

**From:** Will Irwin <will.irwin@journalistmail.ch>  
**Sent:** 5/30/2024 4:49:50 PM  
**To:** Cindy Gustafson <cindygustafson@placer.ca.gov>; Hayley Williamson <hayley.a.williamson@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; Barbara Cegavske <bkecegavske@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>; Bud Hicks <ajhicks@Mcdonaldcarano.com>; Alexis Hill <AHill@washoecounty.us>; Vince Hoenigman <vhoenigman@yahoo.com>; Jim Lawrence <laurance@dcnr.nv.gov>; bosfive@edcgov.us <bosfive@edcgov.us>; Wesley Rice <wrice@douglasnv.us>; Bill Yeates <jwtrpa@gmail.com>; Public Comment <PublicComment@trpa.gov>  
**Cc:** California Attorney General <CEQA@doj.ca.gov>; John Hester <jhester@trpa.gov>; John Marshall <jmarshall@trpa.gov>; Katherine Huston <khuston@trpa.gov>; Vern Pierson <vern.pierson@edcgov.us>; Placer County District Attorney <infopcda@placer.ca.gov>; Washoe County District Attorney <districtattorney@da.washoecounty.gov>; Carson County District Attorney <CCDAInfo@carson.org>; Mark B. Jackson <mjackson@douglas.nv.gov>;  
**Subject:** TRPA June 26 2024 GB Meeting General Public Commentary  
**Attachments:** [ec029aa1.jpeg](#), [ff96aae5.jpeg](#), [0e5adab2.jpeg](#), [46ef68ff.jpeg](#), [708516-montreal.png](#), [Concerned Citizens Letters .png](#)

Governing Board of the TRPA:

There is a **concerted effort** by TRPA staff to  **censor and suppress public comments**  from being entered into TRPA hearings records. I **quote** one notorious G.B. **hearing's record** and the **widely disseminated** email exchange between the TRPA and a local unincorporated neighborhood association, who clearly caught the TRPA Legal Counsel **lying**:

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

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

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

Hi all:

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

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

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

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

Please advise how we should handle.

Thanks!

Bridget

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

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Bcornell <bcornell@trpa.gov>, ...

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

[Wed, Oct 13, 2021 • 18:55](#)

To whom it may concern,

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

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

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

**To:** Bridget Cornell <bcornell@trpa.gov>

**Cc:** Georgina Balkwell <GBalkwell@trpa.gov>; Joanne Marchetta <jMarchetta@trpa.gov>; John

Marshall <jmarshall@trpa.gov>; Marja Ambler <mambler@trpa.gov>; Katherine Hangeland <khangeland@trpa.gov>; David Livingston <david.livingston@edcgov.us>

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

Ms. Cornell,

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

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John Marshall <jmarshall@trpa.gov>

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

Tue, Oct 26, 2021 • 07:18

To whom it may concern:

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

John L. Marshall

TRPA General Counsel

775.303.4882

Jmarshall@trpa.org

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

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

We, the "Concerned Citizens of South Lake Tahoe," an "unincorporated association" with a direct interest in the following matter, submitted a timely public comment to the TRPA pertaining to TRPA Governing Board "Agenda Item No. VIII.B Appeal of Hearings Officer Special Use Permit for Verizon Wireless Monopine Staff Report." We believe our public comment was deliberately censored or otherwise omitted from the public record in malfeasant bad faith.

We are expressly aware that a CD-ROM with over 3,000 pages of peer-reviewed scientific literature was delivered by mail to the TRPA and was then deliberately censored from this matters' public record during a hearings officer meeting on October 14th 2021. We also know comments pertaining to reported observations of an endangered frog in an adjacent creek were suppressed from the public record as well.

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

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

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

John Marshall <jmarshall@trpa.gov>

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

Mon, Apr 4 • 14:30

To Concerned Citizens of South Lake Tahoe,

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

Sincerely,

John L. Marshall

TRPA General Counsel

775.303.4882

jmarshall@trpa.gov

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

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

Tue, Apr 5 • 18:09

Dear Mr. Marshall,

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

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

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

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

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

It appears that [a misconduct complaint to the California Bar should be filed against John Marshall](#) for egregiously violating multiple laws and rules. Marshall clearly violated [PBC § 6068\(d\)](#) & California Bar Rules [3.3](#), [3.4](#), [4.1](#), & [8.4](#). Mr. Marshall should be sanctioned, and be removed from status as a TRPA officer **just like Joanne Marchetta**. He might also be criminally prosecuted for systemically intending to violate the Ralph M. Brown Act ([TRPA Proc R. § 2.6](#); CA. Gov. Code §§ [54957.5](#) & [54959](#)).

No applicant for a development project (HVR ACQUISITIONS LLC or Verizon, etc.) shall proceed in a manner which may harm the [Sierra Nevada Yellow-legged Frogs](#) without an **individual take permit** for species protected under the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code). See also, 16 U.S.C. §§ [1532\(19\)](#) & [1538](#); 50 CFR §§ [17.11](#) & [17.21](#); [79 FR 24255](#).

My timely public comment submitted to a quorum of the TRPA board well before the start of the meeting needs to be added to the record of the **sham hearing in chronological order** of receipt, and John Marshall should resign for the same reasons as Marchetta. The record proves Mr. Marshall clearly had problems with his "hearing."

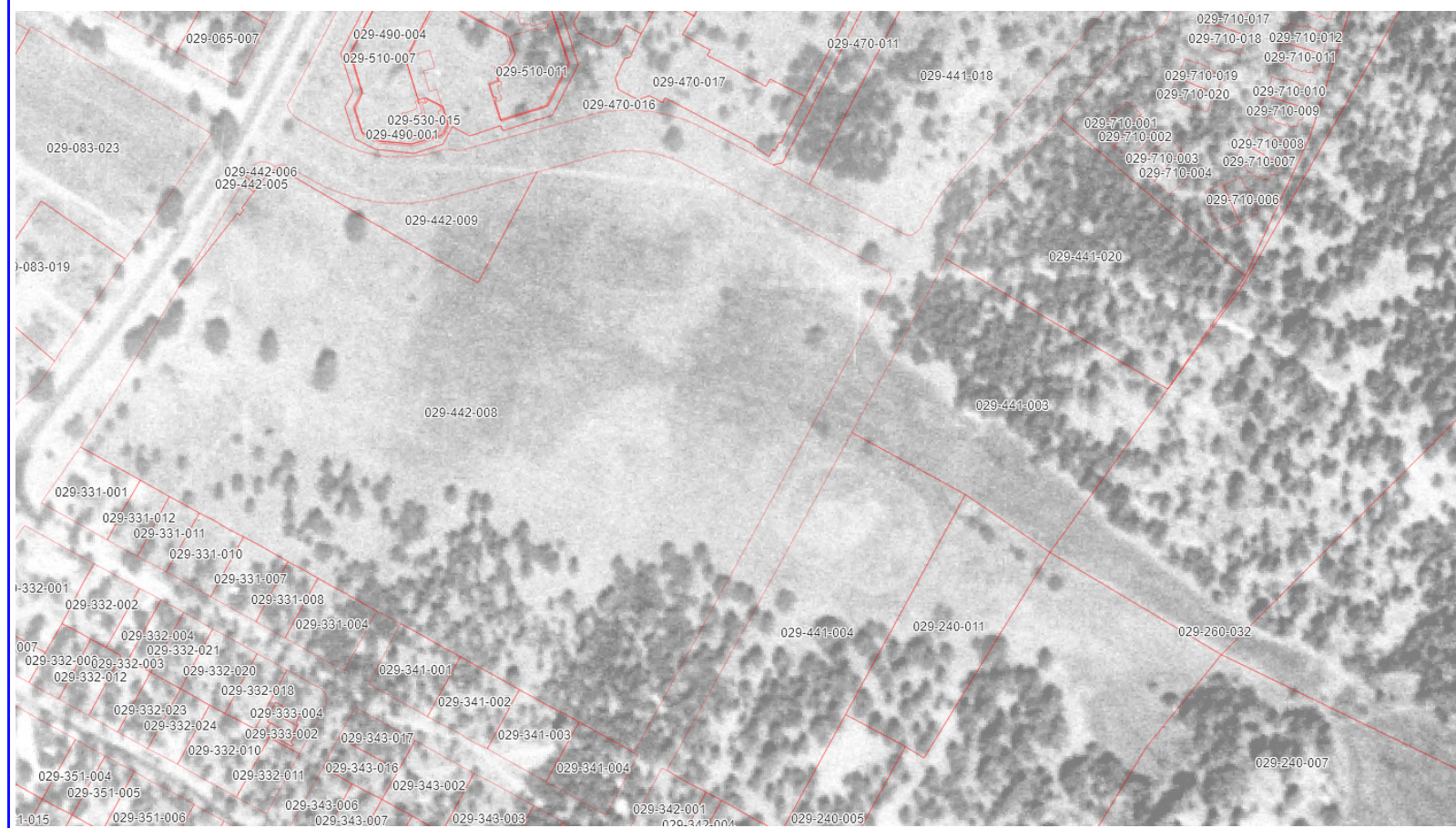
Sincerely,  
W. Irwin

On **2022-09-25 00:00**, Will Irwin wrote:

Tahoe Regional Planning Agency Directors,

You should not have abandoned the Public Utility Easement on [3794 Montreal Road \(APN 029-441-004 & 029-240-011\)](#)! The precise purpose for the abandonment of the Public Utility Easement is to allow a large construction project; this agenda item is really just a piecemeal step in the whole development process. The proposed construction project is on the last remaining portion of a large [historic meadow and stream environmental zone](#), which is also [habitat for the Sierra Nevada Yellow-Legged Frog](#), a [federally endangered species](#) (16 USC §§ [1532\(19\)](#) & [1538](#); 50 CFR §§ [17.11](#) & [17.21](#); [79 FR 24255](#)). Under the Endangered Species Act, prohibited "harm" includes "significant habitat modification or degradation." Thus, this habitat as well as the endangered animal is protected from private action ([Babbitt v. Sweet Home](#), 515 U.S. 687 (1995)). California law also generally prohibits the impairment or destruction of habitat to which these species are limited ([FGC, §§ 2050 et seq.](#)). A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (PRC §§ 12252, [21083\(b\)\(1\)](#), [21104.2](#), [21159.21\(d\)](#), [21159.25\(b\)\(4\)&\(c\)\(2\)](#), & [21166\(c\)](#); 14 CCR §§ [15300.2\(c\)](#), [15380](#), & [15382](#)).

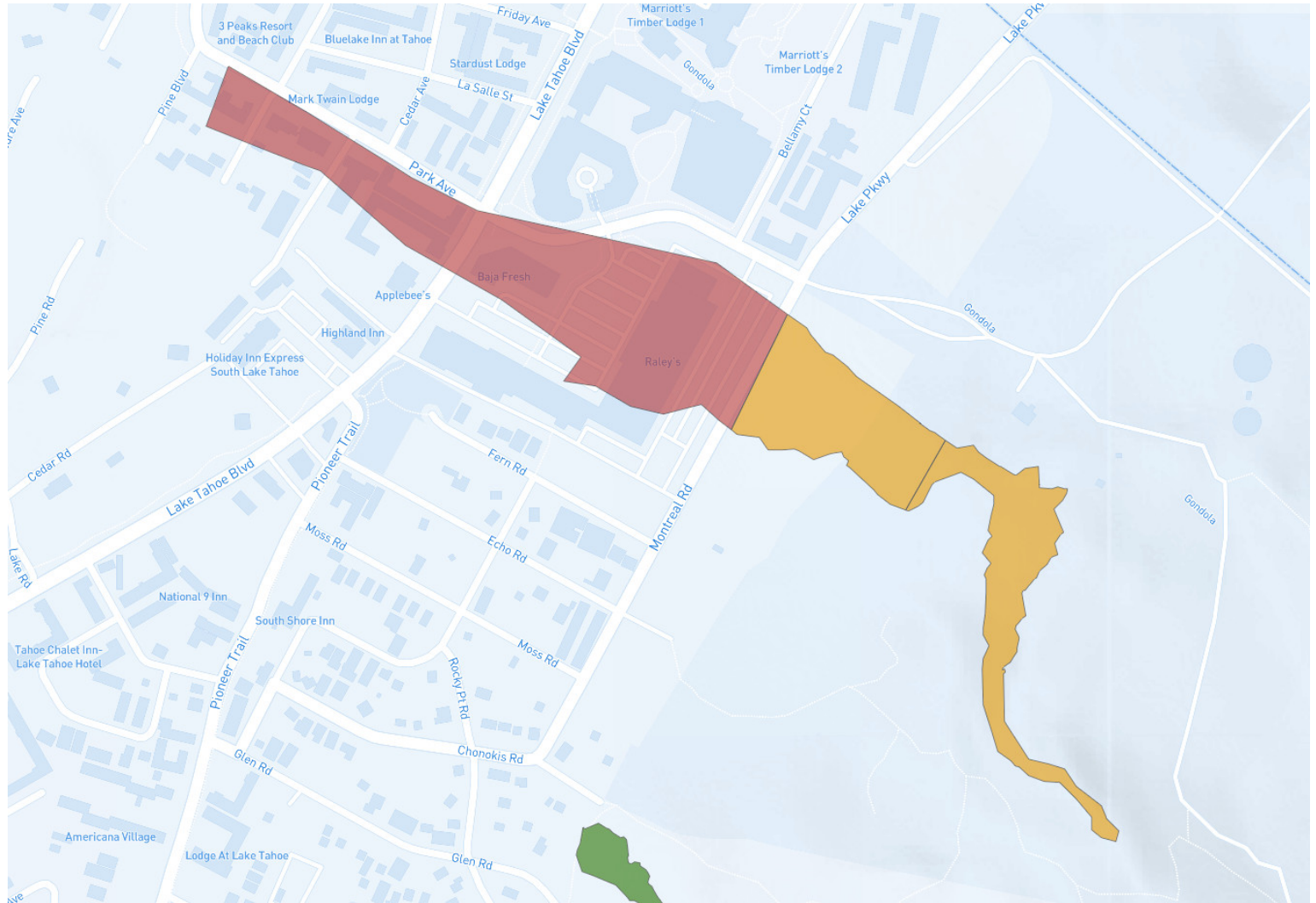
This was a very large fragile alpine meadow in 1940's:



...and these parcels ([APN 029-441-004](#) & [029-240-011](#)) remained meadow through the 1960's:



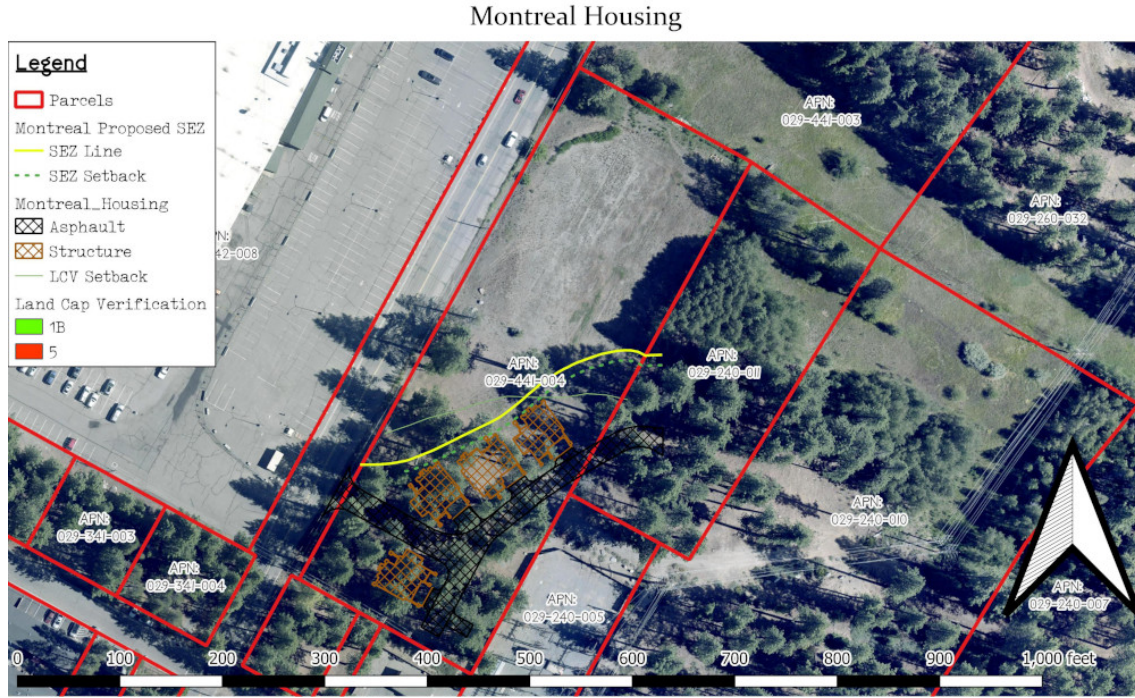
Before the [bi-state compact](#) was created in [1980](#) to protect and restore the former [Stateline meadow land](#).



Don't allow this meadow to be developed by [Lew Feldman](#) on behalf of [HVR ACQUISITIONS LLC](#). Restore it to open space. Allow our [endangered species](#) to recover.

The plans are [here](#) (Parcel [APN 029-441-004](#); File or Case # [SUBD2021-1200](#) & [ERSP2020-0401](#)). Therein are the planning blueprints for what they intend to build. [Lew Feldman's firm](#) has their fingers all over this. The applicant dishonestly moved the SEZ boundary from that what is verified in 2004 and 2006 by the TRPA (File or Case # [20041238STD](#) & [20061884STD](#)). They did not [submit a land capability challenge](#) as would be required by the TRPA Regional Plan and the Code of Ordinances; they simply moved it in their planning survey and are counting on the TRPA will acquiesce to the illegal change. **This is what has been rampantly happening** now that developer Andrew Strain is the TRPA hearings officer.

The below diagram shows they will cut down a lot of trees and place housing right next to the stream; it depicts the illegal SEZ boundary and setback in bright yellow and dotted green. The actual verified boundary is demarked by the jade green hairline.



The tree removal will destroy the natural solar shading of the SEZ soils which will cause desiccation of riparian plants and the atrophy of the dependent fauna. The adjacent forest is part of the greater SEZ ecosystem, and development will separate critical interaction of two biomes—meadow and forest. The development will further block the scenic aspen grove from the highway. Lint from clothing driers will discharge microplastics directly into the creek. Increased human activity in the SEZ will further degrade it. Please visit the [TRPA SEZ viewer](#).

Will Irwin

P.S. *see also,*



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Will Irwin