

Chapter NR 26

FISH REFUGES

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(Section 23.09, Wis. 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 NR 26 as it existed on December 31, 1976, was repealed and a new ch.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.

(b) *Lake Wyona.* That lake known as Lake Wyona including the dam located in the village of Wyocena upstream to the East Bush road on the inflowing north branch of Duck creek, section 14, township 12 north, range 10 east and upstream to the dam at "Figor's millpond" upstream from Twitchell road, section 23, township 12 north, range 10 east on the middle branch of Duck creek. This refuge is to remain in effect to, but not including the first Saturday in May, 1985.

(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.

(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.

(33) LAFAYETTE COUNTY. (a) *Yellowstone lake*. That lake known as Yellowstone lake including the water from the Yellowstone lake dam located in E $\frac{1}{2}$ SE $\frac{1}{4}$, section 1, township 3 north, range 4 east upstream to the CTH F bridge crossing the Yellowstone river in NW $\frac{1}{4}$ SW $\frac{1}{4}$, section 35, township 4 north, range 4 east and the CTH F bridge on Steiner branch creek in NE $\frac{1}{4}$ SE $\frac{1}{4}$, section 34, township 4 north, range 4 east, Lafayette county. This refuge is to remain in effect through June 14, 1985.

(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.

(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.

(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.

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 at 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 downstream from the said dam for 500 feet.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; r. (39), Register, December, 1984, No. 348, eff. 1-1-85.

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; 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. History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; r. Register, December, 1984, No. 348, eff. 1-1-85.

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 SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, and in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, 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.

(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.

(57) SAWYER COUNTY. (a) *Connors creek*. That part of Connors creek between Lake of the Pines (Pickerel lake) and Connors lake, all in section 22, township 38 north, range 3 west.

(b) *Island creek*. That part of Island creek between Black Dan lake and Island lake, all in sections 1 and 2, township 39 north, range 5 west.

(c) *Knuteson creek*. That part of Knuteson creek beginning at Chetac lake in section 9, township 37 north, range 9 west and extending upstream to Knuteson lake in section 10, township 37 north, range 9 west.

(d) *Melviney creek*. All waters of Malviney creek, sections 9 and 16, township 37 north, range 9 west.

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(e) *Squaw creek*. That part of Squaw creek beginning at Chetac lake and extending upstream for a distance of 1,000 feet, all in section 33, township 38 north, range 9 west.

(f) *Totogatic river*. That part of the Totogatic river beginning at Nelson lake in section 14, township 42 north, range 9 west and extending upstream to the Seeley Fire Lane road crossing in section 2, township 42 north, range 9 west.

(g) *Unnamed stream*. That part of the unnamed stream beginning in the NW $\frac{1}{4}$ of section 16, township 37 north, range 9 west and extending upstream to a point 1,000 feet above state trunk highway 48 in section 21, township 37 north, range 9 west.

(65) WASHBURN COUNTY. (a) *Balsam Lake outlet*. That part of the waterway between Balsam lake and Red Cedar lake extending for a distance of 200 feet upstream and downstream from state trunk highway 48, all in section 34, township 37 north, range 10 west.

(b) *Bear creek*. That part of Bear creek extending 100 feet upstream and downstream from the town road crossing, all in sections 34 and 35, township 37 north, range 12 west.

(c) *Birch creek*. That part of Birch creek beginning at Balsam lake in section 26, township 37 north, range 10 west and extending upstream to the dam at the outlet of Birch lake in section 25, township 37 north, range 10 west.

(d) *Little Mud lake outlet*. That part of the waterway between Little Mud lake and Long lake extending for a distance 100 feet upstream and downstream from the town road crossing, all in sections 1 and 12, township 37 north, range 11 west.

(e) *Slim creek*. That part of Slim creek beginning at Long lake in section 16, township 38 north, range 10 west and extending upstream to the dam at the outlet of the Slim creek flowage in section 10, township 38 north, range 10 west.

(68) WAUPACA COUNTY. (a) *Little Wolf river*. Beginning at the dam in and across the Little Wolf river, located in section 15, township 23 north, range 13 east, in the village of Manawa, and thence downstream from the said dam for 500 feet.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; r. (26) (a) 3., Register, December, 1980, No. 300, eff. 1-1-81; cr. (26) (d), Register, December, 1983, No. 336, eff. 1-1-84.

NR 26.07 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 March 1 to June 30 of each year, both dates inclusive, in, on or along the following described water areas.

(29) JUNEAU COUNTY. (a) *Meadow Valley flowage*. That part of the Meadow Valley flowage lying in the following described area:

Township 20 north, range 2 east.

Section 1 - W $\frac{1}{2}$

Sections 2, 3, 4, 5 and 6 - Entire sections

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Section 7 - N½

Section 8 - N½

Section 9 - N½

Section 10 - N½

Section 11 - All that part lying north of the Meadow Valley flowage road and west of state highway 173.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; r. (71), Register, December, 1977, No. 264, eff. 1-1-78.

NR 26.08 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 March 1 of each year to the date immediately preceding the opening date of the general fishing season, both dates inclusive, in, on or along the following described water areas.

(13) **DANE COUNTY.** (a) *Yahara river.* 1. City of Madison. From the Tenney locks in section 12, township 7 north, range 9 east, downstream for a distance of 900 feet.

2. Village of McFarland. From the Exchange street bridge in sections 3 and 10, township 6 north, range 10 east, upstream and downstream for a distance of 600 feet in either direction.

3. Village of McFarland. Beginning 400 feet upstream from the Dyreson Road bridge located in section 14, T6N, R10E, and extending upstream from a distance of 1,000 feet.

(14) **DODGE COUNTY.** (a) *Beaver Dam creek.* That portion of Beaver Dam creek from county highway G bridge in the NW¼ of the NE¼, section 17, township 12 north, range 13 east, upstream to the Beaver Dam lake outlet in the SW¼ of the SW¼, section 9, township 12 north, range 13 east.

(b) *Mill creek.* That portion of Mill creek from the Fox Lake dam in the SW¼ of the NE¼, section 26, township 13 north, range 13 east, downstream to Beaver Dam lake in the SW¼ of the SW¼, section 3, township 12 north, range 13 east.

(c) *Rock river (Hustisford dam).* That part of the Rock river beginning at the Hustisford dam, in the village of Hustisford, and extending downstream for a distance of 725 feet.

(20) **FOND DU LAC COUNTY.** (a) *Fond du Lac river.* That portion of the Fond du Lac river from U.S. highway 41 downstream to the Hickory street bridge in the city of Fond du Lac.

(b) *Silver creek.* That portion of Silver creek from C.T.H. "NN" (old state highway 23) downstream to the Green Lake - Fond du Lac county line.

(24) **GREEN LAKE COUNTY.** (a) *Silver creek.* That part of the Silver creek beginning at the Fond du Lac - Green Lake county line and extending downstream to the Spaulding bridge located in the SE¼ of the SE¼, section 23, township 16 north, range 13 east.

(39) MARQUETTE COUNTY. (a) *Fox river*. 1. That part of the Fox river beginning at the dam located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 26, T15N, R10E, and extending downstream a distance of 200 feet.

2. That part of the Fox river beginning at the Buffalo lake dam located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 16, T15N, R10E, and extending downstream a distance of 50 feet.

(b) *Grand river*. That part of the Grand river beginning 50 feet downstream from the Grand river wildlife area dam located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 1, T14N, R10E, and extending downstream for a distance of 300 feet.

(c) *Lower Neenah creek*. That part of Lower Neenah creek beginning at the Briggsville dam located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 31, T14N, R8E, and extending downstream to the state highway 23 crossing.

(d) *Montello river*. That part of the Montello river beginning at the Lake Montello dam located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 8, T15N, R10E, and extending downstream to the first bridge crossing.

(66) WASHINGTON COUNTY. (a) *Cedar creek*. That portion of Cedar creek commencing at the dam which is the outlet of Big Cedar lake, downstream to the Kettle of Little Cedar lake, all in sections 32 and 33, township 11 north, range 19 east.

(b) *Pike Lake dam*. Beginning 500 feet above the dam at Pike lake, thence north and downstream on the Rubicon river to the St. Paul railroad right-of-way, in sections 14 and 23, township 10 north, range 18 east.

(68) WAUKESHA COUNTY. (a) *Bark river*. 1. From the inlet to Upper Nemahbin lake in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, section 24, township 7 north, range 17 east upstream to the first dam at Mill road in the city of Delafield.

2. From the inlet to Lake Nagawicka in the NE $\frac{1}{4}$, section 8, township 7 north, range 18 east, upstream to the highway 83 bridge in the NE $\frac{1}{4}$, section 9, township 7 north, range 18 east.

(b) *Oconomowoc river*. From the inlet to Okauchee lake in the SE $\frac{1}{4}$, section 19, township 8 north, range 18 east, upstream to the North lake outlet in the SE $\frac{1}{4}$, section 17, township 8 north, range 18 east.

(c) *Pewaukee lake inlet*. An unnamed stream beginning at its mouth in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, section 7, township 7 north, range 19 east, upstream including drainage ditches to the highway 16 bridge in the NE $\frac{1}{4}$, section 6, township 7 north, range 19 east, and to the bridge at county highway KE in the NE $\frac{1}{4}$, section 1, township 7 north, range 18 east.

(d) *Lac La Belle (Oconomowoc river)*. From the grill structure at the outlet, upstream for a distance of 600 feet in NW $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 32, T8N, R17E.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; cr. (68) (d), Register, December, 1978, No. 276, eff. 1-1-79; cr. (13) (a) 3, and (39), (24) renum. from NR 26.14 (24), (14) (c) Register, renum. from NR 26.17 (14).

NR 26.09 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 1 to May 31 each year, both dates inclusive, in, on or along the following described water areas.

(3) **BARRON COUNTY.** (a) *Sand creek.* That part of Sand creek between Little Sand lake and Sand lake in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the NW $\frac{1}{4}$, section 27, township 36 north, range 14 west and from the dam outlet of Sand lake downstream 500 feet in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, section 17, township 36 north, range 14 west.

(b) *Staples creek.* That part of Staples creek from its mouth (Staples lake) in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, section 19, township 35 north, range 14 west, upstream for a distance of 3000 feet.

(c) *Beaver Dam lake inlets.* 1. All of an unnamed stream located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, section 35, township 36 north, range 14 west.

2. That part of the unnamed stream (Cumberland ditch) in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, section 5, township 35 north, range 13 west upstream to the unnamed lake (Riebe lake) in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, section 4, township 36 north, range 13 west.

(d) *Granite lake inlet.* That part of an unnamed stream in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, township 36 north, range 13 west upstream to U.S. highway 63 in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, section 18, township 36 north, range 13 west.

(e) *Duck lake inlet.* All of the unnamed stream in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, section 32, township 36 north, range 13 west, upstream to the Granite lake outlet.

(f) *Silver lake inlet.* That part of the unnamed inlet to Silver lake in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 23, township 36 north, range 13 west, upstream for a distance of 500 feet.

(g) *Hemlock creek.* That part of Hemlock creek in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, section 36, township 36 north, range 10 west upstream for a distance of 500 feet.

(h) *Turtle creek.* That part of Turtle creek (Upper Turtle lake outlet) in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, section 27, township 34 north, range 14 west, downstream for a distance of 300 feet and from the outlet of Lower Turtle lake in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, section 27, upstream for a distance of 300 feet.

(4) **BAYFIELD COUNTY.** (a) *Pikes creek.* That part of Pikes creek from the structure commonly known as Red dam extending downstream 100 feet, all in section 28, township 50 north, range 4 west.

(49) **POLK COUNTY.** (a) *Balsam branch.* That part of Balsam branch from Wapogasset lake in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, section 14, township 33 north, range 17 west upstream to the dam at Kennedy's Mill in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, section 10, township 33 north, range 17 west.

(b) *Butternut creek.* That part of Butternut creek between Big Butternut lake and Little Butternut lake, Luck township.

(c) *Harder creek.* That part of Harder creek between Balsam lake and Half Moon lake, Milltown township.