

BRWA Works with State Legislators to Protect Wisconsin's Strong Environmental Standards

By Bob Rice, BRWA Board President

Since our beginnings BRWA has been committed to gathering sound data about our water, and to ensuring the data are useful to local citizens as we all make decisions that will impact our watershed for years to come. As the watershed is targeted for an open pit taconite mine in the headwaters of the Bad River, we have continued to be neither pro- nor anti-mining. BRWA will continue to pursue the collection of sound scientific data to equip decision makers with the information needed so that whatever decision is made about a mine does not take away clean and abundant water for everyone.

While sound data will help guide an informed decision about a potential mine, we have also seen in the past year significant proposed legislative changes regarding mining operations that are very relevant to the future we could see in the Bad River Watershed. Up until this point, BRWA has not been a political group. In this article we will cover what prompted us to get involved in State politics, and the steps we've taken along those lines to date.

The Draft Mining Bill that Couldn't

Earlier this year, we saw proposed changes to legislation that regulates iron mining in Wisconsin. While the drafted bill was never formally introduced, it indicated the interest in passing new legislation about iron mining. The bill, as it was written, was the result of Gogebic Taconite's lobbying efforts to make mining in the Bad River Watershed easier.

The language we saw in the draft bill was intended to create more "regulatory certainty" for mining companies, but at the same time would have severely weakened environmental regulations and eliminated opportunities for public input. In the process of pursuing legislative changes, Gogebic Taconite has also been assertively seeking elimination of Wisconsin's wetlands laws. In this early draft bill, the company also sought waivers from existing law to allow fill to be deposited in floodplains and streams, and sought to remove the right for local municipalities and citizens to have hearings regarding permit applications.



Bob Rice and Michele Wheeler in front of the Capitol on October 19, 2011. Bob and Michele visited lawmakers in Madison to present over 1,400 signatures gathered on BRWA's petition.

Legislators heard a great deal of concern about the bill from citizens on all sides of the issue, and it was not introduced in either the Assembly or Senate.

"Companies seeking to establish mining operations in Wisconsin should meet requirements that protect water quality and supply, while providing opportunity for public input. Current environmental regulations should not be weakened."

These proposed legislative changes moved the BRWA board and staff to write the petition statement cited above, and to garner signatures in support of it. Gaining more

than 1,400 signatures on the petition illustrates how important it is to you that environmental standards are maintained and local input in to the process is preserved. Michele Wheeler, Executive Director, and I delivered the petition to legislators in Madison in October. We were also able to meet with several state senators who are on the newly created Select Committee on Mining Jobs, in order to talk through concerns we have with how the legislative process is unfolding.

Potential Changes for Navigable Waters and Wetlands

Also this fall, Governor Walker called a special "jobs creation" session of the Legislature. During this special session, it was announced that changes to the permitting process regarding navigable waters, and to the laws concerning wetland fill would be presented and voted on. To date, only the Navigable Waters Bill has been introduced.

BRWA had several concerns with SB/AB 24 (aka the Navigable Waters Bill):

- 1) A permitting process which presumes approval for high capacity wells
- 2) A weakening of air quality protections, and
- 3) A deterioration of the right to public comment.

BRWA felt that environmental standards would be weakened and public input would be diminished if this bill was passed. While SB/AB 24 was not titled as a mining bill, the same

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Some Temporary Changes at BRWA

By Michele Wheeler, Executive Director

Who was that guy that said life is like a box of chocolates—that you never know what you're going to get? There's really no delicate way to put this, so I'll just throw it right out



there. A couple months ago, I was diagnosed with breast cancer. It seems like we caught it at an early stage, and that it is pretty treatable. I've had a few surgeries to remove the cancer that's there. I've recently started

chemotherapy and will have radiation treatments after that.

As a result, I will have a different role at BRWA for the next six to eight months. During this time, I'll maintain my position as the Culvert Program Manager on a part-time basis, and can be reached, as always, at 715-682-2003 or michele@badriverwatershed.org. For organizational inquiries, please contact BRWA Board President Bob Rice at 715-292-1143. It's just a short hiatus, and I'll be back in action soon. Thanks everyone for your kind thoughts and generous support. ♦

About BRWA:

What we do

We are a community organization that works to involve all citizens in taking care of and enjoying their home watershed. We accomplish this by conducting educational programs and forums about how our watershed can be affected by the decisions we make. In addition, we assist citizens to gather information, identify problems and implement solutions to maintain the integrity of our watershed for future generations.

Our Vision Statement

The Bad River Watershed Association envisions a future in which change and development within the watershed grow from a stewardship ethic that seeks to minimize ecological damage, while maximizing ecological and community health.

Our Mission Statement

The mission of the Bad River Watershed Association is to promote a healthy relationship between the people and natural communities of the Bad River watershed by involving all citizens in assessing, maintaining and improving watershed integrity for future generations.



This problem culvert is on Mattson Road at an unnamed tributary to the Marengo River in the Town of Ashland. It is currently an erosion problem and at risk of failure, and is slated to be replaced in 2012.

BRWA's Culvert Restoration Program: Nine Sites Restored in Four Years – Which Ones Are Next?

By Michele Wheeler, Culvert Program Manager

BRWA developed its first strategic plan for culvert replacements in 2008. Since then we've done a pretty good job at working with partners to restore the priority sites. We started with 21 road crossings on the priority list for restoration. Nine problem culverts have been fixed, and three more will be replaced this summer. So we ask ourselves... now what?

On January 17, 2012, culvert program partners will be meeting at the Northern Great Lakes Visitor Center to discuss next steps in the Culvert Restoration Program. To date, all of our projects have focused on making sure that fish can travel upstream. However, one of the biggest problems in the watershed is that our streams are overloaded with sediment. Culverts play a big role in adding extra dirt into streams when they wash out, and we're working to do something about that.

Culvert program partners in the Town of Ashland know this quite well. Last summer they had 11 culverts fail because of high water. "With limited money, it's been hard to keep up with road maintenance over the past few decades," says Town Chairman Bob Schutte. "And as a result, we're doing a lot of chasing washouts."

The town is working to solve this problem by partnering with BRWA and the Ashland County Highway Department. The town started with the list of available inventory data from BRWA. The Town of Ashland road crew employees then went out and completed the surveys at sites that still needed data collected. Chairman Bob Schutte is now working on summarizing all the culvert data in the town. With the surveys completed and summarized, BRWA and the Ashland County Highway Department can compile the town's information about culverts with their own data.

With good information in hand, the partners are working together to help the Town of Ashland plan and budget for culvert work. The culvert replacement schedule will consider the town's need to keep the most heavily traveled roads open, and the streams need to be free of road fill from washouts.

"We're looking forward to working together with BRWA and the Town of Ashland on this project," says Don Grande, Highway Superintendent for Ashland County. "Sharing information and budgeting for the right sized pipes will really solve problems—both for fish and drivers." ♦

Groundwater Pumping for Iron Mining: What is the Water Removal "Footprint"?

By Kevin Brewster, BRWA Board Member

There has been a lot of discussion about how the proposed Gogebic Taconite iron mine might affect lakes, wetlands and streams. Mining can have a significant impact on groundwater, sometimes far from the mine itself. Mines may consume large amounts of water for various processes and suppression of dust, and continuously pump ground water to the surface to keep pits or shafts dry. The rock overlying the iron deposit that is excavated and piled (overburden) can affect how precipitation runs off the surface, and how rapidly and where it returns underground. Here we will look at how mine groundwater pumping can affect the groundwater source (aquifer) in the immediate vicinity of the mine and some distance from it.

Any time water is drawn from underground, whether it's a shallow domestic well or a high-capacity municipal, agricultural or industrial well, a zone is created where the normal groundwater level drops as water is removed faster than it can flow in to replace it. This is known as a *cone of depression* (Figure 1). The horizontal extent, depth, and how long this zone persists after pumping ceases varies greatly depending on how much groundwater supply is available and how rapidly the underlying material allows it to flow into the cone of depression.

For example, gravel aquifers are more porous than clay and allow water to move more rapidly. How rapidly water moves through rocky formations depends on the extent of fractures or layering (slate) that is present. The nature of surface material overlying groundwater also plays an important role in how rapidly precipitation finds its way down to become groundwater—sandy surfaces allow precipitation to recharge aquifers more quickly than clay or unfractured rock surfaces do.

Problems arise when pumping large amounts of water with high capacity wells, like those used in mines. Pumping wells can pull water levels low enough to impact surrounding home wells, either by reducing the water supply, or by causing undesired changes in the characteristics of the water. Likewise, lakes and wetlands are affected if their underlying groundwater recedes, sometimes to the point of completely drying out.

So how might the Penokee mine impact groundwater? The mine's large open pit will expose water-bearing layers of rock and gravel, allowing groundwater to flow into the pit from the sides and bottom. This water will have to be constantly pumped out over the active life of the mine. As with any well, this pumping creates a cone of depression as the groundwater level is lowered. How wide and deep this water removal "footprint" is depends on many things—the supply of groundwater present, how fast groundwater can move in from outside the area to fill the void, how much water lies in the hilly terrain above the area that will flow by gravity toward the void, and how much precipitation occurs, among other factors.

Scientists and engineers use computer modeling to attempt to predict groundwater depression around mines. Based on water level data from numerous bore holes drilled across the affected area and what is known about the underlying geology, computer modeling can generate estimates of the extent and shape of groundwater depression zones created by mines. In Wisconsin's existing mine regulations, this kind of predictive modeling is a required part of the mining permit process.

Based on historic data, we know that the underground formations surrounding the Penokee ore deposit are variable, probably resulting in different rates of water movement into the void created by pumping. Some rocky formations allow very slow movement of water, meaning that the groundwater depression zone would extend a relatively short distance from the mine and drop very steeply toward the points of removal. This would result in fewer impacts on home water supplies, lakes and wetlands. Other slate or gravel formations may allow more rapid flow of water toward the mine, creating a shallower but wider groundwater depression zone that results in more widespread effects. This is seen in an existing iron mine in Soudan, Minnesota (Figure 2). Here the extent and shape of the area of the groundwater impact zone of the mine is likely to be more complex. ♦

—Special thanks to Tom Fitz of Northland College for help with geology and groundwater drawdown questions regarding the potential mine site.

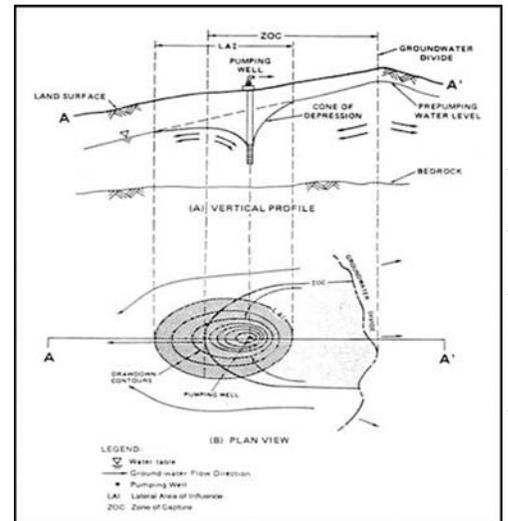


Figure 1. Graphic depicting a groundwater "cone of depression" or the area where groundwater drops more quickly than it can be refilled.

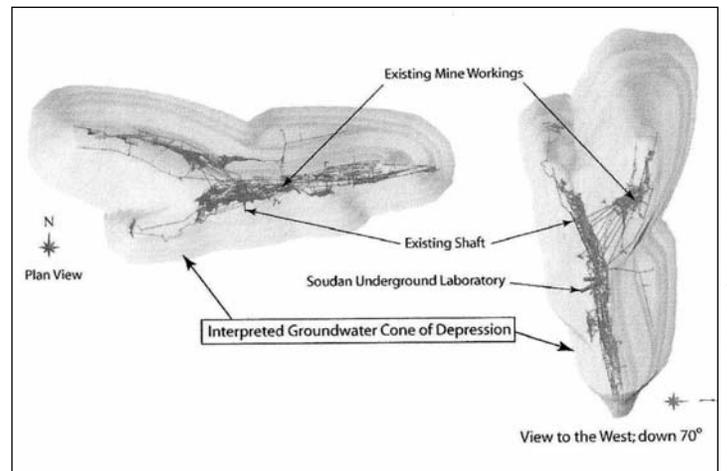


Figure 2. Cone of depression as seen at the iron mine in Soudan, Minnesota.

Watershed Stewardship Projects Featured at Latest Marengo Potluck Extraordinaire

By Matt Hudson, Watershed Action Director

BRWA's Marengo River Watershed Partnership (MRWP) project held its latest pot luck gathering extraordinaire on October 20, 2011 at the Marengo Valley School. Hot items on the menu (some literally!) included Tony Wallner's flaming salsa, Elmer Lippo's elegant Jello dessert, Val Damstra's blue ribbon pumpkin pie, and an assortment of other fantastic salads, main dishes, and desserts. What a way to start off a meeting!

The focus of the festivities was to hear about some of the many great projects that occurred during 2011 that have helped implement the Marengo River Watershed Action Plan. Here's a summary:

- **Dale Higgins, Hydrologist with the US Forest Service**, talked about how the Forest Service has selected the headwaters of the Marengo River for identifying and implementing priority watershed improvement projects over the next few years. Potential projects include culvert restorations, streambank stabilizations, road movement and closing, and in-stream restorations. Dale has been working with BRWA to identify projects that were identified as part of the Marengo River Watershed Action Plan.

- **Dave Zepczyk, owner of Four Corners Food and Spirits** near Mason, talked about a contaminated soil remediation project completed this fall at his business. Pumps from an old gas station at the site were removed about 20 years ago, but soil contaminated by leaking tanks remained at the site, threatening groundwater and the nearby Marengo River. Dave wasn't happy just cleaning up the contaminated soil. He's also constructing a backyard pond, interpretative trail, and rain garden at the site to set an example for other businesses about being proactive in protecting water quality.

- **Tom Fratt, County Conservationist with the Ashland County Land and Water Conservation Department**, talked about a collaborative project between his department, BRWA, and the US Fish and Wildlife Service to complete a fish passage project at the Troutmere Creek crossing of Wildcat Rd. in the Town of Marengo. The project was unique in that rather than replace the culvert (which was still in good condition and under a paved road), rocks were used to build up the stream channel below the culvert and eliminate a 12-inch drop. The project restores fish access to over three miles of habitat upstream of the culvert. Troutmere Creek is listed as a Class I trout stream, one of Wisconsin's highest quality trout streams.

- **Charlie Ylitalo, a former dairy and current beef farmer in the Marengo Watershed**, talked about the series of three wetlands that were installed on his property during 2011. Charlie's story was featured in our last newsletter. Charlie is working with Ashland County and the US Fish and Wildlife Service to complete another wetland project on his property in 2012.

These are just a few examples of the many great projects that occurred in 2011. We know there are many more. And, we know there are more of you who are interested in learning how you as a landowner can help take care of our land and water. Give us a call (715-682-2661) or come to our next MRWP meeting! The meeting will be held in January (date and location TBD). If you would like to receive email notifications about the MRWP, please contact Valerie at valerie@badriverwatershed.org. ♦



Photo by Diane Daulton

Dave Zepczyk, owner of Four Corners Food & Spirits, explains his soil clean up and watershed improvement pond/rain garden project to Mark Dryer, Town of Lincoln resident.



Before (left) and after photos of the fish passage project on Troutmere Creek at Wildcat Rd.



Photo by Mike Pero

Marengo project being planned for 2012. Matt Hudson, BRWA, poses with Ted Koehler, US Fish & Wildlife Service, and Elmer Lippo, Marengo River Watershed resident after completing survey work at Lippo's property near Marengo in early December. Not pictured is Mike Pero, Ashland County Land & Water Conservation Dept (taking the picture!). Lippo is hoping to have 2 wetlands created on his property in 2012 to help "slow the flow" of water running off his land.

Contact BRWA!

Phone: 715-682-2003

info@badriverwatershed.org

Photo by Steve Baumgardner



Bruce Prentice (above) and Steve Baumgardner (below) work to collect macroinvertebrates ("bugs") out of 18 Mile Creek (a tributary to the White River) this October. Eighteen volunteers collected macroinvertebrates during the fall sampling season.

Photo by Bruce Prentice



Photo by Matt Hudson



Valerie Damstra records data at Devil's Creek, a tributary to the Bad River.

Volunteers and Staff Work out the "Bugs" this Fall Sampling Season

By Valerie Damstra, Citizen Involvement Coordinator

Bugs, bugs, and more bugs were the theme this October as BRWA was in full swing collecting macroinvertebrates ("bugs") from stream sites throughout the Bad River Watershed. Both volunteers and staff members headed out to local streams with D-framed nets in search of stoneflies, mayflies, caddisflies, and others to monitor the quality of our streams.

Macroinvertebrates, or "bugs," are animals that are large enough to be seen with the naked eye (macro) and lack a backbone (invertebrate). In streams they are primarily insects that live most or all of their life in aquatic environments like streams, lakes, or wetlands. These aquatic bugs are good indicators of water quality because some are more sensitive to pollution than others. Therefore, if we find bugs at a stream site that can tolerate pollution—and more pollution-sensitive organisms are missing—it's an indication that a pollution problem is likely. Fortunately, that's not the case for many streams in the Bad River Watershed.

Twenty citizens participated in a group training session on October 1 at the Mellen School to learn about the macroinvertebrates we're looking for and how to collect them. Nearly half of those folks were new volunteers with the program. "My wife and I love Lake Superior and the north country—all seasons of the year," said Steve Baumgardner, a new volunteer and landowner on the White River. "I felt like I needed to give something back to help protect this beautiful area. I love that BRWA members are in the rivers and streams getting their fannies wet collecting valuable data! Got my fanny wet too, which is a lot more fun and meaningful than just sending a check."

Our eager and well-trained volunteers sampled 14 sites in 11 streams across the watershed during the first two weeks of October. "It never ceases to amaze me the diversity of stream environments, especially in a hands-on way," said new volunteer Bruce Prentice. "I would recommend this experience to young and old."

Volunteers then gathered together a few weeks later for two sessions at Northland College to identify the critters that they found in the lab. Bug identification isn't an easy task, particularly for new volunteers, but BRWA staff and volunteer Technical Advisor, Tracey Ledder, were on hand to provide help with the IDs. "Matt, Val, and Tracey took something complicated like bug ID, and made it easy and fun," added Baumgardner.

BRWA staff also got the "bug" to sample in early October as well. Staff collected samples at eight streams in the Tyler Forks and Upper Bad River subwatersheds. The purpose was to collect baseline macroinvertebrate data at the streams that are in the vicinity of the potential Penokee Mine. Prior to sampling, staff developed a Quality Assurance Project Plan to ensure the collection of scientifically sound data. Staff also trained with Dr. Kurt Schmude from the University of Wisconsin-Superior in field collecting methods.

Eleven samples were collected, and were sent to Dr. Schmude for species identification. Results of this data will be compiled and reported on this winter, and highlights will be featured in the next issue of *Watershed Waves*. BRWA staff hopes to continue collecting baseline macroinvertebrate data as part of our role in providing sound data in evaluating the potential impacts of a mine in the watershed. ♦

Got the Bug to Volunteer?

We are beginning preparations for our Spring Macroinvertebrate Training and Sampling, which will take place in May 2012. We also have openings for Water Chemistry volunteers. While macroinvertebrate monitoring is twice per year (spring and fall), chemistry monitoring takes place once per month all year around.

If you are interested in learning more about these opportunities or would like to sign up, please contact Valerie at 715-682-2669 or valerie@badriverwatershed.org.

BRWA Works to Protect Environmental Standards (Continued from page 1)

regulatory items pushed for in the earlier legislation were present in SB/AB 24. It appeared that regulated items in the bill which are especially pertinent to mining legislation were being snuck in to a special session bill.

I worked with BRWA staff to prepare testimony which articulated these concerns and testified at the joint Senate and Assembly Natural Resources Committees hearing on SB/AB 24. (This testimony can be found on our website). The hearing lasted nine hours. While six people spoke in favor of the bill, 54 people spoke against it. Of the people that attended, only eight people registered in favor of the bill and 175 registered against it. Recently, as the special session was adjourned, the Natural Resources committees of the Assembly and Senate released notification that the bill has been amended and assigned new bill numbers (SB 326 and AB 421). As of this printing, SB 326 and AB 421 both passed out of their committees on December 14. The bill will now move to the floor for a vote, we're hearing January 17 at the soonest. We will continue to follow this bill, and any wetlands bill that may be introduced as we get into the new year.

A New Mining Bill Introduced

One hearing was held locally, as the Assembly Committee on Jobs, Economy and Small Business held an informational hearing in Hurley regarding potential changes to iron mining legislation. The hearing was held prior to any new draft mining bill being introduced, and was meant to be for "information gathering" purposes. The hearing was quite long, and public comment was held off until invited guests had presented. BRWA Board Vice-President Darienne McNamara testified on behalf of BRWA, articulating our concerns with any process of legislative change that moves too quickly to carefully consider the consequence of legislation which could weaken environmental standards. The details of the testimony she presented can be found at our website.

As of the time of this printing, it is our understanding that the Senate Select Committee on Mining Jobs is working on a new law regarding iron mining in Wisconsin. The Senate committee is evaluating the current legislation and gathering input from many sources to write a bill which they say changes current nonferrous mining legislation to streamline the permitting process, but keeps environmental protections in place.

However, on December 8, 2011, the Assembly acted independent of the Senate's efforts and introduced a new mining bill related to ferrous mining. The bill is essentially the same as the draft bill that was leaked this spring, which was met with much public opposition and outcry.

As before, our guiding principle in evaluating this bill is our commitment to BRWA's mission, which has led us to say to elected officials that "Companies seeking to establish mining operations in Wisconsin should meet requirements that protect water quality and supply, while providing opportunity for public input. Current environmental regulations should not be weakened." In every step of the process of engaging legislators, we support a process which will allow the gathering and interpretation of sound scientific data to inform decision makers regarding legislation that will impact our watershed for many generations.

Whether there is a mine or not in the Penokee Hills, we will live with the consequences of decisions made about the mine much longer than Gogebic Taconite or downstate legislators. If timelines and deadlines need to be reviewed, then we remain committed to engaging our legislators to ensure that during this process Wisconsin's strong environmental standards will not be weakened, and the opportunity for public input by local citizens will not be diminished. ♦

BRWA's Legislative Advocacy Work to Date

- Distributed petition written by BRWA and signed by over 1400 citizens, local governments, and partner groups across the state.
 - Delivered the petition to all Wisconsin legislators in the Assembly and Senate.
 - Met with or had phone conversations with Senators and staff of Neal Kedzie, Scott Carpenter, Robert Cowles, Bob Jauch, and Dale Schultz—all members of the newly formed senate Select Committee on Mining and Jobs. In those meetings we asked legislators to not rush the process of changing legislation that will make lasting changes on our watershed.
 - Testified at the Assembly and Senate Joint Committee on Natural Resources regarding SB/AB Special Session Bill 24 in Madison.
 - Testified at the Assembly Committee on Jobs, Economy and Small Business informational hearing held in Hurley.
 - Testified at the Assembly Committee on Jobs, Economy, and Small Business regarding the Mining Bill (LRB 3520) in Milwaukee.
- Visit our website www.badriverwatershed.org to read the testimonies given at all hearings.



While in Madison, BRWA's Bob Rice (left) and Michele Wheeler met with Wisconsin Senator Bob Jauch, who represents the state's 25th Senate District.

Thank You!

Thanks to our Contributors (as of 12/15/2011): Bob Traczyk, Diana and Kelly Randolph, Eleanor Bussey, Gerald and Jane Christie, Jack and Sharon Stewart, Joe Agostine and Susan Leigh, John and Martha Stoltenberg, Kathy Wendling, Keith and Laura Carlson, Linda Jorgenson and Jack Gunderson, Michael and Theresa Stafford, Dr. Robert Parsonage, Phoebe Kebec, Rolland and Joyce Kiel, Steve and Margaret Baumgardner, Charlie and Claire Ylitalo, Charles Ortman, Dorothy Lagerroos, Michael Mynarek, Jim and Mimi Crandall, Jennifer Giegerich, Sjana Schanning, Bobbi Rongstad, Al Kirschbaum, Dorine Damm, Bob and Pat Tammen, Dan Madison, John Knitt, Julie Buckles and Charly Ray, Grant Herman, Grandon and Dorothy Harris, Landis and Steven Spickerman, Teresa Gunderson, Diane Littel and Norton Thomas, Kurt and Laurie Schmude, Gary Crandall and Sara Balbin, Jo and Mike Bailey, Janet Bewley, John Podlesny, Rich Schuppel, Deb Dade, Anonymous.

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Thanks to our Recent Funders: River Alliance of Wisconsin, Norcross Wildlife Foundation, Great Lakes Restoration Initiative, National Fish and Wildlife Foundation, US Fish and Wildlife Service Coastal Program and Great Lakes Basin Fish Habitat Partnership, US Forest Service, Iron County Land and Water Conservation Department, Bock Foundation, Wisconsin Environmental Education Board.

“I’m Not Really into Water Quality Monitoring, But How Else Can I Help BRWA?”

Well, we’re so glad that you asked! BRWA couldn’t do the work it does without volunteers who generously give their time for various monitoring programs. Thanks to all of you who are engaged in water quality monitoring and culvert monitoring. Your contribution in time is a valuable part of our success in these programs.

However, not everyone can get their feet wet in a stream, look for macroinvertebrates or check dissolved oxygen levels. We want to let you know that if you are eager to find a place to volunteer with BRWA, but aren’t able to get in to a stream to monitor water quality, we have several committees that need some volunteer support.

BRWA’s board develops workplans every couple years. These workplans give the framework for how the board works with staff to make sure that we are staying committed to our mission in the work we do. We currently have the following committees: Membership, Communications, Fundraising, Finance and Program. Each of these committees has spent time developing a work plan that is consistent with BRWA’s mission.

If you have a desire to volunteer on one of these committees, or would simply like to learn more, please contact BRWA Citizen Involvement Coordinator, Valerie Damstra at valerie@badriverwatershed.org at 715-682-2669. Currently, the Fundraising and Finance committees are especially in need of new volunteers. If you have experience with fundraising, or with accounting, please consider volunteering your talents and time with BRWA. ♦



BRWA Team

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- Sjana Schanning
- Jedd Ungrodt

Support the work of BRWA

Anybody who supports our mission can become a member of the Bad River Watershed Association. Consider enhancing your membership by making a financial donation to help support our work. **Don't Forget! If you haven't given already in 2011 now's the time to get your tax break!**

\$100 Your name _____

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