



# Montana Board of Livestock Meeting Minutes

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

November 14, 2024

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

## Board Members Present

Gene Curry, Chairman (cattle producer)  
Alan Redfield (cattle producer)  
Jake Feddes (cattle producer)  
Eric Moore (cattle producer)

William Kleinsasser (swine producer)  
Greg Wichman (sheep producer)  
Lily Andersen (dairy & poultry)

## Staff Present

Mike Honeycutt, EO  
Brian Simonson, Deputy EO  
Donna Wilham, Adm. Asst to EO  
Evan Waters, Centralized Services  
Lindsey Simon, Centralized Services  
Mike Spatz, Centralized Services  
Rick Corder, Centralized Services  
Dale Haylett, Centralized Services  
Brendan Boots, Centralized Services

Dr. Tahnee Szymanski, MT State Vet  
Dr. Greg Juda, Director, MVDL  
Dr. Brenee Peterson, Animal Health  
Dr. Heidi Hildahl Animal Health  
Jay Bodner, Brands Enforcement  
Kim Dallas, Brands Enforcement  
Cally Goyins, Brands Enforcement  
Jeremy Wyrick, Brands Enforcement

## Public Present

Ellie Brighton, MT Stockgrowers Association  
Cheyenne Leach, MT Stockgrowers Association  
Karli Johnson, MT Farm Bureau Federation  
Dalin Tidwell, USDA-APHIS Wildlife Services  
Cheryl Curry  
William Kleinsasser (William Kleinsasser III's Dad)

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## MEETING CALLED TO ORDER

**(0:00) 7:59 AM**

Chairman Gene Curry called the meeting to order at 7:59 AM

## CALL TO ORDER AND INTRODUCTIONS

**(0:00) 7:59 AM**

Chairman Gene Curry called the meeting to order and requested that BOL members not use their cell phones during the meeting time. He then welcomed Eric Moore, the newest BOL member, and requested Introductions:

- Eric Moore, Cattle Representative, Miles City
  - Mr. Moore shared that for almost 30 years, he owned a farmer/feeding operation and had a cattle feedlot in Miles City and one in southwestern North Dakota
  - After serving on the board of Directors of the MSGA and for nearly 10 years in the Legislature with Alan Redfield, Mr. Moore said he felt that being on the BOL was a good way to serve where he could and represent the eastern part of the state as well
  - Being in the thick of Fall Run, Mr. Moore said that things were going fairly smoothly and that he hadn't gotten any complaints in regard to the BOL. He added that livestock prices were staying good
  - Mr. Moore reported that on the Eastern Plains, they would be going into winter without a drop of subsoil moisture because they hadn't had a drop of moisture since the middle of summer. Some people were grazing cows on corn stalks and the weight of the cows was thin. But, there was still lots of old crop feed still around, even though it wasn't as cheap as it had been three months ago
- Lily Andersen, Dairy & Poultry Representative, south of Livingston
  - Ms. Andersen reported that she had attended the Ag Econ Conference in Bozeman and it was very informative. She added that there had been some good conversations about HPAI in the dairy industry
- William Kleinsasser, Swine Representative, Augusta
  - Mr. Kleinsasser reported that hog prices for November were usually around 40 cents, but they had gone up to 66 cents with the shortage of pork, adding that old cull sows were still bringing around \$250 to \$275, which, he said, was very good
- Jake Feddes, Cattle Representative, Manhattan
  - Mr. Feddes reported that he had been on the road for about eight weeks, but was winding down on his deliveries of shipping calves and would go to Idaho tomorrow. He added that ranchers were smiling from ear to ear with their checks they received, because he had never seen checks like that, which was needed because of the expenses going up and inflation
  - Mr. Feddes said that they were getting ready on their ranch for their cow sale on December 1<sup>st</sup>. They were also putting up a new calving barn because calving would start for them in the middle of January
- Greg Wichman, Sheep Representative, Hilger, North of Lewistown
  - Mr. Wichman reported that the sheep market had been in the doldrums, but had been picking up a little bit. He said that to get out of the wool glut, with most research being very positive, the wool industry was trying to do wool pellets for use in both sandy and clay soils
  - He said he had spent the previous week in Bozeman at MAES meetings, good meetings where there was talk about crops

- Mr. Wichman said that they were a week late this year in sorting the bucks out of the sheep and that he had one more to put out when he got home
- The nearly four inches of rain they had received in a three-week period, Mr. Wichman said, was all gone, guessing that was because it was awful dry down deep
- Alan Redfield, Cattle Representative, Paradise Valley, south of Livingston
  - Mr. Redfield reported that they were having a really good fall season and that he had brought in the last of the cows off the mountain the day before. The calves, he said, weighed more than they ever had in the time that they had been on their place
  - Mr. Redfield said he was working to get a lot of things done, because he was getting should work done in about a week
- Gene Curry, Cattle Representative, Valier
  - Mr. Curry reported that in their country, they had gotten around 3.5 inches of moisture in August, in the form of hail, which had made their fall feed situation. He said the hail took about 25%-75% of their spring wheat crop, which sprouted and provided feed for the cows, who were doing really well on it. Their winter wheat though, came up beautiful, growing 6-8 inches tall and the calves feeding on that were looking fantastic. He said that most of the calves in their country, and those he hauled, looked really good as well

## **BOARD ADMINISTRATIVE ITEMS**

**(12:45) 8:12 AM**

### **(12:45) 8:12 AM – BOARD APPROVAL OF PAST MEETING MINUTES**

Gene Curry entertained a motion to approve the minutes of the last BOL meeting:

## **MOTION/VOTE**

**(1:33:15) 8:08 AM**

**Alan Redfield moved to approve the minutes from the Montana Board of Livestock September 26, 2024 meeting. Lily Andersen seconded. The motion passed.**

Gene Curry denied Greg Wichman's request to discuss the cattle truck wreck in a closed Executive Session due to that fact that the subject was already listed on the day's meeting agenda. He said that Legal Counsel was currently on a call with the Governor's Office, and without her being present, he would deny the Executive Session request for now

## **OLD BUSINESS**

**(14:42) 8:14 AM**

### **(14:50) 8:14 AM – UPDATE ON GOVERNOR'S OGSM STRATEGIC MANAGEMENT AND EXECUTIVE OFFICER STRATEGIC GOALS**

Mike Honeycutt reported on the monthly Operations Review meeting with the Governor that he and Brian Simonson had attended on Tuesday of that week:

- Mr. Honeycutt reported that slaughter figures were very strong for Quarter 2 so far, and that both State-Inspected and Custom Plants looked very similar to 2022 numbers, which was a big cull year
  - During the past couple of years, Mr. Honeycutt said that plants had probably been operating at about 80%-85% of capacity and that he felt they had the ability to do much more than that
  - Jake Feddes said he felt that right now, everybody was operating at capacity and that determining capacity was not based on cooler space or equipment, but labor because, at least at his plant, people were leaving because it was too expensive to live in the Gallatin Valley, even with starting them at a \$20/hour wage. He said that some people have issues with working at packing plants because they don't want to be around blood or see animals harvested, or just don't want to work, period
- On the budget dashboard, Mr. Honeycutt said that it was always good to see expenses below budget and he was not concerned about revenue because the big kicker of that showed up in the spring when people started paying per capita
  - There was \$15 million in available cash, about \$8 million of that in per capita fee and about \$7 million in other funds
  - The Brands Fee number, Mr. Honeycutt explained, was liquid, as what was amortized, had already been backed out. Of the \$21 million in accounts, around \$6 million of that can't be used until it was time to use it, because Rerecord, New Brands and Transfers and Lien Fees were spread out over different periods of time
- Mr. Honeycutt reported that, of the 142 total FTEs, there were about nine vacancies in the DOL, some intended for budget purposes to get through payouts
  - This was not a great time of year to have vacancies at the Brands Markets and even though there was a vacancy at the Sidney Market, Knute Larson had been handling things at that busy market. Mr. Honeycutt said that once the Rover position was hired, they would be roaming to Sidney most of the time
  - While a couple of years ago, the DOL showed about a 25% vacancy in the Meat & Poultry Inspection area, right now there was a lot of vacancy in the Brands area
  - Mr. Honeycutt explained that to hit your Personal Services budget, you needed to have at least 5% of your positions vacant every year
- October was a busy month for the Commission Companies, Mr. Honeycutt said, with roughly 135,000 head having gone through them that month, 20,000-30,000 more than went through last year
  - Mr. Honeycutt was hoping that the numbers would stabilize and not be in a decline period before the build back started, explaining that producers might just be choosing to market because of the prices
- Mr. Honeycutt reported that Wes Seward represented the DOL well, working a Lee Newspaper Reporter, giving the DOL national press all over the country

- Mr. Honeycutt was able to report to the Governor that the last quarantine herds from the Bovine TB discovery in 2021 had been through their final quality assurance test and were free and clear of any regulation from the DOL
- IBMP was listed as a high this month, Mr. Honeycutt said, as the meeting they just had, at least in Mr. Honeycutt's estimation, was one of the better ones in the last couple years, and he was optimistic about the opportunity to do some population reduction in the YNP bison herd, when there was opportunity
- The second Fall Run being done with Service Now seemed to be running smoothly this year, Mr. Honeycutt said
- Having to depopulate HPAI-positive flocks and moving the dairy industry into a possible mandatory HPAI dairy herd testing mandate from the Federal Government was reported as a low to the Governor
  - Currently, there was talk of putting a plan together for how samples for HPAI would be done in Montana dairies
- Mr. Honeycutt said that he reported to the Governor about the broken down and replacement needed of the Immulite machine in the Clinical Pathology section of the MVDL. This meant that testing that had been done on that machine, now needed to be referred out to other labs
  - Because the Immulite broke down before July 1, 2025, Mr. Honeycutt said that proprietary funding might need to be used for the purchase of another machine until requested funding to cover it from the Legislature would be released for the new biennium
- There were still outstanding issues with the BLM and US Fish & Wildlife, current litigation court cases, and Mr. Honeycutt said that in the next 60 days, before the January 20, 2025 inauguration, things could change, and some rapidly with those issues
- After the outbreak of e-Coli in Flathead County, Mr. Honeycutt said that there was reevaluation of HACCP Plans with the facility involved with that and request for corrections to be made. Other after-action on that outbreak also involved evaluation of other facilities and how they were doing things, and Mr. Honeycutt reported that Alicia Love and her team were close to getting through what needed to be done there
  - Phase-out was being done from plants doing quarterly Listeria sampling to monthly sampling
- Jay Bodner was on track for the middle of December to have the Google AI document project in place in the Brands Division of the DOL
- CoreOne, the replacement software system for USAHerds, was getting put into place in the Animal Health area of the DOL
- With the EID rule going into effect last week, Mr. Honeycutt reported that Montana was still short of what the DOL had historically been able to give people for free tags. The Animal Health Import Office had been dealing with lots of questions and was still trying to find more free tags, having scrounged some excess vaccination tags from Iowa and having a commitment from USDA to send more
  - Mr. Honeycutt said that the 33,000 vaccination tags received from Iowa were something that could be given to Veterinarians

- Mr. Honeycutt said that in a conversation he had at IBMP with a USDA employee who had worked on tag allocations, the tag allocation for each state was largely based on NASS data and cattle inventories. Mr. Honeycutt said that a good portion of Montana required vaccination, especially with DSA movements and most people outside that area still chose to vaccinate. And so, the tag allocation based on NASS cattle inventory numbers didn't deal with what Montana's tag needs were
- Montana was a high cattle export state, Mr. Honeycutt said, while many Midwestern states were high cattle import states, giving them a high inventory comparative to Montana
- Mr. Honeycutt said that the DOL's Org Chart had not changed, as it was about as simple as it could get, showing the three Divisions and what they were responsible for
- In January, Mr. Honeycutt said that the Governor would be asking about what the DOL had plans to do in the first six months of the new year. And so, Mr. Honeycutt was asking the BOL to come to the December meeting with ideas for what the DOL should be focusing on during the next six-month horizon
- Mr. Honeycutt also requested input from the BOL regarding adding any new dashboards or metrics to track on the OGSM report
  - Eric Moore suggested doing further breakdown in the sale barn numbers, possibly breaking the cattle data down into culls, breds and feeder cattle. Mike Honeycutt agreed, adding that local intelligence may be better if those numbers were actually represented
  - Alan Redfield suggested changes in the cash flow part of the dashboard so that industry would understand better what the DOL had been doing. Gene Curry said the current report did not show a relationship to where or how we got to where we were or how long it took to get there and that December would be a really good time to have that information because of the Legislators being able to have more of an understanding about the cash balance in the DOL

## **NEW BUSINESS/EXECUTIVE OFFICER UPDATES**

**(51:33) 8:50 AM**

### **(51:33) 8:50 AM – HUMAN RESOURCES UPDATES**

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

### **(52:06) 8:51 AM Staff Openings, Recruitment and General Updates**

Mike Spatz jumped right into his report on Staff Openings, Recruitment and General Updates in the DOL:

- Mr. Spatz reported that the HR report before the BOL showed they were currently actively recruiting for four positions, but, as of this morning, that number had changed to actively recruiting for one
  - The Livestock Market Supervisor position in Sidney had an accepted offer, Mr. Spatz said, and it was planned to send an offer letter out after the BOL meeting

- The new Egg Grader position was filled and the new employee would be starting on Monday
- Mr. Spatz said that, just due to timing, the Meat Inspector position and the Rover position would be reposted at a later date to get a better applicant pool, as the pool received was very minimal and not qualified for what was needed
- It was reported by Mr. Spatz that since the September BOL meeting, four new people had been hired into the DOL and there were six vacated positions. Four of the vacated positions were retirements and the other two left for personal reasons. As of this morning, Mr. Spatz said that there were reports of a total of three future resignations coming up at the end of the month
- Jay Bodner reported that even though the eastern part of the state was running pretty thin with employees at the moment, there was a short-term worker in the Glasgow market who was an experienced, retired Brand Livestock Inspector that would potentially be filling in and that would help dig the DOL out of a pretty big hole
- Mike Spatz took a moment to welcome some of the new hires in the DOL
  - Jennifer Jones, part-time Inspector in the Chinook area who started at the beginning of October
  - Dr. Brenee Peterson, Veterinary staff in the Animal Health Division, started in October
  - Hailey Fornier, Front Office Tech at the MVDL
  - Robin Johnson, Meat Inspection in the Shelby area and fill-in for the Great Falls area
- Gene Curry explained that the vacant Assistant Administrator position in the Brands Enforcement Division had not been filled since Ty Thomas' retirement, because the DOL had been looking at changing the job description
- Also still vacant was a Meat Inspector position in the Chinook area, which Mike Spatz said would be sat on for a while because the recruitment slowed down coming out of summer and going into winter

**(59:00) 8:58 AM Requests to Hire – Two Market Supervisors-Sidney and Glasgow and Three Market Inspectors-Sidney, Ramsay and Billings**

Mike Spatz explained that the Requests to Hire had just changed from the report in front of the BOL, and now there were five Requests to Hire:

- All five requests to hire were in the Brands Enforcement Division
  - Mr. Spatz said that the Market Supervisor position in Sidney could be filled with an internal promotion for an employee and so backfilling that position would be nothing new to the budget, as it was an existing position
  - The full-time Market Inspector request in Sidney would replace a position made vacant due to an internal promotion
  - The Market Supervisor position in Glasgow was a big need to fill
  - The full-time Market Inspector position in Billings opened up because an employee left the position there last month
  - The full-time Market Inspector in Ramsay

## **MOTION/VOTE**

**(1:01:06) 9:00 AM**

**Jake Feddes moved to approve the hire of two Market Supervisors, in Sidney and Glasgow and also three Market Inspector positions, in Sidney, Billings and Ramsay. Also moved was to approve backfilling any positions that would be made vacant because of internally hiring any of these positions. William Kleinsasser seconded. The motion passed.**

Jake Feddes requested that the BOL consider not having to approve the hire of a position that was not changing or anything different and that the DOL be able to just hire that position:

- Mike Honeycutt explained that there was nothing statutory about the BOL approving those types of hires, but that it was a policy listed in the Board Policies and Procedures put into place, he thought, about six or seven years ago when the BOL wanted the oversight to make sure that, with the financial difficulties at that time, there would be no unnecessary hires made, to save money

## **MOTION/VOTE**

**(1:03:00) 9:03 AM**

**Jake Feddes moved to approve that if a position within the DOL was not changing and it's a position that had been an FTE and nothing was different, that the DOL did not have to come to the BOL for approval to hire that position, but they could go ahead and hire that position. If a position changed, title changes, job changes, anything like that, it still needed to come to the BOL for approval. Alan Redfield seconded. The motion passed.**

**(1:06:54) 9:06 AM General Updates**

**(1:06:54) 9:06 AM Employee Year-End Performance Evaluations**

Mike Spatz reported that January 31, 2025 was the final day to get Employee Year-End Performance Evaluations submitted:

- Mr. Spatz said that all DOL staff were expected to participate in the evaluation and should already be in the first step of the process where they submit to their Manager their goals and evaluation of themselves. The Manager then reviewed the employee's evaluation and sent back their thoughts to the employee. That was finally followed up with a face-to-face meeting of the Manager and employee
  - The Governor's Office tracked the evaluations
  - Mike Honeycutt said that he met each week for an hour with the people that reported to him and so when it came to year-end evaluations there should be no surprise
- The BOL discussed with Mr. Spatz about Non-Discrimination, Harassment, Equal Opportunity Training, which was required to be taken by every State employee
- Mike Honeycutt said that he had recently took him about an hour to complete his online training. He said that Montana law actually had a higher standard than the Federal Civil Rights Act, with age discrimination in the Federal Act only applied to



people over 40 years of age. But, Montana's Human Rights Act stated that age discrimination could happen at any age

- Mike Spatz said that he would communicate options for the BOL training in the Weekly Updates they received from Mr. Honeycutt

### **(1:15:32) 9:15 AM – EXECUTIVE OFFICER UPDATES**

#### **(1:15:34) 9:15 AM YNP Bison/EIS/IBMP Operations Update**

Mike Honeycutt reported on the IBMP Meeting, held in Missoula a couple weeks previous and decisions made regarding YNP Bison:

- Mr. Honeycutt said that for the first time in four or five years, an agreement was made by all the IBMP Partners on a Winter Operations Plan for the year
- YNP Bison population was estimated to be in the mid to upper 5,000 range, and because of the new Record of Decision and the news EIS that came out, the Park Service was on point to take aggressive action to reduce that population
- It was agreed by the IBMP Partners to reduce by 25% the current YNP Bison population (1500 to 1600) through all the tools on the table, including Tribal Treaty Hunting in the Gardiner Basin and on the West Side, if there was an opportunity, trapping for potential quarantine, followed by live distribution after the bison cleared all hurdles to become Brucellosis-free, a program called the Tribal Food Transfer Program. Hazing could be utilized, if needed, especially to keep those bison out of the Zone 3 no-tolerance zone
  - The capacity of the quarantine area, Mr. Honeycutt said, was around 200 bison. He explained, though, that many more needed to be trapped than that, as the ones that were trapped and tested positive for Brucellosis on the first test would go to slaughter and then more would be trapped until capacity was reached
  - The largest year of removals of YNP Bison came two winters ago, Mr. Honeycutt said when 1700 were removed, with about 1200-1300 removed by Tribal Hunting. He added that at that last IBMP meeting, the Nez Perce praised the DOL for cooperating with Tribal Treaty Hunters and giving them opportunity to do that hunting
  - Alan Redfield shared that he had occasion at a recent Public Watershed Meeting to explain to the people there the importance of allowing hazing of YNP bison, because if you didn't, and that bison got onto someone's private property, you guaranteed that bison's death
- The BOL discussed having a remote BOL meeting, combining a BOL meeting and a tour of the YNP areas, sometime next year, to familiarize all BOL members with those landmarks and areas when YNP bison was the subject matter

#### **(1:32:10) 9:31 AM USDA Wildlife Services Idaho EIS**

Mike updated the BOL on the Wildlife Services, Idaho Environmental Impact Survey:

- After a settlement with Western Watersheds done by Wildlife Services, Idaho put out their EIS, listing seven alternatives

- Alternative 2, Mr. Honeycutt said, was the one Wildlife Services preferred, because it still allowed them to do lethal removal of predators, with some sideboards, within areas where there were threatened or endangered species
  - The DOL felt they should weigh in on the EIS, Mr. Honeycutt said, and had Agency Counsel, Lindsay Simon, write comments that did not take a position on any of the alternatives, but instead supported Wildlife Services and their ability to use lethal removal of predators as a tool
- Just two days ago, Mr. Honeycutt said that Judge Christensen ruled on a lawsuit in Montana, from Trap Free Montana and others saying that Montana USDA Wildlife Services had not done proper analysis on their impact to grizzly bears and those populations. Mr. Honeycutt said that if the result of that litigation would be that Dalin Tidwell and his team would be working on an EIS for Montana, he was glad that the DOL had already put out there our position of support for Wildlife Services and their ability to do their job, even in areas where there were endangered species
  - Mr. Honeycutt said that he was hoping that the ability of Wildlife Services to do the lethal removal of bad bears or the ability to do wolf or coyote management in those areas would not be taken completely off the table

**(1:34:46) 9:34 AM BLM Range Policy Update**

Mike Honeycutt said that the BLM Range Policy might have changed due to the most recent election:

- Mr. Honeycutt said that the BLM had previously put out a Landscape Conservation Health rule and mentioned that they were going to make updates in their Grazing and Range Policies in accordance with that, but would not do that in rulemaking, but through policy, meaning that there would be no public process involved in the changes
- The first policy piece rolled out this summer by BLM was a drought dashboard where they were trying to encourage permittees to use to report what they were doing with AUMs in times of drought so they could have more real-time drought monitoring and be able to make drought decisions in season
- Mr. Honeycutt said that the DOL was waiting for the Flexible Grazing Instructional Memorandum, which he expressed concern about, especially if it extended to species, which could be problematic with some of the BLM allotments in the state
- Mr. Honeycutt reported that he had been told by folks he trusted that because these changes were being done through policy, that they felt that the BLM would not roll out the second and third phases before January 20<sup>th</sup>. He said, he was hoping it would be a dead issue

**(1:37:20) 9:36 AM Montana Wolf and Coyote Management Update**

Mike Honeycutt reported that the Fish & Wildlife Commission had met the day before and entertained some actions they felt were necessary, based on litigation they're in from the Flat/Lolo Group with regard to wolf and coyote management in grizzly bear habitat:

- Mr. Honeycutt explained that the concern was that there was a lack of regulation around certain types of trapping, that wolf and coyote traps and snares created an opportunity for unintentional take of grizzly bears and had caused unintentional take of grizzly bears in the past
  - The word, “take,” Mr. Honeycutt said, is not lethal, but could mean that just a toe was taken, according to the US Fish & Wildlife Services’ definition
- The Fish & Wildlife Commission, Mr. Honeycutt said, did decide to put some regulation in place in areas that Judge Malloy, who had the case in front of him, had established, with maps showing that the area would pretty much cover the Rocky Mountain Front down, then the Paradise Valley over to Carbon County, just shy of Laurel. Judge Malloy’s area was basically considered grizzly bear recovery zones on the Northern Continental Divide and the Greater Yellowstone Area
  - Within those geographic areas on Judge Malloy’s map, recreational and depredation landowners would need to get a free, special permit for trapping coyotes declaring that they had permission from the landowner to do that. However, landowners doing trapping on their own land were not required to do that declaration, but, if they were asked by FWP, they would have to say, yes, I’m putting out traps and snares. He said one additional provision was that if there was a grizzly bear “take” from one of the sets, that within 48 hours, additional regulations would go into effect across that entire geography, from Libby to Laurel
  - Mr. Honeycutt commented that what had been proposed by the plaintiffs in this suit was to have all trapping pretty much banned after February 15th, which he said would have been a great disservice to particularly, sheep producers in the state during lambing season
  - Mr. Honeycutt was not sure what the consequences would be for breaking of the reporting requirements by the trapper, adding that there was probably still more fleshing out by FWP to do on those issues

**(1:43:07) 9:42 AM 2025 Session Planning and Legislative Update**

Mike Honeycutt reported on the most recent Legislative Concepts for the upcoming 2025 Session that he had been tracking for the DOL:

- Three of the concepts on the list were from the DOL: Revised Laws Related to Marketing of Hides, Repeal Laws Related to Inspection of Animals in Feedlots and Allowing for Digital Copies of Required Documentation for Transport
  - Mr. Honeycutt said that he had a commitment from a Senator that wanted to carry all three of those concepts. Two of those were in the final draft review and one of the drafts was in assembly, and so, they were close to being made public
- One concept that Mr. Honeycutt was watching was being carried by Senator Fuller and was called a Working Animal Protection Act, which he wasn’t certain what the intention might be there. Also, Mr. Honeycutt assumed that Andrea Olson would be running a study bill on Food Security and Ag Prosperity, as she had done in the past

- Representative McKamey had put on hold, Revised Laws relating to the Livestock Loss Board
  - Mr. Honeycutt said that he had heard that there were people who wanted to add donkeys as part of the species that could get paid for in a predation claim. He said that he also heard that some people wanted to add coyotes and black bears as predatory species in those claims
- Senator Usher had set aside, General Revise the Alternative Meat Laws and said that there were some others, including one from Braxton Mitchell, Prohibit the Sale of Lab Grown Meat in the State of Montana
- Although not always livestock related, Mr. Honeycutt said there were several food laws listed including Generally Revising the Montana Local Food Choice Act, Generally Revising Montana Food Laws, Revising the Cottage Act, Generally Revising Milk Laws
- Mr. Honeycutt said that he kept a watch on certain placeholders, especially those about changing constitutional agencies, which could have an effect on how the DOL did its business
- Mr. Honeycutt reported that the Governor would be releasing his budget the next day, and he expected that the DOL request would be largely intact, except for a change on what had been asked for Milk Inspection
- It was pointed out by Mr. Honeycutt to keep a look at who was going to be put on the various Legislative Committees. He said that Representative Schillinger, who is the Section C Appropriations Chair, told him that he was basically getting an entire brand new Committee, which Mr. Honeycutt said meant we would be back in the reeducation mode and maybe having to spend a little more time in front of the Committee answering more questions than in 2023

**(1:50:13) 9:49 AM Upcoming Industry Stakeholder Meetings**

Mike Honeycutt reported that there were several industry stakeholder meetings in the near future that the DOL would be attending:

- The following day, Mr. Honeycutt said he would be in Stanford and Lewistown at the Regional Stockgrowers meetings
- Both Greg Wichman and Mike Honeycutt would be attending a Predator Meeting in Ekalaka with Carter County folks on November 18<sup>th</sup>
- The Farm Bureau meeting was scheduled for November 19<sup>th</sup>, and Mike Honeycutt and Jay Bodner would be in attendance at that in Billings
- Friday, December 6<sup>th</sup>, Mike Honeycutt and Jay Bodner would be at the annual MSGA Convention in Billings. Also in attendance at the meeting would be Dr. Tahnee Szymanski, who could be doing at Secure Beef Supply presentation at their Stockgrowers College
- The Montana Woolgrowers Convention was also scheduled on December 6<sup>th</sup>, and Greg Wichman was on their agenda to give the Board Report. Mr. Honeycutt said that the Woolgrowers had left a place open on their agenda for a Livestock Loss Board Report and said that if they needed someone to show up or if they wanted Mr. Wichman to do the Report, that the DOL would be able to give information.

- Mr. Honeycutt said that on December, he would be in Great Falls to attend the Montana Cattlemens' Day
- Eric Moore said that he didn't see the Southeastern Stockgrowers on Mike's list, but said that he could cover that meeting
- Mike Honeycutt reminded the BOL that during Legislative Session, Eric Moore would be up for confirmation and two other BOL members terms would be expiring. Those confirmations normally took place after transmittal. Gene Curry said for those two BOL members whose terms were expiring, if they wanted to continue to be on the BOL, they who have to reapply

**(1:55:33) 9:54 AM RECESS**

**(1:55:48) 10:05 AM RECONVENE**

### **NEW BUSINESS/EXECUTIVE OFFICER UPDATES (Continued)**

**(1:55:55) 10:06 AM**

#### **(1:55:55) 10:06 AM – LEGAL COUNSEL UPDATE (May Require Executive Session)**

Before giving her Legal Counsel Update, Lindsey Simon introduced herself and was also introduced to new BOL member, Eric Moore:

- Ms. Simon reported that a tort claim had been filed involving a former DOL employee that had been sent to the DOA's Risk Management and Tort Defense Office. After it was deemed denied, the claimant had filed that in Federal Court.
  - It stemmed from an animal welfare case where a DOL Area Supervisor was asked to assist. Although the majority of the defendants in the case were County employees, the former DOL employee was also named as a defendant. But, the claim was a 1983 action for due process violation from the seizure of the cattle resulting from that animal welfare case. So, that would be handled by Risk Management and Tort Defense
  - Ms. Simon explained that Risk Management and Tort Defense would coordinate with the DOL on any decisions and would stay in communication with us
- A second matter Ms. Simon wanted to request advice and preferences on was the possibility of a Summary Suspension of License for a Custom Exempt Processor who had a fire in their building
  - Because of the sanitary conditions of the facility, Ms. Simon said it was discussed to possibly do a Summary Suspension until remediation efforts were done.
  - Ms. Simon said that she did not feel there would be justification to invoke a Summary Suspension in this case if there was not a threat to public health. Alicia Love said that Summary Suspensions would be extreme sanitation situations where the entire building could not function in the state that it was in. Mike Honeycutt explained that a Suspension of Services meant that the State Stamp of Inspection would not be provided until a situation was corrected and was not the same as a Suspension of the license itself

- Ms. Simon said that the DOL process for issuing a non-Summary Suspension would be that a notice be sent to the facility saying that the DOL intended to suspend or revoke their license. Then a hearing would be held with the Hearing Officer present who would issue a proposed decision and then it would come back to the BOL to make the final decision
  - Eric Moore expressed concern that small businesses could be put out of business with this action. Ms. Simon agreed and said that they did not want to do that without the BOL being comfortable with the DOL making those decisions that happened in very rare situations
- Alicia Love said that some establishments had received custom permits that should have not received custom permits due to a lack of oversight from leadership prior to her entrance into the DOL and she hoped that now that was a diminishing problem
- Ms. Love said that her normal process for taking enforcement action, whether it was revocation of a license or a license suspension, was to discuss the situation with State Veterinarian, Dr. Tahnee Szymanski or Mr. Honeycutt if she was not available and also include conversation with Legal Counsel, the Area Supervisor and if warranted, the EIAO
- Ms. Simon said that if the BOL wanted to meet as a quorum for a meeting to discuss a license issue, she reminded them that the meeting would have to be noticed up for the public. She added, however, that she thought that in the case of revoking a license, if you would like BOL input and awareness of that, it might be the BOL's preference, but she didn't believe it would strengthen the legal argument one way or the other
- Ms. Love pointed out that if we were to revoke a license for a facility that had a Grant of Inspection that was described in CFR that would mean a withdrawal of Grant of Inspection and that was not an action the DOL had ever taken. Mr. Honeycutt said that a Summary Suspension of License would not just be something that could happen to a Meat establishment, but also to a Livestock Auction barn or a dealer license

## **MOTION/VOTE**

**(2:35:06) 10:45 AM**

**Greg Wichman moved to allow staff to implement Summary Suspension of License. It had to be adjudicated by the BOL no later than 5 business days after suspension, unless additional time was requested by the licensee. Eric Moore seconded the motion. The motion passed.**

Lindsay Simon said that if someone continued to operate their business, even after getting their license revoked, they could be prosecuted for unlicensed practice, which was a misdemeanor with no more than a \$500 fine. She said that a civil injunction to get a cease and desist order could be instituted, but that would not move quickly. She felt that something could be put on the DOL website to alert people that this was an unlicensed facility

**(2:41:15) 10:51 AM EXECUTIVE SESSION**

**(2:41:26) 11:35 AM RECONVENE**

Gene Curry called the meeting back to order, announcing that there was one motion submitted that passed in the closed session to file civil action to revoke a license of a custom processor. That motion passed with one dissenting vote

**(2:41:58) 11:36 AM PREDATOR CONTROL**

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

Dalin Tidwell, State Director for USDA Wildlife Services for Montana, updated the BOL on activities in the USDA Wildlife Services program in the state:

- Mr. Tidwell reported that they received a ruling on the grizzly bear lawsuit
  - The Judge determined, Mr. Tidwell said, that Wildlife Services would need to perform and develop an Environmental Impact Statement (EIS) on the specifics of the grizzly bear. As part of the ruling, it was also determined that there would be no vacature of the existing EA
  - Mr. Tidwell explained that they would be able to continue the work that they did and how they did it under policy and under their current directives. But, the difficult part was the EIS requirement that gave Wildlife Services a two-year timeline rather than the usual five to six year type of document and that document was required to be done by November of 2026
  - An appeal timeline was still open on that ruling, Mr. Tidwell said, but he was not aware of any discussion happening for any appeal on either side
- Mr. Tidwell reported that the new FWP and Wildlife Commission's requirements were going to be in part of their trapping regulations to apply for and get a free permit and the affidavits signed for the livestock portion of coyote trapping and the restrictions on the wolf trapping seasons and the specifics to the recreational trapping
  - With all those new decisions made and passed, Mr. Tidwell said he had made an inquiry to the Director's Office to clarify Wildlife Services role and how any of those new decisions applied directly to them. He was reassured that Wildlife Services was an agency doing conflict management and were already documenting landowner permission and reporting all of their actions, which was something that the Director's Office hoped to add to their data collection and that those types of things would not impact the agency's work
- Mr. Tidwell explained that in the work that they do, the threshold for any trapping or capturing considered a "take" was listed under the Endangered Species Act. He added that "take" did not just mean that a bear was killed, but also included relocation and release of a bear
  - Mr. Tidwell said that it was super rare for a bear to lose a claw or toe in a coyote trap and he was not aware of any of that happening in the work that they did with coyote traps, but he thought that if something like that

were to happen, with the new requirements, specific restrictions would be enforced

- Around mid-December, Mr. Tidwell said that they would get things in full tune for flying for coyotes and seasonal pilots would be coming on full-time and full efforts for that would be in place
- Regarding the helicopter, 62 Charlie, Mr. Tidwell said that even though he had reported for the past three months that a different engine was being installed in it, he said it was being installed and would be ready

### **(2:54:14) 11:48 AM LLB PREDATION CLAIMS REPORT AND GENERAL UPDATES**

Because George Edwards final day at the DOL was October 29, 2024, Brian Simonson said he would be giving the Livestock Loss Board's (LLB) Predation Claims Report:

- Mr. Simonson reported that the LLB had spent \$119,000 so far for Fiscal Year '25. He explained that each year, for claims, they start with \$300,000 in statutory appropriation and \$150,000 in HB2 appropriation
  - There was another \$300,000 sitting in reserve that the LLB could access in the statutory appropriation if needed, and that had been dipped into during 2019-2020
- Since George Edwards' departure, Mr. Simonson said that he had processed only a couple of claims, but had a couple more on his desk to complete. He said that the new email for LLB was changed to [LiveLossBoard@mt.gov](mailto:LiveLossBoard@mt.gov).
- Mr. Simonson said that about \$300,000 in grant money was still available in cash balance, and in early 2025, the rest of those grant funds should be ready to administer, hopefully the next time the LLB Board met
- Regarding the LLB Board, Mr. Simonson said that there were three openings for confirmation during the 2025. He added that on the Milk Control Board, all of them were up this Session

## **CENTRALIZED SERVICES DIVISION REPORTS**

**(2:57:54) 11:52 AM**

**(2:57:54) 11:52 AM – FISCAL BUREAU**

### **(2:57:56) 11:52 AM October 31, 2024 State Special Revenue Report**

Brian Simonson said that the last time he had given a State Special Revenue Report to the BOL was two months earlier and so, in this day's report, there should be somewhere between 25%-30% revenue for the year reflected:

- Mr. Simonson reported that Market Inspections were \$59,529 better than at this time last year, which he said that Jay Bodner told him that Market activity looked very similar to last year. Evan Waters reported to Mr. Simonson that there had been about 40 more deposits than the previous year, and so it could be a timing issue and things will catch up again
- For the first time in over year, Mr. Simonson said that Investment Earnings, showed a decrease in year-over-year, with that number at \$15,509. He explained that with Brand Rerecord revenue and New Brands and Transfers being on a 10-year cycle, there was less money investment into STIP



- The Per Capita Fee from last year was outpacing this year by \$109,000. But, Mr. Simonson explained, in the year 2023-2024, the Per Capita Fee was transitioned to come due in February rather than in May, and that, in turn, caused a shift as well in late Per Capita Fee numbers. But, he assured the BOL that the Per Capita Fee numbers were normal
- Mr. Simonson reported that the Milk Inspection number looked good, but that Heartland Colony had decided to quit in the milk business. And so, with three dairies quitting business in recent history, that Milk Inspection number would look short consistently
- Even though the MVDL number was down \$5,000 compared to last year, a good chunk of money, Mr. Simonson said, had been put away last year as well, and so, it was still holding strong. He reminded the BOL that CWD/Brucella phase was being entered into, and so MVDL revenue would start wrapping up in the next couple months of reporting

**(3:02:38) 11:57 AM November 2024 Through June 2025 Budget Projections Report**

Brian Simonson explained that this report endeavored to tell us how the DOL was going to land at the end of the year and he didn't know of any other Department reporting at this level of projections:

- Mr. Simonson said that in Personal Services, there was a \$129,000 projected budget excess for the year, having a lot to do with the Shielded Egg Program, which had a capacity built in it for a third shift
- There were about \$44,000 extra in payouts compared to last year, Mr. Simonson said, which explained the \$37,854 number listed for Salaries under the Personal Services area of the report
- Although it was early in the year to talk about the Operations number, Mr. Simonson said that the Supplies number was traditionally a negative number that might stay that way due to a lot of early spending in the MVDL
  - The MVDL spent less than last year in Supplies, but they were projected at \$159,000 in the hole in that area, which Mr. Simonson said was normal for this point in time
- Mr. Simonson said that in Repair and Maintenance, the MVDL accounted for most of that \$47,949 number
- Other Expenses, Mr. Simonson said, showed \$129,000 to the good, but was a crazy category to track from month to month as most of it was Federal indirect charges, with Veterinarians training and dues payments for them to belong to Associations. He added that pro-card charges first went into Other Expenses as well until the receipts were collected from staff and was then applied to its proper category
- Mr. Simonson broke down the Equipment number of \$97,935: \$50,000 for a Vet truck, \$20,000 for some Lab equipment and \$27,000 yet to spend for Brands radios. He said the this money was one-time-only HB2 funds for the most part
- \$120,000 had been spent so far, Mr. Simonson said, on LLB claims. He explained that they would spend their HB2 funds first

- The \$450,000 budget in Transfers covered Department of Revenue collection of our Per Capita Fee, elk collaring for FWP and 50% of our CIO's wages to the Department of Agriculture
- Mr. Simonson expressed concern about the General Fund numbers, explaining that was mostly in the Meat area of the DOL. He said the DOL had been spending General Fund more quickly than we did last year
- Federal funding cuts were anticipated, and so, the total allotment that the DOL hoped to receive from the Feds was iffy, not only in the Meat area, but the Animal Health area of the DOL as well
  - The Federal Umbrella numbers projected \$41,000 to the good, but only about \$700,000 had been received so far, and it was not anticipated to receive the rest
- Milk Inspection numbers were showing nearly \$68,000 to the good, based on a budget of \$418,000. Mr. Simonson said that the DOL really only expected about \$270,000 in revenue, and so, based on what they were anticipating to spend, the DOL would be about \$70,000 short, right now at least, for the end of the year in that Milk Inspection area
- Total Budgeted Funds were showing \$216,000, which was a \$150,000 increase from last time. Mr. Simonson said he expected that number to keep climbing, meaning that the budget for the DOL looked pretty healthy

**(3:10:57) 12:05 PM October 31, 2024 Budget Comparison Report**

Brian Simonson explained that this report was a comparison from one year to the next, but, at the bottom of the report, Evan Waters explains that both Personnel-wise and Operational-wise, the DOL was on target for the year:

- For Eric Moore's sake, Mike Honeycutt explained that in this report, the positive numbers were "bad" and the negative numbers were "good"
- The \$278,000 in Salaries, Mr. Simonson said, equated to, basically, a 6% pay increase in HB13 year-over-year plus \$44,000 in payouts
- Mr. Simonson said that Contracts were \$105,000 better than this time last year. He added that most of that number was because of DSA and testing numbers. Once those were realized, that number will probably fix itself in the next month or two
- \$74,000 in Rent was mostly from Meat Inspection vehicles
  - With the authorization of four new Meat Inspectors, the DOL had four less vehicles last year than we do now, and so the DOL was overspending because of those additional vehicles
- Rent included money for buildings, but also covered printer and vehicle leases through Motor Pool
- Budgeted Funds were \$423,000 worse than last year
- The General Funds number was due mostly to early spending, with the MVDL spending into General Funds more quickly than at this time last year on Lab Supplies
- Although the Per Capita Fee number was good and less was being spent than last year, the Brands Inspection negative number had mostly to do with pay increases and payouts

- The Federal Umbrella number, Mr. Simonson said, was showing \$82,000 less than last year, having to do with timing with testing and possibly an effort to not spend as much, given our budget concerns
- Mr. Simonson explained that they had added an extra page to the report within the last year that covered monies that came in through statutory appropriation budget amendments, grants and authority in HB10 that the DOL was exercising on. He said there was not a lot of change on this page for the month
  - Two new items being tracked on this new page were the Swine Health Improvement (SHIP) monies, of \$10,000, and the CWD monies of \$205,616
- Lily Andersen explained that USDA would be paying for extra bulk milk tank testing and that, instead of monthly testing, if it would go to weekly testing, the Milk Lab could easily handle that amount of testing

**(3:21:52) 12:16 PM LUNCH**

**(3:22:00) 1:01 PM RECONVENE**

Gene Curry called the meeting back to order

## **ANIMAL HEALTH & FOOD SAFETY DIVISION REPORTS**

**(3:22:06) 1:01 PM**

**(3:22:17) 1:02 PM – MEAT, MILK & EGG INSPECTION BUREAU**

Alicia Love, Meat, Milk & Egg Inspection Bureau Chief introduced herself

**(3:22:38) 1:02 PM Update on e-Coli Outbreak in Flathead County (non-agenda item)**

Because of conversation earlier in the meeting regarding last summer's e-Coli outbreak in Flathead County, Alicia Love updated the BOL on what the DOL had been doing since that time regarding that outbreak:

- Ms. Love said that on October 17-18, 2024, the Meat area of the DOL did some staff training specifically tailored to that outbreak followed by an after-action report meeting with the Montana Department of Public Health and Human Services (DPHHS) and the Flathead City/County Health Department on October 22, 2024
- The after-action meeting's goal was less to investigate how the e-Coli got into commerce, but more how the agencies worked together through the investigation
  - One big takeaway from that after-action meeting, Ms. Love said, was that all parties agreed that when these emerging things happened and even if people were not quite sure what was going on, it would be better to bring in DOL, if there was even a possibility of it being a meat product so that DOL staff could position itself earlier in the situation and get ready for the next steps
  - There was also discussion at that meeting, Ms. Love said, about USDA having offered to do some of the food sampling while that investigation

was occurring, but, that ask had been made so late in the investigational process that all of the product was already at the State Lab. Also, if the DOL had been looped into the situation sooner, that ask from USDA could have expedited some of our sampling results and helped us come to a faster conclusion

- Ms. Love gave a brief overview of steps taken by public entities in that particular e-Coli outbreak
  - The Local Health Department started noticing an uptick in gastro-intestinal illness, prompting them to believe something was going on, but not knowing the sourcing of that illness. Regardless, the Local Health Department then alerted the DPHHS about the uptick in illnesses and then the State Epidemiology Office was brought in to give guidance on how to proceed
  - It seemed a bit odd, Ms. Love said, that there were multiple restaurants involved and so they were trying to decide if it was a retail food problem, supplier problem, a local supplier problem or a Federal supplier problem
  - Dr. Tahnee Szymanski explained how, not just in this case, but others as well over the years, how the DOL and DPHHS have relied very heavily on the communication between them and their downstream communication with local officials

### **(3:29:30) 1:09 PM Update and Summary of October ASMID Conference**

Alicia Love reported on the two-day Association of State Meat Inspection Directors (ASMID) conference she had attended in October:

- Ms. Love said the conference was helpful because USDA counterparts has various presentations scheduled to address onsite audits and changing regulations and also offered an opportunity for State Program Directors to discuss various issues
- Ms. Love said that at that conference, she was made aware of some of the updated Cooperative Interstate Shipping (CIS) Program laboratory requirements. She said that because of those changes, it could negatively impact who we currently use as a CIS Laboratory, who were now looking for funding sources to upgrade their equipment. But, if they're not able to do that, we would have to find another CIS Laboratory to test samples
- Another topic at the conference, Ms. Love said that USDA put out a final rule that cooked, breaded chicken products that were frozen must be fully-cooked, with a zero-tolerance for salmonella on those products. Ms. Love said that Montana currently does not have anyone making those products
- There was a panel discussion at the conference dealing with HPAI and its impacts, and because HPAI impacted all of the industries that she regulated, Ms. Love said it was good to have people she could ask about Meat, Milk and Egg programs

### **(3:34:22) 1:13 PM Revisit Water Activity Letter**

Ms. Love discussed the Water Activity Letter that Mr. Nelson had brought forward at the previous month's BOL meeting:

- Ms. Love said that she wanted to make the clarification in the letter that in her mind, the use of the word jerky and water activity was less relevant and that it came down to what type of scientific support did the industry have for their process, and if their process stated water activity was a critical control point, then it should be something routinely measured
  - Ms. Love said that she had not seen a jerky HACCP Plan that did not have water activity as a critical control point, and Jay Nelson agreed with her, adding that the USDA model HACCP Plan for making jerky on their website listed two critical control points, one was a cooking step and one was a drying step, with a measure of water activity level of .85 or lower an indicator of shelf stability unless the product was vacuum packed, and it could be at .92 or lower
  - Mr. Nelson said that cooking temperature had to be reported for every lot of jerky
  - Ms. Love said she could ask her Federal counterparts about how they were enforcing critical control points in their plants in Montana
- There were two different letter drafts that Ms. Love proposed to the BOL to approve sending to plants processing jerky, one would allow them to take a water activity test quarterly. If the water activity was not acceptable, they would have to recall all product back to the previous quarter. The other letter would require a testing of every lot of jerky made, Ms. Love adding that water activity meters were much more affordable now for plants to purchase (around \$400) and that this was the letter she would prefer to send out to help ensure that public safety was upheld
- Ms. Love explained that the current procedure for jerky processors in the State was that if someone initially says they're going to start making jerky, they needed to send in a moisture protein ratio sample for the first 13 lots that they produced. She said that if a plant were implicated for an outbreak of something because of jerky, having those moisture records would help insulate the business, with them being able to show that, we know we hit these parameters to keep our product safe
- Kaylee Hiel reported that currently, there was no one seasonally making jerky in the state, that some only make jerky and some, like Mr. Feddes' plant make a little bit of everything
- Jake Feddes explained that he understood the public safety factor and that the DOL was having to play catch-up because of Ms. Love's predecessor, but with plant owners already having received more than one letter from Ms. Love about changes to be made and regulations, they were becoming almost over-burdened and to be told it was just the cost of doing business, that was one more burden, one more regulation. And, when does the cost of doing business put a business out of business?
- Mr. Feddes hope to table the decision about sending out the proposed letters presented by Ms. Love so he could talk to some of the USDA plants to see what they were doing and what their requirements were. Lily Andersen and Alan suggested that if the letters were sent out to give plants the ability to choose

either alternative, but she added that she would be okay to table it as well to give time to talk to USDA

- Gene Curry tabled the issue until the next BOL meeting and that he would like to get some thoughts on implementation of the extra water activity testing as neither letter made any reference to a time frame on implementation
- Mike Honeycutt said, to him, the issue had nothing to do with water activity, but the following of a plant's HACCP Plan. He said if the plan didn't address drying, then put a "keep refrigerated" tab on it and don't sell it from the counter, but from the refrigerator, because it was not a shelf-stable product and that was where the risk was. He said plants put things in their HACCP Plans and then don't do them and when they get called on it and told to stop a product or recall a product, that's where the frustration come in and that's the DOL doing our job
- Mr. Honeycutt shared that there was a time when USDA called the DOL out for not doing certain things and processors were begging the DOL to get people on staff that would do their job so that the State inspection program would stay in place. Mr. Honeycutt said, we had those staff now that did their job and held people accountable

#### **(4:11:56) 1:51 PM Request to Contract Rating Officer for BTU Rating**

Alicia Love requested that the BOL approve contracting out a Rating Officer for a BTU Rating in December:

- Ms. Love explained that with the retirement of Rosemary Hickey, there would need to be someone from out-of-state to do the rating. She had planned to ask the FDA for an extension for the rating, due to HPAI, but if she was given a "no," she would need someone to do the rating, probably Lynn Godfrey, who had come up previously, for a cost of around \$4,000.

## **MOTION/VOTE**

#### **(4:13:10) 1:52 PM**

**Lily Andersen moved to contract hire a BTU Rating Officer for a December BTU Rating. Jake Feddes seconded. The motion passed.**

#### **(4:13:39) 1:53 PM – VETERINARY DIAGNOSTIC LABORATORY**

Dr. Greg Juda, Lab Director for the Montana Veterinary Diagnostic Lab introduced himself and said that it was nice to meet Eric Moore in person

#### **(4:14:21) 1:53 PM Operational Update**

Dr. Greg Juda gave an Operational Update for the MVDL:

- Dr. Juda gave both current CWD and Brucella testing numbers that were done at the MVDL
  - CWD Testing, July 1-October 13: FY24 was 3,014 and FY25 was 3,007
  - CWD Testing, the first three weeks of general hunting season: FY24 was 2,319 and FY25 was 2,963
  - Brucella Testing, July 1-October 12: FY24 was 43,629 and FY25 was 42,386, which was roughly 1200 samples year-over-year

- Dr. Juda explained that CWD testing at the MVDL, which coincided with hunting season, was not only being done for Montana hunters, but for those in North Dakota and now for the Spokane Tribe of Indians. The Tribe was very pleased with the MVDL's turnaround time, which Dr. Juda said might change somewhat as the peak of the season was reached and a glut of samples came into the Lab
- Dr. Juda said that with all the testing going on, there was a rotating schedule at the MVDL to prevent burnout, especially since it was a very labor-intensive assay
- Mike Honeycutt said that the numbers regarding positive tests in CWD were information for those other agencies to share
- Dr. Tahnee Szymanski said that regarding Brucella testing, there were two Brucellosis-affected herds that would be part of the Brucella tally that Dr. Juda gave. She said, if you excluded testing on our two affected herds, we have one suspect animal so far this fall

#### **(4:19:57) 1:59 PM Instrumentation**

Dr. Greg Juda reported on instrumentation needs at the MVDL:

- Dr. Juda reported that the Immulite instrument that was used in the Clinical Pathology section of the MVDL to do chemistry panels for small animals and equine, had died. Siemens had quoted a price for a new instrument, through a group purchasing organization, at \$90,000
  - Dr. Juda said that the \$90,000 model was a higher throughput floor model than the smaller desktop model they had been using. However, that model had been discontinued
  - Although Dr. Juda felt the \$90,000 model was overkill, he said he felt that the primary return on investment was maintaining our book of business, because if you impacted your Clinical Pathology section, people would just send everything to a different Lab or possibly sign up with an organization like IDEX that would lock them into a three-year exclusive deal
  - Dr. Juda said that this machine could not be purchased with NAHLN funding, as it was outside of the scope of what they would consider and so he would be working with the DOL financial team to determine a mechanism of purchase, possibly proprietary funding. He added that he did not have an answer as to how long it would take and how many samples it would take to pay off the new machine, but continued to point to the argument of having a full-service lab to offer to Veterinarians in the state
  - Dr. Tahnee Szymanski said that by not replacing the Immulite, the previous machine just replaced in Clinical Pathology would not be seeing much use, because both of those machines were used to run a particular profile that Veterinarians requested
  - Dr. Juda said his team would be digging into other companies and other options to replace the Immulite, as they were not "married" to Siemens
- In Molecular Diagnostics, Dr. Juda said that there was one thermocycler that was in need of repair, but it was covered under a service agreement. The MVDL was working to schedule that service, but with redundancy in instrumentation in Molecular, he said the breakdown of that machine was not impacting operations.

Also in Molecular Diagnostics, Dr. Juda said that an incubator, that was at least 50 years old, needed to be replaced and could be covered by NAHLN funding for around \$5,600

- The Milk Lab Dairy Scan purchase, a piece of equipment that measured milk fat, was close to being complete, Dr. Juda said. Mike Honeycutt said, he got a Purchase Order in his inbox today, and so he thought it just needed a signature. Dr. Juda said that Milk Grant funding would cover the entire cost of that piece of equipment
  - Dr. Juda directed Lily Andersen to Erin, who worked in the Milk Lab, to find out which tests the Milk Lab Dairy Scan could do

#### **(4:35:28) 2:14 PM Service Agreements**

Dr. Greg Juda reported on the most recent service agreements renewed at the MVDL:

- Dr. Juda said that the MVDL had finalized five service agreement renewals in the past three months that had been routed through State Procurement, including four instruments in Molecular Diagnostics and one in Bacteriology. He added that the MVDL was also currently working on one additional service agreement renewal in Molecular Diagnostics that was coming due in January
- To lock in pricing and obtain a discount, if possible, Dr. Juda said that they had extended the agreements to a three-year period
- Dr. Juda said that all six service agreements were included in this year's NAHLN funding budget

#### **(4:36:50) 2:15 PM Building Construction Update**

Dr. Greg Juda shared the photos and the architect field report on the construction progress of the new Lab complex that had been given to him by Max Grebe, LPW Architecture:

- Dr. Juda explained that the pictures he would be showing were more recent than the October 29, 2024 architect field report
- Since the BOL last met, Dr. Juda said that construction workers had been busy putting in storm and sewer lines, catch basins and a retention pond, which was located on the west side of the building. Masons had completed the masonry work for the Wool Lab, along with electrical and plumbing work below the slab.
- Boilers, pumps and expansion tanks had been delivered into the facility, being housed in the mechanical room area until they're ready to be installed
- A stainless steel HAVAC duct was being welded into place in the MVDL and electricians had brought in power. The slab was nearly complete on the first floor and a slab had been poured in the penthouse area where the HVAC equipment and other mechanical items will sit. Dr. Juda explained that the second floor slab that had been poured was heated from below to assure it got cured well
- Structural steel was flying up quickly and was 70% complete as of that October 29<sup>th</sup> date
- Dr. Juda was thrilled to hear that the parking lot that had been dug up to install water and water lines was being redone that day with new road mix
- Dr. Juda reported that one of the next things the construction people planned to do was that in certain places, they would mock up windows exterior and have



each of the Lab stakeholders evaluate them to assure that those windows were installed within specifications before they got the green light to finish the rest of it. He added that stakeholders would also be asked to come and look at the electrical stub outs and plumbing to assure that everything was where it needed to be or catch anything that might be missed so it could be corrected before sheetrock work was started

**(4:45:22) 2:24 PM Out-of-State Travel Request**

Dr. Greg Juda said he had one out-of-state travel request

**(4:45:22) 2:24 PM American College of Veterinary Pathologists (ACVP) Annual Meeting**

Dr. Greg Juda requested that the BOL approve the out-of-state travel for Dr. Jonathon Sago to attend the American College of Veterinary Pathologists annual meeting that was scheduled to be held in Seattle in the next couple of days:

- Dr. Juda explained that Dr. Sago's attendance at this meeting was part of his continuing education to maintain Board Certification, which was one of the requirements of his job
- The meeting would give Dr. Sago networking opportunities with other Pathologists, Dr. Juda said, and also offered seminars on emerging techniques and diseases that might be coming and were relevant to Pathology
- This meeting did fall within the scope of NAHLN-eligible expenditures and so Dr. Juda said he would modify the current NAHLN financial plan to cover the travel expense, estimated to be around \$2,600. He added that in that NAHLN grant, he had originally designated \$15,000 in the travel budget

**MOTION/VOTE**

**(4:47:14) 2:27 PM**

**Lily Andersen moved to approve out-of-state travel for Jonathon Sago, Board-Certified Veterinary Pathologist, to attend the American College of Veterinary Pathologists Annual Meeting, scheduled for November 16-19, 2024 in Seattle, WA. William Kleinsasser seconded. The motion passed.**

**(4:49:23) 2:28 PM – ANIMAL HEALTH BUREAU**

Dr. Tahnee Szymanski, State Veterinarian and Administrator of Animal Health and Food Safety, introduced herself and acknowledged all of the people who had put time in over the three-day holiday weekend making sure results were gotten back on a Brucellosis case, results of diagnosing HPAI in a flock and then completing a full depopulation on Sunday:

- Dr. Schwarz, Aracelli and Enrico, who was one of the Fellows and Antonio, all from the MVDL
- Dr. Hildahl from the Animal Health Bureau
- Dan Bugney, from Animal Health and the Brands Enforcement Division

Dr. Tahnee Szymanski introduced the new Veterinarian on staff, Dr. Brenee Peterson, who had started three weeks earlier. She added that the DOL now had a full slate of Veterinarians:

- According to Dr. Szymanski, Dr. Peterson had already been out in the field doing some Brucellosis testing and getting familiar with HPAI and said she was very appreciative to have the staff power to accomplish it. She said that Dr. Peterson was in the Emergency Preparedness position at the DOL
- Dr. Peterson said that she grew up in Havre on a farm and ranch, did her Undergrad in Bozeman, where she got her Animal Science degree. For Vet school, she did her first year of the WWAMI program there but then graduated from Washington State University in 2018
- Dr. Peterson shared that she moved around the state of Montana doing mixed animal practice, landed in Belgrade where she did small animal for four years, but relief for Veterinarians as well for a large-animal Veterinarian in Belgrade. She was then hired at the DOL

#### **(4:51:55) 2:31 PM Out-of-State Travel Requests**

#### **(4:51:55) 2:31 PM National Alliance of State Animal & Agricultural Emergency Programs (NASAAEP) 2024 Summit/USDA Foreign Animal Disease Diagnostician (FADD) Training**

Dr. Tahnee Szymanski had two out-of-state travel requests for the BOL to approve:

- With Dr. Brenee Peterson being in the Emergency Preparedness position at the DOL, the request was to send her to the NASAAEP Summit in Maryland where Emergency Preparedness Coordinators were able to make contacts and learn from other states about what they were doing about emergency preparedness. NASAAEP would cover the full conference, travel and hotel room expenses. The DOL would be responsible for Dr. Peterson's salary and per diem
- Dr. Szymanski said that Foreign Animal Disease Diagnostics and Training would qualify Dr. Brenee Peterson to deploy if there was a possible foreign animal disease reported in an animal. She said that currently, only two people in the agency were trained for that. Dr. Hildahl had already been approved by the BOL to go to the training and Dr. Szymanski was hoping the BOL would approve Dr. Peterson to acquire the training as well. She had no scheduled date given to her for the training, which might not happen for six to 18 months, but said she hoped to add Dr. Peterson to the waiting list
- USDA Cooperative Agreement funds would be used to pay for Dr. Peterson's travel and attendance

#### **MOTION/VOTE**

**(4:55:53) 2:35 PM**

**Lily Andersen moved to approve out-of-state travel for Dr. Brenee Peterson to attend the National Alliance of State Animal and Agricultural Emergency Programs (NASAAEP) 2024 Summit, scheduled for December 3-5, 2024 in Linthicum Heights, Maryland and for Dr. Brenee Peterson to attend the USDA**

**Foreign Animal Disease Diagnostician (FADD) Training, scheduled for a TBD date and venue. Jake Feddes seconded. The motion passed.**

**(4:56:26) 2:36 PM ADT Update**

Dr. Tahnee Szymanski gave an update on Animal Disease Traceability (ADT):

- The new Federal ADT rule, according to Dr. Szymanski, went into affect on November 5, 2024, and even though it didn't change which animals required official identification, it did say that the animals had to be both visually and electronically readable, basically meaning, have an RFID tag
- Dr. Szymanski said that historically, Montana had received around 250,000 free RFID tags from USDA, even though typically, Montana used closer to 500,000 tags because of the Brucellosis program and the high rate of calfhood vaccination. With the new rule in place, Montana only received 170,000 free RFID tags
  - Dr. Szymanski said that she requested an additional 100,000 tags from USDA, which was approved, along with 35,000 tags received from the state of Iowa. She said those tags had been sent to DSA Veterinarians where Brucellosis vaccination happened. She was still waiting for delivery of 40,000 white RFID tags to arrive that would be distributed to Market Veterinarians
- Alan Redfield said that one of the newly-elected Senators told him that he would try to work on getting more tags or funding for more tags if that was needed. Dr. Szymanski said that Dr. Scott Beutelschies, her USDA counterpart in Montana, planned to make a petition as well for more tags and she would help with that. She was hoping that next year, when USDA sent tags, that instead of receiving 170,000, Montana would receive 270,000, an amount that may not be enough to cover all that was needed, but would be closer than this year's allocated amount
- Congress was currently working on a Continuing Resolution, Dr. Szymanski said, and so she was expecting that there would not be a full budget until the newly-installed Congress was put into place, and that meant that the purchasing power of USDA might not allow a full allotment of tags until that happened. She added that Dr. Rosemary Sifford, the Chief Veterinary Officer for USDA, said at a recent USAHA meeting that she did not envision that they were obligated to provide all of the tags at no cost, despite the requirement to transition to electronic
  - Currently, Dr. Szymanski thought that USDA was doing a large scramble to find out which states had stores of tags to see if there could be some reallocation of free tags. She said that RFID tags could be purchased for around \$3 each and even then, there was a three-week delay in receiving them from some suppliers
- Alan Redfield reported that when the tags were designed, the people didn't consider the affect of cold weather on them, and suggested putting them in your pocket if it was cold out, or the plastic triangle inside of them to hold them would not reshape
- Rather than retagging animals for simplicity's sake at markets, which was not permissible, according to Veterinary Standards, Dr. Szymanski said that they had worked with Market Veterinarians that if they get in a pinch with a load of animals

that needed ID, to start with the state of destination and see if something could be worked out where the animals could just be tagged at their destination

- Dr. Szymanski explained that she and Dr. Beutelschies had the discussion regarding prioritizing DSA animals with the free RFID tags. She said that in the spring she, Dr. Hasel from Wyoming and Dr. Leibsle from Idaho were planning to meet and come up with a plan for what to do with our DSA sexually-intact animals that did not require a test leaving the DSA for next year
- Eric Moore shared about the tremendous ignorance of some people thinking that every steer calf needed to have a tag when they were born. Alan Redfield said he got calls all the time about whether a tag was needed or not

### **(5:14:10) 2:53 PM HPAI Update**

Dr. Tahnee Szymanski reported that HPAI had been busy the last couple weeks after things seeming to quiet down for national dairy cases, and then it hit California:

- Dr. Szymanski said that about a third of California's dairy herds were infected, which was about 1500 herds
- The genotype of this HPAI, according to Dr. Szymanski, was called B313, that was not the ongoing exposure from wild waterfowl to dairy cattle, it was a type that could spread back to poultry and cause very severe disease, adding that in California, if B313 was diagnosed in a new milk shed, if there were any poultry operations in proximity to that milk shed, they were breaking within a couple of days or week of that detection or a week. She said it was not known how it was moving and so it hasn't been figured out how to stop the spread of it.
  - Along with the B313 really taking off in California, detections in domestic poultry of HPAI were being seen from reintroduction from wild birds, a genotype called D1.1, which had been found in both Washington and Oregon and now Montana has had two cases in the last couple weeks, and a third might be picked up the following day
- Oregon announced, according to Dr. Szymanski, a detection of HPAI in swine in their state, but it wasn't the B313 genotype. The swine were on a backyard farm that had sick birds and both the swine and the birds had common housing. Dr. Szymanski expressed concern that swine already had their own collection of Influenza A Viruses and were susceptible to Human Influenza Viruses and so, with multiple different influenza viruses present, the genetic material in those could shift and drift, exchanging genetic material and that was how new variants of Influenza Viruses were spread. With all the pigs on that premises euthanized, she was hoping the conversation was closed
- Dr. Szymanski reported that the CDC published a retrospective study where a HPAI sampling was done on both dairy and poultry farm workers and they found a much higher seroprevalence in that population than expected and so they think that even people not showing clinical signs were being infected with the virus
- And so, now, a national mandatory sampling program will be coming to our dairies. Dr. Szymanski said she had met with dairy industry groups in Montana this week to talk about how a surveillance program would be structured and she said there was a really strong buy-in from Montana's two biggest dairy groups but she still had some work to do with some of the smaller, niche processing facilities

and dairies. She was hoping to have a surveillance program in place in Montana by December 1 that would result in every dairy being tested once every 30 days, which might not meet the USDA's threshold, once they require testing, but was a place to start working from

- Dr. Szymanski said that a national presentation she viewed seemed to show that in some of the dairies, two weeks prior to the development of clinical signs of HPAI, the virus was already being picked up in milk samples, adding that if the dairies wanted to look at more frequent sampling than the once every 30 days, it might be a valuable tool
- William Kleinsasser said that USDA had originally said as early as three months ago, that if HPAI was detected in pigs, it would be treated as a Foreign Animal Disease. But the National Pork Producers (NPP) had reached an agreement and had a plan in place that when the disease was found in pigs, the disturbance was minimal
- Jake Feddes said that regarding beef cattle and HPAI, that their milk output and quality was not being monitored like it was in dairy cattle and neither was their feed intake, and so we did not know about HPAI in them
- Dr. Szymanski said it would be foolish to think that beef cattle could not be infected with HPAI, but because they were not lactating at the production level of dairy cattle, even though they might become infected, they may go seropositive and might not feel quite as awful because they don't have that udder environment
- It did not appear, Dr. Szymanski said, that all animals that were infected with HPAI developed an immune response, as some dairies were having reinfection. She reported that Canada had put in some requirements for animals going to Canada and even some Canadian-origin animals coming down to the US for a period of time and returning to Canada have to have certifications as far as what states they had been in, relative to HPAI
- Although the DOL had no authority, really, on raw milk in Montana, Dr. Szymanski said that the DOL had maintained a good communication stream with Chris Rosenthal from Raw Milk Montana and they had been gracious enough to put HPAI information on their website. Dr. Szymanski said though, that her messaging had been focused on that we should not be consuming raw milk from sick animals
- Dr. Szymanski said that the B313 HPAI variant had been a localized problem to the US

### **(5:29:09) 3:08 PM USAHA Annual Meeting Highlights**

Dr. Tahnee Szymanski reported on the US Animal Health Association (USAHA) Annual Meeting, held in Nashville, that she and Dr. Hildahl had attended:

- Dr. Szymanski said that this meeting brings State and Federal Animal Health Officials and industry together to discuss the current landscape of diseases and make decisions about how to move forward on policy of disease management
- Dr. Szymanski said that the western states were working on a Trichomoniasis proficiency exam, a type of test proficiency kit that would go out to labs to do Trichomoniasis testing where they would test a known profile of samples to

evaluate their ability to detect the Trichomoniasis organism. She said this originated because there was concern that not all labs were able to successfully detect the organism

- Washington, Oregon and Idaho, according to Dr. Szymanski, were working on an alternative movement documentation pilot where, instead of animals moving on a health certificate that required Veterinary Inspection before they move, they've agreed to some alternate stipulations for those animals to move. The three states had signed an agreement with a feeding group that spanned those three states to conduct the pilot
  - Dr. Szymanski said that even though those three states were lowering the bar as far as what was required for a movement, the bar had been increased for what was reported to the state of destination in regards to traceability information. She added that she thought there were, potentially, some areas in Montana where doing something similar down the road could be explored
- USDA had found a way to increase their available pot of money in regards to international import and export, Dr. Szymanski said, by publishing a rulemaking notice where they would be increasing their user fees, which had not been updated for a very long time
  - Dr. Szymanski said that if you were shipping animals to Canada in the Fall, there were some substantial disruptions that made it stressful for some of the feeder loads going to Canada, based upon the ability for USDA to staff the import/export centers, and so, the additional fees would allow them to improve staffing
- Also discussed at USAHA, Dr. Szymanski said, was an interesting presentation regarding depopulation methods for different species, depending on the disease. While Montana had looked at a water-based foam as a potential method to conduct depopulation, the presentation talked about a nitrogen-based foam because of maybe some humane concerns with the water-based foam and because the nitrogen-based foam had more structure and could be stacked up to three stories tall and be useful in some egg laying facilities where they didn't have cages to contain the animals
- Dr. Szymanski said that a ballot measure that just passed in Colorado was that a mid-level practitioner could do surgery, diagnose and treat, but they would be prohibited from prescribing. This had brought a lot of concern into the Veterinary industry about what the potential impacts would be and now there were a lot of conversations with the Board of Veterinary Medicine about the potential implications of this down the road
- There was talk about two new Veterinary schools coming online, Dr. Szymanski said. She wasn't sure if those mid-level practitioners were people that go through those programs to do large animal medicine, and she thought that we would end up with a glut of small animal practitioners and still be short in the country on large animal Veterinarians
- Eric Moore said that large animal Veterinarians should have more flexibility to send somebody out to give a shot and a tattoo and a tag or to preg check

**(5:37:30) 3:16 PM RECESS**

**(5:37:48) 3:30 PM RECONVENE**

Gene Curry called the meeting back to order

## **BRANDS ENFORCEMENT DIVISION**

**(5:37:52) 3:30 PM**

Jay Bodner, Brands Enforcement Division Administrator, introduced himself

### **(5:37:55) 3:30 PM PRESENTATION ON ISSUING A BRAND**

Jay Bodner introduced Cally Goyins, Brand Recorder, who would be giving a brief demonstration about brand recording and how we walk through the process:

- Cally Goyins introduced herself, telling the BOL that she had been with the DOL almost 23 years
- The first thing needed on issuing a brand was a brand application
  - The brand application had just been revised in the last couple of weeks, and now contained an instruction page
  - More than one person's name can be put on a brand, although many people chose to be a sole owner on a brand. Ms. Goyins said that if you chose to apply for a brand in a business name, it had to be recorded at the Secretary of State Office and apply for it exactly as it was recorded there
- The brand options were dealt with next
  - If the brand chosen was recorded anywhere in the state in that same position, Ms. Goyins said it wouldn't be recorded again
  - Once an option or brand choice was found to be not recorded anywhere else in the state on that same position, Mr. Goyins looked for brands that looked similar and looked for conflicts in other counties with it
  - Jay Bodner pointed out that there was Brand Policy that listed all the conflict characters on the website so people could look at those. He said that those characters were revised a while back
- If there was an appeal by a person regarding a brand, Cally would inform Mr. Bodner of it and from there it either went to Mike Honeycutt or to the Brand Committee
- Gene Curry said that one appeal that came to the Brand Committee found that the DOL staff did exactly what they should have in refusing to issue a certain brand. But, with the appeal request, the Brand Committee looked at the geography of the area where the brand would be used and even though it was an adjoining county, because of the geography of the area, there was very little opportunity for an animal to mix with an animal with a conflicting brand and the Brand Committee granted the appeal
  - With new Legislators coming on, it was discussed that the Brand Committee might have some changes in people on that Committee, because both House and Senate members were on that Committee

- If there were conflicts with a person's brand choices, those were listed in a letter from the DOL telling that person that their brand choices were not available, and they were given an opportunity to reapply for a different brand within six months of the letter date with no additional fee or they could request a \$100 refund. The DOL kept the other \$100 of the brand application fee to cover the work they had done in coming to the conclusion, which she said was told for them to do by Legislative Audit
  - Ms. Goyins said that in the last few years, people were given the option of having the DOL issue them a brand where they could choose two characters and the position that they would like and the DOL would offer choices for them
  - Mike Honeycutt reported that when it was made so that people could create their own characters a few years ago there had been no applications for that
- Ms. Goyins said that if you move to another county, you take your brand with you even if there is a conflict with that brand in the county where you move
  - Mike Honeycutt said that one loophole he wished he could close was when someone in the western part of the state wants a brand they can't get and so they find someone in Custer County or something that has that brand and was not using it and they buy it and could start using it in Western Montana where it was a conflict
- Ms. Goyins said there was an additional \$10 fee if you wanted to have a freeze brand on cattle, but with horses you get a freeze brand with it

**(5:58:19) 3:51 PM LIVESTOCK HAULER ACCIDENTS AND EMERGENCY PLANNING**

Because of some questions that arose regarding a recent truck wreck involving cattle, Mr. Bodner said he added it to the agenda and brought in Jeremy Wyrick, the District Investigator for part of Lewis & Clark, Cascade and Teton Counties and was present at the wreck to give the BOL a sense of what happened:

- Mr. Bodner said that there were some other truck wrecks that occurred as well this fall
  - One wreck happened in Wibaux on October 15, 2024 where a semi hauling some cows from Bear Paw Livestock to Borman, North Dakota tipped over. It appeared that wind and driver error were the cause of that one. Two cows and three calves were killed and a couple were euthanized on the scene and the rest of the animals were put into a pasture for a day or two, and after insurance was dealt with, the producer's corrals were used to load them up and get them on their way
  - Another wreck, Mr. Bodner said, happened in Rosebud County. And the DOL was not even informed on that one right away, and so even though he tried to get details on the incident, he did not get any
- A load of steers coming from South Dakota to a feedlot in Shepherd wrecked at Huntley. A lot of folks were on the scene, Mr. Bodner said, including Fire, EMS and local ranchers. 19 animals were dead and the rest were put into a pasture



right next to the wreck. The insurance folks and the feedlot owner got together and moved the cattle on

- A wreck on a private ranch in Hardin involved their own cattle and their own truck, which tipped over. They brought in their own crew and so, Mr. Bodner said the DOL had no involvement in
- The truck wreck that Jeremy Wyrick was brought in to answer questions on was one that occurred on October 10, 2024 in Wolf Creek Canyon
- Jeremy Wyrick introduced himself, saying that he had been with the DOL for almost two years and also had been in law enforcement for 10 years
- Mr. Wyrick said that speaking to the trooper on the scene, there had been some disconnect on the Highway Patrol end of who to contact, and so when he arrived at the scene, most of the cattle had been transported to a local producer. When he located the cattle some were injured, some were healthy, some were not and it was determined that it probably wasn't the appropriate time to inspect the cattle, at that point, which the Vet who was on the scene concurred
  - Mr. Wyrick said that he had done some follow up with the Montana Highway Patrol and provided them with an appropriate district map with all of the District Investigators listed and their contact information. Mr. Bodner said that the particular Officer on the scene thought that there was a vacancy in the Lewis & Clark County position
- Dr. Tahnee Szymanski said that because there was a little bit of a fuel spill with this wreck, the Disaster Emergency Services, (DES) may have received the report, as they have a duty officer that's on 24 hours a day. The DES Officer sent the report out to Public Health and the DEQ and then it went to Ag and then it came to the DOL. The DES, Dr. Szymanski said, do have Jay Bodner's and her name and so any livestock-oriented emergencies should ping both of them from DES if the local context didn't work
- Mike Honeycutt pointed out that when Jeremy Wyrick arrived there had been animals removed from the scene that were deceased and had been taken to a landfill. He said it was lucky in this case the agencies that made the decision to have those cattle removed were dealing with feeder cattle, not fat cattle, because if that was the case, someone would have been at the landfill collecting IDs for us to match to our paperwork. He said unless someone wanted to be doing things like that, they should get the DOL involved first as early in the situation as they could
  - Mr. Honeycutt said that it was the DOL's responsibility to identify and make sure that the animals involved were handled properly so that we know whose animals they were and to check the documentation to assure that none of those animals were out, floating around on the landscape somewhere. One of the biggest issues was protecting the rights of the owners of the animals, because some agencies might make decision about people's animals that were not proper and the DOL had the expertise in that about the owner's rights with their animals
- Mr. Bodner said that the insurance agent made contact with the ranch where the animals came from and ultimately gave them full authority for vaccinating any animals that got sick or euthanizing any animals that weren't going to heal up

- Dr. Tahnee Szymanski explained that in her experience with truck wrecks was that typically the load was instantly owned by insurance and the first Veterinarian was able to make contact with the insurance company and get permission to help make those decisions. But, in this particular case, there was a lack of immediate transition to the insurance company and that made it harder for the Veterinarians attending the load to make that contact and get that permission
- Jeremy Wyrick said the cattle were being transported from Kuna, Idaho up to Alberta and that two insurance companies were in play. He said his understanding was that the truck insurance company was notified, but that there was a delay in contacting the people representing the cattle insurance company
  - Mr. Wyrick said that he was delayed in his response because the DOL hadn't been notified. And so, when he arrived on the scene of the accident, several parties were there, including the owner of the cattle and a representative from Alberta Prime, one of the insurance companies. He said that an arrangement had already been made for the live cattle to be transported and the dead ones had already been hauled away
- In checking health paperwork and the Idaho brand inspection paperwork, Mr. Wyrick found there was a second load of cattle. Under recommendation by the responding Veterinarian, Mr. Wyrick did not work the cattle initially because of the injuries
  - When he was able to check brands, Mr. Wyrick said he located two different brands that were not on the Idaho brand inspection. He worked with Idaho to clear up that issue and he said he believed, at this point, it had been resolved and Idaho would be sending the brand inspection for those two brands
  - Mr. Wyrick said they were dairy cattle, Holstein crosses. He EID'd every single one of them and was able to match that up with the health paperwork, which he said was current. Jay Bodner added that any of the animals that were euthanized, they did get copies of the EID tags so they could be matched as well
  - Dr. Tahnee Szymanski explained that the purpose of a sealed trailer was that the animals had been inspected and certified as being healthy so that when they crossed the Canadian border, they did not have to be offloaded, which minimized the handling of those animals until they reached their destination and were reinspected on the Canadian side of things. She added that there was really no obligation for the DOL to inspect those animals unless there was a report of some high suspicion of a reportable disease or foreign animal disease in those animals
- Dr. Szymanski said that animals originating from out of country were held to a slightly higher standard than interstate movements of livestock
- Mike Honeycutt said that it was an educational point that Highway Patrol dispatch and Sheriff's organizations around the state understand to get the DOL involved early, as soon as the report came in, if it involved livestock. He added that Dr. Brenee Peterson, was the person to get those calls from DES that something

had happened and she would work with Jay Bodner to get the right people out there on the scene, wherever it was in the state

- Jeremy Wyrick said that because he could only inspect what was on the scene of the accident and wasn't present when the cattle were unloaded, he could not verify that all the animals were accounted for and buried at the landfill
- Mr. Honeycutt said that had a local producer not been willing to be helpful, he thought that the animals involved in that accident would have ended up in Great Falls or in Helena at the fairgrounds
  - Dr. Szymanski said it was not uncommon for the DOL to off-load cattle from sealed trucks and she shared about a snowstorm a couple years ago that closed Monida pass and the 37 pods of cattle were off-loaded to livestock markets
- Gene Curry said that from what he had seen in the communication and heard, that Jeremy Wyrick did exactly what he should have done and was very professional with everybody involved. Jay Bodner agreed, adding that the biggest key was that the DOL wanted to make sure we were in direct communication with the producer holding the cattle, making sure they had the owner contact information so they could remain in direct communication with them and that any aftercare, any agreements that needed to be made could be done. He said that Mr. Wyrick was there to inspect the cattle when they were loaded onto a truck to leave.
  - Mr. Honeycutt said that after all the other agencies involved were gone, Jeremy Wyrick was still there in contact with that producer trying to do everything that he could do to support them until all those animals were gone
  - Jeremy Wyrick said that in this case, he couldn't make the call to where to take the animals, but he thought that the appropriate call was the quickest producer that could say yes to triage those animals there. With the injuries, you don't want to transport those animals long distances, especially in the canyon, and producers were a great resource in crucial cases like that where you have to get them off the road. There were some districts that had no markets to take animals to, and so you sometimes have to rely on local producers or even your own ranch for the animals
- Dr. Szymanski reported that the DOL had been approved for a NADPREP grant through USDA for \$90,000, which increased the DOL's capacity to do an emergency response and with Dr. Brenee Peterson coming on board, the DOL was excited to be able to execute on that
- The DOL would be using the grant to spend approximately the next year holding informational meetings around the state to talk about different topics related to a stop movement and a foreign animal disease detection in the state. To accomplish a stop movement, Dr. Szymanski said a lot of help was needed and that is why the DOL would like to engage industry groups, producers, the Veterinary population, the Highway Patrol and DOT, a well-rounded group to write a communications plan and to answer questions to be prepared about how it would be done

- Mike Honeycutt said that the Monida Pass incident, where it was closed because of inclement weather, was a good test balloon with pods of cattle not being able to continue on to their destination and what to do with them. He said that the DOL still struggled with bottlenecks on our northern border with animals headed back. He said it was good to ponder the “what-ifs,” and even though the \$90,000 grant wouldn’t build 100 sets of corrals around the state owned by the DOL to offload cattle, there had to be an answer
  - Eric Moore agreed with Mr. Honeycutt that we need to continue to think about that, because, what would we do with them all if there was a situation where animals couldn’t be moved for six months because USDA stopped movement and if hay was tight what would we do with them all
- Alan Redfield thought it might be a good idea if on the permit when cattle are being moved, that the insurance company be listed. Jake Feddes said that 90% of the truckers barely know where they’re going for a destination, let alone who was the insurance company
- Dr. Szymanski said that if the reason cattle trucks couldn’t go over Monida Pass was because of inclement weather, markets might take those cattle. But, if the reason Monida Pass was closed to the trucks was because of FMD or another disease, she could guarantee markets would not take those cattle. Jake Feddes added, and neither would a local ranch
- There were around 40 cattle trucks crossing from Canada into the US in a day, Dr. Szymanski said, consistently year-round, but there were a lot of trucks going north as well
- The kick-off to the NADPREP grant would be taking place at the Stockgrowers Annual Meeting, Dr. Szymanski said. That would be followed by meetings throughout the next year and culminating in a tabletop exercise. She said she might borrow Mr. Moore’s scenario about being short on feed along with utilizing a lot of what Oregon did when they held those exercises about a year ago
- Jake Feddes said that most of the cattle were going out on I-15, I-90, I-94 and US 212 and that’s where you’d have to off-load the vast majority of those calves. Mike Honeycutt said that in conversation with one producer, he talked about the other roads semis would take to get across the border when the border was shut down

**(6:42:29) 4:35 PM BRANDS ENFORCEMENT UPDATE**

**(6:42:29) 4:35 PM Dealer and Sale Application Revisions**

Jay Bodner explained that he would not go through the handouts the BOL was given, but these would show the revised application for dealers that would reduce some of the notary requirements. He also handed out a revised livestock sale application:

- Mr. Bodner said that the livestock sale applications used to all be individual pages, but using a checkbox, those applications were made into one
- All of those applications could be found on the website

**(6:43:30) 4:36 PM Electronic Payments**

Jay Bodner said that the DOL was still pursuing electronic payments for use in the yards, but had hit some roadblocks:

- Mr. Bodner explained that his initial idea was to use Venmo, but the State did not have an account with them. He said the State was trying to renew another service company, but he did not know the capabilities of it
- Mr. Bodner said that where the DOL would like to go is to not have to do any paperwork, even for Local Inspectors. Mike Honeycutt explained that Local Inspectors remitted their payment to Beef Council
- There was a piece of legislation that also needed to pass, Mr. Bodner said, that would allow for some electronic inspection. Eric Moore requested that next meeting that bill draft be looked at by the BOL

**(6:46:02) 4:38 PM Staffing**

Jay Bodner addressed the staffing at the Sidney market during Fall Run:

- Eric Moore expressed concern about the Sidney Market and whether or not they were going to be able to get through Fall run without any delays
- Jay Bodner said that even though they were running pretty lean, he had spoken with the Market Inspector there, and with the two sales a week they had right now, the sales were being covered with market staff from other markets and also District Investigators
- Mike Honeycutt gave an individual shout-out to Knute Larson and to Scott Anderson, who was retired from the DOL. He said that as busy as the Market was, the Sidney Market was the one that accrued the least amount of overtime and seemed to handle their workload over the years very well between the two of them
- Jake Feddes said that he had received complaints from three Local Inspectors during the past couple months about having to buy their lifetime horse brand books. Mike Honeycutt said the payback on buying those for them would be minimal, with Alan Redfield adding, that it kept them happy. Jay Bodner said he would look into it

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

**(6:49:28) 4:42 PM**

Mike Honeycutt announced that there were no members of the public on ZOOM or in the room:

- Mr. Honeycutt said that Ellie Brighton and Cheyenne Leach of the Montana Stockgrowers Association had been in attendance in the room most of the day and Karli Johnson from the Montana Farm Bureau Federation attended by ZOOM

## SET DATE FOR THE NEXT BOARD MEETING

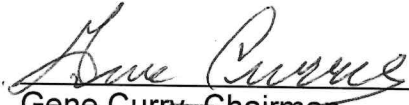
(6:50:10) 4:43 PM

Gene Curry said that the BOL needed to have a meeting in December as we would be going into Legislative Session right after that:

- Mike Honeycutt reported that he would be in North Carolina between Christmas and New Year's to see his Mom
- Lily Anderson said that they would be weaning on Tuesday the 17<sup>th</sup>, although Eric Moore said that Tuesday would work best for him and Wednesday was the worst day of the week for him, but that he could ZOOM in on Thursday the 19<sup>th</sup>
- The next BOL meeting was scheduled for Thursday, December 19, 2024

## MEETING ADJOURNED

(6:53:05) 4:45 PM

  
Gene Curry, Chairman