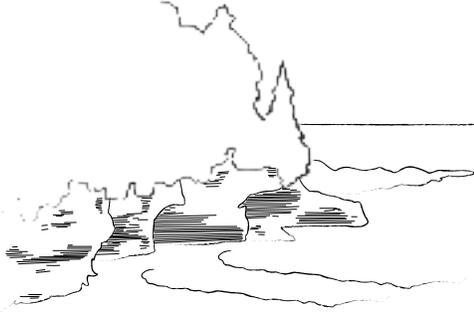


# The Door County Environmental Council News



DECEMBER 2016



“The mission of the Door County Environmental Council is to advocate for the protection and preservation of Earth’s natural resources for all its inhabitants and future generations.”

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## Door County Environmental Council Position Paper on Concentrated Animal Feeding Operations (CAFO) Expansion

November 3, 2016

**T**he phosphorus pollution of northeastern Wisconsin’s ground and surface water is a serious and undeniable problem. All of the facts and science behind this water contamination are not currently known. However, what is known is that there are multiple sources of this phosphorus pollution including lawn fertilizers and failing septic systems.

There also is, we believe, no question that one of the main causes of water contamination is poor manure management by concentrated animal feeding operations (CAFOs) engaged in milk production. A cow produces approximately 18 times the waste of one human being. That means a CAFO with 4,000 cows produces the waste equivalent of a city of 72,000

*Wisconsin currently has over 175 CAFOs statewide, the bulk of which are dairy CAFOs.*

people. Unfortunately, the big difference is that existing CAFOs do not have waste treatment systems for their animal waste like cities do. The animal waste from these operations, in a liquefied format, is simply being spread on the ground or sprayed into the air via central pivot sprayers.

Currently there are 18 existing CAFOs in Door and Kewaunee counties. These facilities produce tens of millions of gallons of animal waste annually. The manure produced is poured and/or sprayed onto the soil.

This practice may not be a problem in some parts of the state that have very deep, well drained soil. Unfortunately, although Door County is blessed with spectacular natural resource beauty, it isn’t blessed with deep soil. In fact, Door County’s thin soil, porous karst rock, and the fact that it is surrounded by water,

make it an extremely poor location for CAFOs. Some experts believe Door County to be the worst location in the entire state for a CAFO operation. Our thin soil and fractured underlying rock structure allow liquefied manure to quickly permeate and impair both surface and ground water. In neighboring Kewaunee County, with similar geology and many more CAFOs, one third of the wells that have been tested reveal water that is unsafe for human consumption. Manure has been declared a pollutant by Wisconsin courts when it reaches the aquifer.

It is not that manure, per se, is the problem. Farmers have been effectively utilizing animal manure as a fertilizer for thousands of years. The problem now in northeastern Wisconsin is the sheer quantity of manure being introduced to limited acreage with very poor filtration capabilities. Our soil is overwhelmed by the vast quantity of manure being applied to it. In the U.S. we currently have a huge oversupply of milk and cheese with correspondingly low milk prices. There simply exists no need, or demand, for more milk.

**IT IS FOR THESE REASONS THAT THE DOOR COUNTY**

*One semi truck hauling CAFO manure can cause as much damage to a road as 9,000 passenger cars.*

*Earlier this year, a half-mile road in Forestville was destroyed in a day and a half by 22 semis carrying 300 loads of CAFO manure.*

*Under Wisconsin's 30/20 Plan, and pressure by Governor Walker and the DATCP, the plan's goal is to produce 30 billion gallons of milk in the Dairy State by 2020.*

*Despite the glut of milk and cheese flooding the market, millions of dollars in subsidies are being paid to dairy farmers to produce even MORE milk.*

*Global milk prices are currently at a five year low.*

*S & S Ag Enterprises LLC, a Concentrated Animal Feeding Operation in Door County, is proposing to expand by over 35%.*

**ENVIRONMENTAL COUNCIL PROPOSES THAT NO FURTHER EXPANSION OF CAFOS IN DOOR COUNTY TAKE PLACE WITHOUT ADEQUATE AND EFFECTIVE ON SITE ANIMAL WASTE TREATMENT SYSTEMS. The Wisconsin Department of Natural Resources and the Door County Board of Supervisors must implement a moratorium on CAFO expansion in Door County without an animal waste treatment system in place. An effective system is one that would not permit phosphorus or other pollutants to leave the CAFO site in either ground or surface water.**

**The ultimate solution to the phosphorus contamination in northeastern Wisconsin will be complicated, expensive, and time consuming. All stakeholders will need to cooperate in finding an effective solution.**

**In the short run, we must not allow expansion and an increase of this serious phosphorous water contamination problem. A CAFO expansion moratorium is warranted in Door County and in Kewaunee County now.**

*The Board of Directors,  
The Door County  
Environmental Council*

## Bees Added to Endangered Species List

You may have read recently that the U.S. Fish and Wildlife Service added nearly 50 species of plants and animals to the endangered species list, all native to Hawaii. The list received national media attention because of the inclusion of yellow-faced bees. Given our national concern about declining bee populations, it's easy to understand why this addition would grab our attention.

Should we be panicking about the bees? Yes, we should worry about the bees recently listed, but that's a separate problem. The threat of colony collapse disorder has largely passed. And, despite troubling bee population declines around 2009, honeybees are not actually in imminent danger of extinction. In fact, they have recovered reasonably well.



*Honeybee*

*Photo by Mike Bahrke*

For the most part, the Fish and Wildlife Services' announcement was correctly reported by national media outlets. "Bees Added to U.S. Endangered Species List for First Time" read the headline of one story from National Public Radio. However, that story made no mention of honeybees whatsoever, since, again, these are separate

problems – endangered species and honeybees, a distinction that many people failed to realize.

Perhaps it was the liberal use of such nonspecific phrasing as "The bees are dying" (Washington Post). Or, maybe it's the fact that 6 out of 10 people who share a link never even click on the link to read it and verify the content!

*By Mike Bahrke*

## New Finds of Emerald Ash Borer in Door County



*Emerald Ash Borer*

*Courtesy [www.emeraldashborer.info/](http://www.emeraldashborer.info/)*

The Wisconsin Department of Agriculture, Trade and Consumer Protection recently released an update of new finds of emerald ash borer (EAB) in quarantined Wisconsin counties, including Door County. The presence of EAB was confirmed in the Town of Sturgeon Bay on October 18, 2016 and in the Town of Egg Harbor on October 13, 2016. Previously, EAB had been confirmed in the Town of Gibraltar (June 11, 2014), the City of Sturgeon Bay (June 19, 2014), the Town of Nasewaupée (April 23, 2015), and the Town of Sevastopol (October 15, 2015). A complete list of

communities with confirmed EAB finds and an interactive map are available at:

<http://datcpservices.wisconsin.gov/eab/articleassets/ConfirmedEABFindsinWisconsin.pdf>

New locations of EAB are expected to be found within the quarantined counties, and subsequent findings in quarantined counties will be announced at the above website.

*By Mike Bahrke*

## Shoreland Zoning Changes

In March 2015, the Wisconsin Legislature inserted a provision in the state budget prohibiting local shoreland zoning that is stricter than regulations contained in state statutes, or NR-115, the Department of Natural Resources rules. (The fact the zoning changes were inserted into the budget bill rather than being taken up in regular legislative sessions and hearings – so that others could participate fully in discussion of the changes and ways in which they could be improved – provoked negative comments from both Door County Planning Department staff and Door County Board of Supervisors.)

The budget provision also required shoreland laws to be separated from other local zoning regulations. The separate regulations needed to be submitted for DNR review by Oct. 1, 2016. Consequently, the Door County Planning Department undertook the task of separating and rewriting Door County's Shoreland Zoning Ordinance, separating it from the county's overall zoning laws. By a vote of 18-1, the new stand-alone Shoreland Zoning Ordinance was approved by the Door

County Board of Supervisors during its monthly meeting on September 20.

One of the major objectives of the Door County Environmental Council is the protection of Door County's natural areas through effective land use measures, including zoning and other regulations. Therefore, it's imperative that our membership be kept aware of zoning changes affecting our county, especially the nearly 300 miles of Door County shoreland. What are some of the changes in the new regulations that will affect Door County shoreland owners?

**Counties are no longer allowed to exceed state shoreland zoning standards:** Before this change in law, counties were required to enact a shoreland zoning ordinance that at least met the minimum shoreland zoning standards (as set by the DNR in NR115), but had the option of going beyond those standards. This option was used by several counties, including those that adopted a system of "lake classification," in which lakes were assigned to different classes, each of which had a different set of shoreland zoning standards. In addition, any existing ordinance provisions that are stronger than the NR115 standards are unenforceable.

**Limits on vegetative buffer requirements:** Under the new law, county shoreland zoning ordinances cannot 1) require the establishment of a vegetative buffer zone on previously developed land, or 2) require the expansion of an existing vegetative buffer zone. Counties may, however, require maintenance of a buffer that existed on the date the budget was passed, so long as the shoreland zoning ordinance allows a 35-foot wide viewing corridor for every 100 feet of shoreline, and the total viewing corridor is allowed to be in a single opening (e.g.,

a 200-foot shoreline could have a 70-foot viewing corridor).

**Non-conforming structures:** The statute limits the state from enacting standards or counties from enacting shoreland zoning provisions on several matters regarding non-conforming structures (NCS). “Non-conforming structures” are structures that were lawfully in place prior to the passage of a shoreland zoning ordinance but do not comply with the standards in the updated ordinance (e.g., a storage shed in the shoreline setback area).

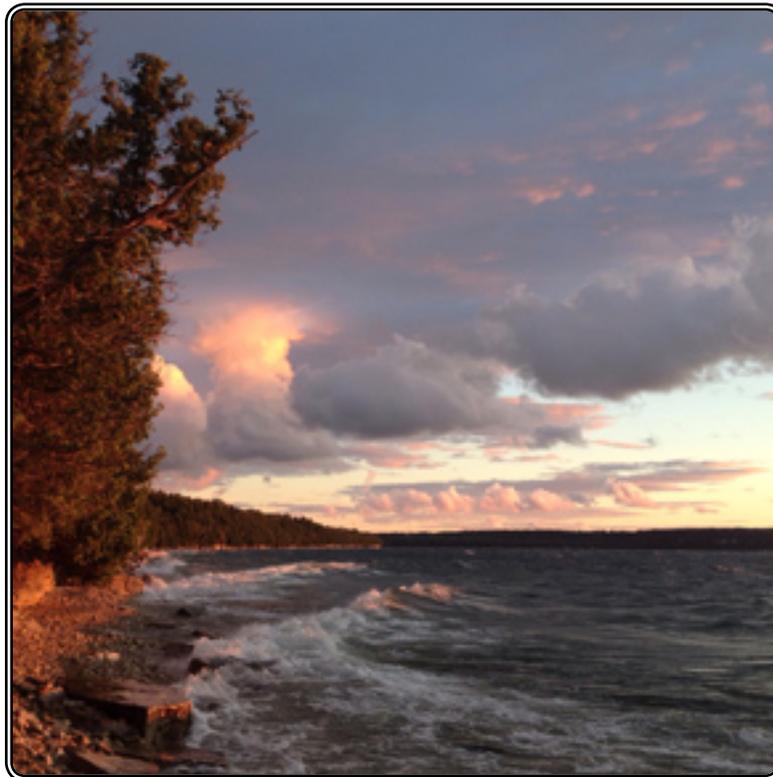
*No approval, fee, or mitigation for reconstruction.*

An approval process, a fee, and a mitigation requirement would no longer be necessary for a landowner to conduct maintenance, repair, replace, restore, rebuild or remodel a non-conforming structure, so long as the work does not expand the footprint of the non-conforming structure.

*No approval, fee, or mitigation for vertical expansion.* Non-conforming structures may be expanded vertically without requirement for approval, fee, or mitigation up to 35 feet

above grade level.

*Vertical or lateral expansion standards.* The law says the state can enact standards, or counties can enact ordinances, that allow for vertical or lateral expansion of a non-conforming structure, so long as they do not conflict with shoreland zoning standards established by the DNR. Currently, the NR115 standard related to height prohibits a county from approving any construction “that results in a structure taller than 35 feet within 75 feet of the ordinary high water mark of any navigable waters.”



*Door County Shoreline*

*Photo by Mike Bahrke*

**Other items:  
Definition of “structure”:**

The term “structure” is now defined in the shoreland zoning statute as “a principal structure or any accessory structure, including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or fire pit.” It should be noted that this list is not

exhaustive, but simply provides examples of constructions that would be considered a “structure.”

**No restriction on outdoor lighting:** No standard or ordinance can “require any approval to install or maintain outdoor

lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands or otherwise prohibit or regulate outdoor lighting in shorelands if the lighting is designed or intended for residential use.”

**No review of property upon sale or transfer:** No standard or ordinance may require inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

**Limitations of what is considered an “impervious surface”:** Counties are no longer allowed to count as impervious surfaces those that are treated or drain to a pervious space to allow the runoff to infiltrate the soil as part of the impervious surfaces allowed on the parcel. Those impervious areas are therefore not part of the calculation of the percentage of impervious surface on the parcel.

**No DNR appeal of a variance decision:** DNR may not appeal a decision of the county board of adjustment to grant or deny a variance under shoreland zoning, but may express an opinion if asked by the county board of adjustment.

*By Mike Bahrke*

*Material adapted from:  
Shoreland Zoning Changes Inserted  
in Budget, Door County Pulse,  
Peninsula Pulse, June 10, 2015;  
Shoreland Zoning Changes, Door County  
Pulse, Peninsula Pulse, December 4, 2015;  
Shoreland Zoning Project Nears Completion,  
Peter J. Devlin, For USA TODAY NETWORK-  
Wisconsin, September 18, 2016;  
County Adopts New Shoreland Zoning  
Ordinance, Jim Lundstrom, Door County Pulse,  
Peninsula Pulse, September 23, 2016.*

## The Darker Side of Lights

In the beginning, there was light ... and the absence of light. On Earth there was sunlight and moonlight and starlight and dark skies. And it was good. And all the living things needed it and used it and depended upon it. They used the light to make food and used the cycles of light and dark to know when it was time to be awake and time to be asleep. They knew when it was time to flower and fruit and when it was time to reproduce and nurture. The light was a natural part of their lives.

Today light has a darker side. Artificial light has been added to the night.

The dark side of Earth is no longer dark. And it is not good. It all began a long time ago.

When man first discovered how to make fire he also discovered that he could make light and see in the dark. He then went on to make candles and oil lamps and gas lamps. With the discovery of electricity he then went on to make light bulbs and fluorescent light tubes and sodium lights and mercury lights and compact fluorescent lights (CFLs). With the discovery of semiconductor metals he then went on to make light emitting diodes (LEDs).

In our world today, including Door County, we are constantly making choices about our lighting: what kind of lights to use, how many lights to turn on, where we should place our lights, and the kind of fixtures we should use. However, the choices we make on how we light our homes, yards, businesses and communities affects the world around us.

Artificial light pollution disrupts life’s long-



*Earth at Night, Our Visible, Wasteful, “Darkside” of Light Pollution*

*Courtesy of [www.nasa.gov](http://www.nasa.gov)*

standing pattern of regular and dependable natural daytime-nighttime schedules. These schedules have been imprinted into the DNA of all living things over billions of years. For example, many plants need a certain amount of darkness to trigger their flowering and reproduction processes. Half of life on this planet is nocturnal in their daily activities. Those activities start at sundown and end at sunrise. Artificial light is seriously constraining their lives, exposing them visibly to predators, causing the fight or flight response, which can affect the time they have to find food, shelter, or mates for reproduction.

To think that animals and plants are just going to adapt to artificial light is naïve and dangerous. During bird migrations, artificial lights seem to disorient migrating birds causing hundreds of millions of birds to die each year by crashing into windows of buildings. Sea turtle hatchlings become disoriented from city and beach hotel lights. Rather than crawling and swimming out towards the sea and safety, the baby turtles crawl towards artificial lights on shore, often

to their death from predators or dehydration. Some of the brighter, bluish LED lights, including computer screen lighting, can disrupt the sleep hormone melatonin in our brains and cause us to have restless or sleepless nights. Over time, lack of sleep has dangerous consequences. Nature’s health is at risk. And the list goes on and on.

It is believed that much of this disruption of nature could be solved simply by reducing the number of lights used, using lower wattage light bulbs, using warm colored yellowish lights (<3000K for LEDs) and pointing our lights downward towards the ground rather than out into the environment or up into the sky. Highway systems waste light that is not lighting the highway. Most highway lighting is not needed since most cars light up the roads just fine for drivers to use. Lights burn all night long with no one using them at all. Business signs with lights pointing up at them instead of down are polluting and annoying. This wasted light often uses fossil fuel like coal and contributes to global warming. The use of motion detectors could often

solve the problems of unwanted, unneeded light and are better security alerts than a continuously burning yard light. We could all do the world a favor by looking at our own properties and seeing how our lights are being used or wasted. A good rule of thumb is that if you can see the light bulb source from a distance then you are polluting the natural environment.

Besides annoying light pollution, there are other forms of pollution created by light bulbs. Heavy metals and other chemicals can be found in the construction of our light sources. Fluorescent and compact fluorescent lights contain mercury which can cause brain damage and nerve damage if ingested or comes in contact with the skin. LEDs, found in Christmas tree lights, taillights, headlights, and many other applications are becoming the light choice of the future. They contain known toxic metals such as lead, arsenic, nickel, copper and many other potentially toxic chemicals.

These lights, if federally regulated, could be made with far less toxic materials. In an article in the journal *Scientific American*, a leading authority on LED toxins wrote that “if any LEDs break at home it is recommended to sweep them up while wearing gloves and a mask, and disposing of the debris, even the broom, as hazardous waste.” Furthermore, crews dispatched to clean up car crashes or broken traffic lights should wear protective clothing and handle broken LED materials as hazardous waste. Currently LEDs are not considered toxic by law and can be disposed of in regular landfills. Recycling of CFLs and LEDs should be at the forefront of an environmentally conscious society. At present, local light bulb recycling centers can be few and far between. Searching the Internet can help concerned

citizens find solutions to their recycling needs. Interestingly, if an incandescent light bulb is used it can indirectly allow more mercury into the environment than CFLs and LEDs through mercury emissions from coal powered electrical generating plants.

Light pollution, air pollution, and ground and water pollution are created by our lighting choices. Poor lighting choices are adding to the overload of stresses bombarding our environment, our health, and our lives. Let’s reevaluate our lighting situations and make more intelligent decisions about the brightness, color, and direction of illumination. Let’s bring the lights down. Make our skies dark again. We have the technology and the mental capacity to make our lighted skies more friendly to us and the life around us. Let’s see the stars again.

*By Paul Leline*

## **Newport State Park Seeks International Dark-Sky Accreditation**

Door Property Owners (DPO) sent a letter to Newport State Park expressing support for State Park Superintendent Michelle Hefty to pursue dark-sky designation from the International Dark-Sky Association (IDA). The designation, granted to a land “possessing an exceptional or distinguished quality of starry nights and a nocturnal environment” would be the only designated location in the state and the third in the Midwest.

IDA began in 2001 and has been identifying places around the world that are significant in preserving dark skies. Designation

promotes eco-tourism while expressing the importance of dark skies as a valuable resource in need of proactive protection. Light pollution is caused by artificial light and can affect more than just the visibility of the stars. By introducing excessive artificial light, the body's natural circadian rhythm can be disrupted. Circadian rhythm naturally tells the body when to wake up and when to go to sleep. In 2007, the World Health Organization listed disruption to the circadian rhythm as a probable carcinogen contributing to cancer.

A similar affect is produced in animals in nature. "There's a huge percentage of animals that hunt at night," said Hefty. "Most of the predators do most of their hunting at night so it affects that whole balance."

In order for Newport State Park to achieve this designation, it would have to prove visibility of sky phenomena as well as an effort to improve outdoor light sources, making them more compliant with standards set by the IDA.

Additional requirements include four educational seminars annually to promote the value of the night sky. Newport already has dark sky programming such as the Perseid Meteor Shower event in August, 2015 and seminars about the nightlife of wild animals.

The designation also comes at the cusp of change for many of Wisconsin's state parks. "In the state budget, there was a point made that the state was going to reduce, if not eliminate, some funding for the state parks so the state parks have to scramble to find funding," said Nancy Fisher, DPO secretary. "This attracts a whole new group of people, which can only be good. Most of the dark

sky locations are in the western part of the country in Texas and California and so to have something in the Midwest is just one more really terrific aspect and Newport would just be phenomenal."

Fisher hopes the dark-sky designation will provide an example to the communities of Door County as they move forward with reconstruction plans. "If we start to see some of these things coming, it would be so great to go to the Town of Liberty Grove and say, 'How about implementing some of these in the construction?'" said Fisher. Street and building lights can be built to reduce the upward glare of the light they emit. By concentrating most of the light down, where it is intended for anyway, light pollution can be decreased. Fisher has already seen these lighting methods implemented in places like Olde Stone Quarry County Park and the Maple-Oregon Bridge in Sturgeon Bay.

"We are still working on getting the Naked Eye Limiting done. We've not had a lot of luck with clear skies around the new moon. We just did a star count tonight, but it was again too humid to get a real clear dark sky," stated Hefty about the status of their application for dark-sky designation.

The Naked Eye Limiting Magnitude (NELM) is a measurement of the brightness of the faintest star that the naked eye can see. The higher NELM, the more stars you can see.

"So in short we still don't know our status. Looks like everything else will be in place, though, for the designation."

*Adapted from an article in the Door County Pulse, Peninsula Pulse, Aug. 5, 2015 entitled "Preserving the Night Sky."*

DCEC appreciates your concerns and interest in supporting our Dark Sky efforts as we continue to bring Dark Sky awareness to the public and municipalities. We are making sure those concerns are voiced to the appropriate groups.

## What's Happening Behind the Scenes at DCEC?

### — Administrator Report

After conversations with Sturgeon Bay residents, an Edible Door Magazine article, and other municipality interests, DCEC is investigating Brown County's Food Waste Recycling and looking at ways to bring such a program to Door County. In November we will visit business and government entities in Green Bay that are participating in food waste recycling to see how this program is working.

Thanks to the outreach efforts with our Dark Sky Program, the Visitor Bureau is interested in helping to get information out to businesses on becoming Dark Sky friendly. DCEC is presenting to the Sister Bay government this November about Dark Sky and opening ordinance dialog for future Dark Sky Preservation. DCEC is also looking into another expanded 2017 Dark Sky Program with Dark Ranger Kevin Poe.

Starting in the New Year, DCEC will be a presenter at the Fish Creek YMCA Wisdom Wednesdays. We hope to see you there to learn more about environmental issues in Door County.

CAFO concerns are continually being investigated. DCEC attended the Peninsula Pride Farms Meeting at Crossroads this

past month and has advocated for public involvement in regard to S & S Ag Enterprises LLC Concentrated Animal Feeding Operation expansion.

Our October meeting and retreat brought forth a new mission statement and laid the ground work for our 2017 topics. We also approved moving forward with an updated website as we continue to strive to better advocate for our environment and keep our members informed.

As always, your feedback, ideas and concerns are greatly appreciated.

*By Leslie Boden*

### Holiday Greetings!

The Door County Environmental Council Board of Directors would like to thank you for your support for our mission of preserving and protecting Door County's vulnerable environment this past year. We have much work to do in the upcoming years and look forward to your continued help: renew your membership, donate your services or financial resources, attend our events, and bring a friend. Together we will secure a flourishing county for future generations to enjoy. We hope the holidays bring joy and peace to you and your family.



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