:14:59 Amanda Kaster, DNRC Director, gave an overview of the item.

Public Comment: N/A

00:16:42 James Brown, Commissioner of Securities and Insurance, moved to approve agenda item 0926-6. The motion was seconded by Susie Hedalin, State Superintendent of Public Instruction.

00:19:18 Motion carried unanimously

General Public Comment:

N/A

Adjournment

00:19:39 Austin Knuden, Attorney General, moved to adjourn.

PRESIDENT

ATTEST

/s/ _____ Date

Greg Gianforte, Governor

/s/ _____ Date

Amanda Kaster, DNRC Director

Please note: The Land Board has adopted the audio recording of its meetings as the official record, as allowed by [2-3-212, MCA](#). These minutes provide an abbreviated summary of the Land Board discussion, public testimony, action taken, and other activities. The time designations listed are approximate and may be used to locate the referenced discussion on the audio recording of this meeting. You may access the minutes and the audio recording on our website: <https://dnrc.mt.gov/TrustLand/About/LandBoardMeetingArchive>.