

From: Tony <trtahoe@charter.net>
Sent: 9/24/2023 1:26:36 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: General Comment - Mitigation issues

I am addressing this board to deal with a public safety issue that this board has in effect created by not addressing and mitigating such issues when it comes to hazard trees.

In Late July of 2023 I had three tree services (One of which sent an arborist), respond to my property to look at, and provide possible recommendations regarding two potential hazard trees of concern. One was located on my property at 2009 Washoe Street and the other was located on my neighbor's property located on 2005 Washoe Street. The tree on my property is a lodge pole pine approximately 3 stories in height with a possible broken top, which is leaning towards my house. The tree on my neighbor's property is a substantial Juniper tree, approximately 3 to 4 stories in height, which is situated between our two residences and is less than 4" from the eaves of 2005 Washoe and less than 9' from my eave's. Of concern is a substantial amount of dead loss which overhangs both our residences (estimated by one expert to be between 30 and 40 percent of the canopy and top of the tree), live but diseased limbs of questionable integrity which contain mistletoe (a parasite) again overhanging both residences, and a very large, hollow, cavity at the base of the tree, showing signs of structural instability as apparent by chunks of rotten and degrading tree detritus located both inside and outside the cavity, at the base of the tree.

As explained by the tree services, the tree located at 2005 Washoe, posed a substantial hazard, risking the health and safety of not only the neighbor that owned the tree, but myself, as well as the community at large as it pertains to both a fire and falling hazard. To quote one of the professionals, "I can't tell you when it will happen, but I can tell you that something will happen with this tree in its present state. It's a ticking timebomb and no one can read the timer, we just hear it ticking." The tree has already shown its dangerous potential as two small branches broke away from the tree in the winter of 2022/2023 and struck my residence. With much bigger dead loss, and questionable branches which overhang both residences, plus the large hollow cavity at the base of the tree that all the tree professionals pointed to, stating that it was showing signs of rot, thus further destabilizing the tree, they all agreed that the tree was an extreme public safety hazard, and should be totally removed.

On 08-10-23 I contacted your agency, in an attempt to speak with your Forester, Bruce Barr to discuss the tree, and have my concerns addressed, regarding the TRPA and its responsibilities regarding the tree. I was advised via e-mail by Mr. Barr that the TRPA has standards regarding tree's in section 61.1.4 in the TRPA's standards regarding vegetation and forest health. 61.1.4 contained standards in regards to removing a tree because it causes an unreasonable fire hazard, or presents as an unacceptable risk to structures, or shows signs of disease or infestation. The tree clearly meets all three codified criteria areas, based upon the opinions of the tree services. Mr. Barr stated in his e-mail response to me that the "Tahoe Regional Planning Agency has no such enforcement authority" to enforce its own standards, meaning that the health and safety of every citizen has been placed in extreme jeopardy because the TRPA has no vehicle for enforcement. Mr. Barr elaborated by saying, "I simply cannot compel someone to remove a tree even if it is completely dead and poses a threat to a neighboring property". Mr. Barr who probably did not understand the gravity of the situation further recommended that he could issue a tree removal permit to my neighbor, but the neighbor would have to make such a call. I have tried to work with the neighbor, but unfortunately for reasons I don't quite clearly understand, the neighbor has refused to cut back or remove the tree for years allowing it to deteriorate into the state it presently is in. Finally, Mr. Barr redirected me to both Cal Fire or the Lake Valley Fire Protection District if I wanted to pursue fire/hazard mitigation. Just for clarification I have contacted both Fire agencies, but unfortunately, they have redirected me back to your agency for redress.

Now that you have the background, my question to the board is this, if the TRPA is the agency of jurisdiction in regards to such issues, then why is the TRPA is allowed to have no enforcement capabilities, either through their own enforcement division or through MOU through an enforcement agency?

Public Safety issues have always been paramount in every jurisdiction except areas covered by the TRPA! Bigger ramifications are in play that involve issues like the potential destruction of property, potential injury or death, the potential of a residential fire to grow into a conflagration because of defensible space standards not being followed, or allowing a tree in such deplorable state, which basically makes it a tinder box waiting for a spark, to accept a spark from a minor fire event, and have it grow into the next Angora or Caldor fire. If any of the situations were to be allowed to play out, then the TRPA has failed its mission! Without any enforcement, laws, codes, ordinances, or standards, are just words that have no effect and mean absolutely nothing. If the TRPA cannot or will not deal with such issues effectively, and responsibly, then it has become an oversized bureaucratic federal agency that only caters to the rich or powerful, and should be dissolved for failure to achieve its mission goals.

Charging fees for permits to mitigate hazard trees only serves to delay if not totally stop the mitigation because trees on private property have to be inspected first so that the TRPA can collect it "Removal Fee" or "Tree Tax" thus lining the TRPA's pockets. Such permits should not be required as it applies to private property, as the TRPA should have no role or say in any removals on private property other than to order removal of Hazard trees. Such fees are considered by many, even by some of the tree services, to be tantamount to extortion, because the TRPA is requiring money to inspect trees which are considered to be personal property of the property owner, thus the Federal Government is charging its citizens to regulate their personal property. It is expensive enough through tree services to have trees maintained or removed, but to have the Federal Government through the TRPA add additional fees and expenditures to remove personal property is insult on top of injury.

If the TRPA doesn't want to deal with public safety issues which would be better left up to public safety officials like fire agencies, or law enforcement agencies, who are better suited to enforcement details because of their training and experience regarding enforcement, then the TRPA needs to divorce itself from ALL public safety issues, before the unthinkable occurs and someone is injured or killed. Furthermore, if the TRPA wants to keep its role as the agency with primary jurisdiction when it comes to all tree issues in the Tahoe basin, then they need to have enforcement protocols in place. This was recommended to the TRPA in December of 2009, but as far as I can tell NEVER acted upon or put in place so natural hazards still pose a significant risk and threat to citizens who live and visit the basin.

You should ask your legal counsel or paralegal, but there is a concept in the law regarding due diligence and "DUTY OF CARE" This concept basically means that if a person or agency claims jurisdiction over a given area or subject, and a problem or issue is brought to the attention of that same agency of jurisdiction, and the agency fails to take reasonable steps or actions to remedy such issues, or fails to properly mitigate such problems, then both civil and criminal jeopardy can attach to such agencies or individuals who were effectively notified. This applies to city, county, state and federal agencies throughout the country.

Please let this document be entered into the record and serve a request to rectify such concerns as Hazard Trees Mitigation, Enforcement Failures, Failure to Exercise Due Diligence and Duty of Care and, Charging "Tree Removal Fees" for tree's owned by the actual property owner not the TRPA. Also let this document serve as constructive notice as it pertains to the TRPA's failure thus far to provide a Duty of Care as it pertains to this hazard tree under its control and purview.

Tony Risso
2009 Washoe Street
South Lake Tahoe Ca 96150
(530)600-0434

From: Concerned Citizens of South Lake Tahoe <celltowers.slt@tutanota.com>
Sent: 9/15/2023 2:17:35 PM
To: Public Comment <PublicComment@trpa.gov>; Cindy Gustafson <cindygustafson@placer.ca.gov>; Hayley Williamson <hayley.a.williamson@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; Francisco Aguilar <cisco@sos.nv.gov>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; Jessica Diss <jdiss.trpa@gmail.com>; Belinda Faustinos <belindafastinos@gmail.com>; John Friedrich <jfriedrich@cityofslt.us>; Meghan Hays <Meghan.hays9@gmail.com>; Alexis Hill <AHill@washoecounty.us>; Vince Hoenigman <vhoenigman@yahoo.com>; James Settelmeyer <JSettelmeyer@dcnr.nv.gov>; Bosfive <bosfive@edcgov.us>; Wesley Rice <wrice@douglasnv.us>; Alexandra Leumer <TRPALeumer@yahoo.com>; Julie Regan <jregan@trpa.gov>; John Marshall <jmarshall@trpa.gov>; Marja Ambler <mambler@trpa.gov>
Cc: U.S. Attorney's Office E.D.C.A. <USACAE.Environment@usdoj.gov>; U.S. Attorney's Office E.D.C.A. <usaare.webmaster@usdoj.gov>; Rob Bonta <rob.bonta@doj.ca.gov>;
Subject: 9/27/2023 TRPA G.B. Meeting—General Public Comment
Attachments: [removed.jpg](#), [removed II.jpg](#), [meeting fail.jpg](#), [public comment.jpg](#)

Dear TRPA Governing Board,

We have received multiple BCC'd emails alleging that public participants had been unlawfully removed from the September 14th hearings officer meeting teleconference before they ever had the opportunity to speak. They were never even allowed to attend. They did not violate any published rules including those in the agenda nor is it plausible that they could have as a virtual audience member.

Here are three separate instances we have received:

Exhibit A:

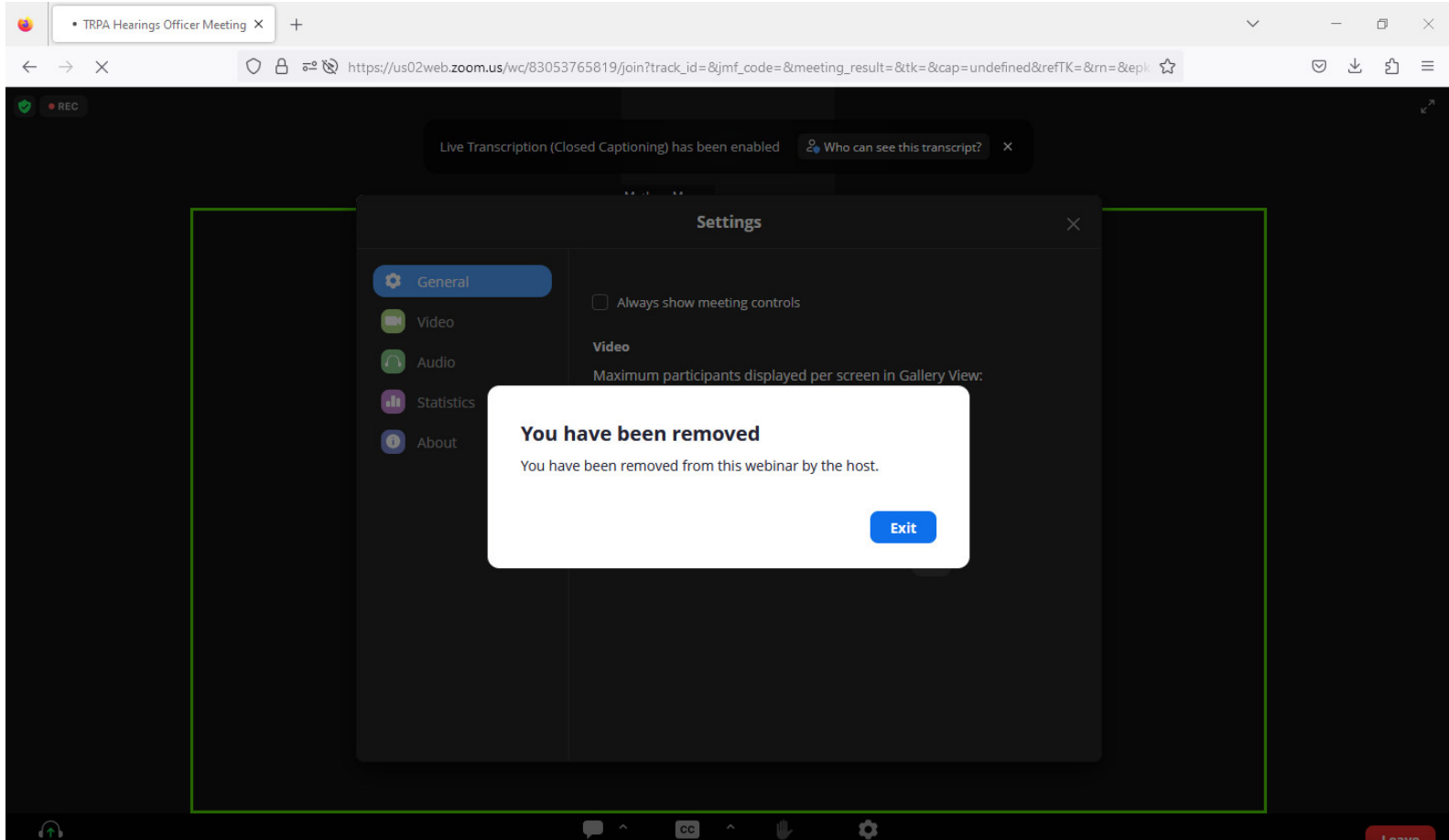
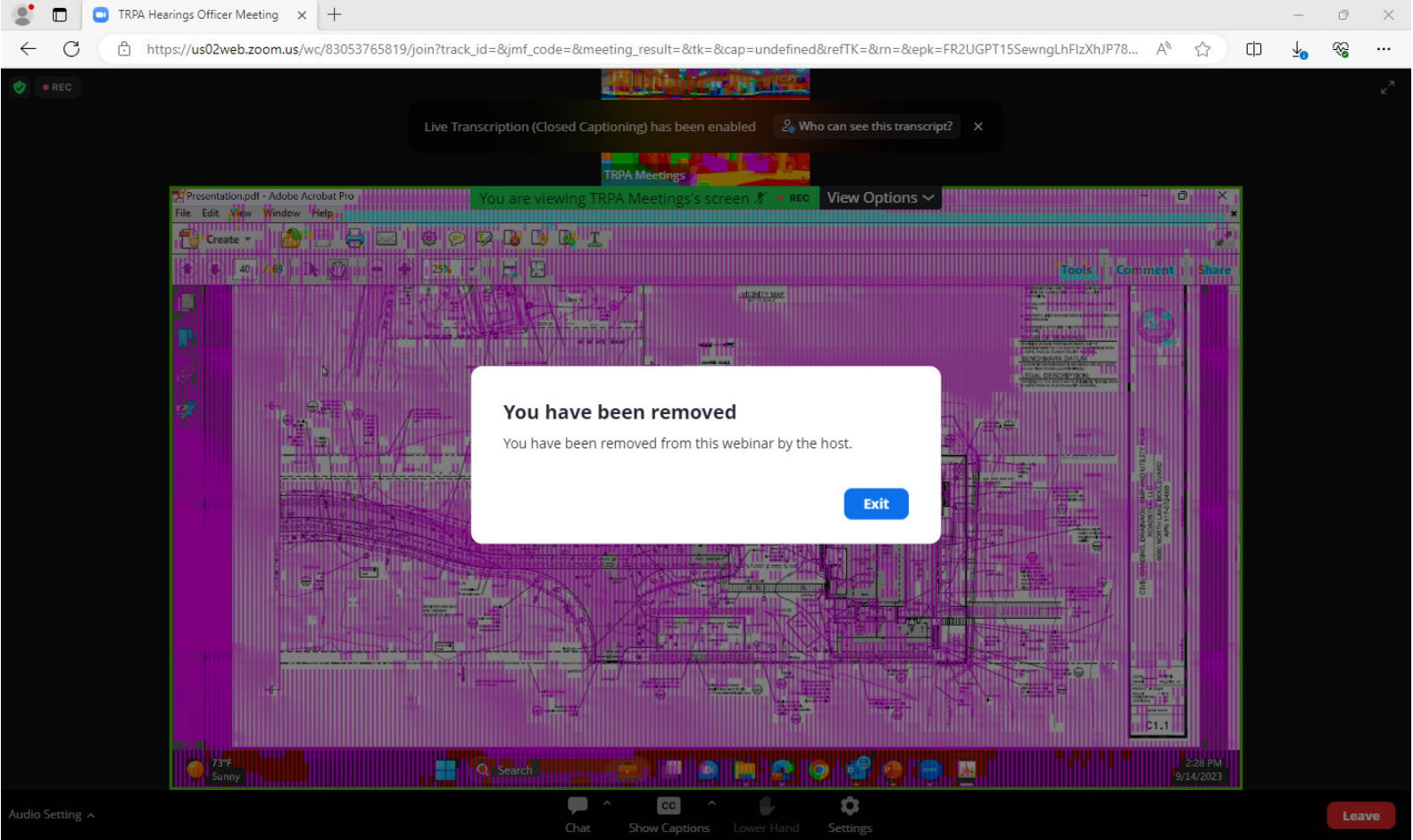
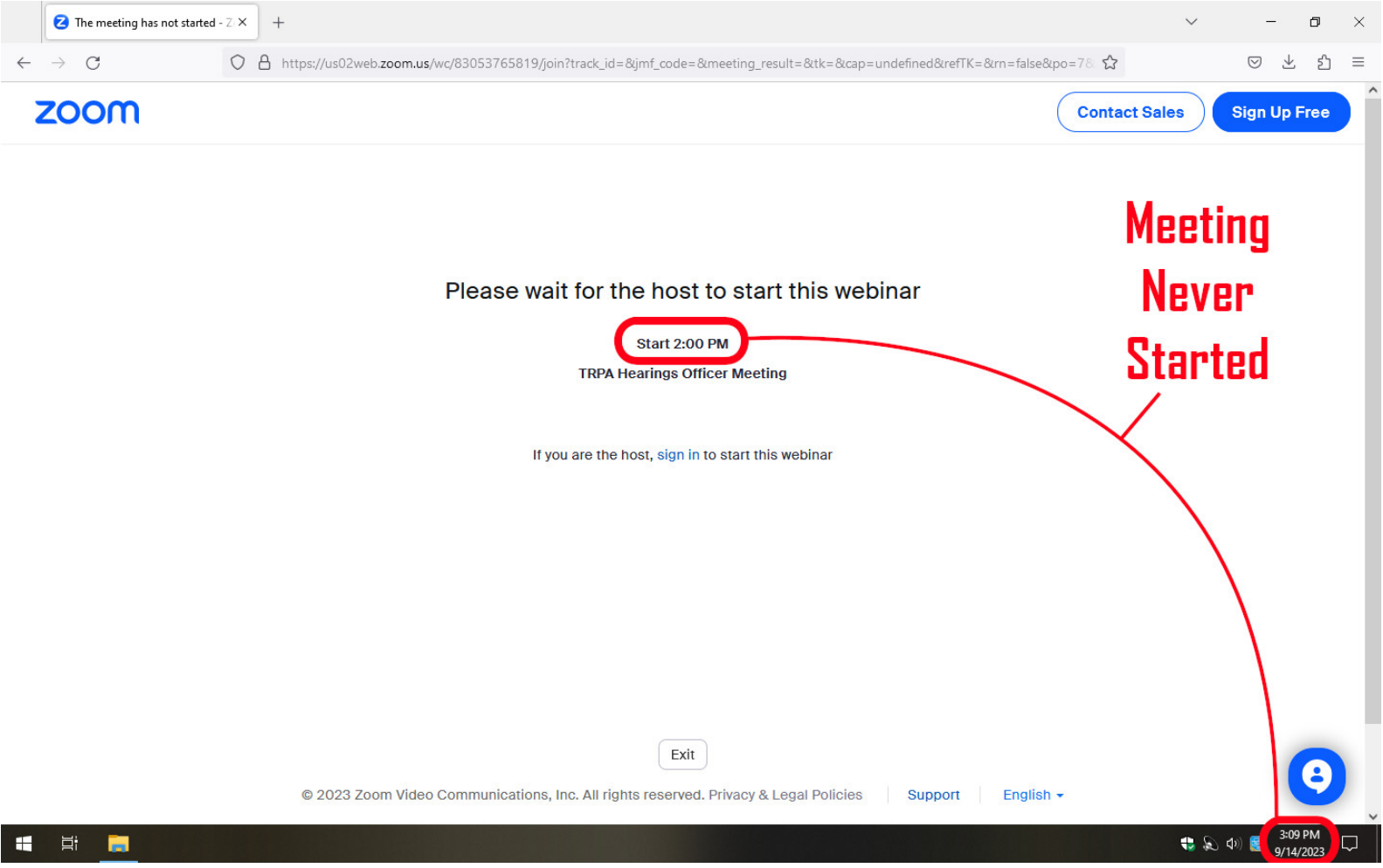


Exhibit B:



Another person stated that from their view, the meeting never started (or the host criminally prohibited them from joining):



It also appeared that somebody had been throttling our own connection to the TRPA meeting as it "timed out." It was unlikely the problem could have been on our end

as we had working gigabit internet.

The rules are clear that "Interested members of the public who are participating remotely **will be able to digitally "Raise Their Hand" during the meeting and speak when called upon...**Comments submitted during the meeting will be recorded into the record":

The September 14, 2023 Hearings Officer meeting will take place online and in-person at the TRPA office. Any interested member of the public will be able to participate and observe the meeting, either remotely or in-person. All details, including a link to the Zoom webinar, are posted below.

[Join the Hearings Officer Webinar](#)

Passcode: 566294

How To Provide Public Comment

Interested members of the public who are participating remotely will be able to digitally "Raise Their Hand" during the meeting and speak when called upon.

Comment on any agenda item before the item closes. Comments submitted during the meeting will be recorded into the record. Individuals and groups will have three minutes of public comment time.

On the day of the meeting, join from the link or phone numbers posted below. In order to make a public comment, the Zoom App must be used and the correct audio options must be enabled. For more details click the link below. [Zoom Webinar Public Participation - Click Here](#)

However, interested members of the public are clearly being disenfranchised of their ability to participate. Per the notice: "[c]omments submitted during the meeting [MUST] be recorded into the record." Therefore this emailed comment must be part of the meeting's record. It is a clear showing of bad faith on part of the agency.

This is part of a large pattern of deprivations that when viewed together certainly amount to malfeasance. Our timely public comment was never added to the meeting's webpage as required under §2.16 of the TRPA Rules of Procedure. We also received real-time BCC'd proof that several other individuals including Brent Wisner and David Chain also submitted timely comments which were also never uploaded to the meeting webpage. This **large and protracted pattern of misconduct** likely amounts to a **criminal violation of 18 U.S.C. § 241 & 42 U.S.C. § 1983** as well as state open meeting law violation.

Sincerely,

Concerned Citizens of South Lake Tahoe

From: Marja Ambler <mambler@trpa.gov>
Sent: 9/14/2023 1:55:16 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: FW: TRPA Governing Board Meeting — Sept. 27, 2023 — Public Comment

Marja Ambler
Executive Assistant
775-589-5287

-----Original Message-----

From: David Chain
Sent: Saturday, August 26, 2023 4:56 PM
To: Cindy.Gustafson ; Hayley Williamson ; Shelly Aldean ; Francisco Aguilar ; Ashley Conrad-Saydah ; Jessica Diss ; Belinda Faustinos ; John Friedrich ; Meghan Hays ; Alexis Hill ; Vince Hoenigman ; James Settelmeyer ; BOSFive@edc.gov.us ; Wesley Rice ; TRPA
Cc: Joe irvin ; Lindsey Baker ; Sheree Juarez ; sletton@cityofslt.us ; Heather Leyn Stroud ; Daniel Bardzell ; nwieczorek@cityofslt.us ; gfeiger@cityofslt.us ; showard@cityofslt.us ; kroberts@cityofslt.us ; nspeal@cityofslt.us ; Marja Ambler ; John Marshall ; Katherine Huston ; Wendy Jepson ; Jennifer Self ; Bridget Cornell ; Kenneth Kasman ; Devin Middlebrook ; Rep. Kevin Kiley@opencongress.org ; Daniel Cressy ; Vicki Lankford ; Danelle Harrison ; Erick Walker ; Charles Clark ; Kimberly Felton ; Lisa Herron ; FCC Litigation Notice ; Dan P. Nubel ; California Attorney General ; AFord@ag.nv.gov ; Susan Blankenship ; Julie Regan ; sarahshoemaker@usda.gov ; laura.conway@usda.gov ; lindsay.gusses@usda.gov ; michael.gabor@usda.gov ; Therssa Cody ; karen.kuentz@usda.gov ; brian.garrett@usda.gov ; sarah.muskopf@usda.gov ; ashley.sibr@usda.gov ; joseph.keely@usda.gov ; Jeanne Mcnamara ; Linda Allen ; Laurie Hockenberry ; Adele Gerz ; Josh Schmid ; Beth Vollmer ; Sarah Newsome ; Amy Fish ; Mason Bindl ; Andrew McClary ; Kat McIntyre ; Tracy Campbell ; Shannon Friedman ; Dennis Zabaglo ; Thomas Boos ; Emily Frey ; Shay Navarro ; Joan Douglas ; Angela Turrietta ; Victoria Ortiz ; Bridget Cornell ; Steve Sweet ; Rachel Lopez ; Brenden Phillips ; Matthew Miller ; Julie Roll ; Wendy Jepson ; Scott Robbins ; Cody Bass ; Jessica Gillies ; Tiffany Good ; Theresa Avance ; Zach Davis ; Justin Lanoff ; Alyson Borawski ; Allyson Osborn ; Trevor Smith ; Judy Faylor ; Steve Sweet ; Bruce Barr ; Michelle Glickert ; Kira Smith ; Rebecca Cremeen ; Ryan Murray ; Rachael Shaw ; Karen Fink ; Alyssa Bettinger ; Jacob Stock ; John Hester ; Paul Nielsen ; Dan Segan ; Chris Keillor ; Kathy Salisbury ; Caroline Stutzman ; Mirjana Gavric ; Kacey Daw ; Georgina Balkwell ; Steve Biddle ; Angela Atchley ; Katy Waldie ; Emergency Contact ; Jstark ; Becky Penado ; Heather Leyn Stroud ; Daniel Bardzell
Subject: TRPA Governing Board Meeting — Sept. 27, 2023 — Public Comment

Dear Tahoe Regional Planning Agency Governing Board,

Please read the attached PDF(s). The TRPA has alleged to have exonerated themselves from environmental review for cell tower applications via transferring all responsibility to the Federal Communications Commission (FCC). It is clear the FCC has abandoned their own legal duties under the National Environmental Policy Act (NEPA). Below is a published explanation by a recently retired FCC staff environmental attorney of what happens when local governments such as the TRPA defer responsibility to the FCC. The TRPA staff ought to feel humiliated for having been the only line of defense against egregious environmental fraud yet they purposefully decided to actively aid and abet in such obvious deceit. Having actual or constructive knowledge of the undermentioned publication, you now need to have command over the subject matter or else be nakedly in the dark that you are egregiously on the wrong side of history (Erica Rosenberg. Environmental Procedures at the FCC: A Case Study in Corporate Capture, Environment: Science and Policy for Sustainable Development 64:5-6, 17-27, (2022) DOI: 10.1080/00139157.2022.2131190):

You may also watch a video interview of the author:

You may also read the attached ProPublica report with very similar findings: Peter Elkind "The FCC Is Supposed to Protect the Environment. It Doesn't." ProPublica (May 2, 2023) :

You may also read ProPublica's "How the FCC Shields Cellphone Companies From Safety Concerns " (Nov. 2022) by the same author.

The FCC is a captured agency (Norm Alster. "Captured Agency: How the Federal Communications Commission Is Dominated by the Industries It Presumably Regulates," Harvard University Edmond J. Safra Center for Ethics (June 23, 2015)).

There is also a strong argument that the TRPA itself has become a real estate developer captured agency...which explains why neither agency has done anything about the science:

In summary, both the FCC and the TRPA allege they preempt our local governments over environmental regulation of radiofrequency radiation, and then they along with the USFS to maleasently ignore this legal responsibility via deliberate indifference of known adverse environmental effects such as the undermentioned ones . The aforementioned article shows the FCC corruptively declines to extend any consideration of health effects beyond those thermal effects directly affecting humans despite federal courts a decade ago finding that NEPA requires a broad construction that encompasses wildlife (Jaeger v. Cellco P'ship , No. 3:09CV567 , p. 18 , 2010 U.S. Dist. LEXIS 24394, at *26 (D.Conn. Mar. 15, 2010) ("The plain meaning of the term 'environmental effects' incorporates adverse effects on all biological organisms"). This means the FCC will almost certainly continue to ignore the degree to which radiofrequency radiation can harm frogs , trees including aspen , migratory birds, and birds of prey —which is contrary to their own regulations (47 CFR §§ 1.1307 & 1.1311) (Actions that may have a significant environmental effect, for which Environmental Assessments (EAs) must be prepared...Facilities that...May affect listed threatened or endangered species or designated critical habitats; or...are likely to jeopardize the continued existence of any proposed endangered or threatened species or likely to result in the destruction or adverse modification of...habitats...Facilities whose construction will involve significant change in surface features (e.g., wetland fill, deforestation or water diversion); The applicant shall submit an EA with each application that is subject to environmental processing...The EA shall contain the following information:...A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community....If endangered or threatened species or their critical habitats may be affected, the applicant's analysis must utilize the best scientific and commercial data available).

This proposed cell tower may clearly affect the environment (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)). "Environment" includes ecological impacts, health impacts, social and economic impacts (40 CFR §1508.1(g)(1)&(m)). See generally, 42 U.S.C. §§ 4331 -4332 ; 40 C.F.R. §§ 1500-1508 . Presidential Executive Orders 13057 and 13186 add further protective duty to FCC actions in the Tahoe Basin as well as with all actions which may effect migratory birds. The FCC needed to obtain a U.S. Fish and Wildlife Service (FWS) biological opinion pursuant to 16 U.S.C. § 1536(a)(2) ; 50 CFR §§ 402.11 , 402.14 , & 402.15 ; Verizon itself was actually required to stop construction (47 CFR § 1.1312(d)). This fiasco could have been entirely prevented with transparency, adequate public notice, and otherwise substantive due process whereas these regulations further required that "environmental information is available to public officials and citizens before decisions are made and before actions are taken" (see, Oglala Sioux Tribe v. Nuclear Regulatory Comm'n , 896 F.3d 520 (D.C. Cir. 2018)). To the contrary, Verizon initially withheld and then continually dripped out novel environmental cell tower impact information up to the second 2022 TRPA Governing Board hearing on the Ski Run Cell Tower. The information provided to the public in the 2019 "public notice" pales in comparison to what Verizon ambushed the public with at the final TRPA hearing.

It is incontrovertible that the USFS and TRPA have established Bijou Park Creek as qualifying habitat for Sierra Nevada Yellow-legged Frog. Under the Endangered Species Act, prohibited "harm" includes "significant habitat modification or degradation" (Babbitt v. Sweet Home Chapter of, Communities for a Greater Ore. , 515 U.S. 687 , 702 , 708 (1995)). Thus, this habitat as well as the endangered animal is protected from private action (id.). This is true regardless of whether the habitat is actually utilized, notwithstanding the fact that there is also compelling evidence that the habitat is in fact utilized (e.g. A , B , C , D , & E) / (e.g., 1 , 2 , 3 , 4 & 5 , 6).

The prestigious National Institute of Health—National Toxicology Program (NIH—NTP) decade-long Cell Phone study has established that radiofrequency radiation used by cell phones causes DNA damage (Smith-Roe, Stephanie L et al. "Evaluation of the genotoxicity of cell phone radiofrequency radiation in male and female rats and mice following subchronic exposure ." Environmental and Molecular Mutagenesis vol. 61,2 (2020): 276-290. doi:10.1002/em.22343) (results suggest that exposure to RFR is associated with an increase in DNA damage); Hardell, L., Carlberg, M. "Comments on the US National Toxicology Program technical reports on toxicology and carcinogenesis study in rats exposed to whole-body radiofrequency radiation at 900 MHz and in mice exposed to whole-body radiofrequency radiation at 1,900 MHz ." International Journal of Oncology 54, no. 1 (2019): 111-127. <https://doi.org/10.3892/ijo.2018.4606>) (We conclude that there is clear evidence that RF radiation is a human carcinogen; RF radiation should be classified as carcinogenic to humans, Group 1). The peer-reviewed scientific studies such as the prestigious NIH study are not "bunk science" by armchair cranks. Similar findings been produced by other well-respected scientific studies (Ioniță, E., Marcu, A., Temelie, M. et al. "Radiofrequency EMF irradiation effects on pre-B lymphocytes undergoing somatic recombination ." NATURE Sci Rep 11, 12651 (2021). <https://doi.org/10.1038/s41598-021-91790-3>). RFR radiation causes DNA damage in plants as well (Dmitry S. Pesnya & Anton V. Romanovsky, Comparison of cytotoxic and genotoxic effects of plutonium-239 alpha particles and mobile phone GSM 900 radiation in the Allium cepa test , 750 Mutation Research, 27–33, (2013), <http://dx.doi.org/10.1016/j.mrgentox.2012.08.010>).

There is a "clear and convincing " body of scientific evidence showing that radiofrequency radiation really may cause DNA damage (Henry Lai. "Genetic effects of non-ionizing electromagnetic fields ," Electromagnetic Biology and Medicine, (2021) 40:2, 264-273, DOI: 10.1080/15368378.2021.1881866) (of the 361 peer-reviewed scientific studies on the subject to date, "the majority of studies reported genetic effects of EMF (66% for RFR and 79% for static/ELF-EMF). Thus, it is safe to conclude that genotoxic effects of EMF have been reported. The most common effects found are: DNA strand breaks, micronucleus formation, and chromosomal structural changes"). This has particularly alarming implications for children (Devra Davis, Linda Birnbaum, Paul Ben-Ishai, Hugh Taylor, Meg Sears, Tom Butler, Theodora Scarato, "Wireless technologies, non-ionizing electromagnetic fields and children: Identifying and reducing health risks ," Current Problems in Pediatric and Adolescent Health Care, Volume 53, Issue 2, (2023), <https://doi.org/10.1016/j.cppeds.2023.101374>).

DNA damage is merely one of a myriad of non-thermal environmental effects apparently caused by radiofrequency radiation. The precautionary principle requires us to at least assess the potential environmental impacts of radiofrequency radiation under the worst case scenario (cf., Pearce, J M. "Limiting liability with positioning to minimize negative health effects of cellular phone towers ." Environmental Research vol. 181 (2020): 108845. doi:10.1016/j.envres.2019.108845).

The FCC is not even concerned about the established limits for thermal effects being applied to wildlife—or anything other than to humans (47 CFR § 1.1307 ; supra, Jaeger v. Cellco P'ship , at 18 ("The plain meaning of the term 'environmental effects' incorporates adverse effects on all biological organisms")). Cell towers—especially those mimicking natural tree habitat—are dangerous near field radiation traps—vastly exceeding thermal human exposure limits —for taking migratory birds and bald and golden eagles (16 USC §§ 668 , 668c , & 703 ; 47 CFR § 1.1310)!

The FCC's radiofrequency radiation exposure limits have been outdated by modern science, yet the FCC arbitrary and capriciously refuses to update them (International Commission on the Biological Effects of Electromagnetic Fields (ICBE-EMF) (Scientific evidence invalidates health assumptions underlying the FCC and ICNIRP

exposure limit determinations for radiofrequency radiation: implications for 5G . Environ Health 21, 92 (2022). <https://doi.org/10.1186/s12940-022-00900-9>; see also, Environmental Health Trust v. Federal Communications Commission , 9 F.4th 893, 903 (D.C. Cir. 2021) ("we find the Commission's order arbitrary and capricious in its failure to respond to record evidence that exposure to RF radiation at levels below the Commission's current limits may cause negative health effects"). The FCC has blatantly ignored the public policy imperatives which clearly arise from the current body of science (Levitt, B Blake et al. "Effects of non-ionizing electromagnetic fields on flora and fauna, Part 3. Exposure standards, public policy, laws, and future directions ." Reviews on Environmental Health vol. 37,4 531-558. 27 Sep. 2021, doi:10.1515/reveh-2021-0083 ; see, Western Watersheds Project v. Bureau of Land Management , 971 F.Supp.2d 957, 976 (E.D. C.A. 2013) (Even when NEPA review of a particular project is complete, the agency is obligated to conduct additional review when it learns of significant new circumstances or information that affects the proposed action); Marsh, Secretary of the Army, et al. v. Oregon Natural Resources Council et al. , 490 U.S. 360, 371 (1989) ("It would be incongruous with [NEPA's] manifest concern with preventing uninformed action, for the blinders to adverse environmental effects, once unequivocally removed, to be restored prior to the completion of agency action simply because the relevant proposal has received initial approval"); ForestKeeper v. La Price , 270 F.Supp.3d 1182, 1211 , 1225 (E.D. C.A. 2017) (Under NEPA, an agency must supplement an environmental assessment or environmental impact statement (EIS) if new information shows that the remaining action will affect the quality of the human environment in a significant manner or to a significant extent not already considered; NEPA prohibits an agency from using a supplemental information report (SIR) to analyze information the agency knew or should have known at the time it prepared the original environmental assessment); see also, Cottonwood Environmental Law Center v. Bernhardt , 796 Fed.Appx. 368, 370-1 (9th Cir. 2019) (holding management plan constituted ongoing federal action, as could support claim under NEPA for supplementation of EIS)).

The FCC and TRPA may not use "ex post facto" environmental review which would be arbitrary and capricious per se. "[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'" (supra, Environmental Health Trust v. Federal Communications Commission , at 910 (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. Env't. Prot. Agency , 31 F.4th 1203 , 1206-7 (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 may 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 supra, State Farm , at 43)); see also, Kisor v. Wilkie , 139 S. Ct. 2400 , 2417 (2019) (noting a court should decline to defer to a post-hoc rationalization advanced to defend past agency action against attack); San Luis & Delta-Mendota Water Authority v. Jewell , 747 F.3d 581, 603 (9th Cir. 2014)).

After all, it is "NEPA's purpose to ensure that agencies consider environmental impacts before they act rather than wait until it is too late" (supra, American Bird Conservancy, Inc. v. F.C.C. , at 1033-1034 ; Oglala Sioux Tribe v. Nuclear Regulatory Comm'n , at 520 (The National Environmental Policy Act...obligates every federal agency to prepare an adequate environmental impact statement before taking any major action...The statute does not permit an agency to act first and comply later); supra, Marsh, Secretary of the Army, et al. v. Oregon Natural Resources Council et al. , at 371 (NEPA is intended to "prevent or eliminate damage to the environment . . . by focusing government and public attention on the environmental effects of proposed agency action"); City of Tenakee Springs v. Clough , 915 F.2d 1308, 1313 (9th Cir. 1990) (National Environmental Policy Act (NEPA) requires consideration of potential impact of action before action takes place; where several actions have cumulative or synergistic environmental effect, that consequence must be considered in environmental impact statement (EIS)); Neighbors of Cuddy Mountain v. U.S. Forest Service , 137 F.3d 1372, 1380 (9th Cir., 1998) (It is inappropriate, under NEPA, for agency to defer consideration of cumulative impacts of actions to future date; NEPA requires consideration of potential impact of action before action takes place); supra, ForestKeeper v. La Price , at 1211 (NEPA's purpose is to ensure that federal agencies take a hard look at the environmental consequences of their proposed actions before deciding to proceed). See also, Sierra Club v. Tahoe Regional Planning Agency , 840 F.3d 1106, 1115 (9th Cir. 2016) (Decisions under NEPA are authoritative); ForestKeeper v. Elliott , 50 F.Supp.3d 1371, 1378 (E.D. CA. 2014) (NEPA procedures are substantive rules whose violation may invalidate an agency action).

The evidence is imperative that the FCC and TRPA must act to prevent harm to the environment from radiofrequency radiation (Levitt, B Blake et al. "Low-level EMF effects on wildlife and plants: What research tells us about an ecosystem approach ." Frontiers in Public Health vol. 10 1000840. 25 Nov. 2022, doi:10.3389/fpubh.2022.1000840) (There is enough evidence to indicate we may be damaging non-human species at ecosystem and biosphere levels across all taxa from rising background levels of anthropogenic non-ionizing electromagnetic fields (EMF) from 0 Hz to 300 GHz). "[A]n agency cannot simply ignore evidence suggesting that a major factual predicate of its position may no longer be accurate" (supra, Environmental Health Trust v. Federal Communications Commission , at 907). Notwithstanding whatever the probability that RFR causes DNA damage, because of the dire consequence of genetic damage and the vast number the cell tower deployments, the risk to the environment is extreme (see, Kaplan, S.; Garrick, B.J. (1981). "On the Quantitative Definition of Risk." Risk Analysis. 1 (1): 11–27. doi :10.1111/j.1539-6924.1981.tb01350.x). The FCC's and TRPA's legal duty—under the calculus of negligence—to protect the public and the environment has been breached (United States v. Carroll Towing Co. , 159 F.2d 169 (1947) (holding the duty to provide against resulting injuries is a function of three variables: (1) The probability that injury will occur; (2) the gravity of the resulting injury; (3) the burden of adequate precautions)). Thus, the arbitrary and capricious refusal of both the FCC and TRPA to reconsider and mitigate the environmental effects of radiofrequency radiation in light of the current science is unconscionable.

The only due process over RFR limits—the 1996 FCC "notice of proposed rulemaking (NPRM) " (61 FR 41006 (1996); 61 FR 42021 (1996); FCC 96-326 (1996)) for NEPA regulation promulgating the current radiofrequency exposure limits (47 CFR § 1.1310)—occurred nearly thirty years ago. Anyone who was legally an adult freely at liberty to submit written comment to the FCC would be at least forty-six years old today. According to the 2020 United States Census—Age and Sex Composition in the United States , 58 percent of the population today was not an adult in 1996 and therefore was never afforded their due process right—"an opportunity to be heard"—regarding the FCC's RFR exposure limits! Of the 42 percent of Americans who were adults during the NPRM, none of them were able to foresee the growing body of science which would later show adverse non-thermal environmental effects far below those exposure limits. Whereas today there is functionally no recourse to challenge the approval of new cell towers on the grounds of RFR levels which do not exceed the 1996 limits, and such exposure levels result in the "taking of life, liberty, or property ," there is an egregious due process of law violation (see, Mullane v. Central Hanover Tr. Co. , 339 U.S. 306, 313 , 314 (1950) (requisite of due process of law is the opportunity to be heard). Moreover, the FCC's giving license to the telecommunications companies to install cell towers which pervasively, systemically, and indiscriminately damage the DNA of living things—as to potentially amount to ecocide—concurrently encroaches on violating the "major questions doctrine " or the "non-delegation doctrine ."

Let's be clear, Congress did not set the radiofrequency exposure limits, it delegated that responsibility to the FCC (Telecommunications Act of 1996, Pub. L. No. 104-104 , § 704(b), 101 Stat. 56, 152 (directing Commission to "prescribe and make effective rules regarding the environmental effects of radio frequency emissions"); see also, 34 FCC Rcd 11687 (14) at 11689 n.5). The FCC must harmonize its responsibilities under Telecommunications Acts (TCA) with all other duties given by Congress under federal law. The FCC has never been given "clear congressional authorization" to violate the National Environmental Policy Act (NEPA), the Americans With Disability Act (ADA), the Endangered Species Act (ESA), or the Migratory Bird Treaty Act (MBTA). When the FCC promulgated regulation of radiofrequency exposure limits in 1996, it was not obvious that their regulation was in conflict those congressional acts. However, those limits are now invalidated by three decades of science which evidences that a substantive violations of these federal laws are actually occurring. The FCC and the courts are not in a "Hobson's choice " between violating the TCA or the ADA, because the TCA does not set radiofrequency exposure limits. That is a completely bogus argument! The FCC simply needs to regulate radiofrequency exposure limits in any manner of its choosing which does not violate its concurrent obligations under broader federal law. The FDA and the EPA are not delegated the responsibility to do this for the FCC (e.g, Senate Report 104-140 , p. 91 (1996) ("EPA shall not engage in EMF activities"); Mouzaffar, Hala. (2021) "The FCC Keeps Letting Me Be: Why Radiofrequency Radiation Standards Have Failed to Keep Up With Technology ". University of Pittsburgh Law Review 83 (1). <https://doi.org/10.5195/lawreview.2021.826>). The FCC arbitrarily and capriciously acts "contrary to law" and "without authority" when it violates NEPA, ESA, MBTA, ADA, or "inalienable" constitutional rights, which perhaps more broadly invokes the "major questions doctrine " (see, Decker v. Northwest Environmental Defense Center , 568 U.S. 597, 609 (2013) (Regulations, in order

to be valid, must be consistent with the statute under which they are promulgated); *United States v. Larionoff*, 431 U.S. 864, 873 (1977) (In order to be valid, regulations must be consistent with the statute under which they are promulgated); *Credit One Bank, N.A. v. Hestrin*, 60 F.4th 1220, 1231 (9th Cir. 2023) (An agency's regulation cannot trump the Supreme Court or Congress)).

The FCC has been usurping local governments ability to protect the inalienable due process rights of their constituents. Their deliberate indifference has pervasively resulted in the taking of life, liberty, or property without any due process addressing the core issue of radiofrequency exposure. It has resulted in the installation of cell towers next to migratory bird and eagles nests, endangered animal habitat, children, and detrimentally adjacent to the homes of cancer patients! The substantive component of the Due Process Clause is violated by executive action when it "can properly be characterized as arbitrary, or conscience shocking, in a constitutional sense" (see, *County of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998) (quoting *Collins v. Harker Heights*, 503 U.S. 115, 128 (1992); *Clark v. City of Hermosa Beach*, 48 Cal.App.4th 1152, 1183 (1996) (the due process clause precludes arbitrary and irrational decisionmaking)). The FCC and TRPA's actions have been egregiously both "arbitrary" and "conscience shocking."

Whereas TRPA claims the "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" it must act now (TRPA Governing Board Meeting, March 23, 2022, Agenda Item No. VIII.B, Staff Report). The United States has RF limits which are way higher than most European and other advancing countries:

Please act now and protect the Tahoe Basin, or else you may suffer the same fate as the incompetent government officials who failed to act in the Flint Water Crisis (e.g, *Waid et al v. Snyder et al.* (E. D.Michigan) (granting \$626.25 million to victims); see also, *In re Cincinnati Radiation Litigation*; *Morris L. Hawk, The "Kingdom of Ends": In Re Cincinnati Radiation Litigation and the Right to Bodily Integrity*, 45 Case W. Rsrv. L. Rev. 977 (1995). Available at: <https://scholarlycommons.law.case.edu/caselrev/vol45/iss3/8>).

Sincerely,

David Chain

The purpose of copyright law is "to Promote the Progress of Science and useful Arts" (U.S. Const. art. I, § 8, cl. 8). The House Committee on the Judiciary explicitly listed "reproduction of a work in legislative or judicial proceedings or reports" as an example of a fair use (H.R. Rep. No. 94-1476, 65 (1976)). Introducing entire copyrighted works in official governmental proceedings is generally fair use (*Sony Corp. of Am. v. Universal City Studios, Inc.*, 464 U.S. 417, 449-50 (1984) ("the fact that the entire work is reproduced...does not have its ordinary effect of militating against a finding of fair use"); *Jartech, Inc. v. Clancy*, 666 F.2d 403 (9th Cir. 1982) (holding that the city councils use of copyrighted material in the legal proceedings was not "the same intrinsic use to which the copyright holders expected protection from unauthorized use"); *Stern v. Does*, 978 F. Supp. 2d 1031, 1044-49 (C.D. Cal. 2011) (reproduction of copyrighted material for use in litigation or potential litigation is generally fair use, even if the material is copied in whole); *Ty, Inc. v. Publications Intern. Ltd.*, 292 F.3d 512 (7th Cir. 2002) (reproducing copyrighted works for litigation is an example of the fair use doctrine); *Healthcare Advocates, Inc. v. Harding, Earley, Follmer & Frailey*, 497 F.Supp. 2d 627, 638 (E.D. Pa. 2007) (holding that law firm's copying of an entire set of copyrighted web pages was justified where the web pages were relevant evidence in litigation); *Hollander v. Steinberg*, 419 Fed.Appx. 44 (2d Cir. 2011) (affirming dismissal of a copyright case by an attorney, where opposing counsel in an earlier civil action had appended that attorney's blog entries to a motion); *Religious Tech. v. Wollersheim*, 971 F.2d 364 (9th Cir. 1992) (holding that providing copies of the plaintiff's copyrighted documents to the defendant's expert witness was fair use); *Porter v. United States*, 473 F. 2d 1329 (5th Cir. 1973) (rejecting a claim by the widow of Lee Harvey Oswald that she was entitled to compensation because the publication of Oswald's writings in the Warren Commission Report diminished the value of the copyright in those works); *Kulik Photography v. Cochran*, 975 F. Supp. 812 (E.D. Va. 1997) (dismissing on jurisdictional grounds of a copyright infringement suit brought by the author of a photograph that was used without permission in the O.J. Simpson murder trial); *Levingston v. Earle*, No. 3:2012cv08165 (D. Ariz. 2014) (holding that appending a full copy of an author's book to a pleading, in a harassment proceeding against that author, was fair use); *Grundberg v. the Upjohn Co.*, 140 F.R.D. 459 (D. Utah 1991) (rejecting the defendant's attempt to register a copyright in its document production in order to restrict the plaintiff's use and public dissemination of those documents); *Shell v. City of Radford*, 351 F.Supp.2d 510 (W.D. Va. 2005) (dismissing a copyright infringement suit by a photographer whose photographs were copied and used by detectives investigating the murder of the photographer's assistant); *Denison v. Larkin*, 64 F. Supp. 3d 1127 (N.D. Ill. 2014) (dismissing with prejudice Plaintiff attorney's suit against defendants for using portions of her copyrighted Blog as evidence against her in an attorney disciplinary proceeding); *Carpenter v. Superior Court (Yamaha Motor Corp., USA)*, 141 Cal.App.4th 249 (2006) (holding the plaintiff in a personal injury action could gain access to certain standardized neurological tests over an objection that the tests were protected by, *inter alia*, copyright law)).

See also, DOJ Guidance on Copyrighted Materials and Public Records Acts (FOIA is designed to serve the public interest in access to information maintained by the government...disclosure of nonexempt copyrighted documents under the FOIA should be considered a "fair use"); *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978) (The basic purpose of FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed).

From: Yolanda Wiehe <yolanda7777@rocketmail.com>
Sent: 9/13/2023 10:28:15 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Please change zoning for area one back!

PLEASE SAVE OUR BUSINESSES THAT RENT in area 1 (INCLINE VILLAGE)

Please **change the Tahoe Blvd zoning back-WE NEED OUR BUSINESSES. THEY CAN BUILD THEIR MULTI MILLION DOLLAR CONDOS ELSEWHERE-NOT IN THE PLACE OF OUR BUSINESSES.** I understand the mixed concept, but that won't help. You need to understand that 56 plus businesses are at risk. The idea of putting businesses in the parking garage with exorbitant rents, won't work. Incline Village is not like Sparks or Reno, if a business loses their lease, they end up closing their doors for good. There is not an affordable location in the area, to which they can move. Incline Village Residents would then be driving (and make traffic worse-already a problem, but it's NOT being addressed) to Carson City for goods and services. Please save our 56 plus businesses in area one and reverse your bad decision to change zoning in area one.

**Thank you,
Yolanda Knaak
Incline Village Resident**

From: Yolanda Wiehe <yolanda7777@rocketmail.com>

Sent: Thursday, September 7, 2023 9:51 PM

To: meclark@washoecounty.gov; Jeanne Herman <jherman@washoecounty.gov>; Clara Andriola <candriola@washoecounty.gov>; Mariluz C. Garcia <mcgarcia@washoecounty.gov>; Alexis Hill <ahill@washoecounty.gov>

Cc: Marja Ambler <mambler@trpa.gov>; Cindy Gustafson <cindygustafson@placer.ca.gov>; Hayley Williamson <hayley.a.williamson@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; cisco@govsos.nv; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>

Subject: Fw: flyer re: businesses

Dear County Commissioners,

I don't understand why the County Commissioners voted in favor of 947 Tahoe Blvd last January, especially without clearing up the zoning issue first. I spoke to 3 Incline Village CAB members and it wasn't until April 2023 that they started to realize that there was a zoning problem, SO WHY WAS IT APPROVED IN JANUARY? It seems like you deceived us, by not telling us re the zoning problem. I went to the public meetings, not one word about the zoning issue.

PLEASE SAVE OUR INCLINE VILLAGE BUSINESSES. I received this flyer which is a pdf below. Please look at page 2, the column on the far right, it's an incomplete list of businesses in area 1. The 56 businesses listed (plus others not on the list) may be severely affected by the drastic move to NOT follow the Tahoe Area Plan and allow condos in area 1. Now granted, it's not going to happen over night, but probably within 5 years or less. When a building owner is faced with \$50,000.00 in repairs (not uncommon with severe weather), they will instead sell to a developer for 2 million. I'm aware of the requirement of 'mixed use' (what ever that means), but basically the business space will be in the basement, very limited and unaffordable.

Please understand, this is not Reno, or Sparks. When these businesses close their doors, there is not another space in Incline Village for them to rent. Residents in Incline Village depend on these 56+ businesses, otherwise we have to drive to Carson City. Keep in mind that roads are not always open with severe weather and in the Summer there are endless delays due to road work. **Essentially putting 56+ businesses out of business is a travesty, it would destroy our community.**

PLEASE SAVE OUR 56+ BUSINESSES, FOLLOW THE TAHOE AREA PLAN AND REVERSE ALLOWED USE OF CONDOS IN AREA 1.

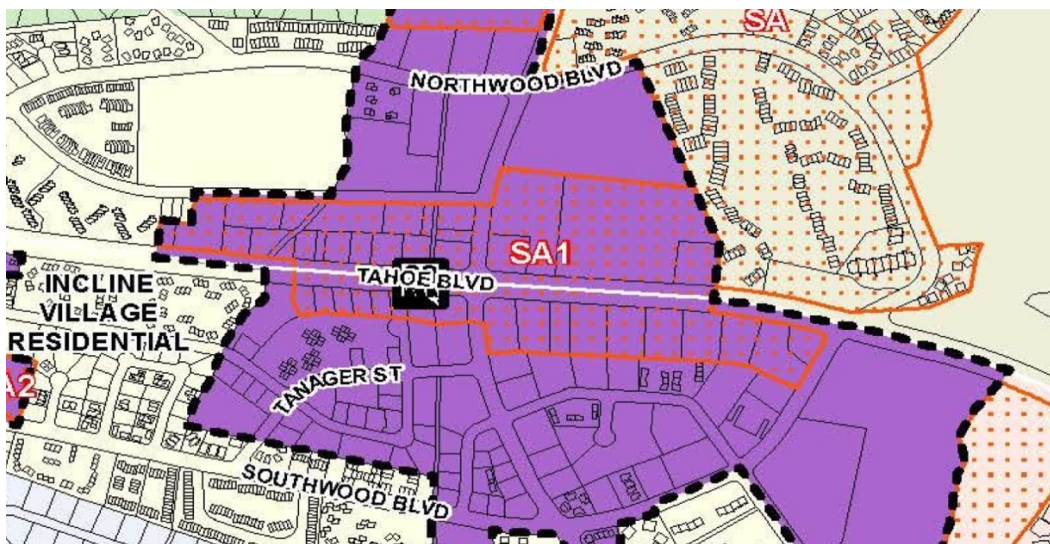
Thank you,

Yolanda Knaak
Incline Village Resident

Proposed Rezoning of Incline Village Town Center

As a business owner in Incline Village, you should be aware of a **proposed zoning change** that could affect your business. The current Tahoe Area Plan (2021) zones the town center of Incline Village, which includes Special Area 1 (see map), for commercial, mixed-use, and multi-family housing (apartments). It excludes single-family dwellings - houses and condominiums.

The proposed Tahoe Area Plan Amendment would allow condos to be built in Special Area 1. The county's rationale for this change is the desire to bring in development money to revitalize the area. While Incline's central area would benefit from redevelopment consistent with community needs, an influx of luxury condominiums, made possible by the zoning change, will consume what little rental space is available for workforce housing and commercial businesses. You need to determine if this Tahoe Area Plan amendment benefits or harms your business.



Learn more:

- Tahoe Area Plan – See section 2-15, Goal LU3-6 on pages 2-28 thru 2-32. https://www.trpa.gov/wp-content/uploads/documents/WCTAP_Final_Full.pdf
- Proposed rezoning amendment application – https://www.washoecounty.gov/csd/planning_and_development/applications/files-planning-development/comm_dist_one/2022/Files/WDC22-0002app.pdf
- Staff report to TRPA staff report recommending zoning amendment – <https://www.trpa.gov/wp-content/uploads/RPIC-Agenda-Item-No-3-Washoe-County-Tahoe-Area-Plan-Amendment-Staff-Report.pdf>

Make your voice heard:

- Email Tahoe Regional Planning Agency governors: mambler@trpa.gov, cindygustafson@placer.ca.gov, hayley.a.williamson@gmail.com, shellyaldean@gmail.com, cisco@sos.nv.gov, ashleyc@alumni.princeton.edu, jdiss.trpa@gmail.com, belindafastinos@gmail.com, jfriedrich@cityofslt.us, ajhicks@McDonaldcarano.com, AHill@washoecounty.us, vhoenigman@yahoo.com, jsettelmeyer@dcnr.nv.gov, BOSFive@edcgov.us, wrice@douglasnv.us
- Make general public comment via zoom or in person at the TRPA Governing Board meeting. Date tbd either Apr 26 or May 24. Agenda published one week before at <https://www.trpa.gov/meeting-materials/>

Parcels in SA1 Zone Area - Incline Village	Address	Owner	Name of Complex/Some Businesses
	Washoe County Clerk Parking Lot	WASHOE COUNTY	Justice Center
	UNSPECIFIED	UNITED STATES OF AMERICA	
	UNSPECIFIED	HIGH SIERRA GARDENS INC	Plant Nursery
	877 ALDER AVE	Speckert Trust Bruce L / Speckert Trustee Bruce L	Vacant
	889 ALDER AVE	Chim Marilyn M/Marilyn M Chim Living Trust	Medical Building
	UNSPECIFIED	FLEISHER LAND LLC	Vacant
	UNSPECIFIED (Silver Land From Tahoe Blvd to Alder)	TUNA VILLAGE LLC	Vacant
	333 VILLAGE BLVD	TUNA VILLAGE LLC	Menath Insurance/Summit Pilates
	317 VILLAGE BLVD	GATELY ENTERPRISES USA LLC	https://bonellarchitecture.com/porfolio/gately-enterprises-building-incline-village-nevada/
	898 TAHOE BLVD	Sparks Family Trust D & M/ Sparks Trustee Dan M	Chevron Station
	UNSPECIFIED (between Christmas Tree and Gas Station)	FLEISHER LAND LLC	Vacant
	868 TAHOE BLVD	PENGUIN PROPERTIES LLC	Christmas Tree Village Shops/Restaurants
	880 TAHOE BLVD	PENGUIN PROPERTIES LLC	Christmas Tree Village Shops/Restaurants
	872 TAHOE BLVD	PENGUIN PROPERTIES LLC	Christmas Tree Village Shops/Restaurants
	870 TAHOE BLVD	PENGUIN PROPERTIES LLC	Christmas Tree Village Shops/Restaurants
	868 TAHOE BLVD	PENGUIN PROPERTIES LLC	Christmas Tree Village Shops/Restaurants
	866 TAHOE BLVD	HIGH SIERRA GARDENS INC	Plant Nursery
	856 TAHOE BLVD	LAMAR TAHOE HOLDINGS LLC	Lakeside Lawyers/Jeremy Krenek
	855 ALDER AVE	WASHOE COUNTY	Sheriff Substation
	845 ALDER AVE	WASHOE COUNTY	Library
	836 TAHOE BLVD	WASHOE COUNTY	Vacant area adjacent to Library
	873 TAHOE BLVD	EVC INCLINE VILLAGE LLC	New Grocery Store
	877 TAHOE BLVD	NLI PROPERTY LLC	NULeaf
	881 TAHOE BLVD	Draheim-Kesler Family Trust Barbara J / Kesler Trustee Randall P	Woodstove Distributors
	885 TAHOE BLVD	KAHN INVESTMENT COMPANY	Mountain Workspace
	889 TAHOE BLVD	LAKE STREET PARTNERS LLC	Incline Liquor, Talbott Gallery, Around Tahoe Tours, 3 apt units
	899 TAHOE BLVD	DAVIS A M MERCANTILE CO	Starbucks, Susie Scoops
	893 TAHOE BLVD	Davis A M Mercantile Co	Sageleaf, Vista Trail Bikes, Wings Korean Chicken
	901 TAHOE BLVD	Tantara LLC	7/11 Store, Incline Burgers, Thai Recipe, Cinema
	907 TAHOE BLVD #11	KASDEN/FRANK DEVELOPMENT LLC	Incline Plaza (Bite, Drink Coffee Do Stuff, Holm Elec, The Local)
	913 TAHOE BLVD	Kasden Family Trust / Kasden Trustee Gary & Megan	Aspen Plaza (Financial Services, Lawyer, DC Plates, Therapist, Sierra Con)
	917 TAHOE BLVD	BYE BYE BENTON LLC	Rainbow Printing, various medical offices, Chase Realtor
	923 TAHOE BLVD	923 TAHOE BLVD HOLDINGS LLC	Various real estate offices, ADC, US Bank
	925 TAHOE BLVD	SIERRA NEVADA MEDIA GROUP	Tahoe Orthopedics and Sports, various medical and insurance offices, Bonanza office
	931 TAHOE BLVD	DANIEL C JACUZZI	Alibi Aleworks
	937 TAHOE BLVD	DG KIDS INC	OnTrac Drop Box, CPA offices
	941 TAHOE BLVD	PAL CAP FFIF TAHOE 1 LLC	Nine 47 Tahoe
	947 TAHOE BLVD	PAL CAP FFIF TAHOE 1 LLC	Nine 47 Tahoe
	938 TAHOE BLVD	WELLS FARGO BANK NEVADA NA	Wells Fargo Private Bank
	930 TAHOE BLVD	INCLINE CENTER(Trust by Steinberg)	Raleys, Rookies, Jiffys
	910 TAHOE BLVD #101	MICHAEL J TEEL / JULIE R TEEL	Mountain Hardware, Umppqua Bank
	900 TAHOE BLVD	BANK BUILDING INC	Merrill Lynch Wealth Mgt

Background information for Canvassers.

Date	Agent	Action	Results
2019-2020	TRPA and IV community	Updates the Tahoe Area Plan	TAP published on January 26, 2021 Designates zoning for Special Area 1 as commercial, mixed-use, and multi-family apartments
2021, Jun	Developer of 947 Tahoe	Applies for a permit to build a mixed use (multi-family, commercial) development at 947 Tahoe	Approved by TRPA, complies with TAP zoning
2021, betw Jun-Dec	Developer of 947 Tahoe	After initial approval, requests to change from multi-family to condominiums	Not approved, as non-compliant with TAP zoning
2022, Jan 3	Developer of 947 Tahoe	Presents to IV/CB Citizens Advisory Board	Presents plans for 40-unit condo complex with units priced \$2.6-\$5.5M. No discussion of zoning.
2022, Jan 21	Developer of 947 Tahoe	Holds community meeting	No mention of rezoning.
2022, Feb	WC Planning Department	Replies to concerned residents that the project complies with zoning	"The proposed density of 40 multi-family units on the two adjacent parcels is allowed by right per the Tahoe Area Plan, subject to all the minimum design standards for height, setbacks, aesthetics, etc." No mention of land use policies.
2022, Jun 22	TRPA Governing Board	Approves project.	Note: Developer had modified plans, converting a bicycle locker to a 925 sq.ft. office.
2022, betw Jun 22 & Aug 17	Unknown; reported by HN	Informs WC and TRPA that condominiums are not allowed in Special Area 1, per Tahoe Area Plan	Developer applies for an amendment to the zoning regulation
2022, Aug 22		Presents proposed zoning change to WC Planning Commission; emphasizes incentivizing redevelopment by allowing condos in SA-1, more eco viable projects allowed.	NEED TO CHECK. WERE THERE TWO MEETINGS ON AUG 22?
2022, Aug 22	Rob ? TRPA Courtney Weiche, WC Developer	Conducts community meeting informing residents of the proposed zoning change	Discussion of zoning of 947, but no discussion of a zoning change to all of Special Area 1.
2022, Nov 1	WC Planning Commission	Unanimously approves the amendment	Moves to first reading
2022, Dec 13	WC Board of Commissioners	First reading – amendment approved	Moves to second reading
2023, Jan 17	WC Board of Commissioners	Second reading – amendment approved	Moves to TRPA
2023, Feb 22	TRPA Governing Board	Receives presentation on amendment	Informational only; no action
2023, Mar 8	TRPA Advisory Planning Commission	Hold public hearing; comments centered on definition of mixed-use, deed restrictions on STRs, need for workforce housing	6 approvals; 4 denials; 2 abstaining. Seven votes needed to pass so the decision to recommend approval to the TRPA Governing Board failed.
2023, Mar 22	TRPA Regional Planning Implementation Committee	Considerable public comment, mostly opposed to the amendment	Recommend to Governing Board zoning carve-out for 947 Tahoe but not all of Special Area 1 in a 3-2 vote. Moves to TRPA Governors.
2023, Apr or May	TRPA Board of Governors	Agenda not published, but vote to approve/reject the amendment a likely action item	

Implications:

- Because there is no definition of *mixed use*, retail space may be limited.
- The preference given to apartments for workforce housing in the 2021 TAP will be over-ridden.
- During TAP community meetings, residents opposed raising height and density limits in the town center, When informed that limits were raised to promote space for workforce housing, residents' concerns were alleviated. 947 Tahoe is a four-story building, so \$5M condos are exercising the raised height limits originally accepted by residents in the interest of workforce housing.
- The county stands to gain more tax revenue from development of high-end properties than from the development of workforce housing. This could be influencing their recommendations.
- Four large development projects are underway on the north shore of Lake Tahoe: Waldorf-Astoria Lake Tahoe (previously known as Boulder Bay), Cal-Neva redevelopment, Latitude 39 in Kings Beach, and 947 Tahoe. Some individual traffic and environment studies have been done, but cumulatively, these developments lack:
 - An environmental impact study
 - A traffic impact study, especially focused on a possible wildfire evacuation from North Tahoe
 - Plans for addressing the effect on existing small businesses, especially those that service the local population
 - Impact on workforce housing
- Redevelopment of the Incline Village town center could bring benefits to the community:
 - A more appealing look to the area
 - Safer walkable, bikeable paths through the area
 - Improved road design to slow traffic in congested areas
 - Positive economic gain from broader appeal to tourists
 - IF, done with community input and proper process, development of sufficient workforce housing, proper consideration of the needs of small businesses impacted by redevelopment (rent, relocation, down time)
- Redevelopment of the Incline Village town center, carried out without the studies listed above (before approval), could harm the community:
 - Replacement of the workforce population (police, firefighters, teachers, nurses, doctors, road maintenance workers, snow removal crews, etc.) with part-time, wealthy residents.
 - More Short Term Rentals further hollowing out the community by replacing people who have a long term interest in the infrastructure, schools, and environment with "visitors."
 - Fewer young families reducing the population attending IV schools . [Closure of the middle school has already been proposed.]
 - More volatility in demand (utilities, roads, networks, stores, hospitals, etc.) due to higher percentage of tourists

Documents:

- The Tahoe Area Plan is a component of both the Washoe County Master Plan and the Lake Tahoe Regional Plan. It is specific to Incline Village and Crystal Bay and was developed with considerable input from the community. It was published in January 2021. The plan lays out goals and policies designed to protect the Lake Tahoe environment and its communities.
- The proposed amendment re-zones all of Special Area 1 to permit development of condominiums with mixed use. No requirement is specified for the type of "mixed use" or the amount of space provided for commercial use.
- The TRPA staff report, developed for the Regional Plan Implementation Committee, recommended the zoning amendment. We do not believe there has been adequate community involvement in this significant change to the TAP.

From: Marja Ambler <mambler@trpa.gov>
Sent: 9/12/2023 12:53:29 PM
To: Ellie <tahoellie@yahoo.com>
Cc: Public Comment <PublicComment@trpa.gov>;
Subject: RE: Please accept this public comment for the record for the 9-27-2023 TRPA GB meeting: Nevada Independent article
Attachments: [image001.jpg](#), [image002.jpg](#)

Ellie, Thank you for your email.
Please send or copy all future public comments to publiccomment@trpa.gov.

Marja Ambler
Executive Assistant
775-589-5287

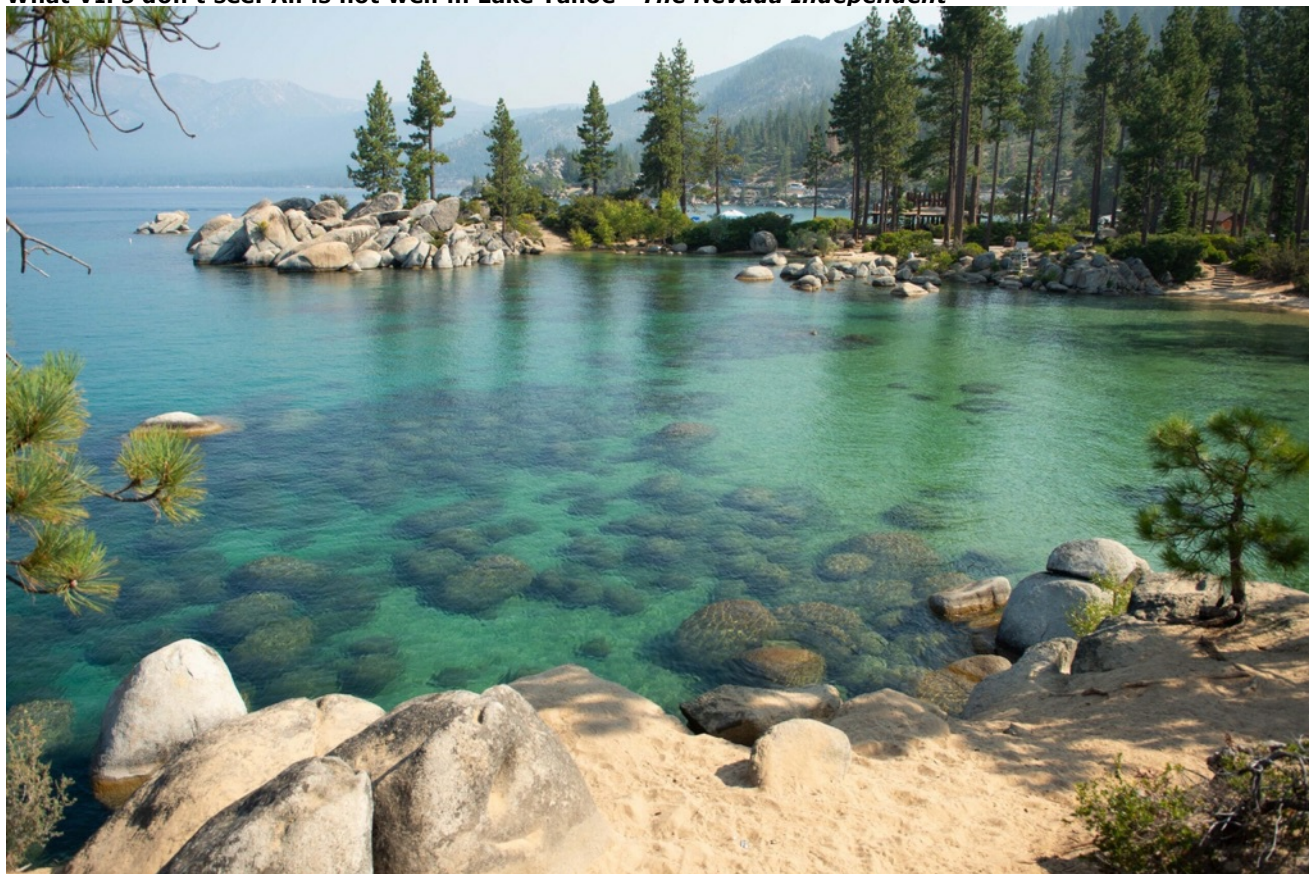


From: Ellie <tahoellie@yahoo.com>
Sent: Monday, September 4, 2023 1:08 PM
To: Marja Ambler <mambler@trpa.gov>
Cc: Julie Regan <jregan@trpa.gov>; John Hester <jhester@trpa.gov>; John Marshall <jmarshall@trpa.gov>
Subject: Please accept this public comment for the record for the 9-27-2023 TRPA GB meeting: Nevada Independent article

Marja, Please distribute this comment for the record to the TRPA Governing Board and Advisory Planning Commission members as well as appropriate staff.
Thank you kindly~Ellie Waller

Please accept this public comment for the record for the 9-27-2023 TRPA Governing Board meeting: Nevada Independent article

What VIPs don't see: All is not well in Lake Tahoe - *The Nevada Independent*



[What VIPs don't see: All is not well in Lake Tahoe](#)
thenevadaindependent.com

From a Lake Tahoe resident's point of view, it has been surreal to see so many high-profile leaders visit in the span of weeks. To balance rosy reports from [agency leads](#) and their development-focused allies (some of whom [use nonprofit status](#) to [seek more](#) federal, state and local funding), I'd like to provide an insider's view of life on the ground.

The VIP access afforded to presidents mirrors what we saw in preparation for the recent 27th annual LakeTahoe Summit: illegal buoys vanish from the lake; overflowing trash disappears; and roads clear of construction and tourist gridlock that routinely grind traffic to a stop. If only Tahoe were like that every day.

Residents from rural Tahoe communities heard from a long list of summit speakers including Gov. Joe Lombardo and Speaker Emerita Nancy Pelosi. The theme? Sustainability and stewardship in the face of climate crisis. Apart from a starkly honest assessment from [Washoe Tribe leaders](#), there was a jarring disconnect between what officials had to say about protecting Tahoe and [plans in the works](#).

Local and state leaders are pushing new [urban planning](#) development proposals that will increase building density and allow once [unthinkable heights](#) to accommodate more people in a basin already straining under the weight of more tourists.

With an already congested two-lane ring road connecting small communities, what happens in the Tahoe Basin generally affects all of us — particularly when it comes to wildfires and extreme weather events. That's why many of Tahoe's 55,000 residents oppose plans for an urbanization platform, particularly since it comes with no independent cumulative [environmental](#) or coordinated [human evacuation](#) plans required.

Tahoe residents haven't forgotten the poorly executed [Caldor fire evacuation](#). Those affiliated with [Sierra Club Tahoe Area Group](#), North Lake Tahoe Preservation Alliance, Friends of the West Shore, Tahoe East Shore Alliance and Tahoe Neighborhoods Group are rightly alarmed about overdevelopment as climate change dangers increase. Retired fire battalion chief and Tahoe resident [Doug Flaherty](#) summed it up: No data-driven Tahoe wide, worst-case fire evacuation plan currently exists.

Lahaina burned during the summit, adding a tragic warning. There are many lessons from Maui for the public and public officials alike. Chief among them is how the lack of worst-case disaster planning scenarios can mean the difference between life and death. For example, [officials downplayed](#) and underestimated wildfires' deadly threat. Visitors further complicated evacuation in Maui's geographically restricted location.

I deeply empathize with Maui residents who bristle when media diminish their communities with words like "tourist spot" or "vacation destination" in describing what is, in fact, their home. These labels best serve developers, real estate agents and those who materially benefit from tourism revenue. However, they inevitably doom places of natural beauty, relegating them in the minds of the public to mere holiday or Disney-esque getaways.

Tahoe shares similarities with Maui. Both are uniquely beautiful locations with limited infrastructure bound by mountains and a large body of water. There are a mix of full-time occupants and second-home owners. Hotels, motels and inns fill commercial zones and too many short-term rentals afflict residential areas.

Tourists can grossly outnumber residents and population rates vary dramatically. Maui gets 3 [million visitors](#) a year; Tahoe gets up to [25 million](#). Both landed on [Fodor's "No List"](#) for places to visit in 2023 due to the stress and damage of overtourism.

Yet tourists present a new form of existential threat when they compete for precious access to two-lane evacuation routes. As Lahaina demonstrated, [sheltering in place](#) during a fast-moving fire proved tragically deadly. Those who survive require shelter, food, medicine and care. Unlike impacted residents, visitors have a safe home to return to.

I recognize that those of us who live in places that only exist on other people's bucket lists must share nature's best. In return, visitors must acknowledge they share a responsibility to be respectful and informed, to heed nature's fury and to not further over-tourism's destructive forces.

Meanwhile, with [life-threatening wildfires](#) and [extreme winter](#) weather demanding attention, Tahoe officials [continue to make decisions](#) that benefit investors and real estate interests serving the [tourism industry](#). Officials cheer about getting "heads in beds," yet are loath to admit there is no comprehensive plan for evacuating everyone safely if a wildfire barrels into the basin. Evacuation plans where I live in Tahoe [currently do not](#) include nonresidents.

I logged into a San Francisco Bay Area best practices disaster planning webinar and asked how they factor in vacationers. Stumped, the expert admitted they hadn't considered tourists. Following persistent resident pleas Nevada and [California](#) are now "building relationships" toward a unified, cross-jurisdictional command structure but confidence remains low on how disparate agencies with differing software and communication modes will function under duress. Experts who analyzed the Camp Fire in Paradise, California, established the fire [grew a football field a second](#). Other reports examined the risks associated with [sheltering in place](#).

While you might think Tahoe is protected by the bistate Tahoe Regional Planning Agency (TRPA), that is [not the case today](#). It has fallen victim to [regulatory capture](#). TRPA now openly embraces [development](#). It claims to champion affordable housing, yet its latest approvals went to a developer of [\\$2.5 million-plus luxury condominiums](#) and [an investor group](#) looking to create a Waldorf Astoria-branded hotel.

With this pro-development backdrop, ski industry executives want to monetize [operations year-round](#). One Olympic Valley proposal acknowledges evacuees would face an [11-hour wait](#) to drive 3 miles to the nearest highway. Year-round expansion, if approved, will bring more people into the greater Tahoe Basin erasing what little shoulder seasons are left.

Officials must acknowledge the hazards that accompany the combination of [development-fueled wildfire](#) and [overtourism](#). TRPA and county officials are instead enamored with a [new jargon-filled](#) tourism plan. Residents contend it is nothing more than rearranging the deck chairs on the Titanic. It fails to address the gravity of Tahoe's larger [people problem](#).

July 4 tourists left mountains of garbage, at least [8,500 pounds](#), on the Lake's east shore alone, spawning viral coverage worldwide. Day trippers, bikers, hikers with dogs routinely trash beaches and [erode trails](#). Litter also attracts and harms wildlife. The lake is now home to record amounts of [microplastics](#). In short, ever-increasing numbers of people will further destroy the lake environment and complicate evacuations.

Adding insult to injury, the latest Tahoe tourism plan includes [proposals to tax](#) residents to pay for visitors. Wouldn't a better idea be to create an equitable visitor reservation system that establishes a new model for many overwhelmed locations?

Tahoe's fragile environment and limited local infrastructure is already overburdened. A [journalist covering](#) one public meeting later contacted a member of the North Tahoe Public Utility District who told him "there is not enough infrastructure for fire hydrants if too many projects are developed all at once."

Leaders must now admit the question is not if there's another massive wildfire, but when. It's not enough to expect each agency and jurisdiction to have its own plan. Fires don't respect boundaries.

One of America's national treasures, Lake Tahoe merits a comprehensive basinwide evacuation plan based on worst-case scenarios and a data-driven roadway wildfire evacuation capacity evaluation that encompasses residents and visitors.

All will benefit from a realistic update of the Tahoe Basin's carrying capacity. It's time to amend TRPA code to include specific modern-day thresholds such as evacuation, tourism, human capacity and traffic. It's only with an updated environmental health assessment that we can determine how much more development and tourism Tahoe can safely accommodate.

Pamela Mahoney Tsigdinos is a writer and Tahoe resident who volunteers with grassroots Tahoe Basin groups

The Nevada Independent is a 501(c)3 nonprofit news organization. We are committed to transparency and disclose all our donors. The following people or entities mentioned in this article are financial supporters of our work:

- Joe Lombardo - \$1,800

PBS News Hour interviewed former FEMA chief Craig Fugate Saturday night. If you and your colleagues scroll to 4:07 in the interview you'll hear and see that he makes the point that the federal, state and local authorities must do a better job in shared responsibility to recognize the climate threats that exist and prepare communities for evacuation, etc. — particularly in the way of land use planning. In short, many of the points we make. <https://www.pbs.org/newshour/show/former-fema-head-discusses-the-evolving-challenges-of-emergency-response>

From: Marja Ambler <mambler@trpa.gov>
Sent: 9/12/2023 12:57:54 PM
To: skitumbleweed <skitumbleweed@gmail.com>
Cc: Public Comment <PublicComment@trpa.gov>;
Subject: RE: To die the Lahaina way and steel roof (Insurance anyone?)
Attachments: [image001.jpg](#)

Thank you for your email.
Please send or copy all future public comments to publiccomment@trpa.gov.

Marja Ambler
Executive Assistant
775-589-5287



From: skitumbleweed <skitumbleweed@gmail.com>
Sent: Wednesday, August 30, 2023 11:18 PM
To: Sara Schmitz <trustee_schmitz@ivgid.org>; dent_trustee@ivgid.org; noble_trustee@ivgid.org; tonking_trustee@ivgid.org; tulloch_trustee@ivgid.org; Alexis Hill <AHill@washoecounty.gov>; Ann Nichols <ann@annichols.com>; Jeff Cowen <jcowen@trpa.gov>; Jacob Stock <jstock@trpa.gov>; Marja Ambler <mambler@trpa.gov>; bos@placer.ca.gov
Subject: To die the Lahaina way and steel roof (Insurance anyone?)

Rather than be the **rubber stamp North Korean politburo** with endless code meetings and focus groups spouting nonsense and consultants spouting bogus nonsense and giving the ok for every development proposal before you or code change perhaps you'd all say NO one time? Yeah. Yeah....One meeting after another. Strong arm tactics all hours of the day and during holiday seasons. All to work over, trick, and wear out a community. All strong arm tactics to wear out our elderly and steal money from them. Nice work TRPA!!! Nice work you crooks!!!

I suppose like kids NO is a challenging word for you all. Especially when bankers and developers are in your pockets. Right TRPA?

Here is a code for you---

How about a steel roof and siding requirement for any new roof or new building constructed in Tahoe? Ever think about that in a warming messed up polluted and totally wrecked world on fire? Ever think about that instead of rubber stamping all developments before you!!!??? Ever?

All those buildings in Lahaina were cooked and melted in no time that were not steel!!!! A simple wind driven fire storm is all it took.

After all, the few buildings that survived had a steel roof. Oh wait a minute. It's TRPA I am talking about here. Those folks avoid all common sense. Bummers. All they care about is raising the height of a building and trying to find a way in Buddhism here to squeeze more people into the Tahoe Basin. Tall buildings, anyone? Copious garbage anyone? I wonder if garbage burns. Yep, it does.

I am shocked folks. Yes I am.

Steel roof and siding along with seriously reducing the human population is the last thing TRPA thinks about!!! It's all about the mighty Tahoe economy and shoving as many people as possible into the elevators. Bridging the gap and not allowing an off season. Great!! These idiots want human waves all year!!! Locals can't get a rest!!! Can't even ride a Gondola or Tram comfortably anymore. Pack em in folks!!! Load the beach. Double park the cars!!!

Elbow to elbow!!! It's a mighty junk show! Elbow to elbow in Tahoe!!!

And now that insurance companies see all this golly gee wiz folks, they run a business too. If I were running a business I sure would not want to be hung out to dry on this one. Yep. After one goofy decision after another by governments I'd be looking to pull out too. Gee after all these fires and absolute bogus public safety policies you'd think it would be obvious to you all why an insurance company would give everyone the middle finger.

And now poisoned trees too??? What's up with that??? Who pays for that? And the tree will likely die!!! So it's a total loss of enjoyment. Nice shade for kids ruined!!!!

What insurance company wants to pay for the concert and mosh pit that holds 20k people that the promoters stuffed 40k people into? Typically an insurance company will bail under that circumstance. I would not allow my insurance company to sink under that. NO WAY!!!

Insurance companies know the risk. They all know!!! US Military would stuff the risk too!!! They'd tell you all to shove it. Seriously.

Us long time Tahoe home owners should not have to absorb that risk or have that money game placed on any of us. Why should we have to pay for stupidity!!!

This is called you folks at TRPA, the government , developers want to build an economy on my back at my expense when I am the one that worked and paid for it. If you want money you folks can live in a dirty grimy polluted city with bogus crime just like I did. Earn the money. And get off my back already!!!! Earn it!!! At least you'll feel good about yourselves instead of feeling like scumbags leeching off everyone else!!

Does not matter whether it is the homeowner or insurance company. Folks don't like freeloaders leeching off our hard work in life!! Most folks don't like that!!!

That's why I say if anything bogus happens to North Tahoe homeowners whether insurance dropping coverage or a fire or terror incident, TRPA and all governments that allowed this nonsense will be 100% responsible!!! You all will pay a mighty large dollar to all of us. No questions asked. You will pay super huge damages!!! So help me GOD!!! Don't even think of nickel and dimming any of us about what we have and the value of our property, things, and lives. It's priceless!!! That's the price!!!

Yeah right, even Lahaina is complaining that developers gamed the system. Burn the community down and then trick us all so you can build huge monster hotels on our land and in our neighborhoods...Yeah right!!! Sure!!! Yeah!!!

You can ditch that concept. Only homes rebuilt will be small quaint cozy mountain homes. NO HOTELS IN INCLINE!!! WE HAVE ONE. AND THAT IS ALL THERE WILL EVER BE!!!

SLEEPS 50 IS NOT ALLOWED!!!!

You folks in TRPA are just jealous of what Incline/CB has!!! Envy and greed!!! You destroyed the whole darn lake and now want to wreck the last of it!!!

BOOOOOOOO on the crooked TRPA!!! BOOOOOOOO!!

Tim Delaney

From: Marja Ambler <mambler@trpa.gov>
Sent: 9/12/2023 12:58:23 PM
To: skitumbleweed <skitumbleweed@gmail.com>
Cc: Public Comment <PublicComment@trpa.gov>;
Subject: RE: Affordable Apocalypse, the Tahoe Titanic, and the poisoned trees.
Attachments: [image001.jpg](#)

Thank you for your email.
Please send or copy all future public comments to publiccomment@trpa.gov.

Marja Ambler
Executive Assistant
775-589-5287



From: skitumbleweed <skitumbleweed@gmail.com>
Sent: Wednesday, August 30, 2023 6:50 PM
To: Ann Nichols <ann@annnichols.com>; Sara Schmitz <trustee_schmitz@ivgid.org>; dent_trustee@ivgid.org; noble_trustee@ivgid.org; tonking_trustee@ivgid.org; tulloch_trustee@ivgid.org; Alexis Hill <Ahill@washoecounty.gov>; Jeff Cowen <jcowen@trpa.gov>; Jacob Stock <jstock@trpa.gov>; Marja Ambler <mambler@trpa.gov>; bos@placer.ca.gov
Subject: Affordable Apocalypse, the Tahoe Titanic, and the poisoned trees.

Hello All,

Thank you for the call back Sara. Much appreciated. I have health issues and so on. Not sure if I can pay attention this coming week.

Think Lahaina folks!! Think real hard!!! Think copious dead bodies. Including your friends and family!! Kids melted!! Think folks! Keep thinking!!! And all that toxic goo and dead body debri flowing to the ocean. Think folks!!! Keep thinking!!! Go ahead!! Use your tiny brains!!! I know it's sooooo hard!

To make things clear for everyone your problems are two fold and quite dangerous to our communities of North Tahoe.

1. Extreme fire risk to the community.
2. Extreme terrorist risk to the community.

For both situations your law enforcement and fire officials have no room to maneuver. It's beyond stupid. Epic bunk!!!

NO ROOM TO MANEUVER!!! Who is a better leader? Unfortunately I am!! I don't like leadership positions. I like to just solve problems.

WHO WOULD YOU FOLLOW IN WAR??? Think. Keep thinking. Think hard!

Like Pebble Beach, Incline Village may need to heavily enforce limitations and rope off parking around homes to prevent our town from being destroyed and overwhelmed. Yes you can absolutely do these things. Pebble Beach is in high demand and they did not allow a bunch of folks to ruin their communities either. And they too are threatened by fire. Those billionaires have a better chance at escaping than any of the folks living in Tahoe. It's not perfect. But folks have a chance. And their environment is so much more defended than Incline Village and our surrounding forests and forest floors that are being destroyed by all this foot traffic.

Our forest floors are being destroyed. Our soil and the life in that soil is being destroyed. That's lame for all the flora and fauna.

An easy example to make you all understand. You folks like metal bands perhaps? I do. **Imagine an Anthrax concert.** The venue capacity is 20k people. Like some metal shows it is a rough crowd with a bunch of folks in the mosh pit. Now the individuals controlling the show decided to make some more money and pushed 40k people into the venue. And they closed the doors. And there is scant security. The folks in the mosh pit look up and are now mighty afraid of what they see. It's not a normal thrash metal band concert. It's a nightmare. Garbage all over the place and vast numbers of folks trapped. Bathrooms overflowing. It's an epic apocalypse.

That's what TRPA and politicians have done to Tahoe. And a bunch of us out here have been trying to point this out for decades. TRPA ruined our towns and our lives!!!!

I grew up in Incline and came from a low income background. I know I am extremely very very rare. I graduated from UNR in 1994 with an Engineering Physics Degree. A minor in math and computer science. I only needed a couple of classes to make it a double or triple engineering degree. And I had the C programming classes as well as many other computer engineering classes. Other folks did not at that moment in time. That's called I graduate and I have the skills on the job scene and other folks don't have those skills. I was rather smart about that. My engineering degree was a late in life Pell Grant, student loan, work study, and summer time job degree. That's very hard.

Extremely hard to do. And I used those skills on the job.

My work is on Mars and is in deep space in the Spitzer Space Telescope. I am the communications engineer that built the computer engineering lab for those programs and I personally checked out and verified the functionality of all the communications of the spacecraft computer to all things hooked up to it and all bit level signals on the mother boards and I/O interface boards of that spacecraft computer. Once the whole system was proven to be working my job was finished. That was one of many jobs.

Point is I am your Physics guy. I come from Tahoe. Low income. And my work is rather darn good. I am not a desk jockey guy or engineer like what you see portrayed in Jurassic Park.

I had to leave Tahoe to make money. So after all that folks don't listen to me on these matters? Really? What's up with that? TRPA folks don't have my resume or experience in any way!!!

And you folks really need to tell your Tahoe Prosperity Center newbies and other focus groups to get lost. Tahoe Prosperity? What's up with that? How junky!! Seriously. What we need in Tahoe is for experienced environmental professionals to fix the damage. Not a bunch of newbie young folks running around and looking for ways to start a new business and other folks looking for ways to fit more people into the region. And folks complaining about affordability and equity and the mighty Tahoe economy. Uhhhh. The Tahoe Economy has always been junky. We all knew in the 1970s and 1980s that a fast giant buck is not happening in Tahoe. Tahoe jobs are few and Tahoe jobs are stepping stone jobs. Only a few jobs pay well. So folks need to put down the crack pipe and come back to the real world. Tahoe is exclusive old money. That is Tahoe. It was Tahoe back then and is Tahoe today. All my peers had to make their money elsewhere. Understand that concept. Only a very few businesses are viable. That's it. And there only needs to be minimal affordable housing to support the core needs of the community and fundamental land management and maintenance of roads. A bunch of folks thinking of running a business like smokey tokey casino Tahoe are very long over folks and never coming back. That was a dying economy in 1978 so you know.

The only viable businesses are Amazon, UPS, and Costco when you think about it. Most business models are junk.

The environment cannot handle more people at all. It's already way over the threshold.

Fundamental needs. Golf, ski, beach, rec center. Gas station. That's it. And the kid center that you folks let go, that \$25 million would have been a cool thing to do.

Our forests should be well maintained. No e-bikes. Zero. And few, very few mountain bike trails. All else is for the strong that hikes. Suffering and hiking means that many aspects will never see a human and always be stunning in beauty. Allow humans to demolish it with bikes, e-bikes and tour groups??? Well all our mountains will look like epic junk in a decade. And, that my friends, is immensely stupid. Once all is destroyed there is nothing to see for your tourists.

And now you have Lahaina. You see that?? Roads blocked. All those cars funneled by authorities that think they know what they are doing? Really? And water issues. And alarms not sounded to at least warn them? All that death? Really? That's a bunch of total bunk. Yeah, government, sure, whatever folks.

And the fire department screwed up and the government stumbled on water resources. Turns out Hawaiian Electric tried to do all the right things. Interesting isn't it.

Like that government leadership? Like that??? A path to death for your kids??? Really? I bet there were lawyers and government folks and kids that died too. Like that??? Keep thinking. Go ahead. Think long and hard folks!!!

And now I just heard that trees were poisoned at Burnt Cedar? What's up with that nonsense? So you have mighty sick minded people around you now. Thinking about that, my wife, kids, and I were wondering what happened to trees in the forests around Whale Beach? I sure hope that is not part of this too. I was wondering why those trees were suddenly dying and many looked burned. Valuable trees to me. Redwoods and sugar pines and so on. Good trees. Large trees and good young trees that seemed to be spaced nicely. If spacing was an issue you'd think the forest service would cut them and not burn them here and there. It looked odd to me. So I hope we don't have some jerk running around poisoning and burning trees here and there.

As for H28 and Chimney. I was ok with a few extra spaces. Not so many spaces to compensate for removal of traffic on the East side of H28 by those beaches. I told you folks over decades to limit the human population and told you as well that today you must halve the human population over there.

I told you why the populations of humans must be limited. Did anyone listen? NOOOOOOOOOO!!!

I even handed the Lorax to TRPA folks in Incline more than a decade ago and testified before the Nevada legislature with my kids.

Think long and hard TRPA. I dragged my kids to Carson to talk about these issues. I tried every angle to stop this junk.

Also placing all those folks and cars at the Chimney parking lot does nothing for public safety on H28 or room to maneuver for fire and terrorism safety. Law enforcement and fire officials will still be confronted with an unacceptable room to maneuver situation. So you fine folks need to stop the nonsense here and stop creating ways to inject more people into our region. Our region cannot hold more people. Just accept that fact.

NO ROOM TO MANEUVER!!!! GET A CLUE TRPA!!! HOW ABOUT SOME THINKING HERE!!! HOW ABOUT IT!!! THINK FOOLS!!! A FIRE!! OR TERROR ATTACK!! AND NOW YOU HAVE FOLKS BACKED UP ON H28 AND STRUGGLING TO GET OUT OF THE CHIMNEY PARKING LOT! IS THAT STUPID? YES, THAT IS STUPID!!!

So the creation of all that extra parking at Chimney Beach does nothing to improve the room to maneuver situation for law enforcement and fire officials. TRPA you screwed up again!!!

And what is up with the red paint???? Red paint on the road????!! That's not Tahoe!!! What is that junk!!!! Is this a Clint Eastwood movie??? Paint the town red??

Essentially all of you government folks need to focus on fundamental infrastructure and not things to inject more people. You need to cut human populations. And you folks need to take the bullseye off Tahoe communities and thin populations out. We need quiet towns that are highly exclusive and well cared for with healthy ecosystems around our towns. That is the need. TRPA just pushed too many people into the region and caved in to way too much development. By doing this they are attracting too many folks and attracting folks that are looking to harm Tahoe basin communities. You need balanced, quiet, and stable mountain communities that engage their K-12 kids.

THAT IS GOOD FOR TOURISTS AND GOOD FOR ALL LOCALS RICH OR POOR!!! THAT IS GOOD FOR ALL OF NEVADA AND CALIFORNIA!!! After all this is your kids future and your water supply? You'd think defending that is important? Right folks?

Keep thinking long and hard folks!!! Think!!

Those are your needs. Not your wants. You cannot have your wants in Tahoe. You must have your needs!!!

The tree poisoning is highly unusual. Nothing like the kids I grew up with. Our trees were everything to us. So you have a seriously dysfunctional kid amongst you or an adult running around with serious evil intentions. And that is highly messed up. Nut jobs like attention. And the opportunity to harm a lot of people. TRPA created great conditions to attract that element. I prefer those folks not to be attracted to Tahoe.

So TRPA needs to cut the pace of development massively and consider abandoning such development ideas and make the region quiet and less interesting to bogus folks. And flat out cut that tourist population to fully improve room to maneuver to what is acceptable by US Army Engineers.

It's not just about locals. Your tourists can die in fire or terrorism. So I just don't understand it. You folks are endangering our communities and the tourists that are being served in our communities. It's mighty stupid for sure. You are killing the environment and placing a lot of people in grave danger at the same time.

Like it or not. I have that Physics Degree. And you folks don't have that. Might want to listen to me. Much better than me running around and telling my kids that society is run by fools and that folks never listen to my common sense advice. My kids surely feel society is run by idiots. They too see one disaster after another. And folks don't listen to their dad that complains about these things.

Tim Delaney

From: Marja Ambler

Sent: Tuesday, September 12, 2023 12:55 PM

To: Ann Nichols <preserve@ntpac.org>

Subject: RE: [BULK] What VIPs don't see: All is not well in Lake Tahoe

Ann, Thank you for your email.

Please send or copy all future public comments to publiccomment@trpa.gov.

Marja Ambler

Executive Assistant

775-589-5287



From: Ann Nichols <preserve@ntpac.org>

Sent: Monday, September 4, 2023 11:43 AM

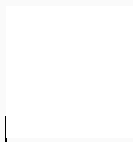
To: Julie Regan <jregan@trpa.gov>; John Marshall <jmarshall@trpa.gov>; Marja Ambler <mambler@trpa.gov>

Subject: [BULK] What VIPs don't see: All is not well in Lake Tahoe

Marja- please distribute to Governing Board and the APC

Thank you, Ann Nichols

[View this email in your browser](#)



~~cc: Ann Nichols | Lake Tahoe Regional Planning Agency~~

From a Lake Tahoe resident's point of view, it has been surreal to see so many high-profile leaders visit in the span of weeks. To balance rosy reports from agency leads and their development-focused allies (some of whom use nonprofit status to seek more federal, state and local funding), I'd like to provide an insider's view of life on the ground.

The VIP access afforded to presidents mirrors what we saw in preparation for the

recent 27th annual Lake Tahoe Summit: illegal buoys vanish from the lake; overflowing trash disappears; and roads clear of construction and tourist gridlock that routinely grind traffic to a stop. If only Tahoe were like that every day.

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Lahaina burned during the summit, adding a tragic warning. There are many lessons from Maui for the public and public officials alike. Chief among them is how the lack of worst-case disaster planning scenarios can mean the difference between life and death. For example, officials downplayed and underestimated wildfires' deadly threat. Visitors further complicated evacuation in Maui's geographically restricted location.

I deeply empathize with Maui residents who bristle when media diminish their communities with words like "tourist spot" or "vacation destination" in describing what is, in fact, their home. These labels best serve developers, real estate agents and those who materially benefit from tourism revenue. However, they inevitably doom places of natural beauty, relegating them in the minds of the public to mere holiday or Disney-esque getaways.

Tahoe shares similarities with Maui. Both are uniquely beautiful locations with limited infrastructure bound by mountains and a large body of water. There are a mix of full-time occupants and second-home owners. Hotels, motels and inns fill commercial zones and too many short-term rentals afflict residential areas.

Tourists can grossly outnumber residents and population rates vary dramatically. Maui gets 3 million visitors a year; Tahoe gets up to 25 million. Both landed on Fodor's "No List" for places to visit in 2023 due to the stress and damage of overtourism.

Yet tourists present a new form of existential threat when they compete for precious access to two-lane evacuation routes. As Lahaina demonstrated, sheltering in place during a fast-moving fire proved tragically deadly. Those who survive require shelter, food, medicine and care. Unlike impacted residents, visitors have a safe home to return to.

I recognize that those of us who live in places that only exist on other people's bucket lists must share nature's best. In return, visitors must acknowledge they share a responsibility to be respectful and informed, to heed nature's fury and to not further over-tourism's destructive forces.

Meanwhile, with life-threatening wildfires and extreme winter weather demanding attention, Tahoe officials continue to make decisions that benefit investors and real

attention, Tahoe officials continue to make decisions that benefit investors and real estate interests serving the tourism industry. Officials cheer about getting “heads in beds,” yet are loath to admit there is no comprehensive plan for evacuating everyone safely if a wildfire barrels into the basin. Evacuation plans where I live in Tahoe currently do not include nonresidents.

I logged into a San Francisco Bay Area best practices disaster planning webinar and asked how they factor in vacationers. Stumped, the expert admitted they hadn't considered tourists. Following persistent resident pleas Nevada and California are now “building relationships” toward a unified, cross-jurisdictional command structure but confidence remains low on how disparate agencies with differing software and communication modes will function under duress. Experts who analyzed the Camp Fire in Paradise, California, established the fire grew a football field a second. Other reports examined the risks associated with sheltering in place.

While you might think Tahoe is protected by the bistate Tahoe Regional Planning Agency (TRPA), that is not the case today. It has fallen victim to regulatory capture. TRPA now openly embraces development. It claims to champion affordable housing, yet its latest approvals went to a developer of \$2.5 million-plus luxury condominiums and an investor group looking to create a Waldorf Astoria-branded hotel.

With this pro-development backdrop, ski industry executives want to monetize operations year-round. One Olympic Valley proposal acknowledges evacuees would face an 11-hour wait to drive 3 miles to the nearest highway. Year-round expansion, if approved, will bring more people into the greater Tahoe Basin erasing what little shoulder seasons are left.

Officials must acknowledge the hazards that accompany the combination of development-fueled wildfire and overtourism. TRPA and county officials are instead enamored with a new jargon-filled tourism plan. Residents contend it is nothing more than rearranging the deck chairs on the Titanic. It fails to address the gravity of Tahoe's larger people problem.

July 4 tourists left mountains of garbage, at least 8,500 pounds, on the Lake's east shore alone, spawning viral coverage worldwide. Day trippers, bikers, hikers with dogs routinely trash beaches and erode trails. Litter also attracts and harms wildlife. The lake is now home to record amounts of microplastics. In short, ever-increasing numbers of people will further destroy the lake environment and complicate evacuations.

Adding insult to injury, the latest Tahoe tourism plan includes proposals to tax residents to pay for visitors. Wouldn't a better idea be to create an equitable visitor reservation system that establishes a new model for many overwhelmed locations?

Tahoe's fragile environment and limited local infrastructure is already overburdened. A journalist covering one public meeting later contacted a member of the North Tahoe Public Utility District who told him “there is not enough infrastructure for fire hydrants if too many projects are developed all at once.”

Leaders must now admit the question is not if there's another massive wildfire, but when. It's not enough to expect each agency and jurisdiction to have its own plan. Fires don't respect boundaries.

One of America's national treasures, Lake Tahoe merits a comprehensive basinwide evacuation plan based on worst-case scenarios and a data-driven roadway wildfire evacuation capacity evaluation that encompasses residents and visitors.

All will benefit from a realistic update of the Tahoe Basin's carrying capacity. It's time to amend TRPA code to include specific modern-day thresholds such as evacuation, tourism, human capacity and traffic. It's only with an updated environmental health assessment that we can determine how much more development and tourism Tahoe can safely accommodate.

Pamela Mahoney Tsigidinos is a writer and Tahoe resident who volunteers with grassroots Tahoe Basin groups

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North Tahoe Preservation Alliance
P.O. Box 4
Crystal Bay, NV 89402
775-831-0625
preserve@ntpac.org

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From: Marja Ambler <mambler@trpa.gov>
Sent: 9/12/2023 12:51:30 PM
To: David Jinkens <outlook_BEB119E33CA9321B@outlook.com>
Cc: Public Comment <PublicComment@trpa.gov>;
Subject: RE: Newsletter 119, August 25, 2023
Attachments: [image002.jpg](#), [image003.jpg](#)

Thank you for your email.
Please send or copy all future public comments to publiccomment@trpa.gov.

Marja Ambler
Executive Assistant
775-589-5287



From: David Jinkens <outlook_BEB119E33CA9321B@outlook.com>
Sent: Friday, August 25, 2023 10:05 AM
To: Marja Ambler <mambler@trpa.gov>; Julie Regan <jregan@trpa.gov>
Subject: Newsletter 119, August 25, 2023



“America will never be destroyed from the outside. If we falter and lose our freedoms, it will be because we destroyed ourselves.”
Abraham Lincoln.

Dear Governing Board Members and Executive Director (via Clerk of the Board):

Thank you for your service.

Please see the attached newsletter (August 25, 2023) that discusses: (1) Labor Day-an early salute to those who labor for us (2) Are hostile nations buying up our strategic lands? (3) The City Council must be the determined leader in protecting us from catastrophic fire – this is one of their primary duties. (4) Is the California Department of Education infringing on academic freedom in the name of fairness? (5) More about the proposed destruction of Motel 6 and affordable housing, and (6) Do some legislators want to punish parents who protest at school board meetings over the education of their children?

The safety of our communities, our residents, and the protection of our environment must always come first.

Stay healthy and be safe! *If you have any questions, please contact me.*

David

David Jinkens
Good Government Advocate
MPA (UCLA). A.B. (UC Berkeley), C.M.C.
(Retired South Lake Tahoe City Manager)
South Lake Tahoe, CA

“Si Podemos”
“We can disagree on public policy issues and still be friends”.
TO REPLY OR COMMENT, PLEASE USE THIS EMAIL ADDRESS ONLY: djinkens@charter.net
The opinions in this newsletter are mine alone.
If you do not wish to receive this newsletter, please let me know.

From: Kathryn Bricker <brickerkathryn@hotmail.com>

Sent: Monday, September 4, 2023 8:36 PM

To: Marja Ambler <mambler@trpa.gov>

Subject: Public Comment for TRPA Governing Board 9/27/23

Marja,

Please provide the attached public comment for the record to the TRPA Governing Board and appropriate staff and committee members at the 9/27/23 meeting.

Thank you,

Kathryn Bricker

Tahoe/Douglas Township resident

Kathryn Bricker
September 3, 2023

P.O. Box 1334
Zephyr Cove, NV 89448
brickerkathryn@hotmail.com

Erick Walker, Forest Supervisor
Charles Clark, Legislative and External Affairs
Staff Officer

LTBMU, 35 College Dr., South Lake Tahoe, CA 96150

Via: erick.walker@usda.gov
charles.h.clark@usda.gov

CC:

Randy Moore, Forest Service Chief
(randy.moore@usda.gov)
1400 Independence Ave., SW Washington, D.C. 20250
Julie Regan, TRPA (jregan@trpa.gov)
Steve Sweet, TRPA (ssweet@trpa.org)
Douglas County Commissioners:
dtarkanian@douglasnv.us
shales@douglasnv.us
mgardner@douglasnv.us
wrice@douglasnv.us
wnowosad@douglasnv.us

SUBJECT: Zephyr Shoals Management Agreement with Aramark

Zephyr Shoals is currently a pristine example of undeveloped lakeshore with adjacent forest and a year-round stream providing habitat for a diverse species of plants and animals, two of which, the bald eagle and Tahoe yellow cress, are of particular concern for protection under Federal and California state law. The area well fits the USFS classification of Zephyr Shoals in the published prospectus:

“The Forest Service has determined that this area will be managed as “roaded natural” in the recreation opportunity spectrum system. Under this characterization, the area is to be predominantly natural appearing with moderate evidence of the sights and sounds of humans. There should be a high degree of interaction with the natural environment. Resource modification and improvement can be evident but should harmonize with the natural environment.” (I.)

-
- I. Page 10:
<https://sam.gov/api/prod/opps/v3/opportunities/resources/files/3b22dcd44b4f3ca04c016c0da1c0d5/download?&status=archived&token=>

Historically, Aramark has failed to be a good steward of the Zephyr Cove Resort area south of Zephyr Shoals. The transition between the properties is one of leaving the beauty of the north and entering the squalor of the south. Navigating the resort's events plaza requires stepping over discarded sparkly high heels, smashed maraschino cherries and human vomit. The tourist experience is well documented on social media as being an ongoing spectacle of drunken behavior (2.) Public records indicate various incidents near the Sunset Beach Bar where Douglas County Sheriffs, with assistance from South Lake Tahoe police, have been required to break up brawls involving large groups of beach goers. Please be sure to review the videos in citation #2, which are only a sample of the many documenting such common drunken and violent behavior.

For USFS to now offer Aramark expansion of their concessionaire duties into Zephyr Shoals, with allowances in the previously cited prospectus (pages 19-20) to build another events plaza, camping and a snack bar, is inconsistent with the area's land use classification. For the majority of residents and visitors who value the natural beauty and solace the area provides, as well as for the entire biotic community of non-human life who rely on the habitat for their very existence, Zephyr Shoals is priceless. The human spirit requires areas still predominately untouched by human hands.

Events plazas, snack bars and other human-centric development already exist at Roundhill Pines Beach, Zephyr Cove South Resort, Nevada Beach and Spooner Lake State Park. By preserving Zephyr Shoals as a model for teaching "leave no trace" ethics, USFS can provide one of the few remaining opportunities to lead by example, as well as to protect the area as the important wildlife corridor it presently is.

A compromise can be struck between the seemingly disparate needs of a corporate concessionaire that exists to create profit, a federal agency with fiscal challenges and the vast majority of Nevada and California residents whose values have been measured to be "mutualists" (those who believe non-human life to be part of their social network and that we should live in harmony) vs. "traditionalists" (those who believe non-human life should be used and managed for human benefit). (3,4.)

For example, if an additional events plaza is to be considered, why not locate it immediately lakeward of the Warrior Way entrance at what is commonly referred to as "The Point", or, in high water years, "The Island." This area has an equally beautiful vista to that of "The Lookout" area under consideration at the former site of the Dreyfus Estate. It provides better vehicular and walk in access, limits development to within the existing high use area, and avoids additional disturbance of the meadow and Zephyr North stream zone, bald eagles, Tahoe yellow cress, and other flora and fauna who populate the area being considered. (For context, I am one of the many who suffered the disappointment of seeing the mating bald eagle pair driven from their historical nesting site by the noise of the yellow hot air balloon when that concessionaire was relocated to the shores near the Baldwin/Pope/Valhalla estates.)

2. <https://www.youtube.com/shorts/TEFbt0vgvmY>, <https://youtu.be/aycBp7BXuDc?si=Is8QE5Lz2K3WKnrh>, <https://youtu.be/ljRywDzJf2Q?si=0zpjL9VVRUS2r5S0>, <https://www.youtube.com/shorts/b3XdtagG9zQ>, <https://youtu.be/KRKLglth3SM?si=lltLwUGgvXYWU7f5>.

3. <https://content.warnercnr.colostate.edu/AWV/NV-WildlifeValuesReport.pdf>

4. <https://content.warnercnr.colostate.edu/AWV/CA-WildlifeValuesReport.pdf>



Please know that you have a willing public to partner with USFS as Keepers of Zephyr Shoals, a public who values public lands in their natural and undeveloped state and who, from the meadow northward of the Warrior Way entrance to the northward boundary of Zephyr Shoals, prefer the land retain this character.

The father of American land use ethics, Aldo Leopold, would argue, “A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community; it is wrong when it tends otherwise.”

Thank you for considering my remarks.

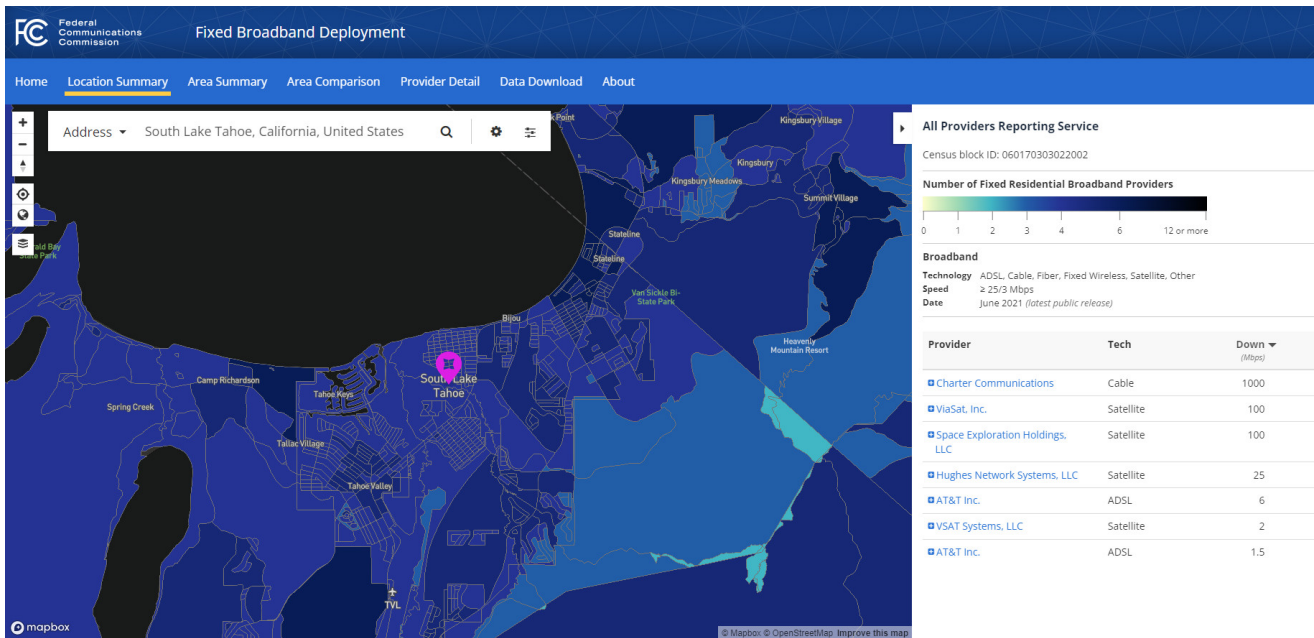
Kathryn Bricker

September 3, 2023

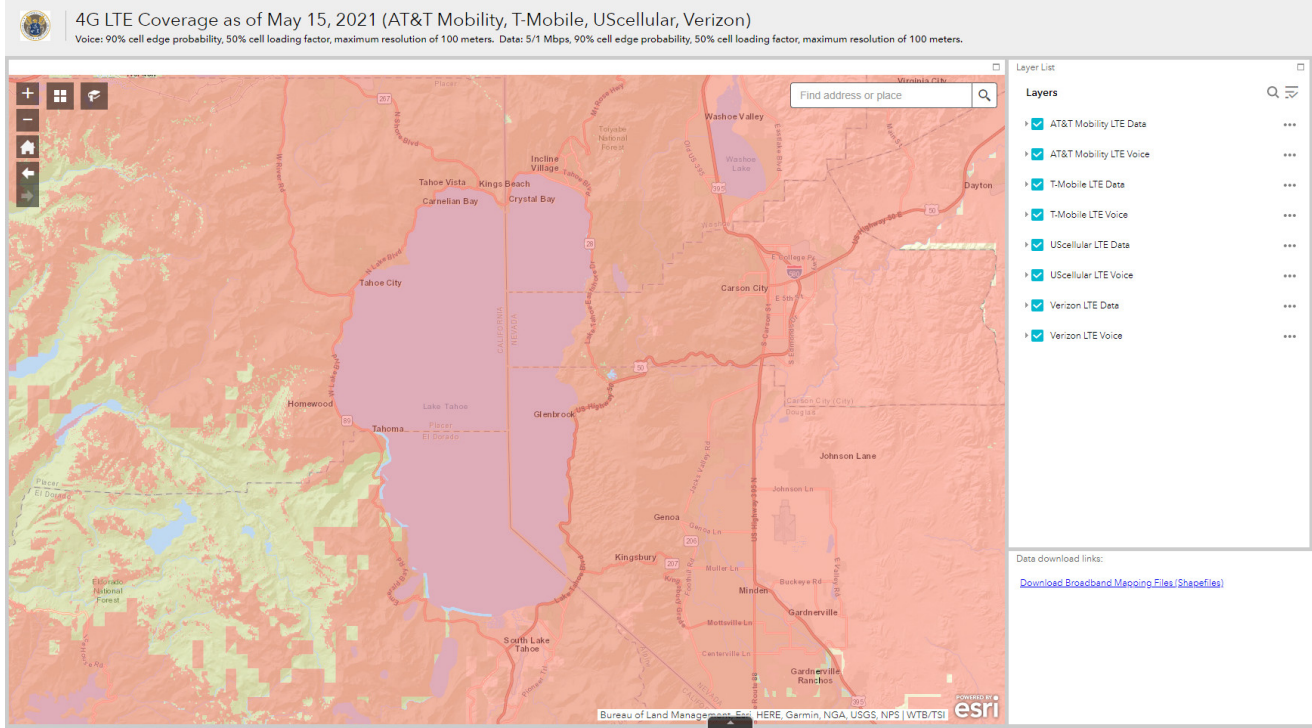
From: Margaret Byers <margaret.byers@journalistmail.ch>
Sent: 9/9/2023 4:00:36 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: Cindy Gustafson <cindygustafson@placer.ca.gov>; Hayley Williamson <hayley.a.williamson@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; Francisco Aguilar <cisco@sos.nv.gov>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; Jessica Diss <jdiss.trpa@gmail.com>; Belinda Faustinos <belindaFaustinos@gmail.com>; John Friedrich <jfriedrich@cityofslt.us>; Meghan Hays <Meghan.hays9@gmail.com>; Alexis Hill <AHill@washocounty.us>; Vince Hoenigman <vhoenigman@yahoo.com>; James Settelmeyer <JSettelmeyer@dcnr.nv.gov>; BOSFive@edc.gov.us <BOSFive@edc.gov.us>; Wesley Rice <wrice@douglasnv.us>; TRPA <trpa@trpa.gov>; Julie Regan <jregan@trpa.gov>; John Marshall <jmarshall@trpa.gov>; Marja Ambler <mambler@trpa.gov>; speedracer3896@gmail.com <speedracer3896@gmail.com>; estrain13@gmail.com <estrain13@gmail.com>; Amy Fish <afish@trpa.gov>; akadelski@yahoo.com <akadelski@yahoo.com>; Anush Nejad <anejad@cityofslt.us>; jmarino@cityofslt.us <jmarino@cityofslt.us>; shill@cityofslt.us <shill@cityofslt.us>; Hilary Roverud <hroverud@cityofslt.us>; John Hitchcock <jHitchcock@cityofslt.us>; akashuba@cityofslt.us <akashuba@cityofslt.us>;
Subject: TRPA Governing Board Meeting — General Comment @ 09/27/2023
Attachments: [8b74284d.jpeg](#), [6ed8ead9.jpeg](#), [0e95b8e0.jpeg](#), [240e3ed3.jpeg](#), [d6a548b6.jpeg](#), [FCC Mobile Broadband Map.jpg](#), [FCC Fixed Broadband Map.jpg](#)

Dear TRPA Governing Board,

We don't have a [fixed broadband](#) access issue on the North or South Shore:



Nor do we have a [wireless broadband](#) issue:



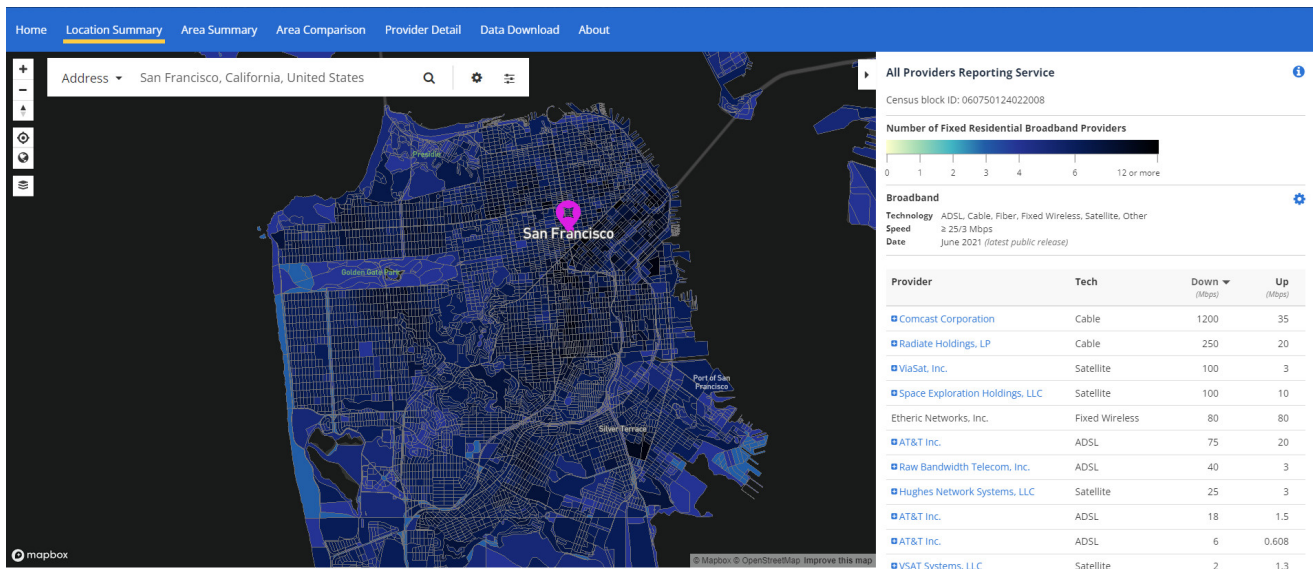
The aforementioned maps are [FCC Form 477](#) data supplied by the telecommunications companies which are required under the penalty of criminal punishment to be accurate to very precise technical standards. It is a crime for telecommunications carriers to report false coverage to the FCC (47 U.S.C. §§ 220(e) & 643; 18 U.S.C. § 1001; 47 CFR § 1.7009). It would also be a **crime** if these companies were [advertising broadband coverage](#) that was "untrue or misleading" (e.g., 15 U.S.C. §§ 77k, 78j, & 1125(a)(1)(B); 18 U.S.C. §§ 1343, 1346, & 1348; BPC § 17500). As a common matter of law, TRPA, CSLT, local agencies, and general public information may presume this information—i.e., map—is accurate (e.g., [Civil Code § 3548](#)).

We already have widespread access to gigabit internet!

Stop believing the Tahoe Prosperity Center's **bold-faced lies** and **propaganda** that Tahoe area residents don't have access to broadband or are complaining that they can't get faster internet! **It is simply not true.** You should divest from this corrupt and highly partisan political advocacy organization.



The Tahoe Prosperity Center is clearly making fraudulent statements, South Lake Tahoe internet speed is 83% of San Francisco (1,000mbps/1,200mbps):



If you have not figured it out yet, gigabit internet (1,000mbps) is more bandwidth than any resident can possibly use.

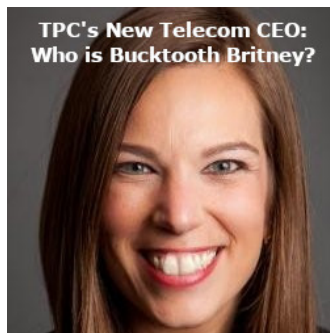
Moreover, the Tahoe Prosperity Center does not know what the hell it is talking about that cable internet is too slow. It causally throws around nonsense buzzwords and wireless marketing points (e.g. "Cut the cable"). Continuous broadband microwave signals over a dedicated coaxial cable ([wave guide](#)) will always be faster than narrow spectrum FCC allocations transmitted wirelessly over occlusive terrain. Just as with cellphones, cable [multiplexing](#) has continued to evolve:

1G, 2G, 3G, 4G, & 5G evolution of cellular signals has the same equivalent with [DOCIS 1, 2, 3, & 4](#). The new DOCIS 4 technology will bring symmetrical gigabit speeds over cable that are over five times faster than [Verizon's current "Fios" fiber optic service!](#)

The Evolution of DOCSIS

	DOCSIS 1.0	DOCSIS 1.1	DOCSIS 2.0	DOCSIS 3.0	DOCSIS 3.1	DOCSIS 4.0
Highlights	Initial cable broadband technology, high speed internet access	Added voice over IP service, gaming, streaming	Higher upstream speed, capacity for symmetric services	Greatly enhances capacity, channel bonding, IPv6	Capacity and efficiency progression, OFDM, wideband channel	Symmetrical streaming and increased upload speeds
Downstream Capacity	40 Mbps	40 Mbps	40 Mbps	1 Gbps	10 Gbps	10 Gbps
Upstream Capacity	10 Mbps	10 Mbps	30 Mbps	200 Mbps	1-2 Gbps	6 Gbps
First Specification Issue Date	1996	1999	2001	2006	2013	2019

The TRPA needs to stop listing to con-artists like Heid Hill-Drum who make a living as a parasite off of public funds! A very credible source has shared that she literally wants to graft tens or hundreds of millions of dollars of public municipal, county, state, and federal funds to start a new Tahoe telecom company which they plan sell to Verizon in fifteen years and all retire as multimillionaires. [Tahoe Inc.](#) Really.



Apparently, being a "[women in wireless](#)," means giving children and adults cancer, grafting public funds, corruption, and rampant fraud. This pathetic gender card play is little better than "[Women in Big Tobacco & Oil](#)," "[Women Polluters of America](#)," and the "[Coalition of Women Felons](#)"! You are not entitled to steal public funds for your private business aspirations just because you have a vagina!

Former TPC boardmember and profligately corrupt mayor Devin Middlebrook literally baked this outcome into the City's "Strategic Plan" so that he could continue to

rule the council from his political grave! This **insane plan** is based upon the utterly false premise that city broadband speed is merely 12% of San Francisco. **It's just not true.** Moreover, Spectrum is now rolling out DOCIS 4 over the existing cable infrastructure which will bring everybody within city limits 6 Gbps upload speeds without the city spending a dime of tax money!



1.1 Broadband For All

Expand broadband services in the community via high-speed internet to serve the needs of local businesses and residents, and to attract remote workers to the region. Develop a broadband infrastructure deployment plan that identifies fiber hubs, last-mile transit, relay points and redundancy. The City should explore innovative broadband models (ex: community co-op and public private partnerships) and funding opportunities to implement projects. The City will ensure access (broadband and devices) to underserved communities.

Action Item

Complete NeoConnect contract to expand broadband infrastructure, to connect to regional broadband infrastructure, to secure funding to assist in the implementation of broadband infrastructure and to update the City's "dig once" policy.



Of all the tremendous structural problems facing the City, broadband internet access is not even close to one of them. It is such a ridiculously inappropriate priority that was a product of corrupt [grouphink](#) committees that deliberately exploited the pandemic to exclude public input. Devin Middlebrook and Joe Irvin need to be fired!

No more snake oil!

Thank you.

Margaret Byers