

S.F. No. 68 – Reporting of Fish Kills Requirement and Protocol Development for State Response (A-1 Delete Everything Amendment)

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Section 1 [Reporting Fish Kills in Public Waters] requires a state or county staff person or official who learns of a fish kill in public waters to report the location of the fish kill to the Minnesota State Duty Officer within one hour. The Minnesota State Duty Officer, in turn, must alert certain state agencies within one hour, and the incident must be posted to the Environmental Quality Board (EQB) Monitor in its next scheduled posting.

The bill defines a fish kill as an incident resulting in the death of 25 or more fish within one linear mile of a flowing water or 25 or more fish within a square mile of non-flowing water.

Sec. 2 [Fish Kill Response Protocol]

Subd. 1 [Development of Protocol] by June 30, 2024, requires the commissioners of agriculture, health, and natural resources, and the commissioner of the Pollution Control Agency to develop a protocol for steps state agencies responding to a fish kill must take to ascertain the cause of the fish kill as well as to inform the public of potential hazards. The protocol is required to address certain enumerated issues.

Subd. 2 [Review of Protocol] requires the agencies that develop the protocol to post the draft protocol to their websites and to allow 60 days for public comment. The agencies are also required to hold at least one public meeting on the draft protocol. The agencies are required to consider the comments before posting the final protocol to their websites.

Subd. 3 [Implementation] requires affected state agencies to follow the protocol once finalized and to maintain data on each fish kill response documenting the extent to which the protocol was followed and any reasons why it was not. These reports must be posted to the EQB Monitor.

Subd. 4 [Updating Protocol] requires review and updating of the protocol every five years.

Sec. 3 [Recommendations to Prevent Fish Kills in the Driftless Area] by January 15, 2024, requires the commissioners of agriculture, health, and natural resources, and the commissioner of the Pollution Control Agency to make recommendations to the legislature for statutory and rules changes that, if implemented, would help prevent fish kills within the boundaries of the Department of Natural Resources Paleozoic Plateau ecological section.

Sec. 4 [Appropriation] appropriates a to be determined amount from the general fund to the Pollution Control Agency to develop the protocol required by this bill. Authorizes the commissioner of the Pollution Control Agency to transfer a portion of the money to other agencies to implement this section. Provides a to be determined base amount to the agencies to implement this section in the future.