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November 14, 2000

Chair Wan and Commission Members
California Coastal Commission
200 OceanGate, 10th Floor
Long Beach, CA 90802

Re: Vincent Thomas Bridge Lighting, Application No. 5-00-384 (Oppose)

Dear Chair Wan and Commission Members:

The Urban Wildlands Group is dedicated to the preservation of natural habitats and wild processes in urban and urbanizing areas, seeking to maintain and enhance biodiversity through research, restoration, and education. Our organization has been involved in the permitting process for the Vincent Thomas Bridge lighting project since it first came before the Commission last year. At the November 1999 hearing, we vigorously opposed the proposed project for many reasons, primary among those the environmental impact of the lighting design on migratory birds. We incorporate by reference the testimony provided at the previous hearing, including letters written by Dr. Hartmut Walter of UCLA (also enclosed), the U.S. Fish and Wildlife Service, other experts, and our own expert testimony.

We recognize that Staff has gone to great lengths to craft a recommendation for approval of the current design that incorporates significant and thoughtful operational controls on the project for the purpose of mitigating environmental impacts. Indeed, these controls were proposed by the project applicant, and presented to us in a meeting in mid-September. (We will detail below the process by which this came about.) Unfortunately, however, our position today is one of outright opposition, due to new information that came to our attention by telephone only last Friday. We learned that the project proponents declared outright in the press on November 4, 2000 that their intention is to get the lights installed and then return to the Commission at some later date to seek to weaken the operational controls. This in our opinion shows extreme bad faith and illustrates the intention to piecemeal the project through multiple applications to this or any future Commission. We must, therefore, oppose any project that relies on operational controls to minimize environmental impacts, and so our position remains as it was last year, that if the bridge must be lit, then it should be done with shielded tracer lights only.

We feel that it is necessary to detail the process by which this new design has come before you, so that you understand that this is not the position we were expecting to have to take here today. After the Commission denied the previous design, we made ourselves available to the applicant to discuss the environmental impacts of the project and how these impacts could be satisfactorily mitigated or avoided. Two meetings were held last winter, one in January and one in February, which involved resource agency staff who traveled great distances to be involved in this

important issue, Coastal Commission staff, wildlife advocates, and representatives of the local astronomical community. The City promised to bring out expert Michael Measure, the founder of the Fatal Light Awareness Program, to help redesign the project. After several months delay, it became clear that the City was not going to make good on its promise to bring out Michael Measure, and the reason ultimately given was that he was not going to give them an answer that they liked, because his position as well was that if the bridge must be lit, it should only be done with some form of shielded tracer lights. Through the summer, we made several calls to the City to check on the status of the project. Finally, immediately prior to the applicant's resubmission to the Commission, the applicants held meetings for interested parties to present and discuss their revised proposal. At the meeting we attended, we saw renderings of the project design and discussed the operational controls being proposed by the applicant. Although the project design still included extremely bright lighting on the towers, thereby posing a threat to birds as a tall lighted structure, and still presented serious light spillage concerns better addressed by our colleagues in the astronomical community, we felt that because of the operational controls, and only because of the operational controls, we could be persuaded not to actively oppose the project. The applicants were eager to secure our pledge that we would not oppose the project and that we would not "blindsided" them at the hearing. We informed them that we would still have to raise objections to the brightness of the lighting, but that we would do so in a way that did not constitute outright opposition because of their good faith assurance that they would live by the operational controls that they proposed.

However, we learned on November 10 by telephone that Mr. Louis Dominguez, chair of the Vincent Thomas Bridge Lighting Committee, made the following statement to the Daily Breeze in an article that ran on November 4 (a copy of which is enclosed with this letter):

"In our hearts, we feel that there would be no danger to the environment (from the lights), but we can't prove that until the lights go up." ... "Our feeling is that once they're up and we can show the lights do not hurt the environment, we can go back and get permission for a more realistic schedule."

This statement does a number of things. First, it illustrates a desire on the part of the project proponents to secure permission for the project in a piecemeal manner and that the project application is not honest about the scope of the proposed project. It bears repeating that this project is insupportable from a strictly design point of view. Second, it shows a fundamental lack of understanding about the scientific process of proving that a project does not have a given environmental impact. These two issues deserve further discussion.

Mr. Dominguez's statements to the print media clearly indicate an intention on the part of the project proponents to revisit the Commission at a later date to seek to relax the operational controls. Given this intention at the outset, the project that should be considered by the Commission should be the lighting design without the operational controls, because there is no certainty that the operational controls will be respected or upheld by a future Commission. Last year, during the hearing, as the applicants became aware that the Commission was not likely to approve the project, they attempted to secure permission to install the lights, including the Skytracker lights pointing straight up, for a New Year's Eve celebration, with the understanding that they would come back later to try to get permission to have them turned on permanently.

The Commission rejected this proposal. The current situation, as revealed by Mr. Dominguez's statement in the press, is not that different. The goal is most obviously to get the lights installed, and then work to have operational controls removed. There is no guarantee, therefore, that the lights will not be on all night every night, sometime in the future. This is unacceptable to us, and to all the involved resource agencies. In our discussions with agency personnel and with other experts, there was absolute consensus that the operational controls were the key to making this project at all palatable.

The second issue is the idea that somehow the project proponents will be able to show that the lighting does not "hurt the environment" after it is installed. First, the operational controls of the proposed design are intended to, and should, minimize the potential to attract and kill birds. That is, we would not expect to see evidence of bird kill from the project with the operational controls as recommended by Staff. It was for this reason that we initially agreed not to actively oppose the proposed project, even though the lighting design is still brighter than needed. We felt that given that the lighting was in an already lit industrial area, the operational controls provided a reasonable compromise. Were the bridge in an unlit area, our position would have still been to oppose the revised design. Second, even if the project were to attract and kill birds with the operational controls in place, it is highly unlikely that they would be detected. And it is scientifically impossible to make the claim that if no bird mortality is observed, then the lights have no impact. This is an issue with the detectability of rare events. Bird kills can be very large and very rare, and detection of such events requires a monitoring regime well beyond anything proposed by the project applicants, and one that would involve great expense. Moreover, even if the bridge were monitored for the first year at the cost of hundreds of thousands of dollars, a bird kill event could occur in the second or any subsequent year.

We are therefore in the difficult and delicate position of having to oppose the project altogether because of the clear intention on the part of the applicant, an intention that cannot be retracted by a mere apology or pledge to the contrary, to seek to have whatever operational controls that the Commission may impose removed at a later date.

We strongly support the Staff conclusion that the current project design requires operational controls to minimize impacts to the environment. The scientific literature on bird kills from tall lighted structures is compelling and provides ample evidence upon which to make sound public policy. The physiological mechanisms of bird attraction to lights have been described (Verheijen 1958; Verheijen 1985), and the impacts of this attraction has been discussed by staff and in the scientific literature (Aldrich et al. 1966; Ogden 1996; Telfer et al. 1987). We strongly support Staff's conclusion that the prospect of such impacts require mitigation measures including a reduced time of operation (sunset until 11:00 P.M.), no illumination during migratory seasons, and no illumination during foggy conditions.

While we agree strongly with the 6-month blackout periods proposed to protect birds during the migratory season, local bird observations suggest that the fall migratory season extends through November. We therefore request that if the project is approved as designed, that the nonoperational period be extended through this month. The project proponents have expressed dismay in the press about the nonoperation during migratory season, "Shutting down the lights for six months out of the year is not going to go over big in the community" (Louis Dominguez

in the *Daily Breeze*, November 4, 2000). However, we note that if the project were to minimize impacts through the lighting design itself, using shielded tracer lights as originally proposed by the local community, the operational controls would not be necessary and the bridge could remain illuminated year-round. Indeed, the local bridge lighting committee originally envisioned the lighting as tracer lights, and provided us with a poster that they had produced that depicted the bridge with (unshielded) tracer lights. Only the involvement of the City of Los Angeles and its attempt to turn the project into “public art” has resulted in the insistence that the excessive lighting of the towers and span using floodlights and Skytrackers be incorporated into the project.

We also note here that the project is still not compliant with Section 30253 of the California Coastal Act, which states that, “New development shall: ... minimize energy consumption and vehicle miles traveled.” In fact, the project utilizes eight 7000-watt Skytracker lights. Four of these lights had been purchased last year prior to the previous Commission decision, and because there was no refund available for these lights, the project proponents felt that they must incorporate them into the new design. They have done so, with the addition of some shielding to narrow the beam, and propose adding four more of these lights for a total of eight. Our colleagues in the local astronomical community are better equipped to discuss the energy requirements and light spillage issues associated with these lights. We note only that we cannot help but believe that a more energy efficient design could have been developed without the self-imposed constraint of having to re-use the already purchased Skytrackers.

Although we cannot support this project — because it relies on operational controls to achieve minimization of environmental impacts — we recognize that vocal members of the community are eager to have lighting on the bridge. To achieve the objectives of lighting the bridge and avoiding environmental impacts to wildlife, we would be comfortable if the Commission were to approve only the blue “jelly jar” lights that are to stretch along the span of the roadway, without any operational controls. These lights alone pose little risk to wildlife, in fact blue light is the best choice to minimize impacts on moths and other nocturnal insects, and could remain on year-round. We defer to the astronomical community the question of whether this compromise would have light pollution impacts. But we urge the Commission not to approve the floodlights and Skytrackers, because those elements require operational controls to minimize their impacts and the project proponents are clear in their intention to seek to relax those controls (both time of year and hours of operation) at some later date. We absolutely urge the Commission not to weaken the operational controls proposed by staff if the project is approved in its entirety today.

Sincerely,

Travis Longcore, Ph.D.

Catherine Rich, J.D., M.A.

Encls.

Literature Cited

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