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SEEKING A TRPA MORATORIUM ON NEW WIRELESS FACILITIES AND UPGRADES TO EXISTING WIRELESS FACILITIES IN THE LAKE TAHOE REGION

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Cc: jmarchetta@trpa.org, jmarshall@trpa.org

Tahoe Regional Planning Agency

128 Market Street

Stateline, Nevada 89449

By email to: trpa@trpa.org

CC to Executive Director Marchetta at: jmarchetta@trpa.org

CC to City of South Lake Tahoe at: PublicComment@cityofslt.us

TO: TRPA BOARD MEMBERS

FROM: ALAN MILLER, PE

DATE: APRIL 16, 2020

SUBJECT: SEEKING A TRPA MORATORIUM ON NEW WIRELESS FACILITIES AND UPGRADES TO EXISTING WIRELESS FACILITIES IN THE LAKE TAHOE REGION

Honorable Chairman Yeates and Board Members,

I am writing to respectfully ask for TRPA's assistance in regulating the unfettered proliferation of cell phone towers and antennas, and other wireless facilities for the internet and other applications of radio-frequency radiation emissions, which has occurred and is occurring within my City of South Lake Tahoe community and elsewhere in the Tahoe region. I am specifically seeking a moratorium on such new facilities, and changes to existing facilities until a basin-wide evaluation and TRPA regulatory program can be developed, including appropriate environmental assessments. I am appealing to the TRPA as the next-level administrative remedy, short of a lawsuit, after petitioning my grievances to the City of South Lake Tahoe, which has resolutely ignored my concerns and the concerns of many other members of my community. The plain facts in this matter are that the wireless facilities are a threat to human health and the integrity of environmental ecology in the Tahoe basin. In May 2011 the International Agency for Research on Cancer (IARC) classified Radio Frequency-Electromagnetic Fields (RF-EMF, including non-ionizing extremely low frequencies of EMF) as a group 2B agent, i.e., a "possible" human carcinogen, right up there with lead, chlordane, DDT, ethylbenzene, and many other poisonous agents (https://www.iarc.fr/wp-content/uploads/2018/07/pr208_E.pdf).

The City, under direction of the City Attorney, has repeatedly claimed federal pre-emption by the

Federal Communications Commission (FCC) with regard to human health and environmental effects, despite the documented claims that the FCC has no particular expertise or authority in these areas or concerning such wireless facilities. The City has not taken meaningful regulatory action to protect the people, fauna and flora in the City from the increasing “electrosmog” we are all being subjected to at various levels never before experienced in the history of humanity. Such radiation is scientifically proven to be harmful to people, animals and plants. While citing the outdated (1990’s-era) FCC regulations and guidelines the City has claimed a Categorical Exemption from the California Environmental Quality Act for locating wireless facilities on private property, with specious findings or none at all.

In many cases the antennas themselves and related facilities also blight our beautiful landscapes and viewsheds, such as at the Ski Run Marina area with multiple wireless facilities. You may not be aware, in just the latest instances, the City upheld on appeal the planned installation of a 112-foot-high cell tower in a residential neighborhood (within 200 feet of residences) near Ski Run Blvd, and on April 14, 2020, approved new draft ordinances (1st reading) that would make “preferred locations” for wireless facilities include land uses dedicated for Conservation and Recreation. In my view this will be potentially highly detrimental to Stream Environment Zones and forest environments and the people and animals and plants that rely on them. Radiation is no respecter of such conservation lands and SEZs.

In my pre-retirement job as a Chief of the North Lahontan Basin Regulatory Unit at the Lahontan Regional Water Quality Control Board I oversaw permitting for literally dozens of Environmental Improvement Projects and conservation-restoration projects over a decade and a half (prior to 2018), involving literally tens if not hundreds of millions of dollars (public funds) to restore and improve the degraded environments of Lake Tahoe. I am elated to hear the long-planned restoration of the Upper Truckee River/Trout Creek Marsh delta is finally receiving the funding to begin this most-important restoration action for Lake Tahoe water quality. At the same time, we have the proliferation of cell phone towers in the City (some 22 facilities), including in this very area (at the Tahoe Keys Marina/Cove East conservation area), amid bald eagle and other important wildlife habitats (photos attached).

I can understand the TRPA was formed before such wireless facilities, other than for AM/FM radio, were a significant factor, but all that has changed, and is planned to change more and very rapidly with the plans by wireless big-business interests in the region to implement the much-more-powerful next generation of wireless technology, 5G, for the so-called Internet of Things. Now is the time to act, before more facilities are imposed. The City and other local governments apparently have no desire or ability to understand or thwart the FCC rules and big-business interests behind the proliferating wireless technologies. I have grave concerns with human health effects and significant environmental effects given the current FCC radiation emissions guidelines. It is incumbent upon the TRPA to step up and protect the values of the region in the absence of meaningful local protections. The Precautionary Principle to “first do no harm” must be invoked.

I have laid out my above concerns and other concerns in a February 18, 2020 letter to the City Planning Commission, and a subsequent April 10, 2020 letter to the City Council, which I will provide for your records and therefore not further reiterate here. I urge you and/or your staff to read these letters and their attachments. In particular I will call your attention to “the Lawsuit” in federal court against the City of Sante Fe, the State of New Mexico, and the United States, cited and provided here as a pdf attachment, as this lays out the human and environmental issues in great detail. (Here is the link to the Lawsuit with its many embedded links to further information <https://www.cellphonetaskforce.org/wp-content/uploads/2019/01/Doc-19-First-Amended-Complaint.pdf>.) I will provide my other letters and their attachments under separate cover.

In closing, I urge the TRPA Board and staff to act without further delay to fulfill its mandates under the bi-State Compact and TRPA Plans and ordinances. I request to be informed when you have received this communication, and of any future plans and/or actions TRPA will take with regard to the issues with wireless facilities I have outlined. I look forward to your response and I thank you for your service.

Alan Miller, PE

P.O. Box 7526, South Lake Tahoe CA 96158

Attachments:

1. Photos of Tower adjacent to Upper Truckee River marsh at Tahoe Keys Marina and Venice Drive, City of South Lake Tahoe
2. LAWSUIT: Citation; IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO, No. 1:18-cv-01209-LF-JHR; SANTA FE ALLIANCE FOR PUBLIC HEALTH AND SAFETY, ARTHUR FIRSTENBERG, and MONIKA STEINHOFF, Plaintiffs, vs CITY OF SANTA FE, NEW MEXICO; HECTOR BALDERAS, Attorney General of New Mexico; and the UNITED STATES OF AMERICA, Defendants. (Sante Fe Alliance et al., First-Amended-Complaint.pdf)

3 attachments



Wireless Facilities Tower at Tahoe Keys Marina, facing Southeast, 4-16-20.JPG
4942K



Wireless Facilities Tower at Tahoe Keys Marina, from Cove East Restoration Site facing South, 4-16-20.JPG
6822K

 **Sante Fe Alliance et al., First-Amended-Complaint.pdf**
514K