

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FISH AND WILDLIFE

IN THE MATTER OF THE PROPOSED ADOPTION OF
RULES PRESCRIBING CONSTRUCTION AND OPERATION OF
QUARANTINE FACILITIES FOR FISH EGGS

STATEMENT OF NEED AND REASONABLENESS

June 30, 1992

The Legislative Commission to
Review Administrative Rules

NOV 18 1992



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INTRODUCTION

Recognizing potential conflicts between the need to accommodate the aquaculture industry's desire for diversity and the Department of Natural Resource's (DNR) mandate to protect wild fish stocks in Minnesota for the benefit of its citizens as prescribed by *Minnesota Statutes*, Section 97A.045, the Division of Fish and Wildlife has developed guidelines with input from the Department of Agriculture and a representative from the aquaculture advisory committee for the development and operation of quarantine facilities, *Minnesota Statutes*, Section 17.49, for fish egg importation. This input process has resulted in guidelines that the DNR proposes to adopt by rule.

The proposed quarantine rules prescribe design, operational procedures, and release protocols which are necessarily restrictive. The intent of these proposed rules is to minimize the risk to Minnesota fish stocks from importing fish eggs that may have been exposed to emergency or other certifiable diseases of concern. Deviation from these proposed rules cannot be endorsed by the DNR because the potential consequences represent too great a danger to Minnesota's public fishery resources.

The primary purpose of quarantine facility rules is to prevent the introduction and spread of certifiable fish diseases into Minnesota while still allowing the aquaculture industry an opportunity to import fish eggs with uncertain disease histories. If quarantine space is available, secondary uses may include raising fish for research and for maintaining

genetically manipulated fish stocks. Fish released from quarantine facilities must be processed for human consumption or remain in captivity at aquaculture facilities. If the intended use is for stocking into waters of the state, a quarantine facility can be used to establish disease free captive brood stock. This process allows sufficient disease screening of the imported stock at all life stages to certify that the stock does not harbor emergency or other certifiable diseases.

GENERAL PROVISIONS

Statutory authority

Minnesota Statutes, Section 17.496 authorizes the Commissioner of Natural Resources to adopt rules in consultation with the Commissioner of Agriculture and the aquaculture advisory committee, for the construction and operation of a quarantine facility for fish eggs.

Definitions

The definitions of certifiable disease, commissioner, containment facility, emergency disease, fish health inspector, quarantine facility, and standard facility are defined in Minnesota Statutes, Section 17.4982.

QUARANTINE REQUIREMENTS

General

General criteria for egg importation are provided by Minnesota Statutes, Section 17.4986, Subd. 2 and 3 and include:

1. No fertilized eggs may be imported if certifiable disease is detected in the source brood stock except as provided under Exemptions on page 4

of this document. This will prevent the introduction of disease into Minnesota fish stocks through vertical transmission (parent fish to egg)^{1,2}.

2. No importation of fertilized eggs will be allowed if sources can be found within Minnesota. The disease history of egg sources within Minnesota is known, therefore the risk of importing eggs from outside of Minnesota is unnecessary.
3. Only fertilized eggs may be imported into a quarantine facility. Fish eggs can be surface disinfected with iodophores to kill many kinds of bacterial and viral pathogens on the outside of eggs³. Live fish have a greater risk of harboring pathogens that cause disease. Live fish cannot be surface disinfected and may harbor pathogens which are in a carrier state and not easily detectable.

Mandatory quarantine

Quarantine of fish eggs is required under the following conditions except as noted in Exemptions on page 5 of this document:

1. Any imported eggs from an emergency disease enzootic area whose history free of certifiable disease. Disease may be an intermittent source or facility does not have a consecutive 3-year health event at a source

¹ Meyer, F.P., Warren, J.W. and Carey, T.G., eds., 1983, A Guide to Integrated Fish Health Management in the Great Lakes Basin, Great Lakes Fishery Commission, Ann Arbor, MI, 262 pp.

² Rohovec, J.S. and Fryer, J.L., 1990, Dissemination of Microbial Pathogens Through Introductions and Transfers of Finfish, 25 pp.

³ Nelson, R.C. et al, 1989, Introduction to Fish Health, U.S. Fish & Wildlife Service, LaCrosse, WI, p 91.

hatchery or from wild sources. For example, disease may be detectable in the present year class and then be not detectable for several year classes, only to be detected again in the future. Since the disease is enzootic to an area, fish stocks can become reinfected. A consecutive three to five year history free of disease is more credible than a one or two year history. Also, diseases infect differing life stages of fish and may not be detectable in less than one life cycle.

2. Any imported eggs from a non-emergency disease enzootic area whose source or facility does not have a minimum of a one year health history free of certifiable disease. The risk of developing an emergency disease within a non-emergency disease enzootic area is less than from within an emergency disease enzootic area. If an emergency disease breaks out in a non-emergency disease enzootic area, the regulatory agency in jurisdiction (Federal or State) will implement prompt eradication of the disease as a basic responsibility. If control measures are successful there should be no further source of infection within this area. With less than a one year history free of disease in this situation, there can be no assurance that the emergency disease has been eradicated. Because diseases manifest themselves at different stages of development, a disease history cannot be established in less than one life cycle.

Exemptions

It is believed that the infectious agents causing Enteric redmouth, whirling disease, and furunculosis are not transmitted vertically (from parent to egg) and that recommended surface treatments will kill these

infectious agents that may be on the outside of the egg. As a result, eggs with these diseases may be imported after proper treatment as provided by *Minnesota Statutes*, Section 17.4986, Subd. 2 and 3. Since bacterial kidney disease is endemic to Minnesota and the carrier state of this disease is a common affliction of both hatchery and wild stock salmonids, current control measures are to allow importation of eggs from infected brood stock only into areas where the disease has been previously introduced according to *Minnesota Statutes*, Section 17.4986, subd. 2(2).

CONSTRUCTION REQUIREMENTS

Siting

Because any accidental release of fish eggs, fish, contaminated equipment, or discharge water from a quarantine facility would have high risk of introducing emergency disease to Minnesota fish stocks, a quarantine facility must be located outside of a 100-year floodplain as defined in *Minnesota Statutes*, Section 103F.111. Building away from a 100-year flood plain eliminates not only the threat from flooding, but also unreliable remedial attempts at diking systems, effluent handling systems, and backup systems that potentially could succumb to flooding events or mechanical failure.

The quarantine facility must be physically separated from other fish raising facilities in the same watershed by not less than 5 miles in order to allow for sufficient buffer zone between facilities. In case of accidental release of emergency disease from the quarantine facility, the 5 mile buffer would allow for separation of water supplies and effluent

with decreased chances of other fish raising facilities contracting the disease and being subject to mandatory depopulation. Anything less than five miles would not allow sufficient response time to enact contingency plans in case of accidental release of emergency disease.

Effluent from a quarantine facility must not be discharged into or upstream of waters containing salmonids. Most of the emergency and other certifiable diseases target salmonids, however, coolwater fish can also be infected. Minnesota places high value on its unique and limited trout and salmon resources.

Water supply

Only enclosed ground water sources (spring or well) that are free of fish and fish pathogens are acceptable water supplies for a quarantine facility. Surface waters usually contain fish (which can harbor fish pathogens), therefore jeopardizing the disease free environment that must be maintained at a quarantine facility. The water supply must remain in a closed system up to each quarantine unit, and valves shall be strategically located within this system to prevent potential pathogen transfer among quarantine units through common water source plumbing.

Egg receiving area

The quarantine facility must have an egg receiving area that is isolated from the quarantine units with respect to equipment, supplies, and clothing to prevent contamination of the quarantine units during egg receiving

operations. Procedures are further described on pages 14 and 15 of this document.

Quarantine facility size

The quarantine facility must not consist of more than six quarantine units and an egg receiving area. This will promote efficient design, direct but secure access among quarantine units and egg receiving area, and will not overburden water supplies, core equipment, or effluent handling with widely fluctuating demand. The source amount of water that is available at the quarantine facility site will be the limiting factor in the number of quarantine units.

Quarantine units

Each quarantine unit must have its own fish tanks, supplies, feed, water supply lines, drainage lines, and laboratory clothing to prevent contamination of another quarantine unit (and fish within the unit). Procedures are further described on pages 14 and 15 of this document. A quarantine unit may not be designed to incubate and rear more than 100,000 eggs. From a practical standpoint, there are very few sources of groundwater within Minnesota capable of supporting quarantine units sized to rear over 100,000 fish up to sixteen months. If all eggs survived, at age sixteen months (maximum quarantine period) the resulting fish could be as large as 0.3 lb, requiring more than 2,000 gpm of source water just for one quarantine unit. A primary goal of a quarantine facility is to provide a controlled environment for rearing fish. As quarantine unit size (and the quarantine facility size) increase, there will be diminished control

and more chance of cross contamination because of the increased scale of operations. Smaller quarantine units have a greater chance of providing a disease free product. The statistical percentage increases for fish sampled in smaller quarantine units therefore reducing the chance of releasing fish with disease.

On-site lab space

Each quarantine unit must have a minimum of 16 square feet and 8 linear feet of counter space for pathological examination of fish. This work area shall be equipped with a sink, running water, adequate lighting, and electrical outlets. Extensive, on going, pathological examination of fish is necessary within each quarantine unit. Adequate work space which can be disinfected after use is mandatory to prevent possible cross contamination between quarantine units.

Disinfection stations

Each quarantine unit and egg receiving area must have separate disinfection stations which include disinfectant supplies, hand washes, foot baths, an emergency shower, and a locker room to facilitate protocols necessary at a quarantine facility. Procedures are further described on pages 14 and 15 of this document. Disinfection stations are necessary to prevent cross contamination between quarantine units.

Effluent treatment works

Effluent from all quarantine units and egg receiving areas must enter a common collector so that only one effluent sterilizing system has to be

monitored. All drain pipes leading into this collector must incorporate devices that prevent water from backflowing into quarantine units or egg receiving areas and potentially contaminating these areas. The effluent pipe leading out from the collector must incorporate devices that prevent water from outside the quarantine facility from backflowing into the collector and interfering with the disinfection system. The collector must incorporate a primary disinfection/sterilization system and an automatic backup system to insure uninterrupted treatment of effluent. Effluent must not serve as a source of potential contamination to the quarantine facility.

Back-up systems

A generator, installed alarms, and backups for all vital mechanical systems are necessary to protect the reliability of the facility and to insure the investment of clients.

Contingency plan

The contingency plan provides procedures and identifies resources that will be essential knowledge in the event that the quarantine facility fails and remedial actions have to be implemented.

Security

Security will be maintained in all quarantine facilities to exclude unauthorized personnel from entering. Minimum security measures will include fencing surrounding the grounds and locking devices at all gates and building entrances. Security procedures have to be implemented to

avoid cross-contamination of quarantine units, protect the investment of the clients, and prevent vandalism which could cause the release of pathogens.

QUARANTINE FACILITY LICENSING

Quarantine facility licensing

No facility will be licensed as a quarantine facility unless the commissioner determines that all standards for construction, personnel, and operations protocol as outlined in Quarantine Facility Rules part 0000.0400, 0000.0500, and 0000.0600. Inspections and licensing are mandatory so that the DNR can be sure that a quarantine facility is properly constructed and operated to minimize the risk to Minnesota's fishery resources.

Personnel qualifications

At least one employee must have two or more years of fish culture experience and, in addition, fish health training from an accredited academic or U.S. Fish and Wildlife Service program. Fish belonging to clients will be entrusted to the personnel at this facility for up to 16 months. In addition to being subjected to strict fish health protocols, these fish are entitled to good fish husbandry practices and good facilities management which relates directly to having well trained employees. It is essential that employees be able to recognize the onset of disease because any disease could potentially decimate the fish in a quarantine unit.

OPERATION OF QUARANTINE FACILITY

Egg receiving

The egg receiving area must undergo a complete disinfection before and after each egg delivery. This will insure that eggs received are not contaminated from previous egg deliveries and that the egg receiving area will not contaminate future deliveries of eggs. All eggs must be surface disinfected before transfer into a quarantine unit. All packing materials, excess fluids, and other shipping materials (ice, sponges, etc.) must be incinerated or chlorinated to prevent the potential spread of pathogens⁴.

All egg deliveries must be accompanied by a health inspection certificate for the parental stock. This inspection certificate serves as proof of past fish health history for this lot.

Transfer into quarantine

Eggs from the same lot may be transferred into more than one quarantine unit. If eggs from one lot are transferred into more than one quarantine unit, the aquatic life within each quarantine unit will remain in isolation and will be subject to independent inspection and reporting. Quarantine facility protocols among quarantine units cannot be relaxed for the sake of common stock. Any departure from normal protocol can lead to procedural mistakes and potential cross-contamination.

⁴ Horner, R.W. and Eshenroder, R.L.; 1991; Protocols to Minimize the Risk of Introducing Salmonid Disease Agents with Importation of Salmonid Fishes; Great Lakes Fishery Commission. p.33.

Quarantine period

All fish resulting from eggs received at a quarantine facility will remain quarantined for a minimum of 12 months to a maximum of 16 months from first feeding. This will allow sufficient time for screening diseases that manifest themselves in fish stocks from the fry through juvenile stages however, twelve to sixteen months may not be enough time to diagnose diseases that manifest themselves at the adult stage. Therefore fish released from a quarantine facility must remain available in captivity for fish health inspections unless processed for human consumption as described in Minnesota Quarantine Rules 0000.0900, Subp. 3.

Facility disinfection

Protocols for facility disinfection as described in Minnesota Quarantine Rules 0000.0600, Subp. 4. are accepted procedure by Fish Health Officials of the Great Lakes Fish Disease Control Committee⁵.

Effluent disinfection

Effluent treatment methods must be approved by the commissioner and must adhere to Minnesota Rules, part 7050. If chlorine disinfectant is used for effluent treatment, a measurable residual level of 1.0 ppm active chlorine must be maintained for 1 hour retention time. All emergency disease agents

⁵ Meyer, F.P., Warren, J.W. and Carey, T.G., eds., A Guide to Integrated Fish Health Management in the Great Lakes Basin, Great Lakes Fishery Commission, Ann Arbor, MI, 1983, 262 pp.

should be inactivated at the 1.0 ppm active chlorine concentration⁶.

Because the release of untreated effluent from a quarantine facility poses a high risk of introducing emergency disease to Minnesota fish stocks, a backup system that insures non-interrupted treatment of effluent must be incorporated. As proof of competent effluent treatment, the concentration of the disinfectant must be monitored by a recording-sensing device that is functional at all times.

Inspection and disposal of diseased fish

Daily mortalities must remain available for inspection for up to 24 hours as part of the fish health screening process. If certifiable disease is detected, a confirmatory test must be done to prove the disease exists. Upon confirmation of a disease, the commissioner may order all fish in the affected quarantine unit be destroyed, sold for human consumption, or otherwise disposed as listed in *Minnesota Statutes*, Section 17.4991, subd. 4. Timely action is imperative to minimize the chance of infecting other clients fish in adjacent quarantine units.

The disposal method for fish mortalities and other supplies must be approved by the commissioner. Dead fish and other materials from a quarantine facility can harbor and spread fish pathogens if they are not disposed of properly. It is suggested that a gas or oil fired incinerator

⁶ Meyer, F.P., Warren, J.W. and Carey, T.G., eds., *A Guide to Integrated Fish Health Management in the Great Lakes Basin*, Great Lakes Fishery Commission, Ann Arbor, MI, 1983, 262 pp.

be installed at the quarantine facility to properly dispose of these materials.

Disinfection required

A complete disinfection of the quarantine unit, as described in Minnesota Quarantine Rules 0000.0600, Subp. 4, is required after fish are released from quarantine or if the quarantine unit is depopulated. This practice readies the quarantine unit to receive the next lot of eggs into a pathogen free environment.

If the quarantine unit is depopulated, sentinel fish must be used for a 120 day exposure period and be subjected to a heat stress test to verify the effectiveness of the disinfection⁷. By using susceptible fish species and subjecting them to stress and immunosuppression, the commissioner is assuring the reliability of the disinfection process.

Personnel movement

Control of personnel movement is necessary to prevent contamination among egg receiving areas and quarantine units. When eggs are in the egg receiving areas, there will be no contact between personnel in the egg receiving area and the remainder of the quarantine facility. Transfer of disinfected eggs from the egg receiving area shall take place through a third person not in contact with the incoming eggs before they were

⁷ Horner, R.W. and Eshenroder, R.L.; Protocols to Minimize the Risk of Introducing Salmonid Disease Agents with Importation of Salmonid Fishes; 1991; Great Lakes Fishery Commission. p.33.

disinfected. Any contact between personnel compromises the disease free environment of the quarantine units.

Procedures for entering the quarantine units or the egg receiving area are through a disinfection station and include: put on protective clothing; use foot bath at entrance and disinfect boots with a brush; enter and go directly to sink and wash hands with disinfectant. Procedures for leaving the quarantine units or the egg receiving area are through a disinfection station and include: wash hands with disinfectant; go directly to foot bath and disinfect boots with brush; exit; remove protective clothing^{8,9}. All used outer clothing must be kept in disinfectant until laundered. These procedures are in place to prevent workers becoming a source of contamination.

RECORD KEEPING AND REPORTING

As part of the monitoring procedure necessary to insure that a quarantine facility remains a negligible risk to Minnesota's fishery resources, a daily log must be kept on mortality, transfers, feeding, approved chemical use, treatments, disinfectant levels in effluent, and personnel movement. All required reports must be submitted to the commissioner. Any signs of disease must be reported to the commissioner within 24 hours. Disease

⁸ Operating Procedures for the Alma Quarantine Facility, 1989, Ministry of Natural Resources, Ontario, Canada.

⁹ Guidelines for Normandale F.C.S. Quarantine Unit, 1991, Ministry of Natural Resources, Simcoe District, Ontario, Canada.

recognition is important and immediate actions are required. The daily log on mortalities must be submitted to the commissioner weekly. The log will be reviewed by qualified personnel to determine how and when mortalities are occurring and whether they affect the operation of the quarantine unit. The life stage of the fish will be considered when active decisions are made from the review of mortality logs. Any chemical treatment requires prior confirmatory diagnosis by the commissioner in order to effectively monitor a quarantine facility. Chemical treatment of fish before inspection can inhibit our ability to detect emergency disease agents.

INSPECTION

Inspection requirements

Because eggs brought into quarantine are at high risk for carrying pathogens, the resulting fish must be subjected to monthly screening and inspection for certifiable diseases by a fish health inspector who does not have a conflict of interest in the outcome of the inspection. Any non-governmental inspector must be associated with an independent fish health business and not a direct employee of a client whose fish are in quarantine. Fish health inspections prescribed in *Minnesota Statutes*, Section 17.4988, Subd.3, conducted by the commissioner are subject to a fee.

RELEASE FROM QUARANTINE

Final testing

The final inspection will include the use of a heat stress test as described in Minnesota Quarantine Rules 0000.0010, Subp. 10. This

inspection will occur after fish have been in quarantine and have been feeding for 12-16 months, which will allow sufficient time for screening diseases that manifest themselves in fish stocks from fry through juvenile stages of growth. The results of this test must be reviewed and approved by the commissioner before fish can be released from a quarantine facility.

Quarantine report

A completed quarantine report (on forms provided by the commissioner) must accompany each lot of fish to be released from quarantine as documentation that the quarantine process has been completed for that lot.

Requirements for fish release

Fish released from quarantine facilities must be processed for human consumption or remain in captivity at aquaculture facilities. A quarantine facility can be used to establish disease free captive broodstock whose progeny may be stocked into waters of the state. This process allows sufficient disease screening of the imported stock at all life stages to certify that the stock does not harbor emergency disease.

OTHER CONSIDERATIONS

Fiscal note

If the adoption of a rule will require the expenditure of public money by local public bodies, the adopting agency may be required to prepare a fiscal note as identified in *Minnesota Statutes*, Sections 14.11, Subd.1, and 3.982, giving an estimate of the total cost to all local public bodies. The rule governing quarantine facilities will not require the expenditure

of public money by local public bodies, thus no fiscal statement is required.

Agriculture land impacts

If the adoption of a rule will adversely affect agricultural land, the adopting agency is required to comply with state policy on the preservation of agricultural land according to *Minnesota Statutes*, Sections 14.11, Subd. 2 and 17.80-84, and is subject to certain review and notification procedures. The rule governing quarantine facilities will not affect agricultural land.

Small business considerations

When an agency proposes a new rule which may affect small business as prescribed in *Minnesota Statutes*, Section 14.115, the agency is required to consider several methods for reducing the potential impact. There are few existing private fish hatcheries or aquatic farms in Minnesota that could be designated as a quarantine facility under the siting and construction criteria as set forth in these rules. If an existing facility were located at an acceptable site, estimates for converting it to an approved quarantine facility would range from \$100,000 to \$1 million (depending upon the complexity of the facility). Estimates for new construction of a quarantine facility at an acceptable site would range from \$600,000 - \$4 million.

It may not be cost effective for private aquatic farms or fish hatcheries to contract space at a quarantine facility in order to import fish eggs.

Estimates to annually operate a quarantine facility could range from \$40,000 for a small facility to \$400,000 for a large, complex facility. More likely clients would be universities and resource agencies.

Small businesses cannot be granted leniency or exemption to fish egg importation criteria, construction requirements, operating standards, reporting requirements, and inspection requirements detailed in the proposed rule. Any relaxation of standards would increase the risk of introduction and spread of diseases to other private hatcheries and aquatic farms, state hatcheries, and Minnesota's wild fish stocks. If a serious disease were introduced, depopulation of fish stocks in affected facilities and public waters would be mandated at great public and private expense. Negative economic impacts would likely extend to businesses associated with the state's fishing and tourist industries.

Private fish hatcheries and fish farms are allowed to develop containment facilities as provided by *Minnesota Statutes*, Sections 17.4982 and 17.4986 which were recently adopted. Containment facilities have less stringent restrictions for importation of fish eggs than standard facilities and less stringent regulations than quarantine facilities. This provides the aquaculture industry more options to import fish eggs than existed in the past. The aquaculture industry may also purchase surplus game fish eggs from state hatcheries under the criteria of *Minnesota Statutes*, Section 17.4992 as an additional option.

**Department of
Natural Resources**

Proposed Permanent Rules

Relating to Quarantine Facilities for Fertilized Fish Eggs.

DUAL NOTICE - Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing and Notice of Hearing if 25 or More Requests for Hearing are Received.

Introduction. You are hereby notified that the Department of Natural Resources, Division of Fish and Wildlife, Section of Fisheries intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedures Act, Minnesota Statutes, sections 14.22 to 14.28. If, however, 25 or more persons request a hearing on these rules by December 11, 1992, a public hearing will be held on January 28, 1993. To find out whether these rules will be adopted without a public hearing or if the hearing will be held, you should contact Steven Hirsch at (612) 296-3325 between the end of the 30 day comment period and the scheduled hearing date.

Subject of Rule and Statutory Authority. The proposed rules relate to quarantine facilities for fertilized fish eggs. This chapter is adopted under authority granted in Minnesota Statutes, section 17.496. A copy of the proposed rule is published in the State Register and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on December 11, 1992 to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment and any change proposed.

Modifications. The proposed rule may be modified if the modifications are supported by data and views submitted to the agency or as a result of the rule hearing process if they do not result in a substantial change in the proposed rule as noticed. If you are potentially affected in any manner by the substance of the proposed rules, you are encouraged to participate in the rulemaking process.

Request for a Hearing. In addition to submitting comments, you may also request a hearing be held on these rules. Your request for a public hearing must be in writing and must be received by the agency by 4:30 p.m. on December 11, 1992. Your request for a public hearing must include your name, address and phone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Cancellation of Hearing. The hearing scheduled for January 28, 1993 will be cancelled if the agency does not receive requests from 25 or more persons that a hearing be held on these rules. If you requested a

public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Steven Hirsch at (612) 296-3325 after December 11, 1992 to find out whether the hearing will be held.

Address for Submissions. Comments or written requests for a public hearing should be submitted to:

Steven Hirsch
Fisheries Program Supervisor
Section of Fisheries
Box 12
500 Lafayette Road
St. Paul, MN 55155-4012.

Telephone - (612) 296-3325

Fax - (612) 297-4916

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on these rules, a hearing will be held pursuant to Minnesota Statutes, sections 14.14 to 14.20. The hearing will be held on January 28, 1993 at the Super 8 Motor Hotel, 2401 Prior Avenue, Roseville, Minnesota, beginning at 9:00 a.m. and will continue until all interested person have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the Administrative Law Judge. The Administrative Law Judge assigned to conduct the hearing is Judge Allan W. Klein. Judge Klein

can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, (612) 341-7609.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rules. You may also mail written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by Minnesota Statutes, section 14.14 to 14.20 and by Minnesota Rules, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness that describes the need for and reasonableness of each

provision of the proposed rule and includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, should a hearing be held, is now available from the agency and the Office of Administrative Hearings. To review or obtain a copy of the Statement from the agency, contact Steven Hirsch at the address listed above. The Statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

Small Business Considerations: There are few existing private hatcheries or aquatic farms in Minnesota that could be designated as a quarantine facility under the siting and construction criteria as set forth in these rules. If an existing facility were located at an acceptable site, estimates for converting it to an approved quarantine facility would range from \$100,000 to \$1 million (depending upon the complexity of the facility). Estimates for new construction of a quarantine facility at an acceptable site would range from \$600,000 to \$4 million.

It may not be cost effective for private aquatic farms or fish hatcheries to contract space at a quarantine facility in order to import fish eggs. Estimates to annually operate a quarantine facility could range from \$40,000 for a small facility to \$400,000 for a large, complex facility. More likely clients would be universities and resource agencies.

Small businesses cannot be granted leniency or exemption to fish egg importation criteria, construction requirements, operating standards,

reporting requirements, and inspection requirements detailed in the proposed rule. Any relaxation of standards would increase the risk of introduction and spread of diseases to other private hatcheries and aquatic farms, state hatcheries, and Minnesota's wild fish stocks. If a serious disease were introduced, depopulation of fish stocks in affected facilities and public waters would be mandated at great public and private expense. Negative economic impacts would likely extend to businesses associated with the state's fishing and tourist industries.

Private fish hatcheries and aquatic fish farms are allowed to develop containment facilities as provided by Minnesota Statutes, sections 17.4982 and 17.4986 which were recently adopted. Containment facilities have less stringent restrictions for importation of fish eggs than standard facilities. This provides the aquaculture industry more options to import fish eggs than existed in the past. The aquaculture industry may also purchase surplus game fish eggs from state hatcheries under the criteria of Minnesota Statutes, section 17.4992 as an additional option.

Expenditure of Public Money by Local Public Bodies: The rule governing facilities will not require the expenditure of public money by local public bodies, thus no fiscal note is required.

Other Notices. The rule governing facilities will not affect agricultural land.

Lobbyist Registration. Minnesota Statutes, Chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at First Floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, (612) 296-5148.

Adoption Procedure if No Hearing. If no hearing is required, upon adoption of the rule, the rule and supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. You may request to be notified of the date of the rule submission to the Attorney General or of the Attorney General's decision on the rule. If you wish to be so notified, you must submit the written request to Steven Hirsch at the address listed above.

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a Report on the proposed rule. You may request to be notified of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. You may request notification of the date on which the rules were adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at

the the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the Secretary of State.

Date: October 26, 1992

A handwritten signature in cursive script, appearing to read "Luci Botzek".

Luci Botzek

Assistant Commissioner