

Where There's a Will, There's a Way: The Lauderdale Lakes Story

by Gerald T. Petersen

Lauderdale Lakes is a chain of three medium-sized lakes (850 acres) 35 miles southwest of Milwaukee. They were first settled in 1841 by two pioneers from New York. As with many lakes in southern Wisconsin, the early 1900s brought significant summer home development by residents of larger communities—especially Chicago. By the 1950s, the 14 miles of shoreline were largely developed. Since then, most lakeshore properties have been upgraded to year-round status and new development has flourished in the adjoining rolling kettle moraine land. At present, the lakes area consists of about 1,000 homes and 1,000 undeveloped (but platted) home lots.

During the summer of 1902, several of the early settlers banded together to form the Lauderdale Lakes Improvement Association. The first project was the dynamiting and removal of over a thousand stumps; since Lauderdale, like many southern Wisconsin lakes, had an early mill which raised the lake level about three feet. Other early projects included weed control, fish stocking, improvements in the dam, and the acquisition of a forest preserve. In the 85 years since incorporating, the association has become one of the most active in the State. Current membership is 530 families.

One example of association leadership involved water quality protection. About twelve years ago, several association directors became concerned that water clarity was decreasing, but no water quality monitoring was being performed to guide early protection measures. The state DNR had been taking a few samples in the early 1970s, but no more were planned. None of the county or town government units were willing to help. (Lauderdale Lakes is within two towns, making local representation further fractioned.) This led our association to strongly advocate formation of a lake district in 1977. However, vocal opposition by one town, and confusion over the legality of non-resident property owner participation, sidetracked district plans. Nevertheless, the association forged ahead on a voluntary basis into the field of water quality protection.

In 1978, contacts were established with lake biologists on the state, university, and Regional Planning Commission staffs. This led to a lake study with four main elements:

- 1. Acquisition of prior DNR sampling data,
- 2. Aquisition of USGS topographic, soils, and groundwater data,
- 3. Intensive water chemistry measurements at "spring turnover," and
- Seasonal water clarity measurements via Secchi disc.

The study verified that Lauderdale Lakes is at the "mid-life" or mesotrophic state of aging and, therefore, is clearly worth protecting from near-term environmental pressures. The relatively-small size of the watershed and the bubbling springs (versus stream water supply) are clear advantages in protecting the lake.

Interest in protecting water quality has led to a significant expansion of monitoring. One example is shoreline bacterial sampling. Weekly sampling for fecal coliform bacteria levels is now routinely performed from mid-June through Labor Day. In 1985, this was expanded to included separate samplings for Enterococci and Escherichia Coli bacteria, which have shown a more direct correlation to swimmer infections. These measurements showed that we have a few failing septic systems—especially on lower-lying properties along our western shores. Since our groundwater flows from west to east, western shore property septics are much more prone to leach into the lake with inadequate filtration.

Once failing septics were identified as a concern, additional diagnostic work was planned. We became aware of the septic leachate detector pioneered by Michael Kerfoot of Massachusetts. Accordingly, we encouraged a local environmental consultant to

Lauderdale Lakes continued

acquire a detector and we became the first lake in the state to retain his scanning services. This technology permits an operator in a small boat to continuously measure groundwater pollutants entering the lake along the shoreline. It was such a valuable lake management tool for us that our association acquired its own unit in 1986.



The photograph shows the Lauderdale septic leachate detector system in action. Groundwater entering the lake near the shoreline is continuously drawn to test conductivity and fluorescence. Simultaneous high conductivity and fluorescence readings are an indication of local septic failure. Correlation has subsequently been obtained with fecal bacterial sampling.

The next obvious step is to inspect the septic systems on the property in question. Unfortunately, the only entity with legal authority to conduct septic inspections in our region is the County Sanitarian; and his office is understaffed, with a three-year backlog of inspection requests. Not to be stalled indefinitely, our association contracted with a sanitarian from an adjoining county that has extensive experience. He has trained several members of our Water Quality Committee in septic inspection techniques, permitting a limited voluntary septic inspection program to be launched.

Looking to the future, we feel sanitary powers need to be available locally to manage failing septic systems. This need is especially acute in our instance, due to the unavailability of county support. Because of this and a related concern over inadequate development planning and zoning controls, our association started a feasibility study in 1986 to identify and evaluate all options to obtain adequate local governmental regulations. One option being given serious consideration is village incorporation. Others involve a combination of a lake district or sanitary district with increased cooperation from our two towns and the county.

Recently, an ad hoc group has been formed to create better elector awareness of the issues and their potential solutions. Our objective is to reach a consensus on the best solution by early 1988. The activity involves town meetings, public meetings, mailings, and personal contacts. Although the final plan has yet to be established, one thing is sure: our lakes area will again take a very meaningful step toward Improvement—the basic goal set forth by our lakes association way back in 1902! I guess we do hold to the tested philosophy that "Where There's a Will, There's a Way!"

Gerald Petersen is chairman of the Water Quality Committee of Lauderdale Lakes Improvement Association.

Wisconsin Lakes Convention: Back to the Point

The 1988 Wisconsin Lakes Convention will be held at the University of Wisconsin Stevens Point on March 25-26.

Governor Tommy Thompson has been invited to present the keynote at 1:00 p.m. on Friday. After the Governor's address, community reports will be given by three active lake organizations. The final segment of Friday afternoon's program will be a panel discussion on the use of gasoline taxes for lake management.

The Saturday program will feature the following workshops and more:

- Controlling weeds and algae
- Shoreland zoning
- State and local responsibility for lakes
- Influencing local officials and civic leaders
- Loons in Wisconsin
- Renewing your lake organization
- Wetland appreciation and management
- Liability
- Natural landscaping.

Awards will be presented for the outstanding individual and outstanding organization involved in lake management. Nominations can be sent to Marion Urich, 25 Ironwood Circle, Madison WI 53716-1419.

Vendors providing lake management equipment and services will have literature and exhibits at the convention.

DON'T YOU MISS IT. It is the best opportunity all year to learn more about lakes and to share experiences with other leaders of lakeshore communities. A brochure will be sent to everyone on the *Lake Tides* list. See you then.

Wisconsin Lakes Convention, March 25-26

Name That Lake

by Terry Daulton

Have you ever wished for the immortality of having your favorite lake named after you? Does your name seem to have just the right ring to it for that shimmering body of water at your back door? Well, if you have seriously considered this idea, you may have found that it takes a great deal more than aesthetic preference to change the name of a lake, or even to name a new lake.

A few years ago, Bob Martini, a water resources manager with the DNR in Rhinelander, thought that naming lakes would be a good way to raise funds for lake management. His idea was to have people pay \$100-200 for the right to name an unnamed Wisconsin lake. After some investigation, he found that the cost to the state would be far greater than the amount which could be charged.

In Wisconsin, the naming of lakes is a serious business. In order to change the name of a lake, you must file a Geographic Name Proposal with the Geographic Names Council. The council is made up of a representative from the Department of Administration, the University of Wisconsin, the Department of Transporatation, and the Department of Natural Resources, along with the State Cartographer and the State Geologist. The council meets about twice a year. Once a Geographic Name Proposal is reviewed, the council makes recommendations to the DNR. The DNR decides on approval, and then coordinates with the U.S. Board of Geographic Names. Altogether, this process takes about a year to complete.

Dale Marsh is the executive secretary of the Geographic Names Council. He states that the council prefers names for lakes that have historical value or are descriptive of the lake. While the council occasionally receives requests to name a lake after current land owners, or perhaps after the initials of their children (Betty, Alice, and Ted became Bat Lake), Wisconsin Lakes are never named after living people.

Some frustrated landowners may take matters into their own hands and rename a lake on a local level, but official maps will show the old names. One example of this is Lake Glisczinski in Portage County. The lake was originally named for the farm family that settled its shores. Lake Glisczinski, perhaps more commonly known as Lake Jacqueline, was locally renamed in the 1950s.

A developer from Appleton bought the lake shorelands and decided to change the name to a more attractive, salable title. The story tells that the developer's son was dating a woman named Jackie, and this influence, combined with the popularity of Jackie Kennedy, was impetus for the renaming of Lake Glisczinski to Lake Jacqueline. This is only one of many examples of developers unofficially changing lake names to make their shores more salable.

The Geographic Names Council resists the renaming of lakes whose names have historic value such as Glisczinski. They also discourage the naming of lakes having a size of ten acres or less. The council feels that there is a certain charm and attraction to anonymous lakes. Along with decreasing clutter on maps, they add a touch of wilderness to our otherwise categorized world.

While the council discourages the renaming of lakes which have appropriate titles, there are lakes which they would be happy to consider renaming. In Wisconsin, there are over 200 Bass and Swan lakes. While the council would approve name changes for these lakes, Dale Marsh said that few counties want to change the name of a lake when it is attractive. The council has had some success in renaming a number of Mud Lakes.

If this sets you wondering about the name of your lake and its origins, a good reference is your local historical society. They often have records that include interesting stories behind the names given to lakes and streams. And, if you happen to live on one of those Bass, Swan, or Mud lakes, a name change might be worth pursuing. A copy of the Geographic Name Proposal can be found at DNR District Offices across the state. But if your lake has a valuable historical or descriptive name, dreams of authoring a new name or of gaining immortality may be only dreams.

Terry Daulton is a graduate student in the College of Natural Resources, University of Wisconsin Stevens Point.



Eco-Note: Mercury Contamination in Wisconsin Lakes

In recent years, Wisconsin health and natural resources agencies have warned people to limit their consumption of mercury-contaminated sport fish from various state waters. Here's background information on how mercury gets into fish, where it comes from, and how you can limit your exposure.

Where does mercury come from?

Mercury is a dense but volatile, naturally-occurring metallic element. It is found in very low levels in air, water, rocks, soil, and plant and animal matter. Geologic and biologic processes also release mercury into the environment.

Coal burning, metal mining, and smelting, and the manufacture and use of agricultural chemicals, paints, pharmaceuticals, and other products also add mercury to the environment.

Mercury compounds, for instance, were once used to control nuisance slime growths on wood pulp in paper mills. Wisconsin rivers were also used to carry away other industrial waste containing large amounts of mercury. Mercury deposited in these river sediments is still showing up in some fish, even though discharges were halted more than a decade ago.

Recent research has targeted the use of latex housepaint and emissions from coal-burning power plants as the state's two major sources of airborne mercury.

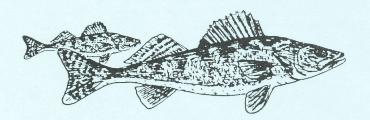
Mercury being detected in Wisconsin fish may be coming from all these sources. Studies are underway to estimate each source's contribution.

How does mercury get into fish?

Bacteria living at the bottom of the waterway convert mercury into an organic form of the metal known as methylmercury. Fish take in mercury from water passing over their gills or from organisms that they eat that also contain mercury.

Since mercury is stored in the tissues, the longer a fish is exposed to mercury in the environment and the more mercury-contaminated food it eats, the higher its mercury level will be. Large or old fish that mostly eat smaller fish contain much more mercury than smaller, younger fish or fish that eat a more varied diet.

In Wisconsin, large walleyes, northern pike, largemouth and smallmouth bass, and muskellunge usually contain more mercury than other types of fish in lakes and rivers where mercury is present.





The mercury a fish absorbs is stored throughout its body, especially in muscle tissue and organs. Cleaning or cooking mercury-contaminated fish a certain way, or removing all traces of fat (recommended for PCB-contaminated fish), will NOT lower mercury content. Water that is acidic (has a low pH) increases the solubility of mercury from sediment. Thus, by acidifying lakes, acid rain may also influence the amount of mercury fish absorb. Researchers are studying the suspected link between acid rain and higher mercury levels in fish.

How much mercury do Wisconsin fish contain?

Since mercury is a naturally-occurring element, minute levels (down to about 0.05 parts per million) are often found in fish. The highest mercury level the Department of Natural Resources has detected in Wisconsin fish since 1982 is three parts per million. Most fish listed on Wisconsin's health advisory contain between 0.5 and 1.5 ppm mercury.

What does eating mercury-contaminated fish do to my health?

Like many substances, mercury is toxic and can act as a poison.

The central nervous system is the part of the body most affected by mercury. Developing fetuses are especially sensitive. Signs of poisoning include lack of coordination, a feeling of "pins and needles," numb lips and mouth, night blindness, tremor, and a lowered sense of taste and smell. Since these symptoms may also resemble those caused by other illnesses, extensive medical testing would be required before mercury could be pinpointed as a cause of illness.

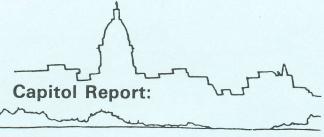
Since cases of mercury poisoning are so well documented, health practitioners recommend that people who eat fish from listed waters follow health advisories designed to limit mercury exposure. If you follow the recommended health guidelines, mercury levels in your body will remain below levels where symptoms of poisoning might appear.

How does the DNR select lakes where it samples fish?

The DNR began to regularly sample fish for mercury in 1982. Since then, fish in 350 of Wisconsin's 15,000 lakes have been tested, along with fish from a number of rivers. To date, about 90 of these tested waters contain mercury-contaminated fish that are subject to state health guidelines.

The sampling effort has focused on lakes that are popular with anglers, lakes that have a low pH or low alkalinity, rivers and lakes where mercury- contaminated wastes were dumped, or areas where DNR carries out long-term studies of contaminants in fish.

For information on mercury advisories in Wisconsin lakes, contact your local DNR office.



by William P. O'Connor

With the October floor period completed, the Legislature will have a final two-month floor period beginning January 26, 1988 to wrap up business for this legislative session. On the whole, lakes have fared reasonably well in this session.

WATERWAYS ASSISTANCE. For the first time, the Legislature adopted a specific formula to allocate motorboat gas tax receipts to a water resources fund in the conservation fund. The formula is based on average motorboat fuel consumption of fifty gallons per year. The total allocation to the water resources fund is nearly \$5,000,000 annually.

Unfortunately, while the 1987 budget did establish the water resources formula, important elements expanding eligibility for these funds for lake management projects were vetoed. Under the principal authorship of Rep. James Holperin (D-Eagle River) and Sen. Mac Davis (R-Waukesha), a comprehensive bill to broaden funding eligibility for waterway assistance has been drafted. The bill will be introduced in January. Under the new legislation, matching grants could be provided to cities, villages, towns, counties, lake districts, and certain non-profit corporations. Project eligibility would be expanded from public access and boating facilities to include a wide range of waterways projects.

CLEAN WATER TASK FORCE. In September, Governor Thompson empaneled a Clean Water Task Force to remodel the State's financial assistance program to local governments for wastewater treatment. The task force will issue a final report before the end of 1987. The Federal Clean Water Act Amendments adopted in February 1987 phased out treatment facility construction grants over a two-year period. The federal government will replace its local grants program with capital funds to each state to create a revolving loan program. An important project of the task force is to determine how the State will respond to this shift in federal policy. Although a loan program doesn't sound as good as a grant program, don't judge these proposals too quickly. A subsidized loan for an entire project's cost may actually be competitive with a direct grant, depending on the prevailing interest rates and the degree of state or federal subsidy.

Another important issue being considered by the task force is the expansion of financial assistance to provide collection systems for unsewered communities. This will have important effects on lakes with substantial development and a large number of failing septic systems.

DAM INSPECTION. Bills have been introduced in both houses of the Legislature to repeal the fee for dam inspections (SB 227 and AB 279). The total cost of inspecting dams is less than \$90,000 annually, and

many have objected to the possibility that public safety may be compromised by the State's attempt to collect these funds from the dam owners. So far, neither bill has had a hearing. WALD has supported the repeal of dam inspection fees, to ensure that all dams are inspected regularly to protect the impounded waterways and the safety of the downstream public.

BOAT TITLING. AB 195 would establish a scheme to provide titles for boat ownership similar to the provisions for titling automobiles. This legislation was adopted in part as a response to a number of highly-publicized boat thefts. The titling system would make it easier to track stolen boating equipment and would also increase penalties for theft of boats. Bill 195 was passed by the State Assembly during the October floor period. It has been referred to the Senate Committee on Transportation, Tourism, and Conservation, which is chaired by Sen. Lloyd Kincaid. Senator Kincaid's committee may hold a hearing on the bill in the January floor period.

THE YAHARA WATERSHED MANAGEMENT DISTRICT. A bill to create a Yahara Management District, closely patterned after Ch. 33 lake districts, was drafted by a special legislative committee chaired by Rep. David Clarenbach (D-Madison). The proposal was adopted by the Legislature as part of the 1987 budget but was vetoed by Governor Thompson. The bill has now been introduced as Assembly Bill 499. The bill received a favorable report by the joint survey committee on tax exemptions and has been referred for a full hearing to the Assembly Committee on Government Operations and Aging, chaired by Rep. Vernon Holschbach (D-Manitowoc). The committee will hold hearings on the bill in January.

William O'Connor is Legislative Counsel for the Wisconsin Association of Lake Districts.

Publications

The following free publications are available from the Department of Natural Resources at PO Box 7921, Madison WI 53707.

Health Advisory for People Who Eat Sport Fish from Wisconsin Waters. Includes explanations of which fish do not meet health standards, and precautions you should consider.

Nonpoint Source Pollution: Where to Go with the Flow. A DNR special report on Wisconsin nonpoint source pollution with case studies and suggestions on how to prevent nonpoint source pollution.

Groundwater and Land Use in the Water Cycle. Poster illustrating how the water cycle works, has accompanying text.

Natural Resources Resources: Publications for Education. A listing of publications available from the Education and Youth Programs division.

Life Tracks: Endangered Species Fact Sheets. Illustrations and facts about Wisconsin's endangered species.

Cold Water Dangers

by Terry Daulton

Almost all of us can remember as a child taking up that dare to tread on the newly-formed ice of a pond or lake. Whether with brazen bravado or tentative steps, we ignored the threat of icy cold feet for the adventure of being the first to walk where a few months before we caught frogs or fished. While we may credit ourselves with outgrowing that adventurous desire, each year thousands of sportsmen and winter enthusiasts venture out on the icy surfaces of lakes. Hopefully, as we experience the enjoyment of winter ice sports, we gain a respect for the cold water lying below.

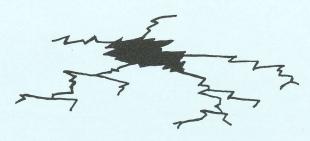
Drowning is the third-leading cause of accidental death in the United States. A considerable number of those deaths are complicated by cold water conditions. Fishermen brave thin ice by snowmobile or on foot, children fall through lake surfaces, and shifting river surfaces become treacherous. Sudden immersion in cold water causes a severe shock to the body. The first reaction is often involuntary gasping for breath which can result in drowning if your head is underwater.

If you avoid drowning, hypothermia is your next concern. Hypothermia is a lower-than-normal body temperature. Cold water can conduct heat away from the body 25 times faster than cold air. As the body cools, it goes through a series of reactions: the body reduces the flow of blood to the extremities, shivering and involuntary movements begin, loss of muscle control, confusion, and finally unconsciousness occurs.

The paradox of cold water is that just as it can steal life away, it can also prolong life in certain situations. Another condition which can result from sudden immersion in cold water is called sudden death or the mammalian diving reflex. Dr. Martin Nemiroff, one of the main proponents of this theory, feels that under certain conditions, drowning victims can be saved by the cold temperature of water.

The mammalian diving reflex was first studied in aquatic mammals such as seals, porpoises, and whales. This reflex is a physiological reaction that shunts blood away from the extremities and channels oxygenated blood to the heart, lungs, and brain. This allows the brain to receive oxygen for a longer period of time. Dr. Nemiroff feels that victims of near drownings can be revived after up to an hour of submersion in cold water. In particular, children seem likely to exhibit this response.

Whether from severe hypothermia or cold water near-drowning, victims may appear blue, cold, and unconscious. Pulse may be slow or absent and eyes dilated. If the pulse is absent, cardio-pulmonary resuscitation should begin immediately, and mouth-to-mouth ventilation should begin if the victim is not breathing.



While a hypothermia victim should be warmed, if cold water drowning is suspected, the victim should not be rewarmed. Rewarming the extremities would cause a flooding of deoxygenated blood to the brain. For a victim of cold water drowning, you should prevent additional heat loss, but avoid warming the victim.

Especially during the winter months, it is important to brush up on these first aid techniques; but, as always, prevention is the best treatment. So, when you next venture out to your favorite fishing hole, remember the cold waters that lie just below thin ice.

Terry Daulton is a graduate student in the College of Natural Resources, University of Wisconsin Stevens Point.

Limits to Liability

by Steven P. O'Connor and William P. O'Connor

In recent years, there has been a great deal of public discussion about liability of those who serve on the governing bodies of many types of organizations.

Lake district commissioners, voluntary lake association directors, and officers of non-profit corporations have asked to what extent they may be risking their personal assets to liabilities arising from their service.

In June, Governor Thompson signed 1987 Wisconsin Act 13 limiting the liability of officers, directors, employees, and volunteers of Wisconsin profit and non-profit corporations. Act 13 has three main effects on the liability of officers and directors of lake management non-profit corporations:

- It establishes a broad immunity from liability resulting from acts taken on behalf of the organization;
- 2. It requires indemnification of officers and directors who have successfully defended a claim; and
- It allows an organization to "limit" or "expand" its indemnification responsibility. (Indemnification requires the organization to pay the costs of defense in a lawsuit.)

While Act 13 is comforting to directors and officers of Wisconsin lake associations organized as non-profit corporations, it does not affect commissioners of lake or sanitary districts, who are public officials.

(continued next page)

There are, however, other statutory protections for lake and sanitary district commissioners. Section 895.46, Wisconsin Statutes, provides that if "the defendant in any action or special proceeding is a public officer or employee and is proceeded against in an official capacity...the judgment as to damages and costs...shall be paid by the state or political subdivision of which the defendant is an officer...unless...the defendant officer or employee did not act within the scope of (his or her) employment."

This Section is designed to relieve public servants from risking their personal fortunes in the process of carrying out their responsibility. It is important to note that the public officer or employee is only protected as long as a challenged action is taken within the scope and course of duty. That means that the act must be related to the official work of the public officer, not intentionally injurious to others, and not simply done while on the job as a public official.

Neither Act 13 nor Sec. 895.46 limit the liability of the **organizations**. If damages from an official's act are held legally recoverable, the organization will be held liable and the costs will be paid from such resources as the treasury of his or her organization may hold.

Generally, lake districts and other local governments and non-profit organizations can purchase insurance against losses resulting from the acts or omissions of their officers, directors, commissioners, and employees. The coverages vary greatly, depending on the particular policy, and should be carefully and fully explained by your agent. Costs of such policies also vary greatly, and in recent years have become so expensive that many organizations have chosen to remain "self insured." "Self insured" means the organization, after deliberate study, has chosen to accept the risk and not buy a commercial insurance policy.

In 1985, Wisconsin adopted amendments to Chapter 619 of the Statutes, which expanded the applicability of risk-sharing plans to include insurable general liability risks for which commercial coverage is unavailable. A state-sponsored pool could be established to cover lake districts as units of government, if the Commissioner of Insurance determined that commercial insurance was not available at a reasonable cost. University of Wisconsin Stevens Point Professor Lowell Klessig and the Wisconsin Association of Lake Districts have informed the Wisconsin Commissioner of Insurance of the potential need for creating such a risk-sharing plan. The Commissioner's office is considering whether such a pool meets the statutory requirements and could be practically implemented.

To the extent that an act or omission of a commissioner or director is not immune from liability under Act 13, protection may be found in the director's personal insurance policy. Some insurance companies provide coverage under homeowner policies for losses resulting from uncompensated, volunteer activities of insureds. Individual policies should be reviewed with your insurance agent to determine both availability and the extent of coverage for service on public or non-profit organizational boards.

In summary, the best insurance for any potential risk is for all actors to proceed carefully and thoughtfully before acting. As individuals, commissioners and directors are provided a statutory shield against damages. Organizations are, however, liable for the actions of their officers and employees, and thus must decide whether to protect their assets with insurance coverage or opt to be self insured. Because we know that mistakes can happen, dealing with forseeable exposure is surely preferable to reacting to losses after they are incurred.

Steven and William O'Connor are attorneys in the O'Connor Law Office, Madison, Wisconsin.



Reflections

Why contrive ways to defeat the darkness and cold and be content to only half succeed? Some people have no choice. Ensconced in homesteads at the fringes of the wilderness, they run trap lines or cut pulp, and enduring winter is a matter of survival. Then there are people like me, city dwellers who could stay warmly tucked inside houses and offices all winter except that we would begin to act irritably and irrationally about February. In a region where frost can nip the leaves in late August and linger until early June, one must learn to enjoy winter. That too is a matter of survival. Besides, the intense cold and interminable darkness aside, winter has a few things to say for itself.

Crisp mornings as clear as crystal. Glistening, frost-covered trees—cathedrals of ice and sunlight in the woods. The contrast of a running stream set amid snow fields and frozen lakes. Quiet snows in March, the big, juicy flakes falling as softly as clouds touching. With the traveling hordes of summer safe in their homes, winter belongs to the wilderness.

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From Boundary Waters by Greg Breining.

ADDRESS CORRECTION REQUESTED

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YKE LIDES A newsletter for people interested in Wisconsin lakes

13, No. 1 Winter 1988



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