- > ARM 32.3.212 additional requirements for cattle,
- ARM 32.3.212B importation of cattle from Mexico,
- ARM 32.4.201 identification of alternative livestock with the exclusion of omnivores and carnivores, and
- ARM 32.4.1302 requirements for mandatory surveillance of Montana alternative livestock farm cervidae for chronic wasting disease

#### I. INTRODUCTION

- A. Original Notice published July 7, 2017
- B. Comment periods ended: August 4, 2017, August 18, 2017
- C. Requests for hearing
  - a. Ty Yost
- D. Hearing: August 16, 2017, Billings Livestock Commission, 1:00 p.m.
  - a. Hearing attendees (30 signed in)
  - b. Presiding Officer: Tahnee Szymanski, DVM

#### II. BODY

- A. ARM 32.3.212, 32.3.212B
  - a. Four (4) responses in favor of amendments
    - i. One (1) Legislator gave hearing testimony
    - ii. Three (3) e-mail responses
  - b. Sixty-two (62) responses against amendments
    - i. Fifty-four (54) letters/e-mails (on file)
    - ii. Eight (8) gave hearing testimony (recorded and on file)
- B. ARM 32.4.201, 32.4.1302
  - a. Three (3) responses in favor of amendments
    - i. One (1) elk farm producer gave hearing testimony (recorded and on file)
    - ii. Two (2) associations wrote letters (on file)
      - 1. Montana Fish, Wildlife and Parks
      - 2. North American Elk Breeders Association
  - b. Zero responses against amendments
- C. All testimony/comments with responses are summarized below:

COMMENT #1: One importer of M-branded cattle stated that the incidence of TB in the United States is less than .001%. In addition, through exhaustive work between the government of Mexico and the USDA, there are states in Mexico that have a lower TB rate than some states in the USA. All of the cattle we import are from the state of Chihuahua, which has achieved "eradication" status as outlined by the USDA. Further, those cattle are required to have a negative TB test before they are allowed to cross into the US and then have a second clean test before they can ship into Montana. All of this means that our herd of M-branded roping steers has been tested and proved clean more than any native herd originating in Montana. I urge you to consider, as an alternative, requiring that the cattle be TB tested 60-90 days after entering the state to confirm that they are clean.

RESPONSE #1: Thank you for your comment. MDOL agrees that there is extensive work done by both the USDA and Mexico to ensure that animals imported into the United States and Montana are negative for tuberculosis (TB) and that Montana's current importation requirements exceed those of the USDA. Despite these requirements, tuberculosis is still found in Mexican origin cattle.

- ARM 32.3.212 additional requirements for cattle,
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<u>COMMENT #2</u>: One commenter stated that Montana has the most stringent requirements of all states concerning TB. Don't let this pass; let's work together to figure out a better solution.

<u>RESPONSE #2</u>: The department disagrees. In consideration of this rule, MDOL consulted surrounding states for their import requirements and our current regulations that require two negative tests are consistent with multiple states. One noticeable difference, is that multiple states allow animals with a single negative test to enter the state under quarantine until a second TB test can be completed. The proposed language in this rule is modeled after North Dakota's current import requirements for Mexican origin cattle.

<u>COMMENT #3</u>: Another commenter stated that currently, the USDA requires at least one TB test prior to entry into the United States, which most states accept. Additionally, Montana requires another TB test prior to gaining entry into the state's borders. You would think that the minimum of two USDA tests would prove the animal does not have TB. If the tests results are not reliable, fix the tests.

RESPONSE #3: The current testing protocol used for cattle relies on the caudal fold test. This test is reported to have a sensitivity of 85%. This means that if the test is used on 100 positive animals, it is only capable of detecting 85 of them. For animals suspect on this test, the comparative cervical test is used as a confirmatory test. The sensitivity of the test is only 75%. Animal health regulations recognize the limitations of this test. The development of improved testing methods is beyond the scope of this rulemaking process.

<u>COMMENT #4</u>: Several commenters also expressed that cattle are already testing twice. What science is backing this rule? Since there has not been to date any TB directly related to a Mexican horned steer, banning on the basis they carry TB after being tested by the USDA not once, but twice before entering Montana is ludicrous.

<u>RESPONSE #4</u>: Thank you for your comment. The department agrees, the state of Montana has had no cases of TB associated with Mexican origin cattle. Please see Responses #2 and #3.

COMMENT #5: As a PRCA stock contractor, the proposed amendment will have a direct impact on my livelihood. I think it is important to note that we are in the unique position of making our living through the transportation of our livestock. As such we are more concerned about the health status of American livestock than most folks and support measures that legitimately secure that health. The steers we import from Mexico have been twice tested to TB by a USDA vet, before being allowed into Montana. The first test is done on the Mexico side of the border; if a steer is even a "reactor" to the test he is branded with an NC and will never be allowed to cross the border to America. The cattle are again tested, in the United States, before they are shipped to Montana. Each and every one of the cattle we import have had two negative TB tests before reaching Montana.

Additionally, M-branded sport cattle (for PRCA purposes at least) are exclusively mature castrated males, which limits the methods TB could be transmitted. Unlike dairy and beef breeds that are at risk of contracting the disease from unpasteurized milk, these cattle are long ago weaned when they are repeatedly tested.

- ARM 32.3.212 additional requirements for cattle,
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Further, the US and Mexico have worked jointly to contain TB to such an extent that currently there are zones in Mexico with lower TB rates than some states in America. The 25 page "United States-Mexico Joint Strategic Plan for Collaboration on Bovine Tuberculosis" lays out the detailed plans implemented from 2013 to present to get zones in Mexico to "eradication" status. In previous years, the USDA has required even further testing of M-branded cattle before allowing importation to the United States

<u>RESPONSE #5</u>: The department appreciates your comment and agrees regarding the significant work done to prevent the importation of a TB-positive animal from Mexico. Regarding Mexican origin cattle for sporting purposes being exclusively castrated males and this limiting the methods that TB could be transmitted, TB is transmitted through respiratory secretions. This is typically through animals being in close approximation to each other or through exposure to contaminated shared equipment. The sexual status of animals has no impact on their ability to transmit disease.

Please see Responses #1 and #3 for additional information regarding the importation and testing of Mexican origin cattle.

<u>COMMENT #6</u>: One rodeo producer stated every year they import 180-220 M-branded sport type cattle for use in PRCA rodeos and some jackpots through the state. This rule could end up costing their company \$160,000 – 200,000 per year, depending on cattle prices. Due to the rules of the PRCA, they would still have to buy M- branded cattle for rodeos outside Montana, as well as native raised Corrientes-type cattle for Montana rodeos. Native raised Corrientes-type cattle are light boned, lighter horned and overall light made at the same weight, than M-branded cattle. They have less durability and need to be replaced after fewer runs than M-branded cattle.

<u>RESPONSE #6</u>: The department thanks the commenter for the perspective on the potential economic impact of the proposed regulation. The department is charged with both fostering and protecting our livestock industry from disease. The department agrees that particular care must be taken when considering rules that would significantly impact producers in our state.

<u>COMMENT #7</u>: I am a team roper and since ND has banned the importing of M-branded cattle, the quality of team ropings in our state has gone downhill, mainly due to and because of the fact that we do not have the proper number of cattle to produce a good event. We now go to Montana to the Yost arena in Billings and compete on great cattle at great events. A lot of North Dakotans come to Montana because of the quality of ropings in your state.

<u>RESPONSE #7</u>: The department thanks you for your comment. Please see Response #6 for the responsibilities of the department in protecting our livestock industry.

<u>COMMENT #8</u>: Many commenters stated that team roping is a huge sport and brings tourist/travel dollars to communities' state wide. Don't hurt Montana's pocket book.

<u>RESPONSE #8</u>: Thank you for your comment. Please see Response #6 for the responsibilities of the department in protecting our livestock industry.

- > ARM 32.3.212 additional requirements for cattle,
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<u>COMMENT #9</u>: Many commenters expressed concern that this amendment will cripple the team roping industry in Montana. Team ropers and their families are a very big part of the Ag industry in Montana and spend millions of dollars in travel, equipment, horses, tack every year in this state.

<u>RESPONSE #9</u>: Thank you for your comment. Please see Response #6 for the responsibilities of the department in protecting our livestock industry.

<u>COMMENT #10</u>: It is the opinion of the PRCA that the proposed amendments as to require that test eligible M-branded or Mx-branded cattle imported into Montana require proof of a whole herd negative tuberculosis test on the birth herd of origin are not only unnecessary, but place impossible restrictions on the importers and herd owners of said livestock. Adoption of such amendments would directly affect the quality of timed event stock and overall caliber of PRCA sanctioned events in Montana. The PRCA recognizes the seriousness of tuberculosis infection on the entire agriculture industry as well as human health. However, with a prevalence less than .001% nationwide and no cases of TB confirmed in Montana since 1991, the proposed amendments appear inordinate and misdirected.

RESPONSE #10: The department thanks you for your comment. The department is charged with the protection of our livestock industry and is authorized in MCA 81-2-102 (d) to "... adopt rules and orders that it considers necessary or proper for the inspection, testing, and quarantine of all livestock and alternative livestock imported into the this state." The department agrees that the restrictions in the proposed rule are significant and are not commensurate with the risk of introduction of TB to domestic cattle from importation of Mexican origin cattle. The quality of these animals for sporting purposes is outside of the scope of these regulations. Please see Responses #1 and #6 for information on the incidence of TB and the potential economic impact of this regulation.

<u>COMMENT #11</u>: Several commenters stated that M-branded cattle have harder horns, are quicker and stronger, live longer, cowboys favor and spectators enjoy them. I would like to see the study that shows that bovines with horns have more susceptibility of TB than bovines without horns – that is a wild theory, a bovine is a bovine. So, why take this drastic measure of banning an industry?

<u>RESPONSE #11</u>: The department thanks you for your comment. The proposed rule was promulgated in response to the potential risk of introduction of TB from the importation of Mexican origin cattle. Please see Response #1 for information on TB in Mexican origin cattle.

<u>COMMENT #12:</u> One commenter stated that the rules and bylaws, by which the Professional Rodeo Cowboys Association conducts business, are the backbone to a successful and progressive Livestock Welfare Program. These rules and bylaws do not only ensure fairness in competition, but preserve the historical integrity of, and provide for the future of, the sport. Specific requirements are set for timed event cattle utilized at PRCA - sanctioned events.

<u>RESPONSE #12</u>: The department thanks you for your comment. The content of the rules and bylaws of the Professional Rodeo Cowboys Association are beyond the scope of this rulemaking process.

- > ARM 32.3.212 additional requirements for cattle,
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<u>COMMENT #13</u>: Another commenter also stated that per PRCA rules (R8.12.2, R8.12.3. AND R812.4), cattle used in steer wrestling, team roping and steer roping are required to be of Mexican origin. These rules are in place for two reasons: quality of competition and humane use of animals. The cattle from Mexico have bigger horns, better bone quality and more muscle structure, which all makes for cattle with more durability and longevity.

As well, native raised Corrientes cattle are of a much larger form at a much younger age, meaning they have softer, small horns, less bone mass and less muscle structure than M-branded cattle of the same weight. In addition, they are much larger at a young age so they are not as mature when they are a proper size to use as a sport. Along with all of this, there are not enough native, sport-type cattle being raised in the United States to fulfill the needs of the industry.

Native Corrientes-type cattle raised state-side are typically part of a cottage industry and are only produced in small herds. As a result, in order to put together enough cattle for a large event, several herds must be assembled together, making the cattle uneven for competition.

<u>RESPONSE #13</u>: The department thanks you for your comment. The quality and quantity of animals for sporting purposes is outside of the scope or these regulations. The department is charged with the protection of our livestock from the introduction of contagious and infectious disease. Please see Responses #10 and #11.

<u>COMMENT #14</u>: Several commenters feel there are no studies with facts that show horned cattle have spread more TB than nonhorned cattle. Humans have been incriminated in spreading TB to dairy cattle in some instances. Beef cattle, from everything I have been able to read have shown more prevalence's in positives. Most of the roping cattle end up in the feedlots at some point and are not breeding or standing around to die.

<u>RESPONSE #14</u>: The department thanks you for your comment. Please be informed, however, that the proposed amendment applies to all Mexican origin cattle and not just to horned or sporting cattle from Mexico. It is correct that humans have also been implicated in the spread of TB. Please see Response #1 for information on TB in Mexican origin cattle.

<u>COMMENT #15</u>: One commenter shared that data obtained from the United States Department of Agriculture shows that, since 2001, there have been 416 Tuberculosis cases in feeder and event cattle, of which only six cases have been attributed to event cattle of Mexico origin. Far and above the relatively low case could be attributed to event cattle, no tuberculosis cases have been attributed to event cattle of Mexico origin since 2011. Moreover, since 2001, less than 3% of all tuberculosis cases in the U.S. link back to an event cattle strain of tuberculosis. The philosophy that Mexico-origin Corriente event cattle pose increased risks in regard to bovine tuberculosis are not necessarily supported by current data.

<u>RESPONSE #15</u>: The department thanks you for your comment. The information that you included citing the low risk of TB from Mexican origin cattle is correct.

- > ARM 32.3.212 additional requirements for cattle,
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<u>COMMENT #16</u>: Several commenters stated that North Dakota has implemented this same regulation and there are several cowboys who have completely quit entering rodeos in North Dakota. It is not out of the realm of possibility to have some of Montana's favorite sons designate other circuits and stop rodeoing all together in Montana if this rule is passed.

<u>RESPONSE #16</u>: Thank you for your comment. Please see Response #6 on the potential economic impact to industry in Montana.

<u>COMMENT #17</u>: Several commenters do not support this proposed amendment as the proposed measures would not provide any additional protection to the Montana beef industry and would be an extreme burden on those in the sport cattle industry. Similar regulations have been enacted in North Dakota and have proven ineffective. In addition, while the recent outbreak in Canada was a likely a catalyst for concerns, it should be noted that Canada does not allow M-branded cattle into the country.

<u>RESPONSE #17</u>: The department thanks you for your comment. The department agrees that this proposed rule would have a significant impact to producers in the sport cattle industry. While the risk from Mexican origin cattle is low, it should be noted that there are detections of TB in Mexican origin cattle in the U.S. on an annual basis. Please see Response #1 for additional information on the detection of TB in Mexican origin cattle.

North Dakota has enacted similar requirements for Mexican origin cattle and has recently had a TB positive dairy herd. The epidemiological investigation of the TB case suggests human introduction of TB into the positive herd. To our knowledge, North Dakota has not had any TB positive cases associated with Mexican origin cattle.

The statement about Mexican origin cattle not being eligible for entry into Canada is correct. The recent TB case, while of a strain previously isolated in a Mexican dairy cow, was not attributed to contact with Mexican origin cattle.

<u>COMMENT #18</u>: Several commenters stated that if the department was committed to changing the import requirements for Mexican origin cattle, that some middle ground should be evaluated instead of a ban on Mexican origin cattle into Montana.

<u>RESPONSE #18</u>: The department thanks you for your comment. It is important to note that the proposed regulations are not a ban of Mexican origin cattle. The department recognizes, however, that due to the unique management of Corrientes cattle in Mexico, obtaining the proposed negative test on the birth herd of origin will be a nearly impossible requirement for importers to meet. The department agrees that the risk from Mexican origin cattle is low and that working with industry on a revised import regulations would be appropriate.

<u>COMMENT #19</u>: Several commenters expressed concern that the proposed regulations regarding M-branded cattle are government overreach and were done with political motivations in mind.

- > ARM 32.3.212 additional requirements for cattle,
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<u>RESPONSE #19</u>: The department thanks you for your comment. Evaluation of the merits of this rule are based upon the responsibilities of the Department of Livestock to protect the livestock industry of Montana and the risk of the introduction of TB from Mexican origin cattle. Please see Response #1 for information on the rate of TB in Mexican origin cattle.

<u>COMMENT #20</u>: One commenter stated the facts are that there have been significant strides in the eradication of TB both here in the United States and in Mexico, the facts also show that Mexican cattle are not the only source of TB but also wildlife and even humans can infect cattle with TB.

<u>RESPONSE #20</u>: The department thanks you for your comment. It is true that wildlife and humans can also serve as reservoirs for TB in the US.

COMMENT #21: One commenter states that small producers risk entire beef industry

<u>RESPONSE #21</u>: The department thanks you for your comment. The mission of the department is the protection of the entire livestock industry in Montana. Rules are established based upon risk, and not in response to the size of a particular segment of industry.

<u>COMMENT #22</u>: I live in Nebraska and agree 100% with the ban. There are enough USA native cattle to cover all rodeo and team roping events. It's time the USA steps up and protects the native USA cattle producer. We follow every law, and vaccine program. You know the Mexican cattle owners are not doing the same thing. Why should we all expose ourselves when there are enough cattle in the USA to support the roping and rode events? There are only a handful that make a 6 zero living but there are thousands of us that raise native cattle that suffer with the influx of Mexican cattle. They purchase them for less and it only benefits them – not the ranchers that raise healthy, native cattle. Rodeos and roping events will do fine without the Mexican cattle.

<u>RESPONSE #22</u>: Thank you for your comment. The department is considering this rule based upon the potential risk of introduction of TB from Mexican origin cattle. The number of cattle available for sporting events is beyond the scope of this rulemaking process. Please see Response #1 and #5 for information on the potential risk of TB from Mexican origin cattle.

<u>COMMENT #23</u>: One practicing veterinarian shared that he knows two people this change could affect, but he is not sure their 600 head are worth risking the industry in Montana. He doesn't believe 600 roping steers should have the potential to disrupt our whole beef industry. If they can figure out how to keep quarantined and ship directly to a lot out of state that has an M-branded plan, then he would say "ok", otherwise likes the idea of not allowing M-branded cattle.

- > ARM 32.3.212 additional requirements for cattle,
- > ARM 32.3.212B importation of cattle from Mexico,
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<u>RESPONSE #23</u>: The department thanks you for your comment. Please see Response #21 regarding the merits by which this rule is evaluated.

The department appreciates the suggestion on intermediate requirement to address the potential risk of the introduction of TB into Montana from Mexican origin cattle. Please see Response #18 on alternative options for import requirements for M-branded cattle.

#### ARM 32.4.201 and 32.4.1302

COMMENT 24: One elk farm producer and the North American Elk Breeders Associatio, support changes to the proposed rules. This change would bring Montana on par with common regulatory rules in other states..." Since 2012, states have overwhelmingly opted for states to train cervid producers to take their own samples and submit them to the lab and not incur a vet bill every time an animal dies. It is in the best interest for the elk producer to learn how to take good samples, they might not get credit for the test if it is not a quality sample. NAEBA believes the question to allow producers to tag their own animal should be resolved immediately to allow it. We are not aware of another state that does not allow this. Mandating veterinarians must tag animals is a solution in search of a problem. Montana already has a mandatory Chronic Wasting Disease program for elk producers, which requires an annual inventory. Therefore, a certificate veterinarian will hold ranches accountable for their inventories at least once every year. NAEBA respectfully urges Montana to make these changes without further delay.

<u>RESPONSE #24</u>: Thank you for your comment. Your comment is correct that this proposed rule change will make Montana more consistent with the regulatory rules of other state with alternative livestock programs. The department agrees that this change will benefit alternative livestock producers while not compromising surveillance for chronic wasting disease (CWD).

<u>COMMENT #25</u>: Montana Fish, Wildlife and Parks (FWP) views CWD testing of all alternative livestock mortalities as a critical component of CWD surveillance for the state of Montana. The agency understands that the proposed rule changes, which will allow some alternative livestock owners to tag animals and collect samples for CWD testing, are intended to improve CWD program compliance and we deter for Montana Department of Livestock to determine the best practices to attain this goal. MFWP advocates that the Montana Department of Livestock maintain authority to adjust these rules if the proposed changes do not improve compliance.

RESPONSE #25: The department thanks FWP for their comments.

### III. <u>CONCLUSION</u>

A. Board of Livestock to hear report and decide action.



From: George Edwards	Division/	Division/Program: LLB		Meeting Date: August 30			
Agenda Item:	•						
Background Info: USFWS has publis	shed guidelines fo	or grizzly	bear dete	rrence g	uidelines		
Recommendation:							
Time needed: 10 Minutes	Attachments:	Yes		Board	vote required?		No
Agenda Item:					•		
Background Info:							
Recommendation:		1 17	l NT	l D 1	1	3.7	N.
Time needed:	Attachments:	Yes	No	Board	vote required	Yes	No
Agenda Item: Background Info:							
Recommendation:							
Time needed:	Attachments:	Yes	No	Board	vote required:	Yes	No
Agenda Item:		1	1	ı	<u> </u>		1
Background Info:							
Recommendation:							
Time needed:	Attachments:	Yes	No	Board	vote required:	Yes	No
Agenda Item:							
Background Info:							
Recommendation:	A44 1	37	L NT .	D. 1		37	N.
Time needed:	Attachments:	Yes	No	Board	vote required:	Yes	No

### **U.S. Fish & Wildlife Service**

### **Grizzly Bear Caught-in-the Act Deterrence Guidelines**

Guidance for Livestock Owners and Homeowners



Grizzly bears are listed as Threatened under the Endangered Species Act (ESA). As such, harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting grizzly bears is not permitted. However, if a grizzly bear is caught in the act of attacking, killing, or threatening to kill livestock or pets, obtaining non-natural food, in the immediate area of homes or developed camp sites, or otherwise actively causing conflicts, individuals may use the following **non-injurious** methods to deter grizzly bears:

### **Non-Injurious Deterrence Methods:**

**Non-Projectile Auditory Deterrents**: Yelling, clapping, banging pots or other objects, air horns, vehicle horns, vehicle sirens, and P.A. systems (vehicle-based or hand-held) are often sufficient to move bears short distances.

**Visual Stimuli/Deterrents:** Sometimes simple visual stimuli, such as spotlights or flashing lights can frighten a bear away. Use in combination with yelling so the bear associates the stimuli with human presence.

**Vehicle Threat Pressure:** Vehicles can be an effective hazing tool. By driving vehicles towards bears (without hitting them), it can apply enough threat pressure to get bears to leave the immediate vicinity. The effectiveness of vehicle pressure can be enhanced by using it in combination with auditory deterrents such as sirens or horns. Caution must be taken that no contact is made between the vehicle and the bear(s). As soon as the bear(s) is clear of the immediate vicinity, pressure and noise should be discontinued.

**Water:** The use of water in a large steady stream has proven effective at temporarily displacing some bears from human use areas. Hoses with a nozzle that gives a high pressure, long-range stream, such as a fire hose, can be an effective deterrence tool. As with all deterrence techniques, use of water for hazing should be accompanied by yelling so the bear associates the experience with human presence.

Dogs: Dogs, such as Karelian Bear Dogs or guard dogs used on a leash can be an effective deterrence tool.

### **Preventative Methods:**

Livestock owners should take measures to prevent or minimize losses from predation through good husbandry and strategic use of pro-active deterrent methods such as electric fence, guard animals, and human presence. More information is provided in the <a href="Loss Prevention Toolkit">Loss Prevention Toolkit</a> on the Montana Livestock Loss Board website: <a href="https://www.llb.mt.gov">www.llb.mt.gov</a>.

#### **Human Safety:**

Individuals may legally take a grizzly bear in an act of self-defense or defense of another human if there is an immediate danger of being attacked.

For more information, or to report a livestock depredation, please contact one of the following:

- USFWS Grizzly Bear Recovery Program at 406-243-4903
- Montana Fish, Wildlife & Parks at 406-444-2535
- USFWS Office of Law Enforcement at 406-247-7355
- Blackfeet Fish and Wildlife Department at 406-338-7207
- Confederated Salish Kootenai at 406-270-3387

### August 25 2017

Montana LLB PO Box 202005 Helena MT 59620

www.llb.mt.gov

George Edwards Executive ! Director (406) 444-5609

gedwards@mt.gov

Counties	Cattle	Sheep	Goats	Guard	Horse	Swine	Totals	Payments
Beaverhead	13	2					15	
Carbon	7	TO THE RESIDENCE OF THE PARTY O		T-1700		**************************************	7	\$7,309.47
Cascade						ammelinen museum konstruktuur suur suur suur suur suur suur suur	0	
Choteau							0	COMMISSION OF STREET AND A STREET ASSESSMENT OF STREET
Deer Lodge			***************************************		***************************************		0	
Gallatin	1						1	\$1,088.59
Glacier	8	·					8	\$7,777.07
Granite							0	
Judith Basi	4						4	\$4,120.72
Lake						3	3	\$525.36
L&C	6	1					7	\$6,311.37
Lincoln	·	8				No. of the Control of	8	\$2,086.05
Madison	3						3	\$3,129.94
Missoula							0	M. M
Park	2						2	\$1,720.43
Pondera	3	2					5	\$3,747.30
Powell	10		,				10	\$10,248.54
Ravalli	2						2	\$2,130.10
Sanders	·	2					2	\$518.44
Silver Bow							0	
Stillwater						72.00 (10.00)	0	
Sweet Gras	S					**************************************	0	
Teton	10						10	\$10,240.45
Totals	69	15	0	0	0	3	87	\$75,784.37

### Wolves

Confirmed	37	3		
Probable	2	2		
Value	\$39,447.38	\$2,511.40		
Owners	14	3		

### **Grizzly Bears**

Confirmed	16	9		
Probable	14	1		3
Value	\$30,738.68	\$2,561.55		\$525.36
Owners	17	2		1



From: Evan Waters	Division/Program: Centralized Services				Meeting Date: <b>8/23/2017</b>		
	ding Budgets	icu sei vic	.03		0/23/2017		
rigenua tem.	ung Duugets						
Background Info: Includes HB 2 Bu	dget for 2017 an	d changes	to the bu	dget dui	ring the vear for s	such itei	ns as
Language Appropriations, prior yea							
	o ,		,	•	0 0	Ü	
Recommendation: n/a							
Time needed: 15 min	Attachments:	Yes X	No	Board	vote required?	Yes	No X
Agenda Item: FY 2017 Ye	ar End Expense	report (E	Budget St	atus Re	port)		
Background Info:							
Compares FY 2017 actual expenses	to the budget as	presented	l in Agend	a Item 1	and compared t	o FY 20	16
Recommendation: n/a	T	1	T			_	T
Time needed: 15 min	Attachments:	Yes X	No	Board	vote required	Yes	No
							X
Agenda Item: FY 2017 Year En	d Revenues						
Background Info:			_				
Compares FY 2017 actual revenues	s to the budget an	d compar	ed to FY 2	2016			
B 1							
Recommendation: n/a							
Time needed: 5 min	Attachments:	Yes X	No	Board	vote required:	Yes	No
Time needed. 5 min	rictaemments.	TC5 A	110	Doura	vote required.	103	X
Agenda Item: FY 2017 State Sp	ecial Revenue E	nding Cas	h Balanc	e		1	1
Background Info:							
Report on the Department's main S	SR ending cash ba	alances.					
	J						
Recommendation:							
Time needed: 5 min	Attachments:	Yes X	No	Board	vote required:	Yes	No
							X
Agenda Item: Predator Control	l – Wildlife Servi	ces					
Background Info:							
Present the balance available for th	a throa county's	llocation	and halan	co to bo	naid to Wildlife	Corvicos	for
predator control to operate the Dep	•		allu Dalali	ice to be	paid to wildine	sei vices	101
predator control to operate the Dep	al tillellt s liellto	ptei					
Recommendation:							
Time needed: 5 min	Attachments:	Yes X	No	Board	vote required:	Yes	No
		100 11		25414	. see sequireur		X
L	1	1	l			1	1



From: Evan Waters		Division/Program:			Meeting Date:		
	Centraliza	ed Service	es		August 23-24, 2	017	
Agenda Item: Per Capita Fee r	ate setting						
Background Info: Present the Department's projected increase in Per Capita fee. Action							ential
Recommendation: No Change	A., 1	177 37	Lat	D 1		T 7.7	NI
Time needed: 10 min	Attachments:	Yes X	No	Board	vote required?	Yes X	No
Agenda Item: Federal Grants Acc	countant Positio	n					
Background Info: Federal Grants accountant resigned Diagnostic Lab Finance Manager; C Department's Federal Grants Accountant Recommendation:	ontract Reviewer	_			-		
Time needed: 5 min	Attachments:	Yes	No	Board	vote required	Yes	No
Agenda Item:	1		- <b>I</b>		*	1	<u> </u>
Recommendation:							
Time needed:	Attachments:	Yes	No	Board	vote required:	Yes	No
Agenda Item:							
Background Info:  Recommendation:							
Time needed:	Attachments:	Yes	No	Board	vote required:	Yes	No
Agenda Item:						1	
Background Info:  Recommendation: Time needed:	Attachments:	Yes	No	Roard	vote required:	Yes	No
1		100	1	2 Juliu	, sto required.	100	10



From: Dan Turcotte	Division/Program: Milk & Egg Bureau			Meeting Date: Aug. 30, 2017			
Agenda Item:							
Background Info: General updates,	summary of week	kly report	S.				
Recommendation:							
Time needed: 10 min	Attachments:	Yes	No x	Board	vote required?	Yes	No x
Agenda Item:							
Background Info:							
Recommendation:	Ι.,	l	T	I		T	T
Time needed:	Attachments:	Yes	No	Board	vote required	Yes	No
Agenda Item: Background Info:							
Recommendation:							
Time needed:	Attachments:	Yes	No	Board	vote required:	Yes	No
Agenda Item:							
Background Info:  Recommendation:							
Time needed:	Attachments:	Yes	No	Board	vote required:	Yes	No
Agenda Item:							
Background Info:  Recommendation: Time needed:	Attachments:	Yes	No	Board	vote required:	Yes	No
Time necucu.	muaciiiiciius.	103	110	Doaru	vote required.	103	110



## Montana Department of Livestock Meat and Poultry Inspection Meeting

From:		District: Meat and Poultry			Meeting Date:	August	30,
Gary Hamel	Inspectio	n.			2017		
Agenda Item: Audit Update							
Adult opuate							
Background Info:							
Discuss the status of the recent on-si	te federal audit	including	audit resi	ılts and	corrective action	ı plan. T	`he
audit began on April 11 and ended A							
primarily sanitation and record keep						mitted o	n
June 15. That plan has been accepted	d and implemen	tation of t	that plan i	s ongoin	g.		
Recommendation:							
	Attachments:	yes	No X	Action	required?	yes	No X
Agenda Item:							
Background Info:							
Time needed:	Attachments:	yes	No	Action	required	yes	no
Agenda Item: Audit Update				l	1		
D							
Recommendation:							
Time needed:	Attachments:	yes	No	Action	required:	yes	No
							X
Agenda Item:							
Background Info:							
Recommendation:							
Time needed:	Attachments:	yes	no	Action	required:	yes	No
Agenda Item:							
Background Info:							
Recommendation:							
	Attachments:	yes	no	Action	required:	yes	no
						1	



### Agenda Request Form

					<b>311</b>		
From: Tahnee Szymanski, DVM	Division/P Bureau	rogram: Ar	nimal Heal	th	Meeting Date: A 2017	ugust 30	0,
Agenda Item: Request to Hire Admi	nistrative Special	ist Replace	ment				
Background Info: Evaleen Starkel is re	_			ent. This	position supervi	ses five	
individuals in the import office, provid			•		•		s, as
well as administers the alternative live							
operation of the Animal Health Burea	u.			•			
Recommendation: Approval for AHB	to complete hiring	process fo	r a new a	dministr	ative specialist		
Time needed: 5 minutes	Attachments:		<u>No</u>	Board v	ote required?	<u>Yes</u>	
Agenda Item: Request to Hire Staff	<u>Veterinarian for A</u>	Animal Hea	Ith Burea	<u>u</u>			
Background Info: The Animal Health E	Bureau is requesti	ng permissi	ion to hire	a new v	eterinarian posit	ion to	
enhance emergency preparedness eff	forts and continue	to meet p	ublic heal	th and v	eterinary needs.	The wor	kload
of the position would be as follows:							
<ul> <li>40% Emergency prepared</li> </ul>	Iness						
<ul> <li>35% Animal health to incl</li> </ul>	ude avian influen	za surveilla	nce and z	oonotic	disease surveillar	nce/resp	onse
<ul> <li>25% Meat inspection and</li> </ul>	Milk and Egg – pr	ovide subj	ect matte	r experti	se and technical	guidance	е
The Animal Health Bureau (previously		-					
workload for all four. With the recent	_		_		· · · · · · · · · · · · · · · · · · ·		
as the unified mission of the Animal H		•	•		•		
the Bureau as well as the mission of t				-		•	to
have an unfilled position. The position	n will be funded w	ith Umbrei	lla Cooper	ative Ag	reement money.		
Recommendation: Approval for AHB t	to create a new n	scition and	hiro a nov	v Ctaff V	otorinarian		
Time needed: 15 minutes	Attachments:	Sition and	No		ote required	Yes	
Time needed. 13 minutes	Attaciinents.		INU	Боаги	ote required	163	
Agenda Item: Request to Hire Bison	Manager						
The bison manager position has been		iroment of	factive la	nuary 1	2017 and the du	ıtios hav	o hoon
temporarily assigned to other bison o		in ennem en	iective ja	ilual y 1,	2017, and the do	ities iiav	e been
temporarily assigned to other bison o	peracions stair.						
This position has responsibility for att	ending IRMP mee	tings law e	enforceme	ent and i	nublic safety duti	es relatii	ng to
bison operations, liaison duties with o	_	_		-	-		_
areas. The position also directs and p		_	-	_			anici
according to MCA 81-2-120, and IBMI	•				otacaco. y ana ou	.64.01.0	
acco. a	μοσγ.						
The position will be posted internally.							
,,							
Time needed: 5 minutes	Attachments:		No	Board	ote required	Yes	
		1			· · · · · · · · · · · · · · · · · · ·	<u> </u>	1

Agenda Item: Request for Out of State Travel for 4 attendees to the USAHA Annual Meeting

Background Info: The Animal Health Bureau is requesting travel authorization for four individual

Background Info: The Animal Health Bureau is requesting travel authorization for four individuals to attend the United States Animal Health Association annual meeting in San Diego, CA (October 12-18). This annual meeting is

the single most critical meeting for discussing animal health programs, preparedness, and timely issues relating to animal health with other state animal health officials and federal counterparts. Dr. Zaluski currently sits on the executive committee of USAHA. Dr. Szymanski is the current president of the Western States Livestock Health Association and will preside over the Western States District Meeting. Dr. Liska is the chair of the Brucellosis Subcommittee and will be presiding over the sub-committee meeting. The fourth attendee, Emily Kaleczyc, is necessary to cover committee meetings due to commitments associated with the Executive Committee, WSLHA, and brucellosis related meetings. Kaleczyc is involved with brucellosis as well as the alternative livestock program and emergency preparedness. Both of these latter topics are covered in committee meetings that she would attend.

Cost of attendance expected to be covered by cooperative agreement (Zaluski, Szymanski) and General Fund (Liska, Kaleczyc)

Travel: \$1600 (estimated)

Hotel: \$1000 (Zaluski), \$1000 (Szymanski), \$600 (Kaleczyc), \$450 (Liska) Per Diem: \$368 (Zaluski), \$322 (Szymanski), \$230 (Kaleczyc), \$276 (Liska)

TOTAL: \$5846

Recommendation: Approve

Time needed: 10 minutes Attachments: Yes Board vote required: Yes

### Agenda Item: Request for Out of State Travel for Zaluski/Szymanski to attend NAIA Traceability Meeting

Background Info: The National Institute for Animal Agriculture and USAHA are holding a joint strategy forum on livestock traceability September 26-27 in Denver, CO. Dr. Zaluski has been asked to serve as a panelist at the forum to speak about the role of brands in traceability and Dr. Szymanski has primary responsibility for traceability for the Animal Health Bureau.

Cost of attendance expected to be covered by the animal disease traceability cooperative agreement.

Travel: \$1200 (estimated)

Hotel: \$800 Per Diem: \$274

TOTAL: \$2274

Recommendation: Approve travel.

Time needed: 10 minutes Attachments: Yes Board vote required: Yes

### Agenda Item: Request to publish proposed changes to administrative rule regarding OCV requirements

Background Info: At the last meeting, the BOL requested a review of the brucellosis vaccination rule. The Board requested a version that reflected a statewide-vaccination utilizing the same language as the current ARM. Some additional version, that may reflect the Board's desire to address risk, are included for review:

### (Board requested) Statewide vaccination requirement

### 32.3.436 BRUCELLOSIS VACCINATION WITHIN THE COUNTIES IN WHICH THE DSA IS LOCATED

- (1) Within the entirety of counties in which the DSA is located all sSexually intact female cattle and domestic bison, that are four months of age or older as of January 1, of any year must be Official Calfhood Vaccinates (OCV).
- (a) Female cattle or domestic bison that are not OCV eligible may become Official Adult Vaccinates (AV).

(b) Variances or exceptions to requirements will be considered on an individual basis by the administrator.								
(Recommended) DSA bordering counties breeding females								
32.3.436 BRUCELLOSIS VACCINATION-WITHIN THE COUNTIES IN WHICH THE DSA IS LOCATED  (1) Within the entirety of counties in which the DSA is located all sSexually intact female cattle and domestic bison that are four 12 months of age or older as in the following counties: Beaverhead, Broadwater, Carbon, Gallatin, Jefferson, Madison, Park, Stillwater, and Sweet Grass, of January 1 of any year must be Oofficial Calfhood Vyaccinates (OCV).  (a) Female cattle or domestic bison that are not OCV eligible may become Official Adult Vaccinates (AV).  (b) Variances or exceptions to requirements will be considered on an individual basis by the administrator.								
Explanation: The 12-month-old designation simplifies enforcement and allows for feeder heifers that have been held over, beyond January 1, to be sold without having to be vaccinates. It lists counties that contain or border a DSA (Montana's or Wyoming's) to address wildlife movement uncertainty.  Recommendation:								
Time needed: 20 minutes	Attachments:		<u>No</u>	Board vote required:	Yes			
Agenda Item: General Updates  Brucellosis update TB epidemiological investigation Canine influenza Other								
Recommendation:								
Time needed: 10 minutes	Attachments:		<u>No</u>	Board vote required:	<u>Yes</u>			
Agenda Item:								
Recommendation:								
Time needed:	Attachments:		<u>No</u>	Board vote required:	<u>Yes</u>			
					<u> </u>			
Agenda Item:								

Board vote required:

<u>No</u>

<u>No</u>

Attachments:

Recommendation: NA

Time needed:

### STATE OF MONTANA

# REQUEST AND JUSTIFICATION FOR OUT-OF-STATE TRAVEL

**Department of Livestock** 

1) Division

Animal HEalth and Food Safety

2) Employees Traveling

Marty Zaluski

Tahnee Szymanski

Eric Liska

**Emily Kaleczyc** 

### 3) Justification

FIVE

The Animal Health Bureau is requesting travel authorization for four-individuals to attend the United States Animal Health Association annual meeting in San Diego, CA (October 12-18). This annual meeting is the single most critical meeting for discussing animal health programs, preparedness, and timely issues relating to animal health with other state animal health officials and federal counterparts. Dr. Zaluski currently sits on the executive committee of USAHA. Dr. Szymanski is the current president of the Western States Livestock Health Association and will preside over the Western States District Meeting. Dr. Liska is the chair of the Brucellosis Sub-committee and will be presiding over the sub-committee meeting. The fourth attendee, Emily Kaleczyc, will help cover committee meetings. The meeting runs several committees concurrently and due to Drs. Zaluski and Liskas required attendance at sessions covering brucellosis, having an additional attendee will allow better coverage of additional topics at the meeting. Kaleczyc is involved with brucellosis as well as the alternative livestock program and emergency preparedness. Both of these latter topics are covered in committee meetings that she would attend.

Cost of attendance expected to be covered by cooperative agreement (Zaluski, Szymanski) and General Fund (Liska, Kaleczyc)

Travel: \$1600 (estimated)

Hotel: \$1000 (Zaluski), \$1000 (Szymanski), \$600 (Kaleczyc), \$450 (Liska) Per Diem: \$368 (Zaluski), \$322 (Szymanski), \$230 (Kaleczyc), \$276 (Liska)

TOTAL: \$5846

### 4) Itinerary

Marty Zaluski - October 12-19 Tahnee Szymanski - October 12-18 Eric Liska - October 14-18 Emily Kaleczyc - October 13-18

5) Submitted By	Requested By		Title	Date			
<u></u>	Tahnee Szymanski		Assistant State Veterinarian		8/15/2017		
Approval - to be Completed by Agency Authorized Personnel							
Date Approved by B	oard	Board Chair / EO	Date				
8-30-17 John H. Zul Dallt							
NOTE: A travel expense voucher form must be filed within three months after incurring the travel expenses, otherwise the right to reimbursement will be waived.							

### STATE OF MONTANA

REQUEST AND JUSTIFICATION FOR OUT-OF-STATE TRAVEL

Department	of	Livestock
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1) Division

Animal Health and Food Safety

### 2) Employees Traveling

Marty Zaluski

Tahnee Szymanski

### 3) Justification

The National Institute for Animal Agriculture and USAHA are holding a joint strategy forum on livestock traceability September 26-27 in Denver, CO. Dr. Zaluski has been asked to serve as a panelist at the forum to speak about the role of brands in traceability. Dr. Szymanski will be attending to benefit her extensive involvement with our state traceability system.

Cost of attendance expected to be covered by the animal disease traceability cooperative agreement.

Travel: \$1200 (estimated)

Hotel: \$800 Per Diem: \$274

TOTAL: \$2274

### 4) Itinerary

Travel Monday September 25 Meeting September 26,27 Return travel September 27

5) Submitted By	Requested By		Title		Date				
Tahnee Szymanski			Assistant State Veterinarian		8/15/2017				
	Approval - to be Completed by Agency Authorized Personnel								
Date Approved by Board		Board Chair / EO		Date					
8-30-17		John H.	Leledat						
NOTE: A travel expense voucher form must be filed within three months after incurring the travel expenses,									
otherwise the right to reimbursement will be waived.									



From: Layton	Division/	Division/Program: Lab				Meeting Date: Aug, 2017		
Agenda Item: AAVLD trave								
Background Info: Annual meeting, three attendees, T.Moore, QM; Jeff Marshall, pathologist; Steve Smith, pathologist. Three have attended this meeting for the last 5 years. Moore attendance allows for continued update on the laboratory quality system for accreditation purposes; Marshall oversees molecular testing and his area of interest is virology. Smith needs become better acquainted with the AAVLD apparatus and governance and this would be his first introduction.  Estimated costs for the three attendees are: Hotel-\$1800; airfare-\$1800; registration-\$750; per diem and miscellaneous (ie ground transport)-\$700. Total-\$5650								
Recommendation: Time needed: 2-5min	Attachments:	Yes	No	Poord r	vote required?	Yesx	N	
Time needed: 2-3iiiii	Attacilillents:	168	INO	Duaru	vote requireu:	resx	0	
Agenda Item:	<u> </u>	I	<u> </u>			I	1 0	
Recommendation:								
Time needed:	Attachments:	Yes	No	Board	vote required	Yes	No	
Agenda Item: Background Info:								
Recommendation:								
Time needed:	Attachments:	Yes	No	Board	vote required:	Yes	No	
Agenda Item:								
Background Info:								
Recommendation: Time needed:	Attachments:	Yes	No	Roard	vote required:	Yes	No	
Agenda Item:	Attacimients.	163	NO	Doaru	vote required.	165	INU	
Background Info:  Recommendation:								
Time needed:	Attachments:	Yes	No	Board	vote required:	Yes	No	
Time necucu.	ritaciiiiciits.	103	140	Doard	vote required.	103	110	

### STATE OF MONTANA

REQUEST AND JUSTIFICATION FOR OUT-OF-STATE TRAVEL

Department of Livestock  1) Division Animal Health - VDL  2) Employees Travelling T. Moore - QM; Jeff Marshall - Pathologist, Steve Smith, Pathologist  3) Justification Background Info: Annual meeting, three attendees, T.Moore , QM; Jeff Marshall, pathologist, Steve Smith, pathologist, Three have attended this meeting for the last 5 years. Moore attendance allows for continued update on the laboratory quality system for accreditation purposes, Marshall oversees molecular testing and his area of interest is virology. Smith needs become better acquainted with the AAVLD apparatus and governance and this would be his first introduction.  Estimated costs for the three attendees are: Hotel-\$1800; airfare-\$1800; registration-\$750; per diem and miscellaneous (ie ground transport)-\$700. Total-\$5650  4) Itinerary  5) Submitted By Requested By Title Date  For Layton  Approval - to be Completed by Agency Authorized Personnel  Date Approved by Board  Board Chair / EO  Approval be within three months after incurring the travel expenses, otherwise the right to reimbursement will be wised.				OUT-OF-STATE TRAVEL
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4) Itinerary  Submitted By Requested By Dr. Layton Por. Layton Date Approved by Board Approved by Board Board Chair / EO  Bate More attended and submitted By Agency Authorized Personnel  Date Approved by Board Board Chair / EO  NOTE: A travel expense voucher form must be filed within three months after incurring the travel approved.	Tillee have alleffuel	a unis meeting for the	last 5 years - Moore attendance allows for continue	ad undata on the laboratory
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4) Itinerary  5) Submitted By Requested By Title Date Por. Layton		,	would	be his first introduction.
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	otherwise the right t	to reimbursement w	rill be waived.	uia uavei expenses,



From:	Division/	Division/Program:			Meeting Date:		
Leslie Doely	Brands E	Brands Enforcement Division			August 30, 2017		
Agenda Item: BE Division	Structure						
Background Info:							
A proposal was made at a previous	meeting to forma	alize 3 wo	rk units in	BE Divi	ision into Bureau	s. Boar	d
decision is needed.							
Recommendation:	Ι.,	T	1		. 10	T T	
Time needed: 20 minutes	Attachments:	Yes	No	Board	vote required?	Yes	No
Š Š	nit Rule Proposa	al					
Background Info:	C 1: . 1		. D.1		1.		
HB 338 has changed requirements	for livestock graz	ing permi	its. Kules a	ire need	led to accommod	ate this	new
language.							
Dogommondation.							
Recommendation:  Time needed: 20 minutes							No
Time needed: 20 minutes  Agenda Item: Personnel & Ger	Attachments:	Yes	No	boaru	vote required	Yes	NO
Agenda Item: Personnel & Ger Background Info:	ierai opuates						-
	ng.						
Personnel and other general updates							
Recommendation:							
Time needed: 10 minutes	Attachments:	Yes	No	Doord	vote required:	Yes	No
		1 65	NO	Doaru	vote requireu:	res	NO
Agenda Item: BLS and PAYS Sa	ile Day Changes						
Background Info:							
A request has been made to modify the sale days between Billings Livestock Commission and Public Auction							
Yards. Per 32.15.104, changes to market operations are subject to prior approval by the Board.							
Recommendation:							
						I No	
Time needed: 30 minutes	Attachments:	Yes	No	Board	vote requirea:	Yes	No

#### 32.18.202 ADJOINING COUNTY LINE GRAZING PERMITS

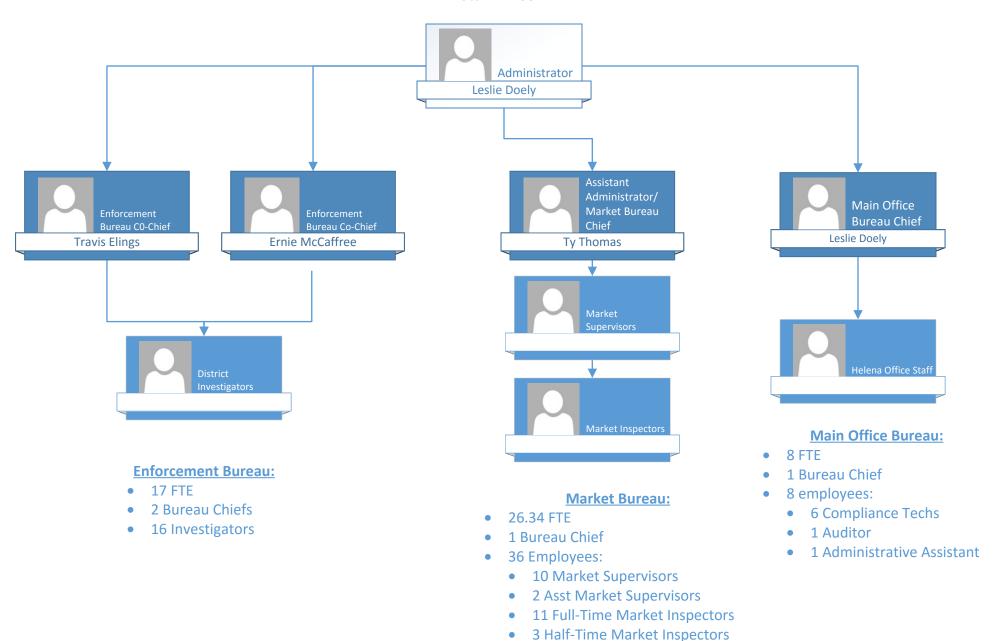
- (1) The adjoining county grazing permit allows livestock to move for grazing purposes from ranch of origin in Montana to a premises in an adjacent Montana county.
- (2) The ranch of origin and destination premises must be owned or controlled by the livestock owner or the owner's agent. The owner or owner's agent must be authorized to grant Department employees access to the destination premises.
- (3) Only one permit may be issued for an animal or group of animals in any 12-month period.
- (4) Permits are valid for 8 months after the issue date.
- (a) If an animal or animals do not return to the ranch of origin before the permit expires, or are moving to a different location, an inspection is required prior to movement.
- (i) Animals moving to a Montana livestock market may be transported on a market transportation permit.
- (1) (5) Livestock moved under a county line grazing permit must be hot iron branded with a Montana brand recorded to the owner of the livestock.
- (6) The permit must be issued by a Department employee.
- (7) Department employees are authorized to enter the destination premises and inspect any livestock that are present while the permit is in effect.
- (2) (8) A grazing association may impose conditions on such permits including a requirement that require livestock to be individually inspected prior to entering or leaving the common grazing area.
- (9) Grazing permits will be suspended if the livestock owner:
- (a) Provides false information on the permit.
- (b) Transports animals not authorized to move on a grazing permit,
- (c) Allows animals to leave or be removed from the destination premises and not return to the ranch of origin.
- (d) Violates state or federal livestock containment, livestock inspection, or animal health regulations.
- (10) If the permit is suspended, animals must be inspected prior to leaving the destination premises.
- (11) Requests for permits may be denied if previous permits have been suspended.

### 32.18.208 DEEDED LAND GRAZING PERMITS

- (1) The deeded land grazing permit allows movement of cattle for grazing purposes from a Montana ranch of origin to a Montana destination premises if the entire destination premises is the private deeded property of the livestock owner.
- (2) An application must be submitted to and approved by the Department prior to movement.
- (3) Virgin females and nursing calves are not required to be branded.
- (4) All other provisions in 32.18.202 (2) through (11) apply.

## **Brands Enforcement Division**

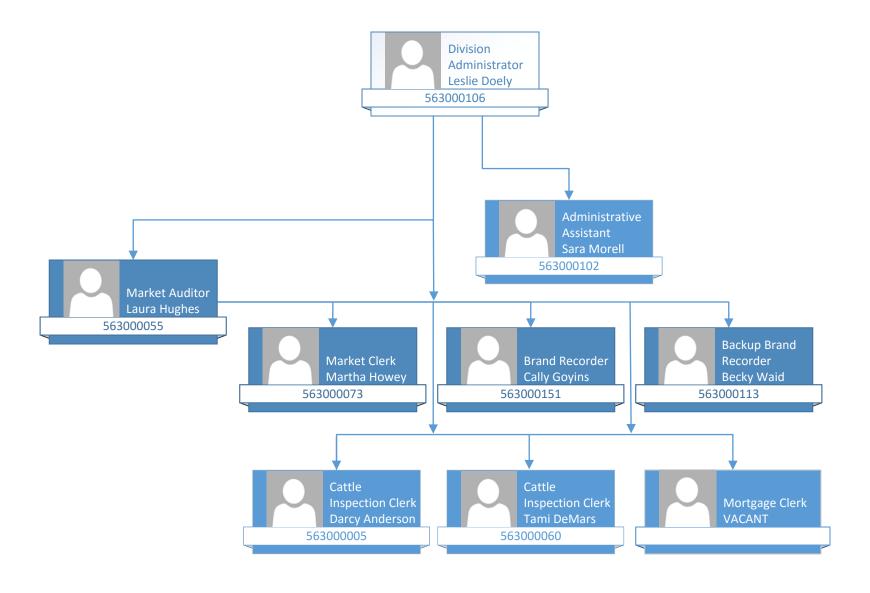
Total FTE: 53.11



10 Short-Term Workers

## **Brands Enforcement Division**

Helena Work Unit: 9 FTE



### Brands Enforcement Division Enforcement Bureau

