

## Ravalli County Right to Farm and Ranch Board

Meeting Minutes for November 3<sup>rd</sup>, 2014 for a meeting held in the Hamilton House meeting room in Victor, Montana

### Call to Order

The meeting was called to order by Chairman Jay Meyer at 7:07 PM.

### Roll call

#### Members Present:

Jay Meyer (chair)

Joann Hosko

Dan Huls

Al Pernichele

Theresa Manzella

Brian Rouse

Jim Ellingson

Members Absent: Phil Tummarello, Howard Lyons (term expired), and Katrina Mendrey (ex-officio)

Also present: Colleen Meyer, Nancy Ballance, and Allen Bjergo

### Approval of the Minutes of October 6<sup>th</sup>, 2014; changes needed:

1. Dan Huls was not at the meeting. Wherever Dan's name is mentioned, the minutes need to be corrected to read "Dan Kerslake."
2. PLEASE NOTE: Katrina Mendrey (though not present at the meeting) sent the following request, via email following the meeting) for a change to the minutes:
  - a. "Regarding the minutes my concern is that I don't want these minutes to serve as interpretation of the label as that should be done by the user who should be reading it before use. I know the chances of this are unlikely but if it read something like the

following it still communicates what was discussed without opening up a can of worms regarding labeling, laws, the board's liability etc.:

1. b. Restrictions are listed on the label limiting movement and distribution of treated materials including hay and manures off the farm
  - i. The herbicide remains active in the manure and urine of animals that consume the treated pasturelands/hay
  - ii. The herbicide remains active if the treated plants are composted"
- b. That section of the minutes currently reads:
  1. b. Restrictions include:
    - i. Only for use on pasture lands
    - ii. Hay cut from treated pasturelands, within 18 months of application, cannot leave the farm
    - iii. Hay cut from treated pasturelands 18 months to 36 months after application, cannot leave the farm for 18 months after being cut.
    - iv. Animals are not to leave the farm for three days following the time they were pastured on the treated pasturelands or consumed hay from treated lands.
    - v. The herbicide remains active in the manure and urine of animals that consume the treated pasturelands/hay
    - vi. The herbicide remains active if the treated plants are composted
  - c. This request for this change to our October minutes will be discussed and voted upon at our next regularly scheduled meeting.
3. The minutes (at this point in time) were accepted pending the change noted in #1 above (regarding the mix-up of names between Dan Huls and Dan Kerlake).

#### Amendments to Agenda:

Nancy Ballance offered to update us on tribal water compact issues. Chairman Jay Meyer accepted the request and added it under new business.

#### Public Comment – Items Not on Agenda:

None.

**New Business:** Theresa Manzella has been appointed by the Ravalli County Board of County Commissioners to fill the seat on this board that has been vacated by Jimmy Canton.

## Old Business:

### 1. Ag Gag Law:

- a. Theresa clarified her reasoning for requesting a legislative change to MCA 81-30-103 (Unlawful acts).
  - i. Her suggestion is to completely eliminate the last sentence (which reads as follows: "(b) humane animal treatment shelter or its employees whose primary purpose is the bona fide control or humane care of animals or the enforcement of 45-8-211.")
  - ii. As written, this would include animal shelters which are not government agencies.
  - iii. It is a gray area as to who would define "bona fide."
- b. Theresa mentioned that Idaho's version of this law makes violation of it a felony. She thinks that may be why it is going to be challenged in court.
- c. Jay reiterated Phil's suggestion, from the last meeting, that changes made to the Ag Gag law should keep up with technology.
- d. Nancy asked if Theresa is interested in changing the wording of that last sentence. Theresa responded that she is only interested in the elimination of that sentence.
- e. Nancy said that the wording in section 2e of that law should cover new technologies.
  - i. Section 2e reads: "(e) enter an animal facility to take pictures by photograph, video camera, or other means with the intent to commit criminal defamation; or "
- f. Brian told of when PETA went to the Bucking Horse sale a couple of years back, took dogs out of vehicles that were parked there, and had them euthanized.
- g. An open discussion followed regarding the slaughter of horses.
- h. Brian told of a cattle slaughter facility that was recently retrofitted in preparation for the lifting of the national ban on horse slaughter. However, it could never be

used because the funding for federal inspectors was withheld thereby effectively stopping the restart of horse slaughtering in this country.

2. Land is Your Legacy:

- a. Dan Huls spoke with the people that do the program. They will tailor the presentation to our area and would like to do it in December before the 25<sup>th</sup> or in January.
- b. Jay suggested that December is better so that people can dialog with their family members (regarding the program) during their Christmas gatherings.
- c. Al asked what the cost is. Dan responded that
  - i. There are no costs involved. It is covered by Nationwide Insurance.
  - ii. There is a presentation that is then followed by workshops.
  - iii. Doing the presentation in December and the workshops in January may be the best plan.
  - iv. CHS Harvest States will pay for the venue.
- d. Brian asked if there is a group size limit. Dan said that "many" would be good for the presentation, but the attendance may need to be limited for the workshops.
- e. Allen Bjergo suggested that we require pre-registration for both the presentation and the workshops. That will help us determine the venue size and, people that pre-register are more likely to follow through and show up.
- f. Dan mentioned that we did a previous estate planning program at the Corvallis Grange Hall.
- g. Brian said that the First Interstate Building goes for around \$600 but it is pretty well booked up until Easter.
- h. An open discussion ensued regarding the fairground's mil levy that is on tomorrow's ballet and other general discussions regarding the fairground.
- i. Al Perniciele agreed with Dan that the presentation should be in December and the workshops in January.
- j. Dan said he will get it scheduled that way. The lady that will be doing the presentation will be coming from Minneapolis/Saint Paul.

### 3. Tribal Water Compact:

- a. Nancy Balance reported that there is a new group that has been formed.
  - i. FARM
    - 1. Stands for "Farmers and Ranchers of Montana"
    - 2. The group is very pro-compact.
    - 3. It is not registered with the state yet.
    - 4. They seem to have a lot of money.
    - 5. They have hired a public relations firm for a reported \$1 million.
    - 6. Denny Rehberg is part of the group.
- b. Nancy sees what may be some very serious constitutional problems with the compact.
  - i. It denies equal protection for all Montanans.
    - 1. The 23,000 non-tribal people on the reservation will no longer be able to pass on their water rights to anyone.
      - a. The rights will have to revert to the tribe.
      - b. The attorney general is working of fixing this issue.
    - 2. In order to have equal protection, do we then force the rest of Montana to follow the compact rules?
    - 3. The 23,000 are unrepresented on the tribal council.
  - ii. The Montana Constitution states that the administration of the water is the responsibility of the state.
  - iii. It doesn't state how disagreements will be solved.
  - iv. The claims that the Indians are demanding have already been settled in the past.
  - v. They still have not quantified the amount of water involved nor formulated the purpose.
- c. Nancy reported that
  - i. The tribe is demanding a final legislative agreement in 2015
  - ii. The compact is designed to give all of the water to the tribe.

- iii. The tribe will mete out the water to the irrigators.
  - iv. This compact will probably pass in 2015.
  - v. The legislators are being advised that the compact is just too complicated for them to understand it so they should just pass it and be done with it.
  - vi. The Montana Land and Water Alliance is another new group that is getting involved.
    - 1. They are in favor of a compact but not this one.
    - 2. They have put forth an alternative compact.
    - 3. They are registered with the state.
  - vii. The process is:
    - 1. The compact gets passed by the legislature.
    - 2. It then gets ratified by the feds.
    - 3. The final step is Montana Water Court approval.
  - viii. The negotiators are:
    - 1. The Bureau of Indian Affairs (who is supposed to be representing the irrigators)
    - 2. The State of Montana
    - 3. The tribe
4. Reappraisal of ag land:
- a. Nancy reported that she is expecting that the governor will ask for an increase in the evaluation of ag ground because the value of residential real estate is down.
  - b. There may be a new method of evaluating ag ground in the upcoming session.
5. Animal Emergency Plan:
- a. Jay reported that Linda Koffman is concerned that Montana does not have an animal emergency plan. Without a state plan, the Department of Homeland Security will go with depopulation.
  - b. Nancy thinks we need a state plan and this is good timing to work on one with Ebola on everyone's mind.

- c. Jay stated that our vets have not been instructed how to respond if there is some sort of outbreak.
- d. Dan suggested that we contact the state department of livestock and ask them if they have a protocol. Nancy said that she will do that.

**6. Western Montana Agricultural Research Station**

- a. Jay reported that there was a meeting held last Wednesday where Zach Miller gave an excellent presentation regarding the value and use of the station.
- b. Al said that the state has about \$500,000 earmarked for a building budget for the station. There is also a second position that may be filled if Zach can prove the worth.

**7. Non-use tax:**

- a. Jay questioned how we can get the Fish, Wildlife and Parks on board with this.
- b. Brian said it would probably just have to be on private land.
- c. Brian told of MSU requesting that he not spray for Canadian Thistle, on the Bell property, because of an endangered moth. He also said that rush skeleton weed is becoming a problem, but there is a bug to control it.

**8. Montana Rail Link**

- a. There was a discussion regarding the potential abandonment of the Bitterroot spur especially now that Pfau's is out of business.
- b. Could possibly become a Rails to Trails project.
  - i. It was asked if it could also be designated an agricultural trail.
  - ii. Dan said that the orchard tracts have 40 foot easements that need to be abandoned by the county but only after both property owners petition the county to do so. These could also be opened as ag trails if they are not abandoned.

**9. Navigable Waters:**

- a. Jay reported that he attended the county commissioner meetings on the subject and is happy with the letter the commissioners plan to send.

- b. Dan felt that the letter and resolution are okay but he would have liked to have seen a better last paragraph.
- c. Brain offered that the EPA and the Army Corps of Engineers are trying to take control of all of the water.
- d. Al thinks there is an exception and water on ag operations will not be affected.
- e. Jay reported how the NRCS incorporate the word "navigable" thereby causing him to be in violation and that caused him all kinds of trouble and cost him unnecessary money. Then, a new person got in charge and simply said Jay's project was exempt.
- f. Dan reported that this latest step takes control of all of the water in Montana.

The next regularly scheduled meeting will be Monday, December 1<sup>st</sup>, 2014 at 7 p.m. in the Hamilton House meeting room in Victor, Montana. It should be noted that that evening is also the evening of the annual Victor Museum chocolate fundraiser which starts at 4 p.m. on that day. All are encouraged to attend.

Adjournment:

The meeting was adjourned at 9:10 p.m. and no one complained.