

Chapter NR 26

FISH REFUGES

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(Section 23.09, Stats.)

Note: Ch. NR 26 as it existed on December 31, 1976, was repealed and a new ch. NR 26 was created effective January 1, 1977.

NR 26.01 Fish refuges. The following described areas are hereby created and established as fish refuges and it shall be unlawful for any person or persons to take, disturb, catch, capture, kill or fish for fish in any manner or at any time in, on or along the following described water areas.

(9) CHIPPEWA COUNTY. (a) That part of the Chippewa river from the Jim Falls dam located in section 29, T30N, R7W, and extending downstream for a distance of 1,000 feet.

(11) COLUMBIA COUNTY. (a) *Lake Columbia*. Those portions of the lake known as Lake Columbia located in sections 27, 33 and 34, township 12 north, range 9 east, and sections 3 and 4, township 11 north, range 9 east, beginning at the intake and outfall structures of the Columbia generating station and extending 2400 feet due south.

(13) DANE COUNTY. (a) *University of Wisconsin arboretum*. All springs, spring holes, streams, potholes and lagoons lying within the boundaries of the university of Wisconsin arboretum located in section 9, township 6 north, range 9 east, town of Madison, and in sections 26, 27, 28, 32, 33 and 35, township 7 north, range 9 east, town of Fitchburg.

(15) DOOR COUNTY. (a) *Samuelsons creek*. That stream known as Samuelsons creek from its mouth at the Sturgeon Bay ship canal upstream to its source.

(18) EAU CLAIRE COUNTY. (a) *Little Niagara creek*. That stream known as little Niagara creek from its mouth at the Chippewa river upstream to its source, said stream flowing through and along Putnam park and the property of the university of Wisconsin-Eau Claire, all located within the city limits of the city of Eau Claire.

(24) GREEN LAKE COUNTY. (a) *Grand river*. That part of the Grand river from state hwy. 44 downstream to the Green Lake - Marquette county line. This refuge is to remain in effect until May 2, 1993.

(26) IRON COUNTY. (a) *Flambeau river*. That part of the Flambeau river located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 34, township 42 north, range 2 east, and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 3, township 41 north, range 2 east, beginning at the dam in and across the Flambeau river in section 34, township 42 north, range 2 east, commonly known as the Turtle-Flambeau dam and extending downstream from said dam to the U.S. government gaging station of said river in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said section 3.

(31) KEWAUNEE COUNTY. (a) Flume of the Kewaunee nuclear power plant.

(b) That part of the Kewaunee river located in the W $\frac{1}{2}$ of section 14, township 23 north, range 24 east, town of West Kewaunee, beginning at the county trunk highway F bridge and thence upstream to 500 feet past the fish return pipe of the Kewaunee river coho salmon spawning facility.

(36) MANITOWOC COUNTY. (a) Flume of the Point Beach nuclear power plant.

(39) MARQUETTE COUNTY. (a) *Fredreck creek*. That part of Fredreck creek beginning at the downstream side of the bridge on the fish hatchery road and thence upstream to its headwaters, said part of stream lying in sections 1 and 12, township 16 north, range 8 east.

(b) *Grand river*. That part of the Grand river beginning at the Grand River wildlife dam located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section 1, township 14 north, range 10 east and extending downstream a distance of 50 feet. The following described area on the Grand river shall be included until May 1, 1993: from the Green Lake - Marquette county line downstream to the Grand River Marsh Wildlife Area dam including the Grand river marsh.

(51) PRICE COUNTY. North Fork, Flambeau river. That part of the Flambeau river from Upper Park Falls dam downstream to the state highway 182 bridge.

(57) SAWYER COUNTY. (a) *Chippewa river (west fork)*. That part of the west fork of the Chippewa river beginning at the Moose Lake dam located in section 14, township 41 north, range 6 west, and thence downstream for a distance of 500 feet.

(b) *Spider creek*. That part of the Spider creek beginning at the Little Spider lake dam (NE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 33, T42N, R7W) downstream to state hwy. 77 (SW $\frac{1}{4}$ SE $\frac{1}{4}$, sec 33, T42N, R7W).

(63) VILAS COUNTY. (a) *Manitowish river*. Beginning at the dam in and across the Manitowish river, located in section 9, township 42 north, range 5 east, commonly known as the Rest Lake dam, and thence downstream from the said dam for a distance of 500 feet.

(b) *Rice creek*. All that part of Rice creek in sections 4, 8 and 9, township 42 north, range 6 east, beginning at Newcomb's Point in section 8 and extending upstream to the outlet of Big lake in section 4.

(c) *Trilby lake*. That lake known as Trilby lake (camp 7) located in sections 11, 12, 13 and 14, township 40 north, range 6 east.

(64) WALWORTH COUNTY. (a) *Delavan lake*. Delavan lake and its tributaries. This refuge is to remain in effect until May 2, 1992.

(67) WAUKESHA COUNTY. (a) *Scuppernong springs*. All waters of the Scuppernong spring, Scuppernong creek and Scuppernong river located in that part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ lying south of state trunk highway 67 and east of county trunk highway ZZ; that part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ lying south and west of state trunk highway 67; that part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ lying south of state trunk highway 67 and east of county trunk highway ZZ; the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ that part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ lying west of state trunk highway 67; all lying in section 34, township 6 north, range 17 east, town of Ottawa.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; cr. (11), Register, February, 1979, No. 278, eff. 3-1-79; r. (50) (a) and (54) (a), Register, December, 1982, No. 324, eff. 1-1-83; cr. (57) (b), Register, December, 1983, No. 336, eff. 1-1-84; cr. (11) (b) and (33), Register, April, 1984, No. 340, eff. 5-1-84; emerg. cr. (9) (a), eff. 8-30-84; r. (4), (19) and (20), cr. (9), Register, December, 1984, No. 348, eff. 1-1-85; emerg. cr. (1), eff. 12-1-86; cr. (11) (c) and (51), Register, December, 1987, No. 384, eff. 1-1-88; cr. (31) (b), Register, July, 1989, No. 403, eff. 8-1-89; r. (11) (b) and (c) and (33), cr. (24) and (64), am. (39) (b), Register, December, 1990, No. 420, eff. 1-1-91.

NR 26.015 Fish refuges. The following described areas are created and established as fish refuges and no person may take, catch, disturb, capture, kill or fish for fish in any manner until January 1, 1992 in, on or along the following described water areas:

(63) VILAS COUNTY. (a) Max Lake located in section 23, township 41 north, range 6 east.

History: Cr. Register, June, 1990, No. 414, eff. 7-1-90.

NR 26.02 Fish refuges. The following described areas are hereby created and established as fish refuges and it shall be unlawful for any person or persons to take, catch, disturb, capture, kill or fish for fish in any manner from January 1 to May 1 each year, both dates inclusive, in, on or along the following described water areas:

(17) DUNN COUNTY. (a) *Red Cedar river*. That part of the Red Cedar river beginning at the Cedar Falls dam located in section 6, township 28 north, range 12 west, and extending downstream 4,300 feet; also, that part of the Red Cedar river lying entirely in section 14, township 29 north, range 12 west.

(70) WINNEBAGO COUNTY. (a) *Fox river (Eureka dam)*. Beginning 500 feet downstream from the dam in and across the Fox river, located in section 31, township 18 north, range 14 east, commonly known as the Eureka dam, and thence upstream from the dam for 400 feet.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; r. (39), Register, December, 1984, No. 348, eff. 1-1-85; am. (70), Register, July, 1989, No. 403, eff. 8-1-89.

NR 26.03 Fish refuges. The following described area is hereby created and established as a fish refuge, and it shall be unlawful for any person or persons to take, catch, disturb, capture, kill or fish for fish in any manner or at any time in, on or along the following described water areas throughout the open season for hunting migratory waterfowl each year.

(29) JUNEAU COUNTY. (a) *Meadow Valley flowage*. That part of the Meadow Valley flowage beginning at a point in the E $\frac{1}{2}$ of section 10, township 20 north, range 2 east, where the drainage ditch intersects the Meadow Valley flowage road; thence northerly along the east spoil bank of said ditch to the junction of a brushed line at the approximate interior quarter corner of section 3, township 20 north, range 2 east; thence west along said brushed line to its junction with the east-west drainage ditch;

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thence westerly along the north spoil bank of said ditch to its junction with the main north-south drainage ditch; thence south along the west spoil bank of said ditch to its point of intersection with the Meadow Valley flowage road; thence east along said Meadow Valley road to the point of beginning.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

NR 26.04 Fish refuges. The following areas are fish refuges, and no person may take, catch, disturb, capture, kill, or fish for fish in any manner from April 25 to May 14 each year, both dates inclusive, in, on or along them:

(55) **RUSK COUNTY.** Thornapple river. That portion of the Thornapple river from its confluence with the Chippewa river in section 4, T34N, R7W upstream to the Thornapple road crossing in section 33, T35N, R1W.

History: Cr. Register, December, 1985, No. 360, eff. 1-1-86.

NR 26.05 Fish refuges. The following described areas are hereby created and established as fish refuges and it shall be unlawful for any person or persons to take, catch, disturb, capture, kill or fish for fish in any manner from April 1 to the date immediately preceding the opening date of the general fishing season of each year, both dates inclusive, in, on or along the following described water areas:

(51) **PRICE COUNTY.** (b) *Solberg creek.* Solberg creek commonly known as Disappearing creek in section 20, township 38 north, range 1 east beginning at the dyke (road crossing) and extending 200 feet upstream.

(c) *Squaw creek.* Beginning at the bridge in section 16, township 38 north, range 1 west, then extending 300 feet upstream and 300 feet downstream.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; r. (51) (a), Register, December, 1980, No. 300, eff. 1-1-81.

NR 26.06 Fish refuges. The following described areas are hereby created and established as fish refuges, and it shall be unlawful for any person or persons to take, catch, disturb, capture, kill, or fish for fish in any manner from April 1 to May 14 each year, both dates inclusive, in, on or along the following described water areas:

(26) **IRON COUNTY.** (a) *Gile flowage.* 1. Junk Shop dike. 200 feet on either side of the Junk Shop dike on Knight road where it crosses the flowage between section 36, township 46 north, range 2 east, and section 1, township 45 north, range 2 east.

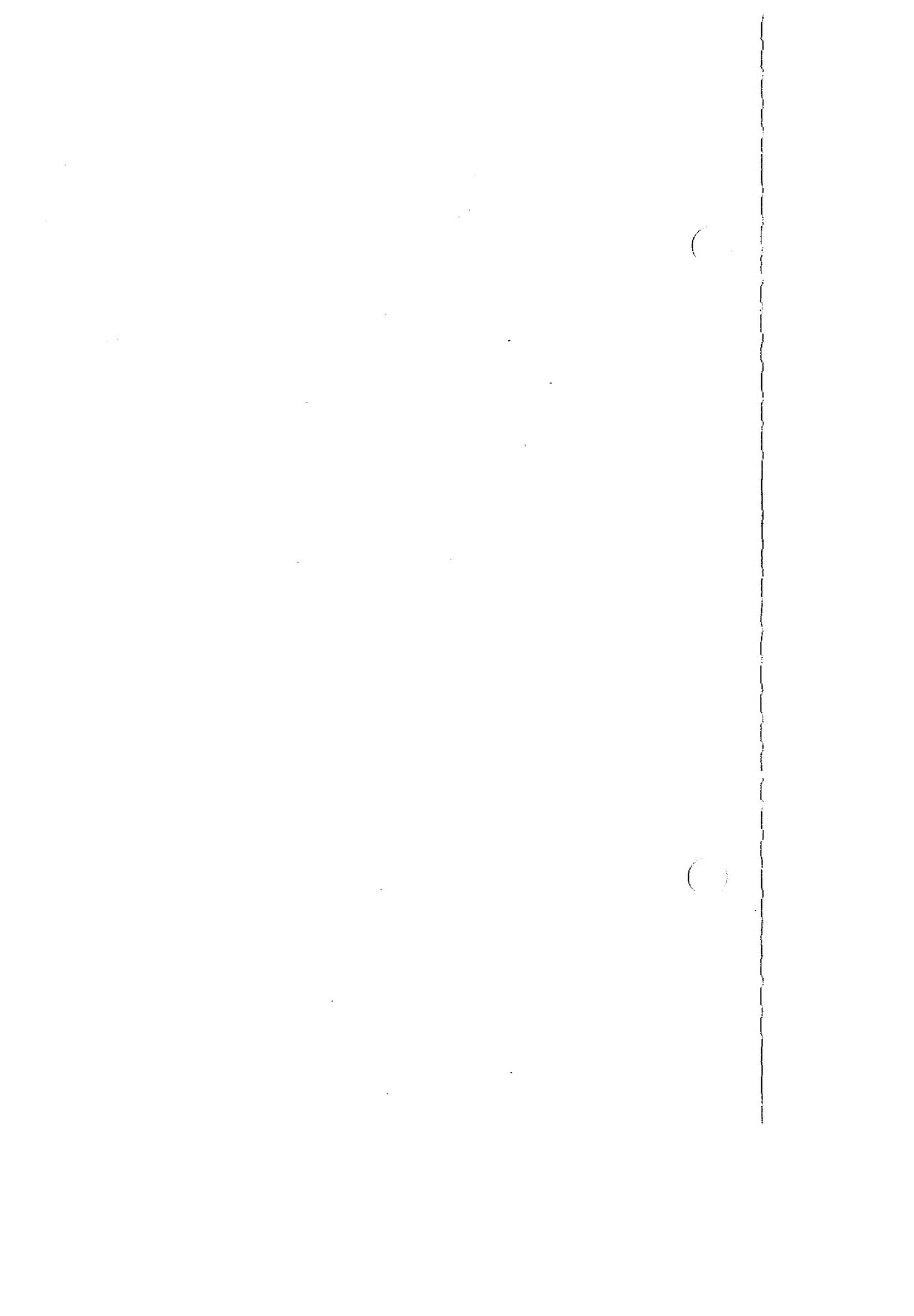
2. County trunk highway C. 200 feet on either side of that part of county trunk highway C located in the SW¼ of the NW¼, and in the NW¼ of the SW¼, section 1, township 45 north, range 2 east.

(b) *Turtle river.* Beginning at the dam in and across the Turtle river located in section 6, township 42 north, range 3 east, commonly known as Lake of the Falls dam and thence downstream 1,000 feet.

(c) *Mercer creek.* That part of Mercer creek located between Mercer and Grand Portage lakes in section 36, township 43 north, range 3 east. Register, December, 1990, No. 420

(d) *Fisher and Catherine lakes.* That part of the inlet and outlets connecting Fisher and Catherine lakes (sec. 2, T43N, R4E) for a distance of approximately 200 feet on either side of the road and culvert.

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(c) *Little Rice creek*. That part of Little Rice creek below the Oneida lake dam in the NE¼ of the NE¼, section 8 extending downstream to Hancock lake.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

NR 26.21 Fish refuges. The following described areas are hereby created and established as fish refuges, and it shall be unlawful for any person or persons to take, disturb, catch, capture, kill or fish for fish in any manner from April 10 to May 20 each year, both dates inclusive, in, on or along the following described water areas.

(44) ONEIDA COUNTY. (a) *Tomahawk river*. That part of the Tomahawk river beginning from the Cedar Falls dam in the NE¼ of the NE¼, section 27, township 38 north, range 5 east, downstream from the said dam for a distance of 500 feet.

(b) *Willow river*. That part of the Willow river beginning at the upstream end of the rapids in the NE¼ of the NE¼, section 15, township 37 north, range 4 east, and extending downstream for a distance of 2,000 feet.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; cr. (44) (b), Register, December, 1990, No. 420, eff. 1-1-91.

NR 26.22 Fish refuges. The following described areas are hereby created and established as fish refuges and it shall be unlawful for any person or persons to take, disturb, catch, capture, kill or fish for fish in any manner from April 10 to May 15 each year, both dates inclusive, in, on or along the following described water areas:

(64) VILAS COUNTY. (a) *Little St. Germain*. That part of Little St. Germain beginning at the lake outlet in the SW¼ of the SE¼, section 36, township 40 north, range 8 east extending downstream for a distance of 500 feet.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

NR 26.23 Fish refuges. (1) In order to prevent substantial depletion of the fish supply, the following described spawning areas and nursery areas in Lake Superior are hereby created and established as fish refuges and no person may take, catch, capture, kill or fish for fish in any manner at any one time in, on or along the following described water areas:

(a) From the southernmost point of Outer island in a straight line and a southerly direction to the Gull island light and then south to the northernmost point of Michigan island proceeding in a southerly direction following the shoreline of Michigan island to the Michigan island light, then southerly towards the center of the mouth of the Bad river in Ashland county to latitude 46°41'; then due east to the Michigan state line; then northerly along the state line to a point due east of the southerly tip of Outer island; from that point due west to the southernmost point of Outer island, the place of beginning excluding those waters within 2 miles of Outer island and within one mile of the mainland shoreline of Ashland county; except that licensed commercial fishers may fish all that area within these external boundaries wherein the lake bottom lies at a depth of 35 fathoms (210 feet) or more; and, except in those included waters less than 7 fathoms in depth which immediately adjoin Michigan island, gill nets with a mesh size of 2¾" or less stretch measure may be

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used from November 5 to December 5 for the taking of Menominee whitefish.

(b) All waters wherein the bottom lies at a depth of less than 35 fathoms northerly from a line beginning 2 miles north of the Outer island light and extending westerly to the north end of North Twin island, then along the shoreline to the south end of North Twin island, then southwesterly to the north end of South Twin island, then northerly to the north end of Rocky island, then along the north shoreline to the northwest point of Rocky island, then northwesterly to the south end of Devils island, then along the shoreline to the north end of Devils island, then westerly to a point $2\frac{1}{2}$ miles north of the York Island Shoal bell buoy.

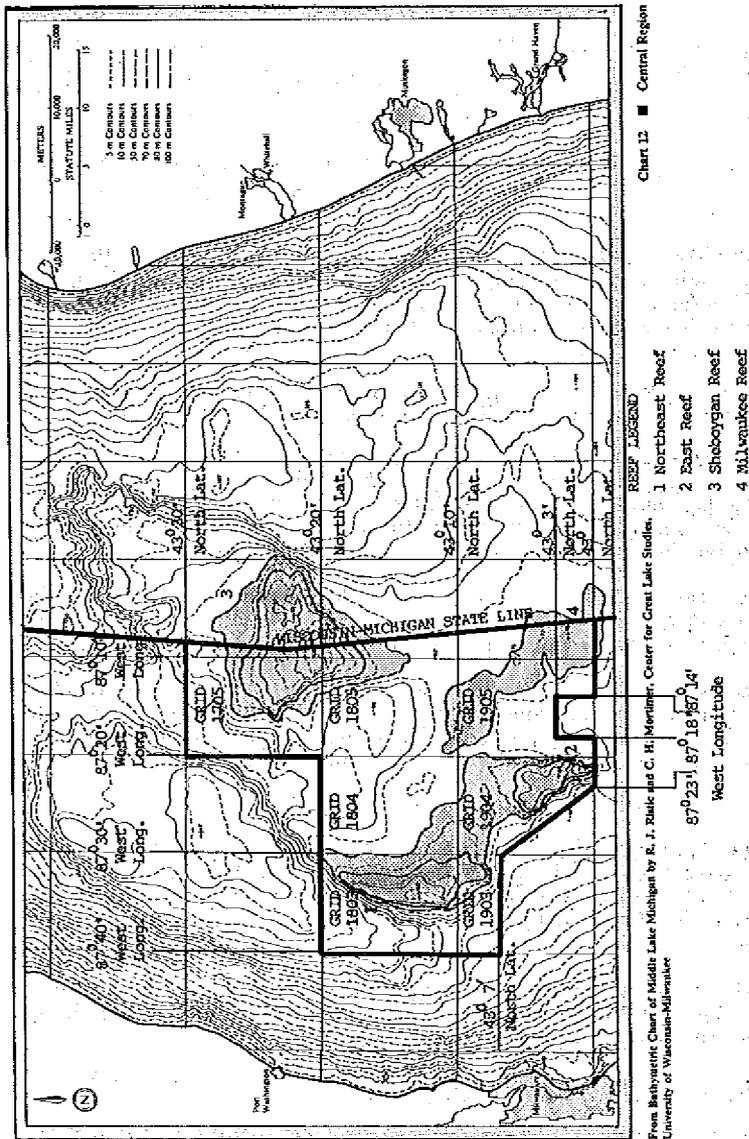
(2) In order to prevent substantial depletion of the fish supply, the following described spawning area in Lake Superior is hereby created and established as a fish refuge and no person may take, catch, capture, kill or fish for fish in any manner in, on or along the following described area during the prescribed period, both dates inclusive:

(a) Cat Island Shoal is defined as all waters bounded by a line extending from a point 2 miles north of the Outer island light to the northern end of North Twin island, along the shoreline to the southernmost end of North Twin island, then southwest to the north end of South Twin island, along the shoreline to the southernmost end of South Twin island, then easterly to the north end of Cat island, then along the shoreline to the easternmost point of Cat island, then northeasterly to the Outer island light, then due north to the place of beginning, September 1 to November 28.

(b) Lake Superior from the outlet of the cooling water discharge of the Northern States Power Company in the City of Ashland to a line located 50 feet in all directions from the outlet, from March 1 through May 15.

(3) In order to prevent substantial depletion of the fish supply, the following described area in Lake Michigan is established as a fish refuge and no person may take, catch, capture, kill or fish for fish in any manner at any time in or on the following described water area: all waters bounded by a line beginning at the point where $43^{\circ}7'$ north latitude and $87^{\circ}40'$ west longitude intersect, then proceeding northerly along $87^{\circ}40'$ west longitude to its intersection with $43^{\circ}20'$ north latitude, then proceeding easterly along $43^{\circ}20'$ north latitude to its intersection with $87^{\circ}20'$ west longitude, then proceeding northerly along $87^{\circ}20'$ west longitude to its intersection with $43^{\circ}30'$ north latitude, then proceeding easterly along $43^{\circ}30'$ north latitude to its intersection with the Wisconsin-Michigan state line, then proceeding southerly along the Wisconsin-Michigan state line to its intersection with 43° north latitude, then proceeding westerly along 43° north latitude to its intersection with $87^{\circ}14'$ west longitude, then proceeding northerly along $87^{\circ}14'$ west longitude to its intersection with $43^{\circ}3'$ north latitude, then proceeding westerly along $43^{\circ}3'$ north latitude to its intersection with $87^{\circ}18'$ west longitude, then proceeding southerly along $87^{\circ}18'$ west longitude to its intersection with 43° north latitude, then proceeding westerly along 43° north latitude to its intersection with $87^{\circ}23'$ west longitude, then proceeding along a straight line northwesterly to its intersection with $43^{\circ}7'$ north latitude and $87^{\circ}30'$ west longitude, then proceeding westerly along $43^{\circ}7'$ north latitude to its intersection with $87^{\circ}40'$ west longitude and the point of beginning. This area can be further described as the northern third of grid 1903, the northeastern two thirds of grid 1904 and all of grid 1905 except a rectan-

gular area along its southern border; all of grids 1705, 1803, 1804 and 1805; and the part of grids 1706, 1806 and 1906 in Wisconsin waters, and encompasses the elevated areas of lake bed commonly known as the Sheboygan reef, the Northeast reef, the Milwaukee reef and the East reef as shown on the following map.



History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. (1), Register, January, 1980, No. 289, eff. 2-1-80; emerg. cr. (3), eff. 10-6-80; cr. (3), Register, March, 1981, No. 303, eff. 4-1-81; emerg. am. (1) (a) and r. and recr. (2), eff. 7-1-81; am. (1) (a) and r. and recr. (2), Register, August, 1981, No. 308, eff. 9-1-81; am. (3) Register, July, 1984, No. 343, eff. 8-1-84; emerg. am. (1) (a) and (b) and (2) (a), eff. 4-22-86; am. (1) (a) and (b) and (2) (a), Register, October, 1986, No. 370, eff. 11-1-86; am. (3) Register, June, 1989, No. 402, eff. 7-1-89; cr. (2) (b), Register, July, 1989, No. 403, eff. 8-1-89.

NR 26.24 Fish refuges. The following areas are created and established as fish refuges and no person may take, disturb, catch, capture, kill or fish for fish in any manner from March 1 to May 15 each year, both dates inclusive, in, on or along the following described water areas.

(15) **DOOR COUNTY.** (a) *Ahnapee river.* That portion of the Ahnapee river from the Forestville dam in section 29, township 26 north, range 25 east, downstream for a distance of 500 feet.

(38) **MARINETTE COUNTY.** (a) *Peshtigo river.* That part of the Peshtigo river beginning at the Badger Paper mill dam in the city of Peshtigo, section 19, township 30 north, range 23 east, downstream to the downstream side of the wooden covered foot bridge in section 19, township 30 north, range 23 east.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. (intro.), Register, July, 1989, No. 403, eff. 8-1-89; cr. (38), Register, December, 1990, No. 420, eff. 1-1-91.

NR 26.25 Fish refuges. The following described areas are hereby created and established as fish refuges and it shall be unlawful for any person or persons to take, disturb, catch, capture, kill or fish for fish in any manner from the first Saturday in May to June 1 of each year, both dates inclusive, in, on or along the following described water areas:

(26) **IRON COUNTY.** (a) That part of the Manitowish river from the bridge at state highway 47, sec. 9, township 42 north, range 4 east, upstream to the Vilas county line, sec. 12, township 42 north, range 4 east.

(63) **VILAS COUNTY.** (a) That portion of the Manitowish river (excluding the lake basins of Vance, Sturgeon and Benson lakes) from U.S. highway 51, sec. 7, township 42 north, range 5 east, downstream to the Iron county line, sec. 7, township 42 north, range 5 east.

History: Cr. Register, December, 1977, No. 264, eff. 1-1-78.

NR 26.27 Fish refuges. (1) The following described areas are created and established as fish refuges and no person may take, disturb, catch, capture, kill or fish for fish in any manner from March 1 to May 18 each year, both dates inclusive, in, on or along the following described water areas:

(16) **DOUGLAS COUNTY.** (a) *St. Louis river.* That part of the St. Louis river beginning STH 23 bridge section 8, township 48 N, range 15 W upstream to the Wisconsin-Minnesota border.

History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; emerg. am. (1), eff. 4-25-89; am. (1), Register, December, 1989, No. 408, eff. 1-1-90.

NR 26.28 Fish refuges. The following areas are established as fish refuges and no person may fish for fish in any manner from April 15 to June 15 each year both dates inclusive in, on or along the following described water areas:

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(50) PRICE COUNTY. (a) That portion of the Big Elk river beginning at the Jobs dam, located in section 14, township 37 north, range 1 west, downstream 500 feet below that dam.

History: Cr. Register, December, 1982, No. 324, eff. 1-1-83.

NR 26.29 Fish refuges. The following described areas are created and established as fish refuges and no person may take, disturb, catch, capture, kill or fish for fish in any manner from April 15 to May 15 each year in, on or along the following described water areas unless posted open to fishing with department signs:

(59) (a) Embarrass river. That part of the Embarrass river from county hwy. M bridge located in the SE¼, section 9, township 26 north, range 14 east downstream to Rangeline road located in the SE¼, section 13, township 26 North, range 14 east.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85.