



## Montana Board of Livestock Conference Call Minutes

February 5, 2020

Montana Department of Livestock  
Helena, Montana

### Board Members Present

John Scully, Vice-Chair (cattle producer)

Nina Baucus (cattle producer)

Brett DeBruycker (cattle producer)

(John Leheldt and Ed Waldner were not present)

Lila Taylor (cattle producer)

Sue Brown (dairy and poultry)

### Staff Present

Mike Honeycutt, Executive Officer

Dr. Tahnee Szymanski, Animal Health

### Public Present

Kyle Chenoweth, Legal Services Division

Matt Bolduc, Cudlobe Angus West

Casey Solomon, Milk River Genetics

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## MEETING CALLED TO ORDER

**3:30 PM**

Vice-Chairman John Scully called the conference call to order at 3:30 PM

## DISCUSS INDIVIDUAL REQUEST FOR EXEMPTION FROM ARM 32.3.2001, BRANDS AND EARMARKS

**3:30 PM**

John Scully reported that a letter from Matt Bolduc had been received by Dr. Tahnee Szymanski, requesting an import exemption from ARM 32.3.2001, Brands and Earmarks, for three cows being moved from Canada into Montana:

- The three purebred Angus cows would come from Alberta and then be taken to Milk River Genetics in Havre, MT to be flushed and then sent back to Canada when the procedure was completed

- Mr. Bolduc requested in his letter that since the cows would be in the state less than 30 days, that he be able to bypass them being hot-branded with a “CAN” on their right hip before coming into Montana, as the rule states must be done
- Dr. Szymanski indicated that there are three reasons listed in the rule that the State Veterinarian may waive those identification requirements for import into Montana
  - The animals are being imported for exhibition only
  - The animals are being imported to a Montana bull-stud for quarantine on arrival and then are returned to Canada
  - ID requirements may be waived on a case-by-case basis with BOL approval if the waiver does not create a threat of disease to livestock or to the public or compromise animal disease traceability
- Dr. Szymanski said that the three cows had met disease status of any requirements the DOL has and that she felt, regarding the risks to livestock health, risks to public health or compromising disease traceability, that any of those things would occur by allowing the exemption to happen
- Concern was raised that if the exemption in this case was allowed, that it may open it up for everybody else who had been following the rule to want an exemption as well
  - Casey Solomon of Milk River Genetics, said she was not aware of the rules prior to that morning and would be willing to work with the BOL to make it similar to a bull stud if that would make things less complicated
- Matt Bolduc explained to the BOL that they have not had any health issue problems with their animals and that the three cows in question had passed all testing requirements to come to Montana. He said they have sent bulls to Stevenson Angus and had worked with ORigen in the past, sending bulls there to stand at stud
- Mr. Bolduc said that for their operation, they use the best genetics they can source, and for their yield right now, the best genetics they can find is in the US, and so they use a lot of AI work.
- Ms. Solomon said that embryo matings produced at their facility with embryos from semen not CSS (Certified Semen Service)-certified, can be sold in Montana, but for export she has done out of the US, it requires CSS certification
- According to Casey Solomon, as far as flushing goes, the process, from waiting for a start heat to the day after flush day could take anywhere from one to two months. Mr. Bolduc stated in his letter that the three cows would only be in Montana for less than 30 days before they are returned to Canada

## **MOTION/VOTE**

**4:30 PM**

**Sue Brown moved to allow a one-time exemption to Matt Bolduc from ARM 32.3.2001 for the export from Canada to Montana for his three Black Angus cows as discussed. There was no second given. The motion died.**

## **DISCUSSION ON PUBLIC RECORDS REQUEST RELATED TO CWD-POSITIVE GAME FARM**

**4:32 PM**

Mike Honeycutt read a letter, dated February 4, 2020 and addressed to Dr. Tahnee Szymanski, from Patrick F. Reilly, Natural Resources Reporter for the Missoulian newspaper, requesting the name of the game farm where an elk tested positive for CWD (Chronic Wasting Disease):

- The DOL announced that there was a game-farm, CWD-positive elk to the public in a press release dated January 31, 2020
- The release of the game farm information was denied, according to Dr. Szymanski, basically according to MCA 81-2-115, Confidentiality of Information Collected – Exceptions
- Kyle Chenoweth, legal counsel for the DOL, stated that the relevant issues in the confidentiality statute that would provide exception to it in this case are:
  - Whether it is going to assist in the implementation of an animal health program
  - If it is necessary to prevent the spread of animal disease or protect animal health
    - Dr. Szymanski said that there is not an established risk as far as CWD and public health is concerned
  - If the owner gives permission to disclose the information
    - Mr. Chenoweth said that the DOL has not received such permission and doesn't expect to receive permission to do so
  - Mr. Chenoweth said that as Dr. Szymanski stated, no exception to the statute really seems to be present
- Mr. Chenoweth explained that as far as Montana Freedom of Information Hotline Attorney Peter Michael Meloy's statement listed in the letter stating the statute is patently unconstitutional, Mr. Chenoweth says that a court needs to decide if statutes are unconstitutional before it can be accepted that they are. Because of that, at this point, Mr. Chenoweth said it is the DOL's job to follow the statute and keep the information confidential
- It was decided that Kyle Chenoweth would provide legal assistance to Dr. Szymanski in writing a direct response back to Patrick F. Reilly with the BOL's agreement that the information be kept confidential
- John Scully reminded the BOL to be aware that an appeal on their decision to keep the information confidential may come

## **COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**

**4:18 PM**

There were no comments from the public on non-agenda items, at this time

## **MEETING ADJOURNED**

**4:19 PM**

**MOTION/VOTE**

**4:19 PM**

**Nina Baucus moved to adjourn the meeting. Lila Taylor seconded. The motion passed**



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John Scully, Vice-Chairman