



Montana Board of Livestock Meeting Minutes

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

September 21, 2023

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

Board Members Present

Gene Curry, Chairman (cattle producer)

Alan Redfield (cattle producer)

Nina Baucus (cattle producer)

(William Kleinsasser was not in attendance)

Greg Wichman (sheep producer)

Jake Feddes (cattle producer)

Lily Andersen (dairy & poultry)

Staff Present

Mike Honeycutt, EO

Brian Simonson, Deputy EO

Evan Waters, Centralized Services

Dale Haylett, Centralized Services

Tom Shultz, Centralized Services

Rick Corder, Centralized Services

Mike Spatz, Centralized Services

Jay Bodner, Brands Enforcement

Donna Wilham, Adm. Assistant to EO

Dr. Tahnee Szymanski, MT State Vet

Dr. Bradley DeGroot, Animal Health

Dr. Mary Michalski, Animal Health

Dr. Greg Juda, Director, MVDL

Alicia Love, Meat, Milk & Egg Inspection

Darcy Alm, Meat, Milk & Egg Inspection

Ty Thomas, Brands Enforcement

Public Present

Ellie Brighton, MSGA

Dr. Tom Linfield

Chris Bechtold, MT Bison Assn

Melinda Anakalea, MT Bison Assn

Joe Kolman, USFS

Dalin Tidwell, USDA Wildlife Services

Cheryl Curry

Braxton Mitchell, MT Jerky Company.

MEETING CALLED TO ORDER

(:05) 8:00 AM

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

CALL TO ORDER AND INTRODUCTIONS

(:08) 8:00 AM

Chairman Gene Curry requested BOL introductions and updates from their area, pointing out that, Nina Baucus and Alan Redfield had changed seating positions, due to Mr. Redfield's recent shoulder surgery:

- Alan Redfield, Cattle Representative, south of Livingston

- Mr. Redfield reported that this had been one of the strangest years they ever had, with the summer pastures still green, and he hoped that they could continue grazing until December or longer
- Calves had been vaccinated the day before, Mr. Redfield said, and that they were looking good. He added that he was able to do the paperwork and fill syringes for the vaccination day
- Lily Andersen, Dairy & Poultry Representative, south of Livingston
 - Ms. Andersen reported that it had been a very strange year, but they had gotten all the hay done and were able to pull the last grain cart in at 9:00 the night before, and then it started pouring rain
- Jake Feddes, Cattle Representative, Manhattan
 - Mr. Feddes reported that the grass was green in their area, with lots of feed and cover crops were growing good
 - The markets, Mr. Feddes said, were phenomenal and holding up well and the prices were still “just nuts.” He added that some had already been doing contracts for next year and that there was a lot of optimism out there
 - Mr. Feddes said that they would start selling bred stock in the next 2-4 weeks, and he said it would be interesting to see what they sold for, as a few here and there that he had sold were astronomically high. That told him, Mr. Feddes said, that people were excited about what was coming over the next 2-3 years, or they wouldn’t be willing to spend that kind of money
 - In the next couple of weeks, Mr. Feddes said they would start weaning calves and put the bulls in the feedlot
- Greg Wichman, Sheep Representative, Hilger, north of Lewistown
 - Mr. Wichman reported that it had been a tremendous hay year and that they were able to build some reserves again.
 - The grass had been good, he said, but with a couple weeks of pretty hot weather, he said the grass was all brown and that there was virtually, no regrowth on the hay fields
 - The cows had been moved home, Mr. Wichman said, and as soon as it quit raining, they would precondition
 - The lambs they sold weighed up fine, Mr. Wichman adding that the lamb market was doing good. The wool market, he said, was non-existent right now with nothing moving except for the superfine stuff
- Nina Baucus, Cattle Representative, north of Helena
 - Ms. Baucus said that along with cattle, they also raised sheep
 - The grass was brown, Ms. Baucus reported, and in some places they were down to the dirt, because of grasshoppers
 - They still had sheep at Lincoln, Ms. Baucus said, but had not had serious predator problems, reporting that they had a little wolf and lion problem, but no grizzly problems, and that they were grateful for that
 - Ms. Baucus said that they would hold the sheep at Lincoln until they just had to bring them home, but wanted to have them home before it snowed. They hoped to maybe ship lambs in the next couple of weeks

- The cow work wouldn't begin until the sheep work was done, Ms. Baucus said
- Ms. Baucus expressed excitement about the rain they were getting and said that all of their hay had gotten rained on at least once, but, she wasn't complaining about that
 - Jake Feddes said, when people asked him about the hay, he said, well, last year I had beautiful hay and no grass, and this year, I had lots of grass and the hay's been rained on. He said, he'd take the rain on the hay if there was grass
- Gene Curry, Cattle Representative, Valier
 - Mr. Curry reported that they hadn't seen grass since June and didn't have a lot of grass anywhere. He said they did have grasshoppers
 - The hay crop was good, Mr. Curry said, and even though the grass grew good at first, they just hadn't had anything to keep it fresh
 - Mr. Curry said that he hadn't been up to see their mountain cattle for a while, but that they had decent grass up there. He reported that they hadn't had anywhere near the grizzly or wolf problems they had the previous year, but, when they brought the cows home in a few weeks, they would know for sure
 - Harvest was still ongoing at their place, with about 300 acres of irrigated ground left to cut, because it was still green
- Mike Honeycutt reported that William Kleinsasser would not be joining the meeting that day, because of other business that he had to attend
- Gene Curry requested the introduction of a new employee
- Rick Corder introduced himself as the new CIO for both the DOL and the Department of Agriculture
- Mr. Corder said he just retired from the Ford Motor Company after 29 years
- Mr. Corder was excited to be in Montana, saying he loved the west and the mountains, having grown up in Oregon
- Ellie Brighton, who just moved to Montana from Oregon, introduced herself as the new Government Affairs person for the Montana Stockgrowers Association (MSGA). She said that she would be the MSGA point person for the DOL

BOARD ADMINISTRATIVE ITEMS

(10:15) 8:10 AM

(10:15) 8:10 AM – BOARD APPROVAL OF PAST MEETING MINUTES

Gene Curry announced that the next item on the agenda was Approval of the Minutes of the Montana Board of Livestock August 1, 2023 Meeting:

MOTION/VOTE

(10:22) 8:10 AM

Nina Baucus moved to approve the minutes from the Montana Board of Livestock August 1, 2023 meeting. Greg Wichman seconded. The motion passed.

- Nina Baucus reminded the BOL to be careful about talking into the microphone so that what was said was not garbled, but understood on the meeting's recording
 - Mike Honeycutt said that the big thing was to be sure to project towards the middle of the table when you spoke

OLD BUSINESS

(12:12) 8:12 AM

(12:14) 8:12 AM – UPDATE ON GOVERNOR'S OGSM STRATEGIC MANAGEMENT AND EXECUTIVE OFFICER STRATEGIC GOALS

Mike Honeycutt reported that the Governor's Ops Review Meeting had been held earlier that week and that, as far as dashboards went, there was very little to report, because most of the dashboards build as we go through the year:

- Two months into the first quarter, Mr. Honeycutt said that the quarterly slaughter figures on State-inspected and custom plants were tracking fairly consistent with last year and maybe a little bit ahead of last year at this time
 - Mr. Honeycutt reminded the BOL that Fiscal Year 2022 was an outlier year when production was doubled due to drought and culls, and when the DOL was catching up from delays due to COVID
 - Mr. Honeycutt said that the numbers showed systemic increases in Meat Inspection and that there were 23-24 businesses wanting to start or to upgrade
 - One plant had moved to USDA inspection in the last couple months, Mr. Honeycutt said, after trying to make that move for two years. And, another plant had plans to move to USDA inspection
 - Mr. Honeycutt explained that it had been a logistical nightmare, constantly sending Relief Inspectors to plants who announced they wanted to move to USDA inspection, but hadn't been able to right away. He said that the attitude the DOL had now adopted was to treat the plants like they were ours until they're not, because it was hard to predict when the USDA would take them on
 - Two plants, Mr. Honeycutt said, were in the pipeline to go into the CIS program
 - Mr. Honeycutt said that as far as production within the state, systemically, there was more capacity, but that time would tell whether there were animals to fill that capacity or not
- Regarding the budget, Mr. Honeycutt said, as always was typical for this early in the year, the revenue was behind expenses, because a big chunk of the revenue wouldn't come in until February, March and April, when per capita came through. But, he added that the expenses were remaining behind the appropriated budget and not trending ahead of what had been budgeted
 - Liquid cash values were staying really strong, Mr. Honeycutt said, but he reminded the BOL that the actual cash balance was not all accessible because rerecord fees, brand transfer fees and new brands fees had to be amortized

- Mr. Honeycutt reported that the DOL was doing good in the vacancies area, standing very solid with Meat Inspectors and continuing with the new positions allocated from the Legislature this past Session. He said that later on that day there would be an internal transfer to deal with
 - In the Brands area, Mr. Honeycutt said that there was a bit of a gap because they were still in the process of hiring some of their open positions. With Fall Run possibly just 6-8 weeks away, Mr. Honeycutt said close attention was being paid to those open positions and also to Short-Term Worker positions, because some of those were very critical to have filled during that time
- Market Cattle Movement numbers, Mr. Honeycutt reported, for July/August of Fiscal Year 24, looked a lot like last year's numbers and were also very similar to July/August numbers in '20 and '21. This indicated to him that we were returning to a more normal timing of Fall Run when people move and ship cattle
 - Mr. Honeycutt joked that in Fiscal Year 2022, Fall Run started about July 4 and didn't quit for a long time
- Mr. Honeycutt pointed out to the Governor some high points this past month at the DOL: the hire of two new Meat Inspectors, the new Lab building getting contracted and the launch of the new Brands software
 - Mr. Honeycutt said that the ground breaking celebration of the new Lab still needed to be scheduled
 - Mr. Honeycutt said that his understanding was that the clearance for the contractor of the new Lab complex to begin work was on September 18
- Low points this past month at the DOL that Mr. Honeycutt reported to the Governor were the Yellowstone Bison EIS, changes to the BLM Grazing Rule process, Brucellosis suspect outside the DSA and increasing need for official regulatory activity in Meat Inspection
 - Mr. Honeycutt said that a lot of the Federal processes going on not only affected the DOL, but all of the natural resources agencies in State Government and was a stress on all of our stakeholder organizations
 - The BLM, Mr. Honeycutt reported, had suspended the rulemaking process and were moving to policy changes on the Grazing Rule process, adding that there was a webinar regarding the situation scheduled for October 11th that he would watch
- On the OGSM page, Mr. Honeycutt said that all the items that had been listed for the December horizon were in the "green" and moving, with the exception of GIS routing of Meat Inspection personnel, which had been moved to "yellow"
 - The GIS routing, which was used to try to figure out how to be more efficient with time and vehicles, had been put on hold because personnel issues that had arisen did not allow that to be fully addressed at this time
- Livestock Market audits were going good, and Jay Bodner would be talking more about that later that day, Mr. Honeycutt said
 - Although it would take just two more market audits to hit the goal of six, Mr. Honeycutt said that with starting to get into Fall Run, a market's busiest time of year, would obviously, not be a time to be doing those

- Mr. Honeycutt reported that a software project that had been approved through the Legislature for the Animal Health Division would need to be started at some point
 - Bio-Security training programs, such as the Secure Beef Supply program, would be touched on at the Montana Stockgrowers Association annual convention in December, Mr. Honeycutt said, which was an opportunity for the DOL to interact with a stakeholder organization and their producers to talk about how to protect themselves, should we find ourselves in a major foreign animal disease outbreak. Mr. Honeycutt added that the DOL was trying to find ways to interact with other stakeholder organizations during their annual meetings to talk about those things
- Mr. Honeycutt concluded his report to the Governor saying that the DOL organizational chart and vacancies had no change done to it since the previous month

NEW/BUSINESS/EXECUTIVE OFFICER UPDATES

(28:38) 8:29 AM

(28:38) 8:29 AM – HUMAN RESOURCES UPDATES

Mike Honeycutt said that the BOL meeting was running ahead of schedule, and would still be going forward with the Human Resources Update, presented by Mike Spatz:

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

(30:41) 8:31 AM – Staff Openings, Recruitment and General Updates

Mike Spatz gave updates to the BOL on Staff Openings, Recruitment and some General Updates:

- Mr. Spatz reported that the DOL was actively recruiting for three positions and interviewing for four positions
 - Of the four positions interviewed, Mr. Spatz said that three had accepted offers in the Brands Enforcement and Animal Health Divisions
- There was one new hire in the Animal Health Division since the last BOL meeting
- The DOL, Mr. Spatz said, had three newly-vacated positions and so he said that during today's meeting there would probably be some requests for hire, many of which would be in the Brands area

(31:38) 8:32 AM – New State of Montana Recruiting Guidelines

Mike Spatz reported that effective the following Monday, there would be some new recruitment guidelines put into effect by the Department of Administration and State Human Resources:

- The goal of the new process, Mr. Spatz explained, was to expedite recruitment processes, making them quicker and opening up the ability to talk to more applicants
- Key changes in the new recruitment guidelines, Mr. Spatz said, included, not requiring any supplemental questions or having any testing in the first round of screening; no scoring used when in the screening process; condensing how jobs

were posted; use mostly behavior, growth-based interview questions; not provide interview questions prior to the interview

- Gene Curry said that everyone scored, whether it was written down or in a person's head. Mike Spatz explained that his role would be to help management with some of that, adding that the DOL would have to be really clear on what the minimum qualifications for a job were
- The goal, Mr. Spatz said, was to reach out to more people and not miss out on someone who typically wouldn't be spoken to. He said the new process may take extra time, as more people would initially be in the pool to speak with, maybe taking 15-20 minutes per person on a phone interview to screen people
- Mike Honeycutt added that in the past, some people felt the State hiring process was too onerous and it would discourage them from participating. This new process would hopefully bring in a larger pool of applicants
- The new process, Mr. Honeycutt said, would not stop the DOL, once the group of people to be interviewed was established, from later in the hiring process, doing a yard test or seeing if a person could read a brand or ride, for example, in the hiring of folks to fill market positions. Mr. Honeycutt said that those tests were needed to assure an applicant could physically do the job because some jobs required specific skill sets
- Mr. Honeycutt said he had never been a big fan of providing interview questions before an interview because a person should be able to talk about their own experience and how they've done things without memorizing technical information. Nina Baucus added that she felt the answers would be more honest that way
- Mike Spatz said that in the actual recruitment system, there was a series of check boxes up front listing all the requirements from an applicant, and that, as of Friday, those boxes could not be put on the job posting

(42:29) 8:43 AM – New Proposed State Pay Plan Policy (including discussion of items such as relocation and housing costs – BOL Requested Item)

Mike Spatz reported that the individual pay plan policies for State employees expired on October 1, 2023 and then a new Statewide Pay Plan Policy would come into effect, sometime in October:

- Mr. Spatz explained that the Statewide Pay Plan Policy was used specifically for how pay increases of any kind were given and how pay was set for jobs within the State of Montana, adding that if the new Policy didn't come into effect on October 2, 2023, his suggestion would be to start following the new guidelines until the new Policy did come into effect. He felt the DOL was within the ranges already and had done a good job with that
 - Some of the proposed points of the New Pay Plan were: to make sure that agencies were setting pay within market ranges to be competitive; limited Lead Worker and Supervisor pay to 5% and 10% respectively; if the State was going to lose an employee to someone outside of State Government, the State could only increase their pay by 10%, and if a State agency was

going to lose an employee to another State agency, there would be no retention increase offered

- Mr. Honeycutt said that the retention piece of the new State Pay Plan Policy was a bit of a change and that, from a managerial standpoint, his only concern was not being able to counter-offer when losing someone to another State agency
- Mike Honeycutt said that once this new State Pay Plan Policy went into effect, he and Mike Spatz would have to be sure that the DOL was staying up to the most current market, for example, not basing it on the 2020 market, but the 2022 market
- Because Mike Honeycutt was never part of a broadband pay policy and was considered a Personal Services employee, Mr. Spatz said that it was at the discretion of the BOL what his pay would be, typically trying to anchor Mr. Honeycutt's pay to what similar type people in State Government were making. This new Statewide Pay Plan Policy really affected all classified employees who were in one of the broadband pay job descriptions, Mr. Spatz explained
 - Mr. Honeycutt said that as a Personal Services employee, he did not automatically get Legislative pay increases and was not eligible for longevity pay
 - Mike Spatz said that longevity pay was for years of service and changed every five years
 - Gene Curry said that the Governor had requested of him to hold off on changes in Mr. Honeycutt's salary until he had adjusted the pay for the other State Directors with their New Pay Plan Policy
- Mr. Spatz said, he hoped to have some final answers on the New Pay Plan Policy by the next BOL meeting

Mike Honeycutt reported that Nina Baucus had requested information on how the DOL was handling relocation and the rising cost of housing across Montana in their hiring:

- Ms. Baucus said that in the past couple years the DOL had offered employment to some good candidates who ended up pulling their name out of consideration because of the Montana housing market, which had been seen in Bozeman when trying to find good people to work at the VDL
- Mike Honeycutt said that the housing situation didn't just affect Bozeman. He gave an example of offering a District Investigator job to a candidate in the Shelby area and that person, who was coming from out of state, accepted the position, but then had to recant because there was nowhere to buy a house there
- Gene Curry said the story in the Flathead Valley when trying to hire Meat Inspectors there, the cost of living and the salary weren't commensurate
- Mike Spatz explained that currently the DOL could offer a lump sum of \$1500 for a relocation fee. He said that if sign-on bonuses or lump sum payments were added within the new policy, those would have to be approved through the Department of Administration
- Mike Honeycutt reminded the BOL that the pay package for employees, just passed by the Legislature for the upcoming biennium, was very generous compared to previous pay plans, giving \$1.50/hour or a 4% increase, whichever

was greater, for each year of the biennium. He said that most State employees would see their salary go up somewhere between 8% and 10% over the next two years, because of that increase

- Mike Spatz said he could do more research into the situation

(1:00:20) 9:01 AM – Presentation on Probationary Periods (BOL Requested Item)

Per a request by the BOL, Mike Spatz explained to the BOL the DOL policy on probationary periods after hire:

- Mr. Spatz said that the probationary policy the DOL follows when hiring an employee, reflects the State of Montana's probation policy
- The policy said that when hiring a new employee, they must serve a probationary period. The time frame of that period was up to the discretion of the agency, which should be, Mr. Spatz said, between six and 12 months. That period could be extended up to another six months, if needed
- If someone had already served a probationary period within State government, and the DOL hired them, Mr. Spatz said, the DOL could not make them serve another probationary period
- Mr. Spatz said that the policy also said that during the probationary period, to be sure the employee was getting the training and skills they needed to be successful in the position. And, if that didn't work out, that employee could be separated from employment
 - Mike Honeycutt said that even when an internal employee got hired for a new position in the DOL, there might be certain requirements they have to attain. In cases like that, the DOL might not be able to put them under a probationary period, but could put them under a training assignment that must be completed in a certain time frame before they were qualified for the position
- Mike Spatz further explained that if an employee was off probation and not able to hit the goals a training assignment required, the situation then became a performance issue. Mike Honeycutt gave the example of a newly-hired VDL employee who was given a certain amount of time to become a Board-Certified Microbiologist or an employee hired to be a staff Attorney that was told that they needed to pass the bar exam within a certain time frame
- Mr. Honeycutt explained that during a probationary period, an employee could be let go by simply saying this wasn't working for us or for you, without any further process. But, once past a probationary period, performance issues needed to be dealt with through the normal performance management disciplinary process

(1:07:59) 9:08 AM – YELLOWSTONE BISON EIS UPDATE/IBMP UPDATE

Mike Honeycutt updated the BOL on the National Park Service (NPS) Yellowstone Bison Environmental Impact Study (EIS) and the upcoming Interagency Bison Management Plan (IBMP) meeting:

- Mike Honeycutt reported that public comments regarding the EIS were due by close of business day on September 25, 2023
 - Mr. Honeycutt said that the DOL had been in consultation with IBMP partner FWP and the Governor's Office Legal Counsel and that he was

satisfied that their concerns were addressed, adding that all three would probably be making a joint comment together, standing behind the same statements regarding the EIS

- The EIS had offered three alternatives regarding Yellowstone Bison numbers, Mr. Honeycutt said
 - Alternative One was a bison population range of 3500-6000 with some predisposition towards ship-to-slaughter as the technique utilized, plus Tribal hunting, and, if available, a bison conservation transfer program for the quarantined bison moving to Tribes
 - Alternative Two was a bison population range of 3500-6000 bison, but a reduction in the emphasis on ship-to-slaughter, and more of an emphasis on the alternative of Tribal hunting. The transfer program would be the primary method for bison removal from the population
 - Alternative Three was a bison population range of 3500-7000 bison, with Tribal hunting in Montana and the bison conservation transfer program being the primary methods. They would look at ship-to-slaughter, if it was needed
- Mr. Honeycutt voiced concerns with all three alternatives
 - Alternative One had a lower population range but did not keep all methods as a priority. Instead, it prioritized ship-to-slaughter at a lower number. He said that the high end population range was where the most aggressive management techniques would be needed, such as ship-to-slaughter but, that had been put third on the priority list at the higher population
 - Mr. Honeycutt said it was disappointing from the DOL's perspective, having been engaged in the Yellowstone Bison population situation for some time, that some management of the Brucellosis within the Bison population was not part of the EIS, because for 20 years, the DOL had asked for partner collaboration of trying to mitigate and manage and reduce the disease
- Gene Curry said that he felt the nationwide push was to get more of the Yellowstone Bison to Tribal. Mike Honeycutt said that the Department of Interior announced more funding for their grassland ecosystem conservation program which included returning bison to their native prairie grassland habitats, mainly through working with Tribal partners
 - Mr. Honeycutt thought that Yellowstone National Park and the Intertribal Buffalo Council (ITBC) might have access to some of that conservation program funding, and he said that could lead to the building of bison facilities in other places. The limiting factor he said though, was the capacity of what Yellowstone could put through the initial quarantine process on those bison
- Yellowstone Bison used to be sent to Fort Collins for Brucellosis testing, Mr. Honeycutt said but, because they were conducting outdoor research with live bison when Brucella was considered a select agent on the Homeland Security's select agent list as a bio-weapon, the Feds were breaking their own rules by doing research that was prohibited by Homeland Security, and that practice was

shut down. Brucellosis research can only be done in confined settings, and that was why, Mr. Honeycutt said, there wasn't much good research on the disease

- Mr. Honeycutt said that Senator Daines, during the last administration, had worked out a plan to carve out the DSA as a place where those types of projects could occur, but there were no facilities there to do those types of projects. In talking with Montana State University and others, Mr. Honeycutt said he had tried to create interest from them in doing live, landscape-scale research on Brucellosis, but that opportunity had not been capitalized on as of yet
- Dr. Tahnee Szymanski commented that there had been a fair bit of optimism that perhaps in the next six to eight months, Brucellosis would be removed from the select agent list, and that would open up additional opportunities for Brucellosis research
- Mike Honeycutt said that there were some concerns to consider as well if Brucellosis was removed from the select agent list
 - What state, that was considered Brucellosis-Free, would want Brucellosis-positive bison shipped into their jurisdiction for research? Mr. Honeycutt said that Colorado could very easily say that they would not want Brucellosis-positive animals shipped to Fort Collins for research
- Gene Curry said that Montana itself had the natural environment to do Brucellosis research. Alan Redfield added that it would also open up better research for vaccines
 - Gene Curry said that bison and Brucellosis was a simple issue, but, it was elk and Brucellosis that was a complicated issue
 - Mike Honeycutt explained that current vaccinations for preventing abortions were fairly effective in cattle and bison, but were much less effective when tested in elk, and so, there was still a better tactic needed for how to mitigate and prevent abortions and thereby prevent transmission and slowing down the spread of Brucellosis within the elk population
- Mike Honeycutt reported that the IBMP meeting was scheduled to be held on October 31, 2023 in Chico Hot Springs and the DOL would be at the table
- The IBMP Partner Protocol Subcommittee were still debating about the definition of "Consensus," which Mr. Honeycutt felt meant a shared collaborative effort of all the things that all the partners could agree to together, a unanimous agreement, not a majority agreement, as each partner had their own legal obligations and rights of what they needed to do
 - The IBMP Partner Protocol Subcommittee, Mr. Honeycutt said, was also going to be having conversations about whether new members should be brought to the IBMP table, as the Blackfeet Nation approached about wanting to be a member
 - Mr. Honeycutt explained that IBMP seats at the table had initially been opened up to Tribal partners that had treaty rights to Yellowstone, and the Nez Perce and others jumped in and took those seats, while others did not want to be a part. He said that being a full partner on IBMP requires a

- financial obligation, working with a facilitator to set up events when your turn came around
 - While members of the public were limited to two minutes of speaking time at an IBMP meeting, Mr. Honeycutt said what he had offered in those meetings was to never limit a Treaty Tribe's ability to speak
- The Adaptive Management Plan would be discussed at the meeting, and Dr. Tahnee Szymanski said there had been several changes proposed to that plan
 - Mr. Honeycutt said that every Federal IBMP Partner, every State Agency IBMP Partner and every Tribal Authority IBMP Partner had their own set of legal responsibilities to follow in the decisions made. One example Mr. Honeycutt shared was that Montana State law stated that bison were to be hazed back from Zone 2 on the north side of the Park on May 15th so, how could he ever agree to an Adaptive Management Plan that said bison hazing was no longer allowed. He said that with Partners not wavering from the laws of who they represent had been why the IBMP meetings would break down
- Another item to be discussed at the IBMP meeting would be the Winter Operations Plan which should include, Mr. Honeycutt said: when the Tribes would be hunting, the dates they'll be hunting, when was Yellowstone going to open the trap and how many bison would they be bringing into the trap, and what would the DOL do if there was a big out-migration of bison from the Park, what would their tactics be
 - Mike Honeycutt explained that for the Yellowstone Bison, if they didn't migrate out of the Park, the only removals that would probably be seen would be those captured for quarantine for the bison conservation transfer program, and that was probably how the Park's bison population expanded to close to a 6,000 estimate this year, because there had been several years where conditions in the Park yielded only limited out-migration. Even if the Winter Operations Plan agreed to removing 700 bison, if those bison don't walk through the Park boundary, under current management, you can't remove 700 bison
- Alan Redfield expressed his concern regarding the range management practices in the Park, and shared that the Park had purchased a lot of hay this year

(1:39:57) 9:40 AM – CHIEF MOUNTAIN BISON UPDATE (BOL Requested Item)

Mike Honeycutt said that Nina Baucus had asked the DOL to give an update about the release of Blackfoot bison in the Chief Mountain area that had been discussed at a previous BOL meeting:

- Mr. Honeycutt reported that he had not received any more reports on those bison since the situation had been discussed. He said that bison had been released at Chief Mountain with the intent to be wild, free-roaming within the reservation
- Gene Curry reported that he had not heard anything new on the situation, but said in the next month or two he would have the opportunity to talk with a lot of the ranchers, because he would be in that neighborhood picking up cattle
- Mr. Curry said that life was good for those bison, at least right now, on that Chief Mountain pasture that used to have 600-800 cattle on it. Right now, the bison

had feed and water available. But in the next two to three months, with the high elevation of the Chief Mountain area, he did not know how it would be for those bison in that high, snowy country. He did not know how they could be kept in that area

- Mr. Curry said that he was sure that more Tribal land would be taken out of the market and that down where he pastured his cows, there was talk of taking away pasture down east of Browning and south. He said that he would update the BOL as he found out more information on the situation

(1:43:17) 9:44 AM – MILK INSPECTION REVENUE ANALYSIS PLANNING

Mike Honeycutt said that on the Milk Inspection revenue situation, he wanted to get a sense of the situation and how long the DOL had until it had to address it:

- Brian Simonson had given Mr. Honeycutt a document showing that, based on the normal run rates, the Milk Inspection cash balance would last until about September 2024. But Mr. Simonson's document showed that there was now a potential for overtime or other things that might happen, meaning the time frame to have a recommendation to the BOL would need to be done by Spring 2024 at the latest
- Mr. Honeycutt said that he hoped for the DOL to engage the industry in the Milk Inspection cash balance issue through the winter and also find representation from non-pool dairies, because the last time the revenue issue was addressed, one of the major complaints came from non-pool dairies because of the minimum monthly fee charged for milk inspection
- Mr. Honeycutt explained that every milk producer that needed inspection was charged a minimum monthly fee for inspection, no matter how little milk they produced. Those monthly milk inspection fees were also capped at a maximum amount that could be charged, and the processors paid a big chunk at that fee
- When this issue was discussed last time, producers, processors and the DOL came together, with math tools in place, to discuss different scenarios of how to increase milk inspection revenue. Mr. Honeycutt said, the bottom line was that something was going to have to be done for this current issue, or the DOL wouldn't be able to continue to staff the Milk Inspection area at the level it currently was at, to which he added, anything less than what we had now was not really manageable
- Brian Simonson said that the Milk Control Bureau had data, such as the number of dairy cows in Montana and the number of pounds of milk produced and those numbers would be brought to the meetings. Gene Curry said that sheep and goat dairies should be included as well. Lily Andersen said that she thought that bringing numbers on herd size would be important
- Mr. Honeycutt said that during these meetings, different dynamics would have to be examined. There were people who had "sideline" dairies who would have their profit removed if the minimums were raised too much. On the other side of things, the number of dairies in Montana had been decreasing, even though the volume of milk produced in Montana had not decreased, meaning that many remaining dairies had gotten larger but didn't have to pay more, because of the

monthly cap on milk inspection fees. That was what was causing the decline in milk inspection revenue

- Alicia Love re-emphasized to the BOL that during the FDA audit for Milk this summer, the deficiency identified was largely due to a lack of staffing, with deadlines not being met and sampling not getting done, because of not having an employee in the position. She gently reminded the BOL that she needed the third position to uphold the milk inspection standards that the DOL was legally obligated to and provide the level of service the industry wanted
- Mr. Honeycutt explained that the DOL saw what was happening financially with the Milk Inspection program and so when there were some retirements, staff was scaled back, but then later found that didn't support the program. So that was something to consider in the conversation with producers and industry. He added that a program should be constructed so there was some kind of fund balance building in case of some sort of emergency so that staff would not have to be laid off
- Mr. Honeycutt suggested addressing the Milk Inspection program issue during the winter, hopefully, with the DOL having a recommendation the industry would support by January
- The Milk Control Bureau staffing, Mr. Honeycutt said, had the opposite situation that the Milk Inspection program had, with work being done with fewer people and the milk assessment fees being lowered because of ending up with too much money. However, the money from the Milk Control Bureau area could not be moved to help the Milk Inspection program area
- Lily Andersen said that the following Thursday there was a Meadow Gold producer meeting scheduled in Great Falls and she could ease into some industry outreach regarding the Milk Inspection program issue there
- Mr. Honeycutt explained that the FDA oversaw the Pasteurized Milk Ordinance (PMO) which laid out what had to be done for Montana's Milk Inspection program. If the PMO said there needed to be six inspections in eight months the DOL could not save money by only going four times. Montana produced more milk than consumed in the state so, it was important to keep the Milk Inspection program going, or the ability to market milk across state lines would be lost

(1:59:01) 9:59 AM RECESS

(1:59:02) 10:20 AM RECONVENE

BRANDS ENFORCEMENT DIVISION

(1:59:09) 10:20 AM

Jay Bodner, Brands Division Administrator, introduced himself

(1:59:19) 10:20 AM – REQUEST FOR HIRE

(1:59:19) 10:20 AM Market Inspectors – Great Falls/Ramsay

Jay Bodner reported that he had two requests for hire, both Market Inspectors that he hoped to fill as quickly as possible because of the timing of Fall Run:

- Mr. Bodner said that there had been a resignation at the Western Livestock auction market which covered the Great Falls market area
- Don Berryman, who had been the Market Inspector at the Montana Livestock Company in Ramsay, took the position as the Market Supervisor at the end of August, Mr. Bodner said

MOTION/VOTE

(2:00:19) 10:21 AM

Jake Feddes moved to approve the hire of two Market Inspectors, one in Great Falls and one in Ramsay. Alan Redfield seconded. The motion passed.

(2:00:47) 10:22 AM Staffing/Hiring Issues

Jay Bodner explained that his next item did not necessarily need any action as it had already been approved by the BOL in April 2022:

- Mr. Bodner said the there was a part-time position that the DOL was looking at hiring at the Glasgow Stockyards that they had been unsuccessful in filling back when it had previously been approved by the BOL. With the new Market Supervisor in position, Mr. Bodner said that they were ready to re-advertise that again
- Mr. Honeycutt explained that the DOL had parts and pieces of FTEs (Short-Term Workers) they could use as needed but were careful with the timing and location of where they used them because once the hours for those positions were used each year, they were gone. He added that, typically, those Short-Term Workers at the markets were the same people every year
- There was a bonus for State employees as part of the New Pay Plan, Mr. Honeycutt said, if they recruit a person to work for State Government and that person stayed a certain period of time

(2:04:20) 10:25 AM ADOPT ARM 32.15.102 – RECORDS TO BE KEPT

Jay Bodner requested that the BOL adopt changes to ARM 32.15.102-Records to be Kept, as the changes in it were language updates since the Legislative passage of HB153, the law regarding livestock video auctions:

- The changes, Mr. Bodner explained, included adding video livestock auctions and video dealers to the language of the rule rather than it only being applied to livestock markets
- Mr. Bodner said that although the comment period ended the following day, he was hoping the BOL would consider agreeing to adoption of the revised rule as there had been no comments received to date

- Mike Honeycutt said that in the past, the BOL had agreed to adoption of rules when it was close to the comment period ending. He pointed out that HB153 became effective on October 1, 2023, and if the changes to the rule weren't adopted, the law might not match the current DOL rule on the subject, for a while
- Jake Feddes questioned a segment of ARM 32.15.102, which stated, "Each licensed market livestock video auction or livestock dealer shall keep and maintain a complete, a true and accurate record of all animals purchased and sold, including a description of the animal, brand or brands carried..." Mr. Feddes said that when he worked with Superior through a livestock video auction, he was, technically an agent of that video auction and he did not get a brand to keep and so, he would not be able to "maintain a complete and accurate record of the brands carried" on all of those ends
- Mr. Feddes further explained that Superior did not get a brand paper because it was a triplicate copy, one going to the DOL, one going to the Seller and one going to the Buyer, adding that there should be a 4th copy to keep and maintain an accurate record of all brands
- Mike Honeycutt suggested holding off on adoption of the rule and communicate to the dealers about the requirement because it might change whether or not somebody had a comment. He said that the DOL had 90 days to officially adopt the rule, and if it took longer, the rule could just be resubmitted
- Gene Curry tabled the request to adopt until the next BOL meeting
- Jay Bodner said he would increase the timeline of when they were going to communicate this with the dealers and provide this info to them and ask for their comments on it. He added that Brands Enforcement would also look at an internal process to ensure that the dealers would have that information

(2:14:37) 10:36 AM DRAFT RECORDING AND TRANSFERRING OF BRANDS RULE CHANGE

Jay Bodner reported that the rule change he was requesting was in draft form and was a concept for new brand applications:

- Mr. Bodner said that for the last two years, the DOL averaged about 1000 new brand applications, and this requested rule change would put some sideboards on transferring new brand applications
 - The new brand could not be transferred until the next rerecord unless the original owner was deceased, at least one of the original applicants stayed on the brand application, or if the new brand were transferred to an immediate family member
- Mr. Bodner reported that the initial concept of the proposed rule change had already come before the Brand Advisory Committee and had been presented to stakeholder groups, with the DOL receiving a couple of inputs that had been added to the proposed rule change
 - The ability for a new brand to be transferred before re-record to an immediate family member and an appeal process were two requests that were included in the proposed rule change
- Mr. Bodner said that, at least initially from the BOL, the stakeholders and the Brand Advisory Committee, there was some pretty strong support for continuing

to move in this direction which would hopefully reduce some regional and statewide conflicts, because brands would be used for their intended purposes and not for a side business

- Although people would find loopholes to get around the proposed new rule change, Greg Wichman pointed out that at least the DOL would be able to receive a new brand fee, Mike Honeycutt adding that not only a new brand fee, but a transfer fee and then another transfer fee for a brand being sold. Jay Bodner said that even though there would be loopholes people would take advantage of, this proposed rule would make it more difficult

MOTION/VOTE

(2:22:56) 10:44 AM

Lily Andersen moved to publish for public comment, the proposed changes to ARM 32.18.110 – Recording and Transferring of Brands, as presented by Jay Bodner. Greg Wichman seconded. The motion passed.

(2:23:35) 10:45 AM DISCUSSION ON ARM 32.18.112 – SPECIAL IDENTIFICATION MARKS (BOL Requested Item)

Jake Feddes said that the discussion of ARM 32.18.112, regarding special identification marks on animals was requested by him after having a discussion with a registered black angus producer:

- Jay Bodner explained that basically, the 2017 rule stated that if you're going to put special identification marks on an animal, that you also have to have your registered brand on that animal
- Mr. Feddes said that the producer had explained to him that his cattle carried a freeze brand with a tag number as a personal identification of a ranch where he used to work, and when trying to sell his cattle at a commission company, the Brand guy working there told him that it wouldn't be allowed for him to do this again because the cattle had to have the producer's brand of ownership if there was a freeze brand with their number on it
- Mr. Feddes said that a freeze brand was considered a special identification mark, but suggested that with more people going to freeze branding it might be an educational thing that the DOL needs to do ahead of time
 - Jay Bodner said that when a situation came in like Mr. Feddes spoke about, the DOL would provide education before a violation was issued, but would expect compliance after that
- Ty Thomas said that generally, it's not a malicious act when people freeze brand. Perhaps they had a calf born late that didn't get the hot iron brand. He said that usually you can work through the situation by talking to that producer

(2:31:42) 10:53 AM BRANDS ENFORCEMENT UPDATE

Jay Bodner said that he'd like to provide the BOL with a general update on everything happening within the Brands Enforcement Division

(2:32:12) 10:53 AM GlideFast

Jay Bodner updated the BOL on GlideFast, the new software system built on the Service Now platform, that went live on September 14, 2023:

- The first sale that utilized the new system was held in Glendive on September 15, 2023, Mr. Bodner said. With the learning curve, the process was a little slower...the input for the cattle went relatively smoothly, but, the market clearances for releasing those cattle was slower, and that was where the most concerns were raised
- Mr. Bodner said that the following week he observed a smaller sale conducted on the new system at Three Forks. The market got through the sale but, it ended up with the step of releasing the cattle going slower
- The next day, Mr. Bodner said, a sale with a higher volume of cattle was conducted on the new system and a fairly significant defect arose looking like the cattle were put into the system but were lost when trying to release them. A sale the following day ended up with that same problem and the cattle ended up being released by hand just to get through the sale. Mr. Bodner then chose to go back to the Fort Supply system for the sales being conducted that day so that commerce would not be slowed down
- Mr. Bodner said that they were able to meet with the contactor who found a relatively easy fix in a line of code and so the following day, they planned to go back to the new system at Glendive
- The new system, Mr. Bodner said, had many more capabilities than the Fort Supply system, but was much more complex. He said that sales could stay open for up to 30 days to make sure if there were any issues, but minor issues, those could be finalized
- Mike Honeycutt reminded the BOL that initially, the system was supposed to be rolled out at the end of July. This would have been a much better time, not so close to Fall Run. But, unforeseen circumstances between the State of Montana who would hold the license, and the vendor caused a delay of about four weeks in paying the final bill and being able to implement the system
- Mr. Bodner said that State IT had a couple of sharp ServiceNow programmers that could potentially work on rewriting code if a better way of improving functionality with the system were found
- The majority of the handheld equipment used in the yards with the new system were cell phones that were downloaded with the app, Mr. Bodner said, and he hoped to have three at each market. A couple of the markets said that they preferred using a tablet so that they could also use it in the office
- Jake Feddes said that he had spoken with two Market Owners and two Market Supervisors who were very frustrated with the new system. The Market Owners were concerned about the buyers not able to get the cattle released and get them out of the yard, one saying their sale took 15 hours to input and release cattle, and another telling him it took over 30 hours to get the cattle done and released, and those were not large sales
- Mr. Feddes said that he had spoken with Jay Bodner and Ty Thomas and he was wondering if, as a backup plan, those Market Supervisors could go back to Fort Supply and get through the Fall Run, but give the markets an end date, such as

March 1st and say, this is your end date for Fort Supply because it will be shut off then

- Mike Honeycutt said that the DOL had already paid for a data migration from Fort Supply into the new system. If a sale was done in Fort Supply now, it would have to, at some point in time, be put into the new system. He said he gave the green light to Jay to use Fort Supply if it was a large sale, but to also look for opportunities to advance because he said that at some point Fort Supply would become a dead stick and was never going to expand the capabilities to do offline sales or inspections, whereas the new system did have those capabilities and had been purchased so Montana would match what was seen in other states
 - Fort Supply had very limited support if it broke down, almost under-supported, and was being phased out. Jay Bodner said there were some issues because of version differences in looking at the history of a sale done in Fort Supply and one that was done in ServiceNow. Mike Honeycutt said that whether by paying for migration or entering the information ourselves by hand, all Fort Supply sales would be moved into the new system
 - Mr. Honeycutt said that had the DOL tried to maintain Fort Supply, there would be no guarantee of the security of the information that was in it because State ITSD would no longer allow it to be on the network. He added that the new system used Microsoft technology and that you don't have to worry about that ongoing support and staying up-to-date with version security
 - Jake Feddes said that Fort Supply was limited because he was told by a Market Supervisor that you couldn't start with one sale until the last one was closed, which may not happen on the sale day, and so, that Supervisor was excited about the capability of the new software
- Mr. Honeycutt said that BLS and PAYS had more employees to help with sales and that they had gotten through the Sidney sale with help from someone sent there who was very well-versed on the system. He said find opportunities to do small sales with the new system and replicate that a couple times after that, finding fixes for any bugs and then, expand out from there
- Jay Bodner complimented his staff that they were learning a very complex system under a high stress situation. He had told them to call him to air their frustration with him, as he was fine to let them do that all day long, if needed. He added that the release of the cattle was a little cumbersome with the new system, not the input of the cattle, so he hoped to avoid the use of paper, if possible, as the staff would get quicker with it as they used it more
- Mr. Honeycutt said that he had asked Rick Corder, CIO, to elevate to the State Director of ITSD, because GlideFast had other state contracts to leverage getting more support from the vendor, because the defects should be part of the original project, not something new and the vendor should not pull out of their support of the software until it was done
 - Rick Corder told the BOL that he spoke with Mr. Gilbertson, the State CIO, asking him for support, and told him that since we don't have a product where a sale could be conducted from beginning to end, in his opinion,

GlideFast had not fulfilled their part of the contract, at this point, and we should not continue to pay them money to fix something that's not completely useful to us

- Jay Bodner said that just for after care, this week Brands staff and the entire markets had scheduled meetings every day with GlideFast and had been using those meetings to their full extent for an hour and a half
- Jake Feddes said that he felt the DOL should call each market owner and tell them we know there had been problems and let them know of the solution going forward to get ahead of the problem instead of trying to play catch-up afterwards

(3:25:27) 11:47 AM Staffing

Jay Bodner reported on a few staffing issues in the Brands Enforcement Division:

- Mr. Bodner said again that Don Berryman, who was a previous Market Inspector had taken the Market Supervisor position in Ramsay. Mr. Berryman had really jumped into the new GlideFast system and had become well accomplished in operating it
- The District 11 Investigator position covering Yellowstone/Golden Valley/Musselshell Counties, had also been filled, Mr. Bodner said with Samantha Novak, who had previously worked in the Meat and Poultry Inspection area as a Supervisor. Ms. Novak's start date was September 25, 2023
- The District 12 Investigator position that had been Ted Wall's previous position, had been filled by Clay Vines who had worked as the Bison Program Supervisor, Mr. Bodner reported
- Mr. Bodner said that the Assistant Market Supervisor position was closed and interviews to fill that position would hopefully be the next week

(3:27:42) 11:49 PM DOL Truck Stops

Jay Bodner reported on truck stops conducted by the Brands Enforcement Division since the last BOL meeting:

- Mr. Bodner said that the truck stop conducted on July 8, 2023 was done on the border between Montana and North Dakota in the Baker area, and was done in conjunction with the North Dakota Stockmen's Association
 - Three vehicles were stopped on the Montana side, with one being issued a warning ticket. On the North Dakota side, four vehicles were stopped and all were compliant
- On July 19, 2023 a truck stop was conducted at the Forsyth weigh scale
 - Six vehicles were stopped with paperwork on 32 horses. All the horses were from Montana and had lifetime inspections. Two of the vehicles had empty trailers
 - One of the trucks that was carrying 24 horses had photocopies of their lifetime inspections rather than the originals, and that was not legal, so a warning was written
- August 17-18, 2023, a truck stop was set up at Wibaux
 - 19 vehicles were stopped on the first day, that included horses, 1600 pigs and 28 cows. Three non-title inspections for horses were written. One ticket was issued for no CVI entering Montana. Three had empty trailers.

- 14 vehicles were stopped the second day. One vehicle was issued a warning and one had no CVI, with another notice to appear on that
- Mr. Bodner said that the DOL does have authority to conduct the truck stops, but gives a heads up to Sheriff's offices in the area that the truck stops will be conducted. He said that the Sheriff's office did receive a call from someone who was asking if the DOL had authority to stop the trailers, but, for the most part, the feedback was positive on those stops
- Mr. Bodner said that Canadian cattle traveling through Montana were required the same type of inspection papers as others, CVIs, etc.
- There was a PRC Rodeo in Baker and Circle and the DOL had set up a truck stop in that area, Mr. Bodner said, and in those types of situations, the DOL staff would look in the trailer and see what they had for animals, look for paperwork to make sure it meets the livestock they're hauling
- Alan Redfield shared about the truck stop outside of Livingston and how a bunch of people blew by that one. He said he had received a call asking if that was legal for the DOL to do those stops, and Mr. Redfield said he told them yes and had the MCA code to give them
- Mr. Bodner invited BOL members, if they were interested, to sit at the check stops with DOL staff and watch how the employees conduct themselves. Mike Honeycutt said his feedback on the people working the truck stops were that the staff was always professional and good

(3:36:43) 11:58 AM Audits

Jay Bodner updated the BOL on the market and dealer audits and the Inspector book audits:

- Mr. Bodner said that, for the year, six market audits had been conducted. Four market audits were completed. Two more had been conducted but, the last of the paperwork was being finalized. The market audit for Glasgow wasn't conducted because of a fire they had and the DOL did not want to impede upon their business anymore and let them recover from that
 - Some minor findings with applying brand liens were found in the audits and the DOL provided corrective action
- The goal was to complete 10% of the dealer audits by December, Mr. Bodner said, a total of 21 dealers
 - Mr. Bodner reported that since August, about four dealers per month were randomly picked and requests for paperwork, including financials, was sent to them. He added that sometimes it took a little longer to get that information back from the dealers than they would like
 - The out-of-state paperwork, Mr. Bodner said, was different than Montana's but staff did try to work with dealers to help them through the process as much as possible
 - Mr. Bodner said that typically a non-responding dealer was sent a certified letter and a phone call was made and if there was still simply no response the BOL would be informed of that and more aggressive action may need to be taken to get into compliance

- Mr. Bodner said that taking a dealer's license away for non-compliance was not something he wanted to do. Mike Honeycutt explained that the bar for revocation or suspension of a license was high, and that an opportunity for a public hearing had to be given before that could be done. He said that about the only reason a dealer's license could be suspended would be if they didn't keep up their bond
- The Inspector book audits were also being conducted, Mr. Bodner said, with audits being conducted on all Local and State Inspectors' books
- Due date on getting paperwork back to the Helena Office was October 1, 2023, giving about 45 days to conduct that audit

PREDATOR CONTROL

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

(3:43:48) 12:05 PM

Dalin Tidwell, State Director for the USDA Wildlife Services introduced himself and said he appreciated the opportunity to give a brief update:

- Mr. Tidwell reported that they were very pleased with the new maintenance shop and mechanic that Wildlife Services had recently contracted with
 - Mr. Tidwell said that the new mechanic was able to identify some things that needed to be done on 62 Charlie, the OH58, besides the new drive shaft, and with those things being done it was up and running good
 - The spare engine that Mr. Tidwell had been able to acquire out of Texas had been installed in the 765, the new Jet Ranger. The C20J engine that came out of it would need to be overhauled for a cost of about \$136,000, but Mr. Tidwell said that the engine that was just installed had quite a few hours left on it
- Grizzly bear investigations across the state, Mr. Tidwell said, were below average. He said perhaps the berry crop was good this year for them or perhaps it was because the removal of a handful of problem bears over the last couple of years had relieved the pressure
- Mr. Tidwell said that a lot of cows and calves had been found dead with bears feeding on them but, the investigation showed that they had died of summer pneumonia and that some folks had become frustrated when they found out the dead calf would not qualify for compensation because it was not confirmed the bear killed the calf
- Mr. Tidwell reported that a bee producer up on the Sun River lost 74 hives from bears, with an estimated damage of about \$50,000
 - Wildlife Services personnel were working hard to try and help the producer with electric fencing and non-lethal techniques. Mr. Tidwell said that livestock compensation, as it related to the bears for the loss of bees, was not part of the law right now but, there was a lot of talk about it
 - Not all of the producer's hives were protected by electric fence, but Mr. Tidwell said that even with electric fence in place, there had been cases where the bears figure out how to dig a trench under the fence or climb over the top

- With bow hunters out, Mr. Tidwell said they pull off some of their control efforts, being aware of the risk and danger, especially when it came to grizzly bears
- The Federal 88 Hotel helicopter had been exchanged with Texas for a military helicopter that was currently in Alabama getting painted. Mr. Tidwell hoped that the new helicopter would be back in Montana within a month or so
- Mr. Tidwell assured the BOL that in the case of a Federal shutdown, Wildlife Services were in a unique situation where they were cooperatively funded and that it would not interrupt their service
- Mr. Tidwell said that a reported picture was shared and a game warden had been sharing caution to the hunting camps in the Musselshell regarding a grizzly bear there. He said there was a confirmed grizzly bear sighting and camera pictures in the Pryor Mountains Range east of Bridger from FWP
- Wildlife Services were on the ground and investigating a possible feral swine sighting in the state

(3:57:26) 12:18 PM LLB PREDATION CLAIMS REPORT AND GENERAL UPDATES

Mike Honeycutt called attention to George Edwards' Livestock Loss Board claims report:

- Mr. Honeycutt reported that the LLB had a board meeting on August 14, 2023 and gave out 11 grants for Livestock Loss Prevention programs
- With money still left over, Mr. Edwards' report showed that the LLB would be opening up another grant application period from October 1, 2023 – November 15, 2023 and try to disperse the remaining money at their meeting on December 2, 2023 at the Montana Woolgrower's Association meeting in Billings
- Mr. Edwards' report reminded the BOL that the law passed by the Legislature to restrict values for registered livestock and paying commercial rates for predation claims goes into effect on October 1, 2023. Mr. Honeycutt said this protects the LLB budget from having a couple of high-value clients take all the money available for the year
- Mr. Honeycutt explained that even though per capita was paid for honeybees, the species covered in law for depredation claims were cattle, sheep, goats, guard dogs, horses and swine

(4:01:52) 12:23 PM LUNCH

(4:02:03) 1:10 PM RECONVENE

CENTRALIZED SERVICES DIVISION REPORTS

(4:02:06) 1:11 PM

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

(4:02:22) 1:11 PM – FISCAL BUREAU

(4:02:22) 1:11 PM Request to Hire Milk Control Position

Brian Simonson requested that the BOL approve the hire of a Milk Control position recently vacated by Sara Dobbins whose last day was September 12, 2023, leaving the DOL for an accounting job in the private sector:

- Mr. Simonson reported that this was the third opening for this same position and that until that position was filled, it was just himself and the Compliance Specialist handling the Milk Control duties
 - Mr. Simonson said that the price announcements had gone out the day before and he audited it
- Between Human Resources and himself, Mr. Simonson said they needed to do some reviewing of the job description to see if it could be tweaked to make it fit someone better that would stay. He thought the salary range would remain the same and said he hoped that a notice of vacancy would go out the following week

MOTION/VOTE

(4:03:54) 1:12 PM

Alan Redfield moved to approve filling the vacant Milk Control position, as presented by Brian Simonson. Lily Andersen seconded. The motion passed.

(4:04:24) 1:13 PM Aerial Hunting Rule Change Adoption

Brian Simonson requested that the BOL approve the adoption of changes to ARM 32.22.102-Issuance of Permits:

- Mr. Simonson explained that after the passage of changes by the Legislature to MCA 81-7-503, which removed the residency requirements on aerial hunting, rule changes to match the law were presented to the BOL in July 2023, and those were approved to go out for a public comment period that ended on August 18, 2023. No comments were received

MOTION/VOTE

(4:05:14) 1:14 PM

Nina Baucus moved to adopt the rule changes for ARM 32.22.102 – Issuance of Permits. Greg Wichman seconded. The motion passed.

(4:05:29) 1:14 PM Per Capita Fee (PCF) 2024 Rate Setting

Brian Simonson explained that every September there was a per capita fee rate setting session conducted by the BOL, where per capita fee rates were set for the following calendar year, and those rates were reported to the Department of Revenue:

- Mr. Simonson reported that in the five years he had been with the DOL, there had been no increase in the per capita fee rates
- The spreadsheet that Mr. Simonson presented as a handout to the BOL covered 11 years' worth of data on head counts of animals
 - In that 11-year time period, horse head count numbers were down by 25,000, but chickens were up by 840,000

- From 2022 to 2023 cattle head count numbers were down 4%, bison head count numbers were down 23% and alternative livestock head count numbers were down 28%. From 2022 to 2023, goat head count numbers were up 8%
- Mr. Simonson said that the starting fund balance in 2024 was \$12,543,477 and in projecting out to 2029, he said that the ending fund balance would be 6,854,000, but that the expenses were 26% over revenue, meaning that at some point in time between now and 2029, ground needed to be made up so that once that was spent down, we were growing at the same rate as revenue was. He said that a safety net of \$3.5 million was what he wanted to see, but he felt the BOL should probably take a longer period of time, and not just one day to make a decision
- Mike Honeycutt said that we were at a point in this biennium where we would be spending into the reserve which, in 2024 was about 600,000 and a little over a million in 2025 and then it went down a bit
- Gene Curry said that in looking at Mr. Simonson's spreadsheet, that the average number of cattle in the state paying per capita would be around 1.85 million. Because it was a limited resource, cattle numbers couldn't keep growing at 1% per year forever because of the range capacity in Montana, unless the feeding industry picked up
 - Alan Redfield said he didn't feel numbers were going to pick back up with the way the cost of feed had gone up, because not everybody can feed a backcountry horse
 - Nina Baucus said that the age was changed on when per capita payment could be collected on steers and heifers, and now a lot of them were leaving the state before they hit that age. Mike Honeycutt added that is why NASS cattle/calf numbers are not an accurate measure of what per capita payment numbers should be
- Nina Baucus said that since she had been on the BOL she had been against any per capita increase until there was a really good handle on everybody with livestock paying their fair share and not just those loyal to the DOL carrying the bulk
 - Ms. Baucus said that the DOL in the past, had done an exercise on horses and had picked up several thousand head of horses that had not had per capita paid on them. She said that George Edwards was also able to pick up some more per capita payers when the LLB would not pay predation claims on animals if they hadn't paid per capita on them. And then she added that more animals were added to the per capita list when people could not receive their disaster payments until they had paid per capita
- Mike Honeycutt said that what had normally been found was that 98% were paying their fair share and 2% were paying none of their share, adding that there would always be a portion of the public that didn't pay what they should
- Jake Feddes said that you would never get 100% compliance on per capita fees. But if we're at 98% and we have to raise per capita fees, he said he couldn't be concerned about the 2%, even if they got some services. But he was concerned about the 98% receiving services

- Gene Curry said that even though Mr. Simonson had basically stated that we didn't really need to raise per capita fees right now to balance the budget because of the reserves, he remembered when the DOL had a 20% difference in revenue and expenses because there was no money. He did not want people to all of a sudden, get a tax bill because of having to ramp up suddenly in one year to make that shortfall up. He wondered if it would be better to start slower and sooner, ramping up just a little bit
 - Greg Wichman said ramping up slowly, maybe 1%, was what he would like to do rather than all of a sudden, raising per capita rates by 5% or 10%
 - Mike Honeycutt said that if the per capita rate was increased by just 1% in the next year the DOL would still be drawing the reserves down, but more slowly than if no increase was made at all. He said that he appreciated the BOL's forward thinking with the numbers presented, even though the budget was in very good shape, because something would have to be done at some time, whether gradually easing into where you need to be or doing a big reaction
- Mike Honeycutt shared some numbers for the DOL that were shown to him by a new Legislative Fiscal Analyst. It showed that in 2013-2014, the Legislative fiscal chart for the DOL was negative, meaning that the DOL was borrowing from the State to make ends meet. He added that because of that, it necessitated three per capita fee increases in a two-year period
- Jake Feddes said that he would rather do a small per capita increase, multiple times even though the DOL would be fine for a while. His question was, why would the DOL want to draw its cash balance down, especially if an emergency like an FMD outbreak or something came up, or maybe another project would arise to help protect livestock producers in the State
- Mike Honeycutt said that because of the cash balance the DOL was able to present to the Legislature it had several million dollars to put as a down payment on a long-term bond when the idea for building the new Lab first came about
- Alan Redfield said there was money to build the new Lab but questioned whether there was extra money available for the operation of it. Brian Simonson said that there was about \$450,000 in authority in the FY24 budget for additional O&M for the new Lab but it could not be spent until the new Lab was built
 - Mike Honeycutt explained that it was a requirement when the State does infrastructure projects that it automatically adds O&M into the budget so the project could be built and maintained, going forward
- Greg Wichman said that in his mind a small increase in per capita now was better when the cattle cycle was going up rather than raising it 5% or 10% when the cattle market started going down. Jake Feddes added that he did not believe the cattle numbers would ever get back to what they were in 2021 because ranches continued to sell and get taken out of production and the cycle was not going to end
 - Mike Honeycutt reported that 2021 was the year with the highest share of per capita, but there was a big jump in cattle inspections because a lot of animals were starting to leave the state during that time period

- Land that used to produce livestock had been lost to development or was being repurposed, Mr. Honeycutt said, adding that with a lot of industries becoming more efficient, just as much or more commodity could be produced with fewer animals. This meant that the cattle cycle would come back, but probably not to the peak it was in 2021
- Brian Simonson said that it was recorded in his paperwork from 2019 that the BOL thought the reserve per capita fee should be 35%
- Brian Simonson said that a 10% increase in per capita on all other species amounted to about \$350,000, Alan Redfield adding that a 1% increase in cattle would bring in about 35,000 more
- Jake Feddes said he didn't know that the cash balance needed to go up, but that he would like to see it stay the same. Brian Simonson said that if the average expense increase was 5%, that would be the amount of increase needed each year
 - Brian Simonson agreed that 5% would be an aggressive increase and said that it also depended on what cattle numbers did. Mike Honeycutt said if you increased it 1% year after year, you'd eventually start to catch up, particularly if the cattle numbers came back
 - Alan Redfield said that he liked to have a cash balance at his ranch because it made it simpler to not have to borrow from the bank. He added that when he came into a Legislative Session and a number of agencies would ask the Legislature for more money because they hadn't budgeted correctly, he would always vote no because he felt they should be able to figure it out far enough ahead of time
 - Gene Curry said he didn't want the cash balance to be to the point that it raised the eyebrows of the producers who might say, "why in the world did you raise my per capita fees when you got all this money in the bank"
 - Nina Baucus reminded the BOL of the two major health issues the DOL had to deal with during the past three years, Tuberculosis and HPAI, which were both expensive and that capital expenditures add to the need to have those funds
- Because the per capita fee on chickens was such a small number already, Mr. Simonson said that it might have to be raised more to round it off to a whole number, because raising per capita 1% on them was only a portion of a penny

Chris Bechtold, President of the Montana Bison Association, requested of the BOL to reduce the per capita fee rate for bison:

- Mr. Bechtold introduced himself and also pointed out some other bison ranchers in the audience from Thompson Falls
- Mr. Bechtold explained that he had addressed the BOL previously to request a reduction in the \$6.38 per capita fee rate charged for bison, saying that at that time no one could find any reason for where that number came from and that it was just a "magic number"
- The cattle fee was \$2.29 and the bison fee was \$6.38, Mr. Bechtold pointed out, saying that bison were actually charged that fee twice because they were held for an extra amount of time so they could be grass finished. He thought that

charging the \$2.29 per capita rate like cattle sounded like a good number to reduce the bison rate to

- Jake Feddes said that with some calves, you hold them over as well; it's your choice to do that
- Gene Curry asked Mr. Bechtold why there had been a 33% decrease in bison numbers over the past three years. Mr. Bechtold said that they had reduced their bison numbers because of the drought conditions that were in Teton County the previous year and thought that might be the case for others as well
- Mike Honeycutt said that, except for goats, there was a decrease in the number of animals during the last couple of years
- Jake Feddes said that if the bison per capita rate was reduced to the same price as cattle, it would be a reduction of \$41,399 in DOL revenue. The total amount of bison per capita received would then be \$23,179 versus the \$64,578, which it was now
 - Mike Honeycutt said the \$41,000 reduction would equate to roughly a 1% decrease in per capita funds. He added that there were about 10,000 bison per capita was collected on compared to the per capita collected on 1.5 to 2 million cattle, and so whatever change you make to them it would not drive the revenue very much, because it was a volume thing
- Mr. Bechtold said if the bison per capita rate were dropped down to the cattle rate and then raised 10% and cattle raised 1%, he wouldn't kick near as much as he would at \$6.38
- Jake Feddes proposed to meet Mr. Bechtold in the middle with the per capita fee rate of \$4.33. Then assess a 2% increase across the board on all other species, with the exception chickens. Chickens would increase by a full penny

MOTION/VOTE

(5:04:03) 2:13 PM

Jake Feddes moved to adjust the present per capita fee rate of bison to halfway between the bison and cattle rate (\$4.33) and then increase per capita fee rates by 2% across the board. Nina Baucus seconded. The motion was amended.

MOTION/VOTE

(5:06:02) 2:15 PM

Jake Feddes moved to adjust the present per capita fee rate of bison to halfway between the bison and cattle rate (\$4.33) and then increase per capita fee rates by 2% across the board, except for chickens, which would be increased by 1-cent. Nina Baucus seconded. The motion passed.

(5:07:18) 2:16 PM August 31, 2023 State Special Revenue Report

Brian Simonson said that there would not be a lot of analysis in either the revenue or the expenditures for this report because we were still trying to catch up and get budgets created:

- Mr. Simonson said that Field Inspections went down \$65,000 to a total of \$245,000 over last year

- Market Inspections went down, Mr. Simonson said, but, budget-wise, we expect to get \$100,000 less in Market Inspections in 2024 than in 2023
- The \$315,890 number listed for Investment Earnings, Mr. Simonson said, was \$295,000 greater than last year, helping to make up for some losses in other areas
- Per Capita Fee was \$665,000 less than last year, at \$4,584,900
- Investment income went up \$410,000, and according to Mr. Simonson, thanks to the BOL, those numbers should be fairly repeatable going forward
- Milk Inspection went down \$40,000 from last year and stands at \$284,900. But, according to Mr. Simonson, based on attrition in the milk industry, he expected it to be about \$25,000 less than last year. The egg industry, correspondingly, went up \$27,000 from last year
- The VDL materially, had no change in revenue

(5:10:42) 2:19 PM September 2023 Through June 2024 Budget Projections Report

Brian Simonson reported that although there was not a lot of analysis going on in this report, he wanted to focus on budget changes to highlight where the DOL, Legislative-wise and inflationary-wise went from 2023 to 2024:

- Mr. Simonson said that assumptions in the budget were heavily based on what was done last year on the operations side and then what inflationary adjustments came through the Legislature
- The Personal Services budget number went up roughly \$1 million from 2023. Mr. Simonson said that Evan Waters thought that the DOL was going to spend \$167,000 under that authority this year, which correlated to the EPP request that had been put in for overtime of \$165,000
- Mr. Simonson pointed out that the listings under Operations were basically, pretty substantial inflationary adjustments, with Contracts going up by \$192,000, Supplies going up by \$117,000, Communications going up by \$65,000 and Other Expenses going up by \$74,000. He said that Rent went down a bit and Motor Pool also went up. All in all, it was a net positive of \$61,000
- Mr. Simonson said that on the Centralized Services page of the report, it showed that the Rent for this building went down by \$100,000
- The number under Equipment of \$628,000 was roughly \$500,000 more than last time because of the purchase of a piece of equipment for the Lab, granted through the EPP request. Animal Health also got a \$50,000 truck and Brands was going to buy trailers and radios, for a total of \$150,000
- Mr. Simonson noted a new item to report on called Claims. He said that the LLB had received a \$150,000 plus-up to the general fund in HB2 for claims. They already received \$300,000 for claims in State Special Revenue funds. Mike Honeycutt said that amendment to the budget was requested by Representative Joe Read
- The Transfers number had gone up by \$53,000 from last year, Mr. Simonson said, which basically, represented the DOL share of the CIO position

- Centralized Services had increased from 13 FTE to 14 FTE because of moving the vacant Milk Control position to Centralized Services. Mr. Simonson reported that the Milk Control area was now down to two FTEs
- The total budget increased by roughly \$2,289,000, Mr. Simonson said. He added that the DOL was still projecting \$581,000 in Total Budgeted Funds of underspent authority at the end of the year

(5:17:12) 2:26 PM August 31, 2023 Budget Comparison Report

Brian Simonson reported that he had nothing to report on this section of the report other than the notes made by Evan Waters at the bottom of the report:

- Mr. Simonson said the DOL was right on track with Personal Services being 12% expended with 12% of the payroll complete, even though the DOL was obviously, spending more this year than last year. But, he said that HB13 should take care of that
- Operations were 7% expended with 8% of the budget year lapsed, but, Mr. Simonson said those numbers were a pretty good indication that all the bills were not in as of yet
- Regarding Federal funds, Mr. Simonson said that the DOL would be okay, depending on how quickly Meat and Poultry Inspection filled its four positions. And, when that happened, Mr. Simonson said that the result would be that Operational funds would come down. He added that they had also plussed up \$70,000 in overtime in the Meat and Poultry Inspection area
- Nina Baucus expressed concern over the applications for meat inspection and whether or not the four new positions would be enough to cover them. Alicia Love said she was hovering around 22-25 requests for inspection but, that most of her Inspectors did not have five plants
- Dr. Tahnee Szymanski shared that in a recent communication from USDA there was an indication that the DOL might see a decrease in funding from them this year because of their budget at the Federal level. Mike Honeycutt added that a big factor with the DSA last year was fewer cattle to test, therefore less reimbursement as well
- Dr. Szymanski explained that testing and reimbursement of Veterinarians was their biggest expense, with an estimated cost per Brucellosis test running around \$10 when it's reimbursed to the VDL and the Veterinarian. Those costs being split by the DSA general fund and the Federal umbrella. If the Federal funding were cut, it would make it tighter on the general fund side of things

ANIMAL HEALTH & FOOD SAFETY DIVISION REPORTS

(5:22:12) 2:31 PM

(5:22:12) 2:31 PM - MEAT, MILK & EGG INSPECTION BUREAU

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

(5:22:26) 2:31 PM Request to Contract Ratings Officer for NW BTU Rating

Alicia Love requested that the BOL approve contracting a Ratings Officer to conduct the BTU rating for the Northwest region of the state:

- Ms. Love explained that currently, Rosemary Hickey was the Sanitation Ratings Officer (SRO) for the Northwest region but, she could not rate her own work, and so, Ms. Love was requesting to contract with an out-of-state SRO to do the BTU rating for the Northwest Region

MOTION/VOTE

(5:23:06) 2:32 PM

Greg Wichman moved to approve the hire of a contract Ratings Officer to conduct the NW BTU rating. Nina Baucus seconded. The motion passed.

(5:23:23) 2:32 PM Requests to Hire

(5:23:31) 2:32 PM Eastern Circuit Supervisor/Meat and Poultry Inspector (Glendive Area)

Alicia Love reported that she had two requests to hire for the BOL:

- Ms. Love reported that Samantha Novak, the Eastern Circuit Supervisor, left that position to take a position in the Brands Enforcement Division. She said that Ms. Novak had done great work in her region and was requesting to fill Ms. Novak's vacant Supervisor position
- Ms. Love explained that two new plants were pursuing State inspection in Glendive and in Sidney. So, with the Glendive plant being close to ready, she requested to hire this new Inspector position so they could be trained and ready when those two plants needed inspection services

MOTION/VOTE

(5:24:41) 2:33 PM

Lily Andersen moved to approve the hire of an Eastern Circuit Supervisor to replace Samantha Novak and fill a new Inspector position for the Glendive area in the Meat & Poultry Inspection Bureau. Alan Redfield seconded. The motion passed.

(5:25:05) 2:34 PM General Updates

Alicia Love gave general updates for the Meat, Milk & Egg Inspection area of the DOL:

- Ms. Love reported that she wanted to correct a couple items that had been discussed in the morning portion of the meeting
 - There were two plants pursuing USDA inspection, one was just waiting for USDA to hire a position and the other facility was set back by a fire that happened probably more than a year ago
 - Two establishments had formally applied to the Cooperative Interstate Shipping Program (CIS) Program and one plant had not yet formally applied, but was likely to be applying
- Ms. Love explained that the USDA was still trying to hire Meat Inspectors, and with all the Federal grant money, they're now trying to play catch-up from last year. But, with the Governor's giving a significant pay increase last year, and

with a couple more pay increases that had gone through the Legislative Session, she said that made the Montana's Inspector pay very competitive with USDA's and said that the last resignation, other than Sam Novak's, was back at the beginning of June

- Ms. Love reported that she had attended a National Conference in August, with travel paid for by the Conference and salary and per diem paid for by Meat & Poultry's budget.
- Ms. Love thanked the BOL for supporting her attendance at the conference as she was able to interact with folks talking about food allergens and how that was being communicated to the industry
- Other discussion at the conference, she said, were on leadership and management and attitudes regarding Food Service Workers, their knowledge and role in food safety

(5:59:21) 2:38 PM RECESS

(5:29:28) 2:49 PM RECONVENE

(5:29:34) 2:49 PM BOL Discussion with Dr. Tom Linfield

Gene Curry said he had seen a familiar face in the back of the room and requested that he step up and introduce himself to the BOL:

- Dr. Tom Linfield introduced himself, saying that he had been the State Veterinarian at one time and also the Area Veterinarian in Charge with USDA-APHIS, but that he had retired about four years earlier
- Mr. Linfield said he was in the area and wanted to make sure he was still accredited so he could do some official work. When he realized there was a BOL meeting ongoing, he said he thought he better sit in on some of the Animal Health portion of the meeting
- Dr. Tahnee Szymanski said that Dr. Linfield had done some contract work for the DOL during the formulation of the Brucellosis Action Plan. Dr. Linfield said that was before the DSA rule came into being and went into effect
- Gene Curry told Dr. Linfield that he was welcome at any time

ANIMAL HEALTH & FOOD SAFETY DIVISION REPORTS (Continued)

(5:31:15) 2:51 PM

(5:31:15) 2:51 PM - VETERINARY DIAGNOSTIC LABORATORY

Dr. Greg Juda, Director of the Montana Veterinary Diagnostic Lab introduced himself to the BOL

(5:31:40) 2:51 PM Update on NAHLN Grant Funding

Dr. Greg Juda reported on the status of NAHLN grant funding at the VDL:

- Dr. Juda said that the VDL just wrapped up the two-year Fiscal '21 grant cycle that ended on August 21, 2023. All \$187,200 of that grant was spent

- The final piece of equipment purchased for that NAHLN grant cycle was an extraction instrument for Molecular Diagnostics. The new extraction piece would be replacing an obsolete unit and set-up date was scheduled for September 26, 2023
- Dr. Juda reported that the current fiscal non-grant funding was a larger pool of \$287,000 for the approved financial plan the BOL was presented in May or June
 - With the start of the new fiscal year, Dr. Juda said that the VDL was beginning to draw down that larger pool of money with one of the first purchases being CWD test kits at a cost of \$46,000 and also some instrumentation
- The ARPA funding of \$1 million was set to become active on October 1, 2023, Dr. Juda said
 - The ARPA funding was spent quickly, utilizing those funds for some large-ticket items for the new Lab. The incinerator was one item with a massive price tag on it. Some biological safety cabinets, an ultra-low freezer, a vapor hydrogen peroxide generator, refrigerated evidence lockers for after-hours drop-off and a tissue trimming station were also items going into the new Lab that would be paid for utilizing the ARPA funds
- Dr. Juda said that he believed the permit from the present incinerator would transfer to the new incinerator but, the VDL would have to demonstrate they were incinerating equivalent items that they were currently approved for. He said the majority of the incinerated items were animal tissue or biological waste, but they could also incinerate packaging material the animals arrived in and he thought there was a small amount of formalin included in there as well. He added that there was a possibility that a formal permit would have to be filed for incinerating packaging materials if that did not transfer under the VDL's current permit
- The build permit for the new Lab was done, Dr. Juda said. In his last communication with the architect, he said they were still waiting for MSU to grant an easement for water and sewer lines and that the architect expected it would be done in about a week. Dr. Juda added that he would probably reach out to them again the next day and see if there was any substantial update regarding the new Lab
 - Mike Honeycutt said that he felt that receiving an easement written, filed and certified in a week seemed pretty aggressive and he expected that to take more than a week

(5:41:36) 3:01 PM Request for Approval to Adopt MAR 32-23-339

Dr. Greg Juda requested that the BOL approve adoption of the amended fees request for the tick borne-illness panels:

- Dr. Juda reported that there had been no public comments received during the comment period
- The public comment information was posted on the Secretary of State website, notification went out to Interested Parties, Montana Veterinarians that the DOL had electronic communication with, and Dr. Szymanski thought it also went out to MSU Extension

MOTION/VOTE

(5:42:53) 3:02 PM

Jake Feddes moved to approve adoption of MAR 32-23-339 that included changes to the Veterinary Diagnostic Laboratory fees schedule, adding tick-borne disease panels. Alan Redfield seconded. The motion passed.

(5:43:17) 3:03 PM MVDL Operational Update

Dr. Greg Juda presented an Operational Update for the VDL:

- Dr. Juda reported that there were three Association of Public Health Laboratories (APHL) Fellows that had been hired at the VDL
 - Janika Glover started on September 1, 2023 and would be primarily working in the Virology Lab Section. Her project would be validating the tick-borne diseases panels, which Dr. Juda said was a benefit to the VDL
 - Henriko Young was scheduled to start on October 2, 2023 and his project would be to test for Avian Influenza in the animal tissue that had been archived from Rabies test submissions
 - Michael Frankowitz was scheduled to start on January 2, 2024 and his project would be to validate the MALDI mass spectrophotometer
 - Dr. Juda said that the VDL was in the final phases of purchasing the \$251,000 instrument through State Procurement and that once the purchase order was submitted, it would take about six to eight weeks for the MALDI to arrive at the VDL from German, which he thought would be great timing for Michael's arrival
- Dr. Juda said that some substantial purchases had been made for both the Brucella and CWD test season with around \$70,000 in supplies being purchased for CWD and \$95,000 in Brucella supplies. Costs for Brucella kits had gone up around \$20 to \$30 per test kit to around \$870 per kit and the test kits for CWD went up about a dollar to \$14 or \$15 per kit
 - Dr. Juda reported that the VDL was breaking even, if not coming up slightly ahead, on the cost of CWD testing and said that the supplemental NAHLN grant money of \$46,00 to cover CWD test kits would definitely put the VDL in the black for that testing this year
- The Brucella season had already been ramping up, Dr. Juda said, with it being reported to him two-week's previously, that there had already been 10,000 submissions to the VDL
- The Clinical Pathology Chemistry Analyzers both still had issues, and Dr. Juda hoped that with one getting a preventative maintenance this week, that would keep it running. He said that the VDL, with the help of State Procurement, was able to get on a Government Purchasing Organization (GPO), which gave pretty good pricing on new instruments and supplies and he hoped to meet with Mike Honeycutt and Brian Simonson to try to figure out a funding mechanism and price forward regarding those pieces of equipment
- Nina Baucus, Dr. Juda and Dr. Szymanski had previously discussed the possibility of doing Brucella research and utilizing a program that would bring some additional revenue and provide additional opportunities for producers within the DSA, possibly with the Flying D

- Dr. Juda said that the Flying D were scheduled to begin their testing on October 2, 2023, which was when six weeks of mass bison herding went down. He said it was spectacular to watch. Dr. Szymanski said the testing of the 3500 animals took over six weeks because bison came through a lot slower than cattle did

(5:53:06) 3:12 PM ANIMAL HEALTH BUREAU

Dr. Tahnee Szymanski, State Veterinarian, introduced herself

(5:53:06) 3:12 PM Brucellosis Administrative Rule Proposed Change

Dr. Tahnee Szymanski explained that this particular rule, ARM 32.3.435-Testing Within the DSA, regarding management agreements, had been brought before the BOL a year previous but a line had accidentally been removed from the rule and she was requesting that the BOL approve adding that line back into the rule and republish it for public comment:

- Dr. Szymanski said that the line removed from the rule allowed testing that happened outside of the risk period to be good for an extended period of time. She said that if you're testing an animal outside the risk period during the fall, there was no chance of them being re-exposed

MOTION/VOTE

(5:54:38) 3:14 PM

Alan Redfield moved to approve publishing of changes to ARM 32.3.435 – Testing Within the DSA, as presented by Dr. Tahnee Szymanski. Greg Wichman seconded. The motion passed.

(5:54:57) 3:14 PM Garbage Feeding Administrative Rule Proposed Repeal

Dr. Tahnee Szymanski requested the BOL approve repealing a large section of administrative rule outlining the garbage feeding program in Montana because during the 2023 Legislative Session, HB84 made garbage feeding illegal in Montana:

- Mike Honeycutt said that the reason for the request was because the DOL would be removing administrative rules for something that didn't exist in State law anymore

MOTION/VOTE

(5:55:44) 3:14 PM

Greg Wichman moved to approve for publishing, the repeal of ARM 32.6.201, ARM 32.6.203 – 32.6.206, and ARM 32.6.206, regarding garbage feeding in Montana, as presented by Dr. Tahnee Szymanski. Jake Feddes seconded. The motion passed.

(5:56:05) 3:15 PM Animal Health Fees Administrative Rule Proposed Change

Dr. Tahnee Szymanski requested the BOL approve changes to ARM 32.2.401- Department of Livestock Animal Health Division Fees, removing references to garbage

feeding licenses and fees and adjusting some other costs, including the cost of alternative livestock tags, to reflect their current cost:

- As in the previous rule change, Dr. Szymanski said that HB84 made garbage feeding in Montana illegal, and so there was no need for references to garbage feeding licenses and permits

MOTION/VOTE

(5:57:16) 3:17 PM

Nina Baucus moved to approve for publishing, changes to ARM 32.2.401, Department of Livestock Animal Health Division Fees, as presented by Dr. Tahnee Szymanski. Alan Redfield seconded. The motion passed.

(5:57:41) 3:17 PM Request to Hire Bison Program Manager

Dr. Tahnee Szymanski requested that the BOL approve the hire of a Bison Program Manager and at the same time, she requested that if filling that position created another vacancy within Animal Health to backfill that position without having to come back for BOL approval:

- Dr. Szymanski said that Clay Vines had been a great Bison Manager since 2017, but that he moved over to the Brands Enforcement Division
- Alan Redfield said that Clay was on the West Yellowstone side of the Park and was about 6'6" tall

MOTION/VOTE

(5:58:34) 3:18 PM

Alan Redfield moved to approve the hire of a Bison Program Manager, and should that person create a vacancy in the Animal Health Division, to go right ahead and fill that position as well. Lily Andersen seconded. The motion passed.

(5:59:13) 3:19 PM Request to Purchase Bison Program Hydraulic Flatbed

Dr. Tahnee Szymanski said she was requesting the purchase of a hydraulic flatbed for the Bison Program. The narrative she presented had been put together by the two Bison Program employees:

- Dr. Szymanski pointed out that the flatbed was used on a weekly basis along with the hydraulic lift bed, to move bison carcasses. Throughout the years there had been a fair amount of welding done on the flatbed to keep it functional, but the pump was not functioning properly and there had been difficulty fueling the truck
- Dr. Szymanski reported that in the fall, there would be two new trucks coming for use in the Bison Program. One of them was ordered without a bed on it with the expectation that this requested flatbed would be mounted on it
- Funding for the flatbed, Dr. Szymanski said, would hopefully, come from the Federal Cooperative Agreement for a cost between \$9,000 to \$12,000. If the funding was not available, Dr. Szymanski said the purchase would not be made
- Dr. Szymanski said that she put trust in her Bison Program crew and that she trusted the Northern Bison Manager, the one who drove the truck and picked up carcasses, to have picked something sufficient for the job. She said she thought

the truck was used occasionally to pick up tribal hunt bison that ended up dying on private land

- Mike Honeycutt said that Mike Himmelspach had also used that same truck to assist the Forest Service in picking up gut piles to haul to the landfill

MOTION/VOTE

(6:01:34) 3:21 PM

Alan Redfield moved to approve the purchase of a hydraulic pickup dump bed for the Bison Program, contingent on the funding, as presented by Dr. Tahnee Szymanski. Jake Feddes seconded. The motion passed.

(6:04:01) 3:23 PM Request to Purchase Bison Enforcement Radios

Dr. Tahnee Szymanski said that she was requesting that at the same time the purchases for the already approved radios for the Brands Division District Investigators were made, that radios also be purchased for the Bison Enforcement people:

- Dr. Szymanski explained that having the radios would keep the Bison Enforcement people on par with the technology of other law enforcement within the Agency. During hazes, she felt it was important that Bison Enforcement staff stay in contact with local law enforcement and be able to communicate with partners participating in those exercises
- The funding for the radios had already been written into this year's Federal Cooperative Agreement, Dr. Szymanski said, and so the funding was in place for two vehicle and three handheld radios

MOTION/VOTE

(6:05:25) 3:25 PM

Nina Baucus moved to approve the purchase of five new radios for the Bison Program: two vehicle radios and 2-3 handheld radios, as presented by Dr. Tahnee Szymanski. Lily Andersen seconded. The motion passed.

(6:06:35) 3:26 PM Update on Recent Brucellosis Slaughter Trace/Update on Processes and Triggers if DSA Expansion is Ever Needed (BOL Requested Item)

Dr. Tahnee Szymanski said that she was going to turn over this presentation to Dr. Brad De Groot regarding a recent slaughter trace:

- Dr. Brad De Groot, Brucellosis Program Veterinarian, introduced himself and shared information he had utilized from the 2003 Brucellosis Uniform Methods and Rules publication to deal with a situation regarding a steer who had been grass-finished on a Montana ranch, was taken just across the Wyoming state line to a custom exempt slaughter plant for freezer beef and was found to be classified in the suspect category on a blood test for Brucellosis
- Dr. De Groot explained from the Brucellosis Uniform Methods and Rules publication, that the suspect category gave some indication that the animal had been exposed to Brucellosis, but the results were inconclusive. Suspect results however, meant that the DOL required the rancher to hold the animal for 60 days for retest but, with the animal already slaughtered, that wasn't possible

- The rancher did agree to a whole herd test, Dr. De Groot said, and at that point in time, he and his Veterinarian had tested the 19 remaining yearlings' mates to the steer as well as the four head that had been slaughtered at the same time as the suspect steer. He reported that so far, all of those had been negative
- The ranch had around 300 spring calving cows that they planned to preg check in October, Dr. DeGroot reported, and they planned to Brucellosis test those at that time. He also had a handful of fall calving cows that he intended to preg check in April and would Brucellosis test those at that time as well
- Dr. Szymanski said that all the testing was voluntary by the producer. Had they not voluntarily tested, Dr. De Groot said that the DOL would have most likely arranged with sales barns in the area to watch for cattle from that operation and to make sure those animals were tested when they came to market
- Mike Honeycutt said that because of the reservoir of Brucellosis in Montana, the proximity to the area of concern and the fact that there had been some wildlife surveillance there, caution said that the DOL should pursue this and he said he was thankful the producer voluntarily was willing to work with the DOL on it
- Nina Baucus said she had spoken with Lila Taylor, who lived down in the Busby area and she reported an uptick of elk herds, seeing 100-200 elk in a herd rather than just a few. Ms. Baucus wondered, with that many elk coming out of the Big Horns into that area, should the DOL work with FWP to do more testing
 - Mike Honeycutt said that the testing done a couple years ago on elk in the Ashland area came up negative for Brucellosis
 - Dr. Tahnee Szymanski said that a few years ago, FWP was able to capture and test elk in proximity to where Lila Taylor lived and all tests came out negative. She added though, that was not definitive evidence that there was no Brucellosis in the area and if elk were changing the way they use the landscape in the area it would certainly be a conversation that the DOL could go back to FWP with
- Dr. Szymanski said that Wyoming continued to get surveillance out of the Big Horn Mountains but had made the decision to take them out of their area of concern because they felt they had enough surveillance data on elk to say they didn't have a problem
- Mike Honeycutt said that for decades elk had been migrating from Yellowstone National Park and that as herds had grown in size, factors had been added that had proliferated their need to move and so elk populations had increased, not just in the Big Horn area. In talking to folks as far as the Baker, Miles City and Ismay areas, elk numbers had increased to the point that now there were people buying ranches in those areas as elk hunting habitat. He said elk populations were growing and moving out from where they once maintained most of their summer and winter habitat
 - Mr. Honeycutt said that was why Dr. De Groot has his mind all the time on where elk were moving and how they were changing how they used the landscape, asking the question, are elk now becoming resident on ranches versus migrating
- Jake Feddes questioned whether Wyoming took blood and tested it on every animal that came to slaughter. Mike Honeycutt said that would be something to

discuss with the other area of the Animal Division, but added that one of the learnings from it was that Montana probably under-surveys custom exempt slaughter for Brucellosis testing

- Dr. De Groot said that Wyoming had been able to convince a lot of the custom exempt and other plants, the value to their customer base of early detection of Brucellosis, and since the inception of the DSA in Wyoming, had actually made three detections through their small plant surveillance. He said some plants, when they got a positive, felt like they were ratting on their customer base but, actually, it was a public relations opportunity to point out that no one would be benefitted if a Brucellosis diagnosis was missed
- Wyoming cast as broad a net as possible for Brucellosis surveillance, Dr. De Groot said, and was wise in how they utilized their ranch land
- Dr. Szymanski said that Montana had substantially more custom exempt plants than Wyoming, and even though Brucellosis testing was done at State-Inspected plants, the conversation going on was how to bring custom exempt plants into some sort of voluntary testing program, possibly starting with a small number of plants in and around the DSA and growing it out from there
 - Mike Honeycutt said that there were close to 200 custom exempt plants across Montana and that there were three or four cattle slaughtered in those plants compared to one slaughtered in State-inspected plants. He said he didn't know what the appetite would be for some plant operators to participate in a program unless there was some sort of incentive to participate
 - Dr. Szymanski said that if those custom exempt plants would choose to participate and collect blood samples and if the blood was kept at room temperature or refrigerator temperature, it would be able to be stored she thought, about a week before the sample would start to degrade. Then, the DOL would need a mechanism in place to get those samples to the VDL in Bozeman
 - Mr. Honeycutt said this type of testing was another reason to keep the VDL in the DSA so samples could be driven to the VDL, because shipping those samples could be an issue in the cold time of year
- Dr. De Groot explained to the BOL that no source had been found by Wyoming of six Brucellosis-positive animals on the Wyoming/Colorado border, earlier in the year. Epidemiological evidence indicated "within herd transmission" and that was how such a large number of infected animals were found. He added that it had been discovered through custom exempt slaughter in Wyoming
- Nina Baucus questioned, if Brucellosis marked itself so easily that if a cow got Brucellosis from an elk, could it be determined which drainage that elk came out of. Dr. Szymanski said that for the link to work, a robust number of samples needed to be in place, and with a lot of Wyoming's wildlife surveillance being obtained through hunter harvest, that database of elk genotypes was not necessarily being built up sufficiently enough. Dr. De Groot added that the genome sequencing ability at the NVSL had been down over the last 18-20

months and so there was no prospect, at this point, of being able to trace back to a particular elk

- Mike Honeycutt said the reason the VDL got located in Bozeman was because back in the '50s, Montana State was looking at starting a Veterinary School and wanted to have a Veterinary Research Lab. But somewhere along the way, that Research Lab piece went away

(6:43:13) 4:03 PM Update on Processes and Triggers if DSA Expansion is Ever Needed (BOL Requested Item)

Dr. Tahnee Szymanski utilized a metric for her report, put together years ago, to help make a decision on whether or not to expand the DSA:

- Dr. Szymanski explained that the metric had been put together based upon conversations that arose following a particular live elk capture surveillance. The metric asked a series of questions for elk and for cattle, saying, if it was found here, then ask this, then, if it was found at this time of year, then ask that. She said that utilizing the metric didn't always result in a DSA boundary adjustment but helped everybody to be on the same page when those discussions arose
- Mike Honeycutt said that there had been two expansions of the DSA since he had been with the DOL into Beaverhead and Madison Counties. He said the metric help build the evidence to justify to the public why the DSA boundary was necessary and why surveillance should be done
- Dr. Tahnee Szymanski said that both grizzly and wolf populations were causing elk movements that weren't anticipated. She said that they could follow up with FWP before the next BOL meeting to see if they were seeing large variations in how elk were using the landscape, particularly in the areas of concern. Nina Baucus recommended that Dr. Szymanski also visit with Dalin Tidwell because they were flying and could see all kinds of things

(6:47:36) 4:07 PM Out-of-State Travel Request – United States SHIP General Conference

Dr. Tahnee Szymanski reported on her attendance at the recent US SHIP House of Delegates meeting held in Minnesota:

- Dr. Szymanski said that three Montana delegates were sent to this meeting, with William Kleinsasser being one of them, along with herself and Dr. Thomas Works
- The Swine Health Improvement Plan (SHIP) was modeled after the National Poultry Improvement Plan (NPIP) which, during the 2022-2023 outbreak of Avian Influenza, the industry leveraged the NPIP, and were able to maintain a lot of their international trade
 - With African Swine Fever (ASF) in the Western Hemisphere and not too far from the US borders, Dr. Szymanski said that the swine industry was acutely sensitive to what the impacts would be to international trade should a detection of ASF be found in the US. The SHIP program, now in its third year, was designed to certify swine herds as free of ASF and free of Classical Swine Fever and they were hoping that their current 60% participation would continue to grow

- Dr. Szymanski explained that the House of Delegates meeting that she just attended was to work on further refining some of the standards. Different working groups were the Traceability Working Group, the Biosecurity Working Group and the Surveillance Working Group, all who have their different resolutions and standard proposals that they bring forward. Dr. Szymanski said that everything overwhelmingly passed
 - Two main focuses of the meeting were the data generated from those enrolled in the program, the pieces of information put into the database and not only who was going to house that database but, how was the confidentiality of it protected. The second focus was how to get the Show Pig industry to participate with the Commercial Swine Production industry
- Dr. Szymanski said that the DOL would be applying for some funding through the SHIP Program for the next year to be used to continue to expand the participation of Montana's commercial producers in the program and do some outreach at Fairs to try and reach some of the show pig people
- Dr. Merry Michalski and Dr. Thomas Works had been working with the Montana Pork Producers Council, Dr. Szymanski reported, to try and get Montana swine producers certified to collect samples as part of the Certified Swine Sample Collector Program (CSSP)
- Very much on the radar of everyone that attended the SHIP meeting, Dr. Szymanski said, was how states could stay disease-free with the presence of so many feral hogs. There was a formation of a group of people who would make recommendations, taking into consideration the presence of feral swine on the landscape in areas where there was commercial swine production, because there was no answer to that problem yet but, people were aware of it

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

(6:54:26) 4:14 PM

Gene Curry reported that this was the opportunity for the public and producer organizations to address the BOL with any questions or comments they might have:

- Elly Brighton, Government Affairs Specialist for the Montana Stockgrowers Association introduced herself, saying that she had no questions for the BOL but commented that this was the first BOL meeting she had attended and that it was great and she learned a lot. She expressed appreciation for letting her attend the meeting

SET DATE FOR THE NEXT BOARD MEETING

(6:55:24) 4:15 PM

Gene Curry requested the BOL look at the calendar and set the date for the next BOL Meeting:

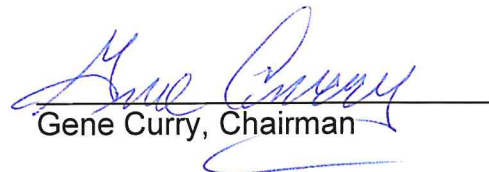
- Jake Feddes said that the entire month of October was not looking good for him. Mike Honeycutt said that October was never good and that the BOL typically held a meeting in November and then also scheduled one before Christmas, adding

that the December meeting date was worked around the organizational annual meetings, but before it was close enough to people's potential holiday plans

- Gene Curry said that he was gone the week after Thanksgiving
- Mike Honeycutt announced that the State Farmer's Union Convention in Great Falls was scheduled for October 27-28, 2023 and that Rachel Prevost had sent an email to him inviting BOL members to that. The Montana Farm Bureau Convention in Billings was scheduled for November 8-11, 2023. November 30-December 2, 2023 is the Montana Woolgrowers Convention in Billings. December 7-9, 2023 was scheduled the Montana Stockgrowers Convention in Billings, Mr. Honeycutt said, and the DOL would be a part of the Stockgrowers College on the Secure Beef Supply Plan. Dr. Tahnee Szymanski, Jay Bodner and Mike Honeycutt would be in Billings for that. Mike Honeycutt and Dr. Tahnee Szymanski had been asked to speak at the Montana Cattleman's Day on December 9, 2023 in Great Falls, and Mr. Honeycutt was hoping that Jay Bodner would attend that as well to answer any Brands questions
- Jake Feddes said that he could make November 15, 2023 work for a BOL meeting
- The BOL also scheduled the date of a BOL meeting in December
- The next BOL meeting was scheduled for Wednesday, November 15, 2023 and the final BOL meeting of the year was scheduled for Thursday, December 14, 2023

MEETING ADJOURNED

(7:02:20) 4:22 PM


Gene Curry, Chairman