



Montana Board of Livestock Meeting Minutes

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

January 25, 2023

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

Board Members Present

Gene Curry, Chairman (cattle producer)
Alan Redfield (cattle producer)
Ed Waldner (swine producer)
(Sue Brown attended by ZOOM)

Greg Wichman (sheep producer)
Jake Feddes (cattle producer)
Nina Baucus (cattle producer)

Staff Present

Mike Honeycutt, EO
Brian Simonson, Deputy EO
Evan Waters, Centralized Services
Buddy Hanrahan, Centralized Services
Dale Haylett, Centralized Services
Tom Shultz, Centralized Services
Mike Spatz, Centralized Services
Darcy Alm, Meat, Milk & Egg Inspection
Alicia Love, Meat, Milk & Egg Inspection

Donna Wilham, Adm. Assistant to EO
Dr. Marty Zaluski, State Veterinarian
Dr. Tahnee Szymanski, Animal Health
Dr. Greg Juda, Director, MVDL
Dr. Bradley De Groot, Animal Health
Dr. Merry Michalski, Animal Health
Jay Bodner, Brands Enforcement
Ty Thomas, Brands Enforcement

Public Present

Rachel Prevost, Montana Farmers Union
Dalín Tidwell, USDA Wildlife Services
Lauri Hanauska-Brown, MT FWP
Jim Steinbeisser, Beef Enhancement Working Group

Rob Adamson, Meadow Gold
Chaley Harney, MT Beef Council

MEETING CALLED TO ORDER

(:03) 8:00 AM

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

CALL TO ORDER AND INTRODUCTIONS

(:03) 8:00 AM

Chairman Gene Curry called for BOL member introductions. All BOL members were present in the meeting room, except for Sue Brown who was attending by ZOOM:

- Nina Baucus, Cattle Representative

- Ms. Baucus reported that she, her husband and entire family run a cattle and sheep ranch north of Helena
 - She said she was not looking forward to the cold weather that was coming and was hoping the ice would leave
- Sue Brown, Dairy & Egg Representative
 - Ms. Brown reported that where she was there were temps of about 80 degrees right now, but at home, there were about 100 babies on the ground that had been born very rapidly in the last five or six days. She added that they had 30 moms and that most of the goat kids born had been triplets
- Ed Waldner, Swine Representative
 - Mr. Waldner reported that the weather at their place had been pretty nice, but that they would probably be getting really cold weather
 - With the snowfall better than in previous years, Mr. Waldner said that the reservoirs were all pretty well full
 - There were a lot of hogs leaving the state of Montana , Mr. Waldner reported
 - Mr. Waldner said they had been utilizing the services of a really good trucking outfit out of Great Falls to haul their hogs, who had been very reliable
- Jake Feddes, Cattle Representative from Manhattan
 - Mr. Feddes said that they had a registered Red Angus operation and were right now in the middle of calving. He added that they were about a quarter of the way done calving and he was not really looking forward to the cold that was coming
 - Mr. Feddes reported that they had sold some cattle last week on the Superior Sale Market and that things were looking pretty optimistic as markets were coming up, and he expected that the cattle industry would be looking at 2-3 pretty good years
 - He was hoping for the ice to leave because he was sick of skating around and trying not to fall down
- Greg Wichman, Sheep Representative
 - Mr. Wichman said that their cattle/sheep operation was located at Hilger, just north of Lewistown, adding that most of their ice was gone
 - Calving wouldn't start for them for another couple months, Mr. Wichman said, although his son would be starting calving sooner than that
 - Mr. Wichman reported that his son had to have a new well put in so they would have some water to calve on this year and with the power company having been there the day before, he hoped that it was pumping water by now
- Alan Redfield, Cattle Representative, south of Livingston
 - Mr. Redfield reported that they were skating around, like everyone else and were in the winter mode getting ready for calving in a month and a half, or so
- Gene Curry, Cattle Representative
 - Mr. Curry said that theirs was a family operation at Valier

- Mr. Curry said that even though the steer calves shipped the day before sold for way better than he thought they would, there had been a fair amount of weight gain lost from the cold December weather
 - He explained that the calves had been eating, but hadn't been fed at the same time they normally did because of trying to keep equipment running
- The calves had been trucked to Washington, Mr. Curry reported, and that the freight from shipping them there versus to the Midwest was a bit less
- Although the snow was gone in Great Falls and south of Conrad, there was still snow on the ground at Valier, Mr. Curry said, and the ice was not gone, for sure

BOARD ADMINISTRATIVE ITEMS

(8:51) 8:09 AM

(8:51) 8:09 AM – BOARD APPROVAL OF PAST MEETING MINUTES

Gene Curry requested a motion to approve the minutes of the Montana Board of Livestock December 16, 2022 Meeting:

MOTION/VOTE

(8:55) 8:09 AM

Nina Baucus moved to approve the minutes from the Montana Board of Livestock December 16, 2022 Meeting. Alan Redfield seconded. The motion passed.

OLD BUSINESS

(9:09) 8:09 AM

(9:14) 8:09 AM – UPDATE ON GOVERNOR'S OGSM STRATEGIC MANAGEMENT AND EXECUTIVE OFFICER STRATEGIC GOALS

Gene Curry announced that Mike Honeycutt would be reporting on the Governor's latest OGSM:

- Mr. Honeycutt reported that December 2022 was the last horizon, and so starting with the January Ops Review, there would need to be some new initiatives to pursue for the next six months until the June horizon period
- Mr. Honeycutt said that, based on staff input and the ongoing Legislative Session, he would put a six-month Horizon report together, and he welcomed BOL feedback as well. The next OGSM appointment was scheduled somewhere around Valentine's Day
 - With the Executive Officer Evaluation Forms that the BOL had just filled out, which included objectives and future planning, Mr. Curry said, that maybe there was something from those that could be incorporated into Mr. Honeycutt's OGSM horizon
- Per capita fee collections would be starting soon, Mr. Honeycutt said, and so he planned on tracking those on the OGSM dashboard starting in February

- The good news/bad news from a budget standpoint, Mr. Honeycutt said, was that the DOL continued to run expenses below the appropriated budget, but until per capita fee monies started coming in, revenue would be down
- Both the Lab Fees and Market Fees would be down, Mr. Honeycutt reported, because both were transactionally tied with what had happened with the cattle inventory over the last 24 months
- Mr. Honeycutt reported that between Brands Inspection Fees, Per Capita Fees, Estray Funds, all the different things the DOL had access to, there was just under \$14 million of liquid cash available, and that would help the DOL meander through the down-cattle cycle
 - Spending in the DOL was on line, Mr. Honeycutt said, but revenue was lagging compared to what it would have been the last couple of years
- Mr. Honeycutt was glad to report that vacancies in the DOL were less than 10, with the Meat & Poultry area being successful in filling many positions. He said that the DOL was in good shape with vacancies being filled for Meat Inspectors in the field, but that the EIAO and Label Specialist positions were still vacant
- Mr. Honeycutt mentioned that there had been some people having to deal with Family Medical Leave situations, and that was why the DOL had requested the Legislature approve the hire of more Meat Inspectors
- Market Cattle Movement and the Commission Companies action was lighter, Mr. Honeycutt reported, showing significantly less than fiscal year 2022 to this point in the year and also a little less than in '20 and '21. He added that probably things were returning to normal or maybe a little less than normal, as the most recent Fall Run was lighter than the DOL had experienced in any of the last few years
- Reporting on the initiatives for the next six months, Mr. Honeycutt said that this was where if the BOL had something to add, to please do so
 - A big part of the Governor's statewide OGSM was "Support Value-Added Processing"
 - Mr. Honeycutt said, we want to get the updated language for custom exempt passed and implemented; get the Legislation on reducing the species that the DOL actually inspects passed and implemented; get the increase in Meat & Poultry Inspection staffing supported, passed and implemented; prepare for and pass the USDA-FSIS June 2023 audit
 - Regarding "Monitoring Animal Disease," segment, Mr. Honeycutt said we want to get the inflationary adjustment for the MVDL put in and implemented so the construction schedule for the new MVDL was on track
 - Mr. Honeycutt reported that HB5 would be opening that day at the Legislative Session and that the next day, the Wool Lab inflationary adjustment would be discussed. He added that the pot of HB5 that the new MVDL was part of, would be discussed on February 2, 2023
- Mr. Honeycutt said that the DOL wanted to do some stakeholder outreach to ranchers with tabletop exercises and get the Secure Beef Supply Chain Program on its way and implemented, with the ultimate goal of getting ranchers to have a

secure beef supply plan for their premise. He said that pork and poultry were ahead of beef when it came to those types of programs

- Also, getting fully implemented on the Swine Health Improvement Program was a focus Mr. Honeycutt wanted to tackle in the next six months
- Public meetings in the DSA, reporting what was going on with Brucellosis management should be scheduled during the next six months, Mr. Honeycutt said
- Within the next two weeks, Mr. Honeycutt expected to see the results of the most recent elk collaring process done with FWP. This year, that collaring was concentrated on elk south of Wisdom, between Wisdom and Dillon, on the west side of the interstate
- The DOL needed to support, get passed and implemented the indemnity fund, Mr. Honeycutt said
- Regarding livestock identification, the DOL wanted to get the modernization of the livestock market and dealer regulations passed and implemented, Mr. Honeycutt said, adding that, with it being license renewal time for dealers, Kelly, from the Helena Brands office, would be working with those
- Mr. Honeycutt said there would be a random selection of livestock dealers to conduct audits on, taking a look at their transaction sheets and making sure they were operating within the regulations
- Mr. Honeycutt reported that the DOL was trying to set up possible minimum standards for the monetary amount of bonds being carried by livestock dealers, because some may not be comparative to the monetary level of transactions they were conducting
- Regarding the “Improve Online and Digital Services” initiative, Mr. Honeycutt said, the DOL wanted the Legislature to get the law implemented and passed that would recognize electronic copies as legal documents. This would be one of the first steps in beginning to experiment on the movement side of things with electronic inspections
- Approval of HB10 initiatives would provide the appropriations to continue to move IT projects forward, including the phasing out of Fort Supply and moving to a new system called Microsoft ServiceNow
 - Mr. Honeycutt said that ServiceNow demos were scheduled with staff the following week and that, starting in the Spring, the phase-in of that platform would begin and that by June, staff would be trained to be able to test it out online, if the Legislature passed the law that would recognize electronic copies as legal documents
 - Mr. Honeycutt hoped that some Deputy Local Stock Inspectors would want to test out the new platform to see how it worked in the field, adding that the DOL wasn’t forcing people into the changes right away and that he expected it to take some time for people to get used to it
- Meat processing info from across the state was shared with the Governor, Mr. Honeycutt said, reporting to him that the first two months of the quarter were lighter than fiscal year 2022, driven by drought and other impacts. He added, however, that compared to fiscal years 2019 and 2020, the meat processing numbers were outpacing those years

- Mr. Honeycutt pointed out that the second quarter of the fiscal year skewed slaughter by species and slaughter by inspection type numbers because of the increased amount of poultry done by custom exempt plants during the holiday season, making it look like Montana was a much bigger poultry state than they actually were
- The Colonies, Mr. Honeycutt said, were who he'd give credit to for the strong gains in meat processing in the poultry sector, as they were getting really good at how to market their birds, with most of them holding at least a custom exempt license with the DOL and some holding a State-inspected status
- Mr. Honeycutt explained that for custom exempt facilities, they were basically selling processing for the owner of the animal and that he advised that people should have a bill of sale as documentation of that fact
 - Custom exempt facilities, Mr. Honeycutt explained, could not sell meat, such as boxes of rib eyes, sirloins, etc., but could sell wholes, halves and quarters, because that was selling a portion of the animal, not the meat
- Jake Feddes said that they might sell five or six hides a year, and that when they did, it was usually bison hides. He said that nobody ever brought in a brand inspection or change of ownership paperwork when they brought animals into their facility
- There was BOL discussion regarding the legality of field slaughter of certain species of animals not being done by the custom exempt facility where the meat was processed
 - Alicia Love said that to be clear about the custom exempt slaughter discussion, she wanted some time to delve into the legalities of it and would present her findings during her afternoon presentation
- Jake Feddes suggested either the DOL or County Extension Agents educate Fair Boards early regarding not having to put animals under inspection bought at the Fair if they weren't selling it and just having it slaughtered. He said they also should be told that if they were not reselling the meat from that animal, they could have it processed by a custom exempt facility. 90% of the animals sold at Fairs, Mr. Feddes said, were not getting resold, but much was gifted by companies to their employees
 - Alicia Love reported that she had two plants who had already requested their Fair slaughter dates and that she agreed with Mr. Feddes about doing educational outreach, that it would be great. She offered to draft some guidances that could be shared with industry partners
- Gene Curry commented, regarding the OGSM report, that he thought it was going to get a lot more difficult to come up with improvements needed in the DOL every six months for the Governor, and that even though the DOL may not ever reach perfection, he hoped they were going in the right direction of improving things

NEW BUSINESS

(54:26) 8:54 AM

(54:26) 8:54 AM – PROGRESS UPDATE ON DOL POLICY AND BUDGETED LEGISLATION

Mike Honeycutt explained the list of bills and progress of them that he was tracking during the current Legislative Session:

- **HB2**, the main DOL budget, was still in the same status and that the schedule hadn't changed, Mr. Honeycutt said
 - The DOL was supposed to be getting Executive Action on that budget on February 7, 2023 from the Section C Subcommittee
- **HB5** was where the new VDL related funding was located
 - Mr. Honeycutt said that there was a hearing scheduled for January 26, 2023, which included the Wool Lab as well. The VDL inflationary adjustment hearing was scheduled for February 2, 2023
- **HB10** was another long-range planning bill that included the State IT plan. The opening of it would be on January 30, 2023
 - Some DOL items included in this bill, Mr. Honeycutt explained, were the purchasing of a new Animal Health System in the next biennium, the Google program that would allow the scanning of paper documents, bringing them into the DOL database without having to type them into the system
 - The DOL hearing for HB10 was scheduled for February 6, 2023
- **HB44** would remove the requirement for paper copies of brand movement documents
 - HB44, Mr. Honeycutt said, had passed its second Committee and was only a second and third reading vote away from getting to the Governor's desk
- **HB51**, the State Indemnity Fund, had been referred to Senate Ag to be heard by them next week, Mr. Honeycutt said, having already passed the House
- **HB59** would extend the sunset on all the LLB programs and the predator control statutory appropriation
- Mr. Honeycutt reported that he had gone to a Senate Ag hearing on the bill the day before and they had already taken Executive Action on it and would now be able to go to the Senate floor for its final votes
- **HB66** was a Department of Revenue bill that would change the date of per capita fee collection from May to March, essentially saying your bill was due when you report
 - Mr. Honeycutt explained that the Department of Revenue was under an obligation in May to give the counties accurate numbers for the taxation of their county petitions, and so, they wanted to move that date up to get that done
 - The DOL, Mr. Honeycutt said, stood up as a proponent of the bill, which had been through the House and had been referred to Senate Ag

- **HB84**, the garbage feeding of swine, Mr. Honeycutt thought, had been scheduled for a hearing by Senate Ag the next week, as it had already been through the House and referred to that committee
- **HB100**, a bill which required owners to gather and contain their livestock for disease testing, was through committee and was being voted on the House floor
- **HB104** was the DOL's aerial hunting bill, which would expand that hunting to out-of-state hunters in every county in the state
 - Mr. Honeycutt reported that an amendment had been made to the bill because of concern of throwing the DOL out of compliance with the Federal Airborne Hunting Act if it hadn't been done. That amended version of the bill had moved to the House floor
- **HB153** would modernize the livestock market language and could, at any point, Mr. Honeycutt said, be scheduled to the Senate floor
- **HB158** would align the State custom exempt slaughter laws with Federal standards
 - Mr. Honeycutt explained that Representative Kassmier had not moved that bill to a hearing yet, but as a Committee Chair, he was keeping the bill in his back pocket to hear during a slack time. Mr. Honeycutt said that Representative Kassmier had done the same thing with **HB159**, the Crime Stoppers Act
- **SB37**, being carried by Senator Hertz, would remove rabbits and alternative livestock from required meat inspection because it was not required under the Federal Act
 - Mr. Honeycutt said that this bill had moved through its committee, but, had a party line vote in Senate Ag of 7 to 4, the Democrats voting against it, in the closest vote so far of all DOL bills presented. He thought it was scheduled for a Senate floor vote that day
 - Mr. Honeycutt reported that most of the DOL presented bills had been passing committees unanimously, and that when they got to the House floor, he didn't think anything had gotten less than 90 votes so far
 - One of the Committee members voting on the bill, Mr. Honeycutt said, he didn't want to see the DOL deregulating, and that the Feds needed to be inspecting it, too
- **SB52**, the exemption for guard dogs, had been abandoned, Mr. Honeycutt said, as the Woolgrowers were not totally okay with the language of the bill, and with no reconciliation of differences between them and the DOL, Senator McKamey decided that there was no point in running a guard dog bill that Woolgrowers would oppose, and so, the DOL stopped it
- **SB71**, changing Milk Control policies, had passed the Senate and had been transmitted to the House. As of yesterday, Mr. Honeycutt said, it was yet to be referred to a committee, but he thought it might go to a business and labor committee rather than an Ag committee
- **SB78** was a LLB bill, setting limits on reimbursement for registered livestock had passed the Senate and had been transmitted to the House
- There were two draft requests related to bison Mr. Honeycutt said, that had not moved, but he was watching

- A draft joint resolution on mandatory COOL which was basically a resolution to Congress to reinstate mandatory COOL that was WTO compliant, Mr. Honeycutt said, would probably be introduced at any moment, as it had been drafted
 - Mr. Honeycutt said there was a draft that would make the Department of Labor and Industry enforce the COOL labeling placarding at retail establishments, which listed the origin of meat at meat cases in stores
- Mr. Honeycutt did not report on the Beef Checkoff draft, as he had not seen any language on it yet, but was going on
- There was a pending draft that would increase the penalties for illegal livestock imports, and Mr. Honeycutt said he had talked to the potential bill sponsor on that
- Mr. Honeycutt said the DOL was told by a Legislator that he would not bring a bill about milk dating if things could be resolved through rulemaking
- Mr. Honeycutt said that Senator Bogner was the potential sponsor of a bill regarding providing for local meat establishments. He had not yet talked to him about he wanted to do with that bill
- Although there were still a number of ag bills out there, Mr. Honeycutt said he tried to keep his focus narrow and only follow those that would affect the DOL, Alan Redfield adding that you don't need to open a can of worms that didn't need to be
- Mr. Honeycutt said that he was aware and watching a grizzly bear bill Senator Lang had been dealing with regarding delisting grizzlies, but, he was not engaging, getting involved or taking a position on it, as it was not under the DOL's purview
- Alan Redfield said he had texted with Representative Kassmier regarding raising the fees on illegal imports, and that the adjustments the BOL made to the language on that had made it much easier for him, and the bill would be out pretty quick, once it's done being drafted
- The language now, Mr. Redfield said was plan and simple, if you bring those animals in illegally into Montana, the fee would be \$5,000 or \$500/animal, whichever was greater

(1:16:17) 9:16 AM – ANNUAL EVALUATION OF EXECUTIVE OFFICER PERFORMANCE

Gene Curry announced that the BOL would be going into Executive Session to conduct the annual evaluation of the Executive Officer

**(1:17:32) 9:17 AM RECESS
9:23 AM RECONVENE**

**9:23 PM EXECUTIVE SESSION
10:42 AM RECONVENE**

**10:42 AM RECESS
(1:18:40) 10:56 AM RECONVENE**

Gene Curry entertained motions, two times, due to audio problems, to accept the evaluation of Mike Honeycutt, the Executive Officer:

MOTION/VOTE

(1:19:37) 11:01 AM

Alan Redfield moved to accept the evaluation of the Executive Officer. Greg Wichman seconded. The motion passed. (This motion was revoted on due to audio problems)

MOTION/VOTE

(1:23:21) 11:05 AM

Alan Redfield moved to accept the evaluation of the Executive Officer. Greg Wichman seconded. The motion passed.

EXECUTIVE OFFICER UPDATES TO BOARD AND DISCUSSIONS

(1:23:49) 11:05 AM

(1:23:55) 11:05 AM HUMAN RESOURCES UPDATES

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

(1:24:28) 11:06 AM Staff Openings and Recruitment

Mike Spatz said that the agency was still holding strong on recruitment with six positions currently being recruited for in the DOL:

- One vacant position had an offer sent out on it and Mr. Spatz was hoping it would be hired and filled within the next few weeks
- Another position within the Animal Health area was in the interview stage
- Two new people had been hired in Animal Health since the last BOL meeting, Mr. Spatz reported
- In the Brands Enforcement area, Mr. Spatz said one position was lost due to retirement and that another retirement was going to happen at the end of the month
- Mr. Spatz announced that he would be making a presence at a Carroll College Career Expo to talk to students about the agency, jobs available and give tips on applying for State jobs

(1:25:55) 11:07 AM Statewide Process for Year-End Evaluations

Mike Spatz said that the Year-End Performance Evaluations, spoken about at the last BOL meeting were currently going on, but coming to an end:

- All staff were expected to participate in that evaluation, and currently, 90% of employees had completed their part and 70% of Managers had completed their piece of that. Those needed to be wrapped up by the end of the month
- The evaluations of individual employees were stored in the State Talent System. Mike Honeycutt explained that for his evaluation, because the BOL were not

State employees, they could not log into the Talent System and so, his evaluation had to be paper-based files

- Mike Spatz said that if in the future the BOL needed to view employee evaluations, he could access them and he could get them what they need

(1:31:19) 11:13 AM YELLOWSTONE BISON WINTER OPERATIONS UPDATE

Mike Honeycutt reported on the most recent activity in the Yellowstone Winter Operations:

- Mike Honeycutt reported that the last firm number he had for bison removals was 914: 417 from the hunt and 497 trapped at Stephens Creek on the Yellowstone side of the border. He added that both trapping and hunting of bison outside of the Park was still occurring
- Close to 1,500 bison had been in the Gardiner Basin at various times throughout the season, so far
- The DOL was working on plans to take care of two bison spotted yesterday in Zone 3 and two lone bulls that showed up on the Lone Mountain Ranch in the last 18 hours
- Mr. Honeycutt said that the DOL and FWP put together a pretty firm plan for the winter and population number yield if there was some sort of mass migration event that would put pressure outside of the tolerance area and how that would be coordinated in various situations.
- The relationship on this issue, in coordination with FWP, Mr. Honeycutt said, was the best it had ever been in terms of working together as partners in the situation
- Mr. Honeycutt reported that there was a safety incident reported in the news last week where a State hunter was doing a second shot on an animal and there was a ricochet that hit one of the Nez Perce Tribal hunters. No life-threatening or critical injury occurred
- With a population of 6,000 bison in the Park, although the removal numbers were getting to a declining number, there probably would need to be more removed, Mr. Honeycutt said
 - Mr. Honeycutt thought that Yellowstone had the intent to trap more bison and that they should be starting to consign Brucellosis positives any day now, from their trapping to slaughter, and Dr. Zaluski was working with them on the transportation plans
 - Processing of the bison would probably be at Big Timber for some, and Mr. Honeycutt wasn't sure if any would come to Helena this year. He said there was a new player for bison processing in the Eddie's Corner area and some might be headed that way as well
 - Mr. Honeycutt explained the process for transporting the bison for slaughter from Stephens Creek: USDA Veterinarians were present when the bison were loaded at Stephens Creek into a sealed trailer with a law enforcement escort to the slaughter plant. The trailer isn't unsealed until it reaches its final destination to assure nothing happens in between
 - Bison that were trapped that were not Brucellosis-positive were candidates for quarantine, and Mr. Honeycutt said, that the intent this year

was to put together a cohort of roughly 250 of those bison, something that might take a trapping of 500-600 to yield that number

- Mike Honeycutt remained hopeful that within a few weeks there would be about 1,200 bison removed from the Park. Bison trapped that were Brucellosis-positive were consigned to slaughter. Bison trapped that remained negative for Brucellosis went into quarantine and were not returned to the Park. Tribal and State hunting took care of the balance of the rest
 - The meat of the bison that were taken by administrative harvest, Dr. Zaluski explained, was traditionally given to Food Banks if the environmental conditions were okay when they were taken or offered to the Tribes. If there was a chance the meat spoiled, it was taken to a landfill
- Part of the contingency planning, Mr. Honeycutt reported, was to bring out mobile traps that hadn't been used in years if the other bison traps became full. Dr. Zaluski thought that for short term stay, he thought the Stephens Creek facility would hold close to 1,000 animals, because some of the pens had been expanded. The quarantine capacity of that facility was for about 250.
- Dr. Zaluski said that the USDA-managed facility in Corwin Springs also continued to be used for the bison quarantine program. Mike Honeycutt further explained that the Corwin Springs facility was leased to increase the capacity of quarantine bison and that USDA was assisting the Department of Interior with that quarantine process. The Department of Interior program to re-establish bison to Tribal communities was called the Bison Conservation and Transfer Program
- Fort Peck also has a bison facility at Poplar, where Brucellosis-negative bison are transported once they finished their protocol at the other facilities. There was still a one-year quality assurance testing program left for those bison, though, Mr. Honeycutt said, where they were required to test negative two more times and were consigned from there to the Tribes
- Dr. Zaluski explained that one of the mobile trap facilities had been deployed on Horse Butte when that wasn't in the year-round tolerance area. A non-mobile facility had been set up at Duck Creek, north of West Yellowstone about 10-12 miles. He added that both were readily accessible, but the challenge was not just the week-long assembling of those traps, but where to set up the traps in the limited landscape. Once the trap was removed, the land would also need to be remediated
 - Utilizing those two traps, Dr. Zaluski said, would be the least desirable option, adding that the DOL wanted to encourage the Park's success in using the Stephens Creek facility, but that tool was still available as a last resort
- Alan Redfield said that the Gardiner Basin had no feed, so the bison were going to push elsewhere and there were already plenty bison sitting pretty close to the edge of the Park boundary
- Mike Honeycutt reported that every Wednesday morning, there was a Hunt Manager call where Tribes that had exercised treaty rights for hunting participated, along with different agencies, and the conversation of that call talked about what was happening on the landscape with the hope of trying to

coordinate and get as many of those Tribes to exercise their hunting rights as they could. Mr. Honeycutt said that Tom McDonald, who was currently the Tribal Chair for CSKT, said that he thought if they maximized their hunting opportunity, they could take 700-800 through hunting

- The concern that the DOL had, Mr. Honeycutt said, was for having a lot of bison hanging out in the Basin come April and May when hunters were not on the landscape, as he said when there was hunting taking place, it kept the pressure on the bison to not venture out too far
- Mr. Honeycutt explained that according to Fish and Wildlife laws in Montana, artificial feeding of wildlife was not allowed, and these Yellowstone bison were wildlife, and so, dropping hay to keep them in an area would be prohibited by our own State law. He added that this might be, for the first time in a long time, end up being a bigger hazing operation to move those bison back into the Park off of State territory or obligation, because the females were supposed to go back into the Park after May 1st
- Mr. Honeycutt said there had to be better planning around those times when a bison program employee takes time off so that staff was in the Zone 3 area every day

(1:58:05) 11:39 AM BLM GREATER SAGE GROUSE PLANNING EFFORTS

Mike Honeycutt said that there was not a lot he could say regarding the Sage Grouse planning efforts on the public record, but he encouraged the BOL, if they wanted to know more, to talk to him offline:

- Mr. Honeycutt said that the reason he couldn't talk much on the public record about the subject was because the DOL was a cooperating agency in those efforts, being able to get early access to the plans and thoughts of BLM and also played some role in helping shape their environmental assessment alternatives
- Dealing with the Greater Sage Grouse Plan that was developed back in 2015, Mr. Honeycutt said that in Montana the plan had done very well, with information that he's seen showing a lot of recovery in the sage grouse population in the Montana management areas
- Mr. Honeycutt explained that because the plan had not been looked at in a few years, BLM was reviewing it to see if any revisions needed to be made
- Jay Bodner had spent a lot of years working on the issue for the Stockgrowers, and so, Mr. Honeycutt said that Mr. Bodner would be his backup as the DOL was engaged as a cooperating agency with BLM, a lot of Montana County Commission Conservation Districts and other State agencies across the Western United States

(2:00:17) 11:41 AM BLM GRAZING RULE REVISION PROCESS

Mike Honeycutt said that the BLM was also taking a look at their grazing rules:

- Mr. Honeycutt reported that as a cooperator, the DOL was supposed to see a draft of their grazing rules proposals at the end of November 2022. In November, the DOL was told the grazing rules draft was delayed. Then in December again, the Dol was told it was delayed. And, Mr. Honeycutt said, the DOL was yet to see those plans

- The Grazing Rule plan was supposed to go public in three days, Mr. Honeycutt said, and so, because no draft had been presented to the DOL, there was no opportunity to offer constructive feedback on what things would need to be changed. Mr. Honeycutt said that his hope was that perhaps the BLM was pushing off their implementation timeline, but that wasn't always the case
- Cooperating agencies, along with the DOL, DNRC, FWP, the Department of Agriculture and the State Grass Commission were not supposed to talk about what they saw until the actual plans were released, but, Mr. Honeycutt said he felt he could share things with the BOL offline if they wanted to know about it

Mike Honeycutt updated the BOL on the APR/BLM lawsuit:

- Mr. Honeycutt reported that an appeal had been made by the State, Phillips County, Stockgrowers, Farm Bureau and everybody involved, to the Interior Board of Land Appeals. He was not sure of the timeline or when a decision was going to be rendered on that, but it could go to court after the Bureau of Land Appeals process
- Mr. Honeycutt said that the State, Phillips County and everybody involved failed to get the injunction or stay to stop changes from being made until the whole process was completed. Because irreparable harm was not demonstrated, Mr. Honeycutt said that they could move forward with removing interior fences
- Mr. Honeycutt explained that what was being appealed with the Board of Land Appeals didn't really have anything to do with APR, but BLM and their processes, who he said had not done an adequate evaluation of the situation and the DOL wanted them to stop and do that adequate evaluation before moving forward with a final decision
- The Governor, Mr. Honeycutt said, had put out an Executive Order saying that nothing could be changed on State leases while the process was ongoing

Mike Honeycutt reported that just two days ago, USDA Wildlife Services was named as a plaintiff in a case with Wild Earth Guardians:

- Mr. Honeycutt reported that the case involved trapping and trapping of non-target species
- Mr. Honeycutt said in reading the brief, he found that the DOL was not being sued, but the DOL name was all over it. He said that most of what he read was in error, with the Wildlife Guardians "cherry picking" State laws
- He said that the definition of predatory animals was used, thinking that DOL authority spread to wolves and other things, but, that they ignored the fact that State law also said DOL predator control programs could not interfere with FWP authority. Mr. Honeycutt said the DOL aerial hunting program was limited to coyotes and red fox, because they're not managed or a game species and that hunting and trapping of wolves, grizzly or black bears comes under the oversight of FWP
- Although the lawsuit was aimed at USDA Wildlife Services, Mr. Honeycutt wanted to continue to watch the case as the Wild Earth Guardians had, in the past, made some FOIA requests and because the DOL was mentioned in the legal brief several times

- Mr. Honeycutt reminded the BOL that the DOL did not have records concerning trapping of non-target species because there was no requirement for us to collect that information. He added that there was no correspondence between the DOL and USDA Wildlife Services on the trapping of grizzly bears, because the DOL did not have a role in the trapping of grizzly bears

PREDATOR CONTROL

(2:09:00) 11:50 AM

Dalin Tidwell reported that he was attending a National Specialist Conference in Colorado with one of the Montana Specialists who had been nominated to represent, on a national level, the work USDA Wildlife Services does in Montana

(2:10:02) 11:51 AM UPDATE ON ACTIVITIES OF USDA WILDLIFE SERVICES (Presented by Dalin Tidwell, Montana State Director)

Dalin Tidwell, Montana State Director for USDA Wildlife Services, introduced himself

(2:10:10) 11:52 AM – General Updates

Dalin Tidwell said that he would do a quick update with details pertaining to the interest of the DOL and the BOL:

- With the new helicopter in operation, Mr. Tidwell announced that Scott Snyder, who was a dual-rated pilot for both fixed wing, which he had done for USDA Wildlife Services, and for helicopter, would be the pilot for the new helicopter
 - Mr. Snyder was able to further his certifications and qualifications, attending the Bell 206 advanced training and also going through certification with Wildlife Services for predator control
- Everybody was pleased with the new helicopter, Mr. Tidwell said, but there had been some normal maintenance issues to attend to, including a little oil leak in the tail rotor gear housing that would be addressed this week
- 95 Tango, the Helena helicopter, had been dealing with an oil cooler leak within the past couple of weeks, but with the repair made, 95 Tango was back in the air
- Skippy Sands, Specialist from the Valier area, would be leaving on January 30, 2023 to be cross-trained for 10 days in Oklahoma on feral pig control and understanding the sign and evidence and details of feral pigs
- Mr. Tidwell said that he had emailed Dr. Szymanski of a report that just west of Dodson, in a slough area along the railroad tracks, a rail worker had been seeing pigs in some cattails for quite some time. He said that Specialist Pat Sinclair was on the ground there to see what kind of evidence he could find, and Mr. Tidwell said he would send out an email when he heard back on the findings
- Both US Fish & Wildlife Services and USDA Wildlife Services, Mr. Tidwell said, had been sued by the Wildlife Guardians, Western Watershed Project and Trap Free Montana specifically for a grizzly bear management concern
- Jake Feddes said that he had met one of the Wildlife Services pilots recently, in the Manhattan area who had asked if they wanted him to fly since they had just started to calve and there had been some sheep just killed by coyotes in the area

- Dalin Tidwell said that flying conditions had been better this year than last and that, there had not been any huge blow-ups of livestock killing going on. The season was early, but he hoped for good weather to continue
- Gene Curry shared a story about losing a calf near Glacier Park on the reservation, but there was no carcass or anything to be found
 - Mr. Tidwell said it was important to have a carcass to work with, but said to call them either way because there was a lot of evidence a Specialist could look for, including tracks, and that it was good for the Specialist to know that there was activity in that area to help prevent further damage
- Even with calving just beginning, Mr. Tidwell said he thought the grizzly bears had mostly gone to bed already, although they had heard of a few tracks and things out and about, but, no active grizzly bear activity yet, at this time of year

(2:24:38) 12:06 PM LIVESTOCK LOSS BOARD (LLB) PREDATION CLAIMS REPORT AND GENERAL UPDATES

Mike Honeycutt reported that George Edwards, Livestock Loss Board, would not be on with us today, but had submitted a claims report and that if there were questions the BOL had about it, he would refer any of them back to Mr. Edwards:

- Mr. Honeycutt said that Mr. Edwards would be having some time in the Spring when he would be out of the office for a while, but it was a slower time of year and he thought Mr. Edwards had a plan to deal with it
- The Livestock Loss Board did have a recent board meeting, Mr. Honeycutt said, where they talked about the selection criteria for their grant process and dealt with some outstanding grant applications
- With concern raised about the lateness of some claims, Mr. Honeycutt said that he believed there had been a conversation the Livestock Loss Board had regarding people sitting on their reports for long periods of time and then rushing to get them in

DISCUSS STATE BEEF CHECKOFF

(2:27:32) 12:09 PM

Gene Curry rescheduled the State Beef Checkoff discussion to now, rather than having it during lunch:

- Jim Steinbeisser, member of the Beef Enhancement Working Group, explained that the working group had been formed in January 2022 to create a State Beef Checkoff
- The State Beef Checkoff, Mr. Steinbeisser said, would be able to fund the promotion of both Montana and US beef, and, unlike the National Beef Checkoff, it could even promote cattle, including Montana feeder cattle and production research
- Mr. Steinbeisser said that they had plans of going through the legislative process this Session, but, the MSGA Board decided they weren't ready yet. He said instead, the Working Group was formed
- The State Beef Checkoff, Mr. Steinbeisser explained, would be collected the same as the National Beef Checkoff, but producers would write a check for \$2

instead of \$1 and the handling of it would not cost anything additional to the DOL, as any additional expenses would be covered by the State Checkoff. \$1 would be handled separately and go to the Montana Beef Council

- Even though there was checkoff staff already in place at the DOL, Mr. Steinbeisser said, as they get ready to move forward, they would like to have an agreement with the DOL
- Chaylee Harney was not an official member of the working group, Mr. Steinbeisser said, but had been very helpful in guiding them on some things that the National Beef Checkoff did and how the two checkoffs would fit together
- Mr. Steinbeisser said that the State Beef Checkoff would not be mandatory, explaining that you would have to pay into it, but if you don't want to fund it, you could ask for a refund
- Gene Curry said that he had received information by email from Jim Steinbeisser, but did not forward it to Mike because he thought that, with no BOL action needed, the update just given was all that was needed

(2:35:25) 12:17 PM LUNCH

(2:35:40) 12:53 PM RECONVENE

BRANDS ENFORCEMENT DIVISION

(2:35:43) 12:53 PM

Jay Bodner, Brands Enforcement Division Administrator, introduced himself and said that rather than jumping into his scheduled report he wanted to touch on some issues that had come up earlier in the day:

- Mr. Bodner said that the bond requirement issue came up in discussion in the Brands Enforcement Division while preparing the legislation to modernize satellite video auction language
- Since that time, the Brands Enforcement Division had been doing due diligence in looking at how the Packers & Stockyards Act calculated bonds and what potential options the State of Montana had
- According to the Packers & Stockyards Act, Mr. Bodner said, that there were different types of bonds, a surety bond, a trust agreement or a trust fund agreement, with the minimum requirement being \$10,000. He added that there were no states they found, that required a higher bond amount than that, other than Colorado, who requires a minimum of \$25,000 on their markets and Nevada, with some high-dollar horse sales, requiring \$100,000
- Mr. Bodner shared the Packers & Stockyards formula that was utilized to put numbers to those bonds, figuring in the number of cattle sold at those sale previously and the number of business days that were conducted. He felt the bonds were low, but said that with some statute and rule changes needed and figuring how would additional higher bonds be calculated, there would need to be some work done if we were to move in that direction

- Alan Redfield shared that it wasn't expensive to get a \$1 million bond, that it was basically an insurance policy. But, he said that in their association, they had almost \$200,000 sitting in a CD to cover the amount that wasn't paid
- Mike Honeycutt shared a story about \$1.5 million in claims of unpaid debt to producers with only a \$250,000 in bond to cover it and in the last step before the DOL would have to take action, the bond holder paid customers and they pulled their claims. Had there been a need to break into the bond, Mr. Honeycutt said those people would have only gotten about 1/10 of what they were owed
- Gene Curry shared a scenario where, if there were \$3 million worth of cattle on the road and the transactions were between one bank and another, could the DOL force them to have enough bond to cover that? Mike Honeycutt said we don't want to make people insurance poor
- Mike Honeycutt explained that brick and mortar markets were commission companies that had a legal obligation to pay 24 hours after clearing the sale, and if they didn't meet that obligation, the DOL was supposed to shut them down
- The bigger concern, Mr. Honeycutt said, was on the dealer side, independent dealers who could likely get themselves stretched to a point where there was no more "robbing Peter to pay Paul" because they were, on behalf of producers, engaging in potentially millions of dollars of transactions and only had a \$10,000 bond, because that was all Packers & Stockyards required. He said, at that point the DOL didn't feel like they could help those producers who found themselves on the short end of the stick
- Mr. Bodner said that they were going to publish all the licensed dealers in Montana on the website, informing dealers, in a license renewal letter that will be sent out in mid-March, that they would be listed on the website. That list would developed and updated monthly

Jay Bodner gave an update on where the Brands Enforcement Division was in transitioning to GlideFast:

- Mr. Bodner explained that GlideFast was a new program being developed for use when issuing brands or recording a brand transfer, for use in the markets and electronic inspections. A mobile app was part of the system to look up brands
- A demo on GlideFast was scheduled for the next day, and would include Helena staff, market staff and District Investigators
- Mr. Bodner said there were still bugs to be worked out, and not all the pieces of it had been in test yet, including the market inspection demo and the mobile app. April was potentially, the go-live date of the new program

(2:56:56) 1:15 PM REQUEST TO HIRE

Jay Bodner reported that there were two requests for hire in the Brands Enforcement Division. Gene Curry agreed to do those requests in tandem

(2:57:20) 1:16 PM – Market Inspectors in Miles City and Glasgow

Jay Bodner reported that the two positions he requested to hire were both Market Inspector positions, one in Miles City and one in Glasgow:

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- Mr. Bodner said that there was a Market Inspector position open in Miles City because the market employee, Levi Stovall, took the District 4 Investigator position
- The Market Supervisor position in Glasgow was also vacant, Mr. Bodner said, because of a retirement. That person would supervise all the market staff

MOTION/VOTE

(2:57:59) 1:16 PM

Alan Redfield moved to approve the hire of Market Inspectors in Miles City and in Glasgow. Ed Waldner seconded. The motion passed.

(2:58:21) 1:16 PM BRANDS ENFORCEMENT UPDATE

(2:58:22) 1:16 PM – Staffing Update

Jay Bodner gave an update on where the Brands Enforcement Division stood on staffing:

- Mr. Bodner reported they were finalizing their selection for the District 14 District Investigator position that covered Cascade, Teton and part of Lewis & Clark Counties
- The market position open in Billings was being advertised, and, Mr. Bodner said, but, there hadn't yet been a lot of feedback on it
- The new District Investigator hires, Levi Stovall and Jeff Jergens, were currently going through the Field Training Program, a six-week program where they spend time with multiple officers and then go to their own district and do training. Mr. Bodner said that Helena staff assists in the training as well, acting in different scenarios. Every new District Investigator would go through this training
- Mr. Bodner said that Jeff Jergens was POST-certified, and that Levi Stovall was scheduled to attend post in January

(3:00:33) 1:18 PM – Brands New/Renewal Update

Jay Bodner gave an update on brands numbers:

- Mr. Bodner reported that in 2021, the rerecord year, 1,000 brands were issued, a little over 3,000 brand transfers issued and 47,669 brands rerecorded. In 2022 1,112 new brands were issued, 1,100 brand transfers were issued, and as of December 31, 2022, there were 49,835 brands registered in Montana
- Mike Honeycutt estimated there were between 8,000 – 9,000 per capita payers on species that would need to or possibly own a brand
- Jay Bodner said that on the brand application there is a box asking whether you own livestock, and that, just to make sure they're aware, if they do check that box and issue them a new brand, that per capita was one of those requirements
- Jay Bodner said that there was not as much interest in people purchasing ornamental brands as a full, registered brand

(3:04:57) 1:23 PM – Market Update

Jay Bodner said that the Executive Officer had already touched on market numbers, so he would just skip ahead

(3:05:06) 1:23 PM – Blackfeet Land Department

Jay Bodner reported on the DOL meeting with the Blackfeet Land Department:

- Mr. Bodner said that about nine individuals came down to Helena and met with himself, the Chairman of the BOL, the Executive Officer, the Assistant Administrator, and Dan Bugney, the District Supervisor
- The Blackfeet representatives discussed some of the issues they faced with enforcement on the Reservation. Mr. Bodner said discussion covered different DOL statutes regarding brands, herd districts, a lot of Title 81 issues. He said he did send them information after the meeting detailing what a job post for a District Investigator looked like and had a followup conversation with them not too long ago, but hadn't received a lot of feedback as of yet
- Gene Curry said that the meeting only lasted about a half hour, but, he used the opportunity to push on them a bit on some things he saw up there that they needed to do. He said they didn't want anything from the DOL other than advice, basically, and direction. He added that the trouble up there was that about the time a group gets some momentum, the Council changes and there were all new people...continuity was really difficult

(3:08:32) 1:26 PM – WEAVER BRAND APPEAL

(3:08:32) 1:26 PM – Board Review Decision on Weaver Appeal of Brand Application Rejection

Jay Bodner said that he had provided the Chairman with a packet containing information on a Weaver brand appeal:

- Mr. Bodner explained that the brand in question was not rerecorded and when they reapplied for the brand it was denied after going through the conflict check. It came to Mr. Bodner who then denied it and then moved to the Executive Officer. Mike Honeycutt said, when he received the appeal, he chose to have the Brands Committee take a look at it
- Gene Curry said he would assign the appeal to the Brands Committee and that his hope was that the BOL would take the recommendation from the Brands Committee and act on it without going through the entire process again at a BOL meeting
- Mr. Honeycutt pointed out that the decision should be done relatively quickly because if the brand was reinstated, it didn't do them any good if it wasn't done before branding

Jay Bodner spoke about some of the challenges being faced with the online permits:

- Mr. Bodner said that theoretically all your brand information, including inspections, permits, etc., should have an auto-fill capability, but that had not been phased in as of yet. He said that there had been more challenges with market consignment permits, especially, so those would be revamped and that the DOL was working with State IT on it and will maybe instead of pushing print, the information would be sent to your email where you could download it

- Mike Honeycutt suggested giving people the choice to get a text message because a text will come through before an email, but there would need to be a unique identifier

ANIMAL HEALTH & FOOD SAFETY DIVISION REPORTS

(3:15:00) 1:33 PM

Tahnee Szymanski, Animal Health Bureau, introduced Dr. Bradley DeGroot, the Brucellosis Program Veterinarian:

- Dr. Brad DeGroot said that he had started with the DOL in September 2022 as the Brucellosis Program Coordinator and talked about, what he called, his long and varied career
- Dr. DeGroot said he had been a Professor of Epidemiology at Kansas State University
- He said he had done Statistical Consulting
- Dr. DeGroot said he had practiced in Dillon for seven years and in Nebraska and Kansas for quite a few years
- Dr. DeGroot attended grad school in Nebraska at the US Meat Animal Research Center
- Most recently, Dr. DeGroot said, he was the Assistant State Veterinarian in Wyoming, adding that he had seen Brucellosis from both sides and it was a huge issue for the industry and for the public
- Gene Curry told Dr. DeGroot that two BOL members actually raised cattle in the DSA and Dr. DeGroot said he would be grateful to sit down with them sometime to see what they had to say
- Dr. DeGroot explained that the Brucellas had the ability to live inside white blood cells and that in one study on Brucella Melintensis, the genetic material in people treated 20 years prior still had evidence of the bacteria being present
- Worldwide, Dr. DeGroot said, Brucellosis and Tuberculosis, both zoonotic diseases, caused the greatest worldwide loss in people, the greatest health problems in people. The Undulant Fever, from Brucellosis, was like having the flu every 30-60 days. Brucellosis could affect bones in animals, causing them to eat away and start to collapse on themselves

(3:23:27) 1:41 PM– ANIMAL HEALTH BUREAU

Dr. Tahnee Szymanski said she had just a couple items to present

(3:23:33) 1:41 PM – Electronic CVI Update

Dr. Tahnee Szymanski gave an update on the use of electronic Certificates of Veterinary Inspection (CVI), or health certificates:

- Dr. Szymanski said that in January and March of 2022 the electronic CVIs were discussed and the BOL agreed on a policy that the Animal Health Bureau had been working under
- Of the 24,473 health certificates issued by Veterinarians, 99.3% of them were issued electronically, up from the previous year where 96.4% were issued electronically. 177 paper certificates were received in 2022, with 17 Veterinarians issuing all paper certificates

- Dr. Szymanski said that overwhelmingly, they were seeing widespread adoption of electronic CVIs

(3:26:06) 1:44 PM – Proposal to Remove CAN Brand Requirement

Dr. Tahnee Szymanski reported that she had received two requests, one from a northwest Montana producer and another from a Veterinarian in Canada to ultimately do away with the CAN brand:

- Dr. Szymanski reminded the BOL that in March of 2022, the BOL approved an expanded exemption for animals from Canada for an individual who was importing those finished animals into Montana for immediate slaughter
- The meat of the requests Dr. Szymanski was presenting today, she said, were to not have to apply brands to high-quality cattle. The brand had a standard size, and the Veterinarian wrote that it even had to be applied to small calves. Obviously, as those calves grew, the brand grew with them
- Dr. Szymanski reported that USDA’s requirement said that any animal imported into the United States for something other than immediate slaughter required either a permanent CAN brand or tattoo, and so, if the State of Montana wanted to default back to that, they would still be permanently marked
- Because Canada had gone to a 100% electronic ID system, if the change were accepted to follow USDA’s requirement, Dr. Szymanski said the animals coming from Canada would have two forms of ID, a tattoo or hot-iron brand, and an EID tag as well

MOTION/VOTE

(3:30:36) 1:48 PM

Alan Redfield moved to initiate the rulemaking process to approve the proposed changes to ARM 32.3.2001-BRANDS AND EARMARKS, adding the ability of utilizing a tattoo as permanent origin ID on cattle originating from Canada, as presented by Dr. Tahnee Szymanski. Greg Wichman seconded. The motion passed.

(3:31:49) 1:50 PM – Bovine Tuberculosis (TB) Update

Dr. Tahnee Szymanski gave what she hoped would be her final update in relation to the Blaine County TB Investigation:

- Dr. Szymanski said that over the last couple weeks, the initial testing had been done on all of the remaining herds in that investigation
- As it now stood, Dr. Szymanski said that 7,823 animals had been tested. There were 12 gammas pending on suspects from the last round of testing the previous couple weeks. If those were negative, four of the last five herds would be cleared
- The fifth herd was actually two dairy cattle in Lewis & Clark County going through the test and remove process. Those two had just one additional test in the summer needed to be done
- Dr. Szymanski explained that the 7,823 animals she spoke about earlier represented only animals that had been tested external to the initial affected herd. The only place, she said, that affected animals were found were in that

single herd. Four animals outside of that group had gamma-positive results and were euthanized. Tissue cultures from those animals, however, came back as negative, Dr. Szymanski said

- There were instances, Dr. Szymanski said, that they wouldn't be able to rule the disease out in a live animal, because animal tests for Bovine Tuberculosis weren't perfect
- To recap the Blaine County TB Investigation numbers, Dr. Szymanski said that 83 herds were identified as having had contact with the index herd and that 39 herds needed no testing. 36 herds had completed all of the testing and five tests were pending. Two herds, or movements, were out-of-state traces. One trace Dr. Szymanski said, she was never able to make contact with anyone. That animal had been sold through the market as a cull, and Dr. Szymanski believed it was low-risk

There was BOL discussion regarding Avian Influenza in species other than wild birds and domestic poultry:

- Dr. Tahnee Szymanski said that USDA had a website that published all of the detections of Avian Influenza in wild birds and domestic poultry, but recently added a third page of detections in other species.
- Until the detection in grizzlies in Montana that Nina Baucus had shared, all of those species listed on the USDA website had been small carnivores who had consumed Avian Influenza-sick birds or birds that had already died of Avian Influenza
- Dr. Szymanski said that the DOL, and even those who worked in the wildlife side of things and diagnostic side of things don't have concrete answers about why the Avian Influenza had manifested itself in some species as neurologic rather than respiratory
- Dr. Szymanski said that seeing large-scale predators on the landscape with erratic and abnormal behavior, maybe even disoriented, it may not be rabies, but could possibly be High-Path AI, and should be something on all of our radars

(4:40:40) 1:43 PM – MEAT, MILK & EGG INSPECTION BUREAU

Alicia Love, Meat, Milk & Egg Inspection Bureau Chief, introduced herself. She said that before getting into her agenda items, she would address the question that had arisen that morning regarding field slaughter and custom processors:

- Ms. Love said that on the exemption guidelines, it says that if the owner of the animal wanted to slaughter the animal and then take it to a custom processor that was completely allowed and acceptable
- Ms. Love said that the exemption language said that the owner of the livestock may slaughter the animal and have the carcass further processed at a custom exempt processing facility

(3:41:16) 1:59 PM – General Updates

Alicia Love said that Hours of Operation letter to plants with the additional cover letter the BOL requested, was developed, signed off by Dr. Zaluski: and would be delivered:

- Ms. Love said she was directing all of her staff to also give the plants a new Hours of Operation form, as some of those forms hadn't been redone for years and she wanted a fresh start. The deadline for plants to receive that information was February 3, 2023
- If there were any questions regarding the letter, Ms. Love directed her staff to have the plant contact her directly
- Ms. Love was wanting to look at plants' quarterly poundage and slaughter reports, once she received those Hours of Operation form from them to be sure their requests would line up with her current staffing situation

Alicia Love reported on the progress of cleaning up the Milk & Egg portion of the website, part of her actions to move forward in providing more clarity for producers:

- Ms. Love said that she had received some solid proposals from the Sanitarians of how to clean up that portion of the website in a January 6, 2023 meeting she had with them. Ms. Love said she would be working with IT to get those changes implemented by mid-March
 - The Sanitarians, Ms. Love said, were doing a review of the forms, documents and applications they had to clean them up and hopefully, make them more streamlined
- Mr. Honeycutt said there had been a sheep dairy situation that the DOL had been working with and these moves would, hopefully, provide better guidance for people who were trying to get into that type of dairy
- There was hope to schedule an inspection with that particular dairy in the next couple of months, Mr. Honeycutt said, as the last time the DOL reached out to them, the sheep were dry and they couldn't be certified, because they were not milking them
- Ms. Love said that because that producer had some concerns with previous interactions with the DOL, she had offered to go visit that sheep dairy on the next on-site visit

(3:48:07) 2:06 PM – Attachment A&B

Alicia Love addressed the concerns that had arisen at the last BOL meeting, regarding changes to Attachment A&B:

- Ms. Love explained that the changes were specific to cooking and cooling guidelines provided by the USDA that were originally published on December 14, 2021
- Ms. Love said that she had given Inspectors until January 23 to make sure that they were all discussed, and in reviewing her emails from that time period, it showed that was done, except for a couple plants who did not have the notice discussed with them, but, they did not make ready-to-eat product, they just did slaughtering
 - July 19, 2022, Ms. Love said another notice was published regarding instructions for training for Appendix A&B. The training was for staff to understand it, Ms. Love said, but it was also supposed to be offered to the industry. As best as she could tell, Ms. Love said applicable plants were also notified of that. She said that as far as she could tell, the Bureau did

a good job of sharing the notices with the industry well before the December deadline

- Ms. Love said she would be sure, in her language going forward to her staff, that things were more clear, as she said she had “encouraged” staff to please share the information
- Mike Honeycutt said that even though staff may put things into their reports about what they had discussed with the plants, it may be that it hadn’t been
- When Jake Feddes suggested having the plant owners sign those reports, Ms. Love shared that it had been discussed, but, she did not want to micromanage. She still did, however, want some level of assurance and accountability. Ms. Love also said if the person was skinning an animal, she didn’t want them to have to stop and sign
- One of the Area Supervisors, Ms. Love said, suggested that a narrative of the discussion and corresponding action be included in the report. Already, she said a number of the plants have a summary of their MOI emailed to them afterwards
- Ms. Love said her goal was to do training with staff on how to fill out their reports and get a State standard for that

(3:55:25) 2:13 PM – Travel for Alex Dachs and Job Greenall

Alicia Love requested permission for out-of-state travel for two Sanitarians:

- Ms. Love reported that a grant was approved, except for the rental car, to help cover the costs for two Sanitarians, Alex Dachs and Job Greenall, to travel to Pullman, Washington to attend a pasteurization workshop. Payment for the rental car and fuel, Mr. Honeycutt said, would come out of the Milk budget

MOTION/VOTE

(3:57:25) 2:15 PM

Ed Waldner moved to approve out-of-state travel for Alex Dachs and Job Greenall to attend a pasteurization workshop in Pullman, WA, April 24-28, 2023 with all expenses paid for by a grant, except for the approximate \$600 transportation costs. Jake Feddes seconded. The motion passed.

(3:57:51) 2:16 PM – Out-of-State Travel for Job Greenall

Alicia Love requested permission for out-of-state travel for Job Greenall, the Sanitarian-in-Training, to attend Shell Egg training:

- Ms. Love said that even though Mr. Greenall was currently training at the Great Falls Egg Plant, the USDA trainer wanted him to go to Woodburn, Oregon to a larger plant where he would have exposure to more unusual things
- Ms. Love said this training was actually cross-training for Job Greenall to get certified in that line of work so he could provide support to the work that Alex Dachs did. She said that the funding for the training would come from the Egg fund

MOTION/VOTE

(3:59:33) 2:17 PM

Ed Waldner moved to approve out-of-state travel for Job Greenall to continue Shell Egg training and to meet with USDA AMS officials in Woodburn, OR, February 13-17, 2023, at the estimated cost of \$2,010. Greg Wichman seconded. The motion passed.

(4:00:00) 2:18 PM – Rule Change Proposal to ARM 32.8.202

Alicia Love and Dr. Marty Zaluski helped lead the discussion on proposed changes for ARM 32.8.202 regarding the 12-Day marketing rule for milk:

- Dr. Zaluski said there were two options presented in the documents the BOL were given
 - Option 1, Dr. Zaluski said, included an exemption for schools for 8-ounce containers and also included the ability for institutions to come to the BOL for one 12-month exemption
 - Option 2 was the industry-proposed option that just includes the half-pint exemption for institutions
 - Mike Honeycutt said that it extended the rule approved a year-and-a-half ago that gave restaurants, coffee kiosks and those types of things that when they purchase milk, it was the final sale and further distribution of it was not affected by the 12-day rule. Option 2 required the milk to be purchased by the 12-day, but the further distribution of the half-pint packages for schools, hospitals, etc. as institutions were defined, was not subject to the 12-day
 - The choice for the BOL was to accept Option 1, Option 2, or none of the above
- Mr. Honeycutt said that although Krista Lee Evans wouldn't be able to attend today's BOL meeting, she had worked on this with Senator Hertz and industry people and was able to get their support of Option 2. Alan Redfield said he had also spoken with Senator Hertz and he was fine with it
- Gene Curry requested that Option 2 was okay with him regarding the half-pints, but, he wanted to add the authority of the BOL to grant an exemption if it was requested and then debated by the BOL, because he felt that by adding that, it would give the BOL a solution to exceptional circumstances
- Greg Wichman said he wanted to vote on Option 2 and if the BOL wanted to vote on Gene's request, that be done separately
- Sue Brown said that Option 2 was the one she would like to vote on because both Meadow Gold and Darigold were in agreement with it

MOTION/VOTE

(4:05:09) 2:23 PM

Ed Waldner moved to approve proposed changes to ARM 32.8.202 (MAR Notice 32-23-335) – Time From Processing that Fluid Milk May Be Sold for Public Consumption, half pint packages, also discussed as Option 2. Alan Redfield seconded. The motion passed.

- Mike Honeycutt said that he and Dr. Zaluski had worked on the language for changes in Option 1, and the intent was that if the DOL was going to get into the business of granting exemption, there needed to be some way to narrow that down and that people would have to justify why they had such an exceptional circumstance that their sale of milk could not be compliant with the 12-day rule
 - He said their intent was to allow the exemption for just one location not several in their chain of establishments across the state and that the exemption would not be permanent, but would buy some time until a solution could be put together
 - Mike Honeycutt shared a story about being in a store in a remote location of Montana about 60 miles from the nearest house and they had Costco milk in their dairy case, which was probably the only way they could have milk to sell for those people
 - Regarding the Trout Creek School situation that was discussed at a previous BOL meeting, Mr. Honeycutt said, their issue was getting access to milk that was dated with 12 days and that there might have been an agreement with the previous Superintendent there that the next Superintendent did not want to honor
- Alan Redfield said that he grew up in the middle of nowhere, and he felt the addition of #4 from Option 1, which gave requests for exemption from the rule be made to the BOL in underserved locations, should be added to what had just been approved by the BOL, but that it had to be kept tight
- Sue Brown said she didn't think it hurt for people in Podunk, Montana to have the opportunity to be able to get milk
- Ed Waldner said it was one step to get rid of the 12-day rule
- Jake Feddes pointed out that part of #4 said that the request for exemption must be made prior to a regularly-scheduled BOL meeting and that if they had to wait a month to get an exemption at the next BOL meeting, their crisis would be over. He said he didn't want a crisis situation with milk to turn into 2.5 years of COVID. He added that he did not want to allow staff to grant the exemption, it had to be the BOL
- Mike Honeycutt reminded the BOL that the Governor had emergency powers and that he could issue an Executive Order that would suspend the rule
- Dr. Marty Zaluski suggested that #4 from Option 1 could be changed stating that supporting materials could be submitted to the BOL, taking out the regularly-scheduled meeting portion so that the BOL could make a decision prior to a regularly-scheduled BOL meeting
- Sue Brown said she thought that the emergency request for exemption be maybe 30 days, not a year, because emergency meant short term, really short term
- Jake Feddes said to make it as tight as possible because then people wouldn't come back every 30 days over and over asking for an exemption
- Rob Adamson from Meadow Gold shared that during the Gardiner flood there was no road and he said they told Krista Lee Evans to let the industry know, to maybe get a helicopter and Meadow Gold would meet them at the airport. He added that they would do anything to try to take care of Montana and the

farmers in Montana. He suggested that it would be best to tighten the exemption up and make it short and make it an emergency

- Mr. Adamson said that it costs money to live in areas like Trout Creek and they obviously don't want anybody to be without milk. He said they were working with a disgruntled distributor, but were taking care of it until another solution for the situation was figured out
- Greg Wichman said that he would like to limit the exemption to just one renewal, you get 30 days and then you could come back one more time
- Ed Waldner said to make it 15 days
- Rob Adamson said that the 12-day rule was put in for the smaller communities to get the milk out of the store and into their home, giving it time to be consumed while it was still good
- Dr. Zaluski said that part of the BOL motion could be to hold a public hearing on the rule
- Mike Honeycutt said if you're going to vote for this rule to a public hearing, there could be political consequences to it, generating public attention, and it might be better off to do nothing as opposed to putting this out and get the DOL whacked down in a public hearing

MOTION/VOTE

(4:21:18) 2:39 PM

2:39 PM MOTION Alan Redfield moved to approve the proposed change of removing #5 and adding #4 regarding exemptions to underserved areas, from ARM 32.8.202 (MAR Notice 32-23-333) – Time From Processing that Fluid Milk May Be Sold for Public Consumption. Nina Baucus seconded. (Nina Baucus withdrew her motion at 3:06 pm 4:47:49 and Alan Redfield withdrew his motion at 3:06 pm 4:47:50)

(4:48:42) 3:06 PM RECESS

(4:48:45) 3:19 PM RECONVENE

ANIMAL HEALTH & FOOD SAFETY DIVISION REPORTS (Continued)

(4:48:51) 3:19 PM

There were some audio problems with connecting to the MVDL

(4:49:51) 3:21 PM – VETERINARY DIAGNOSTIC LABORATORY

Greg Juda, Lab Director of the Montana Veterinary Diagnostic Lab introduced himself, announcing that he had a fairly brief presentation to give today

(4:50:13) 3:21 PM – Operational and Lab Staffing Update

Dr. Greg Juda said that the BOL might be interested in some of the operational highlights that had occurred recently at the MVDL:

- Dr. Juda reported that all of the year-end performance evaluations by staff had been completed, adding that he wanted to thank all of the employees for their participation in getting those knocked out
- The new staff additions at the MVDL over the last 3-4 months, Dr. Juda said, were progressing well in their training, and with 21 employees on board now, the MVDL was fully staffed with the positions they intended to fill. He said that the MVDL was budgeted for 22 full-time employees
- Two significant, recent instrument purchases had been made: A PCR Thermocycler for the Molecular Diagnostics Section, funded through one-time-only funding in the EPP process and a Tissue Processor for the Histology Section that was part of the NAHLN grant-funded budget
- The MVDL had applied for the 2020 Farm Bill in conjunction with South Dakota State University and the University of Illinois. Dr. Juda reported that all the work had been completed by the MVDL and they were in the process of closing out that grant and doing the final update for it
 - The \$94,500 grant was primarily used for IT enhancements to the Laboratory Information Management System (LIMS) related to increasing operational capacity and efficiency in terms of sample receipt, improving data input during high throughput NAHLN scope testing and data analytics
- Dr. Juda reported that the MVDL did about 7,000 CWD tests on behalf of FWP this season and about 1,500 tests on behalf of North Dakota, which ended up being around 1,000 more tests run year over year
 - Dr. Juda explained that this season the Brucellosis testing had become much more efficient with the addition of a liquid-handling robot, freeing up more hands. He said that in terms of CWD testing, he'd like to acknowledge Dr. Schwarz who put into place a rotating schedule for her staff, who were cross-trained, doing a variety of tasks so they wouldn't get burnt out
 - Also, a help in the testing, in terms of workload, Dr. Juda said, was a Public Health Fellow who provided an extra set of hands. Her time at the MVDL will end on August 1, 2023, and Dr. Juda said they were going to apply for another Fellow, and hoped that with the positive feedback the current one provides, that will be a help in renewing the opportunity for another Fellow for the MVDL
 - Dr. Juda said that not only were things easier on staff this year during the testing season, but the turn-around time was better than the year prior. He added that FWP had given the MVDL a lot of positive feedback
- Dr. Zaluski said that he would speak with Ed Waldner regarding a report they used to receive showing somatic cells counts on it, and he would see how that could be generated for him
- Dr. Juda reported that the end of June had been projected for the groundbreaking of the new Lab. As of right now though, he said that the floor plan and the design of the new Lab was pretty much done and that a little more refinement needed to be done for the necropsy room and the front office receiving/accession area

- Greg Wichman reported that as far as the private funding for the Wool Lab, they were 2/3 of the way there and people were pretty confident that it would all fall into place now that they have the design of it, and he felt that by the time of groundbreaking, it would be good to go

CENTRALIZED SERVICES DIVISION REPORTS

(5:02:03) 3:32 PM

Brian Simonson, Deputy Executive Officer introduced himself

(5:02:27) 3:33 PM – FISCAL BUREAU

(5:02:27) 3:33 PM – Out-of-State Travel Request

Brian Simonson requested that the BOL approve out-of-state travel for an IT person to attend the USAHerds Conference:

- Mr. Simonson explained that the conference, a hands-on user group situation, was usually attended by both Animal Health and IT staff
- The IT Staff person to attend the Conference would be Tom Shultz, with the funding coming from the Centralized Services travel budget

MOTION/VOTE

(5:04:00) 3:34 PM

Ed Waldner moved to approve out-of-state travel for Tom Shultz to attend the USAHerds User Group Conference in Jacksonville, FL, May 15-18, 2023. Alan Redfield seconded. The motion passed.

(5:04:21) 3:35 PM – December 31, 2022 State Special Revenue Report

Brian Simonson explained that the State Special Revenue report this time covered only one month, the month of December, which he pointed out didn't show a lot of change, because it was not the greatest activity month in the year:

- The New Brands and Transfers revenues were down because it was the beginning year of the 10-year amortization cycle. Rerecord was up
- Mr. Simonson said that Field Inspections were continuing to drop off and were \$47,807 short compared to this time last year, with very little December activity this year compared to last year
- Market Inspections were twice what it was the previous month and twice what they were at this time last year. It was a timing issue, Mr. Simonson said, and that the DOL had gotten the money that came in a little later this year than last year. Last month they were probably 33% of the budget, but this month, those numbers were nearly 50% of the budget
- Investment Earnings were \$126,000 over this time last year, due to an interest rate that was about 27-29 times higher than at this time last year for the same amount of money in the bank
- There was not much change in the Per Capita Fees section, but, Mr. Simonson said that February was just around the corner and the DOL would start having people reporting and money coming in

- If the new per capita law passed in the Legislature, it would take effect next year, Brian Simonson adding that he thought around 80% of the per capita monies came in March 1st anyway
- Brian Simonson said that everything was coming in as expected in Milk Inspection with the loss of a few dairies, one big one, in particular, this year
- Egg Grading was showing improvement over last year with the third installment of the Federal fee increase that took three years to put together
- The MVDL Lab fees were down \$56,089. That, Mr. Simonson said, was mostly attributed to the Lab doing 15,000 fewer Brucella tests for the year
- Mike Honeycutt explained that the Milk Control Board was responsible for the milk control assessment fees, and that they had lowered it again because they were bringing in too much money for Milk Control. He said that the milk inspection fees, on the other hand, that pay for the Sanitarians' work, may have to be raised, unless enough people fall off that services could be reduced
- Mr. Honeycutt said that the DOL was intentionally running into the fund balance, having brought on a third Sanitarian, because of the mileage situation between dairies, but that may have to be addressed in the future if enough dairies were lost. He added that currently, the Sanitarians had enough work and were cross-trained over milk and egg, but there was no capacity for them to do meat inspection
- The minimums and maximums that the DOL was allowed to charge dairies each month may need some work done on them, Mr. Honeycutt said, as the volume of milk production in Montana has stayed very steady, but, the number of dairies producing that milk had decreased, meaning that more dairies were meeting the maximum and were maxed out, drawing the DOL down

(5:15:17) 3:46 PM – January 2023 Through June 2023 Expenditure Projections

Brian Simonson reported on the Expenditure Projections from January 2023 until Fiscal Year-end:

- FY23 budget in Personal Services, the \$10,208,393 projected year-end expense total went up about \$60,000 this last month, Mr. Simonson said, because the pay increases for Meat Inspection were in the budget now. He pointed out that in the last few years, that number was negative at this time of year, but this year, it was not
- Total Personal Services costs were projected to be \$29,144 in excess by year-end, only growing about \$5,000 to the positive
- On the Operations side, Mr. Simonson explained that the \$89,477 projection in Contract excess grew about \$13,000 and was mostly attributable to the extra authority in Egg Inspection for future growth
- The excess authority in Rent projection was coming out of CSD and had been there, Mr. Simonson said since he had been with the DOL
- The Repair and Maintenance number was out of the VDL, Mr. Simonson said, as they had a lot more maintenance than this time last year, and that was why the number was positive
- Under Budgeted Funds, the General Fund number was projected to be a deficit of \$51,658. Mr. Simonson said that if you look at Meat Inspection, you would

definitely see that was on the Operations side, and, with all of that windshield time, the projection was that they would outspend their budget

- In Shielded Egg Grading Fees, the positive nearly \$150,000 projection was some in Personal Services, but, mostly in Contracts
- Milk Control was showing at \$53,000 positive projection because of the additional FTE in there that had continued to be vacant
- The VDL was projected to be \$50,000 in the hole, but, Mr. Simonson said, that was a \$14,000 improvement over the previous month, mostly in the Supply category
- So, for now, Mr. Simonson said, the DOL was projected to be nearly a \$228,000 budget excess

(5:20:34) 3:56 PM – December 31, 2022 Budget Status Report

Brian Simonson announced that there was not a lot to say there:

- Mr. Simonson reported that the DOL was 45% expended for Personnel, with 46% of the payroll complete, adding that last time period the DOL was upside down, but that the ship had been righted
- There was still a little overspending in Operations, Mr. Simonson said, but mostly that was Supply outfitting and beginning of the year State billing. Numbers were 48% expended with 42% of the budget elapsed
- The 26 payroll periods didn't necessarily follow a 12-month cycle, Mr. Simonson said. Mike Honeycutt added that there were some three-pay-period months

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

(5:23:17) 3:54 PM

Gene Curry said there was no one left on ZOOM that didn't work for the DOL and so they'd move on to the next agenda item

SET DATE FOR THE NEXT BOARD MEETING

(5:23:43) 3:54 PM

Gene Curry asked if Wednesdays would work for the next BOL meeting:

- Mike Honeycutt said that Wednesdays were the better day because there were no House or Senate hearings. He reminded the BOL that February was a short month and some were getting into calving
- Mr. Honeycutt said that, depending on what happened with the Brands Committee, there might have to be a one-item meeting scheduled in there
- Gene Curry said in his world, March was busier than the end of February
- Jake Feddes would be done calving, but had bull sales in March
- Gene Curry said that what the BOL filled out on the objectives page and what Mike Honeycutt had filled out on objective could maybe be integrated into the OGSM segment of the next BOL meeting
- The next BOL meeting was scheduled for Wednesday, February 22, 2023

MEETING ADJOURNED
(5:27:58) 3:58 PM


Gene Curry, Chairman