

Chapter NR 26

FISH REFUGES

NR 26.01 Fish refuges.
NR 26.02 Lake Superior Fish refuges.

NR 26.03 Establishment of temporary fish refuges.

Note: Section 23.09, Stats., provides statutory authority for this chapter.

Note: Ch. NR 26 was repealed and created effective January 1, 1977 Register December 1976 No. 252. Ch. NR 26 was repealed and recreated by CR 15-023 effective January 1, 2016 Register December 2015 No. 720.

person or persons to take, disturb, catch, capture, kill, or fish for fish in any manner at any time listed, including the start and end dates, each year in, on, or along the following described water areas.

NR 26.01 Fish refuges. The following areas are created and established as fish refuges and it shall be unlawful for any

COUNTY	WATERS	REFUGE BOUNDARIES	START DATE	END DATE
(3) Barron	(a) Beaver Dam lake inlets	Cumberland ditch (unnamed, SW ¼ of the NE ¼, section 5, T35N, R13W) upstream to Riebe lake (unnamed, SW ¼ of the NW ¼, section 4, T36N, R13W)	April 1	Friday preceding first Saturday in May
	(b) Granite lake inlet	Unnamed stream in SW ¼ of the NW ¼, T36N, R13W upstream to U.S. highway 63 (SW ¼ of the SE ¼, section 18, T36N, R13W)	April 1	Friday preceding first Saturday in May
	(c) Hemlock creek	That part of Hemlock creek in the NW ¼ of the NE ¼, section 36, T36N, R10W) upstream 500 feet	April 1	Friday preceding first Saturday in May
	(d) Rice creek	From 100 feet north of state highway 8 to 100 feet south of state highway 8	April 1	Friday preceding first Saturday in May
	(e) Spring creek	From 100 feet north of county highway M to 100 feet south of county highway M	April 1	Friday preceding first Saturday in May
	(f) Turtle creek	From Upper Turtle lake downstream to Lower Turtle lake	April 1	Friday preceding first Saturday in May
(4) Bayfield	(a) Bayfield hatchery outlet ditch	Bayfield hatchery downstream to the outlet ditch confluence with Pike's creek	July 15	October 31
	(b) Eau Claire chain of lakes	That part of the Eau Claire river system connecting the Eau Claire chain of lakes in Barnes township	April 15	May 15
	(c) Pikes creek	Structure commonly known as Red dam downstream 100 feet (section 28, T50N, R4W)	April 1	May 31
	(d) Sioux river	"Big Rock Hole" downstream 200 feet (section 19, T49N, R4W)	September 1	May 31
(5) Brown	(a) Fox river	Beginning at the De Pere dam in the city of De Pere (T23N, R20E) downstream to the downstream side of the Wisconsin Public Service power lines from the east shore of the river and extending parallel to the power lines in a southwesterly direction to the northeast corner of the Nicolet Paper Company	March 1	May 31
	(b) Sensiba wildlife area discharge area to the Suamico river	From the dike to the south end of the culvert under Sunset Beach road (section 24, T25N, R20E)	March 1	Friday preceding first Saturday in May
(9) Chippewa	(a) Chippewa river	Jim Falls Dam at section 29, T30N, R7W downstream 1000 feet	Continuous	Continuous
	(b) Chippewa river	From 1,000 feet below the Jim Falls dam (section 20, T30N, R7W) downstream to county highway Y bridge (section 30, T30N, R7W)	First Saturday in September	October 15

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COUNTY	WATERS	REFUGE BOUNDARIES	START DATE	END DATE
	(c) Otter creek	Otter lake dam (section 11, T30N, R5W) downstream 300 feet	March 1	May 15
	(d) Yellow river	Cadott (Svetlik) dam (section 31, T29N, R6W) downstream to the Main street (also known as 257th street) bridge in Cadott when posted closed to fishing with department signs	March 1	May 15
(10) Clark	(a) Eau Claire river (South Fork)	Mead Lake dam downstream 500 feet	March 1	Friday preceding first Saturday in May
(13) Dane	(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	Continuous	Continuous
	(b) Wingra creek	Entire spillway of Wingra lake and downstream from spillway to the Arboretum drive bridge	March 1	May 15
	(c) Yahara river, city of Madison	Tenney locks (section 12, T7N, R9E) downstream 900 feet	March 1	Friday preceding first Saturday in May
	(d) Yahara river, village of McFarland	From Exchange street bridge (sections 3 and 10, T6N, R10E) downstream 600 feet and upstream to the lock and dam	March 1	Friday preceding first Saturday in May
	(e) Yahara river, village of McFarland	Beginning 400 feet upstream from the Dyreson road bridge (section 14 T6N, R10E) upstream 1,000 feet	March 1	Friday preceding first Saturday in May
	(f) Yahara river (Dunkirk dam)	Dunkirk dam (section 20, T5N, R11E) downstream to county highway N (section 21, T5N, R11E)	March 1	May 15
(14) Dodge	(a) Beaver Dam creek	County highway G bridge (NW ¼ of the NE ¼, section 17, T12N, R13E) downstream to the mouth at Beaver Dam lake (SW ¼ of the SW ¼, section 9, T12N, R13E)	March 1	Friday preceding first Saturday in May
	(b) Mill creek	Fox Lake dam (SW ¼ of the NE ¼, section 26, T13N, R13E) downstream to Beaver Dam lake (SW ¼ of the SW ¼, section 3, T12N, R13E)	March 1	Friday preceding first Saturday in May
	(c) Rock river (Hustisford dam)	Hustisford dam, in the village of Hustisford, downstream 725 feet	March 1	Friday preceding first Saturday in May
(15) Door	(a) Ahnapee river	Forestville dam (section 29, T26N, R25E) downstream 500 feet	March 1	May 15
	(b) Samuelsons creek	From Samuelsons creek mouth at the Sturgeon Bay ship canal upstream to its source	Continuous	Continuous
	(c) Strawberry creek	Sturgeon Bay ship canal upstream to the source of Strawberry creek (SE ¼ of the SE ¼, section 16, T27N, R26E)	September 1	December 31
	(d) Sturgeon Bay ship canal	Canal area within 500 feet of Strawberry creek in the SE ¼ of the SE ¼, section 16, T27N, R26E	September 1	December 31
	(e) Mink River	Mink river downstream to its mouth at Rowley bay	Monday following the first Sunday in March	June 15
(16) Douglas	(a) Brule river	100 feet upstream and 100 feet downstream from "Box Car Hole" (section 2, T47N, R10W)	July 15	October 31
	(b) Brule river	From the upper falls downstream to the upstream end of the island - area known as Skid Mays or Mays Ledges section 15, T48N, R10W	September 1	May 31
	(br) Brule river	500 feet upstream and downstream from sea lamprey barrier	Continuous	Continuous

COUNTY	WATERS	REFUGE BOUNDARIES	START DATE	END DATE
	(c) St. Louis river	State highway 23 bridge (section 8, T48N, R15W) upstream to the Wisconsin-Minnesota border	March 1	May 18
(17) Dunn	(a) Red Cedar river	Cedar Falls dam located at section 6, township 28 north, range 12 west downstream 4,300 feet	January 1	Friday preceding first Saturday in May
(18) Eau Claire	(a) Eau Claire river	Altoona dam (NW ¼ SW ¼, section 14, T27N, R9W) downstream 500 feet	March 1	Friday preceding first Saturday in May
(20) Fond Du Lac	(a) Silver creek	County highway NN (old state highway 23) downstream to the Green Lake-Fond du Lac county line	March 1	Friday preceding first Saturday in May
(23) Green	(a) Sugar river	Albany dam downstream 500 feet	March 1	Friday preceding first Saturday in May
	(b) Sugar river	Decatur dam downstream 500 feet	March 1	Friday preceding first Saturday in May
	(c) Sugar river	Old Brodhead power house site spillway downstream 500 feet	March 1	Friday preceding first Saturday in May
(24) Green Lake	(a) Silver creek	Fond du Lac-Green Lake county line downstream to the Spaulding bridge (SE ¼ of the SE ¼, section 23, T16N, R13E)	March 1	Friday preceding first Saturday in May
(25) Iowa	(a) Cox Hollow lake	Within 100 feet of the shoreline on the southern arm of the lake that is marked with buoys	Third Monday of May	19 days later
(26) Iron	(a) Fisher and Catherine lakes	That part of the connecting inlets and outlets between the lakes in section 2, T43N, R4E for 200 feet on either side of Fisher Lake road	April 1	May 14
	(b) Flambeau river	Turtle-Flambeau dam downstream to the U.S. government gaging station (part of the Flambeau river located in the SW ¼ of the SE ¼ and SE ¼ of the SW ¼ of section 34, township 42 north, range 2 east, and the NE ¼ of the NW ¼ and the NW ¼ of the NE ¼ 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 ¼ of the NW ¼ of said section 3)	Continuous	Continuous
	(c) Gile flowage at Junk Shop Dike (Dirt Dike)	200 feet upstream and downstream from 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)	April 1	May 14
	(d) Gile Flowage at county highway C	200 feet upstream and downstream from county highway C (SW ¼ of the NW ¼, and in the NW ¼ of the SW ¼, section 1, township 45 north, range 2 east)	April 1	May 14
	(e) Manitowish river	Bridge at state highway 47 (section 9, T42N, R4E) upstream to the Vilas county line	First Saturday in May	June 1
	(f) Mercer creek	Between Mercer lake and Grand Portage lake (section 36, T43N, R3E)	April 1	May 14
	(g) Turtle-Flambeau river (Seifert's Point)	Within 200 feet of the shoreline of the peninsula in section 5, T41N, R3E, commonly known as Seifert's Point	April 1	May 14
	(h) Turtle river	Lake of the Falls dam (in section 6, township 42 north, range 3 east) downstream 1,000 feet	April 1	May 14

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COUNTY	WATERS	REFUGE BOUNDARIES	START DATE	END DATE
(29) Juneau	(a) Meadow Valley flowage	That part of the Meadow Valley flowage beginning at a point in the E ½ of section 10, township 20 north, range 2 east, where the drainage ditch intersects the Meadow Valley flowage road; then 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; then west along said brushed line to its junction with the east-west drainage ditch; then westerly along the north spoil bank of said ditch to its junction with the main north-south drainage ditch; then south along the west spoil bank of said ditch to its point of intersection with the Meadow Valley flowage road; then east along said Meadow Valley road to the point of beginning	Beginning of migratory waterfowl hunting open season	End of migratory waterfowl hunting open season
	(b) 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 ½ Sections 2, 3, 4, 5 and 6 - Entire sections Section 7 - N ½ Section 8 - N ½ Section 9 - N ½ Section 10 - N ½ Section 11 - All that part lying north of the Meadow Valley flowage road and west of state highway 173.	March 1	June 30
(31) Kewaunee	(a) Flume of Kewaunee Nuclear power plant		Continuous	Continuous
	(b) Kewaunee river	From county highway F bridge upstream 500 feet past the fish return pipe of the Kewaunee river coho salmon spawning facility (W ½ of section 14, township 23 north, range 24 east, town of West Kewaunee)	Continuous	Continuous
(34) Langlade	(a) Wolf river	Post lake dam downstream 75 feet to the bottom of the first rapids	April 1	May 31
(35) Lincoln	(a) Little Somo river	Dam in section 27, T35N, R5E downstream 900 feet	March 1	Friday preceding first Saturday in May
	(b) Tomahawk river	Jersey dam in section 28, T35N, R6E downstream to the railroad trestle	March 1	Friday preceding first Saturday in May
(36) Manitowoc	(a) Flume of Point beach Nuclear power plant		Continuous	Continuous
(38) Marinette	(a) Peshtigo river	Badger Paper Mill dam in the city of Peshtigo (section 19, T30N, R23E) downstream 300 feet	March 1	May 31
(39) Marquette	(a) Grand river	Grand River wildlife dam located in the NW ¼ of the NW ¼ of section 1, township 14 north, range 10 east downstream 50 feet	Continuous	Continuous
	(b) Grand river	Beginning 50 feet downstream from the Grand river wildlife area dam (NW ¼ NW ¼, sec. 1, T14N, R10E) extending downstream 300 feet	March 1	Friday preceding first Saturday in May
	(c) Montello river	Lake Montello dam (NE ¼ SE ¼, sec. 8, T15N, R10E) downstream to the first bridge crossing	March 1	Friday preceding first Saturday in May

COUNTY	WATERS	REFUGE BOUNDARIES	START DATE	END DATE
(41) Milwaukee	(a) Milwaukee river	From 30 feet upstream of the upstream end of the Kletzsch Park dam fish passage to 30 feet downstream of the fish passage with the boundary extending westward to the Milwaukee river island at 43°7'59.736"N, 87°55'41.29837"W	Continuous	Continuous
(44) Oneida	(a) Little Rice creek	Oneida lake dam (NE ¼ of the NE ¼, section 8) downstream to Hancock lake	April 10	Friday preceding first Saturday in May
	(b) Pelican river	The 5th lake dam of the Moen lake chain (SE ¼, section 4, T36N, R10E) downstream 500 feet	April 10	Friday preceding first Saturday in May
	(c) Squirrel river	Squirrel lake dam downstream 500 feet (NW ¼ of the NE ¼, section 30, T39N, R5E)	April 10	May 10
	(d) Tomahawk river	Wisconsin Valley Improvement Company bridge (NE ¼ of the NE ¼, section 27, T38N, R5E) downstream 500 feet	April 10	May 20
	(e) Willow river	Upstream end of the rapids (NE ¼ of the NE ¼, section 15, T37N, R4E) downstream 2,000 feet	April 10	May 20
	(f) Wisconsin river	Rainbow flowage dam (at county highway D, SW ¼ of the SW ¼, section 30, T39N, R8E) downstream 500 feet	April 10	Friday preceding first Saturday in May
(45) Outagamie	(a) Spoehrs marsh	Flooded woodland and marsh areas located adjacent to the Wolf River within the W 2 of section 4, E 2 of section 5, NE ¼ of the NE ¼ of section 8, and NW ¼ of the NW ¼ of section 9 T23N, R16E	March 15	Friday preceding first Saturday in May
	(b) Lockers marsh	Flooded woodland and marsh areas located adjacent to the Wolf River within the SW ¼ of section 16 and NW ¼ of section 21 T23N, R16E	March 15	Friday preceding first Saturday in May
	(c) Kalwitz marsh	Flooded woodland and marsh areas located adjacent to the Wolf River within the S 2 of section 7 and the N 2 of NE ¼ of section 18 T22N, R15E	March 15	Friday preceding first Saturday in May
(46) Ozaukee	(a) Milwaukee river	Fishway at the Thiensville-Mequon Dam: 750 feet around the dam located at river mile 20	Continuous	Continuous
(49) Polk	(a) Balsam branch	Wapogasset lake (NE ¼ of the NW ¼, section 14, T33N, R17W) upstream to the dam at Kennedy's Mill (SE ¼ of the SE ¼, section 10, T33N, R17W)	April 1	Friday preceding first Saturday in May
	(b) Butternut creek	Between Big Butternut lake and Little Butternut lake in Luck township	April 1	Friday preceding first Saturday in May
	(c) Harder creek	Between Balsam lake and Half Moon lake in Milltown township	April 1	Friday preceding first Saturday in May
	(d) Horse creek	Horse creek in NW¼ of the SE ¼, section 27, T32N, R18W (Cedar lake inlet) upstream 1,000 feet	April 1	Friday preceding first Saturday in May
	(dm) St. Croix river	From the upstream side of the state highway 8 bridge (T34N R18W S30) upstream to the St. Croix Falls dam	March 1	June 15
	(e) Sucker creek	From the outlet of Lake Wapogasset downstream to the county highway F bridge (section 26, T33N, R17W)	April 1	Friday preceding first Saturday in May
(51) Price	(a) Flambeau river (North Fork)	Upper Park Falls dam downstream to the state highway 182 bridge	Continuous	Continuous
	(b) Schnur creek	From west shore of Schnur lake to its mouth on the east shore of Butternut lake (SE ¼ of NE ¼, section 5, T40N, R1W)	April 1	May 31
	(c) Spirit river	Spirit lake dam downstream 500 feet	April 1	May 31

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COUNTY	WATERS	REFUGE BOUNDARIES	START DATE	END DATE
(52) Racine	(a) Root river	At Lincoln Park in the city of Racine, from 200 feet downstream from the fish ladder and extending 100 feet past the instream fish barrier of the Root river steelhead facility	August 1	Friday preceding first Saturday in May
	(b) Root river	At Lincoln Park in the city of Racine, from 100 feet downstream from the fish return pipe and extending upstream to 100 feet past the fish return pipe of the Root river steelhead facility	August 1	Friday preceding first Saturday in May
(55) Rusk	(a) Flambeau river	Within 200 feet downstream of all hydroelectric dams (closed to all fishing during the muskellunge closed season)	End muskellunge season (Northern zone)	Start muskellunge season (Northern zone)
	(b) Thornapple river	Confluence with Chippewa river in section 4, T34N, R7W upstream to the Thornapple road crossing in section 33, T35N, R7W	April 25	May 14
(57) Sawyer	(a) Chief river	From 200 feet upstream from the county highway B bridge upstream to the dam at the outlet of Callahan lake (sections 34 and 35, T41N, R7W)	April 15	June 1
	(b) Chippewa river	Arpin Dam located in section 23, T38N, R7W downstream 500 feet	Continuous	Continuous
	(c) Chippewa river	Winter dam (the gate of the reservoir dam, in government lots 1 and 9 in section 2, T39 N, R6W) downstream 1,000 feet	April 15	June 1
	(d) Connor creek	Between Lake of the Pines (Pickerel lake) and Connor lake (section 22, T38N, R3W)	April 1	May 14
	(e) Knuteson creek	Between Chetac lake (section 9, T37N, R9W) and Knuteson lake (section 10, R37N, R9W)	April 1	May 14
	(f) Squaw creek	From Chetach lake upstream 1,000 feet (section 33, T38N, R9W)	April 1	May 14
	(g) Totogatic river	From Nelson lake (in section 2 T42N, R9W) upstream to Seeley Fire Lane road crossing (section 2, T42N, R9W)	April 1	May 14
	(h) Whitefish creek	Whitefish lake to Lac Courte Oreilles (sections 11 and 12, T39N, R9W)	April 15	June 1
	(a) Embarrass river	County highway M bridge (SE ¼ section 9, T26N, R14E) downstream to Rangeline road (SE ¼, section 13, T26N, R14E)	April 1	Friday preceding first Saturday in May
	(b) Wolf river	Shawano Paper Mill dam downstream to the Shawano county highway M bridge (SW ¼, section 36, T27N, R15E)	April 1	Friday preceding first Saturday in May
(61) Taylor	(a) Otter creek	County highway H, on the Chippewa-Taylor county line, upstream to the north boundary of section 19, T30N, R4W	March 1	May 15
(64) Vilas	(a) Allequash creek	County highway M (NW ¼ of the NW ¼, section 20, T41N, R7E) downstream to Trout lake and into Trout lake for a distance of 100 feet in all directions	April 10	May 15
	(b) Big Arbor Vitae lake outlet	From the lake outlet (NE ¼ of the SE ¼, section 30, T40N, R7E) downstream 500 feet	April 10	May 10
	(c) Helen creek	Entire creek from Mamie lake (SE ¼ of the NW ¼, section 20, T43N, R9E) upstream to the creek source (NW ¼ of the SW ¼, section 31, T43N, R9E)	April 10	May 10
	(d) Little Arbor Vitae lake outlet	Little Arbor Vitae lake dam downstream to Carol lake, except unnamed lakes (NE ¼ of the SE ¼, section 33, T40N, R7E)	April 10	May 10
	(e) Little St. Germain lake	From the lake outlet (SW ¼ of the SE ¼, section 35, T40N, R8E) downstream 500 feet	April 10	May 15
	(f) Manitowish river	From the dam across the Manitowish river located in section 9, T42N, R5E (Rest Lake dam) downstream 500 feet	April 1	May 31

COUNTY	WATERS	REFUGE BOUNDARIES	START DATE	END DATE
	(g) Manitowish river	From the Iron county line (section 7, T42N, R5E) upstream to U.S. highway 51 (section 7, T42N, R5E) excluding the lake basins of Vance, Sturgeon and Benson lakes	First Saturday in May	June 1
	(h) Spring creek	From Mamie lake (NE ¼ of the SW ¼, section 21, T43N, R9E) upstream to the Spring lake outlet (NE ¼ of the NW ¼, section 27, T43N, R9E)	April 10	May 10
	(i) Trilby lake	Entire lake located in sections 11, 12, 13 and 14, T40N R6E	Continuous	Continuous
(66) Washburn	(a) Balsam lake outlet	200 feet upstream and downstream of state highway 48 (between Balsam lake and Red Cedar lake, section 34, T37N, R10W)	April 1	Friday preceding first Saturday in May
(67) Washington	(a) Cedar creek	Dam which is the outlet of Big Cedar lake downstream to the Kettle of Little Cedar lake (sections 32 and 33, T11N, R19E)	March 1	Friday preceding first Saturday in May
(68) Waukesha	(a) Bark river	The inlet to Upper Nemahbin lake upstream to Lake Nagawicka dam	March 1	Friday preceding first Saturday in May
	(ag) Bark river	Highway 83 bridge to the inlet to Lake Nagawicka at NE ¼, section 9, T7N, R18E to NE ¼, section 8, T7N, R18E	March 1	Friday preceding the first Saturday in May
	(am) Illinois-Fox river	From Madison street in the city of Waukesha upstream to the Barstow dam	March 1	May 1
	(b) Oconomowoc river	Inlet to Okauchee lake (SE ¼, section 19, T8N, R18E) upstream to the North lake outlet (SE ¼, section 17, T8N, R18E)	March 1	Friday preceding first Saturday in May
	(c) Oconomowoc river	Oconomowoc lake inlet upstream to Okauchee lake dam	April 1	Friday preceding first Saturday in May
(69) Waupaca	(a) Little Wolf river	From the dam in and across the Little Wolf river in the village of Manawa (section 15, T23N, R13E) downstream 500 feet	April 1	Friday preceding first Saturday in May
	(b) Little Wolf river	300 feet upstream and 300 feet downstream of the state highway 54 bridge (NE ¼ of section 1, T22N, R13E)	April 1	April 15
	(c) Little Wolf river	900 feet upstream and 1,300 feet downstream of the Ostrander road bridge (SW ¼ of section 8, T22N, R14E)	April 1	April 15
	(d) Little Wolf river	1,350 feet upstream and 150 feet downstream of county highway X bridge (SE ¼ of section 8, T22N, R14E)	April 1	April 15
	(e) Jenny bayou	Flooded woodland and marsh areas located adjacent to the Wolf River within the NE ¼ of section 12 T21N, R13E, the NW ¼ of section 7, and the SW ¼ of section 6 T21N, R14E	March 15	Friday preceding first Saturday in May
	(f) Miller bayou	Flooded woodland and marsh areas located adjacent to the Wolf River within the E 2 of the NE ¼ of section 24 and the SE ¼ of the SE ¼ of section 13 T21N, R13E	March 15	Friday preceding first Saturday in May
	(g) Muckwa marsh	Flooded woodland and marsh areas located adjacent to the Wolf River within the N 2 of section 15 and the S 2 of section 10 T22N, R14E	March 15	Friday preceding first Saturday in May
(71) Winnebago	(a) Fox river	200 feet downstream from Eureka dam upstream 400 feet past the Eureka dam	March 1	Friday preceding first Saturday in May

History: CR 15-023: cr. Register December 2015 No. 720, eff. 1-1-16; correction in (64) (d) made under s. 35.17, Stats., Register December 2015 No. 720; CR 17-051: cr. (16) (br), Register March 2018 No. 747 eff. 4-1-18; CR 19-016: am. (5) (a), cr. (15) (e) Register March 2020 No. 771, eff. 4-1-20; CR 21-058: am. (55) (a) Register March 2022 No. 795, eff. 4-1-22; CR 23-009: cr. (49) (dm), (68) (am) Register February No. 818, eff. 3-1-24; CR 23-058: am. (15) (d), (55) (b), cr. (68) (am) Register June 2024 No. 822, eff. 7-1-24; (68) (am) renumbered to (68) (ag) under s. 13.92 (4) (b) 1., Stats., Register June 2024 No. 822; EmR2318: emerg. cr. (41), eff. 12-7-23; CR 24-002: cr. (41), (45), (69) (e) to (g) Register July 2024 No. 823, eff. 8-1-24.

NR 26.02 Lake Superior Fish refuges. In order to prevent substantial depletion of the fish supply, the following spawning areas and nursery areas in Lake Superior are created and established as fish refuges and no person may take, catch, capture, kill, or fish for fish in any manner at any time in, on, or along the following described water areas:

(1) All waters bounded by a line from the Gull Island light south to the northernmost point of Michigan Island and then 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° 40', then due east to the Michigan state line; then northerly along the state line to latitude 46° 59.3'; from that point due west to longitude 90° 26.5' and then due south to the Gull Island light.

(2) All waters in which 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 1/2 miles north of the York Island Shoal bell buoy. The area within the refuge south of a line running northwesterly from the north tip of Devils Island to the refuge's western boundary, then due south to the southwest corner of the refuge and back to the north tip of Devils Island shall be open to sport and commercial fishing during period 3 (June 1 to September 30).

(3) 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 to May 15.

History: CR 15-023: cr. Register December 2015 No. 720, eff. 1-1-16; EmR1804: emerg. am. (1), eff. 2-6-18; CR 17-071: am. (1), Register June 2018 No. 750 eff. 7-1-18.

NR 26.03 Establishment of temporary fish refuges.

(1) **CRITERIA.** Pursuant to sub. (2), the department may establish a temporary fish refuge on a water or part of a water when it finds through scientific investigation, fish population monitoring, or documentation of fish movement that fish have become concentrated and vulnerable to harvest and are in need of immediate protection due to at least one of the following:

(a) A fish passage, fishway, or similar structure has been installed to allow fish to move past a barrier to access additional areas of their natural range, and continued fishing may result in a depletion of the game fish supply due to the new movement patterns of fish in or around the structure.

(b) The department has authorized a habitat or waterway project that may temporarily impact the distribution of fish in the waterbody into a smaller area.

(c) New information or a change in conditions affecting one or more fish populations in the waterbody warrants the establishment of a temporary fish refuge to address an imminent conservation need.

(2) **PROCEDURES.** Upon making a determination under sub. (1) that a temporary fish refuge is warranted, the department shall do all of the following:

(a) Prepare and distribute a notice of its intent to establish a temporary fish refuge under this section. The notice shall be published as a class 1 notice under ch. 985, Stats., in a general circulation newspaper in the vicinity of the water and, if the proposal has statewide significance, in the official state newspaper. A copy of the notice shall be sent to individuals and organizations which the department believes may be interested in the matter. The notice shall include a description of the water or part of the water that will be included in the temporary fish refuge, the effective date of the refuge, the proposed annual date range for the refuge, the location where the public may send comments on the proposal or request a public informational meeting, and the deadline for submitting comments or requesting a public meeting.

(b) If requested by the public in writing within 10 days of publication of the notice under par. (a), hold one or more public information meetings in the vicinity of the proposed temporary fish refuge, at which the department shall describe the factual basis for the temporary fish refuge and shall take public comments.

(c) If, based on the factual basis for the temporary fish refuge and public comments received, the department decides to proceed with establishment of the temporary fish refuge, the department shall issue an order establishing the fish refuge.

(d) Within 30 days of the order establishing the temporary fish refuge under par. (c), the department shall post notice of the fish refuge at public access sites in the vicinity of the fish refuge that shall contain the boundary descriptions of the fish refuge and the annual date range during which the fish refuge shall be in effect.

(3) **EFFECTIVE PERIOD.** A temporary fish refuge established under this section shall remain in effect until 3 years following the effective date of the refuge, until the end of the project, or until the department has determined that fish no longer congregate either seasonally or continuously in the area of the fish refuge, whichever occurs first. Upon discontinuing a fish refuge, the department shall publish notice of discontinuation of the fish refuge in the official state newspaper and shall remove the notices posted in the vicinity of the fish refuge.

History: CR 24-002: cr. Register July 2024 No. 823, eff. 8-1-24; correction in (3) made under s. 35.17, Stats., Register July 2024 No. 823.