

Subject Fish Kills

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## Overview

This bill would establish fish kill notification requirements, require the development of a fish kill protocol for state agencies to follow when responding to fish kills, and appropriate money for development of the protocol.

## Summary

| Section | Description |
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| 1 | <b>Reporting fish kills in public waters.</b> |
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**Subd. 1. Definition.** Defines “fish kill” as an incident resulting in the death of 100 or more fish within one-half square mile or less for purposes of new fish kill requirements in this and the next section.

**Subd. 2. Reporting requirement.** Requires a person who observes a fish kill to report the location to the Office of Emergency Response within the Department of Public Safety within four hours. Requires the Office of Emergency Response to alert the Department of Natural Resources (DNR), Department of Health (MDH), and the Pollution Control Agency (PCA) within one hour of being notified.

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| 2 | <b>Development of fish kill response protocol.</b> |
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**Subd. 1. Development of protocol.** Requires, by October 1, 2023, the MDH, in consultation with the DNR, PCA, Department of Agriculture, and the University of Minnesota’s Department of Fisheries, Wildlife, and Conservation Biology, to develop a protocol consisting of steps state agencies must take when responding to a fish kill and specifies what the protocol must address.

**Subd. 2. Review of protocol.** Requires MDH to submit the protocol to an administrative law judge (ALJ) for review and the parties that developed the protocol to separately submit comments to the ALJ addressing certain factors. Requires the ALJ to review the protocol and accompanying comments to determine whether the protocol adequately provides a scientifically sound basis for ascertaining the cause of a fish kill. Requires the ALJ to issue a report with findings, conclusions, and recommendations within 90 days of receiving the

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|         | <p>protocol and comments. Allows the ALJ to reject all or portions of the protocol. Requires the parties to submit a revised protocol within 45 days of receiving any rejections from the ALJ.</p> <p><b>Subd. 3. Implementation.</b> Requires state agencies to follow the protocol once it is approved by the ALJ.</p> <p><b>Subd. 4. Updating protocol.</b> Requires the parties to review and update the protocol every five years following the ALJ review process specified earlier in this section.</p> |
| 3       | <p><b>Appropriation.</b></p> <p>Provides an unspecified appropriation from the general fund to the University of Minnesota to develop the protocol required in section 2.</p>  |



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