

TRPA Governing Board,

Please observe the following evidence of intente obstruction, suppression, and/or tampering of evidence from the October 14<sup>th</sup> 2021 and March 23<sup>rd</sup> 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

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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

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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 23<sup>rd</sup> 2022 and August 4<sup>th</sup> & 18<sup>th</sup> 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.<sup>1</sup> 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

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<sup>1</sup> 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); *Envtl. 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 14<sup>th</sup> 2021, March 23<sup>rd</sup> 2022, and August 4<sup>th</sup> & 18<sup>th</sup> 2022 meetings, and then created a transparently frivolous pretext<sup>2</sup> from allowing the hearings officers and the public from considering the material on its merits:



<sup>2</sup> 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-Rom disc - to:

- (1) the record associated with the Oct 14th 2021 hearing's 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.laketahoeinfo.org](http://www.laketahoeinfo.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 marred 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. 26<sup>th</sup> 2020 G.B. minutes**, Mar. 25<sup>th</sup> 2020 G.B. Minutes, April 22<sup>nd</sup> 2020 G.B. minutes, etc.).

The evidence submitted to the TRPA<sup>3</sup> 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.<sup>4</sup> Nor is an agency allowed to later supply post-hoc rationalizations for discounting or dismissing submitted evidence.<sup>5</sup> 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.”<sup>6</sup> TRPA may not use uncertainty of effects or a lack of existing information as basis for acting without EIS.<sup>7</sup>

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<sup>3</sup> 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.

<sup>4</sup> 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).

<sup>5</sup> “[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)).

<sup>6</sup> 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)).

<sup>7</sup> 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:

From: [redacted]  
To: [redacted]  
Subject: [redacted]

Re: [redacted]

Dear [redacted],

Thank you for your letter of [redacted] regarding [redacted]. I have reviewed the information you provided and am sorry to hear that you are experiencing difficulties with [redacted].

I have discussed this matter with the relevant departments and we are working to resolve the issues as quickly as possible. We will contact you again once a final decision has been reached.

Very truly yours,  
[redacted]

Enclosure: [redacted]

1. [redacted]

2. [redacted]

3. [redacted]

4. [redacted]

5. [redacted]

6. [redacted]

7. [redacted]

8. [redacted]

9. [redacted]

10. [redacted]

11. [redacted]

12. [redacted]

13. [redacted]

14. [redacted]

15. [redacted]

16. [redacted]

17. [redacted]

18. [redacted]

19. [redacted]

20. [redacted]

21. [redacted]

22. [redacted]

23. [redacted]

24. [redacted]

25. [redacted]

26. [redacted]

27. [redacted]

28. [redacted]

29. [redacted]

30. [redacted]

31. [redacted]

32. [redacted]

33. [redacted]

34. [redacted]

35. [redacted]

36. [redacted]

37. [redacted]

38. [redacted]

39. [redacted]

40. [redacted]

41. [redacted]

42. [redacted]

43. [redacted]

44. [redacted]

45. [redacted]

46. [redacted]

47. [redacted]

48. [redacted]

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50. [redacted]

51. [redacted]

52. [redacted]

53. [redacted]

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67. [redacted]

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71. [redacted]

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73. [redacted]

74. [redacted]

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89. [redacted]

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92. [redacted]

93. [redacted]

94. [redacted]

95. [redacted]

96. [redacted]

97. [redacted]

98. [redacted]

99. [redacted]

100. [redacted]

TRPA does not have the discretion nor is it afforded agency deference under its policy,<sup>8</sup> rules of procedure,<sup>9</sup> or state open meeting<sup>10</sup> and public records laws<sup>11</sup> to cull or suppress specific public comments which get posted on its website.<sup>12</sup> 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.<sup>13</sup>

Sincerely,

Concerned Citizens of South Lake Tahoe

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<sup>8</sup> 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)).

<sup>9</sup> “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))).

<sup>10</sup> “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)).

<sup>11</sup> 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)).

<sup>12</sup> 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)).

<sup>13</sup> 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](mailto:jfaylor@trpa.gov)>  
**Sent:** Friday, October 8, 2021 2:07 PM  
**To:** Bridget Cornell <[bcornell@trpa.gov](mailto:bcornell@trpa.gov)>  
**Cc:** Georgina Balkwell <[GBalkwell@trpa.gov](mailto: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

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**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

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Bcornell <[bcornell@trpa.gov](mailto: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:

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**From:** Concerned Citizens of South Lake Tahoe <[celltowers.slt@tutanota.com](mailto:celltowers.slt@tutanota.com)>  
**Sent:** Monday, October 25, 2021 3:26 PM  
**To:** Bridget Cornell <[bcornell@trpa.gov](mailto:bcornell@trpa.gov)>  
**Cc:** Georgina Balkwell <[GBalkwell@trpa.gov](mailto:GBalkwell@trpa.gov)>; Joanne Marchetta <[jMarchetta@trpa.gov](mailto:jMarchetta@trpa.gov)>; John Marshall <[jmarshall@trpa.gov](mailto:jmarshall@trpa.gov)>; Marja Ambler <[mambler@trpa.gov](mailto:mambler@trpa.gov)>; Katherine Hangeland <[khangeland@trpa.gov](mailto:khangeland@trpa.gov)>; David Livingston <[david.livingston@edcgov.us](mailto: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.

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John Marshall <[jmarshall@trpa.gov](mailto: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](mailto:jmarshall@trpa.org)

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**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:

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John Marshall <[jmarshall@trpa.gov](mailto: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](mailto:jmarshall@trpa.gov)

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John Marshall <[jmarshall@trpa.gov](mailto: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](mailto: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/](http://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, deluge, 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