

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 NR 26 was repealed and created effective January 1, 1977 [Register December 1976 No. 252](#).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 NR 26 was repealed and recreated by [CR 15-023](#) effective January 1, 2016 [Register December 2015 No. 720](#).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
c3d Barron	cad Beaver Dam lake inlets	Cumberland ditch cunnamed, SW of the NE , section 5, T35N, R13Wd upstream to Riebe lake cunnamed, SW of the NW , section 4, T36N, R13Wd	April 1	Friday preceding first Saturday in May
	cbd Granite lake inlet	Unnamed stream in SW of the NW , T36N, R13W upstream to U.S. highway 63 cSW of the SE , section 18, T36N, R13Wd	April 1	Friday preceding first Saturday in May
	ccd Hemlock creek	That part of Hemlock creek in the NW of the NE , section 36, T36N, R10Wd upstream 500 feet	April 1	Friday preceding first Saturday in May
	cdd 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
	ced 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
	cfid Turtle creek	From Upper Turtle lake downstream to Lower Turtle lake	April 1	Friday preceding first Saturday in May
c4d Bayfield	cad Bayfield hatchery outlet ditch	Bayfield hatchery downstream to the outlet ditch confluence with Pike[s] creek	July 15	October 31
	cbd 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
	ccd Pikes creek	Structure commonly known as Red dam downstream 100 feet csection 28, T50N, R4Wd	April 1	May 31
	cdd Sioux river	XBig Rock HoleY downstream 200 feet csection 19, T49N, R4Wd	September 1	May 31
c5d Brown	cad Fox river	Beginning at the De Pere dam in the city of De Pere cT23N, R20Ed 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
	cbd Sensiba wildlife area discharge area to the Suamico river	From the dike to the south end of the culvert under Sunset Beach road csection 24, T25N, R20Ed	March 1	Friday preceding first Saturday in May
c9d Chippewa	cad Chippewa river	Jim Falls Dam at section 29, T30N, R7W downstream 1000 feet	Continuous	Continuous
	cbdChippewa river	From 1,000 feet below the Jim Falls dam csection 20, T30N, R7Wd downstream to county highway Y bridge csection 30, T30N, R7Wd	First Saturday in September	October 15

COUNTY	WATERS	REFUGE BOUNDARIES	START DATE	END DATE
	ccd Otter creek	Otter lake dam csection 11, T30N, R5Wd downstream 300 feet	March 1	May 15
	cdd Yellow river	Cadott cSvetlikd dam csection 31, T29N, R6Wd downstream to the Main street calso known as 257th streetd bridge in Cadott when posted closed to fishing with department signs	March 1	May 15
c10d Clark	cad Eau Claire river cSouth Forkd	Mead Lake dam downstream 500 feet	March 1	Friday preceding first Saturday in May
c13d Dane	cad 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
	cbd Wingra creek	Entire spillway of Wingra lake and downstream from spillway to the Arboretum drive bridge	March 1	May 15
	ccd Yahara river, city of Madison	Tenney locks csection 12, T7N, R9Ed downstream 900 feet	March 1	Friday preceding first Saturday in May
	cdd Yahara river, village of McFarland	From Exchange street bridge csections 3 and 10, T6N, R10Ed downstream 600 feet and upstream to the lock and dam	March 1	Friday preceding first Saturday in May
	ced Yahara river, village of McFarland	Beginning 400 feet upstream from the Dyreson road bridge csection 14 T6N, R10Ed upstream 1,000 feet	March 1	Friday preceding first Saturday in May
	cfD Yahara river cDunkirk damd	Dunkirk dam csection 20, T5N, R11Ed downstream to county highway N csection 21, T5N, R11Ed	March 1	May 15
c14d Dodge	cad Beaver Dam creek	County highway G bridge cNW of the NE , section 17, T12N, R13Ed downstream to the mouth at Beaver Dam lake cSW of the SW , section 9, T12N, R13Ed	March 1	Friday preceding first Saturday in May
	cbd Mill creek	Fox Lake dam cSW of the NE , section 26, T13N, R13Ed downstream to Beaver Dam lake cSW of the SW , section 3, T12N, R13Ed	March 1	Friday preceding first Saturday in May
	ccd Rock river cHustisford damd	Hustisford dam, in the village of Hustisford, downstream 725 feet	March 1	Friday preceding first Saturday in May
c15d Door	cad Ahnapee river	Forestville dam csection 29, T26N, R25Ed downstream 500 feet	March 1	May 15
	cbd Samuelsons creek	From Samuelsons creek mouth at the Sturgeon Bay ship canal upstream to its source	Continuous	Continuous
	ccd Strawberry creek	Sturgeon Bay ship canal upstream to the source of Strawberry creek cSE of the SE , section 16, T27N, R26Ed	September 1	December 31
	cdd Sturgeon Bay ship canal	Canal area within 500 feet of Strawberry creek in the SE of the SE , section 16, T27N, R26E	September 1	December 31
	ced Mink River	Mink river downstream to its mouth at Rowley bay	Monday following the first Sunday in March	June 15
c16d Douglas	cad Brule river	100 feet upstream and 100 feet downstream from Xbox Car HoleY csection 2, T47N, R10Wd	July 15	October 31
	cbd 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
	cbrd Brule river	500 feet upstream and downstream from sea lamprey barrier	Continuous	Continuous

COUNTY	WATERS	REFUGE BOUNDARIES	START DATE	END DATE
	ccd St. Louis river	State highway 23 bridge csection 8, T48N, R15Wd upstream to the Wisconsin-Minnesota border	March 1	May 18
c17d Dunn	cad 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
c18d Eau Claire	cad Eau Claire river	Altoona dam cNW SW , section 14, T27N, R9Wd downstream 500 feet	March 1	Friday preceding first Saturday in May
c20d Fond Du Lac	cad Silver creek	County highway NN cold state highway 23d downstream to the Green Lake-Fond du Lac county line	March 1	Friday preceding first Saturday in May
c23d Green	cad Sugar river	Albany dam downstream 500 feet	March 1	Friday preceding first Saturday in May
	cbd Sugar river	Decatur dam downstream 500 feet	March 1	Friday preceding first Saturday in May
	ccd Sugar river	Old Brodhead power house site spillway downstream 500 feet	March 1	Friday preceding first Saturday in May
c24d Green Lake	cad Silver creek	Fond du Lac-Green Lake county line downstream to the Spaulding bridge cSE of the SE , section 23, T16N, R13Ed	March 1	Friday preceding first Saturday in May
c25d Iowa	cad 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
c26d Iron	cad 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
	cbd Flambeau river	Turtle-Flambeau dam downstream to the U.S. government gaging station cpart of the Flambeau river located in the SW of the SE and SE of the SW of section 34, township 42 north, range 2 east, and the NE of the NW and the NW of the NE 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 of the NW of said section 3d	Continuous	Continuous
	ccd Gile flowage at Junk Shop Dike cDirt Diked	200 feet upstream and downstream from Junk Shop Dike on Knight road where it crosses the flowage cbetween section 36, township 46 north, range 2 east, and section 1, township 45 north, range 2 eastd	April 1	May 14
	cdd Gile Flowage at county highway C	200 feet upstream and downstream from county highway C cSW of the NW , and in the NW of the SW , section 1, township 45 north, range 2 eastd	April 1	May 14
	ced Manitowish river	Bridge at state highway 47 csection 9, T42N, R4Ed upstream to the Vilas county line	First Saturday in May	June 1
	cfD Mercer creek	Between Mercer lake and Grand Portage lake csection 36, T43N, R3Ed	April 1	May 14
	cgd Turtle-Flambeau river cSeifert[s Pointd	Within 200 feet of the shoreline of the peninsula in section 5, T41N, R3E, commonly known as Seifert[s Point	April 1	May 14
	chd Turtle river	Lake of the Falls dam cin section 6, township 42 north, range 3 eastd downstream 1,000 feet	April 1	May 14

COUNTY	WATERS	REFUGE BOUNDARIES	START DATE	END DATE
c29d Juneau	cad Meadow Valley flowage	That part of the Meadow Valley flowage beginning at a point in the E 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
	cbd 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 Sections 2, 3, 4, 5 and 6 - Entire sections Section 7 - N Section 8 - N Section 9 - N Section 10 - N Section 11 - All that part lying north of the Meadow Valley flowage road and west of state highway 173.	March 1	June 30
c31d Kewaunee	cad Flume of Kewaunee Nuclear power plant		Continuous	Continuous
	cbd Kewaunee river	From county highway F bridge upstream 500 feet past the fish return pipe of the Kewaunee river coho salmon spawning facility cW of section 14, township 23 north, range 24 east, town of West Kewaunee	Continuous	Continuous
c34d Langlade	cad Wolf river	Post lake dam downstream 75 feet to the bottom of the first rapids	April 1	May 31
c35d Lincoln	cad Little Somo river	Dam in section 27, T35N, R5E downstream 900 feet	March 1	Friday preceding first Saturday in May
	cbd Tomahawk river	Jersey dam in section 28, T35N, R6E downstream to the railroad trestle	March 1	Friday preceding first Saturday in May
c36d Manitowoc	cad Flume of Point beach Nuclear power plant		Continuous	Continuous
c38d Marinette	cad Peshtigo river	Badger Paper Mill dam in the city of Peshtigo csection 19, T30N, R23Ed downstream 300 feet	March 1	May 31
c39d Marquette	cad Grand river	Grand River wildlife dam located in the NW of the NW of section 1, township 14 north, range 10 east downstream 50 feet	Continuous	Continuous
	cbd Grand river	Beginning 50 feet downstream from the Grand river wildlife area dam cNW NW, sec. 1, T14N, R10Ed extending downstream 300 feet	March 1	Friday preceding first Saturday in May
	ccd Montello river	Lake Montello dam cNE SE, sec. 8, T15N, R10Ed downstream to the first bridge crossing	March 1	Friday preceding first Saturday in May

COUNTY	WATERS	REFUGE BOUNDARIES	START DATE	END DATE
c41d Milwaukee	cad 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
c44d Oneida	cad Little Rice creek	Oneida lake dam cNE of the NE , section 8d downstream to Hancock lake	April 10	Friday preceding first Saturday in May
	cbd Pelican river	The 5th lake dam of the Moen lake chain cSE , section 4, T36N, R10Ed downstream 500 feet	April 10	Friday preceding first Saturday in May
	ccd Squirrel river	Squirrel lake dam downstream 500 feet cNW of the NE , section 30, T39N, R5Ed	April 10	May 10
	cdd Tomahawk river	Wisconsin Valley Improvement Company bridge cNE of the NE , section 27, T38N, R5Ed downstream 500 feet	April 10	May 20
	ced Willow river	Upstream end of the rapids cNE of the NE , section 15, T37N, R4Ed downstream 2,000 feet	April 10	May 20
	efd Wisconsin river	Rainbow flowage dam cat county highway D, SW of the SW , section 30, T39N, R8Ed downstream 500 feet	April 10	Friday preceding first Saturday in May
c45d Outagamie	cad 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 of the NE of section 8, and NW of the NW of section 9 T23N, R16E	March 15	Friday preceding first Saturday in May
	cbd Lockers marsh	Flooded woodland and marsh areas located adjacent to the Wolf River within the SW of section 16 and NW of section 21 T23N, R16E	March 15	Friday preceding first Saturday in May
	ccd 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 of section 18 T22N, R15E	March 15	Friday preceding first Saturday in May
c46d Ozaukee	cad Milwaukee river	Fishway at the Thiensville-Mequon Dam: 750 feet around the dam located at river mile 20	Continuous	Continuous
c49d Polk	cad Balsam branch	Wapogasset lake cNE of the NW , section 14, T33N, R17Wd upstream to the dam at Kennedy[s Mill cSE of the SE , section 10, T33N,R17Wd	April 1	Friday preceding first Saturday in May
	cbd Butternut creek	Between Big Butternut lake and Little Butternut lake in Luck township	April 1	Friday preceding first Saturday in May
	ccd Harder creek	Between Balsam lake and Half Moon lake in Milltown township	April 1	Friday preceding first Saturday in May
	cdd Horse creek	Horse creek in NW of the SE , section 27, T32N, R18W cCedar lake inletd upstream 1,000 feet	April 1	Friday preceding first Saturday in May
	cdmd St. Croix river	From the upstream side of the state highway 8 bridge cT34N R18W S30d upstream to the St. Croix Falls dam	March 1	June 15
	ced Sucker creek	From the outlet of Lake Wapogasset downstream to the county highway F bridge csection 26, T33N, R17Wd	April 1	Friday preceding first Saturday in May
c51d Price	cad Flambeau river cNorth Forkd	Upper Park Falls dam downstream to the state highway 182 bridge	Continuous	Continuous
	cbd Schnur creek	From west shore of Schnur lake to its mouth on the east shore of Butternut lake cSE of NE , section 5, T40N, R1Wd	April 1	May 31
	ccd Spirit river	Spirit lake dam downstream 500 feet	April 1	May 31

COUNTY	WATERS	REFUGE BOUNDARIES	START DATE	END DATE
c52d Racine	cad 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
	cbd 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
c55d Rusk	cad Flambeau river	Within 200 feet downstream of all hydroelectric dams closed to all fishing during the muskellunge closed season	End muskellunge season cNorthern zoned	Start muskellunge season cNorthern zoned
	cbd 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
c57d Sawyer	cad Chief river	From 200 feet upstream from the county highway B bridge upstream to the dam at the outlet of Callahan lake csections 34 and 35, T41N, R7Wd	April 15	June 1
	cbd Chippewa river	Arpin Dam located in section 23, T38N, R7W downstream 500 feet	Continuous	Continuous
	ccd Chippewa river	Winter dam cthe gate of the reservoir dam, in government lots 1 and 9 in section 2, T39 N, R6Wd downstream 1,000 feet	April 15	June 1
	cdd Connor creek	Between Lake of the Pines cPickerel laked and Connor lake csection 22, T38N, R3Wd	April 1	May 14
	ced Knuteson creek	Between Chetac lake csection 9, T37N, R9Wd and Knuteson lake csection 10, R37N, R9Wd	April 1	May 14
	cfD Squaw creek	From Chetach lake upstream 1,000 feet csection 33, T38N, R9Wd	April 1	May 14
	egd Totogatic river	From Nelson lake cin section 2 T42N, R9Wd upstream to Seeley Fire Lane road crossing csection 2, T42N, R9Wd	April 1	May 14
	chd Whitefish creek	Whitefish lake to Lac Courte Oreilles csections 11 and 12, T39N, R9Wd	April 15	June 1
c58d Shawano	cad Embarrass river	County highway M bridge cSE section 9, T26N, R14Ed downstream to Rangeline road cSE , section 13, T26N, R14Ed	April 1	Friday preceding first Saturday in May
	cbd Wolf river	Shawano Paper Mill dam downstream to the Shawano county highway M bridge cSW , section 36, T27N, R15Ed	April 1	Friday preceding first Saturday in May
c61d Taylor	cad 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
c64d Vilas	cad Allequash creek	County highway M cNW of the NW , section 20, T41N, R7Ed downstream to Trout lake and into Trout lake for a distance of 100 feet in all directions	April 10	May 15
	cbd Big Arbor Vitae lake outlet	From the lake outlet cNE of the SE , section 30, T40N, R7Ed downstream 500 feet	April 10	May 10
	ccd Helen creek	Entire creek from Mamie lake cSE of the NW , section 20, T43N, R9Ed upstream to the creek source cNW of the SW , section 31, T43N, R9Ed	April 10	May 10
	cdd Little Arbor Vitae lake outlet	Little Arbor Vitae lake dam downstream to Carroll lake, except unnamed lakes cNE of the SE , section 33, T40N, R7Ed	April 10	May 10
	ced Little St. Germain lake	From the lake outlet cSW of the SE , section 35, T40N, R8Ed downstream 500 feet	April 10	May 15
	cfD Manitowish river	From the dam across the Manitowish river located in section 9, T42N, R5E cRest Lake damd downstream 500 feet	April 1	May 31

COUNTY	WATERS	REFUGE BOUNDARIES	START DATE	END DATE
	cgd Manitowish river	From the Iron county line csection 7, T42N, R5Ed upstream to U.S. highway 51 csection 7, T42N, R5Ed excluding the lake basins of Vance, Sturgeon and Benson lakes	First Saturday in May	June 1
	chd Spring creek	From Mamie lake cNE of the SW , section 21, T43N, R9Ed upstream to the Spring lake outlet cNE of the NW , section 27, T43N, R9Ed	April 10	May 10
	cid Trilby lake	Entire lake located in sections 11, 12, 13 and 14, T40N R6E	Continuous	Continuous
c66d Washburn	cad Balsam lake outlet	200 feet upstream and downstream of state highway 48 cbetween Balsam lake and Red Cedar lake, section 34, T37N, R10Wd	April 1	Friday preceding first Saturday in May
c67d Washington	cad Cedar creek	Dam which is the outlet of Big Cedar lake downstream to the Kettle of Little Cedar lake csections 32 and 33, T11N, R19Ed	March 1	Friday preceding first Saturday in May
c68d Waukesha	cad Bark river	The inlet to Upper Nemahbin lake upstream to Lake Nagawicka dam	March 1	Friday preceding first Saturday in May
	cagd Bark river	Highway 83 bridge to the inlet to Lake Nagawicka at NE , section 9, T7N, R18E to NE , section 8, T7N, R18E	March 1	Friday preceding the first Saturday in May
	camd Illinois-Fox river	From Madison street in the city of Waukesha upstream to the Barstow dam	March 1	May 1
	cbd Oconomowoc river	Inlet to Okauchee lake cSE , section 19, T8N, R18Ed upstream to the North lake outlet cSE , section 17, T8N, R18Ed	March 1	Friday preceding first Saturday in May
	ccd Oconomowoc river	Oconomowoc lake inlet upstream to Okauchee lake dam	April 1	Friday preceding first Saturday in May
c69d Waupaca	cad Little Wolf river	From the dam in and across the Little Wolf river in the village of Manawa csection 15, T23N, R13Ed downstream 500 feet	April 1	Friday preceding first Saturday in May
	cbd Little Wolf river	300 feet upstream and 300 feet downstream of the state highway 54 bridge cNE of section 1, T22N, R13Ed	April 1	April 15
	ccd Little Wolf river	900 feet upstream and 1,300 feet downstream of the Ostrander road bridge cSW of section 8, T22N, R14Ed	April 1	April 15
	cdd Little Wolf river	1,350 feet upstream and 150 feet downstream of county highway X bridge cSE of section 8, T22N, R14Ed	April 1	April 15
	ced Jenny bayou	Flooded woodland and marsh areas located adjacent to the Wolf River within the NE of section 12 T21N, R13E, the NW of section 7, and the SW of section 6 T21N, R14E	March 15	Friday preceding first Saturday in May
	cfid Miller bayou	Flooded woodland and marsh areas located adjacent to the Wolf River within the E 2 of the NE of section 24 and the SE of the SE of section 13 T21N, R13E	March 15	Friday preceding first Saturday in May
	cgd 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
c71d Winnebago	cad 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 c64d cdd made under s. 35.17, Stats., Register December 2015 No. 720; CR 17-051; cr. c16d cbrd, Register March 2018 No. 747 eff. 4-1-18; CR 19-016: am. c5d cad, cr. c15d ced Register March 2020 No. 771, eff. 4-1-20; CR 21-058: am. c55d cad Register March 2022 No. 795, eff. 4-1-22; CR 23-009: cr. c49d cdm, c68d camd Register February No. 818, eff. 3-1-24; CR 23-058: am. c15d cdd, c55d cbd, cr. c68d camd Register June 2024 No. 822, eff. 7-1-24; c68d camd renumbered to c68d cagd under s. 13.92 c4d cbd 1., Stats., Register June 2024 No. 822; EmR2318: emerg. cr. c41d, eff. 12-7-23; CR 24-002: cr. c41d, c45d, c69d ced to cgd 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:

c1d 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.

c2d 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 cJune 1 to September 30d.

c3d 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. c1d, eff. 2-6-18; CR 17-071: am. c1d, Register June 2018 No. 750 eff. 7-1-18.

NR 26.03 Establishment of temporary fish refuges.

c1d CRITERIA. Pursuant to sub. c2d, 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:

cad 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.

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

ccd 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.

c2d PROCEDURES. Upon making a determination under sub. c1d that a temporary fish refuge is warranted, the department shall do all of the following:

cad 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.

cbd If requested by the public in writing within 10 days of publication of the notice under par. cad, 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.

ccd 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.

cdd Within 30 days of the order establishing the temporary fish refuge under par. ccd, 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.

c3d 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 c3d made under s. 35.17, Stats., Register July 2024 No. 823.