

TRPA Governing Board,

Please observe the following evidence of intensive obstruction, suppression, and/or tampering of evidence from the October 14th 2021 and March 23rd 2022 TRPA hearings records. TRPA staff deliberately concealed submitted evidence to the TRPA that refuted its frivolous position that the TRPA had not received any “proof” about the adverse effects of radio-frequency radiation applicable to species in the Tahoe Basin.



Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.gov

Staff Report

Date: October 7, 2021
To: TRPA Hearings Officer
From: TRPA Staff
Subject: Verizon/Guilliam New Cellular Monopine Cellular Tower; 1360 Ski Run Boulevard, City of South Lake Tahoe, El Dorado County, CA; Assessor's Parcel Number 025-580-07, TRPA File Number ERSP2019-0389

G. Radio Frequency Emissions:

TRPA, having been created by an interstate compact, is a creature of federal law, and the application of the TCA to its permitting process is not a matter of preemption. Rather, one must reconcile the intent of Congress in passing both the TCA and the Compact and give meaning to both statutes should there be any conflict in implementation. In furtherance of that standard, the agency position to date is this: TRPA will defer to the FCC regulations over general issues of human health and environmental impacts. However, TRPA could choose to regulate RF in the region should cellular facilities be proven to have a particular adverse effect on the unique environment of the Tahoe Region. TRPA has not received any such proof of adverse impacts of RF particular to Tahoe and therefore will not reexamine the determinations of the FCC.

AGENDA ITEM NO. VIII. B. ~~10-14-21~~

AGENDA ITEM NO. V.D. ~~3-23-22~~

This patently false staff “finding” was repeated in staff reports for March 23rd 2022 and August 4th & 18th 2022 hearings.

On innumerable occasions, beginning in the fall of 2019 and culminating with the October 2021 and March 2022 hearings, TRPA staff and officers were personally handed hard copies and physical binders, hard mailed, emailed, sent drop box links, and received share point “dumps” of thousands of pages of peer-reviewed scientific publications—directly applicable to the Tahoe Basin—that radio-

frequency radiation has adverse impacts applicable to a panoply of species in the Tahoe Basin. The staff finding that it had “received no proof” is arbitrary and capricious whereas it has offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.¹ In plain English, that staff report finding was patently false, and further evidence supports that it was a purposeful, knowing, reckless, or negligent misrepresentation to the Hearings Officer, the Governing Board, and to the public.

The EVIDENCE of **intent** to OBSTRUCT JUSTICE / DESTROY EVIDENCE:

(1) TRPA purposefully chose to ignore received scientific evidence:

From: Bridget Cornell
Sent: Monday, October 11, 2021 11:53 AM
To: Judy Faylor; Katherine Hangeland
Cc: Georgina Balkwell; John Marshall; Marsha Burch
Subject: FW: Mail - Hearings Officer
Attachments: mail.pdf

Hi all:

Me again. John just called. Pointed out that the person is asking for the contents of the CD-Rom to be included in the TRPA record (not the other way around).

John – can we review the material before we upload it to the locations the person specified? I have not been automatically uploading all comments to Accela, etc.

Including it in the record is fine, but I would want to be sure it isn't framed in some way that implies TRPA has reviewed and supports it.

Katherine – the CD-Rom and letter should be in my mailbox in the hallway.

Please advise how we should handle.

Thanks!

Bridget

Bridget K. Cornell
CURRENT PLANNING
(775) 589-5218

¹ See, *Motor Vehicle Manufacturers Association v. State Farm Auto Mutual Insurance Co.*, 463 U.S. 29, 42-44 (1983); *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt.*, 698 F.3d 1101, 1124 (9th Cir. 2012). See also, *Defs. of Wildlife v. Zinke*, 856 F.3d 1248, 1257 (9th Cir. 2017) (quoting *Conservation Cong. v. U.S. Forest Serv.*, 720 F.3d 1048, 1054 (9th Cir. 2013)) (Fish and Wildlife Service and Bureau of Land Management); *Nat'l Ass'n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007); *Cachil Dehe Band of Wintun Indians of Colusa Indian Cmty. v. Zinke*, 889 F.3d 584, 602 (9th Cir. 2018) (Bureau of Indian Affairs); *Friends of Santa Clara River v. United States Army Corps of Engineers*, 887 F.3d 906, 921 (9th Cir. 2018) (United States Army Corps of Engineers); *Native Ecosystems Council v. Marten*, 883 F.3d 783, 789 (9th Cir. 2018) (United States Forest Service); *Env'tl. Def. Ctr., Inc. v. EPA*, 344 F.3d 832, 858 (9th Cir. 2003); *Brower v. Evans*, 257 F.3d 1058, 1065 (9th Cir. 2001).

The job of the TRPA staff is to **forward all evidence and public comments** to the Hearings Officer or Governing Board. There has never been any implication let alone a presumption that external public comments are internally “supported by TRPA staff.” That frivolous excuse has no cognizable basis whatsoever for obstructing the presentation of evidence or public testimony in a quasi-judicial proceeding. There exists a duty that TRPA Hearings Officers and Governing Board members review all the evidence before making any decision, and they have a further obligation to take all matters “under submission” when extenuating circumstances such as “volume” or “complexity” dictate. Whereas the TRPA often provides little more than 3 to 5 days public notice of the actual hearings materials, they conveniently invite such an outcome upon themselves. This unconscionable and unjustified obstruction might even amount to a crime under state and federal law. The only purpose this behavior served was for the TRPA to attempt to duck having “actual knowledge” that their staff report was false. However, at a minimum, **they are unable to escape having “constructive knowledge.”**

(2) Incontrovertible TRPA records show they received “proof” prior to the October 14th 2021, March 23rd 2022, and August 4th & 18th 2022 meetings, and then created a transparently frivolous pretext² from allowing the hearings officers and the public from considering the material on its merits:



² See, *Department of Commerce v. New York*, 139 S.Ct. 2551 (2019) (Secretary's action was arbitrary and capricious, based on a pretextual rationale; under a narrow exception to the general rule against judicial inquiry into the mental processes of administrative decisionmakers, such an inquiry may be warranted and may justify extra-record discovery, on a strong showing of bad faith or improper behavior).

Public Hearing

TRPA File # ERSP2019-0389

APN 025-580-007

Verizon Wireless ; Property Owner Neil Guillian

TAHOE REGIONAL PLANNING
AGENCY

P.O. Box 5310
Stateline, NV 89449

maxell CD-R

ATTN: C/O: bcornell@trpa.gov

TRPA Officer,

Please upload the enclosed document - on the CD-R disc - to:

- (1) the record associated with the Oct 14th 2021 hearing Officer Meeting
- (2) TRPA File ERSP2019-0389 as viewable online under that file - for public review (eg. Accelerate)
- (3) The parcel record for APN: 025-580-007 as viewable online - for public review - under www.laketahoinfo.org

In each case, the document should be stored & recorded as a "separate document" as provided - not altered or merged into other document submissions. To merge this document or flatten it would be to change or alter it, resulting in a partial destruction of the record including bookmark layers & metadata.

Any deviation from this request will be cited in any challenge to the Hearing including, but not limited to, the right to an "unbiased tribunal," "decision made upon evidence presented," and a "record of the proceeding and evidence provided." The fact that applicants' files were not altered or merged will build a case for bias, and 42 U.S.C. §1983 violation of due process of law.

Thank you for your time & consideration.

RECEIVED

OCT 08 2021

TAHOE REGIONAL
PLANNING AGENCY

Further “proof” is established from the official TRPA Governing Board minutes (*e.g.*, **Feb. 26th 2020 G.B. minutes**, Mar. 25th 2020 G.B. Minutes, April 22nd 2020 G.B. minutes, *etc.*).

The evidence submitted to the TRPA³ included adverse effects to frogs, aspen trees, pine trees, insects, and humans as well many others. All of these are species which incontrovertibly live in the Tahoe Basin. The TRPA is legally obliged to look into the aforementioned matter and it simply does not have the discretion—nor is it afforded the deference—to simply ignore the evidence that has been presented before it.⁴ Nor is an agency allowed to later supply post-hoc rationalizations for discounting or dismissing submitted evidence.⁵ TRPA is required under PUBLIC LAW 96-551, Art. VII, to prepare and consider a detailed environmental impact statement (EIS) whereas it is “acting upon matters that have a significant effect on the environment.”⁶ TRPA may not use uncertainty of effects or a lack of existing information as basis for acting without EIS.⁷

³ Not all evidence submitted to the TRPA is reflected by the record due to the aforementioned suppression, interception, and obstruction against documents and comments submitted by the public for the record. Judicial notice should not be used to establish the absence of evidence from the TRPA record.

⁴ See, *e.g.*, *Environmental Health Trust v. Federal Communications Commission*, 9 F.4th 893, 907 (D.C. Cir. 2021) (An agency's decision not to initiate a rulemaking must have some reasoned basis, and an agency cannot simply ignore evidence suggesting that a major factual predicate of its position may no longer be accurate).

⁵ “[W]hen ‘assessing the reasonableness of [an agency's action], [courts] look only to what the agency said at the time of the [action]—not to its lawyers’ post-hoc rationalizations’” (*Environmental Health Trust v. Federal Communications Commission*, 9 F.4th 893, 910 (D.C. Cir. 2021) (quoting *Good Fortune Shipping SA v. Commissioner*, 897 F.3d 256, 263 (D.C. Cir. 2018)). “It is well-established that an agency’s action must be upheld, if at all, on the basis articulated by the agency itself” (*Nat. Res. Def. Council v. U.S. Envtl. Prot. Agency*, No. [20-72794](#) at [p. 9](#) (9th Cir. 2022) (quoting *Nat. Res. Def. Council v. U.S. EPA (NRDC 2013)*, 735 F.3d 873, 877 (9th Cir. 2013) (quoting *Motor Vehicle Mfrs. Ass’n of the U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 50 (1983))). “Courts do not ‘accept appellate counsel’s post-hoc rationalizations for agency action’ (*Id.* quoting *Nat. Res. Def. Council v. U.S. EPA (NRDC 2017)*, 857 F.3d 1030, 1040 (9th Cir. 2017) (quoting *Hernandez-Cruz v. Holder*, 651 F.3d 1094, 1109 (9th Cir. 2011))). “If the agency did not meet its burden, [courts] ‘should not attempt...to make up for such deficiencies’ and ‘may not supply a reasoned basis for the agency’s action that the agency itself has not given’” (*Id.* quoting *Ctr. for Biological Diversity v. Haaland*, 998 F.3d 1061, 1067 (9th Cir. 2021) (quoting *State Farm*, 463 U.S. at 43))).

⁶ See, 40 C.F.R. § 1508.1(b) (Affecting means will or may have an effect on); PUBLIC LAW 96-551—DEC. 19, 1980, Art. V(1)(b) (“The agency should request the [President’s Council on Environmental Quality](#), the U. S. Forest Service and other appropriate agencies to assist in developing such environmental threshold carrying capacities”). “In enacting NEPA, Congress established the [Council on Environmental Quality, in the Executive Office of the President](#), to oversee implementation of NEPA across the entire federal government” (*United Keetoowah Band of Cherokee Indians in Okla. v. FCC*, 933 F.3d 728, [735](#) (D.C.Cir. 2019)). See generally, 42 U.S.C. §§ 4342 & 4344; 40 CFR Chapter V; 7 CFR § 650.4. “The EIS required by the Compact is similar to the EIS required by the National Environmental Policy Act (“NEPA”), 42 U.S.C. § 4332(2)(C), and to the reporting required by the California Environmental Quality Act, Cal. Pub. Res. Code § 21100. Decisions under NEPA are authoritative” (*Sierra Club, et al v. Tahoe Regional Planning Agency*, No. [14-15998](#) at [p. 19](#) (9th Cir. 2016)).

⁷ See, *e.g.*, *American Bird Conservancy, Inc. v. F.C.C.*, 516 F.3d 1027, 1033-1034 (2008) (a precondition of certainty before initiating NEPA procedures would jeopardize NEPA's purpose to ensure that agencies consider environmental impacts before they act rather than wait until it is too late); *Sierra Club v. Norton*, 207 F.Supp.2d 1310, 1336 (2002) (Under NEPA, an agency cannot use the lack of existing information as a basis for acting without preparing an EIS). See generally, 42 U.S.C. §§ 4331-4332; 40 C.F.R. §§ 1500-1508.

(3) This is part of a much larger pattern of obstruction and suppression of evidence:

[illegible]

TRPA does not have the discretion nor is it afforded agency deference under its policy,⁸ rules of procedure,⁹ or state open meeting¹⁰ and public records laws¹¹ to cull or suppress specific public comments which get posted on its website.¹² Pursuant to PUBLIC LAW 96-551 – DEC. 19, 1980, Arts. [III\(i\)](#), VI(b)&(j)(5), & VII(d); CA Government Code §§ [54954.1](#), [54957.5](#), & [54959](#); [N.R.S. Ch. 239](#); and TRPA Rules of Procedure §§ [2.6](#), [15.2](#), & [15.5](#), public comments must be readily and immediately available to the entire public at the time the documents are disseminated to a *quorum* of the hearing body—intentional deprivation to the public of such information **is a crime**. Public comments are generally disseminated at the same places and using the same methods as all other meeting materials.¹³

Sincerely,

Concerned Citizens of South Lake Tahoe

⁸ An agency action that departs from a prior policy without acknowledging the change, or that creates an “unexplained inconsistency” with prior policy is generally viewed as arbitrary and capricious (*Nat’l Cable & Telecomms. Ass’n v. Brand X Internet Servs.*, 545 U.S. 967, 981 (2005)).

⁹ “If the regulation’s text is unambiguous, [the court] give[s] no deference to the agency’s interpretation: ‘[t]he regulation then just means what it means’” (*Kisor v. Wilkie*, 139 S. Ct. 2400, 2415 (2019)). Less deference may be warranted where agency interpretation conflicts with agency’s earlier interpretation (*see, Nat’l Wildlife Fed’n v. Nat’l Marine Fisheries Serv.*, 524 F.3d 917, 928, 933 (9th Cir. 2007), as amended (April 24, 2008); *Young v. Reno*, 114 F.3d 879, 883 (9th Cir. 1997) (quoting *INS v. Cardozo-Fonseca*, 480 U.S. 421, 446 n.30 (1987)). *Cf. Irvine Med. Ctr. v. Thompson*, 275 F.3d 823, 831 n.6 (9th Cir. 2002) (noting agency is not required to establish rules of conduct that last forever); *Queen of Angels/Hollywood Presbyterian Med. Ctr. v. Shalala*, 65 F.3d 1472, 1481 (9th Cir. 1995) (noting an agency “is not disqualified from changing its mind” (internal quotation marks and citation omitted))).

¹⁰ “Radically inconsistent interpretations of a statute by an agency, relied upon in good faith by the public, do not command the usual measure of deference to agency action” (*Pfaff v. U.S. Dep’t of Hous. & Urban Dev.*, 88 F.3d 739, 748 (9th Cir. 1996)).

¹¹ No deference is given to an agency’s interpretation of a statute that it does not administer or is outside of its expertise (*see, Medina-Lara v. Holder*, 771 F.3d 1106, 1117 (9th Cir. 2014); *Trung Thanh Hoang v. Holder*, 641 F.3d 1157, 1163-64 (9th Cir. 2011); *Mandujano-Real v. Mukasey*, 526 F.3d 585, 589 (9th Cir. 2008)).

¹² If the regulation’s text is unambiguous, the court gives no deference to the agency’s interpretation (*see, Kisor v. Wilkie*, 139 S. Ct. 2400, 2415 (2019); *Attias v. Crandall*, 968 F.3d 931, 937 (9th Cir. 2020); *Larson v. Saul*, 967 F.3d 914, 922 (9th Cir. 2020), cert. denied sub nom. *Larson v. Kijakazi*, No. 20-854, 2022 WL 199379 (U.S. Jan. 24, 2022)).

¹³ No deference is owed when an agency has not formulated an official interpretation, but is merely advancing a litigation position (*see Kisor v. Wilkie*, 139 S. Ct. 2400, 2417 (2019) (noting a court should decline to defer to a merely convenient litigating position); *United States v. Able Time, Inc.*, 545 F.3d 824, 836 (9th Cir. 2008); *United States v. Trident Seafoods Corp.*, 60 F.3d 556, 559 (9th Cir. 1995). *See also, Resource Invs., Inc. v. U.S. Army Corps of Eng’rs*, 151 F.3d 1162, 1165 (9th Cir. 1998) (deference does not extend to agency litigating positions that are wholly unsupported by regulations, rulings, or administrative practice)). “[J]udicial deference is also not necessarily warranted where courts have experience in the area and are fully competent to decide the issue” (*Monex Int’l, Ltd. v. Commodity Futures Trading Comm’n*, 83 F.3d 1130, 1133 (9th Cir. 1996)).

Obstruction and Suppression of Evidence

EXHIBIT

From: Judy Faylor <jfaylor@trpa.gov>
Sent: Friday, October 8, 2021 2:07 PM
To: Bridget Cornell <bcornell@trpa.gov>
Cc: Georgina Balkwell <GBalkwell@trpa.gov>
Subject: Mail - Hearings Officer

Hi Bridget,
The came in the mail for Hearings Officer Oct 14,2021. with CD document.
Does this go to any one else? Andrew Strain? If so how do I get this to you or them?
Judy

From: Bridget Cornell
Sent: Monday, October 11, 2021 11:53 AM
To: Judy Faylor; Katherine Hangeland
Cc: Georgina Balkwell; John Marshall; Marsha Burch
Subject: FW: Mail - Hearings Officer
Attachments: mail.pdf

Hi all:

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Katherine – the CD-Rom and letter should be in my mailbox in the hallway.

Please advise how we should handle.

Thanks!

Bridget

Bridget K. Cornell
CURRENT PLANNING
(775) 589-5218

Bcornell <bcornell@trpa.gov>, ...
ENDANGERED FROG FOUND NEAR PROJECT—TRPA Hearings Officer Meeting Oct 14 2021-Item V.D
Wed, Oct 13, 2021 • 18:55

To whom it may concern,

During the recent week, we were examining the environmental documentation for [Bijou Park Creek](#), and reviewed the following report—with "a fine tooth comb": "[Bijou Park Creek Watershed Restoration Project](#)." On [page 66](#), where discussing endangered and threatened species, the report characterizes that [Federally Endangered Sierra Nevada Yellow-legged Frog](#) have a real potential to occur in the area:

From: Concerned Citizens of South Lake Tahoe <celltowers.slt@tutanota.com>
Sent: Monday, October 25, 2021 3:26 PM
To: Bridget Cornell <bcornell@trpa.gov>
Cc: Georgina Balkwell <GBalkwell@trpa.gov>; Joanne Marchetta <jMarchetta@trpa.gov>; John Marshall <jmarshall@trpa.gov>; Marja Ambler <mambler@trpa.gov>; Katherine Hangeland <khangeland@trpa.gov>; David Livingston <david.livingston@edcgov.us>
Subject: RE: ENDANGERED FROG FOUND NEAR PROJECT—TRPA Hearings Officer Meeting Oct 14 2021-Item V.D

Ms. Cornell,

Please acknowledge receipt of our email, and then please correct the deficiencies and give us notice upon completion thereof.

John Marshall <jmarshall@trpa.gov>
RE: ENDANGERED FROG FOUND NEAR PROJECT—TRPA Hearings Officer Meeting Oct 14 2021-Item V.D
Tue, Oct 26, 2021 • 07:18

To whom it may concern:

TRPA has received your email and will not be taking any further action on it.

John L. Marshall
TRPA General Counsel
775.303.4882
jmarshall@trpa.org

Subject: Re: TRPA Governing Board Meeting: 03/23/2022 — PUBLIC COMMENT (Public Communications: Open Letter)

Dear TRPA Governing Board, District Attorneys with jurisdiction over this matter, and TRPA staff, and all other interested interested parties.

We, the "Concerned Citizens of South Lake Tahoe," an "[unincorporated association](#)" with a direct interest in the following matter, submitted a timely public comment to the TRPA pertaining to TRPA Governing Board "[Agenda Item No. VIII.B Appeal of Hearings Officer Special Use Permit for Verizon Wireless Monopine Staff Report](#)." We believe our public comment was deliberately censored or otherwise omitted from the public record in malfeasant bad faith. We are expressly aware that a CD-ROM with over [3,000 pages of peer-reviewed scientific literature](#) was delivered by mail to the TRPA and was then deliberately censored from this matters' [public record](#) during a hearings officer meeting on [October 14th 2021](#). We also know comments pertaining to reported observations of an endangered frog in an adjacent creek were suppressed from the public record as well.

The TRPA is a legislative body within the meaning of the Brown Act (Government Code § 54952). According to the act, writings distributed to a quorum of the members of this body must be made available to everyone (Government Code §54957.5). Moreover due process of law requires both [an opportunity to present reasons why the proposed action should not be taken and a requirement that the tribunal prepare a record of the evidence presented](#). The TRPA appears to have deviated from normal practice and to have bent over backwards to omit damaging evidence from the record. It is a crime to violate the brown Act (Government Code § 54959).

Also, the TRPA deprived the public of adequate public notice as required under our State and federal constitutions. The TRPA's public notice of public hearings deliberately and unnecessarily

omitted any mention of a hearing on a "Special Use Permit for Verizon Wireless Monopine" from the agenda:

John Marshall <jmarshall@trpa.gov>, ...
Re: TRPA Governing Board Meeting: 03/23/2022 — PUBLIC COMMENT (Public Communications: Open Letter)
Mon, Apr 4 • 14:30

To Concerned Citizens of South Lake Tahoe,

We are not aware of any documents that have been censored from the record for the cell tower project referenced below. As for the notice included below, this is the required notice for adopting or amending regional plans and or codes. For development projects like the cell tower, TRPA provided the 7-day advance notice required by law when it posted the meeting agenda.

Sincerely,

John L. Marshall
TRPA General Counsel
775.303.4882
jmarshall@trpa.gov

John Marshall <jmarshall@trpa.gov>, ...
Re: TRPA Governing Board Meeting: 03/23/2022 — PUBLIC COMMENT (Public Communications: Open Letter)
Tue, Apr 5 • 18:09

Dear Mr. Marshall,

There was a mailed DVD-ROM with over 3,000 pages of peer-reviewed scientific publications which the Stateline, NV postmaster confirmed was delivered into the TRPA PO Box before the October 2021 hearing, which is still not on the public record.

*Interested persons may provide comments and input to the Hearings Officer prior to the meeting and day of the meeting. Prior to the meeting submit comments by mail to **TRPA, P.O. Box 5310, Stateline, Nevada 89449**, or by email to bcornell@trpa.gov. If written comments are not received prior to the meeting, then they will not be included in the meeting materials. Provide comments during the meeting by using the GoToWebinar App. For more detailed instructions on how to connect and participate visit www.trpa.gov/meeting-materials/ and view the materials for the above-mentioned meeting date. If*

Your agency also printed a prior email of ours—about SNYLF observations—as a PDF with such obviously excessive overscaling that embarrassing text was deliberately, if not knowingly or recklessly, omitted off the page! **You are also lying** whereas you were previously "aware" of this censorship issue as you wrote us an October 2021 email stating you would not correct the aforementioned error. Most recently, our instant letter was not disseminated until after the March 23rd 2022 vote. There also appears to be a much broader pattern of such illicit activity. **What you have stated to the contrary is patently untrue if not deliberately dishonest.**

Let us remind you that notice of the hearing's officer meeting was announced during the September evacuation of the Caldor Fire—which was a period of time when even the newspaper was not in circulation within the meaning of California Government Code §§ 6000 et seq.—and most residents had not returned or "repopulated" the City on account of hazardous smoke levels. Even your Federal Interstate Agency has been known to shut down due to snow, smoke, storms, or other conditions hazardous to human health. Yet your agency appears to have deliberately taken advantage of the situation, and in any case did not forward or post the SharePoint hyperlink of public comments—which had been submitted to the Agency in October for entry into the file's record—to the Governing Board.

Moreover, the so-called "7 day notice" was not truly "**substantive**," whereas over 100 interested

Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449-5310
bcornell@trpa.gov
(775) 589-5218

Andrew R. Strain
1407 Walkup Road
South Lake Tahoe, CA, 96150
P.O. Box 822
Zephyr Cove, NV 89448
rstrain@netscape.net
rstrain@cfl.rr.com
(530) 541-5786 (H)
(775) 720-6852 (C)

RE: Verizon Wireless Application; [TRPA File #ERSP2019-0389](#); [APN 025-580-007](#); 1360 Ski Run Boulevard, South Lake Tahoe, CA; [Hearings Officer Meeting, October 14th 2021, 2-3pm](#); Governing Board Meeting, TBD; [Eisenstecken et al v. Tahoe Regional Planning Agency et al.](#)

Dear TRPA Hearings Officer, Governing Board, any other officials to whom it may concern, and all other interested parties:

We are writing to correct a prolific misconception of science perpetuated by a Tahoe Daily Tribune article which falsely and recklessly alleged that “Few definitive human studies between cancer and cell towers have been done” (Laney Griffo, "[Cell service is bad but towers kill? South Lake Tahoe in middle of raging debate.](#)" *Tahoe Daily Tribune*. November 22, 2019). We also note that the article was directed at the controversy over the placement and sitting of this very proposed macro cell tower, and that the newspaper's publisher, [Robert Galloway, is a board director for the Tahoe Chamber](#) whose [surrogates have been lobbying the City of South Lake Tahoe](#) to approve the toxic tower on account of myopic tourism interests.



GETTY IMAGES

Service stinks but cell towers kill? — City in middle of raging debate

Laney Griffio
lgriffo@tahoedailytribune.com

SOUTH LAKE TAHOE, Calif. — Cell towers are a boiling hot topic at Lake Tahoe.

In June 2019, the South Lake Tahoe city council approved a 112-foot cell tower to be installed in the Ski Run/Needle Peak neighborhood. The council has also approved the installation of 30 small cell facilities.

They will be used by Verizon Wireless. Since then, residents have been calling

city hall and attending city council meetings begging councilors to prevent the tower and boxes from being installed.

One resident, Monica Eisenstecken, has appealed the tower's placement. That appeal will be heard in January 2020.

In the meantime, residents have asked the city to draft a new ordinance that would prevent towers and boxes from being placed in residential areas.

Former South Lake Tahoe City Manager David Jenkins has been leading the charge to get a new ordinance put in place. He regularly attends city council

meetings and communicates with the public on the topic.

"We're all in favor of improving telecommunications," Jenkins said. "We want the city to adopt a cell tower ordinance. It gives reassurance to residents in this environmentally sensitive area that you can't just put anything in peoples' front yards."

At a council meeting in October, many residents asked councilors to adopt an emergency ordinance.

CELL TOWERS, A24

We wanted to make sure that you understand that their assertion is not only factually inaccurate, but the mechanism is known to be oxidative stress (*i.e.*, interference with electron transport chains / oxidative phosphorylation). Just to name a few well-substantiated studies:

1. Frank Barnes, Ben Greenebaum, "Role of radical pairs and feedback in weak radio frequency field effects on biological systems." *Environmental Research* 163 (2018) 165–170, <https://doi.org/10.1016/j.envres.2018.01.038>
2. Suleyman Dasdag, Mehmet Zulkuf Akdag. "The link between radiofrequencies emitted from wireless technologies and oxidative stress." *Journal of Chemical Neuroanatomy* 75(2016) 85–93. <http://dx.doi.org/10.1016/j.jchemneu.2015.09.001>
3. Yakymenko, Igor, et al. "Oxidative mechanisms of biological activity of low-intensity radiofrequency radiation." *Electromagn Biol Med.* (July 2015). doi:10.3109/15368378.2015.1043557
4. Gérard Ledoigt, Dominique Belpomme. "Cancer induction molecular pathways and HF-EMF irradiation." *Advances in Biological Chemistry*, 2013, 3, 177-186. doi:10.4236/abc.2013.32023
5. Brendan J. Houston, et al., "Whole-body exposures to radiofrequency-electromagnetic energy can cause DNA damage in mouse spermatozoa via an oxidative mechanism" *Nature*. (2019) 9:17478. <https://doi.org/10.1038/s41598-019-53983-9>

We have attached peer-reviewed studies primarily pertaining to mechanism, because the fallacious premise that quantum energy exchange is the only pathway to electromagnetically interfere with cellular processes, has pervasively led to the wrongful conclusion that microwave radiation cannot cause cellular damage, and therefore the large body of compelling epidemiology and toxicology studies must all be faulty. Whereas people have even attacked the US Department of Health and Human Services, National Toxicology Program's decade-long studies which have found that high exposure to Radiofrequency Radiation (RFR) used by cell phones was associated with "**clear evidence** of an association with tumors in the hearts of male rats." The tumors were malignant schwannomas. Even their results found that exposure to RFR leads to an increase in DNA damage (<https://doi.org/10.1002/em.22343>). The powerful decade long experiment is unlikely to be contradicted by a stronger study in the future. This is also just one of hundreds of studies all finding the same result—some of which [have even been published](#) in the most prestigious peer-reviewed journal "Nature."

The dogmatic reliance on the quantum energy threshold premise is wrong because microwave radiation interferes with electron transport mechanisms (*eg.*, oxidative phosphorylation), and also triggers gated ion channels (axons). This causes the buildup of free radicals and oxidative stress, which are an undisputed mechanism of cancer. You can read about this to your hearts content. [There are over 3,300 pages of peer-reviewed research in proof of this matter nicely packaged together on the South Lake Tahoe City record.](#)

The Tahoe Daily Tribune also referenced the American Cancer Society (ACS) which is neither an academic authority, nor a professional board, nor a research agency—and its board of directors includes several powerful telecom industry lobbyists. The (ACS) is a charity organization, which primarily provides outpatient support to cancer patients, and has received heated criticism for wasting donations on overhead and lobbying. It has been pointed out, that the organization has been apparently hijacked by tech and biochemical companies who control the organization from funding any investigation of the carcinogenic nature of particular industry products. Its policies are chosen by its [captured](#) board of directors, who are capitalists with

common law conflicts of interest towards advancing their enterprise, and they are certainly not objective scientists. This is substantiated at [this hyperlink](#).

Moreover, there are many health effects caused by radiofrequency radiation beyond cancer. We hope that you become familiar with this emerging health threat. We hope you seek this opportunity to become a progressive thought leader on this serious issue in our county. When it comes to conflicting business interests, we hope you continue to advocate the [precautionary principle](#), just as you ought to have done with COVID-19—wherein this problem substantively contains our society's same essential ethical conflict over the value of human life. We must not needlessly locate Wireless Telecommunication Facilities (WTFs) next to our homes and schools, especially without evaluating alternative locations and sittings. [Nearly 4,500 of our residents have signed a petition in agreement](#). We honestly need to consider a strategic shift from RF based broadband to fiber optics to the premises—analogueous to shifting away from fossil fuels. Perhaps this can be accomplished through a strictly fiberoptic [municipal broadband](#) program.

If you have any further questions about the topic, and would like to talk to an unimpeachable subject matter expert, please contact [Beatrice Golumb, MD PhD, Professor of Medicine, University of California, San Diego](#); [Jeffrey Palmer, Group Leader, Human Health and Performance Systems Group, Massachusetts Institute of Technology Lincoln Laboratory](#); [David Whelan, Professor of Practice, Jacobs School of Engineering, University of California, San Diego](#); [Frank Barnes, Distinguished Professor \(Emeritus\), Optics, Nanostructures and Bioengineering, University of Colorado](#); [James Lin, Professor \(Emeritus\), Head of the Bioengineering Department, Director of the Robotics and Automation Laboratory, and Director of Special Projects in the College of Engineering, University of Illinois at Chicago](#); [Stephanie Miller, Bennett Ibey, and Jason Payne, Air Force Research Laboratory](#); [Martin L. Pall, PhD, Professor \(Emeritus\) of Biochemistry and Basic Medical Sciences at Washington State University](#); [Joel M. Moskowitz, PhD, Director of the Center for Family and Community Health at the UC Berkeley School of Public Health](#); [David O. Carpenter, MD, Professor of Environmental Health Sciences, Director for the Institute for Health and the Environment at the University at Albany](#); and [David A. Relman, Thomas C. and Joan M. Merigan Professor, Department of Medicine, Department of Microbiology & Immunology, Senior Fellow, Freeman Spogli Institute for International Studies, Stanford University](#).

There are more than 1,000 scientific studies conducted by independent researchers from around the world concerning the biological effects of RF radiation. Here we present some of the most recent.

I. Effects On Fetal And Newborn Development

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Sincerely,

Concerned Citizens of South Lake Tahoe

ENDANGERED FROG FOUND NEAR PROJECT—TRPA Hearings Officer Meeting Oct 14 2021-Item V.D

Wed, Oct 13, 2021 • 18:55

To whom it may concern,

During the recent week, we were examining the environmental documentation for Bijou Park Creek, and reviewed the following report—with "a fine tooth comb": "Bijou Park Creek Watershed Restoration Project." On page 66, where discussing endangered and threatened species, the report characterizes that Federally Endangered Sierra Nevada Yellow-legged Frog have a real potential to occur in the area:

Bijou Park Creek Watershed Restoration Project

Species observations from iNaturalist (2020) were also reviewed to further capture a representative view of species present in the Project vicinity. iNaturalist is a joint initiative between the California Academy of Sciences and National Geographic Society that allows citizen scientists and naturalists to submit observations of plants, animals, insects, and fungi to a database for identification. Research-grade observations are those that have had their identity confirmed by consensus. iNaturalist data provides a detailed view of common local flora and fauna and is useful for comparing with rare species occurrence data from CNDDDB.

Thirty-eight of the 57 special status species identified using the above list have been mapped within ten miles of the project Area per the CNDDDB (Appendix E). Likelihood of occurrence for each species was evaluated based on species life history and the suitability of habitat observed during the field survey in addition to proximity and the age of existing records or observations.

In recognition of the importance of wildlife to the Lake Tahoe Basin, the TRPA established in Resolution 82-11 the adopted environmental threshold standards for wildlife. There are two indicator reporting categories in the wildlife threshold category: 1) special interest species and 2) habitats of special significance. Special interest species include bald eagle (*Haliaeetus leucocephalus*), osprey (*Pandion haliaetus*), golden eagle (*Aquila chrysaetos*), peregrine falcon (*Falco peregrinus*), northern goshawk (*Accipiter gentilis*), and mule deer, as well as the broad category of waterfowl. Habitats of Special Significance include habitats consisting of deciduous trees, wetlands, and meadows.

Federally listed species recorded within five miles of the Project Area include Lahontan cutthroat trout (*Oncorhynchus clarkia henshawi*; Threatened) and Sierra Nevada yellow-legged frog (*Rana sierrae*; Endangered). Lahontan cutthroat trout would not be expected to occur within the Project Area because

66

ENVIRONMENTAL SETTING AND IMPACT ANALYSIS

Bijou Park Creek currently contains multiple significant fish passage barriers upstream and downstream of the Project Area, including a 1,250 foot long section of creek conveyed via underground pipe. Sierra Nevada yellow-legged frog has moderate potential to occur within the Project Area. The most recent CNDDDB recording of the species is from 1935; however, a search of the iNaturalist database produced several research-grade observations within 5 miles of the Project Area that were made between 2018 and 2020.

Based on the background literature review and field survey, 13 special-status species were identified as having more than a low potential to occur in the Project Area: Bolander's candle moss, upswept moonwort, watershield, western bumblebee (*Bombus occidentalis*), Sierra Nevada yellow-legged frog,

bald eagle (*Haliaeetus leucocephalus*), long-eared owl (*Asio otus*), sharp-shinned hawk (*Accipiter striatus*), osprey, willow flycatcher, fringed myotis (*Myotis thysanodes*), pallid bat (*Antrozous pallidus*), and Townsend's big-eared bat (*Corynorhinus townsenii*).

Of these species, willow flycatcher and Sierra Nevada yellow-legged frog are the only species listed as threatened or endangered by the CESA with moderate potential to occur in the Project Area. Sierra Nevada yellow-legged frog is also a federally endangered species. Western bumblebee is a candidate for listing under the CESA. Long-eared owl is a CDFW Species of Special Concern, and sharp-shinned hawk is on the CDFW Watch List.

No special status animal species were observed during the field survey, with the exception of mule deer droppings. Mule deer are considered a Special Interest Species by TRPA because they are a native wildlife species that is aesthetically pleasing to residents and visitors. Mule deer have no additional protections under federal or state regulations.

3.5.1.5 Wetlands

Bijou Park Creek is a probable jurisdictional water of the U.S. (WoUS) and water of the State (WoS) and much of the SEZ is likely jurisdictional wetland and CDFW riparian habitat. Much of the area is mapped as freshwater emergent or freshwater forested/shrub wetland by the USFWS National Wetlands Inventory (NWI; Figure 3.5-2.). As discussed above in Section 3.5.1.1, much of the Project Area is characterized as wet meadow, willow thickets, or aspen stands, all of which may be within jurisdictional wetlands.

We therefore examined the aforementioned referenced database, iNaturalist, and realized the report's "within 5-miles of the project area" analysis was wrong because endangered species are protected by geoprivacy. According to the database, this means endangered species "observation are obscured within a 0.2 x 0.2 degree cell encompassing the hidden true location" which is "shown in place of the normal marker." In other words, the database applies an automatic 13.8 mile obfuscation. Realizing sightings on the map feature may be displaced by roughly 13.8 miles, we therefore performed a much larger exhaustive search of the entire South Lake Tahoe area, and found several "research grade observations," whose descriptions or depictions seem to clearly match Bijou Park Creek.

That is to say, we have just confirmed the iNaturalist database has documented multiple "research grade observations" of the Federally Endangered Sierra Nevada Yellow-legged Frog in Bijou Park Creek with close proximity to the proposed 1360 Ski Run Boulevard Macro Cell Tower, which is the very project of this hearing's concern.

Reporting A:

<https://www.inaturalist.org/observations/65185770>



Notes

This Sierra Nevada Yellow-legged Frog was spotted on Lower Bijou Park Creek at an elevation of 6,400 feet. Keller Canyon Creek was diverted into Bijou Park Creek in the 1960's increasing the watershed area by approximately 45 percent; as a result, this latter creek maintains stable flows all year long from the resulting high elevation snow melt. A series of loose rock check dams, head cuts, a vault near the Ski Run Marina outfall, and other man-made obstructions downstream protects the frogs from trout and other aquatic predators. The screening trees and nearby culverts offer some protection from birds of prey. There is a protected vernal pool on private property just upstream of this location. The elevation is still barely low enough that this creek does not entirely freeze through in the winter, and melts a meandering crevice through February snowbanks.

Reporting B:

<https://www.inaturalist.org/observations/65185768>



Notes

Sierra Nevada Yellow-legged Frog, spotted on Tahoe Conservancy land where Bijou Park Creek enters a quaking aspen grove (*populus tremuloides*).

The riparian areas depicted in the following observations are within the general obfuscation radius and similar enough to Bijou Park Creek to conclude that they are either in the creek itself or depict such similar enough in habitat to support that Bijou Park Creek itself is especially suitable to the local population.

Reporting C (resemblance of Bijou Park Creek):

<https://www.inaturalist.org/observations/14190692>

Reporting D (resemblance of Bijou Park Creek):

<https://www.inaturalist.org/observations/65185769>

Reporting E (resemblance of Bijou Park Creek)

<https://www.inaturalist.org/observations/65185766>

Reporting F (resemblance of Bijou Park Creek):

<https://www.inaturalist.org/observations/65185764>

...and there are many others.

In light of these "research grade observations," any premise that there are no frogs near the project site, which may have been a basis for the City, County, or TRPA's finding of no significant impact to the environment is clearly deficient. Our local history is rife with documented findings of species that local experts thought were extinct from the region. This has been true for wolverines, badgers, red fox, and grey wolves. Exposure to the public discovery is almost always much larger than that of a handful of field observers. All species populations are dynamic. The predator-prey models are dynamic. The supporting climate is dynamic. Federal and state budgets, and hence the scope or adequacy of the population studies on which they rely, are themselves dynamic. We know now, there are research grade observations reported in Bijou Park Creek.

It appears that the TRPA has not performed due diligence in the evaluation of projects in this area; that political pressures for development, by powerful and well-connected persons, have limited or constrained agency staff to only performing cursory review. Given the available information, the TRPA ought to have already contacted the US FWS for a biological opinion on the impact of each project in the area upon known or potentiality existent endangered species, and to have forward to the US FWS the whole administrative record characterizing all concerns. The TRPA has long had actual or constructive knowledge of the likelihood that SNLF species is present on the Lake Tahoe south shore, and has specifically denoted Bijou Park Creek as particularly suitable habitat. This knowledge had been provided to the TRPA from multiple agencies and sources—such as USDA's USFS LTBMU GIS department.

It is not only a **federal crime** and a **state crime** to in any way take or harm endangered species, but a **violation of federal and state law** to proceed on any project which may have a significant effect on the environment, without proper documented consideration and understanding of potential adverse impacts and development of mitigation measures. Without exception, the agency cannot proceed on a project, upon the discovery of endangered species, without proper assessment or study.

The published science on the impacts of radiofrequency radiation upon the local frog population has been a cause for the significant level of controversy with regards to this project. There is an even larger consensus that radiofrequency radiation is particularly harmful to the embryos of all oviparous animals.

For the following reason, in and of itself, the TRPA cannot approve the current permit application.

Sincerely,

Concerned Citizens of South Lake Tahoe

John Marshall <jmarshall@trpa.gov>

RE: ENDANGERED FROG FOUND NEAR PROJECT—TRPA Hearings Officer Meeting Oct 14 2021-Item V.D

Tue, Oct 26, 2021 • 07:18

To whom it may concern:

TRPA has received your email and will not be taking any further action on it.

John L. Marshall

TRPA General Counsel

775.303.4882

jmarshall@trpa.org

From: Concerned Citizens of South Lake Tahoe <celltowers.slt@tutanota.com>

Sent: Monday, October 25, 2021 3:26 PM

To: Bridget Cornell <bcornell@trpa.gov>

Cc: Georgina Balkwell <GBalkwell@trpa.gov>; Joanne Marchetta <jMarchetta@trpa.gov>; John Marshall <jmarshall@trpa.gov>; Marja Ambler <mambler@trpa.gov>; Katherine Hangeland <khangeland@trpa.gov>; David Livingston <david.livingston@edcgov.us>

Subject: RE: ENDANGERED FROG FOUND NEAR PROJECT—TRPA Hearings Officer Meeting Oct 14 2021-Item V.D

Ms. Cornell,

Please acknowledge receipt of our email, and then please correct the deficiencies and give us notice upon completion thereof.

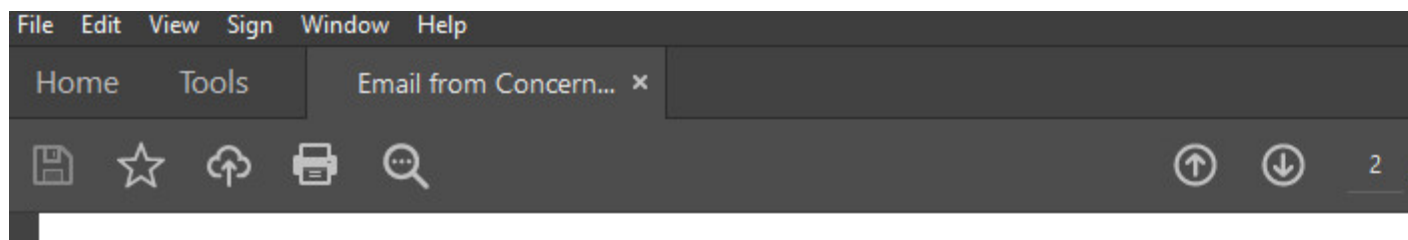
Sincerely,

Concerned Citizens of South Lake Tahoe

Oct 20, 2021, 17:33 by celltowers.slt@tutanota.com:

Ms. Cornell,

Thank you for your response, it had been quite hard if not impossible to elicit any kind of response from you to date. First, it appears nothing has changed. The links work neither with popular internet browser('s) pdf plugin(s) or with desktop pdf viewers. The hyperlinks do not even work with Adobe's own desktop pdf viewer. Second, the block quote is still cropped or otherwise redacted:



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Third, we have sent numerous public comments for this project file, and do not see **any** of that comment in the record. Most outrageously, we emailed a comment—"Verizon

Wireless Application: TDDA File #EPSP2010-0280, ADN 025 590 007, 1260 Ski Bus

wireless Application, TRPA file #ERSP2019-0589, APN 023-380-007, 1500 Ski Run Boulevard, South Lake Tahoe, CA" Tue, Oct 5 • 15:54—in express response to a public notice of hearing letter that was mailed to residents in the upper Ski Run neighborhood(s).

Fourth, we do not see any records of the legal documents or reports we presume were sent or served upon TRPA in connection to the lawsuit over this project/file # that we have read about in the newspaper.

Fifth, the lack of a complete record on the hearing's website, especially in conjunction with the lack of notice—public, privately mailed, or otherwise—that the provided "sharepoint" files were or may have been an incomplete record, egregiously violates our constitutional due process rights. Specifically, the right to an unbiased tribunal, **the right to know opposing evidence**, the right to meaningfully be able to cross-examine or rebut adverse witnesses or evidence, the right to a decision based exclusively on **the evidence presented**, and the requirement that the tribunal **prepare a record of the evidence presented**.

Moreover, it is a well-established general principle in administrative law that "[matters] of great importance, or those where the public submission of facts will be either useful to the agency or a protection to the public, should naturally be accorded more elaborate public procedures" and that "the required degree of procedural safeguards varies directly with the importance of the private interest affected" (see Administrative Procedure Act: Legislative History, S. Doc. No. 248, at 259 (1946); CHARLES H. KOCH JR., 1 ADMINISTRATIVE LAW AND PRACTICE 329-30 (2010 ed.). *See also*, Henry J. Friendly, *Some Kind of Hearing*, 123 U. PA. L. REV. 1267, at 1278 (1975)). It is incontrovertible that was a "high-profile" decision and its results were promptly published in the local newspaper. In fact, the broad controversy of the neighborhood Macro Tower has been tremendous.

This is no minor peccadillo if thousands of pages of probative materials were omitted from the Hearing's Officer Meeting website, and physical inspection of all materials during in-person meeting attendance was suspended. Even the Supreme Court of the United States

person meeting attendance was suspended. Even the Supreme Court of the United States is currently having in-person hearings. "Online-only" virtual hearings suppress public participation and make the presentation of physical evidence impossible, which is evidenced by the express frustration by multiple persons who found this as an insurmountable barrier to attend the hearing—which may further explain the vast differential between the three hours of public comment during this project's City Council hearing, the the fifteen or so minutes of public comment during this the virtual Hearing's Officer meeting. In fact, all of this appears part of a concerted, deliberate, and biased effort by TRPA to approve this project. Whereas this was a mistrial or a miscarriage of justice, you ought to have a rehearing.

Last, per your request, we acknowledge your emailed response, and find it is utterly inadequate for the aforementioned reasons. Please correct the deficiencies, and give us notice upon completion thereof.

Sincerely,

Concerned Citizens of South Lake Tahoe

Oct 18, 2021, 14:08 by bcornell@trpa.gov:

Good afternoon:

Thank you for re-submitting your comments for TRPA File #ERSP2019-0389.

The comments you submitted prior to the October 14, 2021 TRPA Hearings Officer meeting have been entered into the record for TRPA File #ERSP2019-0389.

In an attempt to be as open as possible, TRPA provided a link on the Hearings Officer meeting materials page to document the public input that was received for this project prior to the public hearing held on Thursday, October 1, 2021 at 2:00 PM.

Email that was received late in the evening the day before the meeting (yours was received at 6:55 PM on Wednesday, October 13, 2021), did not immediately reconcile to the link that was provided, but did before the meeting started.

For whatever reason (possible virus?, size of the email), some of the emails would not directly copy into the list of public comments. For those emails, I did a "print to PDF" and saved them as PDF documents into the file. Your original email fell into this category.

Here is a link to the current list of public comments posted on the TRPA website for Item V.D. at the October 14, 2021 TRPA Hearings Officer meeting:

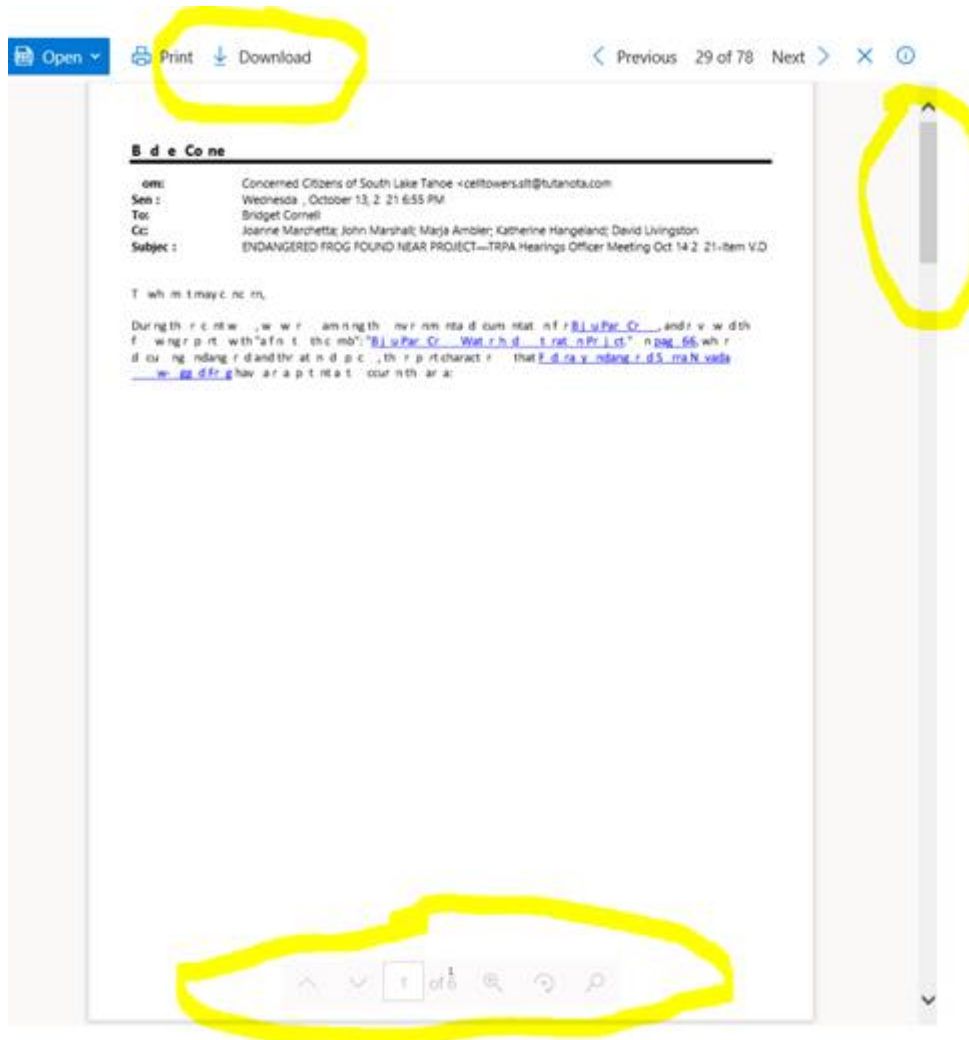
https://tahoeregionalplanning-my.sharepoint.com/personal/gbalkwell_trpa_org/_layouts/15/onedrive.aspx?id=%2Fpersonal%2Fgbalkwell%5Ftrpa%5Forg%2FDocuments%2FUpdated%2010%2E14%2E21%20Agenda%20Item%20V%2ED%20Public%20Comments&originalPath=aHR0cHM6Ly90YWlvbmFscGxhbm5pbmctbXkuc2hhcmVwb2ludC5jb20vOmY6L2cvcGVyc29uYWwvZ2JhbGt3ZWxsX3RycGFfb3JnL0VxODRpeW5sR0c1TWtYaW5lZGxZS0FJQkJxd2lqVkJSkNKQzNocWhDczV1eFE%5FcnRpbWU9cmNTR1IIV1MyVWc

Below is a screenshot of a portion of the current list of public comments shown on the above link. The one highlighted in yellow is your email. It was “posted” four days ago, which would have been on Thursday, October 14, 2021. Below the current list from the website is the list of documents that were recorded as public comments for this project. Note that your email was uploaded on Thursday, October 14, 2021 at 8:17 AM.

Office 365					
Download		Sort			
Declaration of David Jinkens.pdf	✕	4 days ago	Georgina Balkwell	88.1 KB	
DNA NTP Smith Roe copy.pdf	✕	4 days ago	Georgina Balkwell	279 KB	
Effects of Long-Term Exposure to L-Band...	✕	4 days ago	Georgina Balkwell	1.73 MB	
Electromagnetic radiation as an emerging...	✕	4 days ago	Georgina Balkwell	394 KB	
Email from Concerned Citizens - 10.13.20...	✕	4 days ago	Georgina Balkwell	520 KB	
Email from Dlinkens - 10.13.2021.pdf	✕	4 days ago	Georgina Balkwell	65.1 KB	

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<input type="checkbox"/>	Name	Date modified	Type	Size	
<input checked="" type="checkbox"/>	Electromagnetic radiation as an emer...	10/14/2021 8:04 AM	PDF File	394 KB	
<input checked="" type="checkbox"/>	Email from Concerned Citizens - 10.13...	10/14/2021 8:17 AM	PDF File	521 KB	
<input checked="" type="checkbox"/>	Email from Dlinkens - 10.13.2021	10/14/2021 8:10 AM	PDF File	65 KB	

I show that your email was uploaded as a six page document. See the screenshot below. While the initial format that you view may seem imperfect, when you click "download," it becomes fully viewable as a clean, PDF document.



When I open the six page email from the TRPA website, I am able to click on all the active links. Will you please try opening the document, downloading it, and the click on the links to see if they work for you?

As I mentioned above, TRPA provided the link on the website as an additional means of sharing information related to the project (TRPA File #ERSP2019-0389). If something came across imperfectly in the list of documents, it does not mean it was not included in the record.

One of the documents you attached in today's email ("EBMtadbolesbalmori2010.pdf", entitled, "Mobile Phone Mast Effects on Common Frog (*Rana temporaria*) Tadpoles: The City that Turned into a Laboratory") was not included in the comments received from you via email on October 13, 2021.

Please let me know if the instructions I've outlined above are helpful and make the documents fully accessible, including all active links.

Will you please confirm receipt of this email response? Thank you for taking the time to follow up.

Bridget

Bridget K. Cornell

CURRENT PLANNING

(775) 589-5218



Find parcel-specific information and permit history.

<https://parcels.laketahoeinfo.org/>

From: Concerned Citizens of South Lake Tahoe <celltowers.slt@tutanota.com>

Sent: Monday, October 18, 2021 1:16 PM

To: Bridget Cornell <bcornell@trpa.gov>; Bridget Cornell <bcornell@trpa.gov>; Georgina Balkwell <GBalkwell@trpa.gov>; Georgina Balkwell <GBalkwell@trpa.gov>

Cc: Joanne Marchetta <jMarchetta@trpa.gov>; John Marshall <jmarshall@trpa.gov>; Marja Ambler <mambler@trpa.gov>; Marja Ambler <mambler@trpa.gov>; Katherine Hangeland <khangeland@trpa.gov>; David Livingston <david.livingston@edcgov.us>

Subject: RE: ENDANGERED FROG FOUND NEAR PROJECT—TRPA Hearings Officer Meeting Oct 14 2021-Item V.D

Good afternoon!

From the administrative record of written public comment submitted to the hearing, it appears that our letter was either deliberately censored, or recklessly cropped and flattened. Please "export" or "print to pdf" the email such that all embedding images are fully visible and such that the embedded hyperlinks work. Anything short of complete fidelity of the email, is inadequate as it substantially diminishes the information present and alters the record. Our block quote from the "Bijou Park Creek Watershed Restoration Project (NEPA/CEQA/TRPA)" is substantively redacted, as are the flattened hyperlinks which were to serve as a form of inline citation.

Under our Constitution, due process requires that a tribunal prepare a record of the evidence presented (*see, e.g., Henry J. Friendly, Some Kind of Hearing*, 123 U. Penn. L. Rev. 1267, 1291 (1975)). The TRPA must implement this record preservation requirement (*see e.g., Rule of Procedure 5.21*).

Sincerely,

Concerned Citizens of South Lake Tahoe

Oct 14, 2021, 08:18 by bcornell@trpa.gov:

Good morning:

Your email has been entered into the record for TRPA File #ERSP2019-0389.

Thank you!

Bridget

Bridget K. Cornell

CURRENT PLANNING

(775) 589-5218



Find parcel-specific information and permit history.

<https://parcels.laketahoeinfo.org/>

From: Concerned Citizens of South Lake Tahoe

<celltowers.slt@tutanota.com>

Sent: Wednesday, October 13, 2021 6:55 PM

To: Bridget Cornell <bcornell@trpa.gov>

Cc: Joanne Marchetta <jMarchetta@trpa.gov>; John Marshall

<jmarshall@trpa.gov>; Marja Ambler <mambler@trpa.gov>; Katherine

Hangeland <khangeland@trpa.gov>; David Livingston

<david.livingston@edcgov.us>

Subject: ENDANGERED FROG FOUND NEAR PROJECT—TRPA Hearings
Officer Meeting Oct 14 2021-Item V.D

To whom it may concern,

During the recent week, we were examining the environmental documentation for Bijou Park Creek, and reviewed the following report—with "a fine tooth comb": "Bijou Park Creek Watershed Restoration Project." On page 66, where discussing endangered and threatened species, the report characterizes that Federally Endangered Sierra Nevada Yellow-legged Frog have a real potential to occur in the area:

Bijou Park Creek Watershed Restoration Project

Academy of Sciences and National Geographic Society that allows citizen scientists and naturalists to submit observations of plants, animals, insects, and fungi to a database for identification. Research-grade observations are those that have had their identity confirmed by consensus. iNaturalist data provides a detailed view of common local flora and fauna and is useful for comparing with rare species occurrence data from CNDDDB.

Thirty-eight of the 57 special status species identified using the above list have been mapped within ten miles of the project Area per the CNDDDB (Appendix E). Likelihood of occurrence for each species was evaluated based on species life history and the suitability of habitat observed during the field survey in addition to proximity and the age of existing records or observations.

In recognition of the importance of wildlife to the Lake Tahoe Basin, the TRPA established in Resolution 82-11 the adopted environmental threshold standards for wildlife. There are two indicator reporting categories in the wildlife threshold category: 1) special interest species and 2) habitats of special significance. Special interest species include bald eagle (*Haliaeetus leucocephalus*), osprey (*Pandion haliaetus*), golden eagle (*Aquila chrysaetos*), peregrine falcon (*Falco peregrinus*), northern goshawk (*Accipiter gentilis*), and mule deer, as well as the broad category of waterfowl. Habitats of Special Significance include habitats consisting of deciduous trees, wetlands, and meadows.

Federally listed species recorded within five miles of the Project Area include Lahontan cutthroat trout (*Oncorhynchus clarkia henshawi*; Threatened) and Sierra Nevada yellow-legged frog (*Rana sierrae*; Endangered). Lahontan cutthroat trout would not be expected to occur within the Project Area because

Bijou Park Creek currently contains multiple significant fish passage barriers upstream and downstream of the Project Area, including a 1,250 foot long section of creek conveyed via underground pipe. Sierra Nevada yellow-legged frog has moderate potential to occur within the Project Area. The most recent CNDDDB recording of the species is from 1935; however, a search of the iNaturalist database produced several research-grade observations within 5 miles of the Project Area that were made between 2018 and 2020.

Based on the background literature review and field survey, 13 special-status species were identified as having more than a low potential to occur in the Project Area: Bolander's candle moss, upswept moonwort, watershield, western bumblebee (*Bombus occidentalis*), Sierra Nevada yellow-legged frog, bald eagle (*Haliaeetus leucocephalus*), long-eared owl (*Asio otus*), sharp-shinned hawk (*Accipiter striatus*), osprey, willow flycatcher, fringed myotis (*Myotis thysanodes*), pallid bat (*Antrozous pallidus*), and Townsend's big-eared bat (*Corynorhinus townsenii*).

Of these species, willow flycatcher and Sierra Nevada yellow-legged frog are the only species listed as threatened or endangered by the CESA with moderate potential to occur in the Project Area. Sierra Nevada yellow-legged frog is also a federally endangered species. Western bumblebee is a candidate for listing under the CESA. Long-eared owl is a CDFW Species of Special Concern, and sharp-shinned hawk is on the CDFW Watch List.

No special status animal species were observed during the field survey, with the exception of mule deer droppings. Mule deer are considered a Special Interest Species by TRPA because they are a native wildlife species that is aesthetically pleasing to residents and visitors. Mule deer have no additional protections under federal or state regulations.

3.5.1.5 Wetlands

Bijou Park Creek is a probable jurisdictional water of the U.S. (WoUS) and water of the State (WoS) and much of the SEZ is likely jurisdictional wetland and CDFW riparian habitat. Much of the area is mapped as freshwater emergent or freshwater forested/shrub wetland by the USFWS National Wetlands Inventory (NWI; Figure 3.5-2.). As discussed above in Section 3.5.1.1, much of the Project Area is characterized as wet meadow, willow thickets, or aspen stands, all of which may be within jurisdictional wetlands.

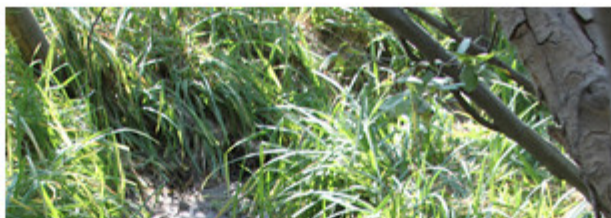
We therefore examined the aforementioned referenced database, iNaturalist, and realized the report's "within 5-miles of the project area" analysis was wrong because endangered species are protected by geoprivacy. According to the database, this means endangered species

"observation are obscured within a 0.2 x 0.2 degree cell encompassing the hidden true location" which is "shown in place of the normal marker." In other words, the database applies an automatic 13.8 mile obfuscation. Realizing sightings on the map feature may be displaced by roughly 13.8 miles, we therefore performed a much larger exhaustive search of the entire South Lake Tahoe area, and found several "research grade observations," whose descriptions or depictions seem to clearly match Bijou Park Creek.

That is to say, we have just confirmed the iNaturalist database has documented multiple "research grade observations" of the Federally Endangered Sierra Nevada Yellow-legged Frog in Bijou Park Creek with close proximity to the proposed 1360 Ski Run Boulevard Macro Cell Tower, which is the very project of this hearing's concern.

Reporting A:

<https://www.inaturalist.org/observations/65185770>





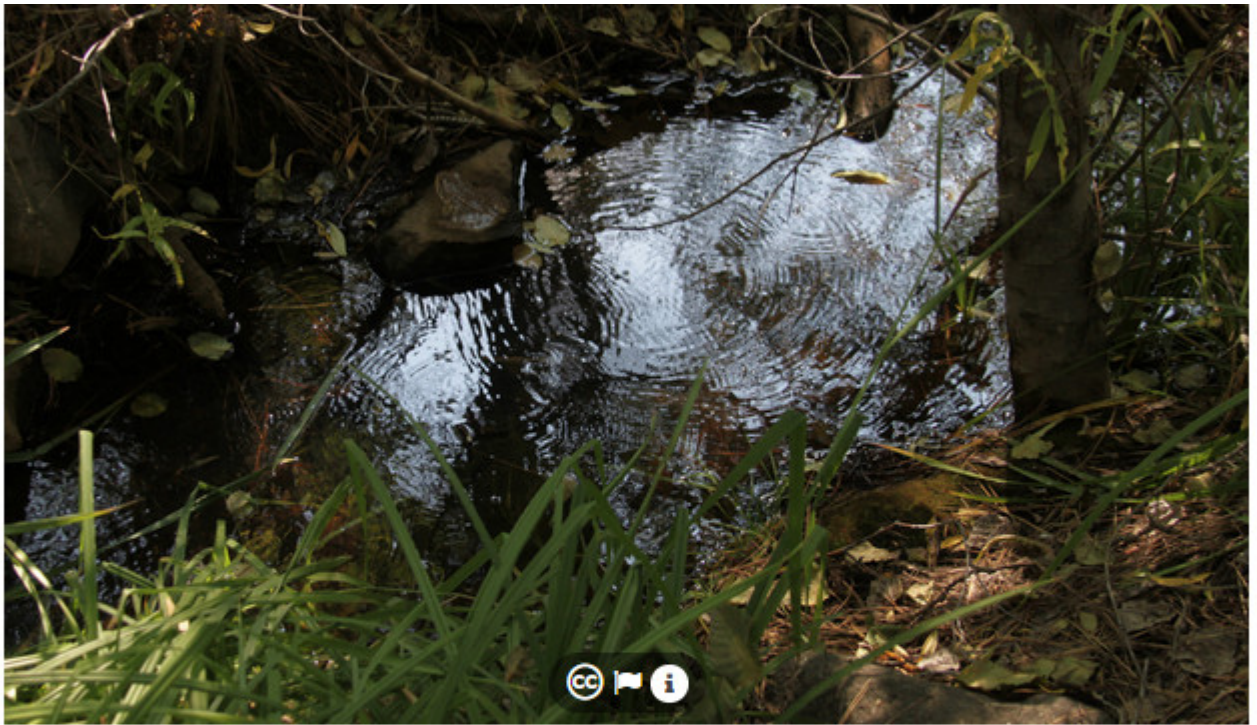
Notes

This Sierra Nevada Yellow-legged Frog was spotted on Lower Bijou Park Creek at an elevation of 6,400 feet. Keller Canyon Creek was diverted into Bijou Park Creek in the 1960's increasing the watershed area by approximately 45 percent; as a result, this latter creek maintains stable flows all year long from the resulting high elevation snow melt. A series of loose rock check dams, head cuts, a vault near the Ski Run Marina outfall, and other man-made obstructions downstream protects the frogs from trout and other aquatic predators. The screening trees and nearby culverts offer some protection from birds of prey. There is a protected vernal pool on private property just upstream of this location. The elevation is still barely low enough that this creek does not entirely freeze through in the winter, and melts a meandering crevice through February snowbanks.

Reporting B:

<https://www.inaturalist.org/observations/65185768>





Notes

Sierra Nevada Yellow-legged Frog, spotted on Tahoe Conservancy land where Bijou Park Creek enters a quaking aspen grove (*populus tremuloides*).

The riparian areas depicted in the following observations are within the general obfuscation radius and similar enough to Bijou Park Creek to conclude that they are either in the creek itself or depict such similar enough in habitat to support that Bijou Park Creek itself is especially suitable to the local population.

Reporting C (resemblance of Bijou Park Creek):

<https://www.inaturalist.org/observations/14190692>

Reporting D (resemblance of Bijou Park Creek):

<https://www.inaturalist.org/observations/65185769>

Reporting E (resemblance of Bijou Park Creek)

<https://www.inaturalist.org/observations/65185766>

Reporting F (resemblance of Bijou Park Creek):

<https://www.inaturalist.org/observations/65185764>

...and there are many others.

In light of these "research grade observations," any premise that there are no frogs near the project site, which may have been a basis for the City, County, or TRPA's finding of no significant impact to the environment is clearly deficient. Our local history is rife with documented findings of species that local experts thought were extinct from the region. This has been true for wolverines, red fox, and grey wolves. Exposure to the public's discovery is almost always much larger than that of a handful of field observers. All species populations are dynamic. The predator-prey models are dynamic. The supporting climate and riparian health is dynamic. Federal and state budgets, and hence the scope or adequacy of the population studies on which they rely, are themselves dynamic. We know now, there are "research grade observations" reported in Bijou Park Creek.

It appears that the TRPA has not performed due diligence in the evaluation of projects in this area; that political pressures for development, by powerful and well-connected persons, have limited, constrained, or "captured" agency staff to only performing cursory review with conclusory

findings. Given the available information, the TRPA ought to have already contacted the US FWS for a biological opinion on the impact of each project in the area upon known or potentiality existent endangered species, and to have forwarded to the US FWS the whole administrative record characterizing all concerns (42 U.S.C. § 4332; 16 U.S.C. § 1536; 5 U.S.C. § 551(1); 50 C.F.R. §§ 402.01-402.17). The TRPA has long had actual or constructive knowledge of the likelihood that SNLF species is present on the Lake Tahoe south shore, and has specifically denoted Bijou Park Creek as particularly suitable habitat. This knowledge had been provided to the TRPA from multiple agencies and sources—such as USDA's USFS EDNF LTBMU GIS department. A recent NEPA compliant report for a TRPA affiliated project, specifically stated the endangered Sierra Nevada Yellow-legged Frog has "moderate potential" to inhabit upper Bijou Park Creek, which itself ought to have been an egregious trigger-point for some level of agency assessment over current and future projects in the area. It should suffice without saying that TRPA has conspicuously failed to establish thresholds for Sierra Nevada Yellow-legged Frog, and has failed to sufficiently monitor Bijou Park Creek as habitat, and this issue is only a microcosm of that failure.

It is not only a **federal crime** and a **state crime** to in any way take or harm endangered species, but a **violation of federal and state law** to proceed on any project which may have a significant effect on the environment, without proper documented consideration and understanding of potential adverse impacts and development of mitigation measures (16 U.S.C. §§ 1538 & 1536(a)(2)). Without exception, the agency cannot proceed on a project, upon the discovery of endangered species, without proper assessment or study.

The published science on the impacts of radiofrequency radiation upon the local frog population has been a cause for the significant level of controversy with regards to this project. There is an even larger consensus

controversy with regards to this project. There is an even larger consensus that radiofrequency radiation is particularly harmful to the embryos of all oviparous animals.

For the following reason, in and of itself, the TRPA cannot have approved the current permit application, and the findings by the agency were conclusory.

Sincerely,

Concerned Citizens of South Lake Tahoe

John Marshall <jmarshall@trpa.gov>

Re: TRPA Governing Board Meeting: 03/23/2022 — PUBLIC COMMENT (Public Communications: Open Letter)

Mon, Apr 4 • 14:30

To Concerned Citizens of South Lake Tahoe,

We are not aware of any documents that have been censored from the record for the cell tower project referenced below. As for the notice included below, this is the required notice for adopting or amending regional plans and or codes. For development projects like the cell tower, TRPA provided the 7-day advance notice required by law when it posted the meeting agenda.

Sincerely,

John L. Marshall

TRPA General Counsel

775.303.4882

jmarshall@trpa.gov

From: Concerned Citizens of South Lake Tahoe <celltowers.slt@tutanota.com>

Date: Saturday, April 2, 2022 at 10:47 PM

To: GoverningBoard <GoverningBoard@trpa.gov>, Nancy Williams <nancy.williams@edcgov.us>

Cc: Joanne Marchetta <jMarchetta@trpa.gov>, Marja Ambler <mambler@trpa.gov>, John Marshall <jmarshall@trpa.gov>, Katherine Hangeland <khangeland@trpa.gov>, vern.pierson@edcgov.us

<vern.pierson@edcgov.us>, infopcda@placer.ca.gov <infopcda@placer.ca.gov>, districtattorney@da.washoecounty.gov <districtattorney@da.washoecounty.gov>, ccdainfo@carson.org <ccdainfo@carson.org>, mjackson@douglas.nv.gov <mjackson@douglas.nv.gov>, ceqa@doj.ca.gov <ceqa@doj.ca.gov>

Subject: Re: TRPA Governing Board Meeting: 03/23/2022 — PUBLIC COMMENT (Public Communications: Open Letter)

Dear TRPA Governing Board, District Attorneys with jurisdiction over this matter, and TRPA staff, and all other interested parties.

We, the "Concerned Citizens of South Lake Tahoe," an "unincorporated association" with a direct interest in the following matter, submitted a timely public comment to the TRPA pertaining to TRPA Governing Board "Agenda Item No. VIII.B Appeal of Hearings Officer Special Use Permit for Verizon Wireless Monopine Staff Report." We believe our public comment was deliberately censored or otherwise omitted from the public record in malfeasant bad faith. We are expressly aware that a CD-ROM with over 3,000 pages of peer-reviewed scientific literature was delivered by mail to the TRPA and was then deliberately censored from this matters' public record during a hearings officer meeting on October 14th 2021. We also know comments pertaining to reported observations of an endangered frog in an adjacent creek were suppressed from the public record as well.

The TRPA is a legislative body within the meaning of the Brown Act (Government Code § 54952). According to the act, writings distributed to a quorum of the members of this body must be made available to everyone (Government Code §54957.5). Moreover due process of law requires both an opportunity to present reasons why the proposed action should not be taken and a requirement that the tribunal prepare a record of the evidence presented. The TRPA appears to have deviated from normal practice and to have bent over backwards to omit damaging evidence from the record. It is a crime to violate the brown Act (Government Code § 54959).

Also, the TRPA deprived the public of adequate public notice as required under our State and federal constitutions. The TRPA's public notice of public hearings deliberately and unnecessarily

omitted any mention of a hearing on a "Special Use Permit for Verizon Wireless Monopine" from the agenda:

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD
NOTICE OF PUBLIC HEARINGS

Pursuant to the State of California's Executive Order No. N-29-20 and Assembly Bill 361 the TRPA meeting will not be physically open to the public and all Governing Board Members will be participating in the meeting via Zoom.

NOTICE IS HEREBY GIVEN that at its regular meeting to be held on **March 23, 2022**, the **Environmental Improvement, Transportation, & Public Outreach Committee** commencing at **9:30 a.m.**, and the **Governing Board** commencing at **10:30 a.m.**, via **Zoom**, the Governing Board, of the Tahoe Regional Planning Agency will conduct a public hearing on the following: **1)** Discussion and possible action/recommendation on the Transportation Funding Initiative (**EITPO**); **2)** Discussion and possible action/approval of the Bijou/Al Tahoe Community Plan Amendment: Allowable height for public service buildings on parcels owned by the County/City (56-acre Recreation Center Site) (**GB**).

Joanne S. Marchetta
Executive Director

Published: February 25, 2022

Please correct the hearing's record and bring justice to this matter.

Sincerely,

Mar 23, 2022, 13:08 by celltowers.slt@tutanota.com:

We are following-up on your quote in the Tahoe Daily Tribune where you have alleged that "Few definitive human studies between cancer and cell towers have been done" (Laney Griffo, "[Cell service is bad but towers kill? South Lake Tahoe in middle of raging debate.](#)")

Tahoe Daily Tribune. November 23, 2019).



GETTY IMAGES

Service stinks but cell towers kill? — City in middle of raging debate

Laney Griffo

lgriffo@tahoedailytribune.com

SOUTH LAKE TAHOE, Calif. — Cell towers are a boiling hot topic at Lake Tahoe.

In June 2019, the South Lake Tahoe city council approved a 112-foot cell tower to be installed in the Ski Run/Needle Peak neighborhood. The council has also approved the installation of 30 small cell facilities.

They will be used by Verizon Wireless. Since then, residents have been calling

city hall and attending city council meetings begging councilors to prevent the tower and boxes from being installed.

One resident, Monica Eisenstecken, has appealed the tower's placement. That appeal will be heard in January 2020.

In the meantime, residents have asked the city to draft a new ordinance that would prevent towers and boxes from being placed in residential areas.

Former South Lake Tahoe City Manager David Jenkins has been leading the charge to get a new ordinance put in place. He regularly attends city council

meetings and communicates with the public on the topic.

"We're all in favor of improving telecommunications," Jenkins said. "We want the city to adopt a cell tower ordinance. It gives reassurance to residents in this environmentally sensitive area that you can't just put anything in peoples' front yards."

At a council meeting in October, many residents asked councilors to adopt an emergency ordinance.

CELL TOWERS, A24

We wanted to make sure that you understand that not only is this factually inaccurate, but the mechanism is **known** to be oxidative stress (i.e., interference with electron transport chains / oxidative phosphorylation). Just to name a few studies:

1. Frank Barnes, Ben Greenebaum, "Role of radical pairs and feedback in weak radio frequency field effects on biological systems." *Environmental Research* 163 (2018) 165–170, <https://doi.org/10.1016/j.envres.2018.01.038>
2. Suleyman Dasdag, Mehmet Zulkuf Akdag. "The link between radiofrequencies

- emitted from wireless technologies and oxidative stress." *Journal of Chemical Neuroanatomy* 75(2016) 85–93. <http://dx.doi.org/10.1016/j.jchemneu.2015.09.001>
3. Yakymenko, Igor, et al. "Oxidative mechanisms of biological activity of low-intensity radiofrequency radiation." *Electromagn Biol Med.* (July 2015).
doi:10.3109/15368378.2015.1043557
 4. Gérard Ledoigt, Dominique Belpomme. "Cancer induction molecular pathways and HF-EMF irradiation." *Advances in Biological Chemistry*, 2013, 3, 177-186.
doi:10.4236/abc.2013.32023
 5. Brendan J. Houston, et al., Whole-body exposures to radiofrequency-electromagnetic energy can cause DNA damage in mouse spermatozoa via an oxidative mechanism" *Nature*.(2019) 9:17478. <https://doi.org/10.1038/s41598-019-53983-9>

We have attached peer-reviewed studies primarily pertaining to mechanism, because the fallacious premise that quantum energy exchange is the only pathway to electromagnetically interfere with cellular processes, has pervasively led to the wrongful conclusion that microwave radiation cannot cause cellular damage, and therefore the large body of compelling epidemiology and toxicology studies must all be faulty. Whereas people have even attacked the U.S. Department of Health and Human Services, National Toxicology Program's decade-long studies which have found that high exposure to Radiofrequency Radiation (RFR) used by cell phones was associated with "**clear evidence** of an association with tumors in the hearts of male rats." The tumors were malignant schwannomas. Even their results found that exposure to RFR leads to an increase in DNA damage (<https://doi.org/10.1002/em.22343>). The powerful decade long experiment is unlikely to be contradicted by a stronger study in the future. This is also just one of hundreds of studies all finding the same result.

The dogmatic reliance on the quantum energy threshold premise is wrong because microwave radiation interferes with electron transport mechanisms (*e.g.*, oxidative phosphorylation), and also triggers gated ion channels (axons). This causes the buildup of free radicals and oxidative stress, which are an undisputed mechanism of cancer. You can read about this to your hearts content. [There are over 3,300 pages of peer-reviewed research in proof of this matter nicely packaged together on the South Lake Tahoe City record.](#)

You also referenced the American Cancer Society (ACS) which is neither an academic authority, nor a professional board, nor a research agency—and its board of directors includes several powerful telecom industry lobbyists. The (ACS) is a charity organization, that primarily provides outpatient support to cancer patients, and has received heated criticism for wasting donations on overhead and lobbying. It has been pointed out, that the organization has been apparently hijacked by tech and biochemical companies who control the organization from funding any investigation of the carcinogenic nature of particular industry products. Its policies are chosen by its board of directors, who are capitalists with common law conflicts of interest towards advancing their enterprise, and they are certainly not objective scientists. This is substantiated at [this hyperlink](#).

Moreover, there are many health effects caused by radiofrequency radiation beyond cancer. We hope that you become familiar with this emerging health threat. We hope you seek this opportunity to become a progressive thought leader on this serious issue in our county. When it comes to conflicting business interests, we hope you continue to advocate the precautionary principle, just as you have with COVID-19 —wherein this problem substantively contains our society's same essential ethical conflict over the value of human life. We must not needlessly locate Wireless Telecommunication Facilities (WTFs) next to our homes and schools, especially without evaluating alternative locations and sittings. [Nearly 4,000 of our residents have signed a petition in agreement](#). We honestly need to consider a strategic shift from RF based broadband to fiber optics to the premises— analogous to shifting away from fossil fuels. Perhaps this can be accomplished through a strictly fiber [municipal broadband](#) program.

If you have any further questions about the topic, and would like to talk to an unimpeachable subject matter expert, please contact [Beatrice Golumb, MD PhD, Professor of Medicine, University of California, San Diego](#).

There are more than 1,000 scientific studies conducted by independent researchers from around the world concerning the biological effects of RF radiation. Here we present some of the most recent.

I. Effects On Fetal And Newborn Development

1. Mother's Exposure to Electromagnetic Fields Before and During Pregnancy is Associated with Risk of Speech Problems in Offspring. Zarei, S., et al. Journal of Biomedical Physics and Engineering 9(1):61-68 (2019).
2. Prenatal Exposure to Extremely Low Frequency Magnetic Field and Its Impact on Fetal Growth. Ren, Y., et al. Environmental Health (2019).
3. The Effects of Radio Frequency Radiation on Mice Fetus Weight, Length and Tissues. Alimohammadi, I., et al. Data in Brief 19:2189-2194 (2018).
4. Effects of Prenatal Exposure to WiFi Signal (2.45 GHz) on Postnatal Development and Behavior in Rat: Influence of Maternal Restraint. Othman, H., et al. Behavioral Brain Research 326: 291-301 (2017).
5. Exposure to Magnetic Field Non-Ionizing Radiation and the Risk of Miscarriage: A prospective Cohort Study. Li, De-Kun, et al. Scientific Reports (2017).
6. Postnatal Development and Behavior Effects of In-Utero Exposure of Rats to Radiofrequency Waves Emitted From Conventional WiFi Devices.

Othman, H., et al. Environmental Toxicology and Pharmacology 52:239-247 (2017).

7. Lasting Hepatotoxic Effects of Prenatal Mobile Phone Exposure. Yilmaz, A. et al. The Journal of Maternal-Fetal & Neonatal Medicine 30(11): 1355-

Al, et al. The Journal of Maternal Fetal & Neonatal Medicine 30(11): 1355-1359 (2017).

8. Multiple Assessment Methods of Prenatal Exposure to Radio Frequency Radiation from Telecommunication in the Mothers and Children's Environmental Health (MOCEH) Study. Choi, Ha, et al. International Journal of Occupational Medicine and Environmental Health 29(6):959-972 (2016).
9. The Use of Signal-Transduction and Metabolic Pathways to Predict Human Disease Targets from Electric and Magnetic Fields Using in vitro Data in Human Cell Lines. Parham, Portier, et al. Frontiers in Public Health (2016).
10. A Review on Electromagnetic Fields (EMFs) and the Reproductive System. Asghari, Khaki, et al. Electronic Physician 8(7):2655-2662 (2016).
11. Genotoxicity Induced by Foetal and Infant Exposure to Magnetic Fields and Modulation of Ionising Radiation Effects. Udriou, Antoccia, et al. PLoS One (2015).
12. Oxidative Stress of Brain and Liver is Increased by Wi-Fi (2.45 GHz) Exposure of Rats During Pregnancy and the Development of Newborns. Çelik, Ömer, et al. Journal of Chemical Neuroanatomy 75(B):134-139 (2015).
13. Neurodegenerative Changes and Apoptosis Induced by Intrauterine and Extrauterine Exposure of Radiofrequency Radiation. Güler, Gökür, et al. Journal of Chemical Neuroanatomy 75(B):128-133 (2015).
14. Maternal Exposure to a Continuous 900-MHz Electromagnetic Field Provokes Neuronal Loss and Pathological Changes in Cerebellum of 32-Day-Old Female Rat Offspring. Odaci, Ersan, et al. Journal of Chemical Neuroanatomy 75(B):105-110 (2015).
15. Different Periods of Intrauterine Exposure to Electromagnetic Field: Influence on Female Rats' Fertility, Prenatal and Postnatal Development. Alchalabi, Aklilu, et al. Asian Pacific Journal of Reproduction 5(1):14-23 (2015).

John Marshall <jmarshall@trpa.gov>, ...

Re: TRPA Governing Board Meeting: 03/23/2022 — PUBLIC COMMENT (Public Communications: Open Letter)

Tue, Apr 5 • 18:09

Dear Mr. Marshall,

There was a mailed DVD-ROM with over 3,000 pages of peer-reviewed scientific publications which the Stateline, NV **postmaster confirmed** was delivered into the TRPA PO Box before the October 2021 hearing, which is still not on the public record.

Interested persons may provide comments and input to the Hearings Officer prior to the meeting and day of the meeting. Prior to the meeting submit comments by mail to **TRPA, P.O. Box 5310, Stateline, Nevada 89449**, or by email to bcornell@trpa.gov. If written comments are not received prior to the date of the meeting, then they will not be considered. Provide comments during the meeting by using the GoToWebinar App. For more detailed instructions on how to connect and participate visit www.trpa.gov/meeting-materials/ and view the materials for the above-mentioned meeting date. If

Your agency also printed a prior email of ours—about SNYLF observations—as a PDF with such obviously excessive overscaling that embarrassing text was deliberately, if not knowingly or recklessly, omitted off the page! **You are also lying** whereas you were previously "aware" of this censorship issue as you wrote us an October 2021 email stating you would not correct the aforementioned error. Most recently, our instant letter was not disseminated until after the March 23rd 2022 vote. There also appears to be a much broader pattern of such illicit activity. **What you have stated to the contrary is patently untrue if not deliberately dishonest.**

Let us remind you that notice of the hearing's officer meeting was announced during the September evacuation of the Caldor Fire—which was a period of time when even the newspaper was not in circulation within the meaning of California Government Code §§ 6000 et seq.—and most residents had not returned or "repopulated" the City on account of hazardous smoke levels. Even your Federal Interstate Agency has been known to shut down due to snow, smoke, storms, or other conditions hazardous to human health. Yet your agency appears to have deliberately taken advantage of the situation, and in any case did not forward or post the SharePoint hyperlink of public comments—which had been submitted to the Agency in October for entry into the file's record—to the Governing Board.

Moreover, the so-called "7 day notice" was not truly "**substantive**," whereas over 100 interested

parties were completely unaware of the date of the Monopine hearing which could be expected to result in a substantial and irreversible impact over their lives, no attempt was made to publish notice in the newspaper, and 7-days is in fact an inadequate timespan to process the hundreds of pages by all parties on the record, let alone provide a cogent response to it. The fact that Verizon spent the last three years preparing for this hearing, and the public only gets 7-days to discover and to respond to all this material, establishes extreme prejudice against any idea of fair hearing. The notion that this hearing was somehow exempt from notice adequate to sufficiently to process and understand all of the materials, simply because you wish to expediently construe it as a "development project," is an error in categorical thinking. The notice was not **substantively** adequate in regards to all of the particulars as a whole. If your procedure ordinances or your discretion is so fundamentally inflexible that you cannot accommodate complexity then your procedural due process is not **substantive**.

It is completely unrealistic to so much as expect that every person interested in speaking in this matter would have known about the hearing on account of the your agency's deficient notice procedures. The TRPA should recognize that it is within its own best interests to collect and benefit from as much public input as possible before making consequential or extremely controversial decisions. Notwithstanding, whether the hearing may have been permissible "under the color of" your rules of procedure, it was highly likely a constitutional deprivation of substantive due process of law.

What can be stated with absolute certainty is that your agency violated the Brown Act in regards to meeting materials in this here matter, and deliberately—and criminally—deprived the public of information.

Sincerely,

Concerned Citizens of South Lake Tahoe

Apr 4, 2022, 14:29 by jmarshall@trpa.gov:

| To: Concerned Citizens of South Lake Tahoe

TO CONCERNED CITIZENS OF SOUTH LAKE TAHOE,

We are not aware of any documents that have been censored from the record for the cell tower project referenced below. As for the notice included below, this is the required notice for adopting or amending regional plans and or codes. For development projects like the cell tower, TRPA provided the 7-day advance notice required by law when it posted the meeting agenda.

Sincerely,

John L. Marshall

TRPA General Counsel

775.303.4882

jmarshall@trpa.gov

From: Concerned Citizens of South Lake Tahoe <celltowers.slt@tutanota.com>

Date: Saturday, April 2, 2022 at 10:47 PM

To: GoverningBoard <GoverningBoard@trpa.gov>, Nancy Williams <nancy.williams@edcgov.us>

Cc: Joanne Marchetta <jMarchetta@trpa.gov>, Marja Ambler <mambler@trpa.gov>, John Marshall <jmarshall@trpa.gov>, Katherine Hangeland <khangeland@trpa.gov>, vern.pierson@edcgov.us <vern.pierson@edcgov.us>, infopcda@placer.ca.gov <infopcda@placer.ca.gov>, districtattorney@da.washoecounty.gov <districtattorney@da.washoecounty.gov>, ccdainfo@carson.org <ccdainfo@carson.org>, mjackson@douglas.nv.gov <mjackson@douglas.nv.gov>, ceqa@doj.ca.gov <ceqa@doj.ca.gov>

Subject: Re: TRPA Governing Board Meeting: 03/23/2022 — PUBLIC COMMENT (Public Communications: Open Letter)

Dear TRPA Governing Board, District Attorneys with jurisdiction over this matter, and TRPA staff, and all other interested interested parties.

We, the "Concerned Citizens of South Lake Tahoe," an "[unincorporated association](#)" with a direct interest in the following matter, submitted a timely public comment to the TRPA pertaining to

interest in the following matter, submitted a timely public comment to the TRPA pertaining to TRPA Governing Board "Agenda Item No. VIII.B Appeal of Hearings Officer Special Use Permit for Verizon Wireless Monopine Staff Report." We believe our public comment was deliberately censored or otherwise omitted from the public record in malfeasant bad faith. We are expressly aware that a CD-ROM with over 3,000 pages of peer-reviewed scientific literature was delivered by mail to the TRPA and was then deliberately censored from this matters' public record during a hearings officer meeting on October 14th 2021. We also know comments pertaining to reported observations of an endangered frog in an adjacent creek were suppressed from the public record as well.

The TRPA is a legislative body within the meaning of the Brown Act (Government Code § 54952). According to the act, writings distributed to a quorum of the members of this body must be made available to everyone (Government Code §54957.5). Moreover due process of law requires both an opportunity to present reasons why the proposed action should not be taken and a requirement that the tribunal prepare a record of the evidence presented. The TRPA appears to have deviated from normal practice and to have bent over backwards to omit damaging evidence from the record. It is a crime to violate the brown Act (Government Code § 54959).

Also, the TRPA deprived the public of adequate public notice as required under our State and federal constitutions. The TRPA's public notice of public hearings deliberately and unnecessarily omitted any mention of a hearing on a "Special Use Permit for Verizon Wireless Monopine" from the agenda:

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD
NOTICE OF PUBLIC HEARINGS

Pursuant to the State of California's Executive Order No. N-29-20 and Assembly Bill 361 the TRPA meeting will not be physically open to the public and all Governing Board Members will be participating in the meeting via Zoom.

NOTICE IS HEREBY GIVEN that at its regular meeting to be held on **March 23, 2022**, the **Environmental Improvement, Transportation, & Public Outreach Committee** commencing at **9:30 a.m.**, and the **Governing Board** commencing at **10:30 a.m.**, via **Zoom**, the Governing Board, of the Tahoe Regional Planning Agency will conduct a public hearing on the following: **1)** Discussion and possible action/recommendation on the Transportation Funding Initiative (**EITPO**); **2)** Discussion and possible action/approval of the Bijou/Al Tahoe Community Plan Amendment: Allowable height for public service buildings on parcels owned by the County/City (56-acre Recreation Center Site) (**GB**).

Joanne S. Marchetta
Executive Director

Published: February 25, 2022

Please correct the hearing's record and bring justice to this matter.

Sincerely,

Mar 23, 2022, 13:08 by celltowers.slt@tutanota.com:

We are following-up on your quote in the Tahoe Daily Tribune where you have alleged that "Few definitive human studies between cancer and cell towers have been done" (Laney Griffo, "[Cell service is bad but towers kill? South Lake Tahoe in middle of raging debate](#)." **Tahoe Daily Tribune**. November 23, 2019).



Tower or terror?

GETTY IMAGES

Service stinks but cell towers kill? — City in middle of raging debate

Laney Griffio

lgriffio@tahoedailytribune.com

SOUTH LAKE TAHOE, Calif. — Cell towers are a boiling hot topic at Lake Tahoe.

In June 2019, the South Lake Tahoe city council approved a 112-foot cell tower to be installed in the Ski Run/Needle Peak neighborhood. The council has also approved the installation of 30 small cell facilities.

They will be used by Verizon Wireless. Since then, residents have been calling

city hall and attending city council meetings begging councilors to prevent the tower and boxes from being installed.

One resident, Monica Eisenstecken, has appealed the tower's placement. That appeal will be heard in January 2020.

In the meantime, residents have asked the city to draft a new ordinance that would prevent towers and boxes from being placed in residential areas.

Former South Lake Tahoe City Manager David Jenkins has been leading the charge to get a new ordinance put in place. He regularly attends city council

meetings and communicates with the public on the topic.

"We're all in favor of improving telecommunications," Jenkins said. "We want the city to adopt a cell tower ordinance. It gives reassurance to residents in this environmentally sensitive area that you can't just put anything in peoples' front yards."

At a council meeting in October, many residents asked councilors to adopt an emergency ordinance.

CELL TOWERS, A24

We wanted to make sure that you understand that not only is this factually inaccurate, but the mechanism is **known** to be oxidative stress (*i.e.*, interference with electron transport chains / oxidative phosphorylation). Just to name a few studies:

1. Frank Barnes, Ben Greenebaum, "Role of radical pairs and feedback in weak radio frequency field effects on biological systems." *Environmental Research* 163 (2018) 165–170, <https://doi.org/10.1016/j.envres.2018.01.038>
2. Suleyman Dasdag, Mehmet Zulkuf Akdag. "The link between radiofrequencies

- emitted from wireless technologies and oxidative stress." *Journal of Chemical Neuroanatomy* 75(2016) 85–93. <http://dx.doi.org/10.1016/j.jchemneu.2015.09.001>
3. Yakymenko, Igor, et al. "Oxidative mechanisms of biological activity of low-intensity radiofrequency radiation." *Electromagn Biol Med.* (July 2015).
doi:10.3109/15368378.2015.1043557
4. Gérard Ledoigt, Dominique Belpomme. "Cancer induction molecular pathways and HF-EMF irradiation." *Advances in Biological Chemistry*, 2013, 3, 177-186.
doi:10.4236/abc.2013.32023
5. Brendan J. Houston, et al., Whole-body exposures to radiofrequency-electromagnetic energy can cause DNA damage in mouse spermatozoa via an oxidative mechanism" *Nature*.(2019) 9:17478. <https://doi.org/10.1038/s41598-019-53983-9>

We have attached peer-reviewed studies primarily pertaining to mechanism, because the fallacious premise that quantum energy exchange is the only pathway to electromagnetically interfere with cellular processes, has pervasively led to the wrongful conclusion that microwave radiation cannot cause cellular damage, and therefore the large body of compelling epidemiology and toxicology studies must all be faulty. Whereas people have even attacked the U.S. Department of Health and Human Services, National Toxicology Program's decade-long studies which have found that high exposure to Radiofrequency Radiation (RFR) used by cell phones was associated with "**clear evidence** of an association with tumors in the hearts of male rats." The tumors were malignant schwannomas. Even their results found that exposure to RFR leads to an increase in DNA damage (<https://doi.org/10.1002/em.22343>). The powerful decade long experiment is unlikely to be contradicted by a stronger study in the future. This is also just one of hundreds of studies all finding the same result.

The dogmatic reliance on the quantum energy threshold premise is wrong because microwave radiation interferes with electron transport mechanisms (*e.g.*, oxidative phosphorylation), and also triggers gated ion channels (axons). This causes the buildup of free radicals and oxidative stress, which are an undisputed mechanism of cancer. You can read about this to your hearts content. [There are over 3,300 pages of peer-reviewed research in proof of this matter nicely packaged together on the South Lake Tahoe City](#)

record.

You also referenced the American Cancer Society (ACS) which is neither an academic authority, nor a professional board, nor a research agency—and its board of directors includes several powerful telecom industry lobbyists. The (ACS) is a charity organization, that primarily provides outpatient support to cancer patients, and has received heated criticism for wasting donations on overhead and lobbying. It has been pointed out, that the organization has been apparently hijacked by tech and biochemical companies who control the organization from funding any investigation of the carcinogenic nature of particular industry products. Its policies are chosen by its board of directors, who are capitalists with common law conflicts of interest towards advancing their enterprise, and they are certainly not objective scientists. This is substantiated at [this hyperlink](#).

Moreover, there are many health effects caused by radiofrequency radiation beyond cancer. We hope that you become familiar with this emerging health threat. We hope you seek this opportunity to become a progressive thought leader on this serious issue in our county. When it comes to conflicting business interests, we hope you continue to advocate the precautionary principle, just as you have with COVID-19 —wherein this problem substantively contains our society's same essential ethical conflict over the value of human life. We must not needlessly locate Wireless Telecommunication Facilities (WTFs) next to our homes and schools, especially without evaluating alternative locations and sittings. [Nearly 4,000 of our residents have signed a petition in agreement](#). We honestly need to consider a strategic shift from RF based broadband to fiber optics to the premises—analogous to shifting away from fossil fuels. Perhaps this can be accomplished through a strictly fiber [municipal broadband](#) program.

If you have any further questions about the topic, and would like to talk to an unimpeachable subject matter expert, please contact [Beatrice Golumb, MD PhD,](#) [Professor of Medicine, University of California, San Diego](#).

There are more than 1,000 scientific studies conducted by independent researchers from around the world concerning the biological effects of RF radiation. Here we present some of the most recent.

I. Effects On Fetal And Newborn Development

1. Mother's Exposure to Electromagnetic Fields Before and During Pregnancy is Associated with Risk of Speech Problems in Offspring. Zarei, S., et al. Journal of Biomedical Physics and Engineering 9(1):61-68 (2019).
2. Prenatal Exposure to Extremely Low Frequency Magnetic Field and Its Impact on Fetal Growth. Ren, Y., et al. Environmental Health (2019).
3. The Effects of Radio Frequency Radiation on Mice Fetus Weight, Length and Tissues. Alimohammadi, I., et al. Data in Brief 19:2189-2194 (2018).
4. Effects of Prenatal Exposure to WiFi Signal (2.45 GHz) on Postnatal Development and Behavior in Rat: Influence of Maternal Restraint. Othman, H., et al. Behavioral Brain Research 326: 291-301 (2017).
5. Exposure to Magnetic Field Non-Ionizing Radiation and the Risk of Miscarriage: A prospective Cohort Study. Li, De-Kun, et al. Scientific Reports (2017).
6. Postnatal Development and Behavior Effects of In-Utero Exposure of Rats to Radiofrequency Waves Emitted From Conventional WiFi Devices.

Othman, H., et al. Environmental Toxicology and Pharmacology 52:239-247 (2017).

7. Lasting Hepatotoxic Effects of Prenatal Mobile Phone Exposure. Yilmaz, A. et al. The Journal of Maternal-Fetal & Neonatal Medicine 30(11): 1355-