POLICY – Fish Health
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Montana Fish, Wildlife & Parks

MONTANA FISH, WILDLIFE AND PARKS

FISH HEALTH POLICY

December 2, 2003
(Revised June 23, 2004)

This document contains the Montana Fish, Wildlife and Parks policy on fish health management in Montana. This policy has been developed to aid fisheries managers, biologists, hatchery managers, fish culturists and fisheries administrators in implementing fish health programs to insure fish health, prevent disease and reduce the spread of fish pathogens in Montana. This policy has been written under the authority of Montana statutes 87-3-209 through 87-3-226 and ARM rules 12.7.501 through 12.7.507. All aspects of this policy fall with the guidelines and limitations of the statutes and ARM rules.

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Montana Fish, Wildlife and Parks

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I. Purpose

The purpose of this policy is to define all aspects of fish health management and fish disease control in Montana. Montana statutes and Administrative Rules of Montana (ARM Rules) provide the authority for developing fish disease control guidelines, and give Montana Fish, Wildlife and Parks (FWP) the responsibility to develop policies and procedures for fish health protection and disease control to protect Montana's fisheries from introduction and spread of pathogens. This policy defines actions that must be taken in specific situations, and suggest guidelines to follow in cases which do not specifically meet this policy.

Montana FWP requires adequate fish pathogen testing of all live fish and fish eggs prior to allowing fish or fish eggs to be transported into Montana from an out-of-state source or transplanted from one location within Montana to another location in Montana.

II. Scope

This policy deals with fish health and disease-related issues associated with fish importation and hatchery and wild fish stock transfers. It also identifies health and pathogen control requirements that need to be considered by fish hatchery managers and fisheries managers in the performance of hatchery and fisheries management projects.

III. Authority

Under Montana law (87-3-223) FWP is given the authority to develop rules and regulations to provide for disease control for the protection of Montana's fishery resources. Montana statutes 87-3-209 through 87-3-227 (Appendix 1), and the Administrative Rules of Montana, ARM 12.7.501 - 12.7.507 (Appendix 2) outline disease control requirements. This policy has been developed to provide specific requirements and procedures for implementing Montana's statutes and ARM rules.

FWP is responsible under the law for implementing the statutes that relate to fish health and disease control. Within the authority given to FWP to regulate health and disease issues, various levels of authority have been assigned within the agency. The FWP Commission, FWP Director, FWP Fisheries Division Administrator, FWP Fish Health Committee and FWP Fish Health Coordinator shall have authority to act as follows:

FWP Commission Authority:

The FWP Commission shall review and approve all ARM Rules regarding fish health management and disease control.

FWP Director Authority:

The FWP Director is responsible for approving the following:

- Import permit exemptions.
- Management plans developed for quarantined facilities.
- Removal of facility quarantines.

FWP Fisheries Division Administrator Authority:

The Fish Division Administrator is responsible for the following:

- Final approval of all recommendations of the FWP Fish Health Committee.
- Final approval of all wild fish transfers.

FWP Fish Health Committee Authority:

The FWP Fish Health Committee is responsible for the following:

- Review and make recommendations to the Fisheries Division Administrator on all issues brought before the Committee.
- Review all fish culture facility quarantines and disease control management plans and forward recommendations to the Fisheries Division Administrator.
- Review all wild fish transfer requests.
- Review all import permit requests involving unusual circumstances, which are presented by the FWP Fish Health Coordinator.

The FWP Fish Health Committee.

The Montana FWP Fish Health Committee was established to deal with fish health-related issues for all areas of fisheries management in Montana. It is an advisory committee, which makes recommendations directly to the FWP Fish Division Administrator. Committee deliberations and decisions are primarily based on fish health consequences of actions, but also incorporate all aspects of fisheries management concerns, including biological, political and overall "big picture" considerations. The committee deals with issues, which are primarily fish health or disease-related, and with issues, which affect Montana's fisheries resources, for which fish health is a secondary concern.

The committee is composed of the following:

*FWP Fish Health Coordinator (serves as Executive Secretary of the committee)
*FWP Fish Division Administrator
*FWP Fish Management Bureau Chief
*FWP Hatchery Bureau Chief
*FWP Whirling Disease Coordinator
*FWP Fish Hatchery Manager (rotating position, each manager serves 1-2 years)
*FWP Regional Fish Manager (rotating position, each manager serves 1-2 years)
*USFWS Director of the Bozeman Fish Health Center

*USFWS Pathologist at the Bozeman Fish Health Center
*Representative of commercial aquaculture in Montana

FWP Fish Health Coordinator Authority:

The FWP Fish Health Coordinator is responsible for the following:

- Review and act on all import permits. Has the authority to approve or deny import permit requests based on review of the request, unless unusual circumstances exist. Import permits which involve unusual circumstances may require FWP Fish Health Committee action. The Fish Health Coordinator shall determine which import permits require Fish Health Committee action and shall take such requests to the Fish Health Committee.
- Serve as Executive Secretary of the Fish Health Committee.
- Prepare Fish Health Committee agendas, schedule committee meetings and provide meeting minutes to all committee members.
- Shall review all wild fish transfer requests and prepare necessary background information for Fish Health Committee review.

IV. Jurisdiction

This policy applies to: 1) all hatchery-produced fish and fish eggs, including fish reared in state, federal or commercial hatchery facilities in Montana; 2) all live fish and fish eggs imported into Montana; and 3) the movement of any wild or feral fish within the state of Montana by state or federal government agency or private individual.

V. Monitoring Protocols

Fish health monitoring is the responsibility of the management and staff of each fish rearing facility. It is the responsibility of hatchery managers and owners to monitor and report fish disease problems to the FWP Fish Health Coordinator. Routine monitoring of state and private facilities will be coordinated by the FWP Fish Health Project. Routine monitoring and pathogen testing at federal facilities will be coordinated by the U.S. Fish and Wildlife Service (USFWS) Bozeman Fish Health Center (BFHC). BFHC is responsible for reporting disease problems and results of routine monitoring to the FWP Fish Health Project.

Routine monitoring of all fish culture facilities that sell or transfer live fish in Montana shall consist of at least one complete facility inspection per year. Inspections shall be conducted following protocols established in the American Fisheries Society Fish Health Section "BLUEBOOK" ,*Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens*, revised edition 2003 (or a more current version). "BLUEBOOK" protocols will be followed, including number of fish tested, collection and laboratory protocols and specific pathogen testing procedures.

Routine monitoring inspections must consist of complete facility inspections. A complete facility inspection must include representative fish from each lot of fish on a facility. "Lot certification" of individual lots or incomplete hatchery inspections do not constitute a hatchery "certification" inspection. However, a complete inspection may include one or more site inspections over the course of a year, as long as all lots of fish were tested during the year. This inspection must be completed each year prior to stocking fish from a facility. A "Lot" is defined as a group of fish of the same species of similar age sharing a common water supply.

Approved Pathologists:

Fish health inspections required to determine if facilities are pathogen-free may only be conducted by individuals certified by the American Fisheries Society as a Fish Health Inspector or a Fish Pathologist and approved by FWP to conduct fish health inspections, or individuals who meet the qualifications of the American Fisheries Society as a Fish Health Inspector or a Fish Pathologist and are approved by FWP. Only certifications conducted by individuals approved by the FWP Fish Health Coordinator or the FWP Fish Health Committee will be accepted by FWP for purposes of determining if a facility is pathogen-free. This requirement is for in-state fish culture facilities as well as potential out-of-state sources of fish that may be sent into Montana. This policy covers all phases of fish health inspections, including lethal sampling of fish and collection of non-lethal samples, including collection of ovarian fluid samples.

As specified in ARM 12.7.504 (Appendix 2), "inspectors or pathologists who own or have a financial interest in the hatchery or fish culture facility being inspected may not conduct the inspection for that facility. This does not preclude inspectors employed by state or federal agencies from conducting inspections for facilities operated by the employing agency."

A. State Fish Hatchery Monitoring

All Montana State fish hatcheries shall be inspected at least one time per year. In addition, routine monitoring is a primary responsibility of hatchery staff. Any unusual disease signs, health problems or unusual mortality shall be reported to the Fish Health Coordinator. The Fish Health Coordinator will schedule inspections with Hatchery Managers. Complete inspections may include sample collection at one or more times during the year.

B. Commercial Aquaculture Facilities

Commercial hatcheries or facilities that sell or transport live fish must obtain an annual fish health inspection before selling or transporting any fish from the facility. Even though licenses are issued in February of each year, the license holder may not move any fish from the facility until the facility has been inspected and found pathogen-free.

Cost of Inspections at Commercial Facilities:

Montana statute 87-3-225 specifies that the cost of inspections must be paid by the facility, which requests the inspection or by FWP when FWP orders the inspection. Since FWP requires annual inspections prior to allowing commercial facilities to sell live fish, FWP will pay the cost of annual inspections, including costs related to collection of health samples and laboratory analysis involved in the once per year inspection. FWP will not reimburse commercial hatchery owners for cost of fish killed for health sampling purposes. It is the responsibility of the hatchery owner to ensure enough fish are available for testing.

Costs associated with additional testing conducted at the request of a hatchery owner, including trouble shooting inspections or a second certification in a year, are the financial responsibility of the hatchery owner.

Types of Commercial Facilities:

1. **Commercial Fishing Pond Licenses**

These licenses are generally issued to "fish-for-fee" pond operators. These licenses do not authorize selling or transporting live fish. Annual inspections are not required for these ponds.

2. **Commercial Aquaculture Licenses**

Commercial aquaculture licenses are issued to individuals who operate commercial fish hatcheries and transport live fish to private ponds in Montana or out-of-state. These licenses are issued annually during February to license holders who request renewals. However, no licensed commercial aquaculture facility may sell fish until the facility has been inspected and certified pathogen-free. Complete facility inspections must be conducted annually prior to any fish being transported from the facility. Commercial hatcheries which sell processed fish must also be tested annually.

C. Federal Hatchery Monitoring

Federal fish hatcheries in Montana must have a complete fish pathogen inspection annually. Inspections at federal facilities are generally coordinated directly between the hatchery manager and the BFHC. Inspection reports must be submitted immediately upon completion to the FWP Fish Health Coordinator.

Hatchery staff at federal facilities and the BFHC are responsible for on-going monitoring of fish. Disease signs, health problems and unusual mortality should be reported to the BFHC. Occurrence of emergency, certifiable or reportable disease agents must be reported to the FWP Fish Health Coordinator immediately.

D. Monitoring Requirements During Quarantine

Specific guidelines must be followed when a hatchery is placed under quarantine because of presence of fish pathogens (see Section XIII, Quarantine Procedures). In order to regain disease-free status, a quarantined facility must first determine the source of the pathogen and remove it along with all infected fish. After the source of the infection has been removed, the facility must be inspected to insure that the pathogen is no longer present. The hatchery will remain under quarantine until three consecutive inspections have been conducted during which no pathogens are detected. The inspections must be at six -month intervals (minimum). During the quarantine, monitoring of daily mortalities is the responsibility of the hatchery manager or owner. Unusual mortality and disease signs must be reported to the FWP Fish Health Coordinator immediately.

A hatchery quarantine may only be removed by the FWP Director, and only after the source of the pathogen has been removed and three consecutive inspections at least six months apart have been conducted, during which no pathogens were found. The three required inspections may include (1) an inspection conducted immediately following removal of infected fish on specific lots of fish looking specifically for the pathogen of concern detected in the original inspection, (2) a limited inspection six months after the first inspection, which tests specifically for the same pathogen of concern, and (3) a complete hatchery lot-by-lot inspection 12 months following the first inspection (See Section XIII, Quarantines).

VI. Pathogens of Concern

The purpose of this section is to categorize, define and provide recommended actions for pathogens of concern in Montana. The Administrative Rules of Montana (ARM 12.7.502) lists "designated pathogens" which have been determined by FWP to pose a threat to Montana fisheries. Pathogens on that list, in addition to others listed in this policy, constitute pathogens of concern in Montana. Pathogens may be added or re-categorized as necessary to protect Montana fisheries from introduction or spread of disease and fish pathogens. This list may contain more pathogens than listed in Montana rules. As new pathogens of concern are identified, they will be added to this list. It is the policy of FWP to include pathogens of concern to this policy as they are identified. All pathogens listed here are pathogens of concern in Montana. They will be added to the ARM 12.7.502 periodically to ensure the ARM list is complete.

Exceptions: Montana law allows limited exceptions to the following list of pathogens for importation purposes. Exceptions can only apply to certain pathogens, including *Aeromonas salmonicida, Yersinia ruckeri* and *Myxobolus cerebralis,* when disinfected eggs are transported from sources where one of these pathogens is known to occur (see Appendix 1 and 2.) Exceptions for other pathogens may be made on a case-by-case basis. Exceptions may be granted only by the FWP Director based on recommendation from the FWP Fish Health Coordinator and the Fish Health Committee. Exceptions must be based on biological considerations of the pathogen and the threat to Montana's fisheries resources.

A. Emergency Pathogens – Class A

Definition: Pathogens that have the potential to cause severe losses, can not be controlled, and are not currently found in Montana.

Class A (Emergency) Pathogens include:

* **Viral hemorrhagic septicemia virus (VHS)**
* ***Oncorhynchus masou* virus (OMV)**
* **White sturgeon iridovirus (WSIV)**
* **Largemouth Bass Virus (LMBV)**
* **Spring Viremia of Carp (SVC)**
* ***Heterosporosis sp.***

Recommended Actions:

Notify FWP Fish Health Coordinator immediately. Facility will be placed under immediate quarantine and no fish will be allowed to leave the facility. Quarantine procedures will be initiated and the FWP Director will be advised. Following the quarantine hearing and confirmation by a second laboratory (if required), all fish on the station will be destroyed, removed from the facility and disposed of in a manner approved by FWP. The entire facility will be disinfected. The facility will remain under quarantine for a minimum of one year and three consecutive fish health inspections, all of which must be negative for all emergency pathogens.

B. Certifiable Pathogens – Class B

Definition: Pathogens that have the potential to cause high mortality and are difficult to control. These pathogens are known to occur or have historically occurred in Montana, but may be limited in their geographic or host distribution. Also included in this category are pathogens which may be exotic to Montana, but are generally considered less of a threat than Class A pathogens.

Class B (Certifiable) Pathogens Include:

- **Infections hematopoietic necrosis virus (IHNV)**
- **Infectious pancreatic necrosis virus (IPNV)**
- ***Renibacterium salmoninarum* (BKD) **See Policy Below**
- ***Myxobolus cerebralis* (WD, whirling disease)**
- ***Aeromonas salmonicida* (Furunculosis)**
- ***Yersinia ruckeri*, type 1 (common or Hagerman enteric redmouth))**
- **ESC (enteric septicemia of catifsh)**
- **PKX (PKD, proliferative kidney disease)**
- ***Ceratomyxa shasta***
- ***Bothriocephalus acheilognathi* (Asian tapeworm)**
- **Pallid sturgeon iridovirus**
- **Channel catfish virus (CCV)**
- **Erythrocytic inclusion body syndrome virus (EIBSV)**

Recommended Actions:

Notify FWP Fish Health Coordinator immediately. The facility will immediately be placed under quarantine and quarantine procedures initiated. Affected fish stocks should be isolated from unaffected stocks. Actions may include destruction of affected fish or destruction of all stocks at the facility and complete facility disinfection. Controlled transfer of recovered or unaffected fish at the facility may be allowed under a modified quarantine, but only with approval of the FWP Director.

Special Policy for Class B – Bacterial Pathogens

Fish found to be infected with *Renibacterium salmoninarum, Aeromonas salmonicida* or *Yersinia ruckeri,* or fish or eggs from a broodstock infected with any of these bacterial pathogens, may not be transported within Montana without special approval.

A fish culture facility at which one of these bacterial pathogens is detected shall immediately be placed under quarantine. The facility shall remain under quarantine until the quarantine is removed by the FWP Director. During the quarantine period, the Director may issue a "limited quarantine" which may allow stocking of unaffected fish from the facility, including fish from other lots, which test negative for the pathogen of concern. The Fish Health Committee shall review all requests to stock fish from a facility at which one of these pathogens has been detected. The FWP Fish Health Coordinator may authorize fish to be stocked from the facility only if all the following conditions are met:

1. A limited quarantine has been authorized in writing by the Director, which approves limited stocking of fish.

2. Stocking of the fish will not result in a serious disease threat to native or existing fisheries.
3. The Fish Health Committee recommends authorization of fish stocking.
4. The Regional Fisheries Manager in the region in which fish will be stocked approves of the stocking.

Fish infected with one of these pathogens may not be imported into Montana. However, since *Yersinia ruckeri* and *Aeromonas salmonicida* are not egg-transmitted pathogens, eggs from parent stock infected with *Yersinia ruckeri* or *Aeromonas salmonicida*, or a source at which one of these bacterial pathogens is detected, may be imported into Montana, but only if authorized by an exemption issued by the FWP Director. Gametes from fish that test negative for *R. salmoninarum,* but other fish at the same facility are found positive for *R. salmoninarum,* may be imported only under an exemption from the Director and only when a written plan to quarantine and test fish has been developed and approved by the FWP Fish Health Committee (See special case, below). NOTE: *R. salmoninarum* is an egg-transmitted pathogen.

***Renibacterium salmoninarum* (Special Case)**

Several laboratory techniques are currently being utilized to test for *R. salmoninarum* (Rs). It is the policy of Montana FWP to use fluorescent antibody technique (FAT) when testing fish from hatcheries or wild populations for routine fish health inspections for Rs. FAT is also recommended and preferred for fish health inspections on out-of-state stocks before they may be imported into Montana. However, testing by polymerase chain reaction (PCR) and enzyme-linked immunosorbent assay (ELISA) will also be considered when those techniques have been used to test fish stocks. A positive test by FAT, PCR, ELISA or culture is grounds for denying a stock importation into Montana. Montana law does not allow the importation of fish, which have tested positive for Rs or eggs from parent stock which has tested positive for Rs, and a request for importation of fish which have tested positive for Rs or eggs from parent stock, which has tested positive for Rs by ANY procedure must be denied. However, eggs may be imported from a facility at which Rs has been detected provided individual parents have been tested and found negative for Rs. In this case only eggs or sperm from Rs-negative fish may be considered for importation, and the gametes may be imported only to a quarantine facility with a written plan to test offspring, with approval of the FWP Fish Health Committee.

Montana FWP uses only FAT for Rs testing for routine inspections. However, other procedures, such as ELISA, may be used for specific reasons, including research or brood culling. Rs detected by any method shall result in the facility being listed as positive for Rs. An in-state fish culture facility at which fish test positive for Rs by any of these techniques will be immediately placed under quarantine (See Section XIII, Quarantine Procedures.) Fish may be stocked from an Rs-positive facility only with recommendation of the Fish Health Committee as recommended above for Class B bacterial pathogens and as outlined below.

Guidelines for stocking *R. salmoninarum*-positive fish.

Fish which test positive for Rs may be considered for transport within Montana under the following conditions:

1. Fish which test positive for Rs by ELISA may be considered for stocking if the water into which the fish will be stocked also has tested positive by ELISA and the ELISA values of the fish proposed for stocking are comparable to (or lower than) ELISA values in the receiving water.

2. Fish which test positive for Rs by ELISA, PCR or FAT may be considered for stocking into waters in which Rs has been detected in Salmonid fish by FAT.
3. Requests to stock fish, which have tested positive for Rs by any technique may be authorized if the release is determined to be in the best interest of the fishery into which the fish will be placed. Rs-positive fish may only be considered for transport by the FWP Fish Health Committee. Consideration will be given to the importance of the fish transfer and risk to existing or native fisheries and the potential threat of spreading fish pathogens. Consideration will also be given to the specific situation, and a management plan may be required, which may include use of erythromycin injections, isolation of stocks or other management considerations. Final decision on a transfer involving Rs-positive stock will be made by the Fisheries Division Administrator, with recommendation by the Fish Health Committee.
4. Fish which test negative for Rs, but which are at a fish culture facility at which another lot of fish has been found to be Rs-positive, may be stocked into lakes, reservoirs or private ponds in Montana with approval of the FWP Fish Health Committee and a limited quarantine has been issued for the facility by the Director.

Transfer of Wild Stocks Which Have Tested Positive for Class B bacterial pathogens

The FWP Fish Health Committee will review all proposals to transfer wild fish stocks within Montana, which have tested positive for *R. salmoninarum* or other Class B bacterial pathogens of concern. The Fish Health Committee will make a recommendation to the Fisheries Division Administrator as to whether to allow the transfer to take place. The Fish Division Administrator will make the final decision based on the Fish Health Committee's recommendation. Consideration will be given to the type of testing conducted to detect the bacterial pathogen and the transport considerations outlined above shall apply based on type of testing used.

C. Reportable Pathogens – Class C

Definition: Pathogens that can often be controlled by management practices and / or therapeutic agents. These pathogens may be enzootic but not of sufficient concern to prevent fish transfer.

Class C (Reportable) Pathogens Include:

- ***Flavobacterium psychrophilum* (Coldwater Disease, CWD)**
- ***Columnaris* disease**

Recommended Actions:

Report occurrence to the FWP Fish Health Coordinator immediately. Isolate affected stocks and retain on station until a management plan can be developed. Quarantine may be necessary depending on seriousness of the disease occurrence. Stocking restrictions, destruction of infected fish and facility disinfection may be considered.

D. Uncategorized Pathogens – Class D

Definition: Pathogens, other than those listed above, which have the potential to cause disease, including common bacteria, viruses and parasites. These pathogens include opportunistic organisms, which are not normally considered to be fish pathogens, and / or pathogens that had not previously been reported as pathogenic to fish. Also included in this category are organisms for which importance to fish health is unknown or for which adequate standardized sampling procedures have not been established.

Class D (Uncategorized) Pathogens Include:

* **Copepod Parasites**
* **Microsporidians (Loma, Nucleospora salmonis)**
* ***Streptococcus sp., Lactobacillus sp., Micrococcus sp. and Mycobacterium sp.*** **bacteria**

Recommended Actions:

Inform the FWP Fish Health Coordinator immediately upon discovery of any fish pathogen. Generally, routine fish health monitoring is conducted to detect specific organisms. Therefore, other pathogens, not listed above, will likely only be detected when mortality or disease signs are observed. It is recommended that the FWP Fish Health Coordinator be contacted anytime clinical disease or unusual mortality is observed at a hatchery.

VII. Importation of Live Fish and Gametes

With the exception of fish imported into Montana for use in home or office aquaria, no fish or fish gametes may be imported into Montana unless it has been authorized by an import permit issued by Montana FWP as specified by Montana statutes.

Import Permit Requirements

Except as specified in VII. (above), any person or agency desiring to import fish or fish gametes into Montana from an out-of-state source must submit an Import Permit Request to the Montana Fish Health Management project.

Import permit applications may be obtained from and submitted to:

Fish Health Lab
Montana Fish, Wildlife and Parks
4801 Giant Springs Road
Great Falls, MT 59405
(406) 452-6181

It is the responsibility of the person or agency that wishes to import the fish or fish gametes to file the import permit request form. The FWP Fish Health Coordinator will conduct an investigation of the source of fish, including a health history evaluation and aquatic nuisance species (ANS) review of the source of

fish. Routine import requests will be approved or denied by the Fish Health Coordinator. Special circumstances, which require further review will be taken to the FWP Fish Health Committee for evaluation. **In addition to fish health review, the appropriate FWP Regional Fish Manager will be contacted for approval before any import permit is issued.**

NOTE: Due to established testing protocols and the state of knowledge regarding pathogens of salmonid and non-salmonid fish, import requirements vary for salmonid and non-salmonid fish:

A. Salmonid Fish and Gametes

Importation of live salmonid fish into Montana is very restrictive. Importation of salmonid eggs is generally considered less of a risk since eggs can generally be safely disinfected to remove external bacteria and pathogens, which may be in the transport boxes. Montana law allows exemptions from some disease testing requirements for properly disinfected eggs (see exemptions below). In order for a source of live salmonid fish or eggs to be considered for shipment into Montana, the source must meet all of the following requirements.

1. Source of fish and / or gametes must be inspected at least annually and be certified pathogen-free. Inspections must be complete facility inspections that include testing of all lots of fish on the facility. The source must be tested for and found free of the following pathogens:

Pathogen	Minimum No. of Fish Tested	Inspection Interval
IHNV	60 fish per brood lot	Annual
IPNV	60 fish per lot	Annual
VHSV	60 fish per lot	Annual
OMV	60 fish per lot	Annual
R. salmoninarum	60 fish per lot (fish lots over 4" ave. size)	Annual
A. salmonicida	60 fish per facility	Annual
Yersinia ruckeri	60 fish per facility	Annual
M. cerebralis	60 fish per water supply **	Annual

** *M. cerebralis* testing must include testing of fish of the proper age to determine presence of the parasite. Fish reared in temperatures which have always been above 50F must be a minimum of six months of age for testing. If fish have been reared in water below 50F or fluctuating temperatures, which at times were below 50F, must be a minimum of 10 months of age for testing.

2. Disease History. The facility from which fish will be shipped to Montana must have a pathogen-free status for all Class A and Class B pathogens for the three previous years. The facility must be on a routine health testing program and receive at least annual inspections for all of the Class A and B pathogens. In addition, any previous history of any Class A or Class B pathogen at the facility must be reported to the Montana FWP Fish Health Coordinator.

3. Water Supply. The facility fish are shipped from must be on a pathogen-free water supply. The supply must be a closed, fish-free source.

4. Other Aquatic Pests. Facilities which ship fish or gametes to Montana must report any known aquatic nuisance species (ANS), including undesirable aquatic plants and animals, to the Montana FWP Fish Health Coordinator. Facilities in states where certain ANS are known to occur, may be asked to provide documentation that the ANS does not occur in the drainage in which the source facility is located. For example, no fish will be allowed into Montana from a drainage in which **Zebra mussel** (*Dreissena polymorpha)* is found. Zebra mussel is a major concern to FWP. All fish or gametes originating from states where zebra mussel has been found will be asked to provide a statement from a state official that zebra mussel is not found in the water source for the source facility.

Recommended guideline: Whenever possible fish or eggs shipped into Montana must be shipped in well or spring water. Avoid surface water sources whenever possible.

5. **Exemptions.** Montana law allows the FWP Director to issue exemptions from the disease regulations for importation in limited cases. Exemptions may be issued for certain egg imports and for live fish imports for such things as importation for research only when fish are sent directly to a research facility. Examples of exemptions include:

a. Eggs. Properly disinfected salmonid eggs may be imported from sources or parent stock which test positive for *Aeromonas salmonicida, Yersinia ruckeri* or *Myxobolus cerebralis* under certain conditions. In order for an exemption to be considered by FWP, the import request must meet the following conditions.

1. The individual requesting the importation must demonstrate need. The eggs must be considered valuable to meet a fisheries management objective or prove to be valuable to meet a private pond or commercial hatchery objective. Disease-free eggs of the same species that meet the same needs must not be available elsewhere.

2. Eggs must have been incubated from time of egg collection to date of shipping in water free of *Myxobolus cerebralis.*

3. Eggs must be disinfected in 100 mg/l iodine for a minimum of 10 minutes before shipping to Montana and again upon arrival in Montana, before being placed into incubators which discharge into any Montana water.

4. Eggs from a source positive for *M. cerebralis* must be disinfected in formalin at a minimum concentration of 1667 mg/l for 15 minutes before being placed into incubation units. NOTE: This requirement is in addition to the iodine (3.) This requirement is intended to prevent the introduction of *M. cerebralis* TAM stages.

5. All shipping containers must be burned or disinfected prior to disposal and no water from the shipment may be allowed to enter any water in Montana.

Recommended guideline: It is recommended that liquid chlorine be poured into shipping containers to disinfect any water present in the container prior to throwing out the container.

b. Exemptions for Research Fish. The FWP Director may issue an exemption from disease testing requirements and / or for the presence of certain fish pathogens for live fish or gametes if the importation is fish or gametes intended for research purposes, and the fish or gametes are shipped directly to a contained research facility. Requests for exemptions for research fish or gametes should be made directly to the FWP Fish Health Coordinator, who will investigate the proposal and prepare a recommendation and exemption request for the Director. Fish imported under this exemption may not leave the research facility alive.

c. Exemption from "Source Certification." The FWP Director, with the recommendation and approval of the FWP Fish Health Committee, may approve import of properly disinfected salmonid eggs from a facility at which all lots of fish are not routinely health tested if all the following conditions are met:

- No Class A pathogens are known to be present at the facility
- Individual parent stock have been tested and found negative for all Class A and B viral pathogens and *R. salmoninarum*, as well as any other egg-transmitted pathogens known to occur at the facility
- Eggs have been incubated in isolation from other stocks at the facility
- Eggs are disinfected upon arrival in Montana
- Eggs are incubated in quarantine
- Fish from the imported eggs are reared in quarantine until fish reach an average size of four inches (Quarantine must include a plan to discharge no water to any open water in Montana, unless the water is first disinfected.)
- Fish from the imported eggs are health tested and no Class A or Class B pathogens are detected after fish have attained a size of 4".
- Fish may be required to remain in quarantine for longer periods depending upon the situation. The quarantine plan must be a written plan and approved by the Montanan FWP Fish Health Committee.

B. Non-salmonid Fish and Gametes

An import permit is required for the importation of any live non-salmonid fish imported into Montana.

Exception. Non-salmonid fish or eggs imported for use in home or office aquariums are generally exempted from the import permit requirement under Montana State statute 87-3-210. However, Montana statute 87-5-712 gives the FWP Commission authority to (after public hearing) list by administrative rule species of wildlife, including fish that may be prohibited from importation. This statute gives authority to control importation of all fish of concern, even those imported for the commercial pet trade.

Recommended guideline: Health considerations for importation of live non-salmonid fish or gametes is generally handled on a case-by-case basis. No specific inspection protocols are recommended that cover all potential import considerations when dealing with non-salmonid fish. Therefore, the Department must evaluate potential risks associated with each importation and determine what disease inspection requirements, if any, are appropriate for each inspection. Evaluation of risk includes determining (1) the current health status of the source of fish, (2) disease history, (3) presence of known pathogens at the facility or in the drainage on which the facility is located, (4) presence of known aquatic nuisance species, specifically zebra mussel

status, in the facility and drainage, (5) water source for the source of fish, and (6) other factors specific to the proposed importation.

Montana ARM Rule (12.7.505) requires that an inspection be conducted on "fish from a source or drainage which is known to contain pathogens determined by the Department to pose a threat to existing fisheries". In this case, each lot for shipment to Montana and the source facility must be inspected and found free of the specific pathogen in question. In addition, 12.7.505 states that sources "where salmonids are also raised at the source, the source must be inspected and certified free of designated salmonid pathogens." No import permit will be issued unless these inspection requirements are met.

C. Dead Fish

Dead fish could potentially be imported into Montana for a variety of reasons. Montana statutes deal most directly with salmonid fish. However, since it is the intent of this policy to clarify as many specific situations as possible that deal with fish health, it shall be the policy of FWP to deal with importation of dead fish as follows:

a. Dead salmonid fish.

Montana statute 87-3-221 states that it is unlawful to bring live or dead salmonid fish or eggs into the state of Montana for any purpose unless the importations are shipped direct from the source to destination and a written certification that the source is free of all fish pathogens specified by the Department as posing a threat to existing fisheries accompanies the shipment. Statute 87-3-222 seems to remove the requirement for certification in some cases by stating that "nothing in 87-3-221 through 87-3-224 or 87-3-209 may restrict the importation and transportation of dead salmonid fish or eggs when the fish or eggs have been processed or prepared in a manner that kills those fish pathogens specified by the Department as posing a threat to fisheries." This statute also states that dead salmonid fish or eggs transported into Montana which are for processing or which were caught in the wild are exempt from the certification requirement. However, it is unlawful to "discard, place, or allow uncertified salmonid fish, parts, or eggs that have been transported into Montana to enter into surface waters other than sewage or disposal systems." It is this last statement that is the basis of FWP policy in dealing with dead salmonid fish.

No dead salmonid fish or parts of salmonid fish, which have been imported into Montana, may be placed into any open water. Salmonid fish or parts of fish may not be used for bait for any reason. Fish entrails, bones, heads and other parts must be disposed of in proper garbage facilities or incinerated.

b. Dead Salmonid Eggs

Montana statutes 87-3-221 and 87-3-222 (discussed above) also deal with eggs. 87-3-222 allows the importation of dead salmonid eggs only when they have been processed in a manner that kills fish pathogens. Salmonid eggs are commonly imported for use as bait. FWP policy allows use of salmonid eggs for bait only when they have been processed. FWP may prohibit use of eggs that have not been chemically or heat treated to destroy pathogens.

c. Dead Non-salmonid Fish or Eggs (Non-baitfish)

Dead non-salmonid fish or eggs (except baitfish) shall be treated the same as imported dead salmonid fish. Untreated dead non-salmonid fish or eggs shall not be allowed to be placed into any Montana waters.

d. Dead Non-salmonid Baitfish

Non-salmonid fish imported into Montana for use as bait, must be processed in a manner which kills fish pathogens before they may be used as bait. Most dead baitfish imported into Montana are not processed or preserved, except by freezing. While freezing alone is not adequate to kill all fish pathogens, at this time Montana FWP has not banned the import of frozen baitfish from out-of-state sources.

Recommended guideline: Montana FWP recommends that whenever possible, dead non-salmonid baitfish be obtained from Montana sources.

VIII. Interstate Transfers of Fish

Any live fish of any species imported into the State of Montana, except ornamental fish or fish imported for the aquarium trade, must be accompanied by an import permit issued by Montana FWP. This includes fish which originate from an out-of-state source and pass through Montana to another destination out-of-state, even if no fish are off-loaded in Montana. FWP will issue an import permit for *Interstate Transport Only* upon receipt of an import permit request to transport fish across Montana. This permit, and all import permits, will be issued by the FWP Fish Health Coordinator.

Title 50. Importation into Montana from another country.

In order to import fish into Montana from another country, all federal requirements listed in the Code of Federal Regulations, 50 CFR Part 16, (Title 50) must be followed. It is the policy of FWP to review all requests to import fish into Montana from another country and to insure the importation complies with and is approved by the appropriate federal officials prior to authorizing the importation. IMPORTANT NOTE: All imports into Montana from another country must meet the requirements of Title 50 AND the State of Montana.

IX. Intrastate Fish Transfers of Cultured Fish

A complete hatchery (source) inspection must be conducted before fish from any state, federal or private fish hatchery may be transferred from that facility. Inspections must be conducted at least on an annual basis and must include testing of all lots of fish present at the facility. *Note: Hatcheries which utilize open water supplies that contain fish are at serious risk of disease. Water supplies, which are known to harbor pathogens of concern, may require more thorough test requirements for hatcheries.*

In-State Transfer Permit Requirements:

With very few exceptions, it is unlawful to transport live fish in Montana without a permit. The following exceptions apply:

1. Cultured fish transported by Montana FWP or the USFWS in official government vehicles need not be accompanied by a transport permit. Official status of State and federal officials is considered authorization to transport fish. This includes fish transported from fish hatcheries or wild fish transfers, which have been approved by a valid wild fish transfer authorization by FWP. (See Wild Fish Transfers, Section X.)

2. Fish transported by holders of a Commercial Aquaculture License or fish purchased from a licensed Commercial Aquaculture facility may be transported without a permit. Licensed Commercial Aquaculture facilities may transport fish under the authority of their commercial license. Fish which have been legally sold to private individuals intending to stock fish into legally licensed private ponds may be transported by the purchaser of the fish. A copy of the sales receipt must accompany the shipment.

3. Fish legally caught and transported in areas where current FWP fishing regulations allow the transport of live fish. This is generally limited to the transport of live bait when using the bait in waters open to fishing with live bait, and to transport of live fish within the Eastern Fishing District. For specific areas where live fish may be transported, refer to the current edition of the "Montana Fishing Regulations."

Transfer of Live Fish to Fish Hatcheries

A. State Fish Hatcheries

It is the policy of FWP to NOT move live fish from the wild or from another hatchery onto a FWP hatchery. Live fish may be considered for movement onto a FWP hatchery only for emergency situations, and only after review by the Fish Health Committee and approval by the FWP Hatchery Bureau Chief. The following situations may be considered emergency situations.

1. Planned or unplanned disruption of water supply at a state hatchery, which requires removal of fish.
2. Construction at a state hatchery, which requires removal of fish in order to complete construction work.
3. Other situations, which are considered an emergency by the Fish Health Committee or the FWP Hatchery Bureau Chief.

Eggs: Eggs may be shipped from one hatchery to another ONLY after laboratory testing of the broodstock from which eggs were collected is completed and no pathogens found.

Commercial Fish Hatcheries

Recommended guideline: Due to the potential of introducing pathogens and disease to hatchery stocks, it is recommended that owners of commercial fish hatcheries avoid moving live fish from another facility onto their facility. Recommended guideline: Commercial hatcheries should utilize eggs whenever possible, rather than live fish. Commercial hatcheries, which do not have egg incubation capabilities or for whatever reason must obtain live fish, should only obtain live fish from certified disease-free sources.

X. Wild Fish Transfers

No wild salmonid fish may be collected or transported by the general public, except as allowed by Montana fishing regulations.

Wild salmonid fish may be transported by FWP in accordance with the FWP wild fish stocking policy (Appendix 3).

No wild salmonid fish may be transported from one body of water in Montana to another body of water in Montana until the proposed transfer has been reviewed as prescribed in the wild fish transfer policy. This review shall include a review of the fish health status of the fish proposed for movement. Following are minimum testing guidelines, which must be followed prior to moving wild salmonid fish:

The FWP Fish Health Committee will evaluate each proposed wild fish transfer on a case-by-case basis, and consideration will be given to unique populations of wild fish, especially when limited numbers of fish are present in the population. Transfers of wild fish often involve collecting fish from limited population size and/or fish which are, for a variety of reasons, considered too important or valuable to kill the required number for health testing purposes. These cases will be dealt with on a case-by-case basis. Exceptions will be considered by the FWP Fish Health Committee. Exceptions may be granted based on health testing results of other salmonid fish from the same body of water, past health history, importance of the stock, and other considerations. The fish health committee shall decide whether or not to grant an exemption. The decision of the committee shall result in a recommendation, which shall be submitted to the FWP Fisheries Division Administrator for approval.

Recommended guideline: *R. salmoninarum*, the bacteria responsible for bacterial kidney disease, is known to occur at low levels in many, if not all, wild salmonid populations in Montana. Since this bacteria is so widespread in Montana, it is very likely transferred with wild fish when they are moved from one place to another. Montana FWP is aware of this possibility, and it is considered when evaluating wild fish transfer requests. However, since it is already widespread in Montana, wild fish transfers of fish from waters, which are known to harbor *R. salmoninarum*, to fishless waters, or waters where the bacteria is already known to be present, may be approved by the FWP Fish Health Committee. In some cases it may be valuable to test fish with ELISA to determine level of infection in the fish in donor and receiving waters. The purpose of this guideline is to state that wild fish infected with low level *R. salmoninarum* may be moved from one location in Montana to another, if the bacteria is already present in the receiving water or no fish are present in the receiving water, with the approval of the FWP Fish Health Committee. This recommendation is necessary, given the urgency and importance of many wild fish transfer requests, which are initiated to preserve and protect sensitive species in Montana. In considering these requests, the Fish Health Committee must consider the importance of the requested transfer and evaluate risk to the resource.

Recommended guidelines:

Prior to moving fish under the wild fish transfer policy, the following minimum health testing must be conducted:

A. Live Salmonid Fish

Fish must be inspected for Class A and B pathogens. It is recommended that testing be conducted at the 5% level as described in BLUEBOOK whenever possible. However, since it will not always be possible to test fish at the 5% level, fewer fish may be considered by the FWP Fish Health Committee. Fish selected for this testing may include the species of fish proposed to be transferred or

other salmonid fish present in the water fish will be collected from. Health history of the water the fish will be stocked into will also be considered.

B. Live Salmonid Eggs

When eggs are collected from the wild, the brood source shall be tested at the BLUEBOOK 5% level or 100% of the fish contributing to the egg take. In addition, ovarian fluid shall be collected from either 100% of contributing females or 150 adult females shall be tested. If ovarian fluid is not available from 150 females, seminal fluid from males may be used to supplement the sample.

Recommended guidelines: Since it is not always possible to test all fish contributing to the egg take or to sacrifice fish, testing of other salmonids in the same water and non-lethal sampling of adults may be considered. Non-lethal sampling may consist of ovarian and seminal fluid testing for virus and ovarian fluid testing for *R. salmoninarum.*

C. Non-Salmonid Fish

Non-salmonid fish will be considered separately and a fish health inspection may not be required if, (1) no salmonids are present in the donor water, (2) no salmonids are present in the receiving water, and (3) no known pathogens or parasites of concern are present in the donor water.

XI. Laboratory Procedures for Detection of Pathogens

ARM 12.7.503 specifies that "certification inspections as required by 87-3-221, MCA, shall be made using microbiological techniques and procedures which are equivalent to or more sensitive than procedures prescribed by the Fish Health Section of the American Fisheries Society in the 2003 edition, or most current edition of "Fish Health Bluebook" Procedures for the Detection and Identification of Certain Fish Pathogens. Facility certifications will be conducted using the Bluebook standards only.

Laboratory procedures for the detection of fish pathogens are becoming more and more sensitive. Procedures, such as ELISA and PCR, are increasingly being utilized for specific management objectives and survey of wild fish populations in Montana and other states. While use of these procedures is not required for most disease testing in Montana, fish which test positive for any pathogen by any accepted procedure will be considered positive and must be dealt with according to the terms of this policy.

XII. Disinfection Procedures

To avoid the introduction or spread of pathogens disinfection procedures should be followed. Iodine-based disinfectants, such as Betadine, Western Chemical P.V.P., or Argentine, are commonly used as disinfectants for eggs and equipment.

A. Egg Disinfection

Disinfection is necessary to control the spread of pathogens carried in, or on the surface of, eggs. Gametes should not be collected from clinically diseased fish. Eggs should be disinfected during water hardening and upon arrival at the incubation facility, prior to exposure to running water at the receiving facility.

For water hardening, the general procedure is to water harden eggs in water containing 75 mg/l iodine for a minimum of 30 minutes. The concentration and time may vary depending upon experience with a particular species of fish. NOTE: Iodine can be lethal to grayling eggs. It is not recommended to water harden grayling eggs in iodophor. It is the policy of Montana FWP to water harden eggs collected from wild spawning populations of salmonid fish** in iodophor. Iodophor water hardening should be conducted on eggs collected from hatchery-held broodstock, when possible. This procedure is recommended for non-

salmonid eggs, but not required. A small batch of eggs should be tested before subjecting large lots of eggs to iodophor.

**Grayling are especially sensitive to iodine. Grayling eggs should not be water hardened in iodophor. However, they must be disinfected in iodophor prior to being placed in hatchery incubators. It is recommended grayling eggs be disinfected 12-18 hours following fertilization.

Iodophor surface disinfection of all fish eggs is required before eggs may be placed into water at any state fish hatchery. All eggs must be disinfected before they are allowed to come in contact with hatchery water, rearing units, or equipment. Water in which eggs were shipped must be contained, disinfected with chlorine (5000 ppm) for 15 minutes and disposed of into a system that does not enter any surface water.

Surface disinfection of eggs is achieved through iodophor disinfection using 100 mg/l iodophor for 10 minutes. Water below 100 mg/l total alkalinity should be buffered by adding sodium bicarbonate (0.01%). The iodophor solution should be changed between lots of eggs or when the color begins to lighten. NOTE: It may be necessary to re-hydrate eggs prior to adding iodophor. This may be required if eggs had been shipped dry and shipping time was prolonged. In order to re-hydrate eggs, they should be placed into a water bath for 30-60 minutes before exposing them to iodophor.

Recommended guideline: When shipping eyed eggs between hatcheries, it is recommended that eggs be iodophor disinfected before shipping and upon arrival at the receiving facility.

B. Equipment Disinfection

General Disinfection Requirements: Separate equipment for field and hatchery use should be maintained. Equipment used in the field should never be used at the hatchery. All hatchery or field equipment, including nets, boots, rain gear, waders, egg sorters, utensils and anything that comes in contact with water in the field should be disinfected after each use. When working in the hatchery, separate equipment (brushes, nets, etc.) should be used for each lot of fish. When stocking fish, every effort must be made to avoid contact with the receiving water. Equipment that comes in contact with receiving water must be disinfected with chlorine. **Fish tempering is not recommended.** Policy for Montana state fish hatcheries when fish must be tempered or water must be pumped from the receiving water into the fish distribution tank, is that the tank **must** be disinfected prior to returning to the hatchery.

Recommended guideline: It is recommended that commercial hatcheries disinfect all vehicles that have had contact with receiving waters

Specific Disinfection Requirements: All equipment, tanks and vehicles which come in contact with the receiving water must be cleaned and disinfected with chlorine. The following steps are required:

Tanks exposed to stocking water: disinfect with chlorine and rinse thoroughly.

Transport vehicles: remove all mud, vegetation, etc. at stocking site.

Equipment: remove mud and disinfect with chlorine.

Personnel: wear protective clothing when moving fish; wash hands with disinfectant before returning to the hatchery.

Standard disinfectant: 200 ppm active chlorine for 10 minutes (minimum) Chlorine may be obtained through household bleach (sodium hypochlorite, 5.25% active chlorine) or calcium hypochlorite (HTH, 65% active chlorine). NOTE: Chlorine can be neutralized with sodium thiosulfate (2.2 lb sodium

thiosulfate / lb HTH, 1.5 grams sodium thiosulfate / liter water with 200 ppm chlorine, 5.6 grams sodium thiosulfate / gallon water with 200 ppm chlorine) before dumping water.

Tanks and equipment should be thoroughly rinsed in clean, uncontaminated water after disinfection.

Important Note: The recommended chlorine disinfection protocol is adequate to kill most fish pathogens. However, it is not strong enough to kill spores of *M. cerebralis*. 5000 ppm active chlorine for 15 minutes is required to destroy these spores. Therefore, stronger chlorine concentration may be required when working in known *M. cerebralis*-infected water. Also, it is essential to remove all mud and vegetation in order to remove spores and other pathogens that may be contained in it.

XIII. Quarantine Procedures

Montana statute 87-3-225 (1) gives FWP the authority to conduct fish health inspections at any fish hatchery or culture facility. If a Class A or Class B pathogen or other disease concern is detected at a fish culture facility,87-3-225 (2) gives FWP the authority to take appropriate action, including quarantine, destruction of infected fish or eggs, or disinfection of all or part of the facility. It is the policy of FWP, upon detection of a Class A or B pathogen at any fish culture facility, to immediately quarantine the facility. The quarantine will allow time for FWP to evaluate the severity of the infection. Further action will only be taken following an evaluation of the situation by the Fish Health Coordinator, Fish Health Committee and the owner/operator of the facility. During the quarantine period, the hatchery owner may request another fish health inspection in order to confirm the results of the initial inspection. However, during the quarantine period no fish will be allowed to leave the facility.

A. When a Quarantine is Required

A facility quarantine will be imposed immediately upon detection of Class A or Class B fish pathogens, either by confirmed diagnostic testing, or presumptive diagnostic testing which indicates presence of a pathogen or disease, or if clinical signs of a disease indicate presence of a specific pathogen or disease. This may include Class C and D pathogens as well.

A quarantine of a wild fish population may also be issued if a pathogen of concern or clinical disease is detected in the population. In the case of wild populations, the quarantine will be limited to a moratorium against transporting fish or eggs from the infected water and/or limited or restricted hatchery stocking operations in the infected water.

B. How to Initiate a Quarantine

Upon discovery of a Class A or Class B pathogen or presence of clinical sign of disease, the FWP Fish Health Coordinator shall immediately quarantine the facility. The Fish Health Coordinator will immediately inform the owner of the facility, the FWP Hatchery Bureau Chief, the FWP Fisheries Division Administrator and the FWP Regional Fisheries Manager in the region in which the facility is located.

If the pathogen detected is an emergency pathogen (Class A), the Fish Health Coordinator will inform members of the Pacific Northwest Fish Health Protection Committee and the Rocky Plain Fish Health Committee.

A meeting of the FWP Fish Health Committee will be called in order to evaluate the seriousness of the fish health threat and to develop an appropriate recommended plan of action. The owner of the facility will be requested to participate in this meeting. This meeting will meet the ARM requirement of 12.7.507. However, a more formal hearing, facilitated by the FWP Legal Division, may be held at the request of the owner of the facility. If a formal hearing is required, the Legal Division will be asked to coordinate the meeting to protect the legal rights of the individual involved and FWP.

C. Confirmation Inspection

The owner of a hatchery or facility, which has been placed under quarantine due to presence of a fish pathogen or disease, may request a second inspection in order to confirm results of the first inspection. The second inspection must be conducted by approved fish health inspectors, using approved techniques, as outlined in ARM rules (Appendix 2) and in this policy. The owner of the hatchery or facility is responsible for all costs associated with the second inspection. FWP may pay some of the costs involved with a second inspection if there is sufficient reason to question results of the first inspection. If results of the second inspection confirm results of the first inspection, the quarantine will remain in effect and a management plan will be developed to deal with the pathogen of concern. If results of the second inspection do not confirm results of the first inspection, the FWP Fish Health Committee shall meet to consider the two sets of results. A third inspection may be required by the Fish Health Committee. The third inspection may be conducted on duplicate samples collected during the second inspection or from new samples collected from the group of fish suspected to be infected. FWP shall pay for the third inspection. This inspection shall be conducted by a laboratory agreed to by FWP and the owner of the infected facility. One of the labs that conducted either of the first two inspections may conduct the third inspection, or another lab may be selected. Results of the third inspection shall be final.

D. Limited Quarantines

A limited quarantine may be imposed on a facility, which has been placed under quarantine due to presence of a Class A or Class B pathogen or other disease concern. A limited quarantine may only be imposed by the FWP Director, with recommendation by the Fish Health Committee. A limited quarantine is one option available to deal with a facility, which has been placed under quarantine. However, it may only be issued after recommendation by the Fish Health Committee, while a hatchery is under quarantine. It may not be imposed in place of a facility quarantine, but rather it may be used as a practical solution while a facility is under quarantine.

E. Destruction of Infected Stocks and/or Hatchery Disinfection

In order to protect Montana's fisheries from spread of pathogens or disease, the FWP Director may order fish that are found infected with a pathogen of concern to be destroyed and, depending on the pathogen involved and the seriousness of the threat to Montana's fisheries, the Director may order all fish at a facility to be destroyed and the facility disinfected to remove all pathogens. If a hatchery's water supply contains infected fish or otherwise harbors a Class A or Class B pathogen, and the pathogen can not be removed from the water supply, the Director may order all fish to be destroyed and the facility disinfected. The facility shall remain under quarantine. State or federal hatcheries with infected water supplies will remain under quarantine until the water supply can be cleaned or another pathogen-free water supply developed. In the case of a private commercial facility, no new license will be issued for the facility to operate as a commercial facility, unless a new pathogen-free water supply can be developed.

The owner of a facility is liable for all costs and expenses associated with the cleanup and disposition of infected fish. FWP may replace destroyed fish or eggs with eggs if FWP has surplus eggs available.

F. How to Remove a Quarantine

All three of the following criteria must be met before a quarantine may be removed from a facility:

1. All infected fish must be destroyed and / or removed from the facility.

2. The source of the infection must be identified and removed or determined to not be a threat to recontaminate the facility.

3. After removal of the source of infection and infected fish, three consecutive fish health inspections must be conducted. These inspections must be at no less than six month intervals. Results of all three inspections must be negative for pathogens of concern.

XIV. Import Restriction

Montana's importation of wildlife statutes (87-5-701 through 87-5-721 (Appendix 4) gives FWP the responsibility to oversee importation of all wildlife, including fish. Under authority of this statute, FWP may deny any proposed importation of fish, which it feels may pose a threat to Montana's fisheries. FWP may deny an import request even from a source that has been tested and found free of pathogens of concern, if FWP feels there is a potential threat to Montana's fisheries due to proximity of the facility to known pathogens or other aquatic pests.

In order for an out-of-state source of fish or eggs to be considered for importation into Montana, the source must have a disease-free history for at least the previous 12 months. An out-of-state source at which a certifiable (class B) pathogen has been detected may not be considered for importation into Montana for one year, during which time the facility must have been tested three times at least six months apart for pathogens and no class A or B pathogens were detected. A minimum of three consecutive inspections at approximately six-month intervals during the previous twelve month period, all of which were conducted according to requirements of this policy and all of which are negative for class A and B pathogens, must be conducted prior to considering an import request from that source. ***Any exception to this import restriction may only be approved by the FWP Fish Division Administrator with the recommendation of the FWP Fish Health Committee.(Revision no. 1, revised 06/23/04.)***

An out-of-state source at which a class A (emergency) pathogen had been detected at anytime during the previous three years may not be considered as a source of fish or eggs for importation into Montana ***without authorization by the FWP Fish Division Administrator and recommendation of the FWP Fish Health Committee (Revision no. 1, revised 06/23/04.)*** A facility at which a class A pathogen had been detected more than three years prior to the import request and which has been tested and no class A pathogens have been detected during annual inspections in the previous three consecutive inspections at least six months apart, may be considered as a source of fish for importation into Montana under the following conditions:

1. All fish infected with the class A pathogen were destroyed or moved from the facility.
2. The source of the pathogen was identified and removed.
3. The pathogen is not known to reside in the water supply of the facility.
4. A minimum of three consecutive inspections have been conducted in which no class A pathogens were detected.
5. The Fish Health Committee recommends importation from the source.

NOTE: Importation of fish eggs from sources at which *M. cerebralis, Aeromonas salmonicida* or *Yersinia ruckeri* have been detected may be allowed under this policy with an exemption authorized by the FWP Director.

Importation of non-salmonid fish into Montana requires annual review and case-by-case consideration when the fish are from a facility or stock in which any listed pathogen of concern is known to occur. All import requests for non-salmonid fish from a source or stock where pathogens of concern are found must be evaluated by the FWP Fish Health Coordinator and approved by the FWP Fish Division Administrator, regardless of the current health status of the non-salmonid fish proposed for import. In addition, Fish Health Committee review is recommended. (Revision No. 1, revised 06/23/04)

XV. Importation of Specific Aquatic Animal Species.

The importation of all aquatic animals is of concern, whether the importation is intentional or accidental. It is the policy of FWP to make every effort to prevent the accidental importation of unwanted aquatic organisms through thorough review of all importation requests. The importation of aquatic animal species may only be authorized if the importation meets the requirements of Montana's "Importation, Introduction and Transplantation of Wildlife Statutes, 87-3-701 through 87-3-721 (Appendix No. 4). These statutes must be followed regardless of the reason for an importation, including importation of aquatic animals for fish bait, pond stocking or other purposes. Among other requirements, Montana law requires that no aquatic animal may be imported unless a scientific review has determined that no threat of harm will result from the importation of the aquatic animal. This requirement may be met through an environmental assessment.

Specific FWP policy regarding the importation of aquatic animals include the following:

- **Aquarium (Pet Store) Trade and Commercial Importation**

  Fish or aquatic animals normally imported, raised, sold or distributed for the pet or aquarium trade or other commercial purpose may be exempt from Montana statutes under statute 87-5-703. However, the Fish, Wildlife and Parks Commission does have authority to control importation if scientific investigation demonstrates that an aquatic wildlife species may pose a substantial threat to native wildlife and plants or agricultural production (statute 87-5-712). It is the policy of FWP to review potential threats associated with aquatic animals, which may be imported for commercial purposes, when FWP is made aware of specific import threats associated with aquatic species.

- **Ornamental Fish (Koi and Goldfish)**

  Ornamental fish, including koi and goldfish, are generally purchased from pet shops, where aquarium fish are sold. However, since they are often placed into outdoor ponds or tanks, FWP is concerned that these fish may accidentally or intentionally get into Montana waters. FWP is currently considering how best to regulate these ponds. Guidelines will be developed, which will help protect Montana's fishery resources from negative impacts caused by these ponds.

  This policy will be revised upon completion of rules and policies to deal with this issue.

  NOTE: It is the intent of FWP to ensure that ornamental fish, including koi and goldfish, be held in secure ponds, with no chance of accidental release into any Montana water.

- **Grass Carp**

  Grass carp may not be imported into Montana for any purpose.

  NOTE: Montana FWP has conducted an environmental assessment, which indicated grass carp would have a negative impact on Montana's fishery resources.

- **Leeches**

As specified in ARM 12.7.540 – 12.7.542, leeches may be imported into Montana for use as bait only from sources approved by FWP. FWP will maintain a list of approved out-of-state leech dealers and will record all imports of leeches into Montana. These lists will be maintained in a database at the FWP Fish Health Laboratory in Great Falls. Leech importers must follow specific rules prior to bringing leeches into Montana. Leeches must be held for 48 hours after capture before shipping to Montana. They must be shipped in well water. Upon arrival in Montana, leeches must be placed in fresh water and shipping water must be disinfected in chlorine and discarded. No leeches may be imported from waters in which zebra mussel are known to occur.

XVI. Aquatic Nuisance Species (ANS)

ANS represent a serious risk to Montana fisheries and water resources, as well as the economy of Montana. Montana FWP, in cooperation with other state, tribal and federal agencies and private organizations, has developed a comprehensive statewide ANS management plan; The Montana Aquatic Nuisance Species (ANS) Management Plan, October 15, 2002. This plan has been approved by all contributing organizations, including FWP. It has been signed by the governor, and is Montana's policy for dealing with ANS. FWP is responsible for implementation of the plan. Montana's ANS Coordinator is a FWP employee, and ANS management is part of the FWP Fish Health Project.

It is the policy of Montana FWP to consider ANS in all fish imports and transfers, and to prevent the introduction or spread of ANS with fish stocking, importing or fisheries management activities in Montana.

Refer to the Montana ANS Management Plan for specific details of ANS policy.

- **Zebra Mussel**

Zebra mussel, *Dreissena polymorpha,* may not be imported into Montana for any reason.

XVII. Moratorium

A moratorium on general or specific fish movements may be imposed if a significant disease threat is perceived, which may threaten Montana's fishery resources. To protect the fishery resource of Montana, the moratorium will remain in effect until sufficient information is compiled. A moratorium may only be initiated and eliminated by the FWP Fish Division Administrator.

XVIII. Disease Treatment Policy

Only legally approved drugs and chemicals will be used to treat fish disease at state fish hatcheries. Legal treatments include those drugs and chemicals that have been registered for use by the U.S. Food and Drug Administration (FDA), or for which an approved investigational new animal drug (INAD) authorization has been obtained.

All drug and chemical use at state fish hatcheries will be approved either by the FWP Fish Health Coordinator or the FWP Fish Hatchery Bureau Chief. Use of drugs or chemicals will only be authorized after laboratory investigation or the health history of a facility indicates the need for a specific treatment. The FWP Fish Health Coordinator will be informed by the Hatchery Manager when a known or suspected

disease situation develops. The Fish Health Coordinator will make a diagnosis and recommend treatment. If the treatment requires use of a drug or chemical that requires an INAD, the Hatchery Manager will initiate the INAD paperwork and is responsible for filing all reports associated with the INAD chemical use. The FWP Fish Health Coordinator will oversee the INAD program, either directly or by supervising another individual to manage INAD paperwork.

XIX. Implementation Guidelines

The FWP Fish Health Coordinator and the Montana FWP Fish Health Committee will oversee and implement this policy. Decisions regarding the transfer, importation and stocking of fish in Montana will be made by FWP and the Fish Health Committee.

The requirements outlined in this policy will be followed by all FWP employees involved with fisheries management, fish culture or fish health in Montana. This policy will be applied equally to all fish culture facilities, including state, federal and private facilities. Importation and fish transfer requests will be dealt with equally under provisions of this policy, whether the request is made by state or federal agencies or private individuals.

This policy has been written to follow and help implement the statutes and ARM rules of Montana. Nothing in this policy shall allow import or transport of fish that is not allowed by state laws and regulations.

Specific items addressed either by state statutes or ARM rules, which are not addressed in this policy, are considered self-explanatory. It is the policy of FWP to implement all requirements of the statutes and ARM rules in addition to the requirements of this policy (See Appendix 1 and 2.)

XX. Policy Revision

This policy may be revised periodically as the need arises. The policy may only be revised by the Fish, Wildlife and Parks Fish Division Administrator with recommendation by the FWP Fish Health Committee.

List of Revisions:

Revision No.	Date of Revision	Policy Page	Purpose of Revision
1	06/23/04	25	**Non-salmonid fish from a source where a class A or B pathogen is known to occur may or may not pose a threat if imported. In some cases it is important to allow an import from a source with a class A or B pathogen in order to meet needs of specific recovery plans. For example, white and pallid sturgeon infected with, or from sources with, iridovirus may be requested for import to meet needs of recovery plans or to help save these species from extinction. The FWP Fish Health Committee will review such requests. No import may occur without FWP Fish Division Administrator approval.**

XXI. List of Appendices

Appendix No. 1	Montana Import and Disease Statutes (Statutes 87-3-209 - 87-3-227)
Appendix No. 2	Disease and Import Rules (ARM 12.7.501 - 12.7.507)
Appendix No. 3	FWP Wild Fish Transfer Policy
Appendix No. 4	Importation, Introduction and Transplantation of Wildlife (Statutes 87-3-701 - 721)

XXII. Approval

This policy was written, reviewed and approved by the following:

Jim Peterson — Date: 12/2/03
FWP Fish Health Coordinator

Beth MacConnell — Date: 12/4/03
Fish Pathologist

Gary Bertellotti — Date: 12/5/03
FWP Hatchery Bureau Chief

Montana Fish, Wildlife and Parks Fisheries Division Approval:

Chris Hunter — Date: 12/5/03
FWP Fisheries Division Administrator

APPENDIX NO. 1

Montana Import and Disease Statutes
(Statutes 87-3-209 – 87-3-227)

»87-3-209«. Intrastate movement of diseased fish or eggs unlawful.

»87-3-209«. Intrastate movement of diseased fish or eggs unlawful. It is unlawful to move live or dead salmonid fish or eggs from one in-state location to another when the fish or eggs are known to be infected with fish pathogens specified by the department as posing a threat to fisheries without written department approval.

History

History: En. Sec. 2, Ch. 376, L. 1989.

87-3-210. Permit required for importation of nonsalmonid fish or eggs.

87-3-210. Permit required for importation of nonsalmonid fish or eggs. Except when intended for use in home or office aquariums, importations of live nonsalmonid fish or eggs must be accompanied by a permit as described for salmonids in 87-3-221(2). The permit may require that the importation be inspected and approved by a department biologist prior to release or placement.

History

History: En. Sec. 4, Ch. 376, L. 1989.

87-3-211 through 87-3-220 reserved.

87-3-211 through 87-3-220 reserved.

87-3-221. Importation of salmonid fish or eggs unlawful -- exception -- certification -- permit.

87-3-221. Importation of salmonid fish or eggs unlawful -- exception -- certification -- permit. (1) It is unlawful to bring live or dead salmonid fish or eggs into the state of Montana for any purpose unless the importations are shipped direct from the source to destination and a written certification that the source is free of all fish pathogens specified by the department as posing a threat to existing fisheries accompanies the shipment. Certification must be made by a fish pathologist approved by the director. Certification of the source may be by inspection conducted annually or at such other times as the director may order.

(2) In addition to the certification required in subsection (1), all importations of live salmonid fish or eggs must be accompanied by a permit issued by the department. The department shall issue an import permit upon application to the department showing that the proposed importations present no substantial threat to the health of state fisheries. The department may condition the permit as necessary to protect fisheries from the introduction and spread of pathogens. Import permits apply to all importations from specified and certified species and sources by a permittee until January 31 of the year succeeding the year of issuance, when the permit expires. However, a separate permit is required for importations by a permittee for species or from sources unspecified in his other permit or permits. It is unlawful to import live salmonid fish or eggs into Montana without first obtaining the permit required by this subsection or to violate any conditions of the permit.

History

History: En. Sec. 1, Ch. 10, L. 1969; amd. Sec. 1, Ch. 37, L. 1974; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1701; amd. Sec. 2, Ch. 218, L. 1979; amd. Sec. 1, Ch. 376, L. 1989.

»87-3-222«. When certification unnecessary.

»87-3-222«. When certification unnecessary. (1) Nothing in 87-3-221 through 87-3-224 or 87-3-209 may restrict the importation and transportation of dead salmonid fish or eggs when the fish or eggs have been processed or prepared in a manner that kills those fish pathogens specified by the department as posing a threat to fisheries.

(2) Dead salmonid fish or eggs transported into Montana for processing or caught wild are exempt from the requirement for certification. However, it is unlawful to discard, place, or allow uncertified salmonid fish, parts, or eggs that have been transported into Montana to enter into surface waters other than sewage or disposal systems.

History

History: En. Sec. 2, Ch. 10, L. 1969; amd. Sec. 2, Ch. 37, L. 1974; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1702; amd. Sec. 3, Ch. 376, L. 1989.

87-3-223. Authorization for rules and personnel.

87-3-223. Authorization for rules and personnel. The department may promulgate such rules and regulations and may employ such personnel for testing and inspection as are necessary to carry out the provisions of 87-3-221 through 87-3-224.

History

History: En. Sec. 4, Ch. 10. L. 1969; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1704.

87-3-224. Enforcement.

87-3-224. Enforcement. The cargo and vehicle involved in a violation of 87-3-209 and 87-3-210 or 87-3-221 through 87-3-223 may, at the option of the department, either be denied the right to proceed further within the state of Montana or be quarantined until inspected by a designated biologist from the department. The department shall inform the department of transportation of the provisions regarding importation of salmonid and nonsalmonid fish and eggs so that the department of transportation may enforce the provisions at ports of entry and checking stations under 60-2-303.

History

History: En. Sec. 5, Ch. 10, L. 1969; amd. Sec. 3, Ch. 37, L. 1974; amd. Sec. 52, Ch. 9, L. 1977; R.C.M. 1947, 26-1705; amd. Sec. 5, Ch. 376, L. 1989; amd. Sec. 3, Ch. 512, L. 1991.

87-3-225. Inspection, quarantine, and disinfection of fish hatcheries and culture facilities.

87-3-225. Inspection, quarantine, and disinfection of fish hatcheries and culture facilities. (1) The department may conduct inspections for the presence of fish pathogens at any fish hatchery or

culture facility. Inspections may be conducted at the request of the hatchery or facility or by order of the department. The expense of inspection must be paid by the hatchery or facility requesting the inspection or by the department when the inspection is ordered by the department.

(2) When a fish hatchery or culture facility is found to be contaminated or to contain fish or eggs infected with specified fish pathogens, the department may order appropriate action, including quarantine, destruction of infected fish or eggs, or disinfection of all or part of the hatchery or facility. An order for destruction of infected fish or eggs may not be issued unless the infection is confirmed by two laboratories. The owner of the hatchery or facility is liable for all costs and expenses associated with the cleanup and the disposition of infected fish or eggs. When destruction of eggs is ordered at a private facility and the department has surplus eggs available, the department may replace the destroyed eggs without charge to the private facility.

87-3-226. Duty to report fish pathogens.

87-3-226. **Duty to report fish pathogens.** A person, including the owner or custodian of a fish hatchery or culture facility, who has reason to suspect the presence of fish pathogens specified by the department as posing a threat to existing fisheries shall immediately give notice to the department.

History

History: En. Sec. 7, Ch. 376, L. 1989.

87-3-227. Civil liability.

87-3-227. **Civil liability.** A person, firm, or corporation that violates any provision of this part pertaining to fish disease or rules or orders of the department is liable for damages caused by the violation. The damages may be recovered by the person, firm, or corporation damaged or by the department on behalf of the public in a civil action in a court of competent jurisdiction. All money collected by the department under this section must be deposited in the state special revenue fund as provided in 87-1-601(1).

History

History: En. Sec. 8, Ch. 376, L. 1989.

APPENDIX NO. 2

Disease and Import ARM Rules
(ARM 12.7.501 – 12.7.507)

Sub-Chapter 5

Importation of Fish

12.7.501 FISH DISEASE CERTIFICATION (IS HEREBY REPEALED)(History: Sec. 87-3-223 MCA; IMP, Sec. 87-3-221 MCA; Eff. 12/31/72; AMD, Eff. 8/5/74; AMD, 1982 MAR p. 1935, Eff. 10/29/82; AMD, 1988 MAR p. 1703, Eff. 7/29/88; REP, 1991 MAR p. 1275, Eff. 7/26/91.)

12.7.502 DESIGNATED PATHOGENS (1) The following salmonid pathogens are determined by the department to pose a threat to existing fisheries for purposes of Montana's fish health and importation laws, 87-3-209, MCA et seq:

(a) infectious hematopoietic necrosis virus (IHNV),
(b) infectious pancreatic necrosis virus (IPNV),
(c) viral hemorrhagic septicemia virus (VHSV),
(d) Oncorhynchus masou virus (OMV),
(e) Renibacterium salmoninarum (bacterial kidney disease),
(f) Aeromonas salmonicida (furunculosis),
(g) Yersinia ruckeri (type 1, common or Hagerman enteric redmouth disease),
(h) Myxobolus cerebralis (salmonid whirling disease).

(2) The following non-salmonid fish pathogens are determined by the department to pose a threat to existing fisheries for purposes of Montana's fish health and importation laws, 87-3-209, MCA et seq:

(a) Bothriocephalus acheilognathi (Asian tapeworm),
(b) White sturgeon virus (WSIV).

(3) The department may add pathogens to the lists in subsections (1) and (2) as necessary to protect Montana fisheries from introduction or spread of disease. (History: Sec. 87-3-223, MCA; IMP, Sec. 87-3-209, 87-3-210, 87-3-221, 87-3-222, 87-3-223, 87-3-224, 87-3-225, 87-3-226, 87-3-227, MCA; NEW, 1991 MAR p. 1275, Eff. 7/26/91.)

12.7.503 CERTIFICATION INSPECTION PROCEDURES (1) Disease free certification inspections as required by 87-3-221, MCA, shall be made using microbiological techniques and procedures which are equivalent to or more sensitive than procedures prescribed by the Fish Health Section of the American Fisheries Society in the "Fish Health Bluebook" Procedures for the Detection and Identification of Certain Fish Pathogens, Third Edition, 1985, Kevin Amos. A copy of this publication may be obtained from American Fisheries Society, 5410 Grosvenor Lane, Suite 110, Bethesda, Maryland 20814-2199. (History: Sec. 87-3-223, MCA; IMP, Sec. 87-3-209, 87-3-210, 87-3-221, 87-3-222, 87-3-223, 87-3-224, 87-3-225, 87-3-226, 87-3-227, MCA; NEW, 1991 MAR p. 1275, Eff. 7/26/91.)

12.7.504 APPROVED PATHOLOGISTS (1) Disease free certifications and inspections required by 87-3-221, MCA, shall be conducted by individuals certified by the American Fisheries Society as Fish Health Inspectors or Fish Pathologists. All inspectors and pathologists are subject to approval by the director of the department. If an inspection is conducted by an inspector or pathologist not approved by the director, the inspection will not be accepted and another inspection must be conducted by an inspector or pathologist approved by the director prior to approving the importation. Inspectors or pathologists who own or have a financial interest in the hatchery or fish culture facility being inspected may not conduct the inspection for that facility. This does not preclude inspectors employed by state or federal agencies from conducting inspections for facilities operated by the employing agency. (History: Sec. 87-3-223, MCA; IMP, Sec. 87-3-209, 87-3-210, 87-3-221, 87-3-222, 87-3-223, 87-3-224, 87-3-225, 87-3-226, 87-3-227, MCA; NEW, 1991 MAR p. 1275, Eff. 7/26/91.)

12.7.505 IMPORT PERMITS (1) Application for an import permit must be made by the owner of the destination facility. The application must be received at least 10 working days prior to the date of importation by the Fisheries Division of the Montana Department of Fish, Wildlife and Parks, Helena, Montana, 59620.

(2) A permit application shall specify species, number, size, source, destination, and date and method of shipment. If the destination is a private pond, the private pond license number shall also be included in the application. No import permit will be authorized to a private pond which is not licensed by the department for the species requested for importation. A copy of any required disease-free certifications shall be submitted with the permit application, along with other disease or inspection information concerning the shipment that may be needed to evaluate the disease risk of the importation. Requests for a permit to import salmonid fish will not be considered unless a disease certification or fish health inspection report of the source of the importation is included with the application.

(3) No import permit for salmonid fish shall be issued unless the source is certified free of pathogens determined by the department to pose a threat to existing fisheries. No import permit for salmonid eggs shall be issued unless the source is certified free of pathogens determined by the department to pose a threat to existing fisheries with the following exceptions. Salmonid eggs from a source known to contain Myxobolus cerebralis, causative agent of salmonid whirling disease,

Yersinia ruckeri (ERM disease agent); or Aeromonas salmonicida, causative agent of furunculosis, or from a source which is in a river drainage known to contain Myxobolus cerebralis, Yersinia ruckeri, or Aeromonas salmonicida may be imported into Montana under the following conditions provided they are free of all other infectious agents listed in this rule:

(a) eggs must be water hardened in an iodophor containing a minimum of 75 mg/l active iodine for a minimum of 30 minutes;

(b) eggs must have been incubated from time of egg collection to date of shipping in water free of Myzobolus cerebralis spores;

(c) eggs must be disinfected with an iodophor solution containing a minimum of 100 mg/l active iodine for a minimum of 10 minutes before shipping and again upon arrival at their destination in Montana prior to entering any Montana water;

(d) all shipping containers must be burned and no water from the shipment may be allowed to enter any water in Montana; and

(e) eggs imported under this exception may only be imported with the recommendation of the department and authorization by the director of the department.

(4) In addition to the certification requirements, no live salmonid fish may be imported into Montana which are exhibiting clinical sign of any disease or are known to be infected with any infectious disease agent that may pose threat of harm to native or existing fish populations in Montana.

(5) Import permit requests for live non-salmonid fish or eggs will be considered on a case-by-case basis. Disease certification inspections may be required prior to issuance of an import permit for live non-salmonid fish or eggs. Certification will be required under the following circumstances:

(a) fish from a source or drainage which is known to contain pathogens determined by the department to pose a threat to existing fisheries. The department may deny any request for a permit it considers a substantial disease risk.

(b) where salmonids are also raised at the source, the source must be inspected and certified free of designated salmonid pathogens.

(6) The import permit must be obtained prior to any importation and a copy of the import permit must accompany the importation.

(7) The department may deny any import permit request it determines may pose a threat of harm to existing fisheries, even if the source or importation has been inspected and no designated pathogens were detected. For example, import permits for fish or eggs from anadromous stocks or drainages to which anadromous fish have access may be denied regardless of disease certification status of the importation or source.

(8) The department may condition the permit in order to prevent or reduce risk, as, for example, requiring iodophor disinfection of eggs. (History: Sec. 87-3-223, MCA; IMP, Sec. 87-3-209, 87-3-210, 87-3-221, 87-3-222, 87-3-223, 87-3-224, 87-3-225, 87-3-226, 87-3-227, MCA; NEW, 1991 MAR p. 1275, Eff. 7/26/91.)

12.7.506 SHIPMENT INSPECTIONS (1) Import permittees shall agree prior to issuance of the permit and the permit shall specify that the department may inspect shipments of imported fish or eggs at mutually convenient times and locations after entering Montana and prior to release or placement.

(2) When shipments are inspected pursuant to permit conditions or illegal shipments are inspected pursuant to 87-3-224, MCA, the department may order the shipment removed from the state or destroyed in a manner that will not contaminate any waters of the state when:

(a) designated pathogens are found in the shipment;

(b) fish in the shipment have visible symptoms of infectious diseases,

(c) the shipment is not authorized by permit or proper certification does not accompany the shipment, or

(d) false information was provided on the permit application or required certifications. (History: Sec. 87-3-223, MCA; IMP, Sec. 87-3-209, 87-3-210, 87-3-221, 87-3-222, 87-3-223, 87-3-224, 87-3-225, 87-3-226, 87-3-227, MCA; NEW, 1991 MAR p. 1275, Eff. 7/26/91.)

12.7.507 HATCHERY OR CULTURE FACILITY INSPECTION, QUARANTINE, AND DISINFECTION (1) Upon inspection and discovery that a hatchery or facility is contaminated with designated fish pathogens, the facility or hatchery will be immediately quarantined and no fish will be allowed to leave the hatchery or facility. The quarantine shall allow time for additional testing, assessment of risk, and development of appropriate action.

(2) The owner of the facility may select the second lab required by section 87-3-225, MCA, to confirm the infection, but the pathologist conducting the inspection must be certified as provided in ARM 12.7.504. If the second lab is selected by the owner of the facility, the owner shall pay all costs and expenses for the inspection.

(3) During the quarantine and after confirmation by a second laboratory, the department shall conduct a hearing to determine the severity of the disease problem and develop recommendations for appropriate action. The facility owner may offer his own

recommendations at the hearing or submit his recommendations to the director along with the recommendations of the department. Based on the hearing, the department shall make recommendations to the director within 15 days of the hearing and the director shall order the action within 10 days of receiving the department's recommendations. As directed by 87-3-225, MCA, this action may include continued quarantine, destruction of infected fish or eggs, or disinfection of all or part of the hatchery or facility. (History: Sec. 87-3-223, MCA; IMP, Sec. 87-3-209, 87-3-210, 87-3-221, 87-3-222, 87-3-223, 87-3-224, 87-3-225, 87-3-226, 87-3-227, MCA; NEW, 1991 MAR p. 1275, Eff. 7/26/91.)

APPENDIX NO. 3
FWP Wild Fish Transfer Policy

WILD FISH TRANSFER POLICY

Introduction

This policy has been prepared to ensure that movement of wild fish by Montana Fish, Wildlife and Parks (FWP) personnel is compatible with overall stewardship of Montana's fishery resources. The procedures associated with this policy are intended to avoid disease transmission, prevent negative impacts on native species distribution and abundance, and protect genetic diversity of established fish populations. This policy, along with its standard operating procedures, will apply to all wild fish transfers (including eggs) within the State by FWP personnel.

Disease Testing

Oversight of FWP's disease testing procedures is the responsibility of the Fish Health Committee and the State Fish Health Biologist. For the purposes of this policy, disease testing will be divided into the categories of salmonid and non-salmonid fish species.

Salmonids-any movement will be preceded by testing as detailed in FWP fish health policy (i.e., sample sizes, no./freq. of tests, etc.) Any requests for exceptions or modifications to established fish health policy will be reviewed on a case-by-case basis by the Fish Health Committee.

Non-salmonids-the need for disease testing prior to movement of non-salmonids will be reviewed on a case-by-case basis. Some important factors will include:(1) any previous history of disease in donor water;(2) presence of salmonids in donor water;and(3) presence of salmonids in receiving water.

Genetic Diversity

Proposed wild fish transfers will be evaluated in terms of potential impacts to genetic integrity of existing fish populations. Emphasis will be placed on protecting species of special concern, threatened and endangered species, and native species in general. In instances where genetic testing is required before transfer, such testing should be combined with health testing to minimize collection needs.

Fish Management

Wild fish transfers should be compatible with existing fish management goals and objectives as specified in Division policy, management plans, and other guidelines. On-site and off-site impacts to species of special concern, threatened and endangered species, native species, and established sportfish populations will be considered prior to transfer.

Procedures

The attached form is to be completed and approved prior to any transfer of wild fish by fisheries management personnel. This form is intended to collect necessary information needed to evaluate wild fish transfer proposals in light of the previously described considerations. The form will also ensure that a centralized record of all wild fish transfers is maintained by FWP. A standard stocking ticket should also be prepared for all wild fish transfers and submitted to the Hatchery Bureau Chief.

Transfer proposals which require approval of Fisheries Division Headquarters (e.g. salmonid transfers, transfers crossing regional boundaries, etc.) should be submitted well in advance of the planned transfer date. Depending on type of transfer, disease testing may require 12 to 24 months to complete, as provided by FWP Fish Health Policy. It is the responsibility of applicants to plan accordingly and allow sufficient time for disease testing and review process.

Approved: Larry E. Peterman Date: 4-18-96

Larry Peterman, Administrator
Fisheries Division

MONTANA FISH, WILDLIFE AND PARKS
Fish Health Policy

APPENDIX NO. 4
Importation, Introduction and Transplantation
Of Wildlife
(Statutes 87-3-701 – 87-3-721)

»87-5-701«. Purpose.

»87-5-701«. **Purpose.** The legislature finds that in order to protect the native wildlife and plant species of Montana and to protect the agricultural production of Montana, it is necessary to provide for the control of the importation for introduction and the transplantation or introduction of wildlife in the state. Serious threats, known and unknown, to the well-being of native wildlife and plant species and to agricultural production, resulting from the introduction of wildlife into natural habitats, necessitate the prohibition of the importation for introduction and the transplantation or introduction of wildlife into natural habitats unless it can be shown that no harm will result from such transplantation or introduction. Any importation for introduction or the transplantation or introduction permitted must be conducted in a manner to assure that the introduced or transplanted population can be controlled if harm arises from unforeseen effects.

History

History: En. Sec. 2, Ch. 624, L. 1985.

87-5-702. Definitions.

87-5-702. Definitions. For purposes of this part, the following definitions apply:

(1) "Feral" means the appearance in a natural habitat of an animal that has escaped domestication and become wild.

(2) "Importation" means the act of bringing into the state any wildlife.

(3) "Introduction" means the release of or attempt to release, intentional or otherwise, wildlife from outside the state into natural habitats of the state.

(4) "Natural habitat" means any area in which the introduction of wildlife species may result in an uncontrolled, naturally reproducing population of that species becoming established.

(5) "Transplantation" means the release of or attempt to release, intentional or otherwise, wildlife from one place within the state into natural habitats in another part of the state.

(6) "Wildlife" means any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, or other wild animal or the egg or offspring thereof.

History

History: En. Sec. 3, Ch. 624, L. 1985.

87-5-703. Applicability to other provisions for importation or introduction of wildlife. Sections 87-5-701 through 87-5-704, »87-5-711«, 87-5-713 through 87-5-716, and 87-5-721 do not apply to the importation of wildlife for the commercial pet trade or to the provisions on importation or introduction of wildlife contained in the following laws:

(1) Title 80;
(2) 87-3-207 and 87-3-208;
(3) 87-3-221 through 87-3-224 or 87-3-209, 87-3-210, and 87-3-225 through 87-3-227;
(4) 87-4-422;
(5) 87-5-112;
(6) 87-5-205;
(7) 87-5-302; or
(8) Title 81, chapter 2.

History

History: En. Sec. 11, Ch. 624, L. 1985; amd. Sec. 13, Ch. 376, L. 1989.

87-5-704. Rulemaking.

87-5-704. Rulemaking. (1) The commission may adopt rules to implement 87-5-701, 87-5-702, and »87-5-711« through 87-5-715. In implementing 87-5-713, the commission may adopt rules approving species of wildlife that may be introduced by the department. In implementing 87-5-715, the commission may adopt rules to authorize the control or extermination by the department of introduced wildlife species.

(2) The department may adopt rules to implement 87-5-713 and 87-5-715. In implementing 87-5-713 and 87-5-715, the department may not adopt rules in the subject areas reserved to the commission in subsection (1).

History

History: En. Sec. 10, Ch. 624, L. 1985.

87-5-705 through 87-5-710 reserved.

87-5-705 through 87-5-710 reserved.

»87-5-711«. Control of importation for introduction and transplantation or introduction of wildlife.

»87-5-711«. Control of importation for introduction and transplantation or introduction of wildlife. (1) Except as otherwise provided, the importation for introduction or the transplantation or introduction of any wildlife is prohibited unless the commission determines, based upon scientific investigation and after public hearing, that a species of wildlife poses no threat of harm to native wildlife and plants or to agricultural production and that the transplantation or introduction of a species has significant public benefits.

(2) With regard to the transplantation or introduction of a fish species not previously legally transplanted to a specific water body within the state or not previously legally introduced to the state, the requirement for scientific investigation in subsection (1) may be satisfied only by completion of an environmental review conforming to the provisions of Title 75, chapter 1, part 2.

History

History: En. Sec. 4, Ch. 624, L. 1985; amd. Sec. 1, Ch. 501, L. 1991.