



## MINUTES BOARD OF LIVESTOCK MEETING

---

MAY 29 & 30, 2012  
LIVESTOCK CONFERENCE ROOM 319  
301 N ROBERTS, HELENA, MT

### BOARD MEMBERS PRESENT:

Jan French, Chair, cattle producer  
Jeffery Lewis, dairy producer  
Stan Boone, cattle producer  
Linda Nielsen, cattle producer

Brett DeBruycker, cattle producer  
John Lehfeldt, sheep producer  
Ed Waldner, swine producer (joined the meeting  
at 2:20 pm)

### STAFF PRESENT:

Dan Turcotte, Milk & Egg Bureau  
John Grainger, Brands Enforcement  
Gary Hamel, Meat Inspection  
Dr. Eric Liska, Animal Health  
Marty Clark, Brand Enforcement

George Harris, Centralized Services  
Dr. Marty Zaluski, Animal Health  
Dr. Tahnee Szymanski, Animal Health  
Steve Merritt, Public Information  
Dr. Bill Layton, Veterinary Diagnostic Lab

### PUBLIC PRESENT:

John Steuber, USDA AAPHIS WS  
Dr. Tom Linfield, USDA APHIS AVIC  
Dr. Ryan Clark, USDA APHIS

Les Graham, MLMA  
Ariel Overstreet, MSGA  
Pat Murdo, Legislative Services

1:00 PM

CALL TO ORDER

TUESDAY MAY 29, 2012

### ADMINISTRATIVE ITEMS

#### Board Communications:

- Jan French, Hobson
  - Great year for calving
  - Better off all spring as far as moisture, but drying out now
- Jeff Lewis, Corvallis
  - Plenty of milk now, some talk of how to get rid of it
- Stan Boone, Ingomar
  - Pretty scary until last weekend, then great rains
  - Should be a pretty good summer
  - All in all calving good
- Brett DeBruycker, Dutton
  - Very dry up to last weekend
  - Feedlot situation - losing some right now
  - Grain - winter wheat average or torn out; spring wheat and barley may be okay
- John Lehfeldt, Lavina
  - Good moisture
  - Lamb prices are down, but still reasonable
  - Wool prices are also down
- Linda Nielsen, Nashua
  - Winter wheat is great up here
  - Cows are in the eighty dollar range, bulls higher

**MINUTES**  
**BOARD OF LIVESTOCK MEETING**

---

- First horse sale of the year was pretty good

Approval of Minutes:

**John Lehfeldt moved to approve the March minutes with corrections. Jeff Lewis seconded. The motion carried unanimously.**

Interim Authorizations and Activities:

- Chairman Jan French authorized changing the local inspector audit dates from August to May.

**Stan Boone moved to approve the chair's interim activities as presented. Linda Nielson seconded. The motion carried.**

Executive Officer Reports:

**John Lehfeldt moved to approve the executive officer reports as presented. Stan Boone seconded. The motion carried unanimously.**

Division Reports

Wildlife Services, John Steuber

- Wolf damage conflicts involving livestock have increased dramatically over the last couple of months
  - 16 wolf actions ongoing now
- Received \$51,000 in funding from the Rocky Mountain Elk Foundation to be used for managing wolf conflicts with cattle
- Tim Graff, Helena based pilot, just returned from active duty in the Middle East and beginning flights for predator control
- Senate Ag Committee proposal to maintain Wildlife Service's federal funding at 2012 levels-don't know what the full Senate will do with it

Livestock Loss Board, George Edwards

- Board/rancher meeting took place last Friday
  - produced a document regarding a coalition to try to get federal funding
- Senator Baucus entered and indemnity clause into the farm bill
  - about 60% reimbursement for losses from federally reintroduced or protected predators
- Working with Representative Tester on prevention money also through the farm bill

Animal Health, Dr Zaluski

- Action Item # 1 5/12 DSA Boundary Adjustment rule
  - Received a total of 11 comments
  - One meeting held in Dillon
  - Request authorization to adopt with one minor change
  - File June 11, published June 21 and effective June 22

**Linda Nielsen moved to authorize filing the notice of adoption as presented. John Lehfeldt seconded. Motion carried unanimously.**

- Action Item #2 5/12 TB Rule

**MINUTES**  
**BOARD OF LIVESTOCK MEETING**

---

- Request authorization to file notice of adoption with minor changes
- No comments received
- File June 11, published June 21 and effective June 22

**Jeff Lewis moved to authorize adoption as presented. Linda Nielsen seconded.**

After discussion the board tabled this item to the July meeting.

- **Action Item #3 5/12** Proposed rule changes Rabies
  - Request authorization to file for public comment
  - 2 changes and simplification of language
  - Adding authority to order destruction of an exposed animal

**Jeff Lewis moved to authorize publication of the notice of rule change for public comment. Linda Nielsen seconded. Motion carried.**

- **Action Item #4 5/12** changing Official Orders into Rules
  - MCA 81-2-102 requires that Official Orders last no more than five years requiring animal health to write several orders into administrative rule and rescind several others that are no longer relevant--request authority to rescind or change the following Official Orders

	Year	Order #	Comments
1.	2011	11-01-I	Nile import exemption; event over
2.	2010	10-01-I	TB order; superseded by proposed rule 32.3.212; TB
3.	2010	10-01-D	DSA order; superseded by existing rule 32.3.433-437; Designated Surveillance Area
4.	2008	08-01-I	Canadian animal import; superseded by proposed rules 32.3.212; Additional Requirements for Cattle, 32.3.212; TB and 32.3.2001; Brands and Earmarks
5.	2006	06-01-I	Brucellosis testing of animals imported into Montana ; (Idaho, Wyoming and Texas were Brucellosis Class A); no longer needed
6.	2002	02-01-001	Ruminant feeding order; currently in Federal regulations
7.	1998	98-01-001	Calves under 30 days imported into Montana; Superseded by proposed rule 32.3.212; Additional Requirements for Cattle

**Jeff Lewis moved to rescind Official Orders 10-01-D regarding DSA, 06-01-I Testing from Class A, 02-01-001 Ruminant Feeding Order and 98-01-001 Importation of Calves. Linda Nielson seconded. The motion carried.**

- Rescind Official Orders regarding TB and Canadian cattle and a variety of diseases and include in appropriate rules, and changing testing requirements from 18 months to 12 months on male cattle.

**Brett DeBruycker moved to rescind orders 08-01-I Canadian Cattle Imports and 10-01-I TB. Jeff Lewis seconded. The motion carried.**

**Brett DeBruycker moved to draft into rule changes regarding Canadian Cattle and TB Official Orders. John Lehfeldt seconded. The motion carried.**

**MINUTES**  
**BOARD OF LIVESTOCK MEETING**

---

- IBMP Summary of Bison Operations
  - Judge issued a 14 day restraining order on helicopter hazing after two days of operations requiring ground hazing since then
  - Most recently loading into trailers for transport into the park
  - This morning another 20 head on Bill Meyers land, moved onto Horse Butte
  - Now hazing back to Cougar Meadows
  - Judge cited lack of ground to air communication
  - Proceeding to draft a protocol (excellent communication procedures-just have not been documented in the past).
- Miscellaneous Animal Health Items
  - Federal ADT Rule -traceability rule
    - Will come into force sometime this fall or late summer
    - Intact 18 months and over and rodeo and exhibition animals traveling interstate must have individual animal identification
    - State animal health departments responsible for enforcement
    - Will propose adoption of Federal ID rule into State rule by reference to insure compliance
  - Brucellosis
    - The 2010 interim rule "states that have a wildlife reservoir" must maintain an MOU with APHIS
    - Just received a draft MOU from APHIS - some wording is not feasible
    - The three states are working on the requirements (wording)
  - Trich Investigation
    - Dr. Szymanski provided an outline of the trace back investigation
    - 36 bulls out of 1379 tested showed positive (about 4%)
    - 5 contact herds have tests pending

3:30 P.M. RECESS

---

3:45 P.M. RECONVENE

---

Veterinary Diagnostic Lab, Dr Bill Layton

- LIMS system
  - The present LIMS system was 8 years in development
  - A new product called USA LIMS is now available
  - Would eliminate the present issues with our LIMS program and the VDL
  - Would interface with animal health and provide automatic billing system
  - \$185,000 for the system
- Milk Lab FDA accreditation
  - completed in April, 3 people became accredited
- Action Item # 5 5/12 Out of State Travel upcoming year
  - Requesting preapproval for:
    - 1) The serologist promoted into supervisor must be trained at MVSL
      - The plan is to send once for training in three areas
      - Certification is part of the hiring agreement
      - Expect a training opening near the end of summer

**MINUTES**  
**BOARD OF LIVESTOCK MEETING**

---

- Approximate cost \$2,000 or less

**Stan Boone moved to authorize travel as proposed. Brett DeBruycker seconded. The motion carried.**

- 2) Steve Smith is already registered for classes at Colorado State
  - Boards are a requirement for him to keep the job
  - He paid for registration and will camp out
  - Has requested funding for rental car and per diem

**John Lehfeldt moved to authorize rental car and per diem as requested. Brett DeBruycker seconded. Motion carried.**

- Trich Testing -issue with reagents
  - Caused by backorder from supplier
  - Required sending of about \$9,000 of testing to Colorado because of time restraints
  - Billed out to producer and sent explanation and thank you to prevent loss of customer
  - Quality control is working on avoiding this problem in the future by keeping a small amount of reagents on hand, rotating stock to avoid expiration issues
- Marsh Lab Building
  - MSU began an energy efficiency update per governor mandate where all lights replaced, will save the building \$7,300 per year
  - Hail damage insurance is paying for roof replacement on the lab part of the building
- New Building
  - Met with Department of Administration architects and engineers
  - If we can get an architectural plan that puts us up on the process - about \$100,000
  - Legislature says it is still a part of the mix either through long range planning or bonded
  - Christian is looking for money to get the concept put together
  - There is a July 15 deadline to get in on that process
  - By the time AAVLD comes in October we will have a plan in place
- Fees
  - Fee income so far for 2012 is at \$868,775 vs. 2011 FYE of \$900,000
  - Need to raise fees

**Producer Organization Updates**

- Montana Stock Growers Association, Ariel Overstreet
  - Introduced Tyrell Obrecht, Turner, Montana as a summer intern
  - Invited all to attend the mid-year meeting
    - Friday and Saturday in Great Falls
  - Recently meet with assistant director of Department of Interior and other federal personnel regarding the bison issue
    - must be managed - not free roaming- manage for disease control
    - emphasized the need to maintain the population within Yellowstone Park
    - need to have the ranching community at the table
  - MSGA presenting an op ed of "why we don't need free roaming bison to counter the op eds of "why we need free roaming bison"

**Public Comment**

**MINUTES**  
**BOARD OF LIVESTOCK MEETING**

---

4:55 P.M. \_\_\_\_\_ ADJOURNMENT

5:00 P.M. \_\_\_\_\_ EXECUTIVE SESSION  
Personal right to privacy exceeds the public right to know.

8:00 a.m. \_\_\_\_\_ CALL TO ORDER

WEDNESDAY MAY 30, 2012

BOARD MEMBERS PRESENT:

Jan French, Chair, cattle producer  
Jeffery Lewis, dairy producer  
Stan Boone, cattle producer  
Linda Nielsen, cattle producer

Brett DeBruycker, cattle producer  
John Lehfeltdt, sheep producer  
Ed Waldner, swine producer

STAFF PRESENT:

Dan Turcotte, Milk & Egg Bureau  
John Grainger, Brands Enforcement  
Gary Hamel, Meat Inspection  
Marty Clark, Brand Enforcement

George Harris, Centralized Services  
Dr. Marty Zaluski, Animal Health  
Steve Merritt, Public Information  
Monte Nick, Milk Control Bureau

PUBLIC PRESENT:

Les Graham, MLMA  
Ariel Overstreet, MSGA  
Buck Goldlehn, Choteau Co Livestock  
Protective Assn.  
Bill VanCanager, Coremark

Clyde Peterson, attorney  
Ed Moony  
Tom Sheehy, CCLPA  
Stan Weaver, CCLPA

Division Reports Continued

Centralized Services, George Harris

- George announced Monte's retirement
  - Jan French presented Monte with his 25 year longevity pin
- Action Item # 6 5/12 Executive Planning Process 2014 - 2015
  - reviewed department requests as prioritized by BOL sub-committee

**Brett DeBruycker moved to approve the EPP priorities as presented. Jeff Lewis seconded.**  
**The motion carried.**

- Action Item #7 5/12 Out of State Travel
  - reviewed department proposed out of state travel
  - standard meetings required in each division

**MINUTES**  
**BOARD OF LIVESTOCK MEETING**

---

**John Lehfeldt moved to accept the out of state travel as proposed. Brett DeBruycker seconded. The motion carried.**

- Budget Status Reports/State Special Revenue
  - reviewed budget status by division
  - review state special revenue funds
- Department of Revenue per Capita Fee Collection Proposal
  - The Department of Revenue that MDOL go to a paperless on-line collection system through a one year transition to set up and monitor on-line collection
  - MDOL would become responsible for collection of per capita fees
  - Would need more staff, office space and equipment, incur additional mail and collection costs, more overhead costs
  - Anticipate about 60% online response, who will collect the other 40%?

After discussion the board gave their opinion as follows: John Lehfeldt; Linda Nielson, and Stan Boone are against the proposal, it would incur more costs for doubtful benefits; Brett DeBruycker, and Ed Waldner were okay with consideration of collection and notification issues; Jan French, said only if DOL has access and can cross reference sellers to per capita payments. The board left it up to Mr. Mackay as to whether to pursue further.

**Public Information Office**

- Created inspectors manuals for annual meetings
- First Mont Guide soon to be completed working in cooperation extension office
  - Provides overview of best management practices with this one will focusing on Trich
- Suggest more public outreach focusing on Facebook
- Need more outreach on per capita and proposed four or more press releases to create public awareness and create mailing lists for horse clubs to contact them with information

**Meat Inspection, Gary Hamel**

- Suspended one plant
  - Plant owner/manager verbally confronted and acted in a threatening manner toward meat inspector - has happened before and with other inspectors
  - He later declined to come back into the inspection process
  - Gary informed him that he can come back into the inspection system when he chooses but inspection staff safety is primary
  - When he does come back in the suspension is held in abeyance for one year per regulations - if during that time incidents continue he will then be denied inspection
- Rabbit Issues/Questions
  - receiving lots of questions from proposed rabbit producers regarding slaughter
  - Per state statute alternative livestock and rabbits must be processed and slaughtered in a separate plant - there are no dedicated Montana rabbit slaughter plants
  - Federal rules say it is okay to slaughter and process in the same plant with appropriate clean up in between
  - Gary is working on a statute change
  - Is not a disease issue per Dr. Zaluski

## MINUTES BOARD OF LIVESTOCK MEETING

---

- Poultry Exemption
  - A lot of people wanting to bring small flocks for slaughter and sell at local markets - opportunity for income for small producers
  - There a number of exemptions with a variety of criteria
  - Working on a presentation and a chart for small producers
  - Board needs to be involved for safe product and public safety

### Milk and Egg, Dan Turcotte

- Eggs
  - Changed the contract with Montana Egg from three days to four 10 hour days
  - Waiting on hiring .5 FTE to see how the market does
  - The plant is averaging 30,000 dozen eggs a day
- USDA will be in the state soon
  - Checking the egg plant as well as frozen chicken in the school lunch programs
- FDA required salmonella testing of producer flocks begins on July 9th
  - Working on getting the tests done at the Veterinary Diagnostic Lab
  - Producers do their own swab and sent to a certified lab (VDL is certified)
- Dairy
  - Attended grading officers meeting
    - attorney spoke on liabilities stemming from raw milk, a big issue in other states
    - liability is much higher if the state is certifying raw milk if there is an issue or illness
  - Ed Waldner reported on the meeting with Coremark
    - Wants the date changed from 12 to 21 days and asking for dual dating
    - Coremark representative said processors could date on a best buy date - 12 day is actually the date for retailers to pull - consumers look for a best buy date, asking for a compromise - retail and consumer dates
    - Clyde Peterson, MDOL attorney reiterated the board needs to continue protecting the consumer and look at what sort of info to provide the consumer - dual dates which allow the processor to give the consumer a best by date - does not always satisfy comment from consumers
    - Mr. Anderson, Meadow Gold, defended the board authority and the 12 day rule

**Ed Waldner moved to accept the dual dating procedure under the condition that the Montana date is posted on the top. The motion died for lack of a second.**

A poll of the board went as follows:

Jeff Lewis - public input is to stay the same

Linda Nielsen - agrees not to change

Attorney for Coremark, Bill Van Kannigan of Missoula said Coremark came here to come up with a solution to end several years of contentious litigation

Jan - Board members have studied the issue and have done their homework

Ed - Coremark has approximately 3 to 4% of the market in Montana and questioned if the board should bow to the request

**Jeff Lewis moved to keep the 12 day rule. Linda seconded. Roll call vote:**

**John Lehfeldt - aye; Brett DeBruycker - aye; Ed Waldner - aye; Linda Nielsen - aye; Stan Boone - aye; and Jan French - aye. The motion carried unanimously.**

---

**MINUTES**  
**BOARD OF LIVESTOCK MEETING**

---

10:45 A.M. RECESS

11:00 A.M. RECONVENE

---

Brands

- Choteau County District Investigator, Christian Mackay
  - The Choteau County Livestock Protective Association historically has hired the district investigator for Choteau County who then worked in conjunction with the sheriff's office
  - Rocky Highfill has served in that capacity for 30 years and is retiring at the end of the year
  - Tom Shehee, speaking for CCLPA, explained that the association would like to continue this policy but needs help in funding it
  - One alternative is to look at legislative changes to increase mileage from 50 cent per mile providing more funding to CCLPA
  - Christian explained how a shift in district lines would expand two districts to cover the new area if MDOL took it over
  - Christian noted that Daniels County district investigator was also through a protective association. Dale Chabot retired up there and has never been replaced so the Chinook area state district investigator has picked that up
  - CCLPA requests funding from BOL toward maintaining the private position or if the board were to raise inspection fees it would enable CCLPA to maintain it
  - Board consensus is to wait and see what happens in the legislature
- Brand appeals
  1. Mary Moranville presented her appeal by conference call
    - Ill health of a neighbor, ill health herself -missed the deadline
    - Received the renewal post card but sent in renewal \$100 fee late counting on the 90 day extension
    - Protested the lack of extension and \$500 late fee
    - Has horses that are branded, 2 cows and may want to brand calves,
    - Cannot afford the \$500 "fine"- requested hardship waiver of the \$500 late fee

**Jeff Lewis moved to deny the request as presented. Brett DeBruycker seconded. The motion passed.**

2. Ed Mooney, in person
  - Parents passed away 1993 and 2003, bought sister out but never changed ownership of the brand
  - Called in October 2011 and was told by brand office in Oct to wait, let the brand go inactive and reapply -
  - This brand was found as not renewable by brand recording rules
  - Paid his \$600 to rerecord under the board exception guidelines prior to the May 14 deadline as he wants brand for future use, cited the attempt made to renew within deadline and the misinterpretation of advise

**John Lehfeldt moved to accept this request due to extenuating circumstances. Linda Nielsen seconded. Motion passed with Jeff Lewis voting no.**

3. Shawna, Idaho brand owner

**MINUTES**  
**BOARD OF LIVESTOCK MEETING**

---

- Missed the rerecord deadline, called, then sent \$100
- not paying Montana per capita, no horses or cattle branded in Montana

**Jeff Lewis moved to deny the request. Brett DeBruycker seconded. Motion passed.**

4. Nancy Pasha

- Claims an error in brand transfer, she says she wanted to rerecord and transfer (department used to rerecord and transfer at the same time if received prior to the deadline)
- Rerecord/transfer was received prior to rerecord deadline required documentation (certified death certificate) was not included
- Brand was rerecorded without the transfer because requested documentation was not received prior to the deadline
- Requesting a waiver of additional transfer fee (\$100)

**John Lehfeldt moved to deny the request. Linda Nielsen seconded. The motion carried.**

5. Doug Greenwalt

- Missed rerecord and exception deadline
- Here on date of last meeting, went down and paid fees
- No cattle in the last 3 years
- Requested exception because intends to use it and has paid fees

**Brett DeBruycker moved to deny. John Lehfeldt seconded. Motion passed.**

6. Pete Clark

- sent in \$200 after deadline (April 9)
- refused to pay the extra \$500 per (2 brands)
- wants refund unless fee is waived

**Brett/John no passed**

7. Bill or Dona Vold Larson, or Tammy Vold Larson Wyoming brand owner

- Failed to rerecord, O box stacked
- did not get notices - did apply and got o bar box as new brand
- has Wyoming proof, did not pay per capita and no cattle in Montana
- Requests exception to allow renewal -have paid \$500

**Linda Nielsen moved to allow if the \$500 fee is already paid, if not paid deny. Ed Waldner seconded. The motion passed with Jeff Lewis and Brett DeBruycker voting no.**

8. Cheri Lason

- Pat Ingraham, state representative sent letter for his constituent
- Applied for and received her non-rerecorded brand as a new brand
- Protested the late fee

The board agreed to defer Sam Novich to the July meeting.

- Annual Report to the Board was presented for board review prior to publishing
  - Ordering books for board members and producer organizations
  - Will also be available on the department website
- Mule Brands
  - Mule brands were issued in the past; seven of which are still active
    - The CC slash has a conflict issue
    - Issued on a horse brand in Shepherd that was already held in the same position on a mule brand in Hamilton with several mules branded

