



# Montana Board of Livestock Meeting Minutes

**(This Meeting was Open to the Public & By ZOOM)**

March 18, 2022

MT Department of Livestock Board Room #319  
301 N. Roberts, Helena, Montana

## Board Members Present

Gene Curry, Chairman (cattle producer)

Alan Redfield (cattle producer)

Jake Feddes (cattle producer)

Ed Waldner (swine producer)

Greg Wichman (sheep producer)

Nina Baucus (cattle producer)

Sue Brown (dairy & poultry)

**(Jake Feddes attended portions of the meeting by ZOOM; Nina Baucus vacated the meeting at 4:58 PM)**

## Staff Present

Mike Honeycutt, EO

Brian Simonson, Deputy EO

Evan Waters, Centralized Services

Dale Haylett, Centralized Services

Tom Shultz, Centralized Services

Buddy Hanrahan, Centralized Services

Donna Wilham, Adm. Assistant to EO

Dr. Marty Zaluski, State Veterinarian

Dr. Tahnee Szymanski, Animal Health

Alicia Love, Meat & Poultry Inspection

Ethan Wilfore, Brands Administrator

Darcy Alm, Milk & Egg Bureau

## Public Present

Rachel Cone, MT Farm Bureau Federation

Jenny Bloomquist, MVMA

Rachel Prevost, MT Farmer's Union

Eileen White, DVM

Kim Ashmore, Sheep Mountain Creamery

Ryan Rademacher

Breck Hunsaker, DVM

Jay Bodner, MSGA

Dillon Lunderby, Eastern MT Meats

McKade Mahlen

Dalin Tidwell, USDA Wildlife Services

Ed McCauley

Deborah Johnson

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## MEETING CALLED TO ORDER

**(:00) 8:01 AM**

Chairman Gene Curry called the meeting to order at 8:01 AM

## CALL TO ORDER AND INTRODUCTIONS

**(:00) 8:01 AM**

Chairman Gene Curry called for audience and BOL member introductions and comments:

Kim Ashmore of KnJ Ranch and Sheep Mountain Creamery was in the audience

- Nina Baucus, Cattle Representative, reported that she and Daylight Savings Time did not get along
  - Ms. Baucus reported that they raise cows, sheep and guard dogs
- Sue Brown, Dairy & Egg Representative, reported that they were about halfway through kidding and that it had gone fine, even with negative 20s temperatures that they had
  - Ms. Brown said that she felt the reason they were kidding later than normal was because August had been such a hot month and the goats had not come into heat until September
- Ed Waldner, Swine Representative, reported that milk prices were going clear out of sight and that the price of corn was \$7/bushel and hay was \$300/ton
  - Mr. Waldner also reported that they had a National Pork Producers meeting where they were shown a tabletop exercise on what would be done in the case of an African Swine Fever (ASF) breakout
    - Mr. Waldner reported that ASF was currently around 600 miles from the Florida border.
    - Mr. Waldner explained his idea for the best way to compost swine in case of depopulation of disease-affected herds and said that he had discussed it with Dr. Zaluski
- Greg Wichman, Sheep Representative, reported they were sheared out and were currently getting sheds ready to start lambing. He said they were about a month out from calving
- Alan Redfield, Cattle Representative, reported they were just rolling into calving and that his daughter had been a big help in Artificially Inseminating (AI) some of the previous week
  - Ed Waldner commented that he had heard there was a bill against AI in Colorado and Oregon
- Gene Curry, Cattle Representative from Valier, reported that they had been calving heifers and were about done
  - Mr. Curry said that during the 20 and 30 below temperatures they had only been getting about five to six cows calving a night, but when it warmed up, they were calving about 15 per night
  - Mr. Curry reported that they were done with AI
  - There had not been much moisture, Mr. Curry said, and they could use more. He said his neighbor had started seeding the day before.
- Mike Honeycutt reported that Jake Feddes would not be in-house for the meeting, but might be on and off throughout the day by ZOOM. Rachel Prevost from Montana Farmer's Union joined the meeting by ZOOM

## **BOARD ADMINISTRATIVE ITEMS**

**(11:27) 8:12 AM**

**(11:27) 8:12 AM – BOARD APPROVAL OF BOARD MEETING MINUTES**

Gene Curry entertained a motion to approve the minutes of the last BOL meeting:

## **MOTION/VOTE**

**(11:31) 8:12 AM** Sue Brown moved to approve the minutes from the BOL January 26, 2022 Meeting. Alan Redfield seconded. The motion passed.

## **OLD BUSINESS**

**(12:00) 8:13 AM**

### **(12:56) 8:14 AM – UPDATE ON GOVERNOR’S OGSM STRATEGIC MANAGEMENT IN RELATIONSHIP TO BOL AND EXECUTIVE OFFICER STRATEGIC GOALS**

Mike Honeycutt reported that he had presented the DOL’s OGSM to the Governor’s Office on Tuesday, March 15, 2022:

- Mr. Honeycutt said that the information he gave the Governor regarding per capita fees was not too robust
  - Although the livestock head counts were down, Mr. Honeycutt reported that the Department of Revenue (DOR) had about 3,000 paper filers they had not put into their system yet
  - Mr. Honeycutt said he shared with the Governor complaints from some ranchers who struggled getting through on the new DOR online TransAction Portal (TAP) per capita reporting system
  - The DOR, according to Mr. Honeycutt, had dropped the licensing for the previous software utilized for the per capita report and this was the first year utilizing TAP for it
  - Mr. Honeycutt said that some ranchers had complained enough that DOR sent them paper per capita reporting forms, but, the DOR was still trying to figure out what to do with all the checks they had received with sticky notes attached to them
- Mr. Honeycutt explained that even though the OGSM report’s budget side showed that expenses were a little bit ahead of revenue, all of the per capita payments were not in as of yet
- Regarding DOL vacancies, Mr. Honeycutt said he explained to the Governor that there would be a retirement in the Meat & Poultry Inspection Bureau in the next week and that there had been some Meat Inspector positions hired that did not work out, one person quitting after three weeks and another not making it through the probationary period
  - Mr. Honeycutt said that although the Meat & Poultry Inspection vacancies were of concern, the DOL was moving towards getting other vacancies in the Department filled
- Market numbers shared with the Governor showed that in February of last year, 51,000 cattle moved through the markets and 48,000 cattle moved through the markets this year. Just months previous however, those numbers were much higher
- Mr. Honeycutt said that there were still some items in the “yellow” category

- The FDA State Ratings Officer was still in the yellow because the final training for the DOL employee had not been available
- The Tuberculosis investigation was still in the yellow while the Animal Health Bureau awaits the end of calving before they can do more testing
- Great strides had been made in the HB10 IT project
  - The DOL signed off on some contracts with Google AI and a couple other vendors to further the DOL in the ability to do online electronic brand inspections and for DOL customers to have electronic capability to access data stored in a repository which they could query, with the Brands Enforcement Division and the Animal Health Bureau sharing their information
  - Electronic comparisons between livestock ownership data and who's paying per capita could be accessed when the DOR is brought into the data pool shared with DOL
  - Mr. Honeycutt explained that somewhere in the future, the DOL would begin phasing out the Fort Supply system used for tracking brands and transitioning to a system called Microsoft Service Now
  - Mr. Honeycutt reported that the DOL was probably in second place among State agencies in the Governor's challenge to move processes to digital
- The Governor, according to Mr. Honeycutt, was very excited about what had been happening with meat processing in the state
  - Fiscal year meat processing was quite a bit larger in the state than it had been in previous years, and once the third quarter was completed, livestock processed through State-inspected and custom-exempt plants in Montana could be close to double what had been done in any previous year
  - A lot of money was being invested into meat processing in Montana and Mr. Honeycutt hoped that those investments were paying off
  - Mr. Honeycutt said that when the Governor saw the increase in meat processing in Montana, he also expressed that the DOL would need to expand the number of Meat Inspectors to cover those facilities and was hoping for support to request additional FTEs in the next decision package presented to the Legislature
  - Gene Curry said that if there was support from the Governor for additional Meat Inspectors, it might be a good time to also ask for them to be paid a competitive wage
  - Alicia Love, the State EIAO/FSO, told Mr. Honeycutt that some meat processing facilities could use two Meat Inspectors at one time if the plant was doing both slaughtering and processing at the same time
  - One portion of the meat processing industry that had expanded a lot in the last year was in poultry
  - Mr. Honeycutt reported that turkey processing numbers were up during the Thanksgiving/Christmas holiday period, but stayed high even into January

- In reviewing the DOL org chart, Mr. Honeycutt reported to the Governor that the DOL was running with about 14 vacancies, with some retirements happening in the next couple weeks and months

## **NEW BUSINESS**

**(33:00) 8:34 AM**

### **(33:00) 8:34 AM – DISCUSSION ON REQUEST FOR CAN BRAND IDENTIFICATION EXEMPTION FOR CANADIAN-ORIGIN CATTLE BEING SHIPPED DIRECT TO SLAUGHTER (ARM 32.3.2001)**

Mike Honeycutt gave a synopsis for the reason Dillon Lunderby, Eastern Montana Meats in Sidney, MT would be speaking to the BOL that day:

- Mr. Honeycutt explained that in the past couple weeks, Steve Lunderby, the owner of Eastern Montana Meats had requested from the DOL to be able to source fat cattle from Canada to process in their facility with an exemption from using the CAN brand on those direct-to-slaughter animals
- Mr. Honeycutt said that the cattle being sent from Canada into Montana were probably Montana feeder cattle
- Putting a brand on an animal so close to processing could do damage to the meat, bruising it, and causing it to be devalued
- The original purpose of the CAN brand, according to Mr. Honeycutt, was to track BSE cattle coming from Canada, and with direct-to-slaughter cattle coming from Canada into Montana, they are coming in with paperwork and identification methods much better than a brand. Gene Curry added that the CAN brand only shows the cattle came from Canada and does not identify each individual animal
  - Dr. Marty Zaluski said that Canada, in the last 12 months received their BSE negligible risk status, a recognition from World Animal Health
  - Mr. Honeycutt said that from a staff perspective, they had no problem with the BOL making an exemption for direct-to-slaughter immediately, but asked that the BOL consider making the exemption from CAN branding all direct-to-slaughter cattle a permanent one
  - The State Veterinarian can already exempt cattle coming from Canada from having to be CAN branded if they come into Montana for exhibition only and also can exempt them if the cattle are imported for quarantine that will go back to Canada when they're done
  - The BOL can exempt cattle from having to CAN brand cattle coming into the State from Canada on a case-by-case basis
- Dillon Lunderby introduced himself as a partner with Eastern Montana Meats
  - Mr. Lunderby reported that they were processing around 125 cattle/day and said that in Utah, who do not require a CAN brand, 85% of one Utah plant's animals were originally from Montana
  - In a shipment of Canadian cattle they received the previous week, Mr. Lunderby explained that the cattle had been CAN branded and that when processed, had a tremendous amount of bruising on the top rounds, with the CAN brand having been applied on the right hip. He added that there

- were a few of the cattle who were bloodshot through the entire carcass, having gone through stress that he felt was unnecessary for immediate slaughter animals
    - Mr. Lunderby said that the USDA Inspector made sure that every one of the animals were accounted for that came across the border into their facility
  - Mr. Honeycutt said that he was not sure of Colorado and Washington's requirements currently, but that two years ago, there were only three states that required the CAN brand
  - Jay Bodner, Montana Stockgrowers Association (MSGA), said that their policy specifies either the CAN brand or the M brand be applied to breeding cattle coming from Canada and Mexico. He said MSGA did not have anything in their policy that opposed eliminating that portion of the rule for fed or finished cattle coming from Canada
    - Mr. Bodner said that from a realistic standpoint, everybody recognized that there had been a significant amount of Montana feeder cattle going into Canada and that MSGA would support Montana processors who would process those cattle coming back into Montana for processing
  - Mike Honeycutt said that there were a lot of Canadian fat cattle going to Utah, Idaho and other places, and the CAN brand requirement in Montana could be a barrier to people wanting to process those animals in our state and a barrier for processing plants trying to expand their capacity to feed and finish more cattle in our state

## **MOTION/VOTE**

**(49:45) 8:51 AM Alan Redfield moved to approve an immediate exemption on the CAN brand requirement for Canadian-origin cattle being shipped direct to slaughter to Montana and then add it to the rulemaking process as a permanent exemption. Sue Brown seconded. The motion passed.**

- Gene Curry requested that when the rule was changed that MSGA look at their policy, because he felt that the DOL identification ability for individual animals might be a little outdated when it required that brand on anything that came into the state

## **(52:56) 8:54 AM – RED TAPE RELIEF PROJECT**

**(52:56) 8:54 AM – Review High and Medium Priority Items from January 2022 BOL Meeting, Including Report Back from Conversation of Montana Association of Counties (MACO) Ag Committee Meeting**

- MCA Title 81, Chapter 6 – *Livestock Protective Associations*
  - Mr. Wilfore said that it was decided at the last BOL meeting to repeal the Crimestopper's Act

- MCA Title 81, Chapter 10 – *Horse Owner Amnesty*
  - Ethan Wilfore said, regarding Horse Owner Amnesty Fees, that there were two fees that needed to be established, and he based those on the current estray fees the DOL already had in place
    - The fee for surrendering a horse
    - If there is an adoption, the fee of adopting a surrendered horse
  - Mr. Wilfore explained that in statute, in the case of a surrendered horse, the DOL had the option of adopting the horse out that was surrendered, selling the horse at market, or, if a veterinary evaluation determined the horse needed to be put down, that was the other option
  - Estray horses need to be advertised for a minimum of 10 days, but no more than 30 days, and Mr. Wilfore decided to use those same guidelines in the case of a surrendered horse
  - The fee for adopting an estray prior to advertisement or sale was \$50 and so, Mr. Wilfore thought that a tentative fee for surrendering a horse could be \$50
  - To adopt a surrendered horse, statute says that the DOL could charge for the Commission Company's costs, which would include fee, housing and boarding. Mr. Wilfore thought a \$50 fee should be charged for the adoption, along with the Commission Company's costs
  - Mr. Honeycutt said that horse surrendering situations had not happened very often at the DOL, but without rules establishing fees, the DOL had the legal obligation to take a horse but no way to recoup the costs of taking care of it
  - Alan Redfield expressed concern that charging a \$50 fee for surrendering a horse could be a hardship on some people, especially if they had more than one head
  - Ethan Wilfore explained the difference between an estray (lost) and an abandoned (intentionally left) horse, Nina Baucus adding that the County handled abandoned horses and the DOL handled estray horses
  - According to Mr. Wilfore, horses are abandoned in a known-area where folks drop their horses off, such as in Missoula County
  - Mr. Wilfore said he would come up with a few different options as far as procedures, timing and structures regarding horse amnesty and go over those option at the next BOL meeting
  
- Report Back From Conversations of Montana Association of Counties (MACO) Ag Committee Meeting
  - Mike Honeycutt reported on a meeting Ethan Wilfore, Brian Simonson and he had attended several weeks previous with the Ag Committee of MACO
  - Mr. Honeycutt explained that the meeting took place because, in doing Red Tape review, it was realized by the DOL and MACO that there were brand statutes and predator control statutes for counties still on the books that should be repealed or modernized

- Mr. Honeycutt said he shared one example of a statute that the county might want to have changed, where if someone brings a truck load of coyote hides to the County, the County needed to pay that person a nickel per hide and then the County had to dispose of those hides on the grounds of the County Courthouse
- Mr. Honeycutt said that they left that meeting with the County saying they were going to take a deeper look at statutes and he said the DOL would give the Counties the support they needed
- Brian Simonson said that there were around 40 County Commissioners who attended that meeting and that the DOL people represented there had good conversations both during the presentations and afterwards

**(1:13:06) 9:14 AM – MCA Title 81, Chapter 7 – Predatory Animal Control and ARM Vertebrate Pest Control**

Brian Simonson explained that under this Chapter, he had five statute changes, one possible statute repeal and three rule changes:

- Nina Baucus said that when bounties are spoken about, it should be something gotten rid of because the DOL did not pay bounties on anything
- **81-7-101 – Definition**
  - Brian Simonson said that at the last meeting, it had been suggested that a definition for control be included, and he used other statutes to come up with one
- **81-7-102 – Department to Supervise Destruction of Predatory Animals – Cooperation With Other Agencies – Administration of Money**
  - Brian Simonson said that, per requests in the last discussion he had with the BOL on this, that he changed “shall” to “may” and got rid of the word “destruction,” along with changing language saying the DOL is “conducting” to the DOL is “administering”
  - Also eliminated, but still keeping “the tools in the toolbox,” were things the DOL was not doing currently
  - Sue Brown said she appreciated the changes because they were more up-to-date in respect towards animals
- **81-7-104 – Predator Control Money – Use of Proceeds**
  - Brian Simonson said that he got rid of some of the “shall” language in this statute because the DOL was not actually doing it currently
- **81-7-401 – Killing of Dogs Harassing, Destroying or Injuring Stock – Notice to Owner - Penalty**
  - Brian Simonson said that he made only one change in the dog section, but, Mr. Honeycutt pointed out to the BOL that he doesn’t think this statute addresses guard dog issues, whether it be people not having proper



- respect for working animals or people who hide the bad behavior of their dogs behind them being a guard dog
  - Nina Baucus said those would be things the BOL might have to deal with down the road
- **81-7-503 – Residency Requirement**
  - Brian Simonson explained that this statute eliminates the residency requirement
  - Mr. Honeycutt said that this statute, or some version of it was attempted in the 20219 Legislative Session but it died. He thought it would be worth trying again
- **81-7-505 – Resident Landowners Authorized to Aerially Hunt Over Their Lands Without a Permit - Conditions**
  - Brian Simonson explained that what the DOL was trying to do was to eliminate the need for the landowner to have to file anything for things on their own property
  - Mr. Honeycutt said he didn't think anyone was doing this and it was a requirement that the DOL was not enforcing
  - This statute was proposed to be eliminated
- **32.22.102 – Issuance of Permits**
  - Brian. Simonson said that Section 3 of this rule was eliminated as proposed at the last BOL meeting, as it was redundant for things a pilot would have to do to secure an FAA license
  - Mike Honeycutt reminded the BOL that there was a moratorium on rulemaking in the last quarter of the year before Session, so if the rules were not gotten through by September, rulemaking would not be picked up again until after the Session was completed
  - Mr. Simonson said that this rule had not gone through any legal reviews as of yet and that there may be some notifications to the Governor's Office that would have to be cleared before any rulemaking could take place
  - Aerial hunting, according to Mr. Honeycutt, covered only fox and coyotes at the current time, and that hunting for feral hogs was not a part of that, adding that right now in Montana, it was not legal for private individuals to hunt them in any way or form
- **32.22.104 – Restrictions Upon of Permits**
  - Brian. Simonson explained that the changes made in this rule would just make the language clear that all the aerial hunter needed was permission from the landowner and that an analysis showing depredation has occurred was eliminated
- **32.22.105 – Reporting Requirements**

- Brian. Simonson explained that the changes made to this rule would eliminate the required harvest reports to just once per year rather than twice per year
- Mike Honeycutt explained that in the new rules process from the Governor's Office, before agencies can publish with the Secretary of State's Office, the Governor's Office had requested that they see the concept of that rule or rule change to avoid them getting caught off guard with rulemaking

**(1:31:12) 9:32 AM RECESS**

**10:49 AM RECONVENE**

**(Please note that audio was not working for about a minute after the meeting reconvened)**

**NEW BUSINESS (Continued)**

**(1:32:43) 9:49 AM**

**(1:32:43) 9:49 AM – RED TAPE RELIEF PROJECT (Continued)**

Mike Honeycutt explained that statutes took precedence over rules, meaning that rules always needed to be within the language of code

**(1:33:50) 9:50 AM – Discuss and Determine High And/Or Medium Priority Items from MCA Title 81, Chapter 2 – Disease Control and ARM 32.3 – Disease Control**

Dr. Tahnee Szymanski, Animal Health Bureau, introduced herself

- **81-2-109 – Expenses, How Paid – Lien and Foreclosure**
  - Although this statute states that if a producer had not broken any laws in the State of Montana, that the DOL was fully responsible for the cost of testing that producer's animals involved in a disease investigation
  - Dr. Tahnee Szymanski advocated for consideration to be added to the statute saying that the producer was responsible for presenting their animals to the DOL and for providing handling facilities for those animals, something she said was relatively consistent across states
  - Although the DOL had purchased a chute and still in consideration for a tub and alley, Dr. Szymanski said they were happy to provide those, but it seemed as if less and less resources as far as getting animals rounded up and to the point of a tub and alley were being provided during investigations
  - Mike Honeycutt said that by adding Dr. Szymanski suggested language to the statute, it would give the DOL the ability to charge the producer for having to use DOL staff to round up animals for the producer

- **81-2, Part 2 – Expenses, How Paid – Indemnity**
  - Dr. Tahnee Szymanski said the indemnity clause that's included in code was requested by the DOL last Legislative Session, but not picked up, She said, it was still a recommendation by the DOL that there be some revisions in the way indemnity was written
  - There were outdated values listed for indemnity of cattle, Dr. Szymanski explained – a maximum of \$100 for a purebred animal and a maximum of \$50 for a non-purebred animal, dividing the responsibility of payment between the County and the State
  - Dr. Szymanski said she did not believe there were any counties paying indemnity on animal health disease issues, or any that had for a long time
  
- **81-2, Part 3 – Disease Control Area**
  - Dr. Tahnee Szymanski explained that this statute said that if 75% of livestock owners of the species of the animal affected deliver a petition, then a Livestock Disease Control Area could be created. She said that this was not something that was done and that some of the language was outdated in how determinations and specifications were made. She suggested repealing this statute
  
- **32.2.401 – Animal Health Division Fees**
  - Dr. Tahnee Szymanski explained that this statute set Division Fees, but that there were at least four of those fees for permits or programs that the Division no longer had – The Annual NPIP Poultry Permit, the Annual Equine Permit, The Six-Month Course Passport and the cost of the Course Passport Book
  
- **32.3.108 – Quarantine**
  - Dr. Tahnee Szymanski said that this statute contained several references to the use official, paper-based forms, and that she would like to update that to how the Division does those currently
  - Dr. Szymanski also suggested that in the Administrative Rules for Brucellosis and Tuberculosis, that some of the language from those rules be repealed and brought into this quarantine rule to provide additional clarification
  
- **ARM 32.3.131 – Vehicles Used in Transporting Diseased Livestock to be Cleaned and Disinfected**
  - Dr. Tahnee Szymanski said that this rule did not provide any specifications about which diseases animals were affected with when hauled and that, depending on which disease, those cleaning specifications were different. She suggested updating this rule to provide more clarification for cleaning or disinfecting vehicles or trailers that haul diseased animals

- **ARM 32.3.132 – *Cleaned and Disinfected Vehicles to be Placarded***
  - Dr. Tahnee Szymanski said that this rule, in effect saying that after a vehicle is cleaned and disinfected something needs to be put on the vehicle indicating that it has been done was not done by the DOL. She recommended it be repealed
  - Dr. Szymanski explained that typically when there would be a bio-security decontamination or cleaning requirement there would still be a quarantine restriction in place and before repopulation of animals could occur, the trailer or property would need to be inspected. This part of the requirement would go into the quarantine release portion of rules
  
- **ARM 32.3.140 – *Duties of Deputy State Veterinarian***
  - Dr. Tahnee Szymanski said that she would like to see this rule updated from talking about paper forms to the more current process, as most disease reporting was done electronically or by phone
  
- **ARM 32.3.201 – *Definitions***
  - Dr. Tahnee Szymanski requested an update to the definition of an official health certificate form, as so many things had moved to electronic permits
  
- **ARM 32.3.207 – *Permits***
  - Dr. Tahnee Szymanski explained that many of the documents, Annual Poultry Permits, Six-Month Course Passport and others, had moved to an electronic documentation format, and so she requested that the language in this rule be updated to accommodate those changes in current practices
  
- **ARM 32.3.212 – *Additional Requirements for Cattle and Domestic Bison (Seasonal Grazer) and (Non-US-Origin Cattle Requirements)***
  - Dr. Tahnee Szymanski requested that for both Brucellosis and Tuberculosis testing that there be some consideration, for the purpose of importation, and allow some of the animals to come in from Canada without a negative TB and Brucellosis test
  - Dr. Szymanski explained that there were a couple Montana feedlots that import animals into feedlots to be fed out, and instead of having them tested for TB and Brucellosis in Canada, they import them and spay them here
  
- **ARM 32.3.225 – *Camelids***
  - Dr. Tahnee Szymanski said that she would like to revisit the requirement that camelids have a negative Brucellosis and TB test based upon the risk of the disease being present in those species, which include llamas, alpacas and camels

- **ARM 32.3.216 – Horses, Mules and Donkeys**
  - Dr. Tahnee Szymanski reported that Global Vet Link offers an extended equine Certificate of Veterinary Inspection (CVI) and that was how Montana horse owners could have access to a six-month passport, and that the passport books talked about in the rule were no longer used.
- **ARM 32.3.402 – Extension of Time Limits**
  - Dr. Tahnee Szymanski explained that the way the DOL puts restrictions on herds was through quarantine, which remains in place until all of the steps had been completed. So, she recommended repealing this Administrative Rule because quarantine covers the restriction provisions listed in this rule
- **ARM 32.3.403 – Use of Brucella Abortus Vaccine**
  - Dr. Tahnee Szymanski said that this section of rule talks about animals imported into Montana that are not vaccinates. She said that the DOL does not require animals imported in the state to be vaccinates. She suggests to strike the second half of the rule, but, leave the first half of it to continue to have controls over who has access to the Brucella vaccine
- **ARM 32.3.411 – Procedure Upon Detection of Brucellosis**
  - Dr. Tahnee Szymanski said that the DOL does not necessarily follow all of the steps outlined in this rule and would like to replace some of the language with something similar to what was listed in the Tuberculosis section, that upon detection of Brucellosis in Montana, the DOL would follow the Federal regulations and guidelines
- **ARM 32.3.412 – Memorandum of Understanding (MOU)**
  - Dr. Tahnee Szymanski recommended repealing this section of rule that talks about an MOU being signed with an affected herd donor. She said this was done now through the process of their herd plan and she said that if the Federal regulations and guidelines were referenced, this section of Administrative Rule would not be needed
  - Mike Honeycutt said that no matter what, many of the DOL rules were superseded by USDA regulations, Meat & Poultry Inspection and Milk with the Pasteurized Milk Ordinance were examples, and so, it was better to just reference that the DOL would follow the most current Federal regulations in certain situations
- **ARM 32.3.416 – Identification of Tested, Reactor and Other Animals**
  - Dr. Tahnee Szymanski explained that this rule specified what had to be done when an animal was identified as non-negative on serological tests and was classified as a reactor; they must have official identification applied to them. Dr. Szymanski said that typically, there's a visual ID correlated to the official ID on the animal, and she did not feel it was

necessary to specify additional identification requirements for those animals

- Dr. Zaluski said he thought this rule was written with the premise that the animals were being tested without being officially identified and these days, it was done the other way around
  - While jaw-branding was not used on reactors because it was considered inhumane, Dr. Szymanski said that the DOL had used spray paint to identify TB suspects before and they also had purchased big, red ranch tags to put in the animal's ears for identification
  - It was decided to mark this rule as an update rather than a repeal until there was further discussion on it
- **ARM 32.3.418 – Indemnity Paid for Reactors**
    - Dr. Tahnee Szymanski said that this code was somewhat of a continuation of their recommendation associated with code, specifying \$50 being paid for reactors. She said that USDA paid more for diagnostic purchase than that, adding that in her time at the DOL, they had not paid for a reactor animal. Her recommendation of this rule was to repeal it
- **ARM 32.3.440 – Certified Brucellosis-Free Bovine Herds**
    - Dr. Tahnee Szymanski explained that this rule was for herds that go through annual additional testing so they can declare themselves Brucellosis-free. Her recommendation was to repeal this rule as much of the certified-free status was outlined in Federal requirements
- **ARM 32.3.3 – Pseudorabies**
    - Dr. Tahnee Szymanski reported that Montana was considered Pseudorabies-free, as she thought was the case in all the other states as well. Her recommendation was to put language in the rule that says should Montana have a detection of Pseudorabies, it would be handled consistent with Federal regulations
    - Dr. Szymanski also suggested retaining ARM 32.3.306-Use of Pseudorabies Vaccine, which specifies that the vaccine cannot be used in Montana. Dr. Szymanski said that because Montana was a Pseudorabies-free state, they do not want people vaccinating animals, which produces confusing test results, as you can't differentiate a vaccinated animal on a Pseudorabies test
- **ARM 32.3.601 – Tuberculosis**
    - Dr. Tahnee Szymanski said that if there was a specification that reactor animals be branded with a T on either the right or left jaw, with official ID on those animals, those animals would get under quarantine in a relatively short time, and so, she said her proposal would be to repeal it, but, it could still be up for discussion
    - Dr. Szymanski said that the live animal TB tests were not great and typically require a series of them. Most detections were found at

slaughter. She said the DOL does not brand those animals and suggested clarifying language in the rule because of concern about losing those animals and marked the rule as an update that could be revisited again

- **ARM 32.3.608 – Reporting Death of Animals from a Tuberculosis-Quarantined Herd**
  - Dr. Tahnee Szymanski proposed repeal of this rule, but to take some of the language about inventory reconciliation from it and add it to the quarantine rule
  
- **ARM 32.3.611 – Duties of Veterinarians and Meat Inspectors Upon Finding Tuberculosis Lesions in Animals**
  - While this rule provided some provisions for what needed to be done if there was evidence of TB found at slaughter, Dr. Szymanski recommended repealing this rule because there was a USDA standard for animals found with lesions slaughtered at a Federal plant and TB lesions were reportable
  
- **ARM 32.3.1202 – Rabies Quarantine**
  - Although this rule specified a county-wide rabies quarantine on unvaccinated dogs, cats and ferrets of 60 days from the date of the diagnosis of rabies in a terrestrial animal, Dr. Szymanski said the DOL cannot enforce it and said that education (press releases, notification to veterinarians) had been the best enforcer. She suggested repealing the rule
  - Greg Wichman commented that quarantine, though not enforceable, carried a connotation that people in that county pay attention
  - Sue Brown reminded the BOL that if it was labeled a “quarantine” that the DOL had a certain responsibility to take on
  - Dr. Marty Zaluski said that even though quarantine was one of the DOL’s strongest tools, that the lack of ability to enforce it undermined that tool, creating some confusion and diluting the DOL’s power. He said that the DOL would continue to publish news releases to the public, in concert with Public Health
  - Mike Honeycutt added that when you don’t enforce a quarantine, someone could say that the DOL was falling down in their responsibility
  - It was decided to revisit this rule at another meeting
  
- **ARM 32.3.1305 – Disclosure of Information**
  - Dr. Tahnee Szymanski said that this rule was located within the Scrapie section of Administrative Rule, for disclosure of information to the DOL, but, not saying “shall,” there was no requirement that they do so. She

added that most of the information requested was provided already and she felt this rule was unnecessary

- **ARM 32.3.1505 – *Blood Testing With Salmonella Antigens***
  - This rule, according to Dr. Szymanski, was within the Poultry section of Administrative Rule specifying the list of approved tests. Dr. Szymanski said that list was no longer current and proposed that the section be updated to say, a test that's approved by our office, or just update the list
  
- **ARM 32.3.1507 – *Exhibitions of Poultry***
  - The first section of this rule essentially restated the DOL's import requirements, which were covered in other sections of Administrative Rule, Dr. Szymanski said. The latter portion of the rule addressed Montana-origin birds going to Montana poultry exhibits, and that was something, Dr. Szymanski said, that the DOL did not deal with, and so, she suggested repealing the rule
  - Dr. Szymanski explained that the only time that the DOL had been involved in any sort of poultry exhibition was when we're in a year like now, where there was High-Path AI circulating in wild bird populations
  
- **ARM 32.3.2001 – *Brands and Earmarks***
  - Gene Curry said this rule needed to be revisited as the BOL might be a little ahead of the curve trying to change this rule, without the industry having an opportunity to weigh in on it. Dr. Szymanski agreed, saying she would propose some updates to it
  
- **ARM 32.3.2006 – *Intrastate Movement of Cattle – Identification***
  - Dr. Tahnee Szymanski said this rule contained requirements for animals moving within the state of Montana and was one where none of the requirements were enforced or necessary
  
- **ARM 32.3.2301 – *Control of Biologics***
  - Dr. Tahnee Szymanski said that this rule required that all biologics brought into Montana be permitted, but, she explained that biologics are fully licensed under the USDA Center for Veterinary Biologics, short of some that have implications associated with the use of them. She requested that the rule be changed to allow the DOL more flexibility, allowing many of the vaccines to be sold in the state of Montana without an import permit
  - Dr. Szymanski added that another portion of the rule contains outdated vaccine storage guidance
  
- **ARM 32.3.2303 – *Diagnostic Tests***
  - Dr. Tahnee Szymanski said that the requirement for when Brucellosis or other infectious diseases were found during blood testing or other



diagnostic testing, it must be reported in writing within one week to the DOL, was outdated

- Brucellosis and Trichomoniasis positive and negative tests must be reported, and that was outlined specifically in those sections of Administrative Rule. Beyond that, Dr. Szymanski said the DOL's disease reporting requirements catch all of the positive or non-negative test results are required to be reported, so this rule was unnecessary

### **(2:48:18) 11:05 AM – EXECUTIVE OFFICER UPDATES AND DISCUSSIONS**

Mike Honeycutt introduced this new section of the agenda that had been proposed earlier that was similar to the "Parking Lot" section utilized for a time

### **(2:49:29) 11:06 AM – Update on Yellowstone National Park Bison EIS and Discussion of Current Status of Yellowstone Bison Population and Department Activities**

Mike Honeycutt gave an update on the Yellowstone National Park (YNP) bison with their new Environmental Impact Statement (EIS) and what the DOL might now need to consider:

- YNP issued a new EIS in January 2022 for public comment that included three alternatives
  - Alternative 1 was to maintain the status quo of the current Interagency Bison Management Plan (IBMP), which was a bison population of 3,500 to 4,500, tribal hunts, quarantine and a conservation transfer program to tribes, once they are cleaned up, an administrative harvest, where bison were trapped by the DOL and then sent to slaughter with the meat dispersed to tribes
  - Alternative 2 was a bison population of 5,500 to close to 6,000, use Tribal Treaty Hunting for population control, put more into quarantine and allow more to move out through the Bison Conservation Transfer Program
    - Mr. Honeycutt reported that because there had been very few out migrations from the Park, only about 287, that the number of bison within it was around 5,500. He said that the removal goal for the year was around 700
  - Alternative 3 was a bison population of 8,000+ bison, an option they call food-limited carrying capacity (as many as the landscape would support), de-emphasizing the Ship-to-Slaughter, the Conservation Transfer Program and Tribal Treaty Hunting would be the primary methods of bison population control
- Mike Honeycutt said that the Governor's Office, FWP and the DOL responded to the alternatives offered saying they didn't really like any of them and would like to be consulted to reform the alternatives
- Mr. Honeycutt explained that Alternative 1 was not really an action alternative, and a no-action alternative would take them back to the Record of Decision when the case was settled between the Department of Interior and the State of Montana in 2000

- That Record of Decision said that YNP should maintain a population of 3,000 bison, there was no provision for a Tribal Treaty happening outside of YNP and there was no Bison Conservation Transfer Program.
  - Mr. Honeycutt said that those other items were added to the record of decision over the last 20 years through adaptive management
- In talking with YNP leadership regarding why the DOL would not accept any of the three alternatives offered, Mr. Honeycutt said that he told them that the 5,500 number of bison in the Park would escalate if nature was not going to give us very much of a winter. And, if a hard winter hit and there was a big migration outside the Park, it would create property damage, a potential for bison to be exploited further north and it would create disease transmission concerns. The State would like to see the population managed to a level that out migrations were not so big that they might require drastic administrative actions
- Mr. Honeycutt said the IBMP process had been breaking down somewhat over the last few months
  - During a December IBMP meeting, Mr. Honeycutt explained that the DOL, and FWP were in agreement with YNP on a Winter Operations Plan that would allow the removal of up to 1,100 bison if the opportunity presented itself. All partners accepted the plan. However, the Nez Perce were challenging that they did not have consensus. Mr. Honeycutt said that the Spring IBMP meeting would have a conversation about what consensus means
  - Because of the situation, Mr. Honeycutt said that YNP had signaled that they may no longer want to consult with the IBMP removal target and they would set what removal targets they felt were necessary and that they did not want to be burdened with one partner trapping them into too low of a removal goal. Mr. Honeycutt said if that happened, his concern would be that YNP would not be consulting with the DOL if they thought we had too high of a removal goal
  - In conversations with Dr. Zaluski and the Governor's Office, Mr. Honeycutt said that whatever decision YNP might make, there was still strong State law about the DOL's ability to manage potentially diseased wild bison outside the YNP
- Mike Honeycutt said the DOL was still in a waiting game regarding YNP's decision on their EIS
- Mr. Honeycutt said that very few bison had come to the trap, but that the trap facility had been expanded and could now take up to 120 new animals for quarantine. He said that there had been some bison assigned for ship to slaughter, but that the only partner working with the DOL on that right now was the CSKT, who pay for the slaughter of those animals and have a program for dispersing that meat to Tribal members
  - Bison could be slaughtered through custom exempt facilities, Mr. Honeycutt said, and those were being used by the DOL for the Yellowstone bison. He added that although it wasn't the case at the moment, the ability to trap and consign those buffalo for meat production

- to defray costs or to donate to Food Banks were things within the power of the DOL if they ever had to execute it
  - If the YNP out-migrating bison were sold by the DOL for conservation herds or for breeding to help defray costs, Mr. Honeycutt explained that 50%-60% of them were Brucellosis-positive and would have to go through a quarantine process, which could take 2.5 years
  - Mr. Honeycutt said that there was no human food safety concern when those bison were processed through an inspected facility
- Alan Redfield said he felt that the bison numbers were over by around 5,000 in YNP. He said that bison could come out of the Park at the end of summer when they run out of feed and that they would not go into Forest Service land around the trees, they would go to the green stuff along the river, which could degrade streams
- Mr. Honeycutt explained that Brucellosis was a Federally-managed disease and that the Stephen's Creek facility, outside the Park was a totally Federal facility, run by the Department of Interior

**(3:21:49) 11:38 AM – Executive Planning Process Update – Deadline and Instructions for Proposed Agency Legislation**

Mike Honeycutt gave an update on the Executive Planning Process (EPP):

- Mr. Honeycutt explained that EPP was a process the DOL went through on legislation and budget through the Governor's Office of Budget Program Planning (OBPP) for presentation to the Legislature
- May 6, 2022 was set as the deadline for agency concepts to be turned into OBPP, and the DOL needed to get BOL approval for this agency's concepts before turning the information over to OBPP
- Mr. Honeycutt put a high level of importance on the Legislative requirement of agency goals and objectives, especially lining them up with any request for more money from the Legislature

**(3:24:56) 11:41 AM – Updated Process from Governor on Publishing and Adopting Administrative Rule Changes**

Mike Honeycutt explained the updated process on publishing and adopting Administrative Rules that was handed down from the Governor's Office:

- Once the BOL says "yes" to a proposed rule, that concept will be sent to the Policy Analysts at the Governor's Office for a review. Once the Policy Analysts okay that concept, it can then be sent to the Secretary of State's Office

**(3:26:31) 11:43 AM – Montana Bond Book Follow-ups**

Mike Honeycutt reported that Nina Baucus, Alan Redfield and he had conversations about possible changes:

- Mr. Honeycutt said that any changes the BOL comes forward with in the Montana Bond Book had to be passed on to the Legislature to see if they would want to take it up

- Alan Redfield said he had already visited with a couple of the Legislators to be looking at the Montana Bond Book as well, and so, after the June primary, Mike Honeycutt and he would probably both be in touch with them
- Ty Thomas was going to set up a meeting with the Fergus County Attorney to talk more about the process, and asked if Greg Wichman could also be a part of that meeting

**(3:29:43) 11:46 AM – Succession Planning**

Mike Honeycutt said that he had not worked on this since the last time it was addressed by the BOL, but it was still something that needed to be considered, even to have people trained to step into vacant positions temporarily while searching for the next candidates for various leadership roles in the DOL

**(3:30:11) 11:47 AM – Milk Control Staffing**

Mike Honeycutt updated the BOL on the situation in the Milk Control Bureau since the departure of Chad Lee and Darrell Ford as Bureau Chief:

- Mr. Honeycutt said that the Bureau Chief position had been vacant now since the last part 2021. Linda Grady, who retired from that Bureau as a long-time auditor, had been coming in and working as a temp for about 15 hours per week to do the auditing
- There was one other person left in the Milk Control Bureau, an accountant, who Mr. Honeycutt said would be retiring not long from now
- With the basics of the work being done with 1.5 people, Mr. Honeycutt said that in discussions with Brian Simonson, they wondered if there was a need to hire another Milk Control Bureau Chief, and instead leave the leadership communication to the BOL to Brian Simonson. Mr. Simonson told Mr. Honeycutt he felt he could absorb that role into what he was doing without any problem
- Mr. Honeycutt said that the DOL had not moved in filling the vacant Milk Control Bureau Chief position, because they wanted to talk to the Board of Milk Control in April at their meeting to see if they thought that plan would meet their administrative obligation
- Mr. Honeycutt explained that the Board of Milk Control set policies, but that the DOL, according to law, provided staff for the Milk Control Bureau. He added that doing away with a Bureau Chief for the Milk Control Bureau would also save \$100,000
- Ed Waldner said he talked to the Chairman of the Board of Milk Control and he told Ed that they did not need a Bureau Chief. Mr. Waldner's concern was who to talk with if there were a problem, say with getting underpaid. Gene Curry said he felt that Brian Simonson would fill that role very well without being called Bureau Chief

**(3:50:35) 12:07 PM – Biennial Financial Audit from Legislative Audit Division**

Mike Honeycutt reminded the BOL that the Biennial Financial Audit, a full financial audit of every agency that happened once every two years was scheduled for the DOL:

- The Entry Conference was scheduled for Monday, March 21, 201 and Gene Curry had been invited to that, as the BOL Chairman. The full financial audit would be starting within the next few weeks

**(3:51:35) 12:08 PM – Department Salary Analysis, Process Requirements for Salary Adjustments, Snapshot**

Mike Honeycutt walked the BOL through the process needed to make any salary adjustments in the DOL:

- Mr. Honeycutt explained that any holistic salary adjustments for the DOL must be done before snapshot, which occurred in the first week of July, but executed on by mid-June so they could be part of the budget
- Mr. Honeycutt reminded the BOL that any adjustments made in June commit the DOL to a year where you don't have them in this budget
- In years past, Mr. Honeycutt said that an analysis was presented to the BOL on the different job classifications and how they compare to the market for that type of work. He said that analysis would probably be coming to the BOL in the next month
- Mr. Honeycutt said that a new Meat Inspector with the DOL started at \$18.36/hour and after a 12-month probationary/training period, that salary jumps to \$20.36/hour. He said a Federal Meat Inspector starts north of \$25/hour, adding that an experienced Meat Inspector might make quite a bit more than that
- In doing a "quick-math" calculation of what it would cost to minimize losing State Meat Inspectors to the Federal program, Mr. Honeycutt said he told Representative Ler of Economic Affairs it would probably cost around \$200,000 more per year
- Nina Baucus suggested that for Meat Inspectors, if the State trains them, they should have to guarantee that they would stay in the State position for a certain amount of time, so the Feds can't come in and take them away as soon as they were trained

**(4:00:23) 12:17 PM LUNCH**

**(4:00:25) 12:49 PM RECONVENE**

**PREDATOR CONTROL**

**(4:00:34) 12:49 PM**

**(4:00:34) 12:49 PM – UPDATE ON ACTIVITIES OF USDA WILDLIFE SERVICES (Presented by Dalin Tidwell, Montana State Director)**

Dalin Tidwell said he appreciated the opportunity to be with the BOL today

**(4:01:44) 12:50 PM – Update on Status of Helicopter Purchase from USDA**

Dalin Tidwell gave an update on the DOL's just-purchased helicopter, the 7765 and its retrofit:

- Mr. Tidwell reported that in speaking with Jerry at Helena Aircraft, the retrofit was on track for a June 2022 completion
  - The high skid gear and and flight step were installed and the lower wire strike was fitted, but not painted as of yet
  - The Bell Company was working on the standard instrument panel because the one currently in the helicopter obstructed the view, being so wide
  - The air conditioning is out of the helicopter, along with the inteli-start system avionics, antennas and miles of wire
  - The Spidertracks system was ready to go and the ASB and new Hobbs meter were on hand
  - Mr. Tidwell showed a picture of the helicopter, in its current state and said that Jerry said that any time members of the BOL would like to come down and see the aircraft, give him a call and that could be set up
- With concern raised by Gene Curry regarding the new helicopter not being ready for most of coyote season, Mr. Tidwell reminded him that the other "birds" were in the air

**(4:06:08) 12:54 PM – General Updates**

Dalin Tidwell reported that Doug Ekberg had been on the job as the new Eastern District Supervisor for a little over two weeks:

- Mr. Ekberg had already obtained his pesticide license, and had gotten all of his airport clearances in place, chemical mobilization, advanced firearms, is an experienced hunting guide, works cattle, is a horseman, has children and has a degree in Fisheries and Wildlife from the University of Nebraska Lincoln
- Doug Ekberg had served as a Wildlife Biologist for 14 years with the Colorado Wildlife Services program and during that time became involved in a wide range of predator damaged managements
- Mr. Ekberg, while stationed at an Air Force base, became the Acting District Supervisor for a number of months, filling in while their current District Supervisor was away. That trained him in budget-cooperative funding and all supervisory duties
- Mr. Tidwell said that Mr. Ekberg brought a wealth of knowledge, including the predator damage management of coyotes, black bears, mountain lions and also working with a fixed wing and aerial gunning program. He also had riding experience, prairie dog management experience and experience in feral swine control. Mr. Ekberg also works well with Federal, State and Tribal entities and even internationally, he worked in Greenland with the Royal Air Force
- Mr. Tidwell said he thought that Doug Ekberg would be a great addition to the Wildlife Services team with his calm, positive attitude and was looking forward to him taking some of the burden off of him in keeping the Eastern District going strong

Dalin Tidwell finished out the general updates for USDA Wildlife Services:

- Mr. Tidwell said that the weather had been probably the worst flying weather they have had in years and that they were about 80 hours of flight time below their average
- Even though that loss of flight time equated to coyotes not gotten to, they were able to keep up with all the calls, at least in the Eastern Districts
- Nina Baucus passed a message onto Dalin from Lila Taylor who extended her thanks that Wildlife Services was able to fly as they were into calving right now and the coyotes hadn't been helpful with that
- Mr. Tidwell reported that a black bear had been spotted near the Blackfeet Reservation, but there had been no signs of grizzlies being out yet
- The wolves had been quiet, Mr. Tidwell reported, saying there had been four in the last week, and that there was a collaring effort going on in the Southwest Madison area through FWP. Regarding wolf investigations, Mr. Tidwell said that two years ago, take numbers were in the 60s and were in the 40s last year
- Mr. Tidwell wasn't certain about grazing permits in the Gravelly country, but said that Wildlife Services still had a Range Rider in that particular area
- Mike Honeycutt wanted Mr. Tidwell to be aware that the Legislature in the last week or so had started putting a little scrutiny on the Natural Resource agencies and the use of helicopters, and so, be expecting a request to get some log information on our assets and where they've been flying and what they've been flying for
- Mr. Honeycutt also told Mr. Tidwell that he had contact from both Blaine County and Chouteau County about cattle petitions and that he might be referring some people his direction
- Regarding feral hogs, Mr. Tidwell said that they work with the Squeal on Pig campaign and had checked out a couple situations reported to them, but the pigs ended up being domestic swine and that the Brand Inspectors helped get them home
- Mr. Tidwell explained that USDA had allocated funds to Montana for a feral swine management program
- Mr. Tidwell said that although he kept in touch with Dr. Tahnee Szymanski regarding Canadian maps showing feral swine locations, he had no direct contact in either Alberta or Saskatchewan of someone he could coordinate with, but said he would pursue that

**(4:28:02) 1:16 PM – Livestock Loss Board (LLB) Predation Claims Report**

Mike Honeycutt said the George Edwards would not be able to join them today, as he was in a Livestock Loss Board meeting:

- Mike Honeycutt said that his understanding was that the predation money was going out at a faster clip than normal, but hadn't exceeded what their fiscal year appropriations were, as of yet. He said that Brian Simonson would probably have some numbers later during the Fiscal Bureau segment

**BRANDS ENFORCEMENT DIVISION**

**(4:29:41) 1:18 PM**

**(4:29:42) 1:18 PM – MAHLEN APPEAL ON BRAND APPLICATION REJECTION – BOL REVIEW AND DECISION ON MAHLEN APPEAL OF BRAND APPLICATION**

Mike Honeycutt walked the BOL through the events leading up to the brand application decision he was asking them to make that day:

- Mr. Honeycutt said that Mr. Mahlen's request to appeal his brand application rejection came to the BOL in January to be discussed at the February BOL meeting, but Mr. Mahlen was not able to attend that meeting
- Mr. Honeycutt explained that one of the early responses on Mr. Mahlen's brand application was that it was denied on the basis of an unacceptable format, and to me, it looked too much like a single-character M and would conflict out in the counties he was seeking to get it
- The brand, according to Mr. Mahlen, was a 2-iron brand, utilizing the letters M and Y
- Alan Redfield said it looked like an M to him, not a Y
- Mr. Mahlen said that his cattle were located north of Brockton, and in speaking with an old Brand Inspector in the area and another one coming on, their opinion was that as long as the bottom leg was longer than the rest of the M, they didn't see an issue with the brand. He was hoping there was a way he could alter it slightly so he could continue to use his father's brand
- Ethan Wilfore said that he would have to check with the Brands Recorder regarding rotation of characters in the new brand policy as Mr. Mahlen said he would be okay with configuring the Y and M in a different manner
- Mr. Wilfore said that they would be able to use the same \$200 fee as many times as he would want on an application for six months, adding that in the new Brands policy, regional conflicts were cut almost in half

**MOTION/VOTE**

**(4:47:01) 1:35 PM**

**Alan Redfield moved to deny the appeal by Mr. McKade Mahlen on his brand application rejection. Greg Wichman seconded. The motion passed.**

- Ethan Wilfore said he would reach out to Mr. Mahlen and make something work for his new brand

**(4:50:56) 1:39 PM – REPORT ON ATTENDING WESTERN STATES LIVESTOCK RURAL ENFORCEMENT ASSOCIATION - REPORT TO THE BOL ON TAKEAWAYS FROM CONFERENCE**

Ethan Wilfore reported on attendance of some Brands Enforcement Division staff at the Western States Livestock Rural Enforcement Association conference:

- The conference was held in Reno, Nevada on March 1-3, 2022 and was attended by Ethan Wilfore, Ty Thomas and Travis Elings, who was wrapping up his one-year term as President



- There was good representation from the west, Mr. Wilfore said, with a colleague from Yellowstone County speaking, some judges from Idaho speaking, along with a good representation of attendees from the west
- Some of the topics addressed at the convention included drug cartel activity, specifically relating to rural communities, Captain O'Donnell, from Yellowstone County spoke specifically about animal cruelty and neglect cases, livestock management and natural disasters, some of the judges spoke about how, since COVID, the preparation of court cases was going to be different
- Mike Honeycutt informed the BOL that Montana would be host state of the International Livestock Identification Association meeting in Billings in 2024
- Ethan Wilfore explained to the BOL that The District Investigators were fully POST-certified and had arrest authority. In some cases, however, such as a movement permit violation, they can cite a ticket, but not arrest

**(4:57:47) 1:47 PM – General Updates**

- Ethan Wilfore reported that interviews were conducted for District Investigator positions in Glasgow and Miles City and that they are hoping to have an offer out to both places sometime the following week
- Gene Curry reported that he was in the process of organizing a Committee that would hear brands appeals, hoping that there would be more time to explore options for making appeals than at a regular BOL meeting
  - He explained that even though the BOL would have final authority to accept or deny appeals, the Brand Appeals Committee would look at all the information and make a recommendation to the BOL
  - Mr. Curry said he had reached out to Mark Blasdel and Wylie Galt for names of Legislators who would want to serve on the Committee. So far, he had one name and another name came from Wylie Galt who said it might be himself or another person who might have brand expertise
  - The Montana Stockgrowers Association and the Montana Farm Bureau also offered to submit a name or two, Mr. Curry said. He also made a request during the meeting for Montana Farmer's Union to submit names if they would like
  - Gene Curry also said that BOL members were also welcome to sit on that Committee
  - Ethan Wilfore said he had two more brand situations to address and some others he had not gotten a response back from yet
  - Mike Honeycutt explained that the Committee was described in the new Brands Policy that would become effective at the beginning of April 2022 and added that it would not only deal with just appeals, but look at policy changes as well
  - Because of appeals possibly coming before the Brand Appeals Committee by May or June, Mr. Curry said he would appoint that Committee at the next BOL meeting
- Ethan Wilfore explained that it was hard to determine livestock ownership numbers from brands rerecorded, as some rerecorded more than one brand and some rerecorded brands but did not use them

## **ANIMAL HEALTH & FOOD SAFETY DIVISION REPORTS**

(5:13:30) **2:02 PM**

(5:13:46) **2:02 PM - ANIMAL HEALTH BUREAU**

Dr. Tahnee Szymanski, Assistant State Veterinarian, introduced herself

(5:13:54) **2:02 PM – Bovine Tuberculosis (TB) Update**

Dr. Tahnee Szymanski updated the BOL on the status of the Bovine Tuberculosis investigations in the state of Montana:

- **Blaine County Investigation**

- Dr. Szymanski reported that now that the depopulation of the cow herd in Blaine County was completed, the calves were moved to a South Dakota feed lot under quarantine where they'll be fed out until they're ready to go to slaughter
- The Blaine County producer was hoping to start re-populating the premises and that should be started in short term, Dr. Szymanski said
- Regarding the rest of that investigation, Dr. Szymanski said there were a few more herds that closed out their testing requirements with one trace herd that had received a few animals from the affected herd, who put those animals under quarantine through a testing removal process where they would have to be tested a subsequent number of times
- There were eight herds in that investigation that had yet to complete their testing requirements, but, Dr. Szymanski expected that would start picking up early next fall
- Dr. Szymanski said a final challenge she had on this investigation was that there were eight people who were pending notification, low-risk traces from animals that had been sold through the market and perhaps were already slaughtered. Field staff had been contacted to help with status of animal ownership or good contact information for them
- Dr. Szymanski commented that those producers the DOL had contacted and were subject to testing requirements had been nice and some who had come back and contacted her had said some really complimentary things about the DOL staff, including comments on their professionalism and how they handled the testing

- **Madison County Investigation**

- After questions from Alan Redfield regarding the types of tests currently used by the DOL for TB, Dr. Szymanski explained that the caudal fold test was used, the gamma test had a high level of specificity, but a low level of sensitivity and was used to prioritize, but could not be used to clear an animal. The active phase test was good for early exposure to TB, but, after a period of time, a positive reading would go negative, so it had a limited application. Dr. Szymanski said some of these tests were done in tandem

- Alan Redfield said the question he got from the producer was why so many people knew about the TB situation in his herd
- Dr. Szymanski explained that she felt pretty confident that it wasn't DOL staff who identified the producer, as they were reminded consistently regarding confidentiality and that the reality was, with a large herd, there were many vehicles going on and off the facility in a relatively short period of time. Alan Redfield said, neighbors could figure it out
- Mike Honeycutt said that when he had gone to an MSGA Convention in Billings in December, people he had never talked to came up to him referring to the person with the affected herd by name, and so he reminded anybody listening to think about themselves being in the position of that producer and to not go off and start talking about it, because producers around the state were so connected
- Dr. Szymanski said that between the two TB tests, the DOL had to test almost 5,000 cattle, and that before coming onto a property, those helping with the investigation would meet at an off-site location to condense the number of vehicles going onto the property. She said that Brand Inspectors who helped out would pull the shields off their trucks
- Dr. Szymanski commented that she was very fortunate to experience what she thought was positive relationships with the two producers in both investigations even though they were going through probably the worst experience in their life. She said that in emergency preparedness planning that some staff had participated in, they had started incorporating mental health support in the training, for people involved in the response and the producers impacted by it
  - Dr. Marty Zaluski praised Dr. Szymanski as being an effective communicator in those difficult times and issues with those producers

**(5:39:05) 2:27 PM – Brucellosis Update**

Dr. Tahnee Szymanski updated the BOL on the status of the Brucellosis activity in the state:

- During the January BOL meeting, it was reported than an animal had been found in a Madison County herd as non-negative and classified as a reactor on a test. Shortly after that meeting, Dr. Szymanski reported that the herd was confirmed as a Brucellosis-affected herd
  - The initial herd test, the one given after detection, had been completed and no additional positives were found
  - It was expected, Dr. Szymanski said, that the next test would happen sometime in mid-June of July, after calving was done and that she anticipated that they would be released from quarantine at that time
  - Of the five adjacent herds, totaling around 1,300 animals, three had already done testing in the fall and two had to be placed under quarantine,

- pending testing. Those two had since been tested by DOL staff and were released from quarantine
  - Dr. Szymanski reported that the two herds, just released from quarantine, were located inside the DSA
- Dr. Szymanski said that in the last month or so, there was a non-negative found in a Gallatin County herd. The tissues collected from that animal were confirmed to be infected
  - Of the eight adjacent herds, totaling around 1,700 animals, two had done fall testing, five had not been whole-herd tested yet and were pending and one was determined to not have any exposure based upon timing of when the pastures were used
  - The Gallatin County affected herd had gone through an additional herd test and had no additional positives and was slated to be released from quarantine sometime in early April
- Dr. Szymanski said that the animals in both the Gallatin and Madison County affected herds were captive-vaccinated and were still pregnant, which she said was a good thing, so they didn't abort and potentially spread the disease further

**(5:43:26) 2:32 PM – Electronic CVI Policy**

Dr. Tahnee Szymanski explained a proposed policy regarding the use of electronic CVIs by veterinarians that she had put together after the last BOL meeting:

- Dr. Szymanski announced that one of the offline capability platforms had been taken away from Montana Veterinarians since the last meeting. She said that, coupled with the discussion regarding electronic CVIs at the last BOL meeting, moved her to put together a proposed policy on the electronic CVI issue
  - The 20-paper certificate allowance would be continued through 2022 and then on January 1, 2023, the DOL would go back to the policy of requiring that all health certificates be issued electronically for Montana-origin animals
  - And on a case-by-case basis, allow up to 5% paper certificates in the case of hardware or software failure. That amount might be allowed to tip over the 5% mark if the veterinarian was having a bad day at the market because of the volume of certificates being issued
- As an FYI, Dr. Szymanski reported that in 2021, 3% of the CVIs were issued on paper, and to date, in 2022, eight of the 3,339 health certificates issued for export were on paper, a total of 0.24%
- When asked if the letter sent out to Veterinarians in December and listing the consequences of them not utilizing electronic CVIs was rewritten to make it less offensive, Dr. Szymanski said that letter was a one-time notice to veterinarians. Mike Honeycutt said that when communicating a lack of regulatory compliance you have to be straight with people
- Gene Curry shared that he had a phone call about electronic CVIs from a vet who told him he would not go back to paper certificates and that the electronic CVIs were the best thing that ever happened in his world

- Dr. Szymanski said that the electronic CVIs had allowed the Import Office staff to make tremendous gains in efficiency and had added big chunks of traceability data that previously only existed in paper format
- Nina Baucus said that Montana did not have a big count of large animal vets and that the DOL should grandfather in those older vets who didn't want to deal with the electronics
- Dr. Szymanski said that she did not want to slip backwards in the small percentage of paper CVIs issued and if veterinarians were allowed to go back to paper, she thought they would. She added that the DOL had offered Veterinarians \$400 towards the purchase of equipment for the issue of electronic health certificates and that the learning curve of how to enter information into the electronic certificate was a low one
- Jenny Bloomquist of the Montana Veterinary Medical Association said that their board got a preview of the policy and after quite a bit of discussion about it, they felt that the policy was more than fair and the way to go. She said one of their board members, Barr Gustafson said he would never go back to paper

## **MOTION/VOTE**

**(5:51:31) 2:40 PM**

**Sue Brown moved to approve a proposed revised policy document regarding the use of electronic CVIs for Montana-origin animals as presented by Dr. Tahnee Szymanski. Alan Redfield seconded. Nina Baucus abstained from voting. The motion passed.**

- Dr. Eileen White left written comments with the BOL regarding electronic CVIs and asked why the BOL had to vote on the policy if the policy already existed from the State Veterinarian's office
- Mike Honeycutt explained that he believed the policy had been passed by the BOL in 2019, but what was voted on by the BOL today was an amendment of that policy, based on the testimony she brought to the last BOL meeting
- Dr. White reported that Dr. Rankin would have been at today's meeting, but that her mother had passed away the day before

## **(6:06:55) 2:55 PM – Out-of-Country Travel Request-PNWER**

Dr. Tahnee Szymanski requested that she be able to travel to the 2022 Pacific Northwest Economic Region (PNWER) meeting that would be held in Calgary, Alberta in the summer of 2022:

- Dr. Szymanski said that PNWER was a collection of Northwest states and provinces and possibly a territory or two that recognize that there were tremendous similarities in their business practices and a tremendous amount of exchange
- Dr. Szymanski explained that she served as the Co-Chair for the Cross-Border Livestock Health Committee which would be pairing with the Invasive Species Committee of PNWER to do a feature on feral swine
- She explained that there would be two sessions at the meeting talking about feral swine, looking at both the Canadian and the US perspective and how to

collaborate across the border, particularly with African Swine Fever not too far from the US shore

- Mike Honeycutt said that Dr. Szymanski has to go to the meeting, but that he probably would not. He explained that Senator Mike Cuffe introduced the DOL to PNWER and that it was a good organization to build relationships with other states and provinces

## **MOTION/VOTE**

**(6:12:00) 3:00 PM**

**Sue Brown moved to approve out-of-country travel for Dr. Tahnee Szymanski to attend the Pacific Northwest Economic Region (PNWER) Annual Summit in Calgary, Alberta on July 24-28, 2022. Ed Waldner seconded. The motion passed.**

**(6:13:13) 3:01 PM – Out-of-State Travel Request - NASAEPP**

Dr. Tahnee Szymanski requested that the BOL approve travel to the National Alliance of State Animal and Agricultural Emergency Programs (NASEEP):

- Dr. Szymanski said this meeting happened every 18 months and involved State, Federal and private industry groups who gather to discuss emergency preparedness activities
- The Emergency Preparedness Veterinarian would normally be the one sent to this meeting. Topics covered at this meeting would probably be both Avian Influenza and African Swine Fever. Dr. Szymanski said that they also have had conversations about pet sheltering during disasters as well

## **MOTION/VOTE**

**(6:15:43) 3:04 PM**

**Sue Brown moved to approve out-of-state travel for one veterinarian to attend the National Alliance of State Animal and Agricultural Emergency Programs (NASAAEP) Summit in Minneapolis, Minnesota on May 24-26, 2022. Greg Wichman seconded. The motion passed.**

**(6:16:16) 3:04 PM – Request to Hire Animal Health Program Veterinarian**

Dr. Tahnee Szymanski requested that the BOL approve the hire of an Animal Health Program Veterinarian to replace Dr. Forseth who had moved on to a new opportunity with the National Pork Producers Council:

- Dr. Szymanski explained that the position had become very instrumental in the DOL's emergency preparedness activity and had allowed a lot of expansion on other disease programs such as Johnes and b Canis
- Dr. Szymanski said she thought the salary was around \$85,000/year, Dr. Zaluski adding it was \$37.55/hour
- Dr. Szymanski said that all veterinarian positions come with a provision that there might be field work associated with them and days that extend beyond regular business hours with travel
- The position, created in 2018, had been funded 100% through Federal umbrella funds, according to Dr. Szymanski

- Dr. Szymanski explained that with the tremendous job that Travis Elings had done during the Blaine County investigation, the use of the requested position was not needed
- Mike Honeycutt explained that the exercise DOL staff and others had gone through in the last two days and carried out with the help of the Emergency Preparedness Veterinarian, put plans into place to enact. He said that TB was a slow-moving disease and did not require the “full-on” action that a rapid spread disease like FMD would
- Dr. Szymanski said that the volume of calls that had previously gone to Dr. Forseth were now coming to her, plus her regular volume of calls, and that the callback time had increased because she couldn’t keep up with the volume of work

## **MOTION/VOTE**

**(6:17:23) 3:05 PM**

**Sue Brown moved to approve the hire of a Program Veterinarian in the Animal Health Bureau. Greg Wichman seconded. Gene Curry, Sue Brown & Ed Waldner voted yes. Nina Baucus, Greg Wichman & Alan Redfield voted no. The motion failed.**

**(6:31:09) 3:19 PM – Request to Hire Contract Veterinarian for NADPREP Grant**

Dr. Tahnee Szymanski said that with the failure to approve the hire of a Program Veterinarian, she might want to forego this request for a Contract Veterinarian for the NADPREP Grant:

- Dr. Szymanski explained that she did not feel the requirements of the grant could be accomplished without the veterinary position
- The grant commitment was to hold 10 table-top exercises throughout Montana by sometime in 2023
- Mike Honeycutt said that this grant could not be fulfilled without the Veterinarian position and so to forego the request

**(6:31:52) 3:20 PM – Request to Hire Animal Health Program Veterinarian (Reconsideration of Vote)**

The BOL discussed reconsidering the vote to hire an Animal Health Program Veterinarian:

- Mike Honeycutt explained that Dr. Zaluski’s role had changed in the last 5 to 6 years with the reordering of the DOL by the Legislature, making him not only the State Veterinarian, but also over the VDL, the Meat & Poultry Inspection Bureau, the Milk and Egg Inspection Bureau and the Animal Health Bureau. He said if you do not approve the Animal Health Program Veterinarian, it would increase Dr. Szymanski’s workload
- Mr. Honeycutt said if the DOL did not want to have a Program Veterinarian working on the emergency preparedness side, then the NADPREP Grant would not be completed, there would not be work on security supply chain, there would be no need for video training and the DOL would pull out of composting. He said the DOL did not have to do emergency preparedness

## **MOTION/VOTE**

**(6:34:17) 3:22 PM**

**Nina Baucus moved to reconsider the vote regarding approving the hire of an Animal Health Program Veterinarian. Alan Redfield seconded. The motion passed.**

Dr. Tahnee Szymanski explained that the Animal Health Program Veterinarian position was full-time and was 50% emergency preparedness and 50% zoonotic disease coverage

## **MOTION/VOTE**

**(6:40:23) 3:28 PM**

**Sue Brown moved to approve the hire of a Program Veterinarian in the Animal Health Bureau with a job description of duties being 50% Emergency Preparedness and 50% Animal Health duties. Greg Wichman seconded. The motion passed.**

## **(6:46:43) 3:35 PM – Request to Hire Contract Veterinarian for NADPREP Grant**

Dr. Tahnee Szymanski requested the hire of a contract veterinarian to help fulfill the National Animal Disease Preparedness and Response Program (NADPREP) Grant:

- Dr. Szymanski explained that the grant was written as part of the annual Homeland Security NADPREP funding
- The grant monies would cover the DOL conducting 10 tabletop exercises throughout Montana, focused on the Secure Beef Supply Plan to get individual producers thinking about biosecurity on their premises in the case of a large-scale disease outbreak. These would need to be completed sometime before the middle of 2023
- Dr. Szymanski said that there already was a Secure Pork Supply Plan in place in the case of something like an outbreak of African Swine Fever
- If producers wanted to complete a plan for their own operation they would have an on-farm visit or audit, by the Contract Veterinarian that would assess their farm and get security supply plans written for them
- If the DOL would go over the amount allowed in the grant, the Dol would potentially have to conduct the on-farm audits
- Total amount of the grant was around \$37,000, with \$25,000 of it for the Contract Veterinarian position and \$12,000 for materials needed to set up the tabletop exercise and travel

## **MOTION/VOTE**

**(6:51:50) 3:40 PM**

**Alan Redfield moved to approve the hire of a Contract Veterinarian to help fulfill**



**the NADPREP Grant in the Animal Health Bureau. Sue Brown seconded. The motion passed.**

**(6:52:16) 3:41 PM – Request to Fund Media Training**

Dr. Tahnee Szymanski explained that her request to fund media training came on the heels of the ARMWAR exercise and most recently the Incident Command Structure (ICS) 300 training last fall:

- Both exercises, according to Dr. Szymanski, showed that the DOL needed to have a plan in place for how to communicate disease detection, stop movements and on-going communication to the industry and to the public if there were to be a large-scale disease event
- The training opportunity would be for 20 to 25 DOL employees to know how to communicate with the media in these emergency events, to help avoid slipups in their words to the press, how to deal with the press and answer their questions
- Mike Honeycutt said the funding for this exercise would come from the Federal umbrella

**MOTION/VOTE**

**(7:00:57) 3:49 PM**

**Sue Brown moved to fund media communication training for DOL staff, as presented by Dr. Tahnee Szymanski. Nina Baucus seconded. The motion passed.**

**(7:02:50) 3:51 PM – Request to Fund Saletime Traceability Module at Montana Livestock Markets**

Dr. Tahnee Szymanski explained that Animal Disease Traceability (ADT) cooperative agreement was coming to an end in two weeks:

- Dr. Tahnee Szymanski said that this funding was received on an annual basis and was used in the past to cover things relating to animal disease traceability, such as RFID readers for veterinarians, and she would like to use the tail end of the funding to help offset the cost for some livestock markets who were transitioning to a new electronic platform for issuing health certificates at the yard
- Dr. Szymanski said the issuance of these health certificates happen at a tremendously higher volume and all at the same time. She said that about a third of all health certificates received in the Animal Health Bureau are from the markets
- Fort Supply, the software program used in the Billings yards for many years to issue those electronic health certificates, will no longer support that software and so there was a need now for veterinarians to transition to Saletime, the software used by the Commission companies at all but one of the livestock markets in Montana
- Dr. Szymanski requested that \$20,000 of the ADT funds be taken out for the next several years, with \$5,000 going to four markets each year, to help them cover part of the install cost of Saletime. Once Saletime was installed, it would be the

responsibility of the veterinarian or the Commission company to pay for the ongoing expenses associated with that

- Dr. Szymanski said four markets had already expressed an interest, and there would be four or even more the following year, if there was a strong interest in Saletime. The Great Falls market, two Billings markets and the Lewistown market were already live, but, this money would backfill them. Dr. Zaluski said that those four markets deployed those systems already with the commitment from the Animal Health Bureau that they would come to the BOL and make the request to spend that Federal money to support that purpose
- Mr. Honeycutt explained that the ADT funding was not something applied for, but it was something that was just given each year

## **MOTION/VOTE**

**(7:15:38) 4:04 PM**

**Ed Waldner moved to fund SaleTime Traceability Module at Montana Livestock Markets for \$20,000 each year, using Animal Disease Traceability funds, over a period of three years, or however many years needed to cover each participating market. Sue Brown seconded. The motion passed.**

**(7:16:35) 4:05 PM RECESS**

**(7:16:46) 4:15 PM RECONVENE**

**(7:16:46) 4:15 PM – MILK & EGG BUREAU**

**(7:16:46) 4:15 PM – General Updates**

Dr. Marty Zaluski, State Veterinarian, Administrator of the Animal Health & Food Safety Division and Interim Director of the Milk & Egg Bureau, said that there was nothing to report that required action by the BOL:

- Dr. Zaluski said that the dairy industry attrition continued, as two additional dairies left the industry a couple week previous, leaving Montana with 44 dairies in operation
- Dr. Zaluski said that the Bureau was trying to figure out a way to more equitably distribute the Sanitarian workload, and said that Mr. Gary Hamel's upcoming retirement might be an opportunity to discuss how the Animal Health Bureau might be restructured. Dr. Zaluski said that Alicia Love would be asked to be Interim Bureau Chief of the Meat & Poultry Inspection Bureau once Mr. Hamel left his position
- Currently, the Milk & Egg Bureau has 5 employees

**(7:19:49) 4:19 PM – VETERINARY DIAGNOSTIC LABORATORY**

**(7:20:03) 4:19 PM – Out-of-State Travel Request**

Dr. Marty Zaluski requested that the BOL approve the travel of two Laboratorians to National Poultry Improvement Plan (NPIP) training, funded with Federal dollars:

- Mike Honeycutt explained that the Salmonella Enteritidis training was very important to the Egg program. He said that it was weird to spend that much money on poultry, but that does have a direct impact on one of the major things the DOL does

**MOTION/VOTE**

**(7:21:10) 4:20 PM**

**Ed Waldner moved to approve out-of-state travel for Kaylee Schrader (Microbiology) and Daniel Arenas (Molecular Diagnostics) to attend the National Poultry Improvement Plan (NPIP) Biennial Conference in Dallas, Texas on June 7-12, 2022. Nina Baucus seconded. The motion passed.**

To answer a BOL question, Dr. Zaluski said that there had been internal conversations about whether a Sanitarian FTE could be split to cover both Milk & Egg and Meat & Poultry inspections

- Mike Honeycutt explained that there was a very big difference between what FDA required for Milk Inspectors versus what USDA required for Meat Inspectors. Inspectors for milk were Microbiologists, Master's degree, Sanitarians and there also was an issue with fund sources
- Dr. Zaluski said there was a slight deficit on an annual basis with just two sanitarians on staff and no Bureau Chief in the Milk & Egg program. He added that there was a geography abundance and a people shortage
- Mike Honeycutt said that there were enough FTEs to fill positions, but those had not yet been filled because of budgetary reasons. The two funding sources in the Milk & Egg Bureau currently were, the dairy producers' fees paid on a hundred weight and fees charged to Wilcox, the egg grading company in the state
- According to Mr. Honeycutt, even though there were fewer dairies in the state, the volume of milk production had not changed much at all, the dairies just got bigger. For raising of fees, without raising the 14.5 cents/hundredweight, the maximum could be moved up, most of which would mostly affect the processors who pay the majority of the total fee

**(7:34:05) 4:32 PM – MEAT & POULTRY INSPECTION BUREAU**

Alicia Love, EIAO Food Safety Officer for the Meat & Poultry Inspection Bureau introduced herself

**(7:34:27) 4:33 PM – Hiring Update**

Alicia Love updated the BOL on hirings and vacancies in the Meat & Poultry Inspection Bureau:

- Ms. Love reported that since the last BOL meeting, an employee had been lost, but an employee was hired to fill another vacancy who would be starting on April 11, 2022
- There were two positions open now, Ms. Love said, and both of those had been posted

**(7:35:27) 4:34 PM – Cooperative Interstate Shipment (CIS) Program**

Mike Honeycutt updated the BOL on the status of the Cooperative Interstate Shipment Program:

- Mr. Honeycutt reported that he had signed the CIS agreement on March 16, 2022
- No plant had signed on as of yet for the program, although Mr. Honeycutt said they had been talking to some that had expressed interest. To sign up for the program, Mr. Honeycutt explained that the plant already had to be under State inspection, but could then sell their product across state lines once they signed on to be part of the CIS program
- USDA and probably the Governor’s Office as well, would be sending out a press release early the next week

**(7:36:36) 4:35 PM – Discuss Current and Anticipated Vacancies and Impact on Animal Health & Food Safety Division**

Alicia Love updated the BOL on both the current and anticipated vacancies in the Meat & Poultry Inspection Bureau:

- Ms. Love said that interviews would be held the next week for the Eastern Supervisor position and that both candidates being interviewed were internal candidates. She went on to explain that if one of those candidates were successful, there would be a need to hire to fill their position
- A Field Inspector and a Label Specialist are the positions that the two internal candidates currently hold in the DOL
- The Eastern District Supervisor position was vacated by Marci Lipke, who retired

**MOTION/VOTE**

**(7:38:07) 4:37 PM**

**Alan Redfield moved to approve the hire of either a Field Inspector or a Label Specialist in the Meat & Poultry Inspection Bureau, depending upon which one was offered the position of Eastern Area Supervisor. Sue Brown seconded. The motion passed.**

**(7:39:02) 4:38 PM – Request to Hire for Bureau Chief, ME Staffing**

Mike Honeycutt reported that Gary Hamel, Bureau Chief for the Meat and Poultry Inspection Bureau would be retiring on March 25, 2022:

- Mike Honeycutt said that he had spoken with Dr. Zaluski and Jake Feddes regarding filling the Bureau Chief position
- Although the DOL wanted to fill that Bureau Chief position, it was hoped, after those discussions, to upgrade the educational requirements of the position,

having it be more a Food Safety Officer/Sanitarian type person with supervisory experience that could be a manager and a leader

- Also added to that Bureau Chief position discussion, was to combine the Meat & Poultry Inspection Bureau and the Milk & Egg Bureau into one Bureau, which would add five FTEs from the Milk & Egg Bureau to the 25 already in Meat & Poultry Inspection. The new Bureau Chief would be over all 30 FTEs
- Mr. Honeycutt said that if such a move was made, it would alleviate the need to hire a Supervisor and maybe open up room for another Inspector in the Milk area
- According to State government, Mike Honeycutt said that both Gary Hamel and Dan Turcotte were considered Regulatory Program Managers, although the DOL had their own titles
- It was explained that both the Milk & Egg Bureau and the Meat & Poultry Inspection Bureau were together at one point, but there were some people who did not get along and the two were separated

## **MOTION/VOTE**

**(7:46:05) 4:44 PM**

**Alan Redfield moved to combine the Milk & Egg Bureau and Meat & Poultry Inspection Bureau into one Bureau. Sue Brown seconded. The motion passed.**

- Mike Honeycutt explained that he didn't think the salary would be markedly different than it was now, but to attract a person, there might be a need to add more salary
- Mr. Honeycutt said that in his discussion with Dr. Zaluski and Jake Feddes about the Bureau Chief position, they felt there was a need for that person to go out to establishments around the state and build relationships with them. Nina Baucus said she would support that whoever was looked at to hire had actually done field work

## **MOTION/VOTE**

**(7:47:47) 4:46 PM**

**Sue Brown moved to hire a Bureau Chief for the combined Bureaus (Meat & Poultry Inspection Bureau/Milk & Egg Bureau) with a heightened education requirement. Ed Waldner seconded. The motion passed.**

- Dr. Zaluski recognized Gary Hamel's contributions, especially in the Federal audits where he felt the level of performance of the establishments' crew and their ability to meet Federal guidelines had increased tremendously during Gary Hamel's time in the Bureau. Dr. Zaluski added that Mr. Hamel had gotten the DOL to the finish line on CIS and had really put his heart and soul into the Bureau Chief position for a number of years. He wished him well
- Gary Hamel thanked Marty for his kind words, thanked the BOL for their help and cooperation over his 11 years as Bureau Chief and thanked his high-quality staff

- Nina Baucus, Ed Waldner and Sue Brown also extended their appreciation to Mr. Hamel, and said he had gotten the DOL through some pretty darn difficult times

**(7:57:16) 4:46 PM – Communication Needed on Establishment Hours of Operation and Service Times**

Mike Honeycutt reported that there had been some establishments that had given the Bureau their hours of operation and when they expect the Bureau to show up and do inspection, but, on occasion, the Inspector showed up and the business was closed without notification to the Bureau:

- Mr. Honeycutt said that the above action had happened enough that the Bureau was going to have to send a letter making sure people understood the importance of sticking to those established hours or give notice to the Bureau about changes
- Mr. Honeycutt explained that if the action was something that continued and they didn't heed the Bureau's warnings, that establishment could be suspended
- Alicia Love explained that in discussing the issue with FSIS, they stated that they don't usually take regulatory action for the no-shows, if it was a waste of resources, they write a violation. Ms. Love said that approach would penalize the more rural establishments because of the special trip taken to get there and protect the establishments in more developed areas, and she felt that wasn't fair
- Ms. Love's suggestion was to re-evaluate their inspection schedule and possibly offer fewer days available to be inspected. Her hope was that once the reminder of the regulation was sent to all inspected establishments, perhaps the plants who had developed that habit would stop on their own accord
- Mike Honeycutt suggested that the Inspector hand deliver the reminder letter to the establishments they inspect

**(8:05:47) 5:04 PM – BOL Discussion on the new MVDL**

After a question from the BOL regarding the new MVDL, Mike Honeycutt update the BOL on that issue:

- Mike Honeycutt said that the plan was to have a report at the next BOL meeting on the status of the new lab building. He did add, however, that the schedule for opening was still fall of 2024
- Mr. Honeycutt told the BOL that the addition of the Wool Lab had not been creating any additional complication. He added that he saw an email earlier in the day that siting was still being worked on with MSU because of the congestion on 19<sup>th</sup> street, and they may be looking at another site, further west on Garfield that would be away from the high traffic, 19<sup>th</sup> Street area
- Brian Simonson said that shovels should be in the ground 18 months back from October of 2024, which would be spring of 2023
- Regarding cost escalation, Mike Honeycutt said that they had calculated 4%-5%, but those had possibly gone up to 8%-10% or more

## **CENTRALIZED SERVICES DIVISION REPORTS**

**(8:10:13) 5:09 PM**

### **(8:10:44) 5:09 PM – FISCAL BUREAU**

Brian Simonson, Deputy Executive Officer and Chief Financial Officer for the DOL introduced himself saying that Mike Honeycutt had taken 80% of his thunder, and so he only had 20% left

### **(8:10:44) 5:09 PM – Aerial Hunting**

Brian Simonson explained that the handout showed a combination of two harvest reports from aerial hunters, for 2021 that were due in January:

- Mr. Simonson reported that the 27 pilots had taken a total of 1,922 coyotes and one fox. He added that there were three less pilots than before, but, that the harvest numbers were comparable

### **(8:10:44) 5:09 PM – Biennium Budget Timeline Highlights**

Brian Simonson reviewed the 2025 biennium budget timeline:

- Although Mr. Honeycutt had already covered much of the timeline, he explained that the calendar gave more detail as far as things significant to the DOL
- The first big deadline would be the agency legislation proposals and that would be a big focus for the April BOL meeting
- The May meeting, according to Mr. Simonson, should be going over EPP requests by each Division
- Mike Honeycutt explained that anything above and beyond the DOL's base budget would have to be approved by the BOL before it would be submitted to OBPP

### **(8:14:09) 5:13 PM – Per Capita Fee Collections Update**

Brian Simonson said that there was no report for per capita in the packet due to last-minute changes:

- Mr. Simonson said that the DOR met with the Fiscal Bureau on Tuesday and had changed the per capita fee collection numbers
- Per capita fee reporters up to this point was 7,769, but 2,746 were not accounted for in that number due to paper reporting forms being submitted and those not being processed yet
- Mr. Simonson pointed out that if you added the 7,769 online reporters to the 2,746 paper form reporters, that would be a total of 10,515 reporters, a number that was 92.5% of the number in for last year's number, around 850 fewer
- During the meeting with DOR, Mr. Simonson said that the DOR was very apologetic about their over-estimation of thinking that the producers would be familiar with the Gentax system. They gave a couple reports of things they would be doing better next year for those online per capita reporters, understanding that this year did not go well, having to send out 1,500 paper reports to those who had problems with the online system

- Mr. Simonson said that looking at amounts already paid for per capita, the amount was just 6% less than 2021's number, and said, even if someone sent a check and their information was still not in the database, the check had been deposited

**(8:21:14) 5:20 PM – February 28, 2022 State Special Revenue Report**

Brian Simonson updated the BOL on the State Special Revenue Report period ending February 28, 2022:

- There was a lot of difference between the December 31<sup>st</sup> numbers and this period's numbers for New Brands and Transfers, which fell off the cliff, because whatever was taken in was going to be diverted for the next 10 years in this new 10-year cycle
- For Rerecord Brands, it was the opposite story because of the increase in cost to rerecord, and it was about a \$50,000 increase each month
- Field Inspections were down about \$19,000, showing \$16,000 for the year
- Market Inspections gained \$113,000 for the two-month period, showing \$319,677
- The Per Capita fee numbers show that the Dol was 86.6% of last year, which Mr. Simonson said were better than expected numbers
- Mr. Simonson said that Milk Inspection numbers were fine and that he thought the negative \$4,205 was reflective of a reduction in the industry
- Egg Grading showed a positive for the first time this fiscal year and had gained about \$4,000/month just from increased fees from the Feds
- The \$52,000 less for the fiscal year at the MVDL was a good reminder of how the previous year was overshot by quite a bit, but, according to Dr. Juda, the Virology testing was down, which could account for part of that reduction. Mike Honeycutt said that the reduction in testing was Brucellosis testing

**(8:25:30) 5:24 PM – March 2022 Through June 2022 Expenditure Projections**

Brian Simonson updated the BOL on Expenditure Projections for the period:

- Mr. Simonson said that the Federal Animal Health Disease Grant was \$156,000 more than it was in December, listed at \$87,200
  - Mr. Simonson explained that it was an old grant that had started out with about \$35,000 and was from the HB2 budget. He said that each year, the DOL received the extra \$156,000 that was put into the budget
  - Mike Honeycutt explained that it was the National Animal Health Lab Network (NAHLN) monies
- Personnel was showing \$22,887 in the hole, part of that being \$112,000 just in Brands payouts so far this year. There was also \$60,000 in overtime, a lot of that in Brands market activity and also because of a shortage of Meat Inspectors, which meant quite a bit of overtime recorded
- Mike Honeycutt reminded the BOL that there was a higher rate of vacancy savings in this budget than in the previous budget, going from 2% up to 5%
- Contracts were listed at \$121,667 and Rent was listed at \$144,787, Positive projections, according to Mr. Simonson that routinely were seen at this time of year



- The \$109,000 in the hole in supplies was almost entirely lab supplies. Mr. Simonson explained that this had been experienced in the last couple of years as the Brucella lab test costs tripled
- Mr. Honeycutt explained that the MVDL was an Enterprise Fund which could budget amend funds if it received more revenue, and right now there's a \$1.19 million placeholder. And so, if the MVDL can get above that placeholder number then those funds can move that negative \$109,000 to zero
- As of February 28<sup>th</sup>, the DOL was about 60% through the fiscal year
- Other Expenses were nearly \$20,000. Mr. Simonson explained that if pro-card receipts were not received, they were charged to other expenses until those receipts came in and then they were divided into Travel, Contracts, etc.

**(8:34:25) 5:33 PM – February 28, 2022 Budget Status Report**

Brian Simson reported that in general fund, there was a projected deficit of \$93,000 listed, due, in the most part, to Meat & Poultry Inspection Bureau:

- Mr. Simonson said that Meat & Poultry Inspection Bureau was fighting an uphill battle with \$75,000 in vacancy savings and the personnel issues they had. He expected that number to hold true through the rest of the year and then something would need to be done about it at fiscal year end, but, there were resources for it
- Mr. Simonson said that it is projected for the DOL to be \$185,841 under authority, a relatively smaller number compared to the last several years
- Other things affecting the budget are Lab costs and supplies and the increased travel because of things being less restricted than during the COVID year
- Mike Honeycutt said to keep an eye on general fund, which was largely driven by Meat because there will probably need to be some work done there for them

**COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS/COMMENTS FROM PRODUCER ORGANIZATIONS**

**(8:37:16) 5:36 PM**

Gene Curry said there was a gentleman in the audience that had some comments for the BOL:

- Ed McCauley from Boulder introduced himself. He said he was from a ranching operation in Boulder
- Mr. McCauley said that he had an issue with the Brands Department for close to a year and had filed a complaint with Mr. Wilfore, but that he didn't do anything. He said he filed an appeal to Mr. Honeycutt
- Mr. McCauley said he also spoke with Jake Feddes who advised him to file an appeal, but the State hadn't given him a response. He said Mr. Feddes said he could bring it before the BOL if nothing was done
- Mr. McCauley said that Jake Feddes had talked about the issue at a BOL meeting. The issue, according to Mr. McCauley, involved a horse that he said was stolen by the DOL without his knowing it and was sold even before they realized the horse was missing

- The people who bought the horse kept it from going to slaughter, Mr. McCauley said. He said the horse had a brand on it and a last name and the DOL said it was their horse. The people who had purchased the horse, Mr. McCauley said would eventually return the horse to him
- Mr. McCauley said the horse did not have the DOL brand on it and wanted to know if there were repercussions because they have a lot of money in brand fees and livestock fees and got nothing from the DOL but tough luck.
- Mr. McCauley said his appeal was to review what was outline in the letter and start following the estray laws and that if those laws would have been followed none of this would have happened.
- When Mr. Curry asked what Mr. McCauley wanted from the BOL. Mr. McCauley said that the person who bought the horse would have never had those vet bills if the Inspector would have done his job and he thought somebody needed to go. He said he thought that you have to have some clear direction from the Department of Brands that they're going to follow the laws as they had been enacted and were laid out so this doesn't happen again. He said people keep moving in and don't want to fence anything and they call the District Inspector and he's going to come out and put the horse up for sale without even looking at it so they need to be aware that nothing is taken from our fields.
- Mr. McCauley said that his horse was taken right out of the field and that estray laws clearly say that you contact, before they take possession of it, you contact reputable stockmen and free holders and that to his knowledge, none were contacted, let alone look at the brand
- Mr. McCauley said he did not think, personally that the brand was looked for. He said that he took a photo of it and sent it with his complaint to Mr. Wilfore in October and when the horse was turned back to him, the brand was very plain to see without being sheared, a hot-iron brand on the right front shoulder
- Mr. McCauley said he sent his appeal in the first part of February. Mike Honeycutt said he got it, but said that Mr. McCauley said he appealed the decision, but Mr. Honeycutt said, he doesn't even know what you expect the DOL to do
- Mr. McCauley said adding to the first one, he laid some stuff out and you just glossed over it and didn't give him anything. He said there had been no intention from the DOL that they were going to follow the law
- Mr. Curry said that the BOL would look at his letter and see if there was something they could do to rectify the issues.
- When the horse was found, Mr. Honeycutt said it was in a cattle guard. Mr. McCauley said there was a pasture next to them that was rented and whether the horse got in there or not, they were not saying. Mr. McCauley said they didn't go look for the horse until the second or third of December and that the DOL sold the horse on November 5<sup>th</sup>
- Mr. Honeycutt said to Mr. McCauley that there was an issue that the Brands staff did miss the brand. They picked the horse up and took it to the market. They did not brand it with the bar-one-bar DOL brand. The brand was discovered later by a farrier who was actually a DOL employee, when it was with the person who had purchased it at the market. Once the brand was discovered, Mr. McCauley was

contacted. Mr. Honeycutt said it went through an estray notice and the DOL had those documents and notifications. He believed that Mr. Wilfore had contacted them if there was restitution for the vet bills for the person who held onto the horse before it was sold, and so far, hadn't gotten a contact from that individual asking for restitution. Mr. Honeycutt requested that before Mr. McCauley would come back before the BOL, to consider what reasonable remedy he would expect, any damages, those would need to be documented so a decision could be made on that. Mr. Honeycutt said the person who owes the vet bills should be the person who needs to appeal. If there were damages and Mr. McCauley feels he should recoup from the DOL, that is what Mr. Honeycutt said he'd like to see in a request for appeal if that is what he expects us to do in that regard

- Mr. McCauley said the notice in the local paper was vague, and was a small one. He said the description didn't fit the horse and didn't put it in the same valley. He said it should have been posted in the sheriff's office and that it should not have been taken possession of until phone calls or contacts were made with stockholders, reputable stockholders in the area and that he thought they qualified for that and weren't contacted. He added that the Local Inspectors should have also been contacted and that the whole process was out of whack
- Mr. McCauley said the person who found the horse contacted the District Inspector, he thought it was October 15, 2019 and that the DOL sold the horse on November 5, 2019. Mr. McCauley said he would pay for the part of the vet bill up until the DOL took possession, which he said was like \$430. He thought they were looking at \$1,500 to \$2,000 in vet bills left
- Mike Honeycutt reported that the horse was purchased for less than \$50

Gene Curry asked if there were any stakeholders left online who would like to comment:

- Rachel Prevost from Montana Farmers Union thanked the DOL staff for their work on the Cooperative Interstate Shipment Program and said that their membership was really excited about that expanded opportunity
- Rachel Cone from the Montana Farm Bureau said she wanted to echo what Rachel Prevost said regarding the CIS program and added that they, too, were excited and looking forward to seeing how it progressed

## **SET DATE FOR THE NEXT BOARD MEETING**

**(8:57:29) 5:56 PM**

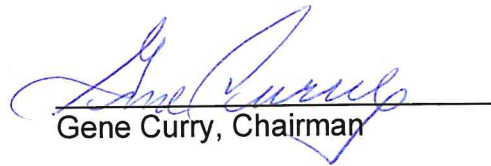
Gene Curry requested discussion on the best date for the next BOL meeting that he said would probably need to be scheduled for sometime late in April:

- Ed Waldner reported that the Pandemic Market Volatility Assessment Program passed through the Senate the previous Friday and that four states had been left out of receiving payments and he was wondering how they could get those payments
  - Mike Honeycutt said he was not sure because the DOL had the Governor write a letter to Secretary Vilsack. He said that we would have to work through our Congressional delegation to make sure, but, he didn't know how they planned to distribute those funds and that if it was dealt with in the same way it was before, it would not be distributed to a State agency

- Ed Waldner said that Krista Lee Evans was doing her best, but didn't know if she had gotten anything done. Gene Curry said to see if someone could ask the Governor if he had any response back from the Vilsack letter
- Mike Honeycutt made a pitch for the 27<sup>th</sup> or 28<sup>th</sup> of April for the next BOL meeting
- The next BOL meeting was scheduled for Thursday, April 28, 2022

**MEETING ADJOURNED**

**(9:07:44) 6:06 PM**



Gene Curry, Chairman