A proposed new law that failed to pass in the recent legislative session has elevated the issue of short-term home rentals in Wisconsin. The proposal, 2015 Assembly Bill 583 and Senate Bill 446, sought to prohibit any city, village, town, or county from enacting or enforcing an ordinance that prohibits, regulates the duration or frequency of, or unreasonably restricts the rental of a residential dwelling for seven consecutive days or longer. The bill also provided that a residential dwelling rented exclusively for periods of seven consecutive days or longer does not qualify as a hotel, a bed and breakfast establishment, or a tourist rooming house and therefore is not subject to licensing requirements and other regulations that apply to such lodging establishments. The move follows a pair of Wisconsin Appeals Court decisions, one from the City of Cedarburg suggesting that zoning may not be able to prohibit short-term rentals, and a subsequent case from Vilas County holding that zoning can indeed regulate such uses if it is written in a particular way. This article takes a closer look at those cases to better understand the implications for communities seeking to manage the effects of short-term rentals.

(Continued on page 2)
Increasing in Popularity

We first published an article about the short-term rental issue nearly ten years ago in *Lake Tides* (“Short Term Lake Home Rentals: An Emerging Issue;” Vol. 32 No. 3, available online). That story explained why such rentals on and near lakes were growing in popularity: the magnetic draw of shoreland property, the high prices and limited availability of shoreland real estate making ownership less accessible, the associated high taxes that motivate owners to seek additional income from their properties, and the game changing power of the internet as a global marketplace for listing and finding short-term rentals. At that time, the website vacationrentals.com listed fewer than 150 properties available in Wisconsin; nine years later the same site boasts almost 3,200 options. Competing sites such as VRBO and Airbnb have similarly seen tremendous growth in both listers and renters.

Taking it to Court

This growth has come with a fair share of controversy, and the flash points have popped up in both urban and rural settings. In one case, a businessperson in Milwaukee purchased a large house in a fairly exclusive neighborhood near Lake Park. He advertised the home as a short-term rental capable of accommodating up to 20 guests, a level of use that was highly out of place on a leafy street of single-family homes. The City of Milwaukee successfully argued that the short-term rental of the property constituted a hotel use in a residential zone, though the owner did not challenge the city in court. In nearby Cedarburg, the owners of a similar investment property did challenge that city’s attempt to quash the use as incompatible with the zoning. The Ozaukee County circuit court and the Wisconsin appeals court both found in favor of the landowners, pointing out: “If the City is going to draw a line requiring a certain time period of occupancy in order for property to be considered a dwelling or residence, then it needs to do so by enacting clear and unambiguous law.” (Heef Realty and Investments, LLP, et al., v. City of Cedarburg Board of Appeals, 2015).

Legal controversy came to northern Wisconsin’s lake country about the same time. In the fall of 2014, the Vilas County Circuit Court ruled that a similar investment property being rented short-term in the single-family residential district violated county zoning and resulted in a $35,000 fine. The owners also appealed, but in this case the Wisconsin appeals court ruled that the precedent of the City of Cedarburg case did not apply since the Vilas County ordinance was written to explicitly allow short-term rentals in a separate “Residential Lodging” zoning district (Vilas County v. Accola, 2015). These two cases were denied hearings by the State Supreme Court. The Appeals Court decisions, available online, provide an informative example of how
zoning generally works and the role of courts in balancing property rights with community interests. Many communities have been using the Vilas County decision as a basis to revisit their zoning code and clear up any ambiguity regarding short-term rentals.

**Changing Legislation**

The 2007 *Lake Tides* article questioned whether a piecemeal, municipality-by-municipality approach to regulating these operations could withstand any significant increase in short-term home rental activities. The legislature’s recent move to preempt local regulations of short-term rentals of seven days or longer suggests that there are indeed limits to the amount of regulatory variation across Wisconsin that lawmakers will tolerate. Presumably by focusing on rentals of one week or longer, lawmakers are comfortable with local governments enacting reasonable regulations on rentals of less than a week. Related concerns about sales taxes, room taxes, and health and safety inspections will also need to be addressed at either the state or local level.

For the time being, all people concerned about short-term rentals should familiarize themselves with their local zoning officials to learn the applicable rules in their community. In almost every case, enforcement of the regulations will depend on a complaint; communities do not have the personnel or time to proactively track down any and all possible violations. In an ideal world, situations that would lead to a complaint are nipped in the bud through neighborly problem solving. For those who presently (or plan to) rent out their lakeshore home, we are sharing an article written by Patrick Nehring, Waushara County’s UW-Extension Community, Natural Resources and Economic Development Educator. He explains some best management practices for operating a short-term rental on page 4. Finally, if you are interested in this issue, we advise you to spend time this summer and fall reaching out to your state elected officials to communicate your views and hear their positions on the matter. The fact that the proposed law came very close to passing this spring suggests lawmakers will reintroduce a similar bill in the next legislative session.

- *Heef Realty and Investments, LLP et al., v. City of Cedarburg Board of Appeals, 2015*  

- *Vilas County v. Accola, 2015*  

If you are interested in this issue, we advise you to spend time this summer and fall reaching out to your state elected officials to communicate your views and hear their positions on the matter.
Renting out a cabin, house, or condominium by the day or by the week can be an additional source of income for a waterfront property owner. If you are considering renting out your cabin, there are several things you should consider, such as customer service, liability, insurance, restrictions, and taxes.

Customer Service
According to the Wisconsin Department of Tourism, more than two-thirds of people that stop patronizing a place of business cite the way they were treated as their reason. When you rent out your cabin, you have the power to not only influence the likelihood a person will return to use your rental, but also if they will return to the area. People will talk to their friends, family, and others about their experience at your cabin and in your community. Besides providing friendly, reliable service at the point of booking, you can also improve your guests’ experiences by providing information on local attractions and places to go in the area.

Getting the Word Out
There are different ways to advertise that your cabin is available for daily or weekly rental - various websites and apps are useful tools for marketing your cabin. These typically employ different fee structures for their services. Signs are another popular option for advertising your cabin’s availability. If you decide to put a sign on the property or at other locations to advertise or provide directions to your cabin, there may be a local sign ordinance that regulates the size and location. If a state or federal highway is where you would like to place a sign, you may need a permit from the Wisconsin Department of Transportation (http://wisconsindot.gov/Pages/doing-bus/real-estate/outdoor-adv/default.aspx).

Know the Rules and Regulations
Surprises are not always good. As a property owner, you would not like the surprise of finding out that your insurance does not cover you or that you need to pay a fine for failing to file taxes. Most regulators are happy to help you out before you begin renting out your cabin. However, if they are surprised to learn that you opened a lodging business without telling them, they may surprise you in return with penalties for not complying with local laws. There is help available to you. One source of assistance is your county UW-Extension Office (www.uwex.edu/ces). They may be able to assist you directly or refer you to a business assistance specialist with the UW-Extension Small Business Development Center.

Some local zoning laws do not allow the use of a property for weekly or daily rental. Other zoning laws require you to obtain a conditional use permit to rent out a home for less than a month or limit short-term rentals to specific districts. Some zoning laws restrict the number of unrelated people that can stay overnight on a single property, and they may not allow for overnight accommodations that are not attached to the main residence such as a guesthouse. The local municipality or county may require the property to be registered and that you provide your name and contact information. You bear some of the responsibility for the actions of those renting your property. Check with your local municipality to determine local zoning laws before proceeding with renting your cabin.
Sometimes there are private restrictions on the ability to rent a cabin or home. There may be a deed restriction or a homeowner/condominium association that enforces rules about short-term rentals. Contract law provides the needed enforcement mechanism in these cases, rather than public officials and local government. Review your property deed before renting out your cabin. If you are a member of a homeowners or condominium association, review their rules before renting out your cabin, as you may need to get permission from the association. Note that lake associations and lake districts commonly do not have a regulatory role in land use; the exception would be a lake association that also serves as a deed-enforcing neighborhood association.

In Wisconsin, current law requires any short-term rental of less than a month to obtain a health inspection. This is both for the benefit of the renter and cabin owner as it helps ensure that the property meets the minimum health and safety laws. Even if the health inspection does not require it, consider testing your well water annually for bacteria and excessive nitrogen.

When renting out your cabin, you cannot exclude renters based on race, ethnicity, sex, disability, or type of family. Depending on the number of rental units you have, you may need to allow service animals, for example, in order to comply with the Fair Housing Act and the Americans with Disabilities Act. Airbnb provides a well-organized discussion of FHA and ADA compliance (https://www.airbnb.com/help/article/898/ada-and-fha-compliance).

Put Your Expectations in Writing

One way to address some of your liability is through a rental agreement. You may want to require a security deposit, which you must return in a timely manner after the rental period. It is important for the renter and owner to be sensitive to the recreational carrying capacity of your lake. An overabundance of recreational use can degrade even the most resilient lakes. Be mindful of this pressure when renting, keeping in mind that adding users to the lake on busy weekends may create some disharmony or angst in the lake community. Paying attention to how this theme plays out in your lake community is vital. You can use your rental agreements to specify the norms and expectations that you and your neighbors expect.

Inform Your Insurer

Your homeowner’s insurance may not cover any damage done by short-term renters or liability if someone should get hurt on your property. If the health department did not inspect your property or you failed to comply

(Continued on page 6)
with the recommendations of the health inspector, you are less likely to qualify for liability insurance coverage. Check with your insurance agency for policy quotes. They may have a policy that is comparable in cost to your current homeowner’s insurance. A word of caution: if you do not tell them you are renting the property, you probably are not covered.

**Tax Compliance**

As a lodging business, you need to charge and forward sales tax payments to the Wisconsin Department of Revenue and applicable room tax payments to your local municipal clerk. You also need to obtain a Wisconsin Seller’s Permit online (http://www.revenue.wi.gov/salesanduse/index.html). Unless you have incorporated as something different, your property rental is considered a sole proprietorship business and you will need to claim business income on your taxes. However, you may also be able to write off some of your business expenses. Depending on the income tax form you use, you may want to contact a tax accountant, at least for your first year.

If you plan in advance to make sure all local ordinances and laws are met, renting your lake home or cabin can be enjoyable for all involved.

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**Q&A**

**Lake Districts**

*We often get phone calls and emails from Lake Tides readers with a variety of questions about lake districts. Do you have a question about lake districts that you would like to see answered in Lake Tides? Send it to uwexlakes@uwsp.edu so we can include it in a future issue.*

**Q:** Can a town, city or village elected official serve on a lake district board of commissioners if they are not residents or property owners in the district?

**A:** Until recently, and only for a short while, the answer to this question was “maybe, but probably not.” 2015 Wisconsin Act 25 made changes to chapter 33 of the statutes that, as of last July, required the local governing body (the town, city or village with the largest valuation in the district) to appoint a resident of the lake district to serve on the commission. State lawmakers intended this change to allow a town board, village board or city council to appoint a person as the local government’s representative on the district board of commissioners, something that counties have long been able to do. However, by requiring that the appointee be a resident of the district, the change technically prevented town board members and other local government elected officials from serving on the lake district board unless they also happened to be residents of the district. This created issues for districts that have long enjoyed a favorable working relationship with their municipal appointee. As we suggested in our Summer 2015 *Lake Tides* article, a legislative repair was the only way to clearly allow either a local elected official or an appointee who is a resident in the district to serve on the board of commissioners. Lawmakers took up this task in the last session and this past February, Governor Walker signed 2015 Wisconsin Act 140 into law, fixing the issues that arose from Act 25. The Act also allows a local government to defer their appointment power to another local government in cases where a lake is controlled by a dam located in a municipality without automatic appointment powers due to valuation. The online version of Chapter 33 is already updated to reflect these changes: http://docs.legis.wisconsin.gov/statutes/statutes/33.pdf.

For more information on lake districts, see *People of the Lakes: A Guide for Wisconsin Lake Organizations*, www.uwsp.edu/uwexlakes (click on Lake Organizations under the Resources tab).
Landing Blitz

With boating season upon us, it is time to start thinking about the annual Clean Boats, Clean Waters 4th of July Landing Blitz. The Landing Blitz coincides with the busiest time of the boating season, June 30 - July 3 this year, and is a great way to help educate boaters on measures to prevent the spread of aquatic invasive species.

There will be watercraft inspectors at many landings across the state to help you inspect and clean your boat and equipment so no unwanted invasives hitch a ride - they’re even handing out free, microfiber towels! We hope you enjoy your time on the lake this summer and that you remember these simple prevention steps:

- **INSPECT** boats, trailers and equipment.
- **REMOVE** all attached aquatic plants and animals.
- **DRAIN** all water from boats, vehicles and equipment.
- **NEVER MOVE** plants or live fish away from a waterbody.

Want to participate in the 2016 Landing Blitz?
Contact Tim Campbell at tim.campbell@wisc.edu.

June is ISAM

June is Invasive Species Awareness Month (ISAM) in Wisconsin! Join your fellow lake lovers and enthusiastic staff in sharing this year’s theme – slow the spread by boat and tread. A variety of workshops, field trips, and lectures will be offered around the state on the impacts of invasive species in Wisconsin. To find events in your area and learn more about how to get involved, visit: http://invasivespecies.wi.gov/awareness/.

Drain Campaign

Did you know you might be moving aquatic invasive species (AIS) from one waterbody to another through your livewell and bait bucket? That is actually against the law! “Drain all water from your boat, vehicle and equipment,” is the message, along with other helpful AIS prevention steps, that are being shared by Clean Boats, Clean Waters volunteers at boat landings in Wisconsin during this year’s Drain Campaign, slated for June 10-12. These folks will offer useful outreach materials including a free ice pack to help you keep your catch fresh.
Spring in Wisconsin invades all of our senses – from the sight of the robin and sound of spring peepers to the taste of the rain and soft feel of new buds on the trees. Our sense of smell is inundated with the scent of trillium, marsh marigolds, and something kind of stinky!

All over Wisconsin, the foul-smelling flowers of one of our earliest blooming species are popping up through soggy soils. Skunk cabbage (Symplocarpus foetidus) is native to Wisconsin and has been documented in most counties across the entire state. The unique inflorescence and large, attention-demanding leaves occur most often in mucky lowlands with groundwater seepage.

The energy stored within the large rhizomes of skunk cabbage is also used to create heat, which serves two main purposes. The heat helps melt snow around the emerging inflorescence, thereby making it easier for the sturdy, protective spathe to shove its way skyward. The other important purpose of this heat is to help volatilize foul-smelling chemicals that imitate rotting flesh. By doing this, it attracts its primary group of pollinators – flies. The temperature within the spathe has been observed at up to 30°C (86°F) warmer than the surrounding air temperature! This is a very welcoming place for a lethargic, cold-blooded insect – a place where they can warm their tiny feet by the fire, so to speak!

After the inflorescence has fully developed, the huge leaves of skunk cabbage appear. They poke out of the ground like rolled-up newspapers, and then gradually unroll and grow. These leaves can grow to over two feet tall by early summer and can be almost as
wide. Like most members of its family, the plant is loaded with calcium oxylate crystals, which cause a burning sensation in the mouth and digestive tract if eaten. These crystals can be destroyed by a long period of drying, or after thorough cooking. Native Americans have historically used skunk cabbage to treat ailments including bronchitis and asthma. Poultices can also be made from crushed leaves to treat skin irritations and bruises.

Although skunk cabbage makes a bold addition to a wet garden, its strong, contractile roots fight against anyone attempting to pull or dig out a plant. These thick roots resemble large worms, and are able to contract to pull the plant downward. This prevents the upward-growing rhizome from growing too far out of the wet soil.

Despite its unpleasantly suggestive name, skunk cabbage is a sure sign of spring and holds a special place in the hearts of river rats and swamp rompers everywhere.

Did you know dragonflies have teeth?

Many flying insects can make us cringe, swat, or maybe even squeal and run indoors, but dragonflies have fascinating color and flight patterns that tend to mesmerize many of us. Even knowing that they have “teeth” probably won’t keep us from their favorite hangouts by the water’s edge.

Dragonflies and damselflies belong to the order Odonata, which is Greek for “toothed one.” These serrated “teeth” are located on the insect’s mandibles (chewing mouth parts) and are used to crunch their prey. Dragonfly prey is anything they can catch and chew, including mosquitoes, tadpoles, fish, other insect larvae and even each other! Can you imagine what they feasted on 300 million years ago when fossils show they had wingspans of up to two feet? They are voracious and efficient eaters, flying at up to 60 miles per hour. One adult dragonfly can eat from 30 to hundreds of mosquitoes in a day! This is possible because of their exceptional vision and aerial acrobatic maneuvers; stopping on a dime, hovering, flying backwards and rocketing 20 feet skyward are all possible because of their four independent and alternately moving wings. In fact, engineers have been trying to replicate this movement in small robotic devices.

For more information about dragonflies and damselflies, go to: http://wiatri.net/inventory/odonata/WDS/.
Volunteers and other lake lovers from all over Wisconsin came together March 30th to April 1st for the 38th annual Wisconsin Lakes Partnership Convention. The occasion celebrated volunteers, who for decades have been collecting data to inform lake management and other land and water conservation efforts statewide. This year’s convention teamed up with the Wisconsin Citizen-based Monitoring Network and the Water Action Volunteers (WAV) to celebrate our volunteers all at once. Cathy Sandeen, Chancellor for UW-Extension and UW Colleges, welcomed attendees to the convention, which offered interactive workshops, opening and closing plenary sessions, an active poster session, many concurrent sessions, and several opportunities to create new networks for action and regional partnerships for lake projects. A keynote from Kris Stepenuck, a former Wisconsin volunteer coordinator and current University of Vermont professor, shared her experience with assisting volunteers over the years, and ways that their unique and vital data have been utilized and have had a positive impact on conservation work. On Friday, Alyssum Pohl inspired and challenged convention-goers by sharing stories and images of her four-month kayak journey down the Mississippi River. She collected water samples along the way for a national microplastics research project and used social media to raise awareness for water quality pollution concerns and engage people in wiser stewardship actions to conserve nature. A luncheon talk by Susan Sylvester, Bureau of Water Quality Director for Wisconsin DNR, thanked volunteers for their exceptional contributions to lake management in Wisconsin, and described how Wisconsin’s unique, decades-old public/private partnership around water has contributed to our state’s economic strengths, natural resource management gains, and continued quality of life.

Many exceptional citizens, groups and professionals were recognized with statewide awards. Join us in congratulating their outstanding efforts (pages 11-13)!  

2016 Convention Archives

You can view many of the presentations that were part of the 2016 Wisconsin Lakes Partnership Convention online! There are pictures, videos, photo contest winners, and more!

www.uwsp.edu/uwexlakes
Click on Events, then Convention 2016.
Congratulations to the extraordinary volunteer and professional efforts of these individuals and groups who protect and improve our lakes. These Lake Stewardship Award winners are nominated by their peers - what a meaningful way to say, “Thank you!” to the people in your community who work so hard to care for our lakes.

2016 Wisconsin Lake Stewardship Award Winners

Citizen
Gene Weyer

Lifetime Service
John Skogerboe

Public Service
Susan Borman and Dorothy Semple
Pictured here (L to R): Carroll Schaal (DNR Lakes and Rivers Section Chief), Eric Olson (UW-Extension Lakes Director), Susan Borman (retired DNR Aquatic Plant Specialist), Dorothy Semple (Stevens Point Artist) Mike Engleson (Wisconsin Lakes Director)

Group
Burnett County Lakes and Rivers Association
Pictured here are Roger Noe and Susan Wallin
Since 2002, the University of Wisconsin-Extension and the Wisconsin Department of Natural Resources have recognized exemplary work in volunteer stream monitoring in Wisconsin with the Volunteer Stream Monitoring Awards Program. Individuals and groups are recognized for their efforts leading to increased participation in stream monitoring, collecting valuable stream data, and sharing their knowledge of stream monitoring with others. We are proud to honor these very deserving individuals and teams.

Long-time Water Action Volunteers
Karl and Lucy Klug, Baileys Harbor – 19 years of stream monitoring
Jim Korb, Richland Center – 15 years of stream monitoring

Wisconsin Volunteer Stream Monitoring Award Winners
Adult Volunteers
Dave Hackett and Ellen Brooks, Kickapoo River Watershed
Bill and Lisa Keen, Upper Sugar River Watershed
Laura DeGolier, Fond du Lac area

Student Volunteer
Camryn Kluetmeier, Swan Creek, Fitchburg

Outstanding Teacher
Charlie Frisk, Lower Fox River Watershed

Outstanding Group
The Valley Stewardship Network of Southwestern Wisconsin

Outstanding Employee
Patricia Cicero, Jefferson County Land and Water Conservation Department

Pictured L to R (back row): Peggy Compton, Water Action Volunteers Coordinator; UW-Extension; Laura DeGolier; Tim Asplund, Monitoring Section Chief, DNR; Patricia Cicero; Camryn Kluetmeier; Ilana Haimes, Water Action Volunteers Coordinator, DNR; (front row) Valley Stewardship Network representatives: Christie Homstad, Shelly Brenneman, John Delaney; Ellen Brooks; Dave Hackett; Bill Keen; Charlie Frisk.
Although all of the Citizen Lake Monitoring Network volunteers are extremely important and invaluable, we celebrated the 30-year volunteers with special awards during the Wisconsin Lakes Partnership Convention. Only two of these folks were present to receive their awards, so we would also like to extend our gratitude to the other three (Mary Jane, Dale and Tom) and their families for the hundreds of hours collecting and reporting data, which will not only benefit their lakes, but all of the lakes in Wisconsin.

30-Year Citizen Lake Monitoring Network Volunteers
Mary Jane Bumby, Green Lake, Green Lake County
Dale Jalinski, Bear Lake, Oneida County
Bob Kirschner, Crystal Lake, Forest County; Emden Lake, Oneida County
Tom Rulseh, McDonald Lake, Vilas County
Kay Scharpf, Franklin Lake, Forest County

We would like to sincerely apologize to Mary Jane Bumby, a phenomenal volunteer from Green Lake, who we forgot to include on the list of 30-year volunteers in the Winter/Spring issue of Lake Tides.

Who doesn’t love water?
You may have noticed Bob Kirschner’s t-shirt in the above photo. All of the 30-year volunteers received one, in addition to their plaque, but don’t worry, you don’t have to be a CLMN volunteer for 30 years to get one (although we encourage everyone to get involved)! Just call or email UWEX Lakes at 715-346-2116 or uwexlakes@uwsp.edu, or use our secure online bookstore to order your own (www.uwsp.edu/uwexlakes).

Only $15 or 2 for $25!
Looking for Resources?
Free Shoreland Publications Available

Spring and summer are a great time to work outside, and if you are lucky, you have some shoreland property that is ready and waiting for you. If you are interested in hard copies of any of these great resources, call or email UWEX Lakes at 715-346-2116 or uwexlakes@uwsp.edu.

Healthy Lakes Brochure
This brochure gives a quick overview of five simple and inexpensive best practices that improve habitat and water quality on your lakeshore property. For online information about Healthy Lakes, go to http://healthylakeswi.com.

A Second Life for Trees in Lakes Booklet
Remarkably, after a tree falls in the lake, it might last another 300 to 600 years in the water. Trees in lakes not only provide areas for fish to spawn, but also offer shelter to help some species protect their incubating brood. Waterfront property owners can increase fish habitat by leaving trees that fall in the water in place. Find out more in this booklet.

Shoreland Stewardship Series
This set of three fact sheets is meant to help lakeshore property owners have a positive effect on their lake, their property and the critters that call it home, through informed decisions.
1) A Fresh Look at Shoreland Restoration
2) Protecting & Restoring Shorelands
3) Protecting Our Living Shores

We have many more resources available on our website.
www.uwsp.edu/uwexlakes

Wisconsin Lakes Trivia Game
Test your knowledge about Wisconsin lakes. Discover fun facts about lake history, fish, wildlife, sports and recreation. Learn tips on how to protect our lakes while you play.

The Magic Goggles: Discovering the Secrets of the Lake
This book’s descriptive text and rich, detailed illustrations will boost children’s understanding about the importance of forests around lakes, while luring them into discovering their own magic at the lake.
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Reflections

It is in human nature to disregard
What is in plenty
Only when scarce do we consider
Its worth.
Wise men say ‘caution’
We happily ignore
When it’s all around
Why fear its loss.
Don’t you think it’ll be too late
By then
When things go out of control
And regrets —Alas!!!

~ Summer Spring
“Water, the Essence of Life”