

**From:** [Stacey Gallagher](#)  
**To:** [Ingrid Allen](#)  
**Subject:** RE: Today's Commissioners meeting  
**Date:** Friday, December 15, 2023 10:16:26 AM  
**Attachments:** [image003.png](#)

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Hi Ingrid,

That sounds good. Thank you so much for your hard work on this ordinance and for sending over our suggestions. They can be found below:

1) **Ordinance jurisdiction:** In our experience, it is more effective to designate the jurisdictional area of the ordinance by using visibility criteria as opposed to a defined setback (west of SR A1A). This is important because there could be properties just west of the properties west of A1A that could be contributing problematic lighting that would not be able to be addressed. This could be achieved by using language similar to this: **An overlay district, known as the Sea Turtle Lighting District, is hereby established in the City of Marco Island. The Sea Turtle Lighting District is defined as all beachfront properties from Cape Marco to Hideaway Beach. Within this district, this ordinance applies to all light visible from the beach.** This language establishes a linear boundary while also singling out light that is visible from the beach.

2) **Requirements for existing construction:** I understand that the direction from the Commission was to “soften” the requirements for existing construction on the beach. However, the Commission agreed in the First Reading that nearly all properties along Highland Beach fall under the category of existing construction. If these properties do not have specific requirements to follow to minimize their impact on sea turtles, the problematic lights will not be addressed. In order for the ordinance to actually be effective, it must provide specific requirements that are easy to follow for residents. We recommend keeping the specific requirements for addressing problematic coastal lighting for existing construction in the ordinance and to ensure that they are still required and are not voluntary.

3) **Tinted glass:** We appreciate the Town’s efforts to add in requirements for interior lighting to the ordinance; interior lighting can be just as harmful to marine turtles as exterior lighting. Although 45% tint transmittance can appear quite dark on the outside of the window compared to no tint at all, 45% tint simply is not enough to effectively block interior light from reaching the beach and disorienting sea turtles. Unfortunately, 45% tint transmittance is marketed as “turtle glass,” which is a misnomer. When we apply tint to our retrofit properties, we aim to get as close to 15% tint transmittance as possible. We of course defer to the tinting company on whether 15% tint is achievable with the type of window the film is being applied to, but we aim to go as low as possible. On properties where we have installed 15% tint, we have never heard of windows being impacted due to the tint or heard dissatisfaction from the property owner.

The 2020 Model Lighting Ordinance does include 45% tint transmittance, but it does encourage going lower. In addition, in 2022, Florida Fish and Wildlife Conservation Commission (FWC) completed a study that would determine the best tint transmittance level to reduce sea turtle disorientations from interior light. I wanted to let you know that we have since attended

conferences and meetings where FWC presented the preliminary results of this study, which indicated that a tint transmittance of 30% or lower was the most ideal transmittance to reduce sea turtle disorientations (see attached photo of slide detailing these results). This confirms what we in the sea turtle community have known anecdotally for years – that the 45% tint transmittance requirement found in most ordinances, and the transmittance that is found in the misnamed “turtle glass,” is not dark enough to reduce sea turtle disorientations.

4) **Compliance:** Throughout the First Reading, members of the Commission stated that the requirements in the proposed ordinance language would be “too onerous” for coastal residents to comply. However, more than 100 local governments throughout the State have adopted and enforced lighting ordinances for sea turtle protection, many since the early 1990s. STC has also retrofitted hundreds of coastal properties with wildlife friendly lighting technology, which is widely diverse and available and can meet safety requirements. Although change is often difficult to adjust to, especially when white, unshielded light has been the norm for many people throughout their lives, it is possible to shift community attitudes toward conservation. We at STC have a suite of attractive, engaging educational materials that we can provide to the Town for free to help educate your residents about this change. We are also available to host presentations or provide any guidance that your residents may need.

5) **Why the Town must strengthen its ordinance language and enforcement:** The Town has a responsibility to prevent the “take” of federally-protected sea turtles by poorly managed artificial lighting. Florida is home to 90% of all sea turtle nesting in the U.S. and hosts globally-important populations of sea turtles. The decisions made by the Town regarding its ordinance language and enforcement directly correlate with the recovery of these important keystone species. The Town received more than 1,500 sea turtle nests in 2023 – this means that potentially thousands of sea turtle hatchlings could have become disoriented by poorly managed artificial lighting.

Thank you so much, Ingrid, for all of the work you have done to make this language as protective as it can be for sea turtles while also taking into account the needs of your community. It is not an easy task to balance these needs, but it is necessary for the survival of the species and for the Town. I will send a separate letter to Commissioners in the new year ahead of the January 16 meeting.

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