

NR 26



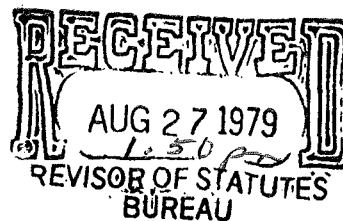
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

IN REPLY REFER TO: \_\_\_\_\_

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES ) ss



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Anthony S. Earl, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. F-40-79 was duly approved and adopted by this Department on June 28, 1979 for publication pursuant to sec. 227.02(1)(e), Stats. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at Pyare Square Building in the Village of Shorewood Hills, this 21<sup>st</sup> day of August, 1979.

*Anthony S. Earl*  
Anthony S. Earl, Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

REPEALING RULES

.....  
 IN THE MATTER of the repeal of .....  
 section NR 26.13(15)(b), Wisconsin .....  
 Administrative Code pertaining to .....  
 a fish refuge in Sturgeon Bay, ..... F-40-79  
 Door County, locally known as the .....  
 Baudhuin Yacht Harbor .....  
 .....

Analysis Prepared by Department of Natural Resources

The area in Sturgeon Bay, Door County, locally known as the Baudhuin Yacht Harbor was established as a fish refuge on January 1, 1977. The refuge was established pursuant to sec. 23.09(2)(c), Stats., upon the finding of the Natural Resources Board that such action was reasonably necessary to secure the perpetuation of chinook salmon and other fish and maintain an adequate supply of those species by providing a safe retreat in which they may breed and replenish adjacent fishing waters. On January 15, 1979, Gerald G. Gorectke filed suit in Dane County Circuit Court alleging that the establishment of the refuge was improperly adopted and exceeded the authority of the Department of Natural Resources and Natural Resources Board.

Subsequent to the establishment of the refuge, the Department of Natural Resources has discovered other and additional locations which serve to achieve the results and ends of the aforementioned fish refuge. After an agreement was reached between Mr. Gorectke and the Department of Natural Resources, Circuit Court Judge William Eich issued a Declaratory Judgment on August 1, 1979 declaring that section NR 26.13(15)(b), Wis. Adm. Code, is not necessary to serve the purposes required by sec. 23.09(2)(c), Stats.

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Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by sections 23.09, 227.014 and 227.02(1)(b), Wisconsin Statutes, the State of Wisconsin Natural Resources Board hereby repeals rules as follows:

SECTION 1 - Section NR 26.13 (15) (b) is repealed.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin 21 August 1979

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Anthony S. Earl  
 Anthony S. Earl, Secretary

(SEAL)