

	<p style="text-align: center;"><b>Livestock Loss Board</b> <b>August 11, 2020</b> <b>Zoom Teleconference</b> <b>Board Meeting</b> <b>Helena MT</b></p> <p style="text-align: center;"><b>Meeting Minutes</b></p>
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**Livestock Loss Board Members Present:**

Seth Wilson – Chairperson  
Jim Cross  
Doreen Gillespie  
Karli Johnson

**Staff:** George Edwards – Executive Director  
Brian Simonson – DoL Centralized Services Administrator  
Evan Waters – DoL Finance & Accounting Bureau Chief

**Guests:** Tana Nulph – Big Hole Watershed Committee  
Dave McEwen - Montana Woolgrowers Association  
Jim Brown – Montana Woolgrowers Association  
Kyran Kunkel - MTCSC  
Dominique Shore – Ruby Valley Conservation District  
Kim Cross – People & Carnivores

**Introductions:**

- Each board member and board staff introduced themselves.

**Board Minutes**

Board members reviewed the April 16, 2020 minutes.

**Motion:** Jim Cross made a motion to approve the minutes with corrections to a few typographical errors. Karli Johnson seconded the motion. **Discussion:** Board members identified the typographical errors. **Vote:** All in favor, none opposed. Motion carried.

**Legal Memo, Department of Livestock**

Mr. Edwards supplied each board member a copy of a legal memo that they Board of Livestock requested from their attorney for administrative attached boards. Ms. Johnson has some thoughts on this about creating a committee to review our attached status so Mr. Edwards deferred to Ms. Johnson.

Ms. Johnson said she would like to go over how LLB's relationship should function with the Board of Livestock as well as FWP language in our laws. She said she was thinking of creating a two-person committee where we could dive into that more. Ms. Gillespie said she is interested in being on that with Ms. Johnson.

**Motion:** Karli Johnson made a motion that we create a committee of two appointed by the Chair to explore our role with the Board of Livestock. Doreen Gillespie seconded the motion. **Discussion:** No further discussion. **Vote:** All in favor, none opposed. Motion carried.

**Motion:** Seth Wilson made a motion to appoint Karli Johnson and Doreen Gillespie to the committee Jim Cross seconded the motion. **Discussion:** No further discussion. **Vote:** All in favor, none opposed. Motion carried.

### **Budget Status, Rollover Funds**

Evan Waters said the board had \$55,410 in actual rollover funds this year. There were smaller amounts of rollovers funds from prior years that the board can use. Mr. Waters supplied pages showing what has happened with rollover funds from prior years and income from the license plate revenue. Currently there is \$39,816 in the license plate account. He was finally able to create a separate fund to keep license plate funds separate from other funds.

Mr. Edwards explained a law that states unused funds in the death loss payment fund rollover to the board's loss prevention fund and a portion of this fund can be provided to USDA Wildlife Services for their work. This happens with the close of the state fiscal year on June 30<sup>th</sup> each year. The board had \$35,000 in federal grant funds for death loss payments due to wolves. This helped to increase the amount of state rollover funding.

Mr. Edwards said using the data Mr. Waters provided, there is \$103,263.44 available for state funded grants. This is the point where you could make a motion to use 10% of the funding for board administrative expenses. He said the board may need this funding for legal expenses to get bill drafts ready.

**Motion:** Seth Wilson made a motion to retain 10% of the rollover funds for administrative expenses. Doreen Gillespie seconded the motion. **Discussion:** No further discussion. **Vote:** All in favor, none opposed. Motion carried.

Mr. Edwards said the law also allows the board to provide up to half of the funding to Wildlife Services. The board has just retained 10% for operations so that would allow the board to provide up to 40% to Wildlife Services for wolf and grizzly investigations as well as their non-lethal work. The conundrum here is we won't have enough money to fully fund all of the state grants, it's your option to decide how the money is used. If the full amount is provided to Wildlife Services, there would be a \$7,249 shortfall in total state grant requested funds. Ms. Johnson asked if this could wait until after the grant application review.

**Motion:** Doreen Gillespie made a motion to table this discussion until after a review of the grant applications. Karli Johnson seconded the motion.

**Discussion:** No further discussion. **Vote:** All in favor, none opposed. Motion carried.

### **Claim Appeal Discussion**

Some of the board members asked Mr. Edwards to briefly speak about a dropped death loss claims appeal. Because he dropped his appeal this item was removed from the agenda. In the board's laws it says a producer may appeal a staff adjusters' decision by notifying staff adjuster and board in writing stating the reasons for the appeal and providing documentation supporting the appeal.

Mr. Edwards said current law states that we use the market values out of Montana. This was the calculation used to pay Mr. Lennard. Wildlife Services personnel had written a value of \$2,000 on their investigation report for two 18-month-old goats. Mr. Lennard was claiming this should be the value for his goats as he was training them to be pack goats. Using the market report, he was paid \$368 dollars which was the fair market value. Mr. Lennard originally sent an email requesting an appeal. Mr. Edwards advised him that he would need to show documentation showing a greater value for the board to review. After a few weeks, Mr. Lennard sent an email to Mr. Edwards saying he was dropping his appeal and appreciated the payment.

Mr. Cross said the documentation on the value was correct and supported Mr. Edwards findings. Mr. Edwards said for the benefit of the public's knowledge, he had forwarded all emails between himself and Mr. Lennard to the entire board. This was to keep the full board aware of the situation all the way through this process as individuals, but there were no determinations made or cross talk between board members about this appeal.

This was only the third appeal request since the board was formed in 2007. An appeal was made over a decade ago where the livestock owner disputed Wildlife Services determination that the loss was not caused by wolves. State law 2-15-3115(5) says Wildlife Services has the sole authority on this and it cannot be changed by the board. He appealed the determination to Wildlife Services and was denied. According to Wildlife Services there was no evidence of predation.

Another appeal was made about nine years ago where the owner of a ram disputed Mr. Edwards valuation on his claim. The owner's sheep had Cache Valley disease which he claimed made his remaining sheep more valuable to him because of genetics. This disease causes ewes to abort. He was asked for prior sales in order to prove a greater value. He refused to do this. He attempted to use a sale of a single ram he sold in Tennessee many years prior to the loss. He was asked again to provide sales within the past year and again he refused. Mr. Edwards found where he had sold a ram in Nevada within the past year. The board voted to use this value which was close to what he was already paid by the board. It was substantially less than what the owner was attempting to claim. The owner never provided proof of a greater value for his sheep.

Mr. Edwards said he included in the board's books the state law concerning valuations. It references reimbursements are not to exceed fair market value or as determined by the board. Another section of law says for other livestock, the average price paid at the most recent public auction for the type of animal lost or the replacement price has determined by the board. That is why the board directed him to use the market reports since the board began accepting claims.

### **Grant Applications**

Mr. Wilson said as a chair of the Livestock Loss Board and Executive Director of the Blackfoot Challenge, I always recuse myself from any votes that involve Blackfoot Challenge applications. He referenced ethical codes Mr. Edwards sent out to board members and his take home message he got from that was that he is doing the right thing. My recusing myself is the proper ethical way to go each time. Mr. Edwards said by stating Mr. Wilson is Executive Director of the Blackfoot Challenge and his recusal meets the ethical requirements according to the Department of Livestock's attorney.

Mr. Wilson said if the board wishes him to temporarily pass the chair of this meeting to another board member, he will appoint another board member to chair. Mr. Edwards said this would be advisable because of his role with the Blackfoot Challenge. Mr. Wilson asked Mr. Cross as a parliamentarian if he can just appoint someone. Mr. Cross said that is correct and someone else can moderate the meeting. He said that he would still like to have Mr. Wilson available to answer technical questions related to the Blackfoot Challenge grant applications.

Mr. Wilson appointed Karli Johnson to temporarily chair the meeting because she was able to be seen on the Zoom meeting and could be seen face to face. Ms. Johnson accepted this role.

Mr. Edwards asked to speak about the funding portion of the grants before the board begins going over them. He said he reviewed the grants to try to get to the \$80,000 total for the federal section. Because total requests did not match this amount, he suggested splitting the Tom Miner Basin request between federal

and state dollars. This applicant's dates overlap this year and next year. If the board moves \$4,669 to the federal column and \$3,331 to the state column, the federal money will be fully allocated. This would leave the total state requests at \$58,881. Mr. Cross said after the 10% that leaves us with \$92,936 in state funds.

Mr. Edwards suggested taking public comment about the state funding because it may impact the board's decision on how much money could go to Wildlife Services. He said this portion of the law was heavily pushed for in the legislature by livestock organizations. We have had cooperative agreements in the past where Wildlife Services used the money for non-lethal work which may include their personnel using our job trailer and the personnel that they hire to install temporary electric fencing.

Mr. Wilson asked for public comment at this time. Dave McEwen said they have worked hard to acquire additional federal money that goes directly to help producers. Federal funding is still extremely inadequate, and we are still trying to get more to subsidize Wildlife Services work with grizzly bears and wolves. Limited funding has been approved so Wildlife Services could hire a full-time person in Glacier County down to Teton County. They have also started some new things in the Gravelly range. Money from this board will help to keep them functioning.

Mr. Wilson asked how much money is annually provided to Wildlife Services after we have funded prevention project grantees. Mr. Edwards said the board has not been able to provide funding each year. The last time was about four or five years ago and the board sent the full amount to Wildlife Services and reduced some of the grantee requests. Mr. Cross said if hypothetically we fully funded everyone that would still allow us to provide \$34,055 to Wildlife Services.

Mr. McEwen said if you want to talk just about bears that that keeps one guy in the field for a season and creates the opportunity to give a lot of supplies or cost share of supplies. We don't have to pay on the compensation and hopefully deter any problems. That was the main focus when we when we passed this law. Within this body that's what we wanted to accomplish mostly because we didn't want to look like a bunch of murdering renegades out there. We are just trying to help the people that don't want to have to go to the other extreme or don't want to have to deal with those critters. When you talk about those kinds of funds yeah, it goes a long way. There are some things that are really working but it just takes money.

Mr. Wilson asked board members for their thoughts. Mr. Cross said he did not recall the we have ever set any value or target in terms of what we give to wildlife services. We usually fulfill our needs, claims and grants and then what's left over is available for our discretion. That is the way the budget falls because I don't think any of these are projects that we will be considering are worthy of dropping from consideration. Mr. Wilson said we will wait until the end of the meeting as

suggested by Ms. Johnson because there may be questions on some grants that could impact the amount provided to Wildlife Services.

Mr. Wilson said we will begin with the Big Hole Watershed Committee and he will turn the rest of this section over to Ms. Johnson.

This application is focused on their range rider and carcass removal/composting. They are requesting \$15,000. Mr. Edwards said on the second page of their grant application they list \$60 per hour for staff time. This is a high dollar amount and would not be acceptable to the federal officials he has to answer to. The board should ask them for a different or additional match. Ms. Gillespie said that we won't pay them \$60 an hour to go to meetings. We should ask them to find a different source of match funds so that it would satisfy the federal grant requirements. Ms. Nulph said they would find a different match for the \$891. Mr. Wilson asked for a motion or more discussion.

**Motion:** Seth Wilson made a motion to approve Big Hole Watershed Committee grant request for \$15,000 with the clause that they come up with a different match for the \$891 administration listed in their application. Jim Cross seconded the motion. **Discussion:** No further discussion. **Vote:** All in favor, none opposed. Motion carried.

Mr. Wilson is recusing himself for the next two applications and turned the gavel over to Karli Johnson. The discussion began on the first Blackfoot Challenge application for \$27,000 in federal funding. Mr. Cross made a comment that this is a long-standing project that's been established in the Blackfoot and it's produced some great results for us and others to look at I just see no problem with what they submitted.

**Motion:** Jim Cross made a motion to approve Blackfoot Challenge grant request for \$27,000. Doreen Gillespie seconded the motion. **Discussion:** Ms. Johnson asked Mr. Wilson if he could clarify coordinator Eric Graham's salary related to on the ground type work? Mr. Wilson said when Mr. Graham is working with his range rider team he often is following up directly from range rider reports with those who produce. He is actually on the ground visiting with them to collect daily if not weekly reports and if there's any issues fencing issues or some livestock are lost he'll go out and he spends a lot of time with those producers where those wolves are. It is an exchange of information and follow up phone calls and in-person visits, so he's very actively engaged with both range riders and the producers. **Vote:** All in favor, none opposed. Motion carried.

The next grant request for again for the Blackfoot Challenge requesting \$27,700 is state funding. Mr. Cross said this is probably one of the premier studies in Montana and a lot of other organizations are looking at picking up carcass and patterned their program after the Blackfoot Challenge.

**Motion:** Jim Cross made a motion to approve the Blackfoot Challenge grant request for \$27,500 in state funding. Doreen Gillespie seconded the motion.

**Discussion:** Karli Johnson asked about the Hughes electric fence. Why don't they submit their own application? Mr. Wilson said Norma Hughes is in her 80s we felt like it is simpler to submit this on her behalf and we've done it with other groups over the past. They simply don't want to deal with that kind of paperwork and oftentimes NGO partners can step in and do it for them. **Vote:** All in favor, none opposed. Motion carried.

Seth Wilson is back as chair and said the next grant application is for the Centennial Valley Association's request for \$15,000 in federal funding. Their work is mainly range riders and are involved with carcass pickup work.

**Motion:** Jim Cross made a motion to approve \$15,000 in federal funding for Centennial Valley Association. Karli Johnson seconded the motion. **Discussion:** No further discussion. **Vote:** All in favor, none opposed. Motion carried.

The next application is also for Centennial Valley Association's request for \$7,000 in state funding. This would focus on their prevention toolkits and some of game cameras. Mr. Cross said he struggles a little bit because of his background separating what he calls management type activities versus research. He said he doesn't know if there's any distinction that can be made here or should be made but and he understands the value of research.

**Motion:** Doreen Gillespie made a motion to approve \$7,000 in state funding for Centennial Valley Association. Jim Cross seconded the motion. **Discussion:** No further discussion. **Vote:** All in favor, none opposed. Motion carried.

The next grant application is the Dahl Ranch request for \$7,336 in federal funding. Mr. Wilson asked if there were any questions.

**Motion:** Jim Cross made a motion to approve the Dahl Ranch grant application for \$7,336 in federal funding. Karli Johnson seconded the motion. **Discussion:** Mrs. Gillespie asked if it is known how many animals they are night penning. Mr. Edwards said he would look up their per-capita numbers. He said they paid per-capita fees on four horses, fifty head of cattle, eight swine and seventy chickens. They had called him and said their head count on the grant form includes litters of pigs. The pigs are already in pens. **Vote:** All in favor, none opposed. Motion carried.

The next grant request is from Helle Livestock for \$2,000 in federal funding. Jim Cross had a question regarding this request because in their narrative it shows \$6,500 which includes buying a dog and lists dog food. He questioned if the board should honor the \$2,000 figure or just accept they didn't ask for the entire amount? Mr. Edwards said he was not requesting the total amount but merely showing his total expenses. Mr. Cross said he was ok with that.

**Motion:** Doreen Gillespie made a motion to approve the Helle Livestock grant application for \$2,000 in federal funding. Jim Cross seconded the motion.

**Discussion:** No further discussion. **Vote:** All in favor, none opposed. Motion carried.

Mr. Wilson said we will now review the Dooling Livestock request for \$1,835 in federal funding. Kim Johnston explained this request is to pay for guard dogs and is not going through People & Carnivores.

**Motion:** Doreen Gillespie made a motion to award \$1,835 for their purchase of guard dogs. Jim Cross seconded the motion. **Discussion:** Board members noted there is a wide variation in the cost of guard dogs. **Vote:** All in favor, none opposed. Motion carried.

Mr. Edwards asked if Dave McEwen was still on the phone, maybe he could help to explain guard dog prices because he's a purchaser of guard dogs. Mr. McEwen said finding guard dogs is not that easy and there's a quality component in finding guard dogs that can work. He said in a situation like John Helle's or like mine it is becoming increasingly difficult because you have to find working quality dogs. If you go to a puppy mill you might get a good one. It will be a little less expensive but nine chances out of ten that dog will not be with you in three to four weeks. There's just such a wide variation. Many people try to capitalize on this thing. He said he finally went out and bought another dog after he had already bought three. Currently he is down three dogs because some of them did not work. This a little bit off the subject but we have tried to emphasize to NGOs that think that guard dogs are the answer. Guard dogs are a nightmare mostly from the ones that don't work and there's more that don't work than actually do work. Everybody's scenarios are different and like I said finding dogs is hard. The best dogs I ever had cost me \$75 apiece and I raised them. Unfortunately, you lose one of them or you lose both of them and you are back to buying dogs. It's a nightmare because there's as much variation in guard dogs as there is in what people call quote-unquote good saddle horses.

Mr. Wilson said we'll go on to People & Carnivores first request for \$2,160 in federal funds. Lisa Upson said this grant request is focused on conflict prevention toolkits. It would be inclusive of many different activities from assessing risk at a location as well as working and talking with the landowners including implementation. Examples are setting up cameras and checking them. If Ms. Johnston was still on the call, she would give you a better answer as she is doing field work for prevention. She said if you need more detail, please let her know.

**Motion:** Doreen Gillespie made a motion to the grant application for \$2,160 in federal funds. Jim Cross seconded the motion. **Discussion:** No further discussion. **Vote:** All in favor, none opposed. Motion carried.



People & Carnivores next grant request was for the purchase of fladry and security light devices. A board member asked what is fladry. Mr. Edwards said it's an electric rope with flags sown on it similar to flags seen around car lots. The flags fluttering in the wind acts as a deterrent along with it being charged as an electric fence. It is a deterrent that works for 30 to 60 days, especially during calving season.

**Motion:** Jim Cross made a motion to their grant application for \$1,667 in federal funds. Doreen Gillespie seconded the motion. **Discussion:** No further discussion. **Vote:** All in favor, none opposed. Motion carried.

Mr. Wilson began a discussion of MTCSC' grant application. He said appreciates Kyren Kunkel's relationship with the range rider and Ty Smucker. Starting small and building trust is a good approach while getting some field seasons under their belt. Mr. Kunkel thanked Mr. Wilson and hopes to keep the project going.

**Motion:** Seth Wilson made a motion to approve Mr. Kunkel's request for \$5,000 in federal funding. Jim Cross seconded the motion. **Discussion:** No further discussion. **Vote:** All in favor, none opposed. Motion carried.

Mr. Wilson said the next request is for Dave McEwen to purchase a guard dog for \$966.

**Motion:** Jim Cross made a motion to approve Mr. McEwen's request for \$966 in state funding. Doreen Gillespie seconded the motion. **Discussion:** No further discussion. **Vote:** All in favor, none opposed. Motion carried.

Mr. Wilson said the next request is for Montana Sheep Companies request to purchase guard dogs. Mr. Edwards said he would like to note this applicant is near where a guy was recently mauled by a grizzly bear just out of Choteau. Mr. Wilson said he appreciates their approach of investing in livestock guard dogs for themselves and other neighbors in that region.

**Motion:** Karli Johnson made a motion to approve Montana Sheep Company request for \$1,557 in state funding. Doreen Gillespie seconded the motion. **Discussion:** No further discussion. **Vote:** All in favor, none opposed. Motion carried.

Mr. Wilson said the next request is for New Miami Colony to purchase a guard dog for \$650. He had one question on whether this request was for dog food, for a dog or both. Mr. Edwards said the total amount for the dog is \$700 so they are asking for less than they had paid for the dog.

**Motion:** Seth Wilson made a motion to approve New Miami Colony's request for \$650 in state funding. Jim Cross seconded the motion. **Discussion:** No further discussion. **Vote:** All in favor, none opposed. Motion carried.

Mr. Wilson said the next submission is from Steve Primm requesting \$4,000 for a carcass site in Western Madison County. He is testing the idea of roll off dumpster for a mobile site. Mr. Cross asked if this is a first-time test for this procedure. Mr. Edwards said he believes it is. Mr. Primm has been trying to get a program going in this portion of the county. He has land that the city of Sheridan Montana has allowed him to use for a compost site. However, he was having some trouble with the Madison County Health Board and getting approval for it. Concerns about CWD in the Ruby Valley means this site will only be permitted for livestock. He said it is an innovative approach to try to answer the CWD question and he hopes it works out.

**Motion:** Jim Cross made a motion to approve Mr. Primm's request for \$4,000 in state funding. Karli Johnson seconded the motion. **Discussion:** No further discussion. **Vote:** All in favor, none opposed. Motion carried.

Mr. Wilson said in sort of the same neck of the woods, next is the Ruby Valley Conservation District. This was nice to see that a shared direction on a composting site. Mr. Edwards said the board had granted Madison County some funds years ago to try to get it started. They made some valiant attempts, but site selection always stopped it and they ultimately turned this over to Ruby Valley Conservation District who is working conjunction with Mr. Primm. This application is complimentary to Mr. Primm's application. The only thing here that he questioned for the board to consider is that you can't match federal dollars with federal dollars and they listed Montana Department of Transportation \$3,000 for concrete barriers. That would not be allowable for federal dollars. Dominique Shore from the Ruby Valley Conservation District said the Board of Health recently met and because they are not allowing wildlife to be composted in that facility, MDOT pulled their funding because they won't be able to put roads roadkill in the composting facility. We no longer have funding from MDOT. Mr. Edwards said they exceeded their match so taking that \$3,000 out is not going to affect this grant application.

**Motion:** Jim Cross made a motion to approve Ruby Valley Conservation's grant request for \$12,000 from state funds. Doreen Gillespie seconded the motion. **Discussion:** No further discussion. **Vote:** All in favor, none opposed. Motion carried.

The next request is the Tom Miner Basin for \$8,000 dollars. Mr. Edwards said the board will need to split this one between federal and state funding in order to get the total \$80,000 dollars total for the board's federal money allocation. The reason this grant form looks different is that they made four attempts to send it and had to send it in this format. He said it can be split because it covers this year and next year. This is uncommon to split it, but it makes it work for our funding sources. Their project covers both wolves and grizzly bears. He advised the board to split the grant and make this as a motion.

**Motion:** Karli Johnson made a motion to split the Tom Miner Basin grant. \$4,669 from federal funds and \$3,331 from state funds. Jim Cross seconded the motion. **Discussion:** No further discussion. **Vote:** All in favor, none opposed. Motion carried.

**Motion:** Seth Wilson made a motion to approve the split Tom Miner Basin grant. \$4,669 from federal funds and \$3,331 from state funds. Jim Cross seconded the motion. **Discussion:** No further discussion. **Vote:** All in favor, none opposed. Motion carried.

**Motion:** Doreen Gillespie made a motion to provide the remaining money, \$34,056 dollars to USDA Wildlife Services. Jim Cross seconded the motion. **Discussion:** Seth Wilson said this helps continue our support of Wildlife Services. **Vote:** All in favor, none opposed. Motion carried.

### **Public Comment**

Mr. Wilson asked for public comment. Mr. McEwen thanked the board and Mr. Edwards for work done by LLB. His conversations with others said losses are already getting ugly. Woolgrowers are continually fighting for more funding. And we want to be able to run it through this board. We believe that this board is independent of any other board's jurisdiction. That's the way we set it up and that's the way we want to keep it. With that being said, thank you guys for your work and hopefully we'll make enough difference related to funding in order to make you a viable part of what producers and private property owners have to put up with in reference to the public wildlife, thank you.

Mr. Wilson asked if there were any more discussions. No further discussions.

**Motion:** Seth Wilson made a motion to adjourn. Jim Cross seconded the motion. **Adjourned**

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2021

Approved via Zoom Meeting

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Doreen Gillespie, Chairman  
Montana Livestock Loss Board