



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

CR 88-205

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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy 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. FM-52-88 was duly approved and adopted by this Department on January 26, 1989. 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 here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 16th
day of May, 1989.


Bruce B. Braun, Deputy Secretary

(SEAL)

7-1-89

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING AND CREATING RULES

.....
IN THE MATTER of amending ss. NR 26.02(70), .
and 26.24 and creating ss. NR 26.01(31)(b), .
26.11(16) and 26.23(2)(b), Wisconsin . FM-52-88
Administrative Code, pertaining to fish .
refuges. .
.....

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 23.09(2)(c), 29.174(3), 227.16(2)(e)
and 227.11(2)(a), Stats.

Statutes interpreted: s. 29.174(2)(a), Stats.

The rule:

1. Establishes a fish refuge on the Kewaunee river, Kewaunee county, from county trunk F to a line 500 feet upstream from the fish return pipe of the Kewaunee River Coho Salmon Spawning Facility.
2. Enlarges a fish refuge on the Fox river, Winnebago county, which extends from the Eureka dam downstream 500 feet, to include the area from the dam upstream 400 feet.
3. Establishes a fish refuge from September 1 through May 31 on the Brule river, Douglas county, from the upper falls of Skid Mays downstream to the upstream end of the island, all in section 25, T38N, R10W.
4. Eliminates a fish refuge from September 1 through December 31 on the Ahnapee river from the Forestville dam downstream for 500 feet, but maintains the refuge from March 1 to May 15.
5. Establishes a fish refuge from March 1 through May 15 in Lake Superior from the outlet of the cooling water discharge of the Northern States Power Company in Ashland extending 50 feet in all directions.

SECTION 1. NR 26.01(31)(b) is created to read:

NR 26.01(31)(b) That part of the Kewaunee river located in the W 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.

SECTION 2. NR 26.02(70) is amended to read:

NR 26.02(70) WINNEBAGO COUNTY. (a) FOX RIVER (EUREKA DAM).
Beginning at 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
~~downstream-from-the-said-dam-for-500-feet~~ upstream from the dam for
400 feet.

SECTION 3. NR 26.11(16) is created to read:

NR 26.11(16) DOUGLAS COUNTY. (a) Brule river. That part of
the Brule river commonly known as Skid Mays or Mays Ledges extending
from the upper falls downstream to the upstream end of the island,
all located in section 15, township 48 north, range 10 west.

SECTION 4. NR 26.23(2)(b) is created to read:

NR 26.23(2)(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.

SECTION 5. NR 26.24(intro.) is amended to read:

NR 26.24 FISH REFUGES. (intro.) The following ~~described~~ areas are hereby created and established as fish refuges and ~~it shall be unlawful for any~~ no person ~~or persons to~~ may take, disturb, catch, capture, kill or fish for fish in any manner from March 1 to May 15 and ~~September 1 to December 31~~ each year, both dates inclusive, in, on or along the following described water areas.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on January 26, 1989.

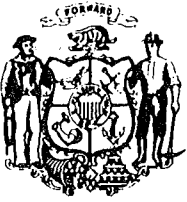
The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin May 16, 1989.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

BY Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

May 16, 1989

1020

Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 702
30 W. Mifflin Street

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MAY 18 1989

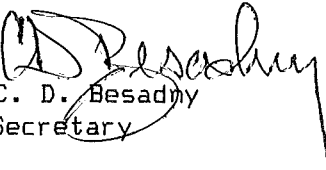
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Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FM-52-88. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Transportation, Conservation and Mining pursuant to s. 227.19, Stats. A summary of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


C. D. Besadny
Secretary

Enc.