



Montana Board of Livestock Meeting Minutes

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

August 1, 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)

William Kleinsasser III (swine producer)

Lily Andersen (dairy & poultry)

(Lillian Andersen attended meeting 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

Dale Haylett, Centralized Services

Tom Shultz, Centralized Services

Mike Spatz, Centralized Services

Jay Bodner, Brands Enforcement

Ty Thomas, Brands Enforcement

Donna Wilham, Adm. Assistant to EO

Dr. Tahnee Szymanski, MT State Vet

Dr. Bradley DeGroot, Animal Health

Dr. Mary Michalski, Animal Health

Dr. Greg Juda, Director, MVDL

Alicia Love, Meat, Milk & Egg Inspection

Darcy Alm, Meat, Milk & Egg Inspection

Public Present

Karli Johnson, MFBF

Jasmine Krotkov, MFU

Dr. Betsy Bialon

Max Grebe, LPW Architecture

Celia Rigler, Governor's Office

Dalin Tidwell, USDA Wildlife Services

Cheryl Curry

MEETING CALLED TO ORDER

(:05) 8:00 AM

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

CALL TO ORDER AND INTRODUCTIONS

(:05) 8:00 AM

Chairman Gene Curry announced that they would be going into an Executive Session after introductions and then come back and continue with the agenda:

- Alan Redfield, Cattle Representative, south of Livingston

- Mr. Redfield said that it had been a pretty good year, so far, adding that they had gotten a good price on the calves they had sold the day before.
 - They were just trying to get all the work done
- Greg Wichman, Sheep Representative, Hilger, north of Lewistown
 - Mr. Wichman said that it had been a good year. Haying was pretty close to getting done and that there was lot of hay in their country. He wasn't sure, though, where the hay market would end up
 - The lamb market, Mr. Wichman said, had perked up a little bit and was at \$2.00 or a little over that
- Jake Feddes, Cattle Representative, Manhattan
 - Mr. Feddes said that it had been a good year. The cattle market was fantastic and the best it had ever been, at all-time highs. He said, there's hay and feed
 - The first cutting of hay had been rained on, Mr. Feddes said, but was all up now. He said right now, they were working on grain hay
 - Mr. Feddes said that they preg checked a group of cows the day before
 - Several people that Mr. Feddes had talked to east of Billings said that the stable flies were horrible, getting on the cattle's legs and bellies, causing them to ball up, step on calves and that the calves then came up lame. He said not only Eastern Montana, but both North and South Dakota had been dealing with the flies
- William Kleinsasser III, Swine Representative, Augusta
 - Mr. Kleinsasser reported that things were really looking up in the hog market, with Iowa and Minnesota prices at 77 cents the day before and the sow market up again as well
 - Mr. Kleinsasser said that they had just passed a Prop 12 Audit, conducted about three weeks previous by a company certified by the State of California and they were now certified, a process that needed to be done very year
 - The Auditor flew into Montana, Mr. Kleinsasser said, and went around their premises with a tape measure, measuring every square inch that was available for their swine
 - Mr. Kleinsasser reported that they had started harvest the day before and that things were looking very good
- Nina Baucus, Cattle Representative, north of Helena
 - Ms. Baucus said that they raise both sheep and cattle and that they had been hit by a lion and a wolf
 - Ms. Baucus reported that they had barley hay down in the valley that had been down for a good week, as it had been rained on, but she thanked God for every drop of rain
 - If anybody needed puppies, Ms. Baucus announced that one of their border collies had given birth to five puppies
 - With the rain they had, Ms. Baucus said that the grass was greener in the spring than she thought they had ever seen
- Lily Andersen, Dairy & Poultry Representative, south of Livingston

- Ms. Andersen said that a bunch of their hay had been rained on, but, they finally got their hay at the home place put up and they were working on all the leased places now
- The Park County Fair had been held the previous week, Ms. Andersen reported, and that they had a really good auction there
- The flies had been really bad around their area as well, Ms. Andersen said, but they had been able to mitigate them
- Gene Curry, Cattle Representative, Valier
 - Mr. Curry reported that they were on the edge of the good country, having had some decent rain
 - They had received some rain on their hay as well, and the day before, were finishing up swathing part of it. He said that they would probably start harvesting grain the next day, and even though the winter wheat looked good, the grasshoppers were chomping the heads off, and so he wasn't sure how much they were going to get
 - Mr. Curry reported that there was a lot of difference between the grass at Belt compared to the grass at Browning. He said at the reservation the grass was brown next to the mountain and at Belt, the cows were hitting their heads on the grass. In the Augusta area, he said that it was about as good as he'd ever seen it through there and to the Dearborn Ranch. But, as you drove towards Helena closer to Nina Baucus' place, things started getting more brown
 - Nina Baucus explained that part of the grass was dry, but that they were getting grasshoppers. She also mentioned there was a plant in the hay fields with tiny blue flowers and spikes that made it appear that there was winter kill in the field
 - Mr. Curry said they had sold calves through the Northern Livestock Video Auction
 - The previous week, Mr. Curry said, he had attended the ILIA (International Livestock Identification Association) Conference in Albuquerque, New Mexico, adding that the DOL would be hosting the event next year in Billings

(13:07) 8:13 AM EXECUTIVE SESSION

(13:22) 9:39 AM RECONVENE

(13:22) 9:39 AM RECESS

(13:22) 9:53 AM RECONVENE

BOARD ADMINISTRATIVE ITEMS

(13:24) 9:53 AM

(13:24) 9:53 AM – BOARD APPROVAL OF PAST MEETING MINUTES

Gene Curry requested a motion to approve the minutes of the Montana Board of Livestock June 20, 2023 Meeting:

MOTION/VOTE

(13:30) 9:53 AM

Alan Redfield moved to approve the minutes from the Montana Board of Livestock June 20, 2023 meeting. Jake Feddes seconded. The motion passed.

OLD BUSINESS

(13:43) 9:53 AM

(13:56) 9:53 AM – UPDATE ON GOVERNOR’S OGSM STRATEGIC MANAGEMENT AND EXECUTIVE OFFICER STRATEGIC GOALS

Mike Honeycutt reported that the information he shared in the most recent OGSM meeting with the Governor was the latest July information:

- Because of other things to discuss, Mr. Honeycutt said that the most recent OGSM meeting was shortened and so, some items covered, were only highlighted
- Slaughter figures, Mr. Honeycutt said, were highlighted, showing that 2023 was not as high as those figures in 2022, where cull rates were really high
 - Mr. Honeycutt explained that 2023 rates still outpaced 2019-2021, meaning that Montana was processing more animals locally than in past years
- On the budget side, Mr. Honeycutt reported that the DOL had spent less than the budget and that revenue was more than the budget, adding that the cash balance was strong
- There had been some critical vacancies in the DOL in leadership roles, but largely, Mr. Honeycutt said, they had been pretty well staffed
 - There was a gap showing in the Meat & Poultry area, Mr. Honeycutt said, but he explained that was because of the two new positions that would be hired
 - A new CIO position had been filled, Mr. Honeycutt saying he had mentioned that to the Governor because he knew it would be of interest to him
 - The Brands Enforcement Division, Mr. Honeycutt said, had been dealing with a “musical chairs” situation with some employees moving from markets to Investigator positions, and an Investigator moving to a Supervisor position
- The market cattle movement, Mr. Honeycutt reported, was the lowest in four years going through the markets, something that was expected, coming off of the large numbers in 2022

- Mr. Honeycutt reported that the USDA Audit for the Meat Inspection Program went as well as could be expected and that it was not a bad audit. He said that Alicia Love would be sharing more detail about that audit during her presentation
- Mr. Honeycutt said that he had reported the bison situation for the DOL in the low range, because of all the different things that the DOL had been dealing with on it
- The new Lab complex bid came back 15% to 20% higher than expected, and was reported as a low to the Governor, Mr. Honeycutt adding that it was probably reported as a low to the Governor by the Department of Ag and the Extension Service as well
 - Mr. Honeycutt said that there had been some movement to help out the inflationary situation with the new Lab complex that Dr. Greg Juda would be reporting on later during his segment
- The Brands Enforcement Division new GlideFast system launch had been set for July 27, 2023, but, Mr. Honeycutt reported to the Governor that didn't happen. In the last 24 hours, however, Mr. Honeycutt said he thought they had finally gotten the last hurdle to the launch the new system out of the way
- The DOL Org Chart had been updated for the Governor, Mr. Honeycutt said, adding Dr. Tahnee Szymanski to the State Veterinarian position
- The Assistant State Veterinary position was still vacant, Mr. Honeycutt said, and the DOL did not want to move forward with anything on that until clarity was given as to whether the BOL members involved in the first interviews still wanted to be involved for this second set of interviews. He said that situation would be discussed during the Animal Health segment of the agenda
 - Mr. Honeycutt said that there had been a struggle to get applications for the position

CENTRALIZED SERVICES DIVISION REPORTS

(19:33) 9:59 AM

(20:10) 10:00 AM – FISCAL BUREAU

Brian Simonson, Deputy Executive Officer, Chief Financial Officer, introduced himself

(20:28) 10:00 AM Predator Control Aerial Hunting Allocations

Brian Simonson explained that this was the time of year that the three counties who opted out of the Wildlife Services aerial hunting program were allocated a certain percentage of the per capita fee funds to commit to their own aerial hunting program:

- The three counties, Carter, Powder River and Richland, after BOL approval, would have a check sent to them, this year, dividing up a total of \$51,405.
- A check to Wildlife Services, after BOL approval, would also be sent, for an increased amount than in previous years, Mr. Simonson said, because of Legislative approval given this year for a \$150,000 increase in funds allocated to aerial hunting predator control
- Last year, the amount allocated by the Legislature was \$425,000 and this year, with the Legislatively-approved \$150,000 increase, that amount was \$575,000

- USDA Wildlife Services did not receive the entire allocated amount. They received what was left after the portion allocated to the three counties was taken out and the helicopter insurance amount was taken out, a figure for this fiscal year of \$510,660, an amount he had some questions about
- Mr. Simonson said that he still questioned the helicopter insurance amount, as he was quoted \$12,935 for the year, \$6,458 lower than the previous year, and the DOL had added a third helicopter this year to be insured. He said an inquiry had been put in, asking why the bill had gone down, but, no response had yet been received
- Mike Honeycutt explained that Wildlife Services was not waiting for the aerial hunting check, because generally, a placeholder agreement was done with them, and when the final amount was known, an addendum was done to what the actual amount was. Brian Simonson said that placeholder agreement was usually done in April

MOTION/VOTE

(25:00) 10:04 AM

Nina Baucus moved to approve that the Predator Control reimbursement of \$51,405 be divided up and paid to Carter, Powder River and Richland Counties and also, after the insurance is paid, the appropriate reimbursement be paid to Wildlife Services, as presented by Brian Simonson. William Kleinsasser seconded. The motion passed.

(26:12) 10:06 AM June 30, 2023 State Special Revenue Report

Brian Simonson explained that this report represented the end of the fiscal year and how the DOL ended up for Fiscal Year 2023:

- Mr. Simonson said that essentially, everything came in above budget, other than Per Capita Fees and Milk Inspection
- Rerecord Brands came in at \$260,000 over this time last year, Mr. Simonson said, because of the increased rerecord fees
- The negative \$409,000 in New Brands and Transfers was totally expected, Mr. Simonson said, given that the DOL was out of a rerecord year cycle
 - Gene Curry reported that at the ILIA conference he had just attended, during a panel discussion, he found out that Montana was “right there” with rerecord fees, as most states were on a 3-5 year rerecord cycle, charging around \$100 for that period of time. He added that in Texas, each county rerecorded their own brands
- Mr. Simonson reported that Market Inspection Fees were down \$501,000 from this time last year, but were 94% to the budget number, meaning they came in pretty strong for what was expected
 - Mr. Simonson explained that the number for Market Inspection Fees only included the 13 markets, as special sales would be part of the Field Inspection numbers
 - Mike Honeycutt reminded the BOL that when looking at the Market Inspection Fee number, that it represented about 250,000 less head going through the markets than the year before

- It was a really strong investment year, compared to COVID years, Mr. Simonson said, with Investment Earnings up \$381,000 compared to this time last year
- The \$443,000 less than last year number in Per Capita Fee, Mr. Simonson explained, was 91% of the previous year's number, adding that he was pretty happy it was just down 9% from the previous year, as the DOL fared better than expected
- One concern to call out for business in Fiscal Year 2024, Mr. Simonson said, was in Milk Inspection, as it was \$76,000 short of the budget number, and there was only about one year or so of revenue in Milk Inspection to make it. He said that the DOL better have something implemented by June 30, 2024 to fix that shortfall
 - Mr. Honeycutt said he had spoken with Dr. Tahnee Szymanski and Alicia Love regarding the Milk Inspection situation and said that the DOL needed to start engaging the industry and holding some meetings and figure out how to bring in more revenue to cover the cost
 - Contrary to what was done in 2015 and 2016 when Milk Inspection Fees were addressed by the DOL, Mr. Honeycutt said that this time, the DOL would start with industry consultation for a solution, whether it would be looking at the mins and maxes paid each month or some other solution to bring in more revenue to cover the cost
 - Both Nina Baucus and Lily Andersen volunteered to be on a committee to address the Milk Inspection Fee issue
- Mr. Simonson said that Egg Grading came in as expected
 - William Kleinsasser reported that currently, the Colonies were building about seven barns, most of them smaller, holding 20,000-25,000 chickens and a couple coming on board that would house 60,000 to 65,000 chickens. He added that eggs would still go to the Great Falls facility, but, if it got too big, they would be taken straight to Seattle for processing
 - Mike Honeycutt informed the BOL that the Shielded Egg Assessment at the Great Falls plant was being paid by Wilcox. The Shielded Egg Grading fees that the DOL was required to charge by USDA, Mr. Honeycutt said, were higher than what the DOL's actual costs were, and that was why that area of the DOL was doing so well, but, those egg grading fees were not collected for the purpose of milk inspection
 - The DOL was under a cooperative agreement with USDA to put the USDA shield on the eggs
- The VDL, according to Mr. Simonson, finished strong for the year, with \$31,000 over their budget estimate

(37:33) 10:17 AM End of Fiscal Year Budget Comparison Report

Brian Simonson reported that July 26, 2023 was the close of the Fiscal Year and he gave kudos to Evan and the CSD staff for their hard work in getting everything closed out on that date:

- Mr. Simonson pointed out that some things were missed or left out of the Budget Comparison Report, as usually it wasn't seen until late in August or early September and had been put together quickly

- One item in the footnotes area of this report, Mr. Simonson said, correctly showed that the Personal Services budget was 97% expended, but that 100% of the payrolls were completed, not 89%
- Mr. Simonson said that there were some projection sheets that were not included in the report because of it being a Fiscal Year end report. He said that there was no Fiscal Year 2024 budget because August was the month that the budget was built
- Mr. Simonson explained that the DOL was \$673,918 under budget, but, that they would make the budget 100% whole, planning to spend every dollar budgeted. He said that turnover and payouts were what caused that number to change and that was why the State took a 5% Vacancy Savings cut
 - Mike Honeycutt explained that the \$673,918 was under budget authority, which part of would carry forward to future years and some could even be used in the new Fiscal Year. He said that they didn't always reflect that carry forward in the budget right away, because they wanted the Managers to be managing the budget appropriated to them by the Legislature
 - Mr. Honeycutt said that the DOL would like the carry forward to be a hedge against payouts for retiring payouts, etc., and so that was why they liked to hold it in reserve
 - Brian Simonson explained that the DOL would only carry forward a third of the authority into a "wish fund" end-of-year account
 - For extra general fund money, there's no cash to carry forward, because if it isn't spent, it reverts back to the State. For extra State Special Revenue monies, that goes into the bank and it was spent
 - Mr. Simonson said that the DOL tried its best to have very little actual cash in the bank and instead, moved it over to the Board of Investments STIP Program and had them invest it for the DOL
 - Mike Honeycutt said that the reason the DOL had built and kept cash balances was because in the next couple of years it would have a need in the budget for more per capita fee than was coming into the DOL, until the cattle cycle turned around and more cash would be coming in because of that
- The four new FTEs in the Meat Inspection area, Mr. Simonson said, would give the DOL a lot more authority and some operational money for overtime
- Brian Simonson announced that in September or October, there would be an annual discussion by the BOL to decide whether or not to raise the per capita fee rate. Mike Honeycutt said the last time it was raised was in the Fall of 2016
- General Fund for the year ended up being \$172,000 more than expected, Mr. Simonson said, which had a lot to do with the DSA, because testing and surveillance were less than expected. The Per Capita Fee number was about \$200,000 more than expected, because in CSD Contracts and Rent, the authority numbers were higher than what was being spent, along with Supplies, which came in under budget. The VDL was expected to be about \$100,000 in the hole for Lab Fees, but that difference was made up using some Shell Egg authority and some DSA general fund authority

- William Kleinsasser commented that Wilcox Montana Eggs were currently doubling their cooler space to accommodate all the extra eggs and now had an egg grader, the biggest one that could be purchased
 - Mr. Kleinsasser said that the biggest issue holding back the efficiency and speed of grading eggs was because the shell quality becomes more diminished over time, meaning that for eggs coming from older flocks, the egg grader's sensitivity must be heightened, slowing down the egg grading process by 50%
- Mike Honeycutt said that as the Shielded Egg Program grew, there was a point in the work where another Inspector would be needed, and that would mean expenses would grow as well
- Mike Honeycutt suggested to BOL members to go to the Great Falls egg plant and spend time with the people there who would walk through what they do. He added it was something worth seeing

EXECUTIVE OFFICER UPDATES TO BOARD & DISCUSSION

(1:00:55) 10:40 AM

(1:01:38) 10:41 AM – HUMAN RESOURCES UPDATES

Mike Spatz, Human Resource Officer for the DOL, introduced himself

(1:01:55) 10:41 AM – Staff Openings, Recruitment and General Updates

Mike Spatz said he basically, wanted to update the BOL on recruitment, staff openings and the Attorney position:

- Mr. Spatz said that the DOL was currently recruiting for eight positions, and although the DOL had been receiving qualified applicants, he suspected that the applicant pools to fill those positions had been smaller because summertime often was a tough time to recruit
- Two of the eight positions, Mr. Spatz said, were in the “preparing to interview” stage
- There had been four new hires, Mr. Spatz said, since the last BOL meeting
 - One of those new hires was a new Meat Inspector position that had been approved by the Legislature
- Mr. Spatz said that there was one newly vacated position since the last BOL meeting and a future vacancy coming up in the Brands Enforcement Division
- Mr. Spatz explained that one position being advertised in Meats had stated that the employee must live within 60 miles of White Sulphur Springs, a request made by Alicia Love to hopefully, recruit from Harlowton and Townsend
 - The 50-mile radius from Kalispell, Mr. Spatz said, was to recruit Kalispell, Rollings, Plains or Superior, as the main plant was in Superior
 - Mike Honeycutt said that there were four new positions granted by the Legislature, and that two had already been hired. The third one was for the main plant in White Sulphur Springs, a position currently vacant because an Inspector was out on leave for medical issues and the DOL wasn't certain when that person would return. He said that the position may be temporary, but, it could turn into permanent

- Jake Feddes commented that there were numerous applicants for new plants in the state, but, there were also numerous plants that had applications in the USDA, putting Alicia Love in a tough spot of where to hire
 - Mike Honeycutt shared that in Forsyth, a plant had an application in to go Federal, and so, when the Inspector there vacated, the DOL sent in a Relief Inspector to cover. The plant continued on State inspection for a long time, and so, a Forsyth Inspector was hired. When the Federal inspection notice finally came through, the State was just given one week's notice that the Forsyth plant would now be under Federal inspection. Fortunately, Mr. Honeycutt said, that Forsyth Inspector had enough work between Billings and some outlying areas to keep them busy
- Mr. Spatz explained that the Meat Inspectors did not have a regular office, so, their home was considered their office
- Mike Honeycutt said that Inspectors driving a State vehicle had the State paying for the fuel and they would go to a State shop for regular maintenance. With the greater distances these Inspectors had been traveling, though, the leases on those State vehicles had been burned up more quickly. He added that those traveling more than 30 miles from home in a day also qualified for per diem for that day
- From a safety perspective, more than a distance perspective, Mr. Honeycutt said that occasionally, the State had paid for overnight stays for Inspectors, especially Relief Inspectors, who had worked a long day at a plant and had more work to do in that same area
 - Jake Feddes said he had seen throughout the years that, most of the time, with Relief Inspectors, they wanted to go home rather than stay overnight and he didn't feel that aspect was abused. Mike Honeycutt said that sometimes, the overnight hotel stay ended up being cheaper than if the Inspector drove home and was paid overtime for that drive

(1:14:51) 10:54 AM – Review Classification/Pay and Decision for Hiring Agency Legal Counsel

Mike Spatz said that as he promised at the last BOL meeting, he would bring a little better view of what the requested Attorney position and its job description would look like:

- Mr. Spatz said that the initial audit of the duties of DOL Agency Legal Counsel appear to show that we're at a Level 2 Attorney position with a pay range of about \$88,000 to \$114,000
- Mr. Honeycutt requested that open Attorney positions in the State be viewed to give an idea of what the competition would be. He said these were NOT Chief Legal positions
 - Public Service Commission Attorney position paid \$81,000 to \$95,000
 - Department of Commerce Attorney position paid \$89,000 to \$95,000
 - Mike Spatz said that \$95,000 was the State average for this type of Attorney position, adding that in the private sector, it was much higher
- Mike Spatz explained that the majority of the State Attorney positions were Level 2, which gave the opportunity to pull someone potentially newer to State

Government and maybe work out a training assignment and then bump them up. He said that level also gives a range where someone more seasoned would take the position as well

- Mike Honeycutt said that 26%-30% more would cover the benefits for the Attorney position: Worker's Compensation, Social Security, retirement fees, etc.
- Mike Honeycutt explained that an existing position, not quite at the level of the Attorney, would be repurposed. That existing position only covered about half the authority needed, about \$60,000 to \$70,000, for the Attorney position, but that would be made whole at the next snapshot
- The existing position to be repurposed would come from the Milk Control area, which was part of the Centralized Services Division, Mr. Simonson said, explaining that Milk Control money would not be used to fund the DOL Attorney position, but per capita fees would fund it
- Even if more dairies would come online, Mr. Simonson said that a very powerful spreadsheet system had been developed in the Milk Control area that did a lot of the work that three people used to do before, now they were down to two. Mike Honeycutt said he didn't foresee ever needing three Milk Control staff
- Mike Spatz explained that a newly-hired DOL Attorney could not be put under two probationary periods because in State Government, once you've completed one probationary period, you cannot be placed on another. Mike Honeycutt said there could be a probationary period but then, another piece could be a training assignment, and once that training assignment was completed, that person could move to full salary
- Mike Honeycutt said that typically, the DOL tried to hire people in at about 85% of market midpoint, but, because of recruitment problems, sometimes that beginning salary was more. If it is more, a justification for that increase must be submitted to OBPP

MOTION/VOTE

(2:02:12) 12:51 PM

Alan Redfield moved to approve the classification and the \$88,000-\$114,000 pay range presented for DOL Agency Legal Counsel and also to approve the hire of DOL Agency Legal Counsel. Jake Feddes seconded. The motion passed.

(1:31:26) 11:11 AM – YELLOWSTONE BISON WINTER OPERATIONS/IBMP

UPDATE

Mike Honeycutt said that the DOL had continued to work on some things with IBMP:

- Mr. Honeycutt said they were "schooling up" Dr. Tahnee Szymanski on IBMP, even though she had been around IBMP issues, because now, she would have to sit in the chair with him at the IBMP meetings
- There was some work going on regarding protocols, Mr. Honeycutt said, because there were desires within the IBMP itself to change how decisions were made, and the DOL had not consented to that
- Mr. Honeycutt said to expect to see publicly, within the next week, a new Environmental Impact Statement with alternatives from Yellowstone on buffalo

population ranges and management, because the cooperating period was over and he thought they'd put that out for public comment. He said the DOL had its bite at the apple as a cooperator and would now get its bite at the apple in public comment

- The Blackfeet announced, Mr. Honeycutt said, that they had now placed the bison in the Chief Mountain area of the reservation, which was in the northwest corner of the reservation, near the Canadian boundary, up by Babb
 - The intent for some of the bison, Mr. Honeycutt said, was for them to be wild, free-roaming bison, and so, it meant that the DOL needed to work on how to respond to different types of needs that might arise because of the change
 - Mr. Honeycutt explained that if those bison crossed reservation boundaries, typically, like in situations with Rocky Boy or Fort Belknap, the bison were generally treated under DOL jurisdiction. They were not really an estray bison, because the DOL knew who they belonged to, and so, the DOL would work with the Tribes to collect their bison and be an intermediary in the situation
 - Gene Curry said that even if the bison cows and bulls brought to Chief Mountain were classified as domestic bison, their offspring, once they turn them loose, would be considered wild. He said that in a talk with the Lieutenant Governor regarding those bison up at Glacier, she felt there needed to be an agreement made regarding private, deeded key pattern ground and the jurisdiction of that ground and how it should be handled
 - Mike Honeycutt explained that a law was passed in 2021, saying that for a bison to be classified as wild, it must not have been owned by a person, it must be in the public trust, it must never have been released from captivity and must not have been subject to per capita fee or be the offspring of bison that were subject to per capita fee
 - Mr. Honeycutt said that these bison were under Tribal jurisdiction, and so they were not subject to per capita fee and neither would their offspring be. He said that they were not owned by a personal entity, were no longer fenced, and so, future generations would not have been reduced to captivity. He added that even if the bison had been trucked from Two Medicine to Chief Mountain and because of that were considered, "reduced to captivity," their offspring would not be
 - Currently, with the exception of bison on the National Bison Refuge and those that emulate out of Yellowstone, Mr. Honeycutt said that the law had done a very good job of making almost every bison in the state of Montana domestic animals, placing them under the jurisdiction of the DOL. He said that Nina Baucus was absolutely right that a notice should be put out to producers that if bison came off the reservation, it was the DOL's responsibility, and producers should call the DOL to deal with the situation
 - Dr. Tahnee Szymanski said that from a disease perspective, historically, over bison movement into the state of Montana, the judgement received

from USDA was that the only wild bison they recognized were those in Grant Teton and Yellowstone National Parks

- Dr. Szymanski said that if the DOL were to do a disease investigation in proximity to Wildlife on the Blackfeet Reservation, they would have the potential to impact the State's disease status, meaning that the DOL would need to make sure that the Blackfeet were participating in that investigation and would have to be tested for any Federal program disease, such as Tuberculosis and Brucellosis
- Gene Curry said that those bison could now get into Glacier Park and Canada pretty easily, but that to the east, there was a bison ranch with pipe fences all the way around it that could hinder their movement
- The bison, originally, had been imported in a USDA/State of Montana-regulated move from Elk Island, and had a Certificate of Veterinary Inspection certifying them Brucellosis-free at the time of their import. Since that time, Mr. Honeycutt said, there had been no continued testing of the herd, unless the Blackfeet were doing it, and he was not aware of that
- Gene Curry said he had visited with someone from Alberta at ILIA who said they were very concerned about those bison coming across the border or into Waterton, because he didn't think they would be invited to participate in anything that would happen if those bison did cross over into Canada
- The Blackfeet were wanting to expand even more, with the bison, Gene Curry said, going into the Badger-Two Medicine area, which was just a day or half day walk off the reservation. He explained that there were some Forest Service permittees in that area who had their permits on non-use for maybe three years, and he thought those allotments were probably being looked at

(1:51:10) 11:31 AM – DISCUSSION OF PREDATOR CONTROL STATUTES AND RULES

Mike Honeycutt explained that this item was put on the agenda because trapping, particularly trapping of predators, had been a topic of discussion:

- Mr. Honeycutt explained that FWP trapping regulations exempt anything under the authority of the DOL from FWP trapping regulations
- One DOL statute stated, Mr. Honeycutt said, that predatory animals were defined to include coyote, red fox and any other individual animal causing depredation upon livestock. Another DOL statute said that the DOL was to supervise the destruction of predatory animals, but, could not interfere or impair the power and duties of the Department of FWP
- Mr. Honeycutt said, it was assumed that since FWP had control over grizzly bears and wolves, the DOL could not interfere with what FWP did, because those species were FWP turf and coyote and red fox were under DOL control
- There had been FOIA requests to the DOL from groups trying to ascertain if the DOL had knowledge of non-target species being caught or hurt within traps. Mr.

Honeycutt said that the only two predatory animal control programs the DOL was engaged in were in the cooperative aerial hunting program with Wildlife Services and permitting of private aerial hunters; the DOL did not permit trappers and did not have any rules around that. He added that the type of trapping the FOIA request was referring to was not permitted by the DOL or the FWP

- Mr. Honeycutt said he was requesting some direction from the BOL regarding a conversation he had with FWP regarding non-target trapping in grizzly bear habitat, because then there could be some more regulatory control
- Mr. Honeycutt wanted to know what the BOL felt about putting together a draft rule or set of rules or a draft program of permitting private coyote trapping, particularly for landowner or private individuals, or, did there need to be a program at all
- Dalin Tidwell said that across the board, he had seen non-target trapping and there was a potential of it at any time, but, incorporating the whole best management practices in setting equipment and following restrictions that were set in place would help to prevent it from happening
- Mike Honeycutt said this conversation was not coming forward because the DOL had knowledge or evidence of any non-target trapping and no one had reported it to the DOL. But, it was a topic of conversation that had come up and he wanted to let the BOL know how the DOL typically responded to those type of requests
- Gene Curry said that if Mr. Honeycutt didn't feel there was a problem, maybe the BOL didn't need to go into a solution, because if you started exploring the solution, you might create a problem. He said that if they're going to use it as a barrier to delisting, then maybe it should be explored, but, if it wasn't really a problem, the DOL should be careful where they walked
- Mike Honeycutt suggested that at the next meeting, an agenda item might be put in place to have someone from FWP come in and explain the situation from their perspective as a wildlife management agency versus how the DOL would look at the situation
 - Greg Wichman suggested moving on in the day's agenda as no decision was going to be made on the subject at this point. He said it wouldn't hurt to bring FWP into a meeting and listen to them

PREDATOR CONTROL

(Update on Activities of USDA Wildlife Services, Presented by Dalin Tidwell, Montana State Director)

(2:03:33) 11:43 AM

Dalin Tidwell, State Director for the USDA Wildlife Services introduced himself and thanked the BOL for the opportunity to be at the meeting:

- Mr. Tidwell reported that the maintenance shop in Helena that Wildlife Services had been using decided to retire, and only gave 30-day's notice before closing.
- Wildlife Services awarded a contract to Stapleton's Automotive and Aviation out of Lewistown on July 1, 2023, and, Mr. Tidwell was pleased with its centralized location and that it met all the qualifications needed for the work that Wildlife Services would have done in the future

- The new 765 Jet Ranger helicopter was due to get a new engine in it, as hours on the previous one were due to expire in 10 hours. The 58 60 Charlie had a new K Flex drive shaft replaced along with a fuel control
 - The 765 Jet Ranger, Mr. Tidwell said, had a C20 engine in it that could not be exchanged for another engine in another ship, but, Texas had an overhauled engine, a B engine, which could go into any of the current ships, and Mr. Tidwell said that was secured and would probably be swapped within the month
- Mr. Tidwell said that 200-300 hours were being put on each machine each year, so each machine would be able to go from 5-7 years, depending on how busy the flying was in a year, before having to have an engine replaced or overhauled
- Mr. Tidwell shared that the OH6, the Federal machine they had, was obsolete and parts were not made for it anymore, and parts you could find were very, very expensive. To get ahead of the situation, Mr. Tidwell said that the OH6 was traded to Texas, which worked good for them, because they had a fleet of OH6s with parts in stock. Wildlife Services then negotiated for an excess from the Department of Defense, an MD530, a \$4 million dollar machine, for just the cost of a paint job and some updates to get it ready to fly
 - The MD530, Mr. Tidwell said, was designed with much more horsepower, a C30 engine that would be used in higher elevations for wolf work where sustained hover was needed. The MD530 would be hangered in Helena, because of it being a more mountainous area, and the MD500, which was called 95 Tango, would be hangered in Billings to work the eastern half of the state
 - Mr. Tidwell said that even though the exchange made for the OH6 was for a newer, more powerful machine, there would be about a 20% increase in operating costs, mostly due to the increased fuel consumption, but, parts for the MD530 were available everywhere
 - The MD530 had been used to train the Afghan army and had only about 1000 hours on it, a little battle damage, and was a pretty clean machine, Mr. Tidwell said
- Mr. Tidwell said that the grizzly bear investigations started up north as normal, worked their way down the Front, strong for a while, but then, had tapered off. Since October 1st until now, there were about 66 grizzly bear investigations, seven of which were deemed unconfirmed
- The grizzly bear investigations in the Gravellies had just started, Mr. Tidwell said, but, were much less than expected he felt, because they had been able to remove some problem bears the last couple years from the area, and possibly, that had given that area some relief
- Gene Curry said that his son had spoken to a Range Rider next to Glacier Park the day before and he said that this had been the first time he had seen an elk below his house in two years, which, Gene Curry said, told him that perhaps the wolves weren't there. He added that where they kept their cattle in the higher country the year before, they had lost quite a few cattle and cameras were knocked down, and that this year, the cameras were staying up better

- Gene Curry thanked Dalin Tidwell for his part in keeping the relationship with US Fish and Wildlife congenial and cooperative, because he said, in speaking with representatives in some other states at ILIA, that wasn't the story there
- Mr. Tidwell reported that there were around 8,100 coyotes taken in 1,300 hours of flying this year. He said there were lots of calls and that they had to fly to work the properties because damage was pretty heavy, especially during winter and spring calving season
- Mr. Tidwell said that a concerted effort was made for NGOs to lobby Congress to get more funding for Wildlife Services, including the NRDC (Natural Resources Defense Council) and the Defenders of Wildlife. He said that Wildlife Services had an integrated program where conflict prevention was utilized, doing everything they could to prevent predations and the money received to fund that program was called Non-Lethal Initiative Funding
 - That Non-Lethal Initiative Funding that Wildlife Services received from Congress had been used in Montana for four Range Riders, non-lethal fencing and three Fencing Techs, Mr. Tidwell said, adding that the non-lethal program was a good tool and worked great when it did work, but he recognized it as just a part of the integrated approach. He said that from the very beginning, the non-lethal approach was in addition to the traditional approach in dealing with predators
 - Although the Range Riders were located in specific areas of the State, Mr. Tidwell said that the Fencing Technicians range was anywhere across the state, helping everything from 4H projects that were getting eaten up by grizzly bears to backyard pigs, etc., designing and creating electric fencing
 - Mr. Tidwell explained that Fencing Technicians don't go build people's fences for them, but teach them how to build them correctly, adding that it was a 50% cost share between Wildlife Services and the people who get the fence
- Mr. Tidwell said that although they were currently fully staffed, it was getting close to some retiring from Wildlife Services, with at least five that had already had in 38-42 years of service

(2:30:30) 12:10 PM LLB PREDATION CLAIMS REPORT AND GENERAL UPDATES

Mike Honeycutt reported that George Edwards was back to work, part-time, after his leave, and so, he wasn't certain if Mr. Edwards would be joining the BOL meeting or not, but he would highlight Mr. Edward's report:

- Mr. Honeycutt explained the report showed that claim numbers were comparable to previous years, but reminded the BOL that September/October were usually the busiest months for claims
- One issue Mr. Honeycutt highlighted from Mr. Edwards' report was that there had been some registered livestock predated upon, which came with higher valuations than typical stock did
- The Livestock Loss Board, Mr. Honeycutt said, were scheduled to meet this month to decide on their grants and who would receive those.

(2:32:02) 12:11 PM LUNCH

(2:32:05) 1:03 PM RECONVENE

BRANDS ENFORCEMENT DIVISION

(2:32:12) 1:03 PM

Jay Bodner, Brands Division Administrator, introduced himself

(2:32:37) 1:03 PM FINANCIAL RECORDKEEPING RULE CHANGE

Jay Bodner explained that the proposed rule changes in 32.15.102 – Records to Be Kept, came as a result of the passage of HB153, which updated the laws regarding livestock video auctions:

- Mr. Bodner reported that he had already presented the proposed rule changes to producers at the Montana Stockgrowers Association Summer Meeting and to the Brands Advisory Committee
 - Feedback on the proposed rule changes, Mr. Bodner said, had been very little, as it was a pretty non-contentious, simplified rule where language was just being added into it
 - The proposed changes to the rule, Mr. Bodner said, dealt with the livestock markets on recordkeeping and included both the video auction and livestock dealers into the rule
 - Mike Honeycutt said that because the rule changes requested were in reference to a piece of legislation, bill sponsor contact requirements meant that Representative Ler, the sponsor of the legislation, would need to be notified regarding the rule change. Mr. Bodner said that because Representative Ler was on the Brands Advisory Committee, he would have seen at least an earlier draft of it
- Mr. Bodner said that at the next BOL meeting he would present another proposed rule draft regarding transfer brands that he had received some good feedback on already

MOTION/VOTE

(2:37:27) 1:09 PM

Greg Wichman moved to approve publishing the proposed changes in ARM 32.15.102 -Records to Be Kept, for public comment. Alan Redfield seconded. The motion passed.

(2:38:04) 1:09 PM REQUEST FOR HIRE

(2:38:12) 1:09 PM Assistant Market Supervisor, Billings/Market Inspector, Billings

- Jay Bodner explained that Zona Reinhart, Assistant Market Supervisor in Billings, who had served the DOL for over 44 years, retired on July 14, 2023. He thanked her for her service to the DOL, commenting that she had done a tremendous job. Mr. Bodner was requesting to fill her position

- A second position that Mr. Bodner requested to fill was a Market Inspector position in Billings, as he said there was a potential of internal candidates applying for the Assistant Market Supervisor position, and if one was a successful candidate for that, then a Market Inspector would be needed
- Mike Honeycutt said that the Assistant Market Supervisor position was being advertised. He also said that with Fall Run, the market did not want to have a gap if it ended up with an opening

MOTION/VOTE

(2:40:06) 1:11 PM

Alan Redfield moved to approve the advertising to hire an Assistant Market Supervisor in Billings and a Market Inspector in Billings. William Kleinsasser seconded. The motion passed.

(2:40:37) 1:11 PM BRANDS ENFORCEMENT UPDATE

Jay Bodner said that he just wanted to give the BOL an update on a number of issues in the Brands Enforcement Division

(2:40:47) 1:12 PM Staffing

Jay Bodner updated the BOL on staffing in the Brands Enforcement Division:

- Mr. Bodner said that he was able to meet up with Shelby Martinell, who just recently became a District Investigator in the Dillon area, but also managed the market in Dillon. He said he was glad to have her on board in that dual position
- With sales running about every other week in Dillon, Mr. Bodner said that Market Inspectors from Ramsay and the Market Supervisor at Three Forks were alternating to go to Dillon and help conduct those sales. He added that a short-term worker was in place there as well
- Ted Wall's previous position as a District 12 Investigator in the Three Forks area, had been advertised, Mr. Bodner said, and there had been quite a few applicants
- Shawn Hando's previous District 11 Investigator position was also open and being advertised, with applicants being collected to fill that position
- Mr. Bodner reported that Patrick Roos, the new District 19 Investigator had been spending some time in the Miles City Market to become more familiar with that aspect of his position. Mr. Bodner commented that Mr. Roos had good previous experience in law enforcement and in this position had been a quick study and was doing well
- There was going to be screening of applicants for the Market Supervisor position in Ramsay, Mr. Bodner said
- Mr. Bodner reported that the Brands Enforcement Division had a long history of some long, supportive employees and that it looked like there was a potential of another employee retirement

(2:44:31) 1:15 PM GlideFast

Jay Bodner said he wanted to give a quick update on the new computer system in the Brands Enforcement Division called GlideFast:

- Mr. Bodner said that the goal was to try to go live with the system that week, but, because of logistics and building issues still to get done, that go-live date had been put on hold and they still remained in the test environment
- Markets, Market Supervisors, District Investigators and Brands staff were all invited to the twice-weekly meetings with GlideFast to work through the system. Mr. Bodner said. At the point they are with the system now, he had asked a number of the markets whether they could conduct a sale today on the system and he said their answer was that they could, but, there were some that still had some minor tweaks to make, as most of the major defects, he thought, had been resolved
- Mr. Bodner reported that Brands staff had been working with a number of the markets to be sure they were comfortable with the new system. One staff member would be going to Three Forks to work with the new hire there and also in Ramsay. He explained that they utilize the tickets from a previous sale, input them into the GlideFast system and simulate an actual sale
- Another item being looked at, Mr. Bodner said, were some devices to be utilized at the market in the yard, that could take pictures and would also be able to run the mobile app. He said that a tablet was too large to handle, and they were hoping to find a smaller iPad, if possible, but, they were now looking at a cell phone type device that was cost-effective and durable that would fit into a pocket, but not be so small that it would be hard to read
 - Mr. Bodner explained that the mobile app being used allows the ability to draw a brand, especially if the brand came from out of state, which he said, a lot of them do. A stylus, he thought, would be easier to draw a brand with than with a finger, and, if a cell-phone type device were used, you can get a stylus for a cell phone
 - A hand-drawn brand, Mr. Bodner said, still needed to be researched in the brand files to find if there was a match for it. He said that in the case of a cow with three or four brands on it, and the holding brand wasn't known, the capability to hand-draw brands was needed
- There was quite a bit of logistics, Mr. Bodner said, even once GlideFast would go live, because it was a three to four day process to transfer some of the data from the old system. Mike Honeycutt said that the vendor was committed, once the system went live, to "hyper-care," a four-week period of time where people were on call to deal with issues or problems that would arise
- Mr. Bodner said that in addition to hyper-care, they would probably set up a standing meeting for an hour two to three times a week so that if issues come up, staff could bring it up during those meetings. He added that, in his mind, there was no room for error when it came to the markets
- Mr. Honeycutt said that at the markets, they were working off their Virtual Private Network (VPN) into the State system and that State security requirements had advanced greatly the past few years. Jay Bodner added that the DOL owned all the information input from the markets into the system
- Mike Honeycutt said that State CIO Kevin Gilbertson had done a lot of hard work the last couple weeks negotiating the final bill back down to a reasonable amount, because there were some things that GlideFast had wanted to charge

the DOL for that we didn't feel we should be charged for. He said that this phase of the project needed to be completed before starting on the next HB10 projects, because there would eventually be some enhancements made to the system

(3:03:44) 1:34 PM International Livestock Identification Association

Jay Bodner reported to the BOL on the International Livestock Identification Association (ILIA) conference that he, Chairman Gene Curry, Ty Thomas and Shawn Hando had recently attended in New Mexico:

- Mr. Bodner said that the conference provided a good opportunity for the three who attended from the DOL and Chairman Curry to interact with their counterparts in other states and gain some information as they got prepared to host the event next year
- With New Mexico having done electronic brand inspections for a number of years, Mr. Bodner said he wrote down some things that might integrate with Montana's system
 - A simulation was done with high frequency ID tags that was being developed that had a 96% to 99% of catching any animal that would come across the Mexican border, Mr. Bodner said. Gene Curry said that the alley used for the simulation was about 12-feet with cattle three or four abreast, and that between the hand readers and panel readers on the fence, they picked up every one of them
- Ty Thomas participated in a panel discussion on theft cases
- Mr. Bodner said that Nebraska ran very similarly to Montana in their Brands area in how they operated on a lot of the day-to-day activity
- A discussion on virtual fencing was attended, as there were a number of people in Montana that use that today. Mr. Bodner said there were two types of systems being used, one utilizing GPS and one on a tower-type situation
- A doctor, that was originally from Polson, and now was at Texas A&M, did a forensic brand identification demonstration. Gene Curry said he asked him if he had done research with northern cattle. The doctor said that he needed to do that, as the cattle he had been researching were from the south and had little hair
- All in all, Mr. Bodner said, it was a very good conference where a lot was learned and that they had gotten a good start on sponsors for next year's ILIA in Montana, scheduled for July 14-17, 2024 in Billings
 - Jay Bodner explained that the ILIA Board would provide some of the topics they wanted covered at the conference and would help with assisting and gathering some of those speakers, but, a majority of the work to find top-of-the-line speakers and sponsors would fall on the DOL Brands Division. He said that Montana and Montana issues would be more of the focus at this conference
 - The Northern Hotel had already been secured as a venue for the event, and Mike Honeycutt said that the Montana Stockgrowers would be exchanging services with the DOL in helping with this event. MSGA would be a title sponsor and Keni Reese, who had planned many of their events, would do a lot of work for the planning of the Montana ILIA Conference

- Mike Honeycutt said that he would probably also reach out to the Montana Beef Council for some help with the event, and he had already spoken to Turk Stovall, who was willing to offer setting up a feedlot tour. Mr. Honeycutt had also hoped that there could be a meat processing tour in the Billings area. Some people had already offered to help raise funds. Mr. Honeycutt said that although there were some long-standing sponsors in the Billing area, if any BOL member had connections to the livestock market companies, perhaps they could ask them to be a sponsor. But, BOL members wouldn't have any official duties, other than the Chairman most likely would welcome participants
- Jay Bodner said that all indications were that the Montana ILIA would be a pretty big draw, and so he was expecting probably 250-300 people to attend
- The event was self-supporting because of attendance fees and sponsorships, Mr. Bodner said. The main cost would be the time and effort that was put towards it. Mr. Honeycutt said with the expectation of a well-attended event and registration fees paid for that, it would help with costs as well

(3:17:45) 1:48 PM Headwaters Livestock Market Update

Jay Bodner updated the BOL on the Headwaters Livestock Market transfer:

- Mr. Bodner said that the transfer of that market was finalized in mid-July, the DOL had issued their license and they held their first sale the day before. He said that market had taken a couple weeks off for some training, but was now up and running

(3:18:13) 1:49 PM DOL Truck Stops/4H

Jay Bodner updated the BOL on the Brands Enforcement Division efforts on truck stops and 4H sales:

- Mr. Bodner said that the truck stop conducted in Dearborn had 23 total stops, two written warnings and one stop that led to an active investigation. He said one Canadian trucker had to be run down, but he was empty. No citation was issued for that
 - There had been some responses back from folks, Mr. Bodner said, who were upset with the truck stop and challenging whether the DOL had the authority to do them. He said that the DOL clearly had that authority. Alan Redfield said he had gotten noticed about that truck stop and was told that they were going to call their Legislator. Alan Redfield said, go for it
 - Brian Simonson and Jay Bodner both spent a little time with the Investigators doing the Dearborn truck stop and were able to observe how they operated in a very professional manner and how they conducted each stop
 - Mike Honeycutt shared that there had also been a truck check done on the Montana/North Dakota line that several people got caught up in, but

- after receiving a call about it, Mr. Bodner was able to educate those people on what they needed to do
- Mr. Bodner said that for the most part, other than one or two calls, pretty positive feedback was received about the truck stops, and he considered that successful
 - The Brands Enforcement Division had been very active at 4H sales, Mr. Bodner said, assisting with pre-sale weigh-ins, change of ownership inspections and using the events as an educational opportunity
 - At the Cascade County 4H event, there was an opportunity to speak with MSU Extension about doing some proactive work in the Fall, prior to Fair Season, right when 4H season kicks off to talk to 4Hers about what the requirements were at those type of events
 - Mr. Bodner said at the Marias Fair 4H show the DOL transferred ownership of 46 animals there. Gene Curry said that was a four-county fair
 - Gene Curry shared that the District Investigator at the Marias Fair had one 4Her who was adamant that he didn't have any business talking to her, and, after some persuading, he convinced her that he did not only have business, but the authority to do what he was doing there
 - Because the Marias Fair was a four-county fair, Mr. Curry said that three of the counties needed to have inspections to get there. And, even though no citations were written, he thought there were quite a few people that the District Investigator had to help out to get them in compliance
 - Jay Bodner said they also stopped at the Lewis & Clark County Fair's 4H cattle show. The Lake County Fair in Ronan, he said, had 42 steers with two that had lost their inspections
 - While at the Lewis & Clark County Fair, Mr. Bodner said that they also did a rodeo check where one rodeo sub-contractor had brought in 11 bucking horses that were out of compliance. A verbal quarantine was put in place, Veterinarians were brought in, and after the horses were inspected, those horses were released. A citation and a warning were issued in that situation
 - Jay Bodner explained that in the case of swine coming into the fairs, no brand inspection was required

ANIMAL HEALTH & FOOD SAFETY DIVISION REPORTS

(3:26:11) 1:57 PM

(3:26:34) 1:57 PM MEAT, MILK & EGG INSPECTION BUREAU

Dr. Tahnee Szymanski, State Veterinarian, introduced herself and said that Alicia Love was out of state at a conference, and so she would be doing her presentation with the help of Mr. Honeycutt and maybe Mr. Feddes, as she said much of this was still new to her

(3:26:57) 1:58 PM Out-of-State Travel Requests

Dr. Szymanski said that the travel requests she had today for the Meat, Milk & Egg Inspection Bureau may have some “to be determined” info needed, as the requests were being made early and some costs, and even some destinations, were not yet known

(3:27:43) 1:58 PM National Association of State Meat Inspection Directors (NASMFID)

Dr. Szymanski said that she was requesting BOL approval for Alicia Love and Jay Nelson, the new EIAO, to travel to NASMFID:

- Dr. Szymanski said that NASMFID happened around the same time as AAVLD. Travel would be to National Harbor, Maryland, October 16-17,2023
- This national meeting brings officials together from all the states, Dr. Szymanski said, and was a great opportunity to talk about policy and learn about current science. This meeting would also provide Ms. Love the opportunity to introduce Mr. Nelson to the process to see what they learn to bring back to Montana
- Mike Honeycutt said that, typically, the Bureau Chief does attend this meeting with one other person that the DOL feels needs to get that experience, and that the travel costs for both was in the budget

MOTION/VOTE

(3:29:02) 2:00 PM

Jake Feddes moved to approve out-of-state travel for Alicia Love and Jay Nelson to attend the NASMFID meeting, scheduled for October 16-17, 2023 in National Harbor, Maryland. William Kleinsasser seconded. The motion passed.

(3:29:32) 2:00 PM USDA Shell Egg Training

Dr. Szymanski said that she was requesting BOL approval for two individuals to attend USDA Shell Egg training in Georgia, with one traveling in September and one traveling in December:

- Mike Honeycutt said that the USDA Shell Egg Training was required every so often for Egg Graders. The dates for attendance of this training were staggered to assure there was one Egg Grader at the plant while the other was in training

MOTION/VOTE

(3:30:00) 2:01 PM

Alan Redfield moved to approve out-of-state travel for Elaine Hartman and Terry Cavin to attend USDA Shell Egg training in Athens, Georgia. One session is scheduled for September 10-13, 2023 and one session is scheduled for December 3-6, 2023. Jake Feddes seconded. The motion passed.

(3:31:33) 2:02 PM Recap of FSIS Audit

Dr. Tahnee Szymanski updated the BOL on the 2023 USDA FSIS Audit:

- Dr. Szymanski explained that the audits happened every three years, because of the requirement that the State Meat Inspection Program be on an at-least-equal to status
- Results of the 2023 USDA FSIS Audit, Dr. Szymanski said, were that the State Meat Inspection Program did meet the at-least-equal status with two provisions – Food Safety Assessments (FSAs) and HACCP Plans
- Food Safety Assessments (FSAs) were found to be starkly behind on getting those conducted
 - Food Safety Assessments, Dr. Szymanski said, were checkups at plants to look for potential contamination and were conducted every three years. With the EIAO position at the DOL being vacant over the last several years, those FSAs had fallen behind
 - Dr. Szymanski said that FSIS was okay with Alicia Love’s correction to the problem, which was to get back on track with those FSAs, once Jay Nelson, the new EIAO, completed his training in August or September
- Mike Honeycutt explained to the BOL that if some Inspectors had not been holding plants accountable or not writing non-compliance, an FSA sometimes uncovered major things that could cause the plant to be suspended, and with no FSA having been done for a while, it was a perfect storm for something like that to happen. If it did happen, he said, and there was no previous record of non-compliance, the situation would have to be dealt with differently

(3:35:00) 2:06 PM Letter to Establishments Regarding HACCP Plans

Mike Honeycutt explained to the BOL about the second portion of the FSIS Audit that they said needed to be addressed and the solution the DOL planned to take to correct it:

- The USDA saw that there were some plants with a Grant of Inspection, but who had been processing the product as a custom exempt, marking the product “not for sale.” Mr. Honeycutt explained that in the USDA’s opinion, that was considered a misbranded product
- Jake Feddes said that in an inspected process, the Inspector is present through the process, but in a custom process, the Inspector shouldn’t even be there when the animal was being processed. He added that a plant needed to specify at the beginning of the process for each animal how it was to be processed
- Dr. Szymanski said that this finding was actually listed in the 2021 FSIS Audit as well and she didn’t think it had been addressed. She explained that what it really came down to was that the plants were actually not staying within the bounds of their HACCP Plans. To continue the practice of processing as a custom exempt and marking the product “not for sale,” a plant would be required to have another HACCP plan in place
- To get those plants back into compliance, Alicia Love put together a draft letter to plants who did meat slaughter or processing in Montana, to address the options they had as an inspected plant or a custom plant and how those choices might affect their HACCP plan. Mike Honeycutt said that, depending on the option a plant chose, they might be in for double regulation, because the retail side was

overseen by the County Sanitarian. Ms. Love was requesting approval from the BOL before it would be sent to the plants

- Jake Feddes said that earlier, when the DOL sent out an Hours of Operation letter to plants, it turned into some pushback because some plants requested five days of inspection and only needed three, and with the Inspector there witnessing custom exempt animals getting slaughtered, it was under inspection. He said it boils down to communication, and if the hours of operations were dialed in properly, it would help some of the problem as well
- Mike Honeycutt said that for those plants under a Grant of Inspection, an Inspector needed to see the animal alive and that they were healthy and able to walk under their own power to the slaughter event; the Inspector needed to see that animal humanely slaughtered, hopefully put down with the first stun, because the DOL standard was only one stun missed out of 20; the Inspector needed to see an ante mortem inspection and if the animal came through all that okay, it would get stamped. Jake Feddes said that for further processing, the Inspector was required to be there for an hour and a half, making sure records all follow HACCP protocols
- For custom exempt, Mike Honeycutt said, the Inspector doesn't need to be present if the carcass was being cut and wrapped for someone's personal use and marked "not for sale"
- Jake Feddes said that during Fair time, was when their plant ran into trouble with Inspectors, because some counties wanted the 100% inspection on those animals that were slaughtered. And, for that meat that was going to home consumption, which most of it was, those Inspectors weren't needed. He said during Fair time, there weren't enough Inspectors available to do those 100% inspections
- Mr. Feddes complimented Alicia for the good job she did on the letter to the plants and said that he had spent about two hours on the phone with her the other day discussing its content. He said there would be some push back on the letter, so he was happy it was brought to the BOL to review before sending it

MOTION/VOTE

(3:52:51) 2:23 PM

Alan Redfield moved to approve to send out the Letter to Establishments Regarding HACCP Plans as an official notification. Jake Feddes seconded. The motion passed.

(3:53:22) 2:24 PM Request to Hire Temporary Employee

Mike Honeycutt reminded the BOL that during the HR portion that morning, the need for a temporary employee in the White Sulphur Springs area had been discussed:

- Mr. Honeycutt said that currently, there was an employee out on leave that used to service the White Sulphur Springs plant, but the DOL did not know exactly when they would be returning to the DOL. He said because of that vacancy, a Meat Inspector needed to be hired, either on a temporary basis, or perhaps they would end up staying with the DOL, as there was a geographic gap in the Inspection system right now

- The hope would be, Mr. Honeycutt said, that someone could be hired who was already trained, but, if they're completely green, they would have to go through the training process

MOTION/VOTE

(3:54:44) 2:25 PM

Greg Wichman moved to approve the hire of a temporary employee to perform meat inspections at the White Sulphur Springs establishment. Alan Redfield seconded. The motion passed.

(3:55:25) 2:26 PM RECESS

(3:55:29) 2:40 PM RECONVENE

ANIMAL HEALTH & FOOD SAFETY DIVISION REPORTS (Continued)

(3:56:06) 2:40 PM

(3:56:06) 2:40 PM ANIMAL HEALTH BUREAU

(3:56:06) 2:40 PM Out-of-State Travel Requests

Dr. Tahnee Szymanski said that the travel requests she was bringing before the BOL for their approval, were travel that was just on the horizon, but that she would be bringing two more trips for the BOL's approval later in the year

(3:56:30) 2:41 PM United States Animal Health Association (USAHA) Annual Meeting

Dr. Tahnee Szymanski said that she was requesting BOL approval for three Veterinarians to attend the USAHA Annual Meeting in October 2023 in Maryland:

- Dr. Szymanski said that the USAHA meeting was a large one that provided the opportunity to hear about current research from other states that might be dealing with specific disease issues. A lot of policy recommendations came out of the meeting, and it was a great opportunity to network
- The USAHA meeting was broken up into different committees, Dr. Szymanski said, covering, cattle and bison, covering Tuberculosis, covering Rabies, etc. With three to five of those committees running meetings concurrently, Dr. Szymanski said that to hit all of those areas, more than one person needed to attend, adding that they would gladly take as many Veterinarians as the BOL would allow to go to the meeting
- Mike Honeycutt said if all Veterinarian positions were filled, if three out of the four Veterinarians would attend the USAHA meeting, that would leave one behind in Helena. He added that, as usual, the three Veterinarians attending the meeting would stagger their departure and return times as well
- Cooperative agreement funds, Dr. Szymanski said, would pay to send two Veterinarians, and typically, payment for the third one would come out of general

fund Brucellosis program monies, because so much of the meeting was focused around Brucellosis

- Concern was raised by the BOL about the possibility of not having enough Veterinarians available in the Helena office should an emergency arise during the USAHA meeting time. Because of not knowing if a 4th Veterinarian would be on board at the time of the USAHA meeting, it was discussed to only send the number of Veterinarians to the event that would assure one Veterinarian would still be left in the Helena office during that time

MOTION/VOTE

(4:02:24) 2:47 PM

Jake Feddes moved to approve out-of-state travel for DOL Veterinarians to attend the USAHA Annual Meeting, October 12-18, 2023 in National Harbor, Maryland, with a caveat being that the number of Veterinarians travelling (from 1 to 3), would be based on having at least one Veterinarian being in Helena at the time of the travel. Lily Andersen seconded. The motion passed.

(4:03:30) 2:48 PM Swine Health Improvement Plan (SHIP) House of Delegates Meeting

Dr. Tahnee Szymanski said that she was requesting BOL approval for one Veterinarian to attend the SHIP House of Delegates meeting:

- Dr. Szymanski explained that SHIP was modeled after the National Poultry Improvement Plan (NPIP) but that SHIP was driven by the swine industry. Although SHIP was still in the first few years as a pilot program, it would transition, under USDA, similar to NPIP
- Dr. Szymanski said that in response to the risk of diseases like African Swine Fever and Classical Swine Fever, the swine industry was trying to create something similar to NPIP where bio-security plans, traceability and disease surveillance were in place, as the NPIP program proved successful during the High Path Avian Influenza outbreaks where the United States was able to maintain a lot of their international trade, as maintaining export markets was important to the swine industry as well
- The SHIP House of Delegates meeting, Dr. Szymanski said, was scheduled in September in Minnesota and centered around the decision-making processes of what that program would look like going forward. She added that she would probably be the one to attend the meeting from the DOL.
- William Kleinsasser said that he was invited to attend as well and that he thought that the Montana Pork Producers Council would pay for his travel

MOTION/VOTE

(4:05:13) 2:49 PM

William Kleinsasser moved to approve out-of-state travel for one Veterinarian to attend the SHIP House of Delegates Meeting, September 5-7, 2023 in Bloomington, Minnesota. Alan Redfield seconded. The motion passed.

(4:06:40) 2:51 PM USDA Foreign Animal Disease Diagnostician (FADD) Training

Dr. Tahnee Szymanski said that she was requesting BOL approval for one Veterinarian to attend Animal Disease Diagnostic Training:

- Dr. Szymanski explained that FADD training gave State and Federal Veterinarians an opportunity to get very specific, hands-on training pertaining to foreign animal diseases, and even though the request for the training had been brought for the BOL's approval multiple times over the last couple of years, no one had actually been sent to the training
- Attendees, Dr. Szymanski explained, actually went into a BSL3 Lab to see animals that were infected with those diseases so they could learn how to recognize them in the moment. Then if a report came in from Veterinarians in the field about a suspicious disease, a State- or Federally-trained individual could do the follow-up investigation
- The training was really important, Dr. Szymanski said, as the state was currently down on Veterinary Medical Officers (VMOs)
- Dr. Michalski was the DOL Veterinarian who would attend the training, Dr. Szymanski said, and she would be one of the first attendees at the new National Bio- and Agro-Defense Facility (NBAF) located in Kansas. The training, she said, would be covered by cooperative agreement
- Dr. Szymanski explained that attendees had a quarantine imposed on them when they left the facility, and could not have any contact with livestock species for a certain amount of time
- Dr. Michalski had earlier attended a swine field skills training sponsored by USDA, Dr. Szymanski said, but, this training centered around the disease investigation

MOTION/VOTE

(4:08:34) 2:53 PM

Jake Feddes moved to approve out-of-state travel for one Veterinarian to attend FADD training, one week online training and one week of hands-on training to be held December 2023 in Manhattan, Kansas. William Kleinsasser seconded. The motion passed.

(4:10:20) 2:55 PM Provide Zoonotic Potential of Brucellosis

Dr. Brad DeGroot, Brucellosis Program Veterinarian for the DOL, introduced himself and briefed the BOL on the Zoonotic Potential of Brucellosis:

- Dr. DeGroot first pointed out on the handouts he was presenting, that in the third line of the first paragraph, there were a total of nine cases of Brucellosis in DSA states, not eight
- DSA states, Dr. DeGroot reported, accounted for about 1.4% of the Brucellosis cases over the five years of data available from the CDC
 - Two cases in Wyoming came from hunters – one and elk hunter in the DSA in 2017 and the other a Wyoming resident in 2020 who had done feral hog hunting in Texas, who said he had nicked his hands a few times, which was probably the portal for the infection
 - All of the Idaho cases came from unpasteurized milk consumption from foreign countries

- In two of the cases, the species weren't determined
- 70% of US Brucellosis cases were traced to either foreign travel or consumption of unpasteurized foreign dairy products, most of which came from Mexico
- Dr. DeGroot said there were still exposures in Veterinarians from the vaccine itself, such as needle pricks or getting it sprayed in their eyes, but, he thought most of them would get themselves treated with prophylactic antibiotic treatment in response to the exposure. There were still a fair number of exposures, but those rarely turned into clinical cases these days because of that treatment, Dr. DeGroot said
- Dr. Szymanski said that the CDC distinguished between infection with the vaccine strain versus the field strain of Brucella. She explained that in recent years, there had been some prominent cases where carry cattle that had been vaccinated with RB51 really set up the infections associated with the vaccine strain, that carried into raw milk sold across state lines that created quite a few illnesses in people, adding that, those numbers were not included in any of Dr. DeGroot's statistics
- Within the US, Dr. DeGroot said, Texas, California, Florida and Arizona accounted for roughly 50% of domestic Brucellosis cases and 70% of those came from dairy products south of the border and 30% from hog hunters who had gotten exposed while hunting feral swine
- Internationally, Dr. DeGroot reported, Brucellosis continued to smolder in China because of their livestock hygiene, which was not at US standards
 - Dr. DeGroot explained that between the 1950s and 1994, China had made good progress in cutting their Brucellosis rate by about 10-fold, but since that time, it was running about four times the rate it was in the early 1950s, because if animal hygiene measures were disregarded, Brucellosis rates could increase quickly, with China, and Mexico being shining examples of that
- The risk to elk hunters, Dr. DeGroot said, depended a little on when they hunted, with most regular season hunting occurring before the fetuses got very large. But, with late season damage hunts, the bacteria grew very efficiently in the placenta later in pregnancy, and there was more risk to hunters for Brucellosis at that time. He mentioned that the population to surveil by Public Health would have been the Yellowstone bison population this past year, with many harvested in March
 - Dr. DeGroot said that they had found a number of ranchers that really didn't want to be involved in the damage hunts, because they didn't want the gut piles left on their pastures
 - By leaving the uterus intact, it was a help to mitigate the Brucellosis risk, Dr. Szymanski said, because it helped contain those infectious materials
- Dr. DeGroot explained that human Brucellosis, or undulant fever, presented itself in its early stages as flu-like symptoms, fever, malaise, tiredness and lethargy, with recurrences of those same symptoms every month to six weeks. Humans, however, didn't develop respiratory signs
 - Keratitis, or infection of the cornea, could also be one of the signs, Dr. DeGroot said. Dr. Szymanski reported that a lot of the past Strain 19

exposures were associated with some long-term cardiac problems in Veterinarians

- Because Brucella cultures could be aerosolized, Dr. DeGroot said that one of the laboratory safety protocols was that all Brucella work needed to be done under a hood, but, most Human Brucellosis infections were associated with the ingestion of the contamination
- Jake Feddes shared a story about a late-season cow-elk hunt about seven years previous where Fish and Game requested help in harvesting elk that had wandered off of the Turner ranch. Mr. Feddes was able to find a grain farmer who had no cattle on his place where the elk could be safely taken, and the elk could be gutted on his place in one area to keep all of that away from surrounding cattle
- Dr. Szymanski said that the DOL worked closely with their counterparts at DPHHS, and that if they had a detection of Brucellosis in a human, they would notify the DOL so we could find out if there was any associated contact between that human and the livestock in the state. If the DOL detected Brucellosis in a cattle herd or any domestic livestock, then the DOL would notify Public Health and they'd do the necessary follow-up with those producers to make sure that any concerns about them being exposed was addressed
 - Dr. Szymanski explained that hunters were not necessarily under the jurisdiction of the DOL, so DPHHS did some messaging and worked with FWP. The DOL dialed in that messaging that would go out to Veterinarians and physicians in Montana who may not deal with Anthrax or Zoonotic parasites or Tuberculosis on a regular basis to put some baseline information in their ear, so that when those odd things popped up, they had a place to start on where to investigate them

(4:36:05) 3:20 PM Request Clarification on Hiring of Assistant State Veterinarian

Mike Honeycutt explained that the reason this item was on the agenda was to clarify whether or not the BOL wanted to be involved in this round of choosing an Assistant State Veterinarian:

- Mr. Honeycutt further explained that Nina Baucus and Greg Wichman were the two BOL members that had been involved in the first round of interviews for that position
 - Dr. Tahnee Szymanski was hoping to potentially start the review of applicants the following week, with interviews maybe two to three weeks out, hoping to pique some additional applications during a couple of national forums
- Gene Curry shared information from a news story he had heard about a week previous, regarding a shortage of Veterinarians in Montana and nationwide
 - Dr. Szymanski shared that just a few years ago, there was talk that there wasn't a need for more small animal Veterinarians, but that now, a sharp shortage of them was being noticed, along with a shortage of food animal Veterinarians as well. She added that at least four or five other State Animal Health Officials were, even a year and a half ago, experiencing small application pools to hire Veterinarians

- During the first round of recruiting to fill the Assistant State Veterinarian position, about six weeks previous, Mike Honeycutt said that he did a search for the BOL, which showed that at that time, there was just short of 10,000 Veterinary positions open across the US, adding that he knew there weren't 10,000 new Veterinarians coming out of Vet school this past May
- For this second set of interviews to fill the Assistant State Veterinarian position, Mike Honeycutt said that he would fill in for the place that Dr. Marty Zaluski had filled. Dr. Szymanski said she would work with Mike Spatz on coordinating the interviews and that he would also sit in on the interview process. Nina Baucus and Greg Wichman would represent the BOL in the process
- Although she hadn't looked at the applications already sent in to the DOL for the open Assistant State Veterinarian position, Dr. Szymanski said that there were a small number of applicants that had applied for it
- When asked by Nina Baucus what her goals were, now that she was State Veterinarian, Dr. Szymanski said that she hoped to keep on the steady pace of small and sometimes larger victories that had already been built.
 - She said she hoped to create an atmosphere in the Animal Health and Food Safety Division of all working together collectively, as many areas the work done there intersected.
 - Dr. Szymanski said that she wanted to push the threshold as much as she could on how the DOL managed the outbreaks of disease, utilizing the information received on the science of the diseases, how they're transmitted, where the risks were, dialing in as specifically as possible during a disease investigation so that the least amount of producers associated with those diseases were impacted
 - Dr. Szymanski reported that indications had been from USDA that there would be decreases in Federal Cooperative Agreement monies for the next fiscal year, and so she wanted to figure out, on the budget side of things, how to continue doing all the things they were doing in the Animal Health and Food Safety Division in a more lean way
 - The Brucellosis program would be the one substantially hit by decreases in the Federal Cooperative Agreement monies, Dr. Szymanski said. And, she wanted to make sure that the DOL would not be weakening a program that they had spent such a long time building
 - Dr. Szymanski also wanted to work with FWP and other partners to hopefully shrink the size of the DSA and be active in conversations with them
- Gene Curry thanked Dr. Szymanski for taking the position of State Veterinarian and said that the BOL appreciated having her on board and they looked forward to working with her
- **(4:47:42) 3:32 PM** (Lily Andersen stayed on the ZOOM call, but switched to her phone because she had to go milk)

(4:50:38) 3:35 PM VETERINARY DIAGNOSTIC LABORATORY

Dr. Greg Juda, Director of the Montana Veterinary Diagnostic Lab, introduced himself and said that the next segment would be short and sweet and then he would turn the reins over to Max Grebe, who would be providing a building update

(4:51:15) 3:36 PM Out-of-State Travel Request for Rabies Workshop/AAVLD Annual Meeting/CRWAD-ACVM Meeting

Dr. Greg Juda requested that the BOL approve out-of-travel for three different meetings for various MVDL staff to attend:

- Dr. Juda explained that CDC grant money would typically help subsidize travel costs for Rabies training for staff, but he wasn't certain when that funding would come in. He reported that Brian Eilers, who was in the Virology section of the MVDL, would be the candidate to attend
- The AAVLD annual meeting had been attended virtually for the last two years, Dr. Juda said, and this year, he was requesting travel for four management staff of the MVDL be able to attend the meeting in person this year in Maryland. NAHLN grant funding would subsidize the travel costs
- The CRWAD-ACVM meeting in Chicago was part of Dr. Erika Schwarz's board certification, where she would need to present. That should be covered by NAHLN funding, Dr. Juda said
- For all three meetings, NAHLN grant funding of \$11,000 would be utilized to help cover costs, but Dr. Juda said that \$3,790 would still be needed to complete all the costs of out-of-state travel for these three meetings
- Dr. Juda thought there was about \$8,000 in the travel budget, specific to the Lab. He said that there were two Milk workshops, that would take place in the Spring of 2024, that he hadn't listed on his handouts because he was waiting to receive more details on them
 - Dr. Juda thought there would be some additional funding for the Milk program that would help with the travel, that would have to cover the Sanitarians who would be attending

MOTION/VOTE

(4:54:15) 3:39 PM

Alan Redfield moved to approve out-of-state travel for Brian Eilers to attend the CDC Rabies Workshop, September 25-28, 2023 in Richmond, California; for Tess Moore, Greg Juda, Steve Smith and Erika Schwarz-Collins to attend the AAVLD Annual Meeting, October 12-18, 2023 in National Harbor, Maryland; and for Erika Schwarz-Collins to attend the CRWAD/ACVM Meeting, January 20-23, 2024 in Chicago, Illinois. William Kleinsasser seconded. The motion passed.

(4:54:45) 3:39 PM MVDL New Building Update

Max Grebe, LPW Architecture, introduced himself and presented to the BOL an update on the new combined State Lab project:

- Mr. Grebe announced that just that afternoon, they got word from State A&E, the authorizing agency, that the combined State Lab project had been awarded to Swank Enterprises. He said that they were working on getting out a Notice to

Proceed, an official document from the State that said Swank Enterprises had the authority to move forward. Mr. Grebe added that they had about a month of work to do to get the contract in place and get everything signed, as the State had to do some work as far as vetting the bid, but, they saw no issue holding up the project at this point

- Swank would start signing sub-contracts with their sub-contractors and start procuring materials immediately to prevent any further inflation or issues with components, Mr. Grebe said
- Mr. Grebe said that the City of Bozeman had been in the process of reviewing the drawings submitted to them several months ago, so that a building permit could be issued. He said he was hoping that LPW's design team would have initial responses from the City on or around August 17, 2023
- The comments from LPW back to the City of Bozeman would then be returned in about a week or two after any adjustments were made or any additional information needed to be provided to them. Following that step, the City of Bozeman would probably take about another week to process that, meaning a return of comments from the City of Bozeman around August 24, 2023, and an issuance of a building permit around September 15 – 18, 2023
- Although excavators and dump trucks may be sitting at the property boundary, they cannot move a bucket of dirt in Bozeman without a building permit, Mr. Grebe said, but once they do get that permit, they can roll onsite and start moving dirt
- In the next coming weeks, Mr. Grebe said, they would have to start talking about doing a groundbreaking ceremony of some kind
- The BOL members discussed a possible date, with Nina Baucus asking that John Scully and Lila Taylor be able to be a part of the groundbreaking. Max Grebe said to give him a list of people and he'd get that coordinated with Swank Enterprises, along with information from the other partners, the Department of Ag and the MSU Wool Lab as well
- Mr. Grebe said he anticipated two years for occupancy, probably the end of 2025 or early 2026. He said that construction was going to happen right out of Greg Juda's back door, and overall, they wouldn't have any disruption
- In a general overview of the budget, Mr. Grebe said, at the time of the second request to the Legislature, the construction cost was estimated at \$42.5 million. The low bid given for construction cost was \$54.9 million. The project budget was then reworked where \$3 million in soft costs were redirected to the hard costs, making the construction budget, essentially \$45.5 million. The State went back to the Office of Budget and received approval for an additional \$5 million, revising the construction budget up to \$50.5 million, meaning that \$4.5 million worth of scope needed to be taken out of the project
- In the end, Mr. Grebe said, about \$3 million to \$4 million in savings were made with some changes that kept all of the Lab facilities still there with all of the square footage intact. All of the project was able to be kept as designed. There were alternative products and materials substituted in some of the mechanical and electrical systems, but, still keeping equally comparable components; some landscaping was removed and there were the same number of parking spaces,

but significantly less square footage of asphalt; Some grading was changed around so that more material would be able to be kept on site, saving trucking costs to move it off site

- Along with the other changes mentioned above, Mr. Grebe said that the project could get into budget if about a million dollars' worth of lab case work (that included counter tops, sinks, specialty lab equipment, furniture and fixtures and components that went within the lab spaces) were removed out of the project as well
- Each of the three Departments at the MVDL were asked to purchase a percentage of that case work on their own, outside of the new lab budget. Mr. Grebe said they were working on that right now, determining what percentage of the case work belongs to each Department and then assign them the responsibility of purchasing that case work, supplying it to the contractor, and having them install it. Mr. Grebe added that the other two Lab partners were asked to purchase their case work on their own as well
- Dr. Juda and his team had a grant available that would allow them to pay for the incinerator, which was a little over half a million dollars on its own to purchase. The MVDL already had set aside money to purchase the tissue trimming stations
- Mr. Grebe said that moving costs would be an item that was not going to be a possibility to remove, and so those would be redirected into the construction budget and each individual Department would be responsible for their own moving costs
- Mike Honeycutt said that if the occupancy date was not until 2026, the MVDL could go through the HB2 process in 2025 to get the authority into their budget as EPP items. If occupancy were sooner, there was the option in 2025 of doing it through HB3, requesting authority against cash that we have to get it done sooner
- Mr. Grebe said that with all of the VE (Value Engineering) revisions, there was a bit more work to do on the design team side in the coming three weeks, but they would take all of those, wrap them up into an official document to make it official, and he did not anticipate any holdups on doing that. He added that part of the contract that LPW Architecture signed was to deliver the project on budget and so all of the work to do that is part of the contract and their fee was not changed because of that
- To give some perspective to this particular project, Mr. Grebe said the project cost was about \$1,300/square foot. The new Benefis Patient Clinic currently under construction in Helena on the old mall site, that had clinical office space, a similar scale of HVAC systems and site work, Intensive Care, and Operating Rooms on some of the floors, had been bid on a year prior, and the project cost was between \$450-\$600/square foot. Location of the project was a factor, he said, but, the difficulty of getting the components also played a role in the higher cost of the new Lab facility
- Talk of a new Lab started in 2014, Gene Curry said, when he took over at the MSGA. Mike Honeycutt said it was the vision of the BOL that made this project happen and a study of a combined lab complex was finished in 2018, adding that

in 2019, the DOL asked the Legislature for \$100,000 to continue design work on the complex, and then, in 2021, it looked like the MVDL would be a project on its own, and so a Legislative request was made during the 2021 Session and then, other partners decided to come along

- Mike Honeycutt said that the BOL needed to put their heads together and discuss the history of this project, as any Legislator that had a part in that over time, should be part of any celebration of the new lab complex
- The current MVDL had been built in about 1959, and Gene Curry said he first walked into that lab in 1967. Then, about 10 years ago, he walked into the lab again to drop off some Trich samples and he said the MVDL looked identical to the day he first walked into it in 1967, except for more stuff piled around, because everything had grown except for the building
- Mr. Grebe said that he gave a lot of credit to State A&E, because they were very committed to finding additional funding for the new Lab and making it work
- There was less than a 10% spread between construction bids, Mr. Grebe said, adding that with the two bids they received being so close, it was a good sign that both companies were looking at the same things
- Ag Appreciation Day was not scheduled until Saturday, November 4, 2023, and Jake Feddes said that might be pretty late to do a groundbreaking ceremony then, although, he said freezing didn't stop construction in Bozeman
- Max Grebe said that he expected a majority of the concrete would be in before freezing, but it would be a while before structural steel started online. But, once it did, the building would go up fast

(5:24:41) 4:09 PM BOL General Discussion

- Gene Curry reminisced that in the past, when he had attended BOL meetings, the room was packed with people in the room with every chair filled, people standing along the walls and people outside the room in the hall, and it was not because they were pleased with the actions of the DOL and BOL. He said now, the industry, apparently had a lot of confidence that the BOL was listening to them and hopefully, he said, the industry would reach out to the BOL if they ever felt that the BOL was not listening to them
- To answer Nina Baucus' question about the incoming CIO, Mike Honeycutt explained that the CIO, was scheduled to start work the following day, and would represent both the Department of Ag and the DOL in round table meetings. He said they would probably give the CIO 24 hours before trying to schedule a meeting with him and Jay Bodner to discuss GlideFast implementation and to school him up on HB10, which would include USAHerds, VADDS and a number of other things that needed to be looked at in the next biennium
- Nina Baucus said that there had been three full-time IT people, all three of which, she thought, were running full gun. Now the IT area was short a person, and she was wondering if another IT person would be hired to fill the position of the one that left
 - Mike Honeycutt explained that the intent was to let the CIO see what was needed for that position, whether it would be someone with a higher capability or maybe another Analyst. He said that the intent was for the

issue to be brought up at the next BOL meeting, because they wanted to be sure of what type of person was needed, as there was a difference in pay level. Mr. Honeycutt said that Greg Juda was hoping to hire a full-time IT person for the MVDL

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

(5:30:24) 4:15 PM

Mike Honeycutt announced that there was just one member of the public who had hung in with the meeting the entire day, Jasmine from Montana Farmers Union:

- Jasmine Krotkov admitted that she had been coming in and out of the meeting, because she had also been attending a couple of other Interim Committee meetings at the same time, so, she had missed some of the presentation
- Ms. Krotkov said that it had been great hearing about what the BOL was up to and that she didn't realize how much she was supposed to know and that she was still learning quite a lot
- Gene Curry said he appreciated her time and interest in listening to the BOL meeting and that she was welcome any time, adding that the BOL would love to have her show up in person for a BOL meeting

SET DATE FOR THE NEXT BOARD MEETING

(5:32:20) 4:17 PM

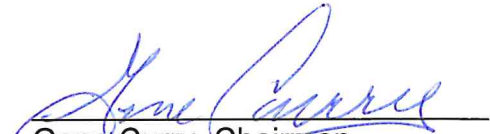
Gene Curry said it was time to set the date for the next BOL Meeting:

- Alan Redfield said that he would be having surgery on September 1st, and after that, he would have physical therapy every Tuesday for the next three months, and so, Tuesdays were out for him
- Mike Honeycutt cautioned about setting a meeting for the week of Labor Day, because you don't want to have a holiday right before a meeting, but said that the week of September 25th would be when the first financial report might be able to be produced
- Nina Baucus said that, she thought, the Ram Sale was on September 14th
- Gene Curry said that Wednesday, September 20th wouldn't work for William, and so, possibly the 14th or 21st might work. Lily Andersen said that Wednesdays worked for her. Mike Honeycutt said he was not a fan of having a BOL meeting on Mondays because of the prep work that needed to be done the day before
- Jake Feddes said as we got into late September and October, he didn't know if he would be here or not. He added that after September 15th, his shipping schedule was going to get going all the way through Thanksgiving
- Alan Redfield said that September 20th or 21st seemed like the days and he would probably be attending the meeting from home anyway, because he wouldn't feel like going anywhere
- Greg Wichman said with the Ram Sale on September 14th, how about having the BOL meeting on September 6th or 7th? Tahnee Szymanski said that was when the SHIP meeting was happening, and that William Kleinsasser would be attending that meeting

- The next BOL meeting was scheduled for Thursday, September 21, 2023

MEETING ADJOURNED

(5:39:25) 4:24 PM



Gene Curry, Chairman