



# Montana Board of Livestock Meeting Minutes

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

February 22, 2023

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

## Board Members Present

Gene Curry, Chairman (cattle producer)

Alan Redfield (cattle producer)

Ed Waldner (swine producer)

Sue Brown (dairy & poultry)

Greg Wichman (sheep producer)

Jake Feddes (cattle producer)

Nina Baucus (cattle producer)

**(All members attended by ZOOM except for Gene Curry and Nina Baucus)**

## Staff Present

Mike Honeycutt, EO

Brian Simonson, Deputy EO

Evan Waters, Centralized Services

Buddy Hanrahan, Centralized Services

Dale Haylett, Centralized Services

Tom Shultz, Centralized Services

Mike Spatz, Centralized Services

Alicia Love, Meat, Milk & Egg Inspection

Donna Wilham, Adm. Assistant to EO

Dr. Marty Zaluski, State Veterinarian

Dr. Tahnee Szymanski, Animal Health

Dr. Greg Juda, Director, MVDL

Dr. Bradley De Groot, Animal Health

Ty Thomas, Brands Enforcement

Jay Bodner, Brands Enforcement

## Public Present

Max Grebe, LPW Architecture

Dalin Tidwell, USDA Wildlife Services

Ian Kane, Montana Stockgrowers Assn

Cheryl Curry

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## MEETING CALLED TO ORDER

**(:05) 8:00 AM**

Chairman Gene Curry called the meeting to order at 8:00 AM

## CALL TO ORDER AND INTRODUCTIONS

**(:05) 8:00 AM**

Chairman Gene Curry called for BOL member introductions. Gene Curry and Nina Baucus attended the meeting in person. All other BOL members attended by ZOOM:

- Nina Baucus, Cattle Representative, Helena
  - Ms. Baucus reported that they run cattle and sheep on their operation, located north of Helena

- The storm, which she said was not a pleasant one, had passed and was headed south and east
- Sheep shearing would begin the following week, Ms. Baucus reported, with heifers calving shortly after that
- Sue Brown, Dairy & Egg Representative, Belgrade
  - Ms. Brown reported that they had a goat dairy out of Belgrade
  - Temperatures were around zero degrees at their place, she said, with a 15 mile-an-hour wind
  - Ms. Brown said that about 75% of the goats had kidded
  - One sideline job that they do at their operation, Sue Brown said, was to raise 8-10 acres of vegetables each year, and they had planned on doing that again this summer
- Ed Waldner, Swine Representative, Chester
  - Mr. Waldner reported that the reason he was not at the BOL meeting in person that day was because it was about 10 below zero with a breeze blowing, making it around 20 below zero. He said that it had snowed all day, the day before, with the wind blowing pretty hard, but that the snow had stopped
  - Although the snow brought moisture, Mr. Waldner said, unless there was a good snow cover, it might set back the winter wheat crop
  - Hog prices, according to Mr. Waldner, were pretty steady and so they weren't making very much money in the hog industry right now
- Jake Feddes, Cattle Representative, Manhattan
  - Mr. Feddes said that he was calving, and with the cold, snowy, windy weather, he would be in and out of the meeting that day, attending by ZOOM
  - Calving was going well, Mr. Feddes reported, adding that the cattle market had been up and down. He expected strong prices this year and hoped that producers could recoup the money lost from high feed and input costs the past couple years
- Greg Wichman, Sheep Representative, Hilger
  - Mr. Wichman said that they had lost power at about 12:30 AM at their place in Hilger, but, it came back on around 6:00 AM, after their house temperature had dropped down to 45 degrees
  - He explained that with the nasty weather, he would also be attending the meeting by ZOOM
- Alan Redfield, Cattle Representative, south of Livingston
  - Mr. Redfield reported that it had snowed every day with high winds the past three days
  - Because his "younger generation" wouldn't be able to come to help at their place until March 10<sup>th</sup>, Mr. Redfield said that his lovely wife was out that day doing all the work
  - Mr. Redfield said that he had made a trip to the Gardiner Basin the week before to check out the bison situation and had sent pictures of what he saw to the BOL members
- Gene Curry, Cattle Representative, Valier

- Mr. Curry said that in their cow/calf operation, they sell yearlings and had some stockers. He added that they farmed also, raising small grains
- The storm, he said, had gone south, but, the day before, the weather had not been very pleasant
- He reported that the tractor they use to help feed the cattle had broken down, and with the strong winds, cold and snow they had, fixing it had not been pleasant, but, that they finally got it going and the cattle fed
- Ian Kane, the new Membership Rep from the Montana Stockgrowers Association, was attending the meeting in person. He introduced himself, saying that he was happy to be there and listen to all the goings on of the livestock industry in the state of Montana

## **BOARD ADMINISTRATIVE ITEMS**

**(8:22) 8:09 AM**

### **(8:22) 8:09 AM – BOARD APPROVAL OF PAST MEETING MINUTES**

Gene Curry requested a motion to approve the minutes of the Montana Board of Livestock January 25, 2023 Meeting

## **MOTION/VOTE**

**(8:27) 8:09 AM**

**Nina Baucus moved to approve the minutes from the Montana Board of Livestock January 25, 2023 Meeting. Alan Redfield seconded. The motion passed.**

## **OLD BUSINESS**

**(9:02) 8:10 AM**

### **(9:06) 8:09 AM – UPDATE ON GOVERNOR’S OGSM STRATEGIC MANAGEMENT AND EXECUTIVE OFFICER STRATEGIC GOALS**

Mike Honeycutt reported on the most recent Ops Review (OGSM) meeting with the Governor that was held the previous week:

- Mr. Honeycutt reported that even though it was a little early, he added a new dashboard this month to track livestock per capita fee, covering head counts, dollars billed for per capita and how much had actually been paid
  - Numbers, Mr. Honeycutt said, were not as high through January 2023 as they were through January 2021
  - Livestock reporting, Mr. Honeycutt said, had been coming in faster than in 2022 and that some money had already been paid, something that hadn't happened in the two previous years
  - Although livestock reporting was coming in faster than it did in 2022, Mr. Honeycutt said it was behind 2021, and he suspected it would always be behind 2021
- Currently, Mr. Honeycutt said, on cash versus budget versus actuals, the expenses were underneath the budget, but expenses were greater than revenue

- Because most of the revenue for the DOL would be coming in through per capita in the next couple months, Mr. Honeycutt said that there would be a catchup of that gap between revenue and expenses
  - Total cash was still holding, liquid cash was still holding, Mr. Honeycutt reported, in that normal range of \$13 million - \$14 million
- More vacancies were reported to the Governor in the DOL this month than the previous month, 10, compared to seven
  - The Meat & Poultry Inspection Bureau had vacancies for a couple Meat Inspectors and an EIAO; the Animal Health Bureau had their Import Manager position come vacant and in Brands Enforcement, there were a couple market positions to fill, plus Travis Elings, the Eastern Region Supervisor would be retiring
- Mr. Honeycutt reported that in market cattle movement in the state, 74,000 cattle went through the markets during the past month, compared to around 79,000 during the same time in fiscal year 2020 and 2021. He added that, those numbers were nowhere near the sell-off cattle numbers in 2022 due to the drought
- One high that Mr. Honeycutt was able to report to the Governor, was that the final herd had been tested in the TB investigation. Another high was that the legislative and budget agenda had been moving without major disruption. Also, there were adequate bison removals that were leading towards a potential decreasing bison population in Yellowstone National Park
- One low that Mr. Honeycutt reported to the Governor was that he was a little distressed about the slowness of the BLM in moving forward on their grazing rule changes
- DOL staff was off to a great start, Mr. Honeycutt said, with the Secure Beef Supply Chain Program and setting up public meetings for that. Dr. De Groot scheduled meetings on DSA for later this year
- One pork premises had completed their plan for the Swine Health Improvement Program, Mr. Honeycutt said, and the DOL would try to get the rest of them signed up over the course of the next six months
  - Mr. Honeycutt said that Dr. Michalski was heading up the Swine Health Improvement Program for the state, which was similar to the Poultry Improvement Program, involving premise level planning for biosecurity and movement in case of a disease outbreak
  - Dr. Zaluski explained that it would take Dr. Michalski a few months to “get her head above water” with the program, after filling the vacancy left by Dr. Forseth
- Mr. Honeycutt reported that Livestock Dealer audits had started
- The Legislature had passed bills that would modernize the electronic documentation in Brands
  - The new Brands software was live and in test right now, after staff did a demo on it the previous week. Brands was on track to make the switch over from Fort Supply to the new system later this Spring
- DOL focus for the next three months would be continuing to push the budget and legislative packages

- Dr. Zaluski reported that regarding the FSIS audit coming this summer, the Meat & Poultry Inspection Bureau had not yet been told any points of emphasis the audit would cover in the establishments
  - Mr. Honeycutt explained to the BOL that during past audits, auditors went into plants, usually State-inspected plants, but could also go into custom exempt plants, looking for areas where both the plants and the DOL needed to improve. He added that with a lot of new Meat Inspectors, the DOL needed to get them all prepared for the audit and what was expected
  - With Appendix revisions recently put into place by USDA regarding cooling of cooked products, Dr. Zaluski said he thought the DOL would be looking at those particular guidelines as a possible point of emphasis in the upcoming FSIS audit
- January was not a big slaughter or processing month, Mr. Honeycutt said, and that he had reported to the Governor that not a lot had changed. He said, however, that the state was still on pace to out pace processing of 2019 and 2020 and equal to the 2021 number, or even greater
  - Mr. Honeycutt said that he thought the Governor wanted to see that systemically there were increases in locally processed product. Mr. Honeycutt thought that evidence was shaping up that there was an increase in what was being processed and sourced locally over the last couple of years, but, he didn't think we'd get to the levels the state got to in fiscal year 2022
  - The push for local processing was because of the drought, which caused a lot of movement of animals in 2022. In 2021, the push, Mr. Honeycutt felt, was COVID-influenced
  - Because of waiting for the launch of the new ServiceNow platform, the DOL still had a lot of things in the works in the way of automation
- The organizational structure of the DOL had not changed and, as Mr. Honeycutt put it, was pretty uncomplicated in structure, compared to other agencies
- Gene Curry said that in their evaluation of Mike Honeycutt as the Executive Officer of the DOL, the BOL members had put together some goals for the DOL for the future year, but that he was going to delay discussion of those goals until next meeting because of so many being on ZOOM
  - Mr. Curry also said that along with the goals, he would like to discuss a compensation package for the Executive Officer. In discussion with the Governor, Mr. Curry said he would be waiting until after the Legislative Session before he did anything with compensation packages to the rest of the Directors

## **NEW BUSINESS**

**(34:19) 8:35 AM**

## **(34:20) 8:35 AM – PROGRESS UPDATE ON DOL POLICY AND BUDGETED LEGISLATION**

Mike Honeycutt updated the BOL on the DOL's policy and budget agenda with the Legislature:

- **HB2** had received Executive Action with all of the DOL requests intact, passing through the Section C Subcommittee with an amendment put forward by Representative Read, adding \$150,000 to the general fund each year for Livestock Loss Board claims. The next step for HB2 was House Appropriations
- **HB5**, the Long-Range Planning Subcommittee received Executive Action, with the inflationary augments for all three portions of the combined lab complex, the VDL, Wool Lab and Ag Analytical Lab, passing through the Long-Range Planning Subcommittee without changes. It would still have to go to full House Appropriations
- **HB10**, the State IT Plan, was heard by the Long-Range Planning Subcommittee and passed without any changes and was headed to full House Appropriations
  - Mr. Honeycutt said that HB10 contained dollars the DOL could use to update and upgrade software systems, such as USAHerds or possibly something else on the market to replace it
  - The HB10 package this Session, Mr. Honeycutt said, was much greater than it had ever been, he thought, in the history of the State of Montana, but it was probably not a surprise, having a Governor that was pushing more technological solutions for its Departments
- Mr. Honeycutt said that when the DOL budget came up for Executive Action, they rolled all the decision packages up into one motion
  - Nina Baucus reminded the BOL about the lessons learned by the DOL during the 2017 Legislative Session when they had to submit a one-time-only budget
- **HB44**, a bill that would remove the requirement for paper copies of brand movement documents was signed by the Governor the previous week, and was the first bill to get all the way through the process
- **HB51**, the State Indemnity Fund, had passed both the House and the Senate and was on its way to getting signed by the Governor
- **HB59**, that would extend the sunset on all the LLB programs and the predator control statutory appropriation, had passed both Houses and was being transmitted to the Governor
- **HB66**, a Department of Revenue bill that would harmonize the due date of per capita fee with the reporting date was passed out of the House and moved out of the Senate Ag Committee. It was next set for a floor vote in the Senate
- **HB84**, the bill to end commercial garbage feeding of swine, had passed House Ag Committee and was awaiting a vote on the Senate Floor
- **HB100**, a bill which required owners to gather and contain their livestock for disease testing, had passed in the House, but, the House amended it with stronger language. The Senate objected to the stronger language and removed those amendments, returning it to its original language and then passing it out of Committee. It would need to reconcile with the House if it got through the Senate floor vote
- **HB104**, the bill to remove the residency requirement for our Aerial Hunting Program, had passed the House and passed the Senate and was returning from enrolling. So, it was on its way to getting signed

- **HB158**, a bill carried for the DOL by Representative Kassmier that would harmonize custom exempt meat processing statutes with Federal law, was up for third reading on the House floor that day, after passing second reading the day before in House Agriculture
- **HB159**, repeal of the Livestock Crimestoppers Act, was also carried for the DOL by Representative Kassmier and was out of House Ag, having passed second reading on the House floor the day before. It was up for third reading on the House floor that day
- **HB388**, a bill carried by Representative Kassmier, but not a DOL bill, would increase penalties for livestock that were illegally imported into Montana. The bill had gotten Executive action and had passed out of the House Ag Committee and would be headed to the House floor
- **HB662**, was a new bill, carried by Representative Fred Anderson that the DOL was not taking a position on, unless, Mr. Honeycutt said, the BOL would like to take a position. The bill basically said that if cattle were willfully grazed on State or Federal lands without appropriate permits or permission, it would be a misdemeanor
  - Jay Bodner would be going over on bill informational day to talk about DOL statutes and enforcement, as Mr. Honeycutt assumed that the Committee members would have questions
  - Mr. Honeycutt said that he didn't know he could disagree with the bill, but if it did pass, he didn't feel it would hurt anything
  - If a call did come into the DOL regarding the grazing on Federal lands without appropriate permits, Mr. Honeycutt said we would always tell our folks to work with the appropriate agency to let them know what the report was and cooperate with them on it
  - Alan Redfield said he did not think the DOL should get involved in the bill, except as informational, because he felt the penalty was not enough for County Attorneys to take it on
- **HJ7**, a resolution on the Livingston Roundup, was not something, Mr. Honeycutt said, that the BOL needed to spend time on during the meeting
- **SB37** was a BOL bill that would update the list of species that were amenable for meat inspection. That bill was through the Senate and had been referred to House Ag for a hearing
- **SB71**, was a bill being carried for the DOL by Senator Solomon that would revise some of the old, archaic milk control policies. The bill had made it through the Senate, was referred to the House and would, at some point, be scheduled for a hearing in House Ag
- **SB78** was a LLB bill carried by Senator Gillespie to deal with the reimbursement values for registered livestock and also dealt with some privacy concerns around livestock claims, setting limits on reimbursement for registered livestock. It had passed the Senate and had been referred to House Ag and was awaiting a hearing
- Mr. Honeycutt said that the Montana Food Choice Act was tagged Livestock, but did not have any impact on the DOL, and neither did the Right to Repair bill

- **SB375**, a bill regarding killing animals running at large, had the title removed from the original statute, 81-4-201. If it were to pass as written, Mr. Honeycutt said, all of the notice provisions and time frames had been removed
  - Mr. Honeycutt reminded the BOL that their concern with the bill in previous discussions, had been that it dealt with a lot of different species that did not have access to open range, that in fact, it did not affect cattle, it only dealt with those animals that do not have access to open range, those that were considered “fence-in” animals
  - Other concerns with the bill, Mr. Honeycutt said, were that if someone read the law, and a person’s goats, for example, got into someone’s yard, and they shot them without noticing the owner, the types of conflict it might create
  - Mr. Honeycutt pointed out that several of the species included in the bill, bison and sheep, primarily, were actually estray animals. If estray animals were on your property, you should be calling the DOL to come and take possession of those or try to find out who the owner is to get them returned
  - The original statute, Mr. Honeycutt said, was out of date and should be modernized, but that completely removing the notice from it created more confusion and unintended consequences than he thought the folks behind the bill understood that it would be creating
  - Mr. Honeycutt said that if the BOL wanted to take a position on the bill, there would need to be an action taken to direct staff on what that position needed to be
    - Alan Redfield said he had been unable to contact the bill’s sponsor, but said that the word “willful” needed to be explained
    - Greg Wichman said that there were so many gray areas, and what was “willful?” He said that the owner should also be given notice
    - Ed Waldner said the bill needed modification as you can’t just go and shoot someone else’s animals that go onto your property. He shared about an incident in Chouteau County where five cows had been shot and how the situation got pretty ugly
    - Sue Brown said she was opposed to the bill, adding that she would call her neighbor and let them know that their animals were out, as she had done that frequently
    - Jake Feddes said he would echo what everyone else had said and that without modification the bill would lead us down a road where we don’t want to go in Montana
    - Nina Baucus said that she didn’t necessarily agree with the bill, but said that the DOL needed to do some serious looking at what to do to help the 1% of the people who had a problem with animals on their property
    - Mr. Honeycutt said that there was a statute in place already regarding Yellowstone bison that allowed the DOL to provide permission to a landowner to take that animal in certain situations



## **MOTION/VOTE**

**(1:22:04) 9:23 AM**

**Alan Redfield moved that staff oppose MCA 81-4-208 – Killing of Animal Running at Large – Notice-Posting and Service, as written, and add to it that the DOL take responsibility of the animal. Also, the DOL has the option to come up with amendments they feel need to happen. But, if the sponsor of the bill to amend the statute cannot go with those amendments, the staff will continue to oppose the bill. Nina Baucus seconded. The motion passed.**

- Mr. Honeycutt reported that Senator Lang had a resolution to oppose bison introduction at the CMR Wildlife Refuge
  - The resolution would probably get plenty of support in the livestock community, Mr. Honeycutt said
- **LC0620**, to Provide for Local Meat Establishments, had not moved, and Mr. Honeycutt said it wasn't expected to move. But, if it did, he said the DOL would have an issue with it because it would be against Federal Meat Inspection law, allowing the retail sale of uninspected meat
- **LC0708**, would basically, set up a process by which if someone wanted to get a brand-new image approved for a brand that had never been recorded by the DOL, they could petition the BOL for it. Mr. Honeycutt said he expected Representative Kassmier to introduce it in the next day or two
  - Mr. Honeycutt said he didn't feel the DOL had any problem with the idea, but he wanted the power left to the BOL to make those decisions
- Mr. Honeycutt said he had been given no indication that Senator Hertz would be bringing any milk bill forward this Session, as he thought the rule change discussed at the last BOL meeting satisfied what he was wanting to do

**(1:33:07) 9:34 AM RECESS**

**(1:33:09) 9:46 AM RECONVENE**

Gene Curry called the BOL meeting back to order

## **EXECUTIVE OFFICER UPDATES TO BOARD AND DISCUSSIONS**

**(1:34:05) 9:47 AM**

**(1:34:08) 9:47 AM HUMAN RESOURCES UPDATES**

Mike Spatz, Human Resource Officer for the DOL introduced himself, announcing that his report today would be brief:

**(1:34:56) 9:48 AM Staff Openings, Recruitment and General Updates**

Mike Spatz updated the BOL on staff openings and recruitment in the DOL:

- The number seemed a little high, Mr. Spatz said, but, the DOL was currently recruiting for nine positions

- Four of the positions were posted at the last BOL meeting, but still had not been filled, although one of them was in the offer stage, and one was being screened
- An Accounting Tech position, who serves under Evan Waters, was filled
- Since the last BOL meeting, there were three newly-vacated positions, one of which was a retirement
- Mr. Spatz said that everyone got an opportunity when they left the DOL for an exit interview and that money wasn't always a true issue given by the employee as their reason for leaving the DOL
- Mr. Spatz said that regarding applications received, the DOL was seeing an uptick and he expected to see even more during the summer

Mr. Spatz reported on his attendance at the Carroll College Career Fair Expo:

- The Career Fair was held at the beginning of February and was a half-day event held at Carroll College
- 12 State Agencies and the City of Helena all had booths there, giving students a great opportunity to talk to them, Mr. Spatz reported
- Around 20 students came by the DOL booth, Mr. Spatz said, and he was able to bring back a resume from one of the students for the VDL
- Mike Honeycutt voiced his appreciation for Mike Spatz representing the DOL at the Carroll College Career Fair and said he had discussed with him other areas where the DOL could plug in for recruitment purposes, such as Dawson Community College, MSU Northern, Miles City College or Gallatin College. He said that several people in the DOL workforce had attended Northwest College at Powell, Wyoming

Mike Honeycutt discussed the DOL salary situation:

- Mr. Honeycutt said that he had rarely come across many people who felt they were paid enough and said that the DOL was currently in a holding pattern for those who wanted to discuss salary because the Legislature was working through the State pay plan, HB13, for the next biennium
- The Governor, Mr. Honeycutt said, had put forward a plan, he thought was very aggressive to try and catch State employees up in dealing with some of the inflationary and housing concerns across Montana
- The Governor's proposed State pay plan, Mr. Honeycutt said, would give a 4% pay increase in each of the next two years, with a provision on a certain date for a \$1,000 bonus payment

### **(1:47:53) 10:01 AM YELLOWSTONE BISON WINTER OPERATIONS UPDATE**

Mike Honeycutt reported on the latest activities regarding the Yellowstone Bison Winter Operations:

- The DOL had been getting lots of reports, Mr. Honeycutt said, regarding Yellowstone Bison that had wandered outside the Park. One day in the last week or two ago, the estimation was that 1,600 Yellowstone Bison were between Mammoth and Yankee Jim Canyon, with 1,100 of those between Stephen's Creek and Yankee Jim Canyon, all considered the Zone 2 Gardiner Basin area

- Dr. Marty Zaluski had gone down to Gardiner on February 20<sup>th</sup> to look at the situation first-hand. Alan Redfield had also made a trip there and had been sending the DOL reports and pictures
  - Dr. Zaluski reported that there was more snow in the northern Gardiner area than they had been used to seeing, making the foothills a little bit less accessible for the bison, who were then more likely to be down in the valley
  - The 700 bison that were congregated north of the Park, Dr. Zaluski said, were pretty much, with just a few exceptions, concentrated on private areas and when the hunters went home, he felt they would scatter
  - Mike Himmelspach, Dr. Zaluski said was on the job, especially monitoring a group of about 10 bulls directly south of Yankee Jim Canyon
  - Alan Redfield said he would like to see Mr. Himmelspach visit the landowners to ask them for permission to haze those bison if needed
- Mr. Redfield voiced his concern regarding the 600 gut piles that had been left from the bison hunt in Beattie Gulch and around some of the houses there. He said that Park County had done some cleanup in the past, but he wasn't certain whose responsibility it was now for cleanup
  - There was a public health and safety risk, Mr. Redfield said, as grizzly bears would be coming out in a month and already, a pack of wolves had been working on those piles. He said that a lot of the people who lived in the Beattie Gulch area were really frustrated because during the hunts, and the firing line going, they didn't feel safe in their own yards
  - Mr. Redfield said that you only have as many bison as you have winter range for, so, if there was no winter range for them, the Paradise Valley was not a place for them to go as there was no public ground there. He said there were between 6,000-8,000 cattle in the Paradise Valley and there was already enough trouble dealing with the diseased elk that came into the Valley
  - Dr. Zaluski said that some hunters had been cutting open the viscera on those bison that were taken, making scavenging a lot more efficient, but that hadn't been done consistently
  - Mike Honeycutt said that the gut pile issue seemed more like a wildlife issue than a livestock issue and he was hoping that FWP, the US Park Service, the Forest Service, or even the Fish and Game units of the treaty rights Tribes would take more of the responsibility for the cleanup
- The Yellowstone Bison population in the Park was around 6,000, Mr. Honeycutt said, and, just to break even on next year's population, there would have to be a minimum of 700-800 taken. So far, through Tribal hunting, State hunting and the trapping operations, around 1,100 had been removed, something significant, because it was a number leading towards a decreasing population that was agreed upon in the Record of Decision for the Interagency Bison Management Plan set up several years ago
  - Mr. Honeycutt said that there were a few Tribes that would continue hunting into March, but, the Shoshone-Bannack Tribe considered themselves having a year-round season. The State hunting season

- ended on February 15<sup>th</sup>, and, Mr. Honeycutt said that with bison calving season getting close, some of the hunts would start to wane off
- Dr. Zaluski reported that Lauri Hanauska Brown of FWP said that based on the abundance of the bison, the tag numbers given to State-licensed hunters was 75 and that 75 bison had been taken by them
  - Beginning May 1<sup>st</sup>, the DOL had the ability to haze bison back to the Park, but the concern, Mr. Honeycutt said, was when the hunting pressure was removed, what did the DOL do until May 1<sup>st</sup>, especially if the bison moved from Zone 2 to Zone 3
  - Mr. Honeycutt said that the DOL had been working with FWP and the Governor's Office on an action plan for large incursions of Yellowstone Bison into the Zone 3 area. Alan Redfield suggested that there also be more informative conversations with the Park County Sheriff's Office regarding traffic control, if a large hazing operation was needed
  - The west side of the Park, Mr. Honeycutt said, had such deep snow that it had been very difficult for bison to move much further than where they had tolerance and had been snowbound there for a long time. The north side of the Park had received snow and thawing events that put a crust on the snow that the bison could walk on but not forage through, forcing them to move and explore
  - Mr. Honeycutt said in preparation for a response to the bison, he had communicated with Jay Bodner to put Brands staff, those that had horses, on notice that they might be called in if there was some sort of event they needed to respond to in regards to those bison
  - As more Forest Service access had been closed to motorized traffic, primarily to snowmobiles, Mike Honeycutt said that they had tried to apply that restriction to the DOL, and there was an uncertainty as to whether the Forest Service would eventually close those areas off to motorized traffic one day and only allow the DOL on Forest Service land with horses

**(2:23:57) 10:37 AM BLM GREATER SAGE GROUSE PLANNING EFFORTS/BLM GRAZING RULE REVISION PROCESS**

Mike Honeycutt gave an update on the Greater Sage Grouse Planning Efforts and the BLM Grazing Rule Revision Process, both of which the DOL was a cooperating agency in those efforts:

- Mike Honeycutt said that as a Cooperator, there was nothing much that could be shared publicly, but that there had been conversations about whether the 2015 Sage Grouse Planning that took place across the Western US took all things into consideration, including connectivity of populations for genetic diversity and things of that nature
- Mr. Honeycutt said that the DOL would still stand by, as one of the State Cooperators, that the previous Sage Grouse Plan that Montana put forward had done well and that the sage grouse populations had shown the results of that
- Mr. Honeycutt said there was bitter resistance, because of the successful results, to redoing the sage grouse planning that was done in Montana. He did not feel the planning should be region-wide, as Nevada's issues with sage grouse were different than those in Montana

- FWP, according to Mr. Honeycutt had been doing a great job with leading the support of the previous sage grouse planning effort
- Mr. Honeycutt said that the DOL still had not received any other drafts to review on the new grazing rules on BLM lands since November 2022
- The delay ignited a concern, Mr. Honeycutt said, because Cooperators may not get adequate opportunity to review those changes before the release date of those changes
- It was a waiting game, Mr. Honeycutt said, but encouraged producers, particularly those in heavy BLM areas, to pay attention to the process as it moved forward, when public comment would be available to both livestock organizations and producers

## **CENTRALIZED SERVICES DIVISION REPORTS**

**(2:29:56) 10:43 AM**

Mike Honeycutt said that the Centralized Services Division Report was moved to a morning rather than an afternoon presentation position this month

**(2:30:15) 10:43 AM – FISCAL BUREAU**

**(2:30:15) 10:43 AM – Aerial Hunting Report**

Brian Simonson presented the annual Aerial Hunting Report to the BOL:

- Mr. Simonson explained that this was the time of year that the DOL advertised the aerial hunting program, putting out public notice to 400 different media outlets in the state
- Aerial hunting permits cost \$50 annually, Mr. Simonson said, and reporting requirements were due twice a year
- The annual report showed that there was very little difference from calendar year 2021 as far as numbers of pilots and harvest numbers. The harvest number for the 2022 calendar year was 2,136 for 33 pilots, four of them being non-resident pilots
- Mike Honeycutt said the little over 2,000 coyotes taken by the DOL aerial hunting program could be added to the number taken through the Predator Control Program, which averaged around 6,000 each year and then, the coyotes that were removed by Wildlife Services on the County cattle and sheep petitions as well

**(2:39:27) 10:52 AM – January 31, 2023 State Special Revenue Report**

Brian Simonson said that there was not much variation from the previous month's report for State Special Revenue:

- Mr. Simonson pointed out that January 1, 2022 was the beginning of the 10-year rerecord brands cycle
  - In New Brands and Transfers, in 2022, the number \$876,000 compared to 2023 at \$45,000 was because there would not be big increases going forward due to being in the beginning of the 10-year rerecord cycle
  - Mike Honeycutt said that in New Brands and Transfers, it would be down because there was a lot of transfer activity that took place around rerecord

and that was cycling back down now. He reminded the BOL that more rerecord funds had been collected during this last rerecord period so, there would be more money to amortize out over the next 10-year period than the last decade

- Field Inspections, Mr. Simonson said, were still behind, with not much activity shown in the last month
  - Mr. Honeycutt said that the field inspection number could have been affected by the turnover in Brands inspectors and those that retire and turn their books in
- Market Inspections lost some ground last month, showing \$504,000 less than last year, but there was some turnover in Brands and Mr. Simonson felt that number was going to recover what had been lost in the last month
  - Mike Honeycutt said that you get an inspection fee going in and going out and that was where you were going to be short, because the cattle just weren't there to go through the market
- Per Capita Fees made up some ground this last month, Mr. Simonson reported, with new or early reporters for 2023 outpacing this same time last year.
  - With per capita reports starting the following month, Mr. Simonson said that there would be some big changes in the next couple of months
  - The negative \$38,000 difference in per capita fees was a big improvement over the previous month
  - Investments continued to outpace what the economy was looking like last year, showing positives in Per Capita Fees
  - Indirect Costs got better, primarily because, Mr. Simonson said, timing-wise, last year there was not as much reported as there had been in January of this year
- Milk Inspection numbers improved quite a bit, Mr. Simonson said, but that was because of a late payment in 2022, meaning that number would be going considerably negative again next month by probably \$10,000
- Egg Inspection numbers continued to grow a couple thousand every month, as expected
- The negative \$26,617 number in the VDL was cut in half last month, Mr. Simonson said, meaning a \$31,000 improvement was made over what they did in January of last year, all because of the ups and downs of testing
- Wolf Donation funds were slow in the month of January, Mr. Simonson reported

**(2:48:35) 11:01 AM – February 2023 Through June 2023 Expenditure Projections**

Brian Simonson reported on expenditure projections for February 2023 through June 2023:

- In Personal Services, Brian Simonson said that the DOL was projecting \$24,614 in excess of the budget authority, which was a little bit of a reduction from the previous month. He said that the DOL was fighting against retirement payouts
  - One of those payouts came in the VDL in January, a payout of \$37,000
- Mike Honeycutt reminded the BOL that there was a 5% vacancy savings number that had been taken off the top of the budget for total salaries and benefits



- January, according to Mr. Simonson, was a low-activity month for Operational Expenses and was showing it was either neutral or down from December
- The \$90,821 number in Contracts was derived from the Milk & Egg program
- The \$106,899 projected excess in the Rent column was derived from historical increases and that happened each year, Mr. Simonson said
- There were some big expenses last year in Repair and Maintenance which carried over into this budget, Mr. Simonson explained, and this month, that number stood at \$42,914 and the DOL didn't expect to spend what was spent last year in that category
  - Most of the \$42,914 was Federal dollars, with \$22,000 of it being spent by the VDL for equipment
- The \$240,000 DOL cut for elk collaring should be coming soon, Mr. Simonson said
- Most of what was causing the \$57,840 number in General Fund, under the Budgeted Funds category, was the windshield time, hotels and travel for Meat & Poultry Inspection
  - Mr. Simonson said that there were efforts in Meat & Poultry to find a way to decrease those expenses, with Dr. Zaluski having someone do global mapping to see if there was any more efficient way to do the inspection routes
  - An EPP request was in for Operational augments and Personnel increases but, Mr. Simonson said he didn't expect much change this year
  - Mr. Honeycutt reminded the BOL about the off-cycle salary negotiations with the Union, which had put the Meat & Poultry Inspection area a little behind the 8-ball on Snapshot. He added that those salaries were paid for with general fund dollars, which made it a little bit more of a problem to deal with because those funds were finite
    - Employees that were in a collective bargaining agreement, Mr. Honeycutt explained, would automatically get the Legislative raises as well
- The \$138,000 in the Shielded Egg program had built up in Contracts and Personnel costs for the program
- Brian Simonson projected \$92,834 in excess of authority in per capita fee, attributing most of that spending to the \$103,000 in CSD Rent
- The \$54,000 in Milk Control was due to personnel issues in that category, where there are three FTEs, but only two were working
- Although the VDL numbers were quite an improvement over last month, Mr. Simonson cautioned optimism because the Rent numbers were lagging from 2022, making the year look better than it probably would look in the end. He expected the \$25,000 number from this month to go back up to \$50,000

**(3:05:34) 11:19 AM – January 31, 2023 Budget Status Report**

Brian Simonson reported on the comparison sheet for the DOL for the January 31, 2023 period:

- The Personal Services budget was 53% expended with 54% of the payrolls complete

- Operations were 58% expended with 50% of the budget year lapsed
  - Mr. Simonson said that Operations were always a little front-loaded, but as the DOL reached the end of the year, those numbers would get closer together
- The \$56,631 number listed for Overtime, was showing much better than the year before, Mr. Simonson said, and was mostly out of the Brands area of the DOL
- The \$215,000 number in Benefits was derived from two months of holiday benefits from last year, Mr. Simonson said
- DSA testing, Lab referrals and CSD legal activity combined, were responsible for the \$148,569 number in Contracts. There was a little less than normal activity showing last year
- The \$1.1 million number under Contracts was normal for that category
- Mr. Simonson expected that \$77,320 for Rent to improve as we go on through the year
- The \$114,258 number for Other Expenses was a little unusual, Mr. Simonson said, but showed what the CSD spending was last year compared to this year
- Meat & Poultry Inspection showed a little more spending than what was expected last year
- The Equipment number of \$22,000 was of no big concern, Mr. Simonson said, because money was spent this year that hadn't been spent the previous year and that would be caught up
- The Transfers number was pretty small, Mr. Simonson explained, but it would grow because there were some bills to still come in for that
- The General Fund number of a negative \$557,000 and the Per Capita Fee number showing a positive \$589,000, for the most part, could be explained, Mr. Simonson said, because State Special Revenue was spent down faster than General Fund, because that was what the MOMS said to do. He said it was not done that way last year

## **PREDATOR CONTROL**

**(3:11:56) 11:25 AM**

Dalin Tidwell, Montana State Director for USDA Wildlife Services, introduced himself, explaining that he was attending the meeting by ZOOM because of the weather

**(3:13:04) 11:26 AM UPDATE ON ACTIVITIES OF USDA WILDLIFE SERVICES  
(Presented by Dalin Tidwell, Montana State Director)**

**(3:13:04) 11:26 AM – General Updates**

Dalin Tidwell updated the BOL on statewide activities in the USDA Wildlife Services:

- Mr. Tidwell said that they were getting right after flying season and that the snow cover had actually been productive to their benefit
- The newest DOL helicopter, the 765, was currently in Helena for its 100-hour inspection and tune-up, and the leaking seal discussed at the previous BOL meeting, would be addressed during that time



- The 765, Mr. Tidwell said, had made its tour around, and that most of the Eastern Specialists had a chance to fly in it and were well pleased with the performance
- 95 Tango, had a few major components overhauled a few months back, but was up and running great
- The Billings helicopter, 62 Charlie, the OH58, also seemed to be running well
- Mr. Tidwell asked who he should talk to regarding phone calls he had received from some County Commissioners in a couple counties, who were concerned because they were not collecting enough money to meet the annual MOUs with the Stockgrowers or Woolgrowers in relation to the head numbers from the Department of Revenue (DOR). He said that in Yellowstone County, the sheep number money collected was quite a bit different than what the DOR had given for numbers and Wildlife Services has been absorbing the cost
  - Mr. Tidwell said that Rosebud County was concerned because they were about \$5,000 short and trying to figure out how to handle that
  - Mike Honeycutt said that cattle numbers would be going down the next couple years, but, that sheep numbers had been going down as well, and if you wanted to raise the same amount of revenue with fewer animals, the rate of the County cattle and sheep petitions may have to be raised to make up the difference
  - The DOR, Mr. Honeycutt explained, could only report numbers that were reported to them through per capita reporting and that for cattle, those numbers were only counted for cattle nine months of age or older on February 1st, meaning that you would have 60%-70% more total cattle or calves in a county than what got reported on per capita numbers
  - While NASS statistics may show that there were 3 million cattle and calves in Montana, only about 1.8-1.9 million pay per capita, Mr. Honeycutt said
- Mr. Tidwell reported that their office had been hit with assessments, one of which was a \$140,000 computer assessment, but that, their Federal allocation had remained pretty consistent
- The Stockgrowers and Woolgrowers both track the money coming in by county, tracking hours flown in each county and funds expended on the ground
- The coyote numbers, Mr. Tidwell said, had been coming in fairly high this year
- Dalin Tidwell thanked the DOL for the great relationship with Wildlife Services and Gene Curry expressed his appreciation for the work Wildlife Services had been doing

**(3:29:00) 11:42 AM LIVESTOCK LOSS BOARD (LLB) PREDATION CLAIMS REPORT AND GENERAL UPDATES**

Mike Honeycutt reported that George Edwards, Livestock Loss Board, was probably listening to the meeting, and if there were any questions about his report to ask it and Mr. Edwards could get the answer:

- Mr. Honeycutt said that the sunset bill for the LLB and the DOL were combined and still moving through the Legislature

- There had been no new claims listed on Mr. Edwards' report, which was normal, as typically, during the first few months of the year, claims were not as active
- If any money was left after the \$300,000 allocated each fiscal year for claims in the LLB, that money would carry over, Brian Simonson said
- Nina Baucus suggested that Wildlife Services look into those who bring their cattle into Montana to graze in the summertime but do not pay per capita and still were able to take advantage of Wildlife Services work. Mike Honeycutt said that some Montana producers also graze their cattle in other counties during the summer

Mike Honeycutt reported that he had received an update on Yellowstone Bison from Mike Himmelspach:

- Between the trap and hunting, Mr. Himmelspach reported that approximately 1400 bison had been removed from the Yellowstone population
- Mr. Himmelspach also reported that he had spoken with the Highway Patrol about helping with traffic control and any other law enforcement assistance needs to augment the DOL staff when that time came.
- The Forest Service, Mr. Himmelspach reported, was planning to do a cleanup of the gut piles in Beattie Gulch

**(3:38:00) 11:51 AM LUNCH**

**(3:38:18) 12:30 PM RECONVENE**

## **BRANDS ENFORCEMENT DIVISION**

**(3:39:21) 12:32 PM**

Jay Bodner, Brands Enforcement Division Administrator, introduced himself and said that he only had a couple agenda items to report on that day

**(3:39:46) 12:32 PM - REQUEST TO HIRE**

**(3:39:49) 12:32 PM – Eastern Area Supervisor/District Investigator**

Jay Bodner reported that their Eastern Area Supervisor had retired on February 17, 2023 and was requesting the BOL approve the hire of a replacement for him:

- Travis Elings had been with the DOL for 26 years, and Mr. Bodner expressed his appreciation of Mr. Elings' service to the DOL
- The Eastern Area Supervisor, Mr. Bodner explained, was shared between the Brands and Animal Health Divisions, supervising the District Investigators for the Eastern half of the state, approximately 10 Investigators. For Animal Health, the position conducted compliance of any animals entering into Montana and evaluated any kind of shipments into Montana, responding to any illegal imports, overseeing the issuance or release of any quarantines and assisting with the coordination of staffing or set up for any Animal Health operations
- The Eastern Area Supervisor assisted with training for District Investigators for both Brands issues and Animal Health related issues as well
- Mr. Bodner explained that he anticipated there would be some internal candidates that would apply, most likely, District Investigators, and requested

that if a District Investigator was the successful candidate, that the BOL approve filling that position as well

- Mr. Bodner said that District Investigators would have a lot of experience with what the DOL, how they navigate, how they operate. Mr. Honeycutt said that the most likely external candidates for the position could be someone who was already supervising in a Brands program in another state and maybe wanted to move to Montana, adding that someone with experience in livestock investigations and the ability to be a supervisory officer for other law enforcement personnel were the main criteria for the position
- The DOL would want someone in that position who was POST-certified, but, if there was a candidate who wasn't, would want that candidate to be willing to go through that certification, Mr. Bodner said

## **MOTION/VOTE**

**(3:47:50) 12:40 PM**

**Alan Redfield moved to approve the hire of an Eastern Area Supervisor and a District Investigator. Sue Brown seconded. The motion passed.**

## **(3:48:38) 12:41 PM WEAVER BRAND APPEAL**

Gene Curry discussed the Brand Committee decision on the Weaver Brand Appeal:

- Mr. Curry said that although the Brand Committee meeting was successful, the Legislators who were part of that Committee, had a tight schedule and could not be part of the meeting to discuss the Weaver brand appeal
- Mr. Curry explained that even though the Brand Committee recommendation was to grant Mr. Weaver the appeal, it did not reflect on the job that was done by DOL staff, following the directions and protocol laid out for issuing brands, and he commended them for following that
- Jay Bodner explained that the recommendation was made by the Brand Committee to accept the Weaver brand appeal and that the DOL issue the Sunrise brand to the Weavers

## **MOTION/VOTE**

**(3:51:51) 12:44 PM**

**Sue Brown moved to approve the Weaver brand appeal as recommended by the Brands Committee and issue the Sunrise brand to them, as discussed. Alan Redfield seconded. The motion passed.**

Gene Curry thanked the Brand Committee, saying that the process worked well and was exactly what he envisioned when the BOL talked about forming a brand appeal committee

- Mike Honeycutt explained that even though the Weaver brand had not been rerecorded in a timely manner, the decision to reissue the Sunrise brand was based on application of it as a new brand. Gene Curry said, applying for it as a new brand and the geography of the area, with at least one mountain range and 100+ miles between cattle, a big county, accepting the appeal did not jeopardize what the Brands office and staff did

## **(3:56:39) 12:40 PM BRANDS ENFORCEMENT UPDATE**

### **(3:56:47) 12:49 PM – Draft Livestock Video Auction Application**

In looking forward to HB153, the livestock video auction legislation, Jay Bodner said they had put together a draft application for the BOL to review:

- The draft application would require that video livestock auctions maintain a separate custodial account for their seller proceeds and they would have to transact business in the state through a licensed dealer or market domiciled to the state
- Annual application cost was \$100 and proof of their custodial account and copy of their bond and copy of any fees or tariffs imposed by consigners to the sale were also required. Mr. Bodner said they were looking at requesting copies of the terms and conditions of the sale and make sure there was clear title that would transfer the animals from the seller to the buyer
- The draft application also required video auction markets to be jointly and severally liable with the right of contribution for any business transacted with the State of Montana, which, Mr. Bodner said, would mean that the video auction market was responsible or partially responsible for making sure that those transactions occurred and people got paid
- Also required, Mr. Bodner said, was that the video auction market maintain records and that the DOL would have access to those records, so audits could be conducted
- All of their sales would be reported to the Packers and Stockyards program and proper bonding would need to be maintained
- Nina Baucus suggested that along with this information being put on the DOL webpage, perhaps something should be listed in Ag magazines that direct producers to a list of licensed buyers or video sales, adding that this is what the DOL was doing for you
- Mr. Bodner reported that was a great idea Ms. Baucus had, and that they had already talked about developing more of a communication plan to assure people know that these are new things occurring in the DOL
- Mr. Bodner said that the DOL was looking at, whether or not, if a video auction sale was conducted in Montana, that you have to have a Montana license. But, if you personally consign animals in another state, Montana would not require that license, because the DOL did not have authority in those other states
- Jay Bodner explained that they recognized there may need to be some administrative rules that come with the revisions
- Businesses that consign animals and take commissions would fall under the video livestock auction market application, and keeping track of those businesses would always be a challenge, Mr. Bodner said
- The legislation had not passed yet, Mr. Bodner said, but they were trying to get all their ducks in a row in case it did, and even then, it was going to be a learning process and adjustments might have to be made

### **(4:17:18) 1:10 PM – Staffing**

Jay Bodner reported on the current staffing situation in the Brands Enforcement Division:

- The District 14 Investigator position that had been vacated by Paul Johnson had been filled by Jeremy Wyrick who would be starting on February 27, 2023. That position covered Cascade, northern Lewis & Clark and Teton Counties
  - Mr. Wyrick was from a ranch in the Dillon Country. Most of his law enforcement career had been in that Dillon Country and he was now in law enforcement in Teton County
- The DOL was advertising to fill the Glasgow Market Supervisor position and hadn't yet gotten a lot of applications. Market positions were also open in Miles City and in Billings and the DOL was hoping to conduct some interviews at the end of the month to fill those positions
  - Mr. Bodner said that they had been moving District Investigators around to help fill that Glasgow position, one of which was going to be attending POST pretty quickly, and so the position would be filled soon
- The contractor for the GlidePath computer system that was being developed through ServiceNow was currently in test from the markets to inspection and compliance. Mr. Bodner said that the system had a lot of capabilities and was complex, but, the staff had been tremendous about learning the new system and finding out bugs and shortcomings while becoming more familiar with the system and documenting the information
  - Nina Baucus expressed that she was glad to hear that, unlike the time when Fort Supply was first introduced into the DOL, this new system was being tested, giving people a chance to work with it and help develop it. Jay Bodner added that it had been challenging and they were not ready to go live by any means yet
  - Ty Thomas said that he was with the DOL when the Fort Supply program came on board, and it was a rough one
- Mr. Bodner said that internally, the IT staff was working on a way for District Investigators to track violations and share them between Investigators

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

### **(4:25:55) 1:18 PM**

### **(4:26:03) 1:18 PM– ANIMAL HEALTH BUREAU**

Dr. Tahnee Szymanski, Animal Health Bureau, introduced herself and said that she was hoping to not present her items in the order listed on the agenda

### **(4:26:45) 1:19 PM – Emergency Preparedness Update**

Dr. Tahnee Szymanski said she would be giving a somewhat high-level overview of Emergency Preparedness, as it had been a while since the BOL had been given a report on the status of that in the DOL:

- Dr. Szymanski reminded the BOL that Dr. Forseth, who had previously worked on Emergency Preparedness for the DOL, had left the agency and that Dr. Michalski had taken on that role
- Dr. Szymanski said the last presentation to the BOL regarding Emergency Preparedness primarily came from the Agriculture Response Management and Resources (ARMAR) exercise that took place in 2018
- Dr. Szymanski said that the ARMAR list of things to do during an emergency response to a large-scale disease outbreak was divided into four categories and the DOL had listed large-scale goals to reach in each of those categories, also noting which goals had been accomplished....Personnel and Training, Planning, Outreach and Beyond Outreach
  - Personnel and Training: Additional trainings for staff and DOL response to situations such as High Path Avian Influenza and Tuberculosis have added to the ARMAR lists of things that should be done during a large-scale disease outbreak
    - The DOL had spent a significant amount of time on conducting almost monthly trainings in the Incident Command Structure (ICS). Dr. Szymanski said that last year's National Pork Board exercise with depopulation and disposal was a good opportunity for the DOL to test that and the High Path AI over the last year had given the DOL an opportunity to work on depopulation of poultry
    - The TB investigation last year gave the DOL some opportunities to practice the use of the captive bolt gun
  - Planning: writing narratives to help let us know how to respond in a disease outbreak. The Animal Health Emergency Management Plan was currently in place but was very outdated. Draft press releases, language for a stop movement, the Governor's emergency declaration, surveillance plan and vaccination plan during a large-scale disease outbreak
  - Outreach: The Secure Food Supply Plan, the Secure Pork Supply Plan and the Secure Beef Supply Plan. Dr. Forseth wrote a grant to conduct tabletop exercises to introduce the beef industry to the Secure Beef Supply Plan that would be happening in the next 2 or so months
  - Beyond Outreach: Response activities, specific things that would be happening in the field or in the office during an actual outbreak
  - Dr. Szymanski said that the DOL had added some new items to the list including mental health resources available during an event and permitting activities to get everybody moving again after an initial stop movement
- Much had been accomplished over the last couple of years regarding Emergency Preparedness Dr. Szymanski said, but, there was a fair amount still to be accomplished

**(4:35:13) 1:27 PM – Request for Out-of-State Travel**

Dr. Tahnee Szymanski reported that she had two out-of-state travel requests, both for Dr. Michalski:

- Dr. Szymanski said that Dr. Michalski came to the DOL with primarily a small-animal background, and even though she had jumped in and tackled bison and



cattle work really well, there were trainings that could help round out her knowledge base

**(4:35:20) 1:27 PM – Regional Ruckus Meeting, Charlotte, North Carolina**

The Regional Ruckus Meeting, Dr. Szymanski explained, was a meeting with several regional collaborations of states to talk about Emergency Preparedness Disease Management:

- The 2023 Ruckus Meeting was scheduled for April in North Carolina and the DOL was awaiting word on a Homeland Security National Animal Disease Preparedness and Response Program (NADPRP) grant, written by the Washington State Emergency Coordinator, that would fund it for Dr. Michalski and create a Northwest collaboration between Pacific Northwest states. If the grant did not go through, it would be funded through the Federal cooperative agreement

**MOTION/VOTE**

**(4:37:32) 1:30 PM**

**Sue Brown moved to approve the out-of-state travel for Dr. Merry Michalski to attend the Regional Ruckus 2023 Meeting, April 18-20, 2023, in Charlotte, North Carolina. Nina Baucus seconded. The motion passed.**

**(4:38:38) 1:31 PM – USDA Field Skills Training Course**

Dr. Tahnee Szymanski said that USDA put on a series of trainings throughout the year and that the one she is requesting Dr. Michalski be able to attend was a field skills training course:

- The Field Skills training course, to be held in Ames, Iowa in April 2023 offered several hands-on skill sets, including tissue collecting for CWD and Scrapie testing, how to draw blood from several different species and safe handling practices
- Dr. Michalski would be able to acquire her certification to do comparative cervical testing, the follow-up test to the caudal fold test for TB, through attendance in this course. Dr. Zaluski said the DOL had typically been relying on gammas, but, when that was not available, Dr. Michalski would be trained to do the alternative test to the gamma

**MOTION/VOTE**

**(4:40:46) 1:33 PM**

**Greg Wichman moved to approve the out-of-state travel for Dr. Merry Michalski to attend a Veterinary Field Skills Training Course, April 25-27, 2023, in Ames, Iowa. Sue Brown seconded. The motion passed.**

**(4:41:21) 1:34 PM – Request to Hire Import Office Manager**

Dr. Tahnee Szymanski requested the BOL approve the hire of an Import Office Manager, who recently resigned to take another job opportunity in her hometown:

- Dr. Szymanski explained that the Import Office Manager supervised six people, was responsible for handling the call center, had oversight of a lot of the Animal

Health programs, handled all of the data entry of test or vaccination and health certificates and Brucellosis certificates, reviewing for compliance. That person would also oversee a lot of the State certification programs, such as Brucellosis-Free and Trich and proofread logs

## **MOTION/VOTE**

**(4:42:24) 1:35 PM**

**Alan Redfield moved to approve the hire of an Import Office Manager in the Animal Health Bureau. Sue Brown seconded. The motion passed.**

**(4:43:26) 1:36 PM – B.canis Update**

Dr. Tahnee Szymanski gave an update on Brucella Canis, something she said had taken up not an insignificant amount of time lately in the Animal Health Bureau:

- Dr. Michalski had been working pretty extensively on the disease, that was primarily of small animals, and with her position funded through the Federal umbrella that included cattle health work, Avian Influenza and the zoonotic disease component, Dr. Szymanski said it fell nicely in line with working on Brucella Canis
- Dr. Szymanski said that they had found that a lot of the dogs testing positive for Brucella Canis had originated from rural parts of Montana with large populations of sexually-intact dogs that had been picked up and funneled through rescue groups and into shelters
- Outreach then started to veterinarians and shelter groups by the Animal Health Bureau, to inform them of the trend being seen for Brucella Canis. This started more testing, followed by more positives
  - The veterinary community, according to Dr. Szymanski, continued to reach out to the Animal Health Bureau for guidance on how to handle the cases, not only because it was not treatable, but also zoonotic, although the zoonotic risk was not fully understood
  - Dr. Szymanski explained that the diagnosis of Brucella Canis in dogs was not straightforward from a single test, so the recommendation was to hold the dog for 30 days and then test again, something that could be difficult for those shelters who work off of limited budgets
  - Because of the severity of clinical signs and because Brucella Canis was not treatable, most dogs end up eventually being euthanized, Dr. Szymanski said
- Information about Brucella Canis had been recently updated on the DOL website, which included a list of resources for veterinarians, guidance for testing, how to interpret the tests, Animal Health recommendations and information about the human health risk
  - Also included on the DOL website regarding Brucella Canis were graphics, the number of tests and positives and the distribution of those positive tests throughout the state, and also indicating whether the animal tested was owned or in a shelter at the time of testing
- The Montana Veterinary Medical Association passed a resolution last year, Dr. Szymanski reported, requesting the DOL take some specific action on Brucella



Canis, and said that a lot of the work the DOL had done over the past year on the disease had been a reflection of that resolution

- Dr. Szymanski said that at a recent MVMA meeting held in Bozeman, Animal Health Bureau staff presented an hour-long B.canis segment to the Veterinarians present there regarding infection control practices and how to protect themselves and their staff from the disease
- Dr. Szymanski said that unlike what some had learned in veterinary school about B.canis in the context of sexually intact dogs and that if you spay or neuter those animals the risk might just go away, they were finding that the organism had been cultured out of the urine of a lot of spayed and neutered dogs
- The CDC, Dr. Szymanski reported, said that Brucella Canis was probably an underreported disease. Dr. Kerry Pride at DPHHS had put together a human-health risk document which helped answer what people that own those infected dogs could do to help protect themselves
- B.canis had no vaccine, Dr. Szymanski said, but dogs were treated with a prolonged course of antibiotics, that was not considered curative, but only pushed the threshold of the bacteria down in the animal to hopefully, get rid of the clinical signs. But, those clinical signs would recur
- Dr. Zaluski said that Brucellosis had been eradicated from livestock to such a degree that the human health infections were extremely rare, with human health cases declining commensurately with the decrease in the infection rate of cattle. He added though, that even though people think that Brucella was not a human health disease, that it was and that a lot of the testing done was to preserve commerce

Dr. Szymanski updated the BOL on the TB investigations in the state

- Dr. Szymanski reported that TB investigations in the state were down to two herds that still had an ongoing requirement associated with them
- Two dairy cattle in Lewis & Clark County needed an additional assurance test done in June, as they had already completed the body of testing needed and had been released from quarantine
- A herd on the Hi-Line had a non-negative suspect on the skin test and also a positive gamma. The gamma value was extremely low, so nothing was particularly concerning, but, the animal was euthanized, tissues collected and were submitted to NVSL and were returned with negative histo results. They will be cultured as well, and those results were expected in about eight weeks. The herd, however, was released from quarantine

Dr. Tahnee Szymanski reported on Equine Herpes Virus (EHV) in the state:

- The first case of EHV was reported to the Animal Health Bureau in the middle of January from a horse that had not left the property, but other horses on that property had been out and moving in the Flathead area
- Since that first report, there was a slow trickle of positives over the next three to four weeks, and the Animal Health Bureau made a recommendation that Flathead County cancel events that brought large numbers of horses together until the incubation period was past

- Dr. Szymanski said that they were now beyond the last date of having a horse from an infected premises out in the community and there had not been any additional positives. The quarantined location was set to be released on February 24, 2023

There was BOL discussion regarding electronic health documentation:

- Alan Redfield reported to Tahnee that one of his trucker friends said that there was a breakdown, especially going into Wyoming, with DOT people there that did not like the electronic Animal Health documents and that they were requiring paper, meaning that truckers had to find a way to get their electronic documentation on their phone printed
- Gene Curry said that he thought that pretty much all Wyoming brand inspections were electronic, but, he had experience with the Wyoming DOT as well

**(5:03:36) 1:56 PM – MEAT, MILK & EGG INSPECTION BUREAU**

Alicia Love, Meat, Milk & Egg Inspection Bureau Chief, introduced herself, saying that she did not have too many items to cover on her agenda that day

**(5:04:19) 1:57 PM – Request to Hire**

Alicia Love said that she was requesting that the BOL approve filling two field positions in the Meat, Milk & Egg Inspection Bureau:

- Ms. Love reported that the person hired to fill the Superior/Plains Meat Inspector position had not been progressing through training at the rate the DOL was hoping they would, and so that position was now vacant
- Mr. Honeycutt reported that the Meat Inspector hired to fill the Bozeman area position was a bad match and that maybe the work environment had not been a fit for him

**MOTION/VOTE**

**(5:05:23) 1:58 PM**

**Nina Baucus moved to approve the hire of two Meat Inspectors, one in the Superior/Plains area and one in the Bozeman area. Sue Brown seconded. The motion passed.**

Alicia Love reported that they would be interviewing for the Label Specialist position on February 24, 2023 and that the Administrative Assistant position had been posted that day

**(5:06:22) 1:59 PM – Request to Contract Ratings Officer for Darigold Plant and BTU Rating**

Alicia Love requested the BOL approve the hire of an out-of-state State Ratings Officer to assist with ratings for the Darigold plant:

- Currently, Ms. Love said, Rosemary Hickey was the only State Ratings Officer. Another State Ratings Officer needed to be called in, because Rosemary Hickey could not audit herself

- Ms. Love was hoping that with Rosemary Hickey currently training the other Sanitarian in that area, that this would be the last time she would need to request someone from out-of-state come in to do the audit

## **MOTION/VOTE**

**(5:07:24) 1:59 PM**

**Sue Brown moved to contract a Ratings Officer for the Darigold Plant and BTU rating. Alan Redfield seconded. The motion passed.**

## **(5:07:55) 2:00 PM – Travel for Alicia Love**

Alicia Love requested the BOL approve out-of-state travel for her to attend the upcoming NCIMS Conference in April 2023:

- Ms. Love explained that travel had already been approved for Rosemary Hickey to attend the conference, but, now that she had stepped into the Bureau Chief position, she was requesting to travel to the conference instead, as the conference, which covered milk regulations, was generally attended by Program Managers
- A grant had been secured to cover expenses, Ms. Love said, except for the \$450 registration fee, which would be covered by Milk funds

## **MOTION/VOTE**

**(5:09:06) 2:01 PM**

**Alan Redfield moved to approve out-of-state travel for Alicia Love to attend the bi-annual National Conference of Interstate Milk Shippers (NCIMS) in Indianapolis, Indiana, April 2-7, 2023, rather than Rosemary Hickey, as previously approved by the BOL. Nina Baucus seconded. The motion passed.**

## **(5:09:34) 2:02 PM –Proposal to Amend ARM 32.2.405**

Alicia Love requested that the BOL approve amendments to ARM 32.2.405 – Department of Livestock Meat Inspection and Milk and Egg Bureau Fees:

- Ms. Love said that the Bureau had adopted the Pasteurized Milk Ordinance (PMO) by reference, and that the PMO language stated that milk tank trucks or transportation companies hold a valid permit
- The Meat, Milk & Egg Inspection Bureau inspected tank trucks or the transportation companies, but did not have a permit system in place to charge a fee for doing that service. Ms. Love wanted to better align with the PMO by requiring a permit and charging a fee for that permit, which would be an annual fee of \$5/milk tank truck or \$25, whichever was less
- Mr. Honeycutt said that the requested permit and fee would align with the standard dairy license fee of \$5/year, and if the fee for that inspection service was not added to the rule, the Bureau would be operating outside the Pasteurized Milk Ordinance

## **MOTION/VOTE**

**(5:16:20) 2:08 PM**

**Ed Waldner moved to approve publishing proposed changes to ARM 32.2.405 – Department of Livestock Meat Inspection and Milk and Egg Bureau Fees, as discussed. Alan Redfield seconded. The motion passed.**

- Dr. Zaluski explained that a hauler was an individual license, and what was being asked for in the just-approved rule change was a company license. He added that he believed the individual driver would carry the insurance

**(5:19:10) 2:11 PM RECESS**

**(5:19:13) 2:26 PM RECONVENE**

## **ANIMAL HEALTH & FOOD SAFETY DIVISION REPORTS (Continued)**

**(5:19:24) 2:26 PM**

### **(5:19:24) 2:26 PM – VETERINARY DIAGNOSTIC LABORATORY**

Greg Juda, Lab Director of the Montana Veterinary Diagnostic Lab, introduced himself

### **(5:19:40) 2:27 PM – MVDL Operational Update**

Dr. Greg Juda said that his Operational Update for the BOL this time would be more detailed than he had provided them in the past, but that he would just touch on the highlights of it:

- Dr. Juda explained that some time last year, the BOL had approved the new test assays he had listed on the handouts, but the requirement of public feedback on those test additions, and then, once that was done, some test validation to bring those new tests online adequately, took a lot of time
- Feedback had been positive from clients, Dr. Juda said, with them appreciating that the VDL was trying to provide more services for them rather than having to send samples out to other labs to have those tests done
- Dr. Juda said there were several new assays and developments he wanted to bring to the BOL's attention
  - Dr. Juda spoke about the changes for Saline Trich testing, saying they no longer needed to use the end pouch with Trich media to collect samples for Trich testing, a big benefit to customers who would no longer have to spend \$7/pouch and worry about them expiring. The turnaround time was also decreased, as the test sample incubation period in the pouch of 15 hours would no longer be required. And, the sample could freeze and still be valid for testing
  - Dr. Juda said they had positive feedback already on the new Saline Trich test and he offered to answer any questions the BOL had on the other assays he had listed
- There were several projects the DOL had in progress, Dr. Juda said, mainly collaborative efforts
  - April, the Public Health Laboratory Group Fellow that had been doing work at the VDL, was also doing some work with the University of Wyoming

- with the hope of publishing a joint publication, which Dr. Juda said should give the VDL nice exposure, adding that all supplies April utilized in the project were reimbursed to the VDL
- The collaboration, Dr. Juda assured the BOL, did not impact operational throughput at the VDL and should not cost the VDL any money other than, potentially, some mentorship time that Dr. Schwarz provided to the Fellow
  - Dr. Juda reported that they continue to push VDL staff to cross train and said that the staff had been very appreciative of the opportunities the BOL had provided to them for out-of-state travel for their professional development
    - The NPIP training events helped the VDL maintain certification
  - Dr. Greg Juda gave NAHLN grant updates
    - The \$150,000 NAHLN grant for Fiscal 2023 had roughly \$146,000 of it spent, Dr. Juda said, and the VDL was on track to complete the remaining purchases by the time the grant cycle finished out at the end of May
    - A supplemental COVID-related Fiscal 2022 NAHLN grant of \$187,000 had \$94,000 of it spent so far and there were three remaining line items to purchase by the end of the grant cycle which ended on August 31, 2023 and that should effectively exhaust the remaining funding, Dr. Juda said
    - Regarding Fiscal 2024 NAHLN grant funding, Dr. Juda said he expected there would be two grants
    - There was a NAHLN-specific grant approved through Farm Bill funding, expected to start June 1, 2023. Although the amount of the grant was not known, Dr. Juda said that the VDL staff had started putting together a list of NAHLN-eligible spending items, which could include equipment, maintenance agreements, upgrades in functionality for LIMS, the Lab Information Management System and out-of-state travel requests
      - Dr. Juda said that the USDA typically gave a two-week window of time to turn around the NAHLN financial plans, but he would be happy to provide the BOL a list of those proposed items at the next BOL meeting
  - The aging chemistry analyzer units used in the Clinical Pathology section of the VDL still had limited functionality, Dr. Juda said, and they were still having to send out some of the testing. He said he was hopeful that a lot of reagents that were set to be released in mid-March would fix the problem, which seemed to be related to bar code scanning
    - If the lot of new reagents did not fix the problem with the chemistry analyzer units, Dr. Juda said that they might have to do a more extensive fix with an outdated software re-upload. He added that until they came up with a plan to replace the analyzers, they would work to continue to try and keep those analyzers serviceable
  - Dr. Juda said that the FDA grant funding for the Milk and Shellfish Program would cover the bulk of the expense for travel of Erin Burns that had been approved at the last BOL meeting. Dr. Juda thanked Darcy Alm for her involvement in applying for that grant and getting it successfully funded
  - Dr. Juda recognized Dr. Schwarz who had started conducting some monthly teaching rounds at the VDL for staff where she reviewed the basics of

diagnostics, which Dr. Juda said got everyone on the same page and aligned with why we do the things we do

- Dr. Juda said an extern named Emily would be coming to the VDL, who would be working for a two-week period at the VDL during Spring Break and then would return to the VDL during her fourth year of her Veterinary program at Colorado State University to work for a two-week period, primarily in Pathology

#### **(5:30:46) 2:38 PM – CWD Testing Summary**

Dr. Greg Juda presented the CWD test summary, covering the Fiscal 2023 year-to-date through February 14, 2023:

- Overall, Dr. Juda said, there were 9,029 tests with 285 total positive tests
- Dr. Juda explained that if the VDL got a suspected positive, they would rerun the ELISA on a new sample of the lymph node and see if it was confirmed positive. So, for the 285 total positive tests, 280 were positive in the re-test
  - In Fiscal 2022 for the same time frame, Dr. Juda said there were 400 fewer CWD tests conducted at the VDL. Dr. Juda reminded the BOL that in Fiscal 2023, the VDL conducted CWD testing for North Dakota, which comprised about 21% of the samples submitted
- FWP, Dr. Juda said, had invited VDL staff to strategize with them and attend their field training dissection course before the Fiscal 2023 CWD testing season began, which he felt did a lot in allowing the VDL staff more knowledge in efficiently processing those lymph nodes
  - Dr. Juda said that they had a great end-of-year recap of the CWD season with FWP and they were very satisfied with the performance of the VDL

#### **(5:36:30) 2:44 PM – Lab Design/Construction Update**

Dr. Greg Juda introduced Max Grebe of LPW Architecture who gave the BOL an update on the new Combined State Labs building construction progress:

- Dr. Juda said that Mr. Grebe had done a heck of a job in leading the project for the new building design and that the VDL would be meeting with him again on Friday, March 3, 2023 for the final design meeting, with specific emphasis on the receiving areas and necropsy
  - Mr. Grebe said that they were closing in on the end of the design process for the new Lab building, and in the scheduled meeting with the VDL on March 3<sup>rd</sup>, they would be working out some minor details in the necropsy and receiving area to help finish up the project
- Max Grebe said that they were in the construction document phase of the project and had submitted a 90% construction document the previous week to each of the stakeholders for the combined State Labs project. That document included technical drawings and specifications that would be used by the contractor to build the project.
  - That construction document phase should be completed by March 24, 2023, Mr. Grebe said, after which a building permit to the City of Bozeman for the project would be applied for, probably on March 26<sup>th</sup> or 27<sup>th</sup>, an early date, but, Mr. Grebe hoped it would put them ahead in the ballgame, as the City's permit phase was out quite a ways

- In talking with Marina Little, Project Manager for the State Architecture and Engineering Division, there was still no word on supplemental funding from the State Legislature for the project. The request had been submitted in the Long Range Building Plan bill
  - Mr. Grebe said there was not really any indication that there would be an issue in receiving the supplemental funding. Once it's received, the project could be released for bidding by contractors, hopefully in April or May
  - Groundbreaking could take place somewhere around the end of June or July 4<sup>th</sup>, depending on the bidding climate and occupancy would be in Spring of 2025
- Max Grebe showed several exterior views of the planned Combined State Lab project that he said was still tracking about \$42.6 million overall construction cost for all three labs and all the site work
  - Mr. Grebe explained that the original two-winged Lab proposal was a little over \$20 million. The addition of the MSU Wool Lab added about \$10 million. The remainder of that difference was the construction escalation between the 2022 estimate, up to the midpoint of 2024
- Mr. Grebe explained that there was a difference between overall project costs and construction costs, as project costs included other things besides sticks and bricks, such as equipment, furniture, etc.
- Dr. Greg Juda explained that for the new incinerator, the VDL was hoping to transfer the permitting for the current incinerator to the new incinerator, as that permit contained the ability to incinerate more than just animals, such as table drapes and formaldehyde
- Mike Honeycutt said that the Department of Environmental Quality had put forth a piece of legislation that, if passed, would potentially eliminate the need for permitting incinerators that would just incinerate animals, because it would be considered a crematorium
- The construction documents for all three labs would be released at the same time, Mr. Grebe said, because in the eyes of prospective contractors, it was all, essentially, one project. He went on to say that there would be one final meeting with each of the three entities and one final review with MSU for the maintenance of the mechanical equipment on the project
- Mike Honeycutt shared that he had been in the HB5 hearing where the inflationary augment was discussed, and he said the Chair of the Committee said that up next was a project we all know everything about and that nobody should have questions on it and they just moved passed it. Mr. Honeycutt said, he didn't know if that was good or bad

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

**(5:56:28) 3:03 PM**

Other than Ian Kane of the Montana Stockgrowers Association still with the BOL in the room, Mike Honeycutt said no one else was on, probably because they were busy across the street at the Capitol:



- Ian Kane chose to not make any comment. Gene Curry said he appreciated having new faces in the room and looked forward to seeing him again

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

**(5:57:13) 3:04 PM**

Gene Curry said that the BOL needed to set a date for the next BOL meeting:

- Mike Honeycutt said that March could be a really, tough month with lambing, shearing, calving, and some sales.
  - He said that there would be three BOL appointments, with at least one of them being a new appointee for a 6-year term. By waiting until April for the next meeting, it would give time to prepare any new BOL members before they walked into their first BOL meeting
- Nina Baucus requested the next meeting be scheduled for March 29<sup>th</sup>, as once April was here, she would be unavailable
- Alan Redfield said that Jake's bull sale was earlier in March
- Greg Wichman said that in April, he was in the lambing shed and would not be available for a month
- Mike Honeycutt said that maybe late March would be better, but that Wednesday's were better because of the Legislative Session activities. He said that during that time, though, his girls would be on Spring break, but they would be going to a camp that week
- Brian Simonson, Mike Honeycutt said, would be on vacation on March 29<sup>th</sup>
- Alan Redfield said that he was usually put on the night shift for calving about that time
- Mike Honeycutt said, it would be past transmittal time in the Legislature on March 29<sup>th</sup>
- The next BOL meeting was scheduled for Wednesday, March 29, 2023

## **MEETING ADJOURNED**

**(6:03:51) 3:11 PM**

  
Gene Curry, Chairman