

From: [Christy White](#)
To: [Kaitlynn Nelson](#)
Cc: [Maya Teeple](#)
Subject: Wireless Code Changes 2021
Date: Wednesday, March 17, 2021 8:34:58 PM

Hello Kaitlynn,

I was very dismayed this evening as to how the code changes are being approached. Below are my comments and thoughts and I have also sent this via the Planning Commission website. Thank you, Christy

Planning Commission Members,

It was very disappointing to see such a one sided presentation this evening by Mr. Feldman regarding the wireless code development that Thurston County may consider.

The code for Wireless implementation deserves the same diligence, consideration, and balanced information as the Shoreline Master Plan or any other code changes in Thurston County.

Where is the Wireless Work Group? Where is the presentation by a consultant or group to mitigate wireless sprawl? There are two sides to this technology.

Representing the entire County, the other side of the information also needs to be requested from Planning Department by you before any attempt at fair and balanced code changes can be made.

I ask that you request from the Planning Department a work group be considered and a presentation of data and facts be given to you discussing the possibilities and options in the law to mitigate the hazards of electromagnetic smog.

Thank you, Christy White Delphi Valley

From: [Josh](#)
To: [Kaitlynn Nelson](#)
Subject: Wireless Communication Code Comments
Date: Tuesday, April 20, 2021 6:27:48 PM

Josh Stottlemyer
11204 Chaucer Lane
Olympia, WA

There should absolutely be a public hearing on the Wireless Communication Code.

Initial comments, references, sources, and code modification suggestions below.

There is currently an [ongoing case against the FCC](#) that challenges the FCC's decision not to review its 25-year-old health guidelines. The suit contends that the FCC guidelines are based on false scientific assumptions and that harms from wireless radiation are proven and widespread. A decision in [that case](#) is likely within the next four months. The judge in the case has stated that he is likely to rule against the FCC. Given that this case is likely to have consequences on the rules being considered by this body, I strongly recommend that an adoption or further development of rules be postponed.

Currently the FCC only tests cell phones for possible thermal damage. However the test they use does not actually verify protection from thermal damage — it is based on the gigantic liquid filled rubber head of a 220 lb., six-foot tall adult male military recruit. The test head is relevant to only 3% of the population.

[Biomedical experts and scientists agree](#) that measuring for thermal effects is not a valid and biology-based safety test. Our brain is not liquid, but a complex bio-electrical system that has been demonstrated to be vulnerable to damage from the pulsed and modulated electromagnetic fields and radiation emitted by wireless devices.

Studies based on [brain scans](#), [MRI](#) and [EEGs](#) provide irrefutable evidence of harm from wireless devices' **non-thermal** exposures. Cell phones and wireless devices can change brain wave activity, [impair blood flow to the brain](#), damage the [blood-brain barrier](#), interfere with brain cells communication and break [brain cells' DNA](#). Peer-reviewed published science shows harmful effects of wireless radiation include: fatigue, headaches, sleep problems, anxiety, ringing in the ears, heart problems, learning and memory disorders, increased cancer risk, and more. Children, the ill and the elderly are more vulnerable. This is in addition to a myriad of other effects on humans, animals, plants, insects, and the environment which have been all thoroughly documented and consistently ignored by regulators and the industry. See sources below.

Perhaps we are not concerned about the slow detrimental effects of wireless radiation on health or the environment. However children have smaller and thinner skulls than the test head and absorb substantially more radiation than adults. [Research confirms](#) a 10-year-old absorbs more than 150% higher radiation than the test dummy. Children [represent a significant portion](#) of the consumer market for wireless smart tech devices, and Big Tech is pushing these devices on children at increasingly early ages. Children also face thousands of times more exposure over their lifetime than current adults. SAM, the test dummy, was adopted by the FCC in 1996 when the only commercially used wireless

devices were cell phones, measures for only short-term exposure of 30 minutes from one device. It fails to address non-thermal effects, which are numerous, longer exposure times, or constant exposure from multiple wireless sources as most face in their homes, businesses, and vehicles. It is this cumulative exposure that is most dangerous to our health.

The International Agency for Research on Cancer at the World Health Organization classifies radio frequency radiation such as the type emitted from most wireless devices as a 2B (possible) carcinogen.

https://www.iarc.who.int/wp-content/uploads/2018/07/pr208_E.pdf

In cities across the US, small cell sites are being installed generally with little to no consideration of the effects on those nearby or within range. People are waking up or coming home to a construction project in their front yard. It may be in the “right of way”, but no one expects a cell tower to go up in front of their house with no notice. Yet this is happening thanks to the FCC rules you are working on adopting. Once that tower is in place, the technology can be changed or added to without notice or consent to really anyone unless the County creates rules requiring such. Which you must.

Some non-health considerations

Loss of property value: Home or business owners risk property value loss where a cell tower is installed in the neighborhood. A survey by the National Institute for Science, Law & Public Policy found that 94 percent of homebuyers are “less interested and would pay less” for a property located near a cell tower or antenna. With small cell sites, emitters are necessary every 250 ft or less.

Public Utilities Code Section 7901 provides that use of the roads by telephone companies cannot “incommode the public use of the road...” The phrase “incommode the public use” in Section 7901 means “to unreasonably subject the public use to inconvenience or discomfort; to unreasonably trouble, annoy, molest, embarrass, inconvenience; to unreasonably hinder, impede, or obstruct the public use.” If ever there was a situation that caused discomfort, or unreasonably troubled residents, it is the case of cell towers near homes. Survey your residents; no one wants one in their front or back yard, or even in their view.

The new rules, made by an unelected body of communication industry insiders at the FCC, give no consideration to home owners, business owners, or the right of a municipality to make decisions about what is best for its citizens. Provisions must be adopted to give both the municipality and its citizens a way to object to and stop installation of small cell sites where there is no need or desire from the public, or where it will adversely affect property values, views, handicap access, public and environmental health.

In reaction to the increasing numbers of municipalities implementing rules to limit the unchecked proliferation of wireless facilities the FCC recently adopted and put into effect a rule amendment to OTARD allowing wireless data antennas to be mounted on the outside of people’s homes, completely circumventing state or local public due process.

Along these lines I have the following recommendations for inclusion in the code:

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<!--[if !supportLists]-->1. <!--[endif]-->Require a permit be obtained by the installer for all external wireless antennas, regardless of location, that the maximum range must be specified in the permit, and that all
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neighboring homes and business within range be notified by the installer prior to installation with instructions on how to file objections with the county and any applicable deadlines.

<!--[if !supportLists]-->2. <!--[endif]-->Require proof of insurance from all entities participating in the installation of wireless facilities, installer(s), provider, sub-contractors, etc. As well as ongoing insurance by any of the communication providers against potential future harms. There have been and will continue to be lawsuits against these installations and their effects, the county must be protected and named as an insured.

<!--[if !supportLists]-->3. <!--[endif]-->Require that any applicants for wireless facilities, including a neutral host provider, provide the following for application approval:

<!--[if !supportLists]-->a. <!--[endif]-->Prove facility is needed to fill a significant gap in coverage utilizing and independent testing firm. A tower without a gap in coverage serves no public interest. Independent testing shows that applicant claims cannot be trusted.

<!--[if !supportLists]-->b. <!--[endif]-->Require the wireless companies who will be leasing from the host provider be named participants and provide the all necessary information regarding their facilities.

<!--[if !supportLists]-->c. <!--[endif]-->Require the applicant to detail how the facilities would obtain power, fiber connections, or other necessary wired or wireless hook-ups.

<!--[if !supportLists]-->d. <!--[endif]-->If they are installing on a new or existing structure show that the structure is engineered to support the weight of current or additional equipment; that it will not impede the right of way; obstruct views necessary for traffic flow, or obstruct scenic views.

<!--[if !supportLists]-->e. <!--[endif]-->Require applicant and any subsequent site installers or providers to notify all residents and business in range of the proposed facility, or proposed facility modifications, of the type of facility, the height of the facility, the exact location of the installation, the gap in coverage they are filling, and a photo or detailed drawing of what the fully loaded facility will look like. As well as instructions on how to file an objection with the county including any deadlines. Notice must be given with adequate time for response. Residents must be made aware of what is being put in their yard or neighborhood before it goes in otherwise there is no due process.

<!--[if !supportLists]-->4. <!--[endif]-->I further recommend that the county adopt the following recommendation from the New Hampshire legislative commission to study the environmental and health effects of 5G wireless technology in 2019. Detailed report found here: <http://emfsafetynetwork.org/wp-content/uploads/2020/11/NH-State-5G-final-report-2020.pdf>

<!--[if !supportLists]-->a. <!--[endif]-->Include links on the county website(s) about RF-radiation from all sources, including 5G, and showing how to minimize exposure, as well as public service announcements warning of RF health risks especially to pregnant women and children.

<!--[if !supportLists]-->b. <!--[endif]-->Require eye-level signage for every 5G antenna in the public rights- of-way.

<!--[if !supportLists]-->c. <!--[endif]-->Recommend *“Schools and public libraries should migrate from RF wireless connections for computers, laptops, pads, and other devices, to hard-wired or optical connections within a five-year period starting when funding becomes available.”*

<!--[if !supportLists]-->d. <!--[endif]-->Collect signal strength measurements including worst-case conditions for all wireless facilities, including when changes are made, and make that information public. If measurements exceed radiation thresholds, the municipality can take the facility offline. Measurements taken by an independent contractor and the cost paid by the installer.

<!--[if !supportLists]-->e. <!--[endif]-->Establish new protocols for measuring RF to better evaluate signal characteristics, taking into account the high-data-rate radiation known to be harmful to human health. Evaluating the summative effects of multiple radiation

sources to be measured.

<!--[if !supportLists]-->f. <!--[endif]-->Require that any new wireless antennae be set back from residences, businesses, and schools.

<!--[if !supportLists]-->g. <!--[endif]-->The County should develop a continually updated map of RF exposure levels across the county to insure cumulative and individual source emissions are within safe limits.

Additional Sources:

August 26, 2020 the U.S. District Court for the District of Massachusetts dismissed a lawsuit by “neutral host” provider ExteNet Systems, Inc. against the City of Cambridge, MA.

On August 26, 2020 the U.S. District Court for the District of Massachusetts held that a municipality can require that the applicant, in this case a neutral host provider, to prove the facilities were needed to fill a significant gap in coverage, would in fact be used to fill any gap that did exist, and there were no viable alternative locations. Can further require that the wireless companies who will be leasing from the neutral host provider be named participants and provide the necessary information before approving the application/permit. They can also require the applicant to detail how the facilities would obtain power or fiber connections, or other necessary hook-ups. Adding these requirements will allow municipalities to better determine whether and where wireless facilities are actually needed, and the services they will support.

EMF Research Summaries

<https://bioinitiative.org/research-summaries/>

State of knowledge on biological effects at 40–60 GHz

<https://www.sciencedirect.com/science/article/pii/S1631070513000480>

5G Wireless Technology: Millimeter Wave Health Effects and research Reviews

<https://www.saferemr.com/2017/08/5g-wireless-technology-millimeter-wave.html>

National Toxicology Program – Dept. of Health and Human Services cell phone study, general info

<http://ntp.niehs.nih.gov/results/areas/cellphones/index.html>

Results of 3/2018 peer review of above NTP study:

https://ntp.niehs.nih.gov/ntp/about_ntp/trpanel/2018/march/actions20180328_508.pdf

Report of final results regarding brain and heart tumors in Sprague-Dawley rats exposed from prenatal life until natural death to mobile phone radio frequency field representative of a 1.8GHz GSM base station environmental emission

<https://www.sciencedirect.com/science/article/pii/S0013935118300367>

Quotes from science experts who signed the The International EMF Scientist Appeal:

<https://www.emfscientist.org/index.php/science-policy/expert-emf-scientist-quotations>

Biological effects from exposure to electromagnetic radiation emitted by cell tower base stations and other antenna arrays

<https://cdnsiencepub.com/doi/pdf/10.1139/A10-018?src=recsys&>

Neurobehavioral effects among inhabitants around mobile phone base stations

<https://pubmed.ncbi.nlm.nih.gov/16962663/>

Epidemiological Evidence for a Health Risk from Mobile Phone Base Stations

https://www.researchgate.net/publication/45387389_Epidemiological_Evidence_for_a_Health_Risk_from_Mobile_Phone_Base_Stations

US Dept. of Interior on effects of wireless radiation on migratory birds

https://www.ntia.doc.gov/files/ntia/us_doi_comments.pdf

<!--[if !supportLineBreakNewLine]-->

<!--[endif]-->

From: [Josh](#)
To: [Kaitlynn Nelson](#)
Subject: Draft Wireless Code Revision
Date: Monday, April 26, 2021 3:32:40 PM

Planning Commissioners:

In the 4/21/21 planning commission meeting one or more planning commissioners asked if a wireless advisor had been consulted "from the other side". The response was that the county hired the consultant and it was implied that the consultant therefore did not have a "side". It was also conveyed that staff had met with the wireless company representatives and that changes to the draft code were made as a result of their input.

Three minute comment periods, emails that may go unread, and public hearings are simply not adequate to address the scope and lasting effects of the wireless code rewrite. You are talking about small cell sites being placed in a mesh all over the county, as close as 600 ft to each other, affecting every single citizen. If ever there was a time to make sure you have the right consultants, form working groups, and make sure all sides are heard and considered, this is it. Wireless companies have had direct input into the code and meetings with staff, citizens should not have equal representation, they should have considerably more. However at this point it's limited to emails and 3 minute comments, it's not right.

While there is no way for me to know for certain if the current consultants hold any pro-wireless bias, has conflicts of interest, or the specific level of input they, the wireless companies, or any other advisor or staff has had into the code. **It is abundantly clear that the code is being written for the benefit of the wireless companies with little consideration for the rights of the county or its citizens.** It seems the commission and likely the staff has been given false and misleading information by the consultant or the wireless companies regarding what rights the county has within the FCC rules, and other federal rules and regulation, and poor or inaccurate advice on how to protect those rights.

There are numerous examples throughout the draft code of both rules written purely for the benefit of wireless companies that have no corresponding rule in the FCC code as well as an almost complete omission of rules protecting the rights of the county, citizens, and property owners. The list of specific giveaways and omissions are much too extensive to detail in one letter. However of the most concerning are, no requirement for insurance of any kind, no notice to those in range of the towers or even those within sight lines, removal of the counties rights to its normal permitting processes (which are codified in federal law and the FCC cannot preempt), no priority of wireless locations, no requirement to show a gap in service for locating small cell sites, blanket approval of small cells on ball fields and playfields, no requirement to show the NEPA checklist which exempts environmental review (in some case), no rules for when environmental review is required (there are several according to FCC code), I could go on for pages.

Based on the single slide shown at the 4/21/21 planning commission meeting alone, you need to question those who are writing and consulting on the code. The slide said that environmental factors could not be considered in the rules. This is patently false. Each wireless facility must, by law, do an independent self-certification to confirm that they are eligible for an exemption from an environmental assessment under NEPA. This is a requirement for a license from the FCC. A municipality can require a copy of that completed check list, proof that it's on file with the FCC, and the evidence for filling out the checklist the way they did. And they can stop the permit process or deny the permit if these things are not provided. *These requirements, and many more, need to be added to your code.*

Unfortunately is very easy to mis-interpret the rules to think this isn't required and wireless companies will claim it is not and they are simply exempt from an environmental assessment. Good case law has affirmed that municipalities can require a combination compliance with federal law. If the FCC can require it (and does), the municipality can require it (and has a responsibility to).

Either the consultant and staff are unaware of current case law and FCC rule revisions, or the intent was

to mislead. Either is unacceptable and ample reason to replace the consultants with one who is better versed in protecting the rights of municipalities and citizens as they revise the wireless code. Or at the very least form a working group whom has the power to bring in additional consultants.

Further, the April 14, 2021 Memorandum from Kaitlynn Nelson, with subject: Wireless Code Update, Thurston County Zoning Code Chapter 20.33 Development Code Docket #A1- Wireless Communications Considerations for April 21, Planning Commission Work Session, in the "staff comments" makes several incorrect claims regarding various rules in the wireless code.

For example, "unreasonably discriminate" does not mean you cannot deny *similar* permits. If the two different companies applied to install the same tower in the same spot you could not favor one over the other for that location, but just because the tower is "similar" does not in any way override any other factor of consideration, such as location, gap in service, set-backs, etc. Even if towers were being installed in a cookie cutter neighborhood where the site circumstances were the same in every way (highly unlikely), you still can say no based on new information, or no gap in service, or if the "construction of the facilities has been a source of controversy on environmental grounds in the local community", or a myriad of other non-discriminatory reasons. But you also need to put that in the code.

The comments also imply that the time periods (shot clocks) defined by the FCC are overriding, they are not, in any way. The basis for the shot clocks defined in FCC 18-133 (no environmental review needed) was vacated on 12/5/19. Any Federally mandated shot clock for Wireless Telecommunications Facilities (WTFs) are not consistent with the legislative intent of the 1996 Telecommunications Act.

*"Under subsection (c)(7)(B)(ii), decisions are to be rendered in a reasonable period of time, taking into account the nature and scope of each request. **If a request for placement of a personal wireless service facility involves a zoning variance or a public hearing or comment process, the time period for rendering a decision will be the usual period under such circumstances.** It is not the intent of this provision to give preferential treatment to the personal wireless service industry in the processing of requests, or to subject their requests to any but the generally applicable time frames for zoning decision."*

Therefore any locality can and should build in an application requirement for substantial written evidence in the public record for both SEPA and NEPA review, as well as a public comment period for each and every Wireless Telecommunications Facility (WTF) application including small cell sites. *This is your right as a municipality and you should require it in the code.*

To be clear, as of 12/5/2019 There are no longer any small WTF-*specific* FCC NEPA regulations; every small WTF application will be processed under the old NEPA rules (the FCC rules that were promulgated for macro towers, years ago). As stated earlier, *every tower must include a NEPA checklist and in general due to the height and wattages of **most of the small cell sites, they nearly all require an Environmental Assessment.***

Every Wireless Telecommunications Facility (WTF) that is 1,000 Watts ERP or higher, with lowest point of its antenna 10 meters or lower to the ground, **can and do** emit pulsed, data-modulated, Radio-frequency Electromagnetic Microwave Radiation (RF-EMR) **above the FCC Limit** for some distance from the antenna. **Therefore you can and should, according to FCC rules, require an environmental assessment on all of those towers.**

You can also require an environmental assessment, according to FCC Rule § 1.1311 if the "construction of the facilities has been a source of controversy on environmental grounds in the
".

local community

Interestingly, of the list of rule revisions and court decisions in the slide show prepared by wireless consultant Ken Fellman and presented at the March 17th planning commission meeting, the 12/5/19 ruling was left out. This is probably the most important change for county rights of anything that has happened with wireless rules in the last 7 years, and it was left out. The presentation also included other misleading information, inaccurate, and incomplete information. You need to ask why. Does this consultant have the best interest of the county and its citizens in mind? It would seem either they are not adequately qualified, or they do not, either is a problem.

The items I have highlighted above are just the tip of the iceberg, the draft code is lacking in the detail and scope needed to protect citizen and county rights. The FCC rules are already very one sided, written heavily in favor of wireless companies to reduce their costs and remove as many barriers as possible to their expansion.

Do not write a code that removes even more barriers and protections, it is not right, they don't need more help. Your citizens on the other hand, they need their right to due process and notice protected, they need their property rights protected, their property values, their way of life, and it is your job and the job of county staff to work for its citizens, not for wireless companies.

Please bring in a qualified consultant who is experienced in protecting the rights of municipalities and citizens while complying with the FCC rules. There are three attorneys that I am aware of that specialize in this.

Most experienced, this is who I recommend:

<https://anticelltowerlawyers.com/attorneys/andrew-j-campanelli.html>

Next most experienced

<https://www.ballardspahr.com/people/attorneys/p/pollak-mark>

Next

<https://greenfirelaw.com/telecommunications-law/>

You must bring in a specialist that is not just working to expand wireless but will help write code that does it thoughtfully, with the rights of citizens and the county to choose their own destiny in mind.

I will continue to work through the code and send additional and more detailed information as I am able, however a consultant, who has done this before, is a much better option and will be much more efficient and articulate than I can be.

However, I am happy to meet with staff or commission members to answer questions or advise on code as needed.

Thank you,

Josh Stottlemyer

Thurston County Resident

From: [Josh](#)
To: [Kaitlynn Nelson](#)
Subject: Draft Wireless Code - NEPA, Environmental Assessments, and Shot Clocks
Date: Tuesday, April 27, 2021 12:33:55 PM

Planning Commissioners & Staff,

As I recall, one of the slide from the hired wireless consultant stated that environmental effects cannot be considered on applications for tower locations or zoning. This is not accurate, in fact it's wrong. In thousands of court cases to date over wireless towers the following has been upheld.

<!--[if !supportLists]--> <!--[endif]-->Each facility must do an independent self-certification to confirm that they are eligible for an exemption from an environmental assessment under NEPA. This is a requirement for a license from the FCC. A municipality can require a copy of that completed check list, proof that it's on file with the FCC, and the evidence for filling out the checklist the way they did. *These requirements need to be added to your code.*

Unfortunately is very easy to mis-interpret the rules to think this isn't required and wireless companies will claim it is not and they are simply exempt from an environmental assessment. Good case law has affirmed that municipalities can require a combination compliance with federal law. If the FCC can require it, the municipality can require it (and should).

<!--[endif]-->

- <!--[endif]-->FCC Rule §1.1307 states: "*Commission actions granting. . .licenses to transmit . . . require the preparation of an **Environmental Assessment (EA)** if exposure to levels of radiofrequency radiation [are] in excess of the [FCC] limits.*" Again, you can and should require the tower application to include the maximum and minimum radiofrequency radiation the completed facility will emit. You could go further and require an independent verification of that once the tower is completed. Or better yet, have the city test it themselves and follow-up with random tests as the towers often increase wattages and change frequencies without notice. (You can and should require a new permit for a power increase, but not a software or frequency change)

- **Then in Table 1 of FCC Rule §1.1307: (b)(1) "Evaluation **required** if Non-building-mounted antennas [have] height above ground level to lowest point of antenna **<10 m** and total power of all channels **>1000 W ERP**.**

Every Wireless Telecommunications Facility (WTF) that is 1,000 Watts ERP or higher, with lowest point of its antenna 10 meters or lower to the ground, **can and do** emit pulsed, data-modulated, Radio-frequency Electromagnetic Microwave Radiation (RF-EMR) **above the FCC Limit** for some distance from the antenna covering. Therefore you can., and should, require an environmental assessment on all of those towers.

<!--[if !supportLists]--> <!--[endif]-->You may think that due to the shot clocks (FCC time limits) that there is no time for an environmental review, public hearings, etc. The basis for the shot clocks defined in FCC 18-133 (no environmental review needed) was vacated on 12/5/19. **Any Federally mandated shot clock for Wireless Telecommunications Facilities (WTFs) are not consistent with the legislative intent of the 1996 Telecommunications Act.** *These time limits should be removed from the draft code.*

*"Under subsection (c)(7)(B)(ii), decisions are to be rendered in a reasonable period of time, taking into account the nature and scope of each request. **If a request for placement of a personal wireless service facility involves a zoning variance or a public hearing or comment process, the time period for rendering a decision will be the usual period under such circumstances.** It is not the intent of this provision to give preferential treatment to the*

personal wireless service industry in the processing of requests, or to subject their requests to any but the generally applicable time frames for zoning decision."

Therefore any locality can and should build in an application requirement for substantial written evidence in the public record for both SEPA and NEPA review for each and every Wireless Telecommunications Facility (WTF) application. ***This is your right as a municipality and you should require it in the code.***

As of 12/5/2019 There are no longer any sWTF (small cell site) specific FCC NEPA regulations; **every sWTF application will be processed under the old NEPA rules** (the FCC rules that were promulgated for macro towers, years ago).

Due to the Aug 9 appellate court decision in the lawsuit UNITED KEETOOWAH BAND OF CHEROKEE INDIANS IN OKLAHOMA, INDIVIDUALLY AND ON BEHALF OF ALL OTHER NATIVE AMERICAN INDIAN TRIBES AND TRIBAL ORGANIZATIONS, ET AL., PETITIONERS v. FCC and the USA. It appears to be the case that **environmental review can still be required before Telecom equipment permits can be approved.**

The D.C. Circuit decision in United Keetoowah Band of Cherokee Indians v. FCC vacated those portions of the Commission's order that exempted certain small wireless facilities from federal environmental and historic preservation review. See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Second Report & Order, FCC 18-30, (released Mar. 30, 2018). In vacating portions of the Second Report and Order, **the court determined that small wireless facilities are not exempt and must therefore be reviewed under the National Environmental Policy Act and National Historic Preservation Act.**

From the FCC's NEPA fact sheet

(https://www.fcc.gov/sites/default/files/NEPA_Factsheet_111816.pdf), NEPA review (Environmental Assessment) can be required for wireless telecom applications, at least in cases where the proposed equipment:

<!--[if !supportLists]-->• <!--[endif]--> Might affect properties included or eligible for inclusion in the National Register of Historic Places (NHPA)

<!--[if !supportLists]-->• <!--[endif]--> Will be in a flood plain

<!--[if !supportLists]-->• <!--[endif]--> Would cause RF emissions exposure in excess of FCC-established limits

<!--[if !supportLists]-->• <!--[endif]--> And several others (see below)

If the project — including antenna structures, equipment cabinets, fencing, roads, power and fiber connections, and their operation and maintenance — falls into any of these categories, applicant must file an EA, which the FCC posts for public comment. Applicant must get a FONSI ("A FONSI is a document that presents the reasons why the agency (FCC) has concluded that there are no significant environmental impacts projected to occur upon implementation of the action. ") before building.

FCC Rule § 1.1311 Environmental information to be included in the environmental assessment (EA).

(a) The applicant shall submit an EA with each application that is subject to environmental processing (see § 1.1307). The EA shall contain the following information:

(1) For antenna towers and satellite earth stations, a description of the facilities as well as supporting structures and appurtenances, and a description of the site as well as the surrounding area and uses. If high intensity white lighting is proposed or utilized within a residential area, the EA must also address the impact of this lighting upon the residents.

(2) A statement as to the zoning classification of the site, and communications with, or proceedings before and determinations (if any) made by zoning, planning, environmental or other local, state or Federal authorities on matters relating to environmental effect.

(3) A statement as to **whether construction of the facilities has been a source of controversy on environmental grounds in the local community.**

(4) A discussion of environmental and other considerations which led to the selection of the particular site and, if relevant, the particular facility; the nature and extent of any unavoidable adverse environmental effects, and any alternative sites or facilities which have been or might reasonably be considered.

(5) Any other information that may be requested by the Bureau or Commission.

(6) 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, see 50 CFR 402.14(c)

#3 above is particularly important; it means that if there is public objection on environmental grounds by the community an Environmental assessment must take place. This has been upheld in many court cases.

Q&A with Senior Counsel for the FCC regarding Environmental Assessment

How does the telecom company applicant know that an EA is required for a particular application? Does the City need to let them know it is required? Can residents require it?

Answer from Paul D'Ari, Senior Legal Counsel for FCC:

Under the Commission's procedures implementing NEPA, if an action may significantly affect the environment, applicants must conduct an environmental

assessment (EA) to help the Commission determine whether “the proposal will have a significant environmental impact upon the quality of the human environment.” The FCC has delegated aspects of its NEPA review to licensees and applicants; NEPA and EAs are a federal requirement, although local or state permitting may require its own environmental review process.

To determine whether an EA is required, the **FCC licensee or applicant must complete an initial environmental and historic preservation review (“the EA checklist”)**. This review includes an analysis of whether its proposed facilities fall into any of the categories that trigger an EA. As part of this review, licensees and applicants must follow distinct procedures to determine whether the proposed facilities will, for example, have an adverse effect on historic properties under NHPA will affect listed species under the Endangered Species Act, or will affect wetland resources.

While neither the city nor a member of the general public can make a determination that an EA is necessary, **the Commission can review concerns raised by interested parties and decide whether to require an EA.**

If your **concern** is about a proposed antenna structure or physical modification of an existing antenna structure that **you allege may have a significant impact on the quality of the human environment**, or about the Commission’s environmental notification process (see 47 CFR § 17.4(c)) in regard to an existing or proposed antenna structure, check if there is a related Antenna Structure Registration (ASR) application currently on environmental notice on the Commission’s website: <https://wireless2.fcc.gov/ASRManager/service/nationalNoticeReport.faces>. If there is a current application, you must submit your Request for Further Environmental Review by selecting “ASR Environmental Notice” at this link: <https://wireless2.fcc.gov/UlsEntry/pleadings/pleadingsType.jsp>.

If you cannot find an ASR application currently on environmental notification for the antenna structure that you allege may have a significant impact on the quality of the human environment, then you should e-mail your comment to towercomments@fcc.gov and provide the following information:

<!--[if !supportLists]-->• <!--[endif]-->Your name, email address, and phone number

<!--[if !supportLists]-->• <!--[endif]-->Detailed tower/facility location (street address; coordinates; and/or nearest intersection, city, county and state)

<!--[if !supportLists]-->• <!--[endif]-->Construction status (constructed, under construction, or planned)

<!--[if !supportLists]-->• <!--[endif]-->Detailed description:

<!--[if !supportLists]-->• <!--[endif]-->Describe the facility type (e.g., tower,

antenna, collocation on a structure), and include as much additional information as possible (e.g., height and volume).

<!--[if !supportLists]-->• <!--[endif]-->How does the tower/facility adversely affect a historic property (if applicable)?

<!--[if !supportLists]-->• <!--[endif]-->What is the name/address of the historic property?

<!--[if !supportLists]-->• <!--[endif]-->How does the tower/facility adversely affect a Native American religious or culturally significant site (if applicable)?

<!--[if !supportLists]-->• <!--[endif]-->What is the nature of the adverse effects on the environment (if applicable). For example:

<!--[if !supportLists]-->• <!--[endif]-->Wetlands/Floodplains/Change in surface features

<!--[if !supportLists]-->• <!--[endif]-->Migratory birds

<!--[if !supportLists]-->• <!--[endif]-->High intensity lights located in residential areas

<!--[if !supportLists]-->• <!--[endif]-->Endangered species/Critical habitat for plants or animals

<!--[if !supportLists]-->• <!--[endif]-->Other environmental resources

Provide as much detail as possible concerning how each applicable subject matter is being affected by the tower/facility.

Would cause RF emissions exposure in excess of FCC-established limits”, do the FCC limits include cumulative effect? So it’s not just the proposed equipment’s emissions but counting nearby antennas too?

Answer from Paul D’Ari, Senior Legal Counsel for FCC:

*When there are multiple communications facilities at a given site, all significant effects on the RF environment must be considered, not just those RF emissions associated with one specific facility. If at any time the RF emissions from multiple facilities exceed the Commission’s guidelines **in an area accessible to the public**, it is the shared responsibility of all licensees whose facilities produce significant emissions (i.e., if their power density levels exceed 5% of the power density exposure limit), to bring the area into compliance. 47 CFR § 1.1307(b)(3).*

"The public can request and the agency can order additional environmental review on issues beyond the checklist. The agency can ask for mitigation to reduce impacts.", which additional "issues beyond the checklist" may the public use to request environmental review for wireless telecom applications in our town? To which agency would we make those requests? Instead of to the FCC, would we make the request to our Public Works Dept that approves the permits?

Answer from Paul D'Ari, Senior Legal Counsel for FCC:

"If a person has information that a proposed communications facility will have a significant environmental effect that is not included on the checklist, that person should submit his/her comment in the applicable manner discussed in my answer to Question 1, above."

Does this apply retroactively?

Answer from Paul D'Ari, Senior Legal Counsel for FCC:

*"Building without following the requirements at 47 CFR 1.1301-1.1319 can constitute a violation of FCC rules and subject the constructing party to potential enforcement action; **issuance of a license does not authorize building unless environmental requirements have been met.**"*

*If any person has information indicating that a communications facility was constructed without complying with the NEPA rules, that person should notify the FCC's Wireless Telecommunications Bureau ("WTB"). **WTB will then determine how to handle the matter and, depending upon the circumstances, may refer the matter to the Enforcement Bureau.**"*

Who would pursue enforcement action? The FCC or the City? How can citizens provoke enforcement action?

Answer from Paul D'Ari, Senior Legal Counsel for FCC:

"If the matter involves an FCC licensee or applicant, an interested person should contact the FCC. Depending upon the circumstances, a person may also contact state and local government offices with jurisdiction over the matter as some of these offices may share jurisdiction with the federal government or have independent authority."

§ 1.1307 Actions that may have a significant environmental effect, for which Environmental Assessments (EAs) must be prepared.

Any Commission action deemed to have a significant effect upon the quality of the human environment requires the preparation of a Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS) (collectively referred to as EISs) (see §§1.1314, 1.1315

and 1.1317). The Commission has reviewed representative actions and has found no common pattern which would enable it to specify actions that will thus automatically require EISs.

Note: The current application forms refer applicants to §1.1305 to determine if their proposals are such that the submission of environmental information is required (see §1.1311). Until the application forms are revised to reflect our new environmental rules, applicants should refer to §1.1307. Section 1.1307 now delineates those actions for which applicants must submit environmental information.

Title 47 CFR § 1.1307 (b) (1) The appropriate exposure limits in §§1.1310 and 2.1093 of this chapter are generally applicable to all facilities, operations and transmitters regulated by the Commission. However, a determination of compliance with the exposure limits in §1.1310 or §2.1093 of this chapter (routine environmental evaluation), and **preparation of an EA if the limits are exceeded**, is necessary only for facilities, operations and transmitters that fall into the categories listed in table 1, or those specified in paragraph (b)(2) of this section.

Table 1—Transmitters, Facilities and Operations Subject to Routine Environmental Evaluation

Cellular Radiotelephone Service (subpart H of part 22) —> **EA required if:** Non-building-mounted antennas: height above ground level to lowest point of antenna <10 m and total power of all channels >1000 W ERP

Another consideration is, what if you get it wrong and run afoul of the FCC rules? Even if a local government somehow violates the Telecommunications Act of 1996, there's nothing to be fearful of. And the reason is, if a wireless company sues a local government under the Telecommunications Act, they don't win money damages and they don't win attorneys fees. So there's no threat of financial loss to the local government. The FCC or a judge may order some action, but it's not financial in nature.

Congress specifically preserves power to local governments to regulate the placement of wireless facilities. Telecommunications Act 47 USC 332 C 7a says that basically, the general rule is, local governments have the power to regulate towers. And the greater import, the reason that it's most important that they do something to regulate these towers is, while the FCC has set general population exposure limits, meaning they set a limit, allegedly, on the maximum level of radiation they can expose members of the general public to, the FCC does virtually nothing to actually apply those limits. As a general rule, the FCC never ever tests wireless facilities, and never requires the owners to test them. So local governments are the first and only line of defense against their constituents being exposed to illegally excessive levels of radiation emanating from wireless facilities in their jurisdiction.

The county should have, if it does not already, zoning ordinances that are designed to obtain three objectives simultaneously. First, allow the wireless companies to provide widespread coverage. Second, at the same time, to minimize the number of facilities you need to provide that coverage. Third, to the extent possible, minimize the adverse impacts on homes and residential areas. **Armed with this, local governments have can force applicants to prove two things. If they want to put in a facility near a residential neighborhood, they have to prove that they suffer from a significant gap in personal wireless services, and that their installation is the least intrusive means of remedying that gap.** And there are many circumstances, outlined above, include community environmental controversy, which can require an environmental assessment and review.

In summation, they are many circumstances in which environment not only can be considered but is required to be as detailed above.

<!--[if !supportLists]--> <!--[endif]-->A NEPA checklist is always require in every

circumstance.

<!--[if !supportLists]--> <!--[endif]--> Towers with height above ground level to lowest point of antenna <10 m and total power of all channels >1000 W ERP, the type that will most often applied for in the future, will always require an Environmental Assessment.

<!--[if !supportLists]--> <!--[endif]--> When determining if RF levels require an EA, you must look at the combined effect of all sources within the effected radius to determine if within FCC mandated safe levels, not just the applicant's facility. There are several area's in the county today (perhaps under city jurisdiction) that have combined levels beyond the safe limits set by the FCC, these should be addressed as well.

<!--[if !supportLists]--> <!--[endif]--> Shot clocks do not circumvent or take priority over county processes and normal time lines, again: According to the FCC guidelines: ***If a request for placement of a personal wireless service facility involves a zoning variance or a public hearing or comment process, the time period for rendering a decision will be the usual period under such circumstances.*** However, as stated above the basis for the shot clocks (time limits in the FCC rules) defined in FCC 18-133 (no environmental review needed) was vacated on 12/5/19. Any Federally mandated shot clock for Wireless Telecommunications Facilities (WTFs) are not consistent with the legislative intent of the 1996 Telecommunications Act and do not need to be complied with. They are simply recommendations at this point.

<!--[if !supportLists]--> <!--[endif]--> You want to make sure that there are locations that are off-limits, unless the applicant can demonstrate that they have an entitlement under state or federal law to put it there. As well as a prioritized list of areas that are required to be looked at first for tower locations before area's near homes, apartments, or environmentally sensitive, historic, or scenic areas can be considered. For example, if you want to build a cell tower, there's five different areas of preference that we'd like them placed, and if you want to place in a residential area or scenic area, it's the least favorable area, and then you have to show a wireless service gap, and this is the only place you can put it provided it meets all of the other requirements.

<!--[if !supportLists]--> <!--[endif]--> The majority of applications for towers include false or misleading information. The code must be robust enough to require adequate proof of their claims including but not limited to their NEPA checklist claims and environmental effects.

Your code should duplicate all of the maximum requirements of the FCC rules and reassert county and citizen rights as detailed above. It is your right and obligation to do so. Do not be bullied by telecoms and consultants who do not have the best interest of the county or its citizens at heart.

I will send additional emails that address other areas of the wireless code separately. Please feel free to contact me with any questions. I am also happy to meet with staff or commissioners.

Thank you,

Josh Stottlemyer
Thurston County Resident

From: [Jesus Sepulveda](#)
To: [Kaitlynn Nelson](#)
Subject: Thurston County Wireless Code update
Date: Monday, May 03, 2021 11:58:11 AM

Planning Commissioners,

The current wireless code draft appears to be written by and for the wireless companies. There are virtually no protections for Thurston county or its citizen's rights to notice, comment on, control, limit, plan, or stop the location of wireless towers, or even enforce the FCC radiation limits. In a number of court cases over the past two years brought by cities and municipalities all over the US, the FCC rules essentially tying the hands of local governments have mostly been vacated or found not to be legally binding. Yet they are present in the current Thurston County wireless code draft. Further there are legal code strategies to work within the FCC rules that bring back due process, local control, that protect county & citizen rights while complying with the FCC. Why would Thurston County choose to tie its own hands and fail to protect its citizens and their property rights with the current draft code?

Based on the current draft code and slides presented by the consultant hired by the county to help write it, seems to be either unaware of these rulings and strategies, which apply nationwide, or is not interested in protecting the rights of Thurston County and its citizens to self governance and due process. The county's first legal responsibility, above any FCC rule, is to protect its citizens. This wireless code draft is a complete failure in that regard.

While I wholeheartedly support the need for a public hearing on the wireless code, the draft code needs significant revision before it is ready for public comment.

Please remove the current consultant, form a working on the updating these codes, and bring in a consultant who is interested in preserving the rights of county citizens of protection and due process.

I support hiring Andrew J. Campanelli, one of the top wireless attorneys in the country, to advise on the code revisions and ensure robust protections for citizen and county rights.

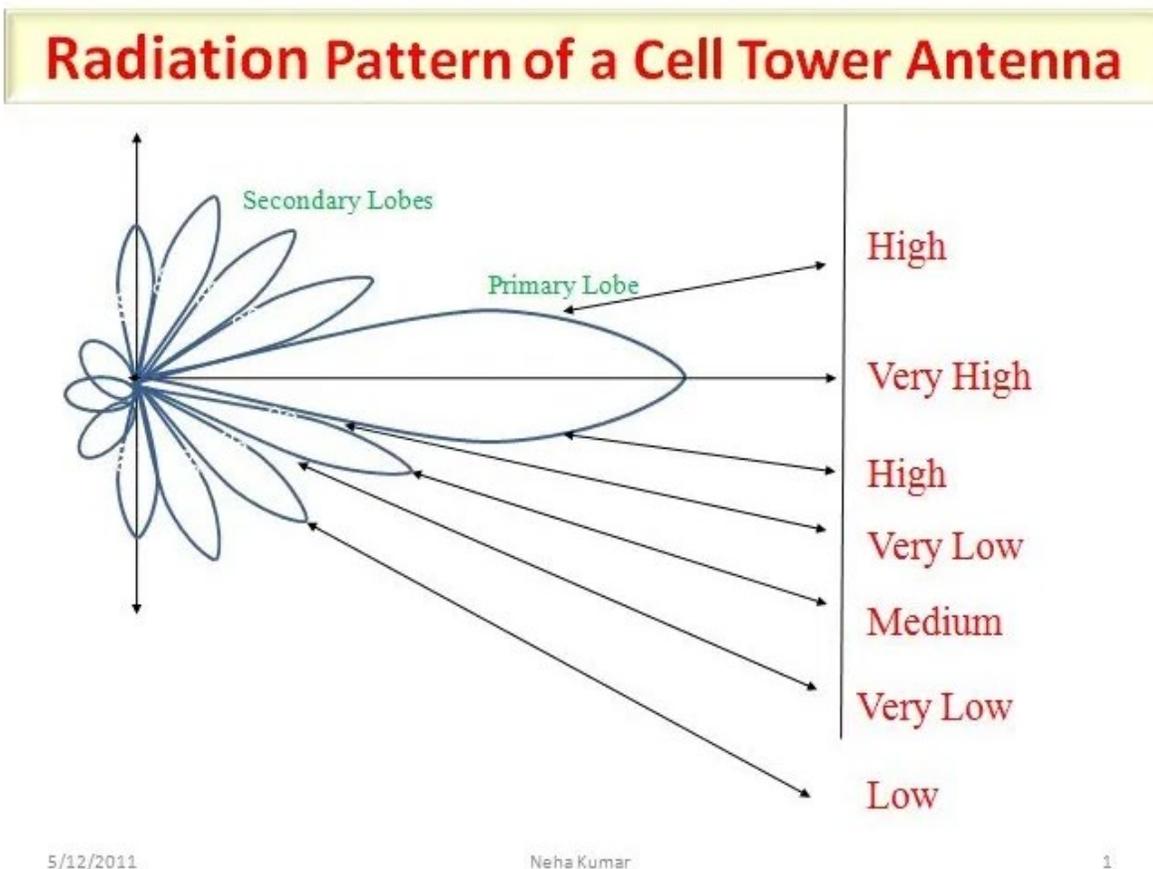
Kind regards,

Jesus Sepulveda

From: [Josh](#)
To: [Kaitlynn Nelson](#)
Subject: Wireless Draft Code - Offsets and power limits
Date: Monday, May 03, 2021 1:12:23 PM
Attachments: [ATT00001.htm](#)
[Maximum-Effective-Radiated-Power.docx](#)

Planning Commissioners,

The wireless code needs to regulate vertical offset, horizontal offset, and **maximum effective radiated power** (in watts). Failure to regulate all three of these fails to protect your citizens from radiation above FCC legal limits (which are already far too high). Recommendations for limits and supporting documentation and applicable FCC rules attached.



According to 1996 Telecommunications Act

47 U.S. Code § 324 – Use of minimum power

In all circumstances, except in case of radio communications or signals relating to vessels in distress, all radio stations, including those owned and operated by the United States, shall use the minimum amount of power necessary to carry out the communication desired.

(June 19, 1934, ch. 652, title III, § 324, 48 Stat. 1091.)

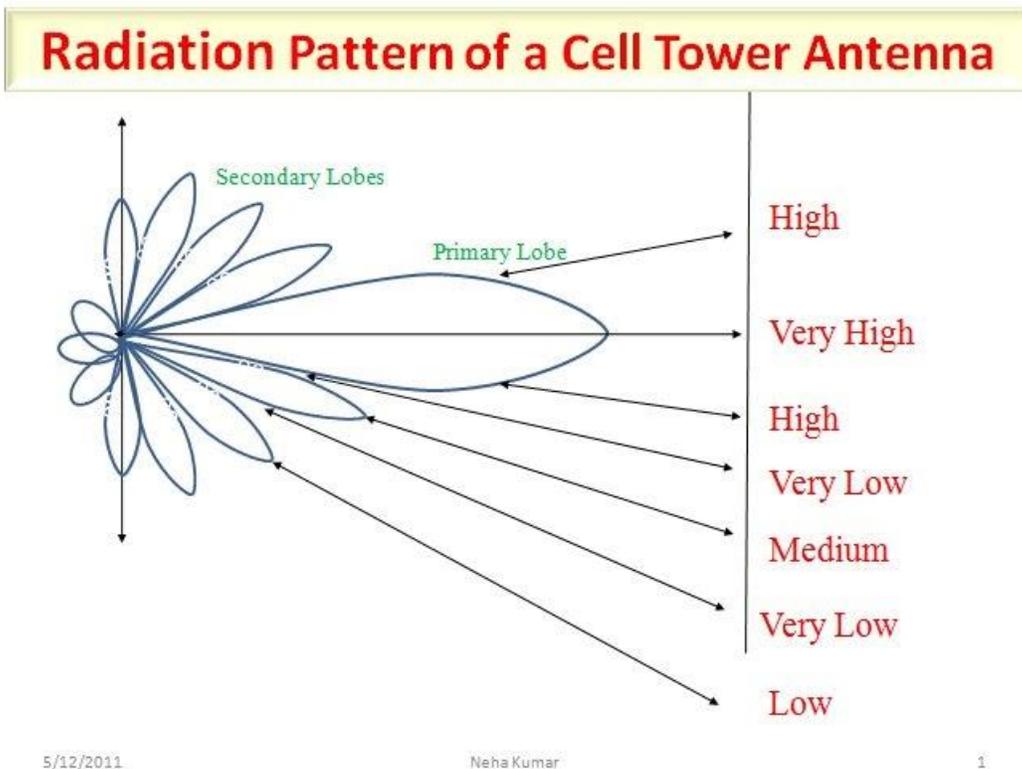
Thank you,

Josh Stottlemyer

Thurston County Resident

Planning Commissioners,

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(June 19, 1934, ch. 652, title III, § 324, 48 Stat. 1091.)

Cisco RF/MW Radiation Power Values — circa 2008

An improper combination of transmit power level and antenna gain can result in equivalent isotropic radiated power (EIRP) that exceeds the amount allowed per regulatory domain.

- For general information on power values, see RF Power Values ([Document ID 23231](#))
- For general information on channel selection and transmit power, see the *FCC Regulations Update For 2004 white paper*
- Cisco has an [Outdoor Bridge Range Calculation Utility](#) to help determine what to expect from an outdoor wireless link.

Localities Can Police the Quiet Enjoyment of Streets

Unfettered Effective Radiated Power results in too much ELECTROMAGNETIC NOISE on our streets.

In order to preserve the QUIET ENJOYMENT OF STREETS (QES), a locality can pass an ORDINANCE that limits the EFFECTIVE RADIATED POWER (ERP) of Wireless Telecommunications Facilities (WTFs), using simple language, like the following:

"For any Close Proximity Microwave Radiation Antennas (CPMRA) Wireless Telecommunications Facility (WTF) that is

- installed in the public rights-of-way, or*
- attached to any building, or*
- has antennas installed at a height that is lower than 100 feet off the ground,*

*. . . the applicant **must** install **only** antennas, radios and other supporting equipment that **have no chance of exceeding a total of 0.1 Watt of effective radiated power** from the face of the antenna shroud."*

A cap of **0.1 Watt of ERP** for each qualifying CPMRA provides four main benefits:

1. Provides coverage for **Telecommunications service** for about 1/2 mile from the source antenna (more than **double** the distance of the industry-claimed need of 1,000 feet down the block)
2. Does not effectively prohibit Telecommunications service, making this regulation legally defensible to Wireless industry challenge
3. Adds the "speed limits, seat belts and airbags" that residents need to be protect the quiet enjoyment of streets (part of the any city's police powers over **aesthetics**). Read more [here](#) and [here](#).
4. Complies with all FCC RF-EMR exposure guidelines.

Wireless companies will use Altitude (up-and-down) and Azimuth (side-to-side) to describe how wireless signals spray

The altitude is the angle up or down from the horizon — a typical 48" tall small Wireless Telecommunications Facility (sWTF) antenna sprays wireless signal about 15° up and sprays wireless signal about 15° down from a horizontal plane located at the mid-point of the vertically-oriented antenna.

The azimuth is the angle formed between a reference direction (in this example north) and a line from the observer to a point of interest projected on the same plane as the reference direction orthogonal to the zenith.

Considering these factors is unnecessarily complicated and used as a smoke screen by wireless companies to get around legal radiation limits. What Do You Mean Unnecessarily Complicated?

Well, there is theory, practice and what really matters (**Effective Radiated Power**). Antenna theory often starts with an isotropic antenna: an antenna that propagates in spherical shape from a point source. This is fine for learning, but you will find very few actual isotropic antennas in the field. WTF Antennas, in practice, are often a collection of vertically-oriented antennas, hidden behind an antenna shroud that is typically made of fiberglass to allow wireless signals to flow freely. Now the fact that the antenna elements are hidden from view **allows the Wireless industry to bamboozle everyone at every step along the way** and allows them to **never give you a straight answer** because every answer starts with “**it depends**” . . . on the **vertical** height at which the antennas are installed, on the **horizontal** distance from the antennas, on the **power** output that constantly varies, on the reflection of signals, on the absorption of signals, on the interference between signals, on the topography, on the trees and buildings nearby, on the numbers of simultaneous users and on and on and on . . .

The good news is that for smart, effective, bullet-proof local Municipal Wireless Code, a City or County doesn't have to worry about anything other than **Effective Radiated Power**, which according to Site Safe, LLC is calculated using third-grade math (**A × B = C**):

$$\text{Maximum Input Power (in Watts)} \times \text{Antenna-Gain (a unitless fraction)} = \text{Maximum Effective Radiated Power (in Watts ERP)}$$

Effective Radiated Power (ERP) — the product of the power supplied to the antenna and the antenna gain in a given direction relative to a half-wave dipole antenna.

Antenna Gain — the ratio, usually expressed in decibels, of the power required at the input of a loss-free reference antenna to the power supplied to the input of the given antenna to produce, in a given direction, the same field strength or the same power density at the same distance. When not specified otherwise, the gain refers to the direction of maximum radiation. Gain may be considered for a specified polarization. Gain may be referenced to an isotropic antenna (dBi) or a half-wave dipole (dBd) antenna.

An Effective Radiated Power Limit of 0.1 Watts for all antennas within — and for all frequencies transmitted from — a CPRMA-WTF Antenna Shroud Can be Enforced 24/7 by a \$5.00 Fuse that is under a locality's lock-and-key and placed on every CPMRA-WTF installation

Localities can use their local police powers over the public rights-of-way to **preserve the quiet enjoyment of streets** by requiring two additional boxes on every CPMRA-WTF installation:

1. **A Fuse Box:** this gives control — and revenue (via policing fees) back to the locality (City or County)
2. **A Fiber Optic Sharing Box:** this ensures public benefit from fiber optic installations in the public rights-of-way. Sending Big Data (for video/music streaming, gaming or Internet) directly to homes via Wireline Fiber Optic cables and copper uses **much less energy than via Wireless**. Private wireless Cos. should not be allowed to hoard the use of fiber optic cables in the public rights-of-way for their sole benefit. The fiber optic cables, instead can be shared with the residents, as a condition for gaining access to the public rights-of-way. This is a fair rule that can apply to all Wireless providers in a non-discriminatory way.

Localities can also **levy fines for ERP violations and set up a three-strikes-and-you're-out program as a revenue-generating way** to police Big Wireless which is attempting to take away local Cities' control over the public rights-of-way. That attempt is illegal and inconsistent with the legislative intent of the 1996 Telecommunications Act. Read further [here](#) and [here](#).

A 4-inch not 4-foot Antenna is All That is Needed for CPMRA-WTF Installations on Utility/Light Poles

Current widely available wi-fi routers can provide the broadcast distance (up to ½ mile) and throughput necessary to support communications demands, they have 4-inch antenna's and 0.1 watt field strengths (effective radiated power). While you cannot legally mount a wi-fi router outside due to interference issues, it demonstrates that the needed range and bandwidth can be accomplished with vastly lower power levels and smaller antennas.

FCC §15.223 Operation in the band 1.705-10 MHz.

(a) The field strength of any emission within the band 1.705-10.0 MHz **shall not exceed 100 microvolts/meter** (0.00003 μ W/m²) at a distance of 30 meters (98.5 feet).

From a Class B Approval —> FCC ID: LZKM900D1

- **Application:** Data Transceiver **Maximum output power: 100 mW (0.1 Watt)**
 - **Equipment Class:** DSS – Part 15 Spread Spectrum Transmitter
-

§15.247 Operation within the following Wi-Fi Frequency bands

- 902-928 MHz,
- 2400-2483.5 MHz, and
- 5725-5850 MHz.

(a) Operation under the provisions of this Section is limited to

- frequency hopping intentional radiators
- digitally modulated intentional radiators

. . . that comply with the following provisions:

From Wikipedia:

Frequency-hopping spread spectrum (FHSS) is a method of transmitting radio signals by rapidly changing the carrier frequency among many distinct frequencies occupying a large spectral band. The changes are controlled by a code known to both transmitter and receiver. FHSS is used to avoid interference, to prevent eavesdropping, and to enable code-division multiple access (CDMA) communications

- In the US, since the Federal Communications Commission (FCC) amended rules to allow FHSS systems in the unregulated 2.4 GHz band, many consumer devices in that band have employed various FHSS modes.
- eFCC CFR 47 part 15.247 covers the regulations in the US for 902-928 MHz, 2400-2483.5 MHz, and 5725-5850 MHz bands, and the requirements for frequency hopping
- Some walkie-talkies that employ FHSS technology have been developed for unlicensed use on the 900 MHz band.
- FHSS technology is also used in many hobby radio-controlled transmitters and receivers used for model cars, airplanes, and drones.
- **The transmitter will use all the channels in a fixed period of time.** The receiver can then find the transmitter by picking a random channel and listening for valid data on that channel. The transmitter's data is identified by a special sequence of data that is unlikely to occur over the segment of data for this channel.
- **In the US, FCC part 15** on unlicensed spread spectrum systems in the 902–928 MHz and 2.4 GHz bands permits **more power than is allowed for non-spread-spectrum systems.** Both FHSS and direct-sequence spread-spectrum (DSSS) systems **can transmit at 1 Watt.** The Federal Communications Commission (FCC) also prescribes a minimum number of frequency channels and a maximum dwell time for each channel

Supporting Information from FCC Rules:

§15.15 General technical requirements.

(a) An intentional or unintentional radiator shall be constructed in accordance with good engineering design and manufacturing practice. Emanations from the device shall be suppressed as much as practicable, but in no case shall the emanations exceed the levels specified in these rules.

(b) Except as follows, an intentional or unintentional radiator must be constructed such that the **adjustments of any control that is readily accessible by or intended to be accessible to the user will not cause operation of the device in violation of the regulations.** Access BPL equipment shall comply with the applicable standards at the control adjustment that is employed. The measurement report used in support of an application for Certification and the user instructions for Access BPL equipment shall clearly specify the user-or installer-control settings that are required for conformance with these regulations.

(c) Parties responsible for equipment compliance should note that the limits specified in this part will not prevent harmful interference under all circumstances. Since the operators of part 15 devices are required to cease operation should harmful interference occur to authorized users of the radio frequency spectrum, the **parties responsible for equipment compliance are encouraged to employ the minimum field strength** necessary for communications, to provide greater attenuation of unwanted emissions than required by these regulations, and to advise the user as to how to resolve harmful interference problems (for example, see §15.105(b))

§15.209 Radiated emission limits; general requirements.

(a) Except as provided elsewhere in this subpart, the emissions from an intentional radiator shall not exceed the field strength levels specified in the following table:

Using the PowerWatch Calculator [here](#):

<i>Frequency (MHz)</i>	<i>Field strength ($\mu\text{V}/\text{m}$)</i>	<i>Measurement distance (meters)</i>
216 to 960	200	3
Above 960	500	3

<i>Volts per meter (V/m)</i>	<i>Millionths of a volt per meter ($\mu\text{V}/\text{m}$)</i>	<i>Millionths of Watt per square meter ($\mu\text{W}/\text{m}^2$)</i>
61.4	61,400,000	10,000,000
6.14	6,140,000	100,000
0.614	614,000	1,000
0.0614	61,400	10
0.00614	6,140	0.1
0.000614	614	0.001
0.000500	500	0.00066
0.000500	200	0.00011

(e) The provisions in §15.31, §15.33, and §15.35 for measuring emissions at distances other than the distances specified in the above table, determining the frequency range over which radiated emissions are to be measured, and limiting peak emissions apply to all devices operated under this part.

§15.33 Frequency range of radiated measurements.

(a) For an intentional radiator, the spectrum shall be investigated from the lowest radio frequency signal generated in the device, without going below 9 kHz, up to at least the frequency shown in this paragraph:

(1) If the intentional radiator operates below 10 GHz: to the tenth harmonic of the highest fundamental frequency or to 40 GHz, whichever is lower.

(2) If the intentional radiator operates at or above 10 GHz and below 30 GHz: to the fifth harmonic of the highest fundamental frequency or to 100 GHz, whichever is lower.

(3) If the intentional radiator operates at or above 30 GHz: to the fifth harmonic of the highest fundamental frequency or to 200 GHz, whichever is lower, unless specified otherwise elsewhere in the rules.

(4) If the intentional radiator operates at or above 95 GHz: To the third harmonic of the highest fundamental frequency or to 750 GHz, whichever is lower, unless specified otherwise elsewhere in the rules.

(5) If the intentional radiator contains a digital device, regardless of whether this digital device controls the functions of the intentional radiator or the digital device is used for additional control or function purposes other than to enable the operation of the intentional radiator, the frequency range shall be investigated up to the range specified in paragraphs (a)(1) through (4) of this section or the range applicable to the digital device, as shown in paragraph (b)(1) of this section, whichever is the higher frequency range of investigation.

§15.35 Measurement detector functions and bandwidths.

The conducted and radiated emission limits shown in this part are based on the following, unless otherwise specified in this part:

(a) On any frequency or frequencies below or equal to 1000 MHz, the limits shown are based on measuring equipment employing a CISPR quasi-peak detector function and related measurement bandwidths, unless otherwise specified. The specifications for the measuring instrumentation using the CISPR quasi-peak detector can be found in ANSI C63.4-2014, clause 4 (incorporated by reference, see §15.38). As an alternative to CISPR quasi-peak measurements, the responsible party, at its option, may demonstrate compliance with the emission limits using measuring equipment employing a peak detector function as long as the same bandwidth as indicated for CISPR quasi-peak measurements are employed.

(b) Unless otherwise specified, on any frequency or frequencies above 1000 MHz, the radiated emission limits are based on the use of measurement instrumentation employing an average detector function. Unless otherwise specified, measurements above 1000 MHz shall be performed using a minimum resolution bandwidth of 1 MHz. When average radiated emission measurements are specified in this part, including average emission measurements below 1000 MHz, there also is a limit on the peak level of the radio frequency emissions. Unless otherwise specified, e.g., see §§15.250, 15.252, 15.253(d), 15.255, 15.256, and 15.509 through 15.519, the limit on peak radio frequency emissions is 20 dB above the maximum permitted average emission limit applicable to the equipment under test. This peak limit applies to the total peak emission level radiated by the device, e.g., the total peak power level. Note that the use of a pulse desensitization correction factor may be needed to determine the total peak emission level. The instruction manual or application note for the measurement instrument should be consulted for determining pulse desensitization factors, as necessary.

(c) Unless otherwise specified, e.g., §§15.255(b), and 15.256(l)(5), when the radiated emission limits are expressed in terms of the average value of the emission, and pulsed operation is employed, the measurement field strength shall be determined by averaging over one complete pulse train, including blanking intervals, as long as the pulse train does not exceed 0.1 seconds. As an alternative (provided the transmitter operates for longer than 0.1 seconds) or in cases where the pulse train exceeds 0.1

seconds, the measured field strength shall be determined from the average absolute voltage during a 0.1 second interval during which the field strength is at its maximum value. The exact method of calculating the average field strength shall be submitted with any application for certification or shall be retained in the measurement data file for equipment subject to Supplier's Declaration of Conformity.

From: [Phyllis Farrell](#)
To: [Kaitlynn Nelson](#)
Subject: Wireless Code Revision
Date: Monday, May 03, 2021 1:33:36 PM

The current draft wireless code appears to be written by and for the wireless companies. There are virtually no protections for the county or citizen rights to notice, comment on, control, limit, plan, or stop the locating of wireless towers, or even enforce the FCC radiation limits. In a number of court cases over the past two years brought by cities and municipalities all over the US, the FCC rules essentially tying the hands of local governments have mostly been vacated or found not to be legally binding, yet they are present in this draft code. Further there are legal code strategies to work within the FCC rules that bring back due process, local control, and protect county & citizen rights while complying with the FCC. Why would our county choose to tie it's own hands and fail to protect and citizen and property rights with the current draft code?

Based on the draft code and slides presented by the consultant hired by the county to help write the draft code, it seems the consultant is either unaware of these rulings and strategies, which apply nation wide, or is not interested in protecting the rights of the county and it's citizens to self governance and due process. The county's first legal responsibility, above any FCC rule, is the protection of it's citizens. This draft code is a complete failure in that regard.

While I wholeheartedly support the need for a public hearing on the wireless code, the draft code needs significant revision before it is ready for public comment.

Please remove the current consultant, form a working group of concerned citizens to revise the draft code, and bring in a consultant who is interested in preserving the rights of the county and it's citizens to protection and due process.

I support hiring Andrew J. Campanelli, one of the top wireless attorneys in the country, to advise on the code revisions and insure robust protections for citizen and county rights.

Respectfully,

Phyllis Farrell

Sent from [Outlook](#)

From: [Diane Sonntag](#)
To: [Kaitlynn Nelson](#)
Subject: We Need to Protect the Citizens of Thurston County from FCC rulings
Date: Monday, May 03, 2021 2:06:39 PM

Why would our county fail to protect its citizens and property rights and health with the current draft code?

There are virtually no protections for the county or citizen rights to notice, comment on, control, limit, plan, or stop the locating of wireless towers, or even enforce the FCC radiation limits. In a number of court cases over the past two years brought by cities and municipalities all over the US, the FCC rules essentially tying the hands of local governments have mostly been vacated or found not to be legally binding, yet they are present in this draft code.

Please support and execute the draft code having significant revision before it is ready for public comment, followed by public hearings.

The time to act is now, before it is completely taken out of our hands!

Diane J Sonntag
Olympia, WA.

From: [E Fehr](#)
To: [Kaitlynn Nelson](#)
Subject: Comment Wireless Code Update
Date: Monday, May 03, 2021 3:38:15 PM

SUBJECT: Wireless Code Update, Thurston County Zoning Code Chapter 20.33 Development Code Docket #A1-
Wireless Communications Considerations for April 21, Planning Commission Work Session

I ask you to set up a public hearing before making a decision. Residents have to be informed and have to have a chance to let their voice be heard.

I am not for the code update because it opens the door even more to rush in the antennas without the people's consent and I think health risks have to be more addressed.

Thank you,
sincerely,
Erika

From: [Chantal Lafont](#)
To: [Kaitlynn Nelson](#)
Subject: Thurston Wireless Code Update
Date: Monday, May 03, 2021 4:26:05 PM

Planning Commissioners,

The current draft wireless code appears to be written by and for the wireless companies. There are virtually no protections for the county or citizen rights to notice, comment on, control, limit, plan, or stop the locating of wireless towers, or even enforce the FCC radiation limits. In a number of court cases over the past two years brought by cities and municipalities all over the US, the FCC rules essentially tying the hands of local governments have mostly been vacated or found not to be legally binding, yet they are present in this draft code. Further there are legal code strategies to work within the FCC rules that bring back due process, local control, and protect county & citizen rights while complying with the FCC. Why would our county choose to tie it's own hands and fail to protect and citizen and property rights with the current draft code?

The county's first legal responsibility, above any FCC rule, is the protection of it's citizens. This draft code is a complete failure in that regard.

Tthe need for a public hearing on the wireless code is obvious. however, the draft code needs significant revision before it is ready for public comment.

Please, form a working group of concerned citizens to revise the draft code, and bring in a consultant who is interested in preserving the rights of the county and it's citizens to protection and due process.

I support hiring Andrew J. Campanelli, one of the top wireless attorneys in the country, to advise on the code revisions and insure robust protections for citizen and county rights.

Kind regards,
Chantal Lafont
Rainier, WA

From: [Sally Nole](#)
To: [Kaitlynn Nelson](#)
Subject: Thurston Co Wireless update comment
Date: Monday, May 03, 2021 4:28:21 PM

Planning Commissioners,

The current draft wireless code appears to be written by and for the wireless companies. There are virtually no protections for the county or citizen rights to notice, comment on, control, limit, plan, or stop the locating of wireless towers, or even enforce the FCC radiation limits. In a number of court cases over the past two years brought by cities and municipalities all over the US, the FCC rules essentially tying the hands of local governments have mostly been vacated or found not to be legally binding, yet they are present in this draft code. Further there are legal code strategies to work within the FCC rules that bring back due process, local control, and protect county & citizen rights while complying with the FCC. Why would our county choose to tie it's own hands and fail to protect and citizen and property rights with the current draft code?

Based on the draft code and slides presented by the consultant hired by the county to help write the draft code, it seems the consultant is either unaware of these rulings and strategies, which apply nation wide, or is not interested in protecting the rights of the county and it's citizens to self governance and due process. The county's first legal responsibility, above any FCC rule, is the protection of it's citizens. This draft code is a complete failure in that regard.

While I wholeheartedly support the need for a public hearing on the wireless code, the draft code needs significant revision before it is ready for public comment.

Please remove the current consultant, form a working group of concerned citizens to revise the draft code, and bring in a consultant who is interested in preserving the rights of the county and it's citizens to protection and due process.

I support hiring Andrew J. Campanelli, one of the top wireless attorneys in the country, to advise on the code revisions and insure robust protections for citizen and county rights.

Kind regards,
Sally Nole

12908 Tilley Rd S

Olympia, WA 98512

From: [Dan Page](#)
To: [Kaitlynn Nelson](#)
Subject: Thurston Wireless Code Update
Date: Monday, May 03, 2021 4:54:58 PM

Planning Commissioners,

The current draft wireless code appears to be written by and for the wireless companies. There are virtually no protections for the county or citizen rights to notice, comment on, control, limit, plan, or stop the locating of wireless towers, or even enforce the FCC radiation limits. In a number of court cases over the past two years brought by cities and municipalities all over the US, the FCC rules essentially tying the hands of local governments have mostly been vacated or found not to be legally binding, yet they are present in this draft code. Further there are legal code strategies to work within the FCC rules that bring back due process, local control, and protect county & citizen rights while complying with the FCC. Why would our county choose to tie it's own hands and fail to protect and citizen and property rights with the current draft code?

Based on the draft code and slides presented by the consultant hired by the county to help write the draft code, it seems the consultant is either unaware of these rulings and strategies, which apply nation wide, or is not interested in protecting the rights of the county and it's citizens to self governance and due process. The county's first legal responsibility, above any FCC rule, is the protection of it's citizens. This draft code is a complete failure in that regard.

While I wholeheartedly support the need for a public hearing on the wireless code, the draft code needs significant revision before it is ready for public comment.

Please remove the current consultant, form a working group of concerned citizens to revise the draft code, and bring in a consultant who is interested in preserving the rights of the county and it's citizens to protection and due process.

I support hiring Andrew J. Campanelli, one of the top wireless attorneys in the country, to advise on the code revisions and insure robust protections for citizen and county rights.

Dan Page,
Yelm Wa

From: [Din Wilkie](#)
To: [Kaitlynn Nelson](#)
Subject: Re: Thurston Wireless Code Update
Date: Monday, May 03, 2021 6:36:17 PM

Good Evening Kaitlynn:

My name is Din Wilkie. I live at 16405 Starry Lane SE, Rainier, Wa. in Thurston County.

Please put me on record as being strenuously opposed to this code rewriting eliminating the protections to the citizens.

What form of insanity is this?

Apparently the Wireless Companies are an enemy of the people. This is verified by their heavy handed efforts here.

Please include my concerns at the May 5th meeting.

We will be watching closely.

Thank You,

Din Wilkie

From: [Heidi Gould](#)
To: [Kaitlynn Nelson](#)
Subject: Re: Thurston Wireless Code Update
Date: Monday, May 03, 2021 7:46:22 PM

To Whom It May Concern,

I am very concerned about the proposed changes to the Thurston County Wireless Code. Having read the 64 page proposal of recommended changes. It is noteworthy how much freedom to impact the citizens of our county would be given to the industry. The protection of the citizens homes and businesses as well as public spaces and wildlife should be respected and preserved.

Please do not allow the industry to change the code and no longer be restricted by the provisions originally set up.

As the science is still evolving in this industry we urge you to be cautious in making such concessions to the industry.

Thankyou for your service and consideration,

Heidi Gould and Jalene Smith

8942 Colony LN SE

Tenino, WA. 98589

From: [Alfred Osolin](#)
To: [Kaitlynn Nelson](#)
Subject: Planned public hearings regarding new wireless draft code
Date: Monday, May 03, 2021 8:40:27 PM

Planning Commissioners,

The current draft wireless code appears to be written by and for the wireless companies. There are virtually no protections for the county or citizen rights to notice, comment on, control, limit, plan, or stop the locating of wireless towers, or even enforce the FCC radiation limits. In a number of court cases over the past two years brought by cities and municipalities all over the US, the FCC rules essentially tying the hands of local governments have mostly been vacated or found not to be legally binding, yet they are present in this draft code. Further there are legal code strategies to work within the FCC rules that bring back due process, local control, and protect county & citizen rights while complying with the FCC. Why would our county choose to tie it's own hands and fail to protect and citizen and property rights with the current draft code?

Based on the draft code and slides presented by the consultant hired by the county to help write the draft code, it seems the consultant is either unaware of these rulings and strategies, which apply nation wide, or is not interested in protecting the rights of the county and it's citizens to self governance and due process. The county's first legal responsibility, above any FCC rule, is the protection of it's citizens. This draft code is a complete failure in that regard.

While I wholeheartedly support the need for a public hearing on the wireless code, the draft code needs significant revision before it is ready for public comment.

Please remove the current consultant, form a working group of concerned citizens to revise the draft code, and bring in a consultant who is interested in preserving the rights of the county and it's citizens to protection and due process.

I support hiring Andrew J. Campanelli, one of the top wireless attorneys in the country, to advise on the code revisions and insure robust protections for citizen and county rights.

Kind regards,

Dr.Alfred Osolin , 22410 Aislinn Rd, SE, Yelm, Wa.

From: [Angelika Wieczorek](#)
To: [Kaitlynn Nelson](#)
Subject: stop uncontrolled spread of small cell sites (5G)
Date: Monday, May 03, 2021 8:46:00 PM

Planning Commissioners,

The current draft wireless code appears to be written by and for the wireless companies. There are virtually no protections for the county or citizen rights to notice, comment on, control, limit, plan, or stop the locating of wireless towers, or even enforce the FCC radiation limits. In a number of court cases over the past two years brought by cities and municipalities all over the US, the FCC rules essentially tying the hands of local governments have mostly been vacated or found not to be legally binding, yet they are present in this draft code. Further there are legal code strategies to work within the FCC rules that bring back due process, local control, and protect county & citizen rights while complying with the FCC. Why would our county choose to tie it's own hands and fail to protect and citizen and property rights with the current draft code?

Based on the draft code and slides presented by the consultant hired by the county to help write the draft code, it seems the consultant is either unaware of these rulings and strategies, which apply nation wide, or is not interested in protecting the rights of the county and it's citizens to self governance and due process. The county's first legal responsibility, above any FCC rule, is the protection of it's citizens. This draft code is a complete failure in that regard.

While I wholeheartedly support the need for a public hearing on the wireless code, the draft code needs significant revision before it is ready for public comment.

Please remove the current consultant, form a working group of concerned citizens to revise the draft code, and bring in a consultant who is interested in preserving the rights of the county and it's citizens to protection and due process.

I support hiring Andrew J. Campanelli, one of the top wireless attorneys in the country, to advise on the code revisions and insure robust protections for citizen and county rights.

Kind regards,
Angelika Wieczorek, Yelm, WA

From: [Ruth Sparrow](#)
To: [Kaitlynn Nelson](#)
Subject: Thurston County Wireless Code
Date: Monday, May 03, 2021 8:53:16 PM

Planning Commissioners,

The current draft wireless code appears to be written by and for the wireless companies. There are virtually no protections for the county or for citizen rights to notice, comment on, control, limit, plan, or stop the locating of wireless towers, or even enforce the FCC radiation limits. In a number of court cases over the past two years brought by cities and municipalities all over the US, the FCC rules essentially tying the hands of local governments have mostly been vacated or found not to be legally binding, yet they are present in this draft code. Further there are legal code strategies to work within the FCC rules that bring back due process, local control, and protect county & citizen rights while complying with the FCC. Why would Thurston County choose to tie it's hands and fail to protect citizens and property rights with the current draft code?

Based on the draft code and slides presented by the consultant hired by the county to help write the draft code, it seems the consultant is either unaware of these rulings and strategies, which apply nationwide, or is not interested in protecting the rights of the county and its citizens to self governance and due process. The county's first legal responsibility, above any FCC rule, is the protection of its citizens. This draft code is a complete failure in that regard.

While I wholeheartedly support the need for a public hearing on the wireless code, the draft code needs significant revision before it is ready for public comment.

Please remove the current consultant, form a working group of concerned citizens to revise the draft code, and bring in a consultant who is interested in preserving the rights of the county and it's citizens to protection and due process.

Kind regards,
Ruth Sparrow
14725 Vail Cut Off Rd SE
Rainier, WA 98576

From: [Christy White](#)
To: [Kaitlynn Nelson](#)
Subject: Request to delay Wireless Code date set for public hearing
Date: Monday, May 03, 2021 9:33:35 PM

Hello Kaitlynn,

I have had a chance to review the Wireless Code update. I would like to ask that setting a date with the Planning Commission for a public hearing be postponed and not be set at the May 5th meeting.

As noted in your memo of April 14th to the Planning Commission, there is not a calendar deadline for this update.

The code has been on the docket since 2014. More time to allow for detailed citizen review and input does not seem an unreasonable ask.

The changes to the code are significant and warrant further citizen involvement.

Thank you, Christy White

From: [Dr. John Ruhland](#)
To: [Kaitlynn Nelson](#)
Subject: Revising Wireless Code
Date: Monday, May 03, 2021 9:38:37 PM

Planning Commissioners,

The draft code needs significant revision before it is ready for public comment. What you are currently considering poses a significant health risk to the entire population.

Please remove the current consultant, form a working group of concerned citizens to revise the draft code, and bring in a consultant who is interested in preserving the rights of the county and it's citizens to protection and due process.

I support hiring Andrew J. Campanelli, one of the top wireless attorneys in the country, to advise on the code revisions and insure robust protections for citizen and county rights.

Sincerely,
Dr. John Ruhland
206-723-4891

From: [Carolyn Chew](#)
To: [Kaitlynn Nelson](#)
Subject: Comment on Thurston County Wireless Code changes
Date: Monday, May 03, 2021 9:47:09 PM

Planning Commissioners

I wholeheartedly support the need for a public hearing on the wireless code, but the draft code needs significant revision before it is ready for public comment: The reasons are as follows:
The current draft wireless code appears to be written by and for the wireless companies. There are virtually no protections for the county or citizen rights to notice, comment on, control, limit, plan, or stop the locating of wireless towers, or even enforce the FCC radiation limits. In a number of court cases over the past two years brought by cities and municipalities all over the US, the FCC rules essentially tying the hands of local governments have mostly been vacated or found not to be legally binding, yet they are present in this draft code.

Further, there are legal code strategies to work within the FCC rules that bring back due process, local control, and protect county & citizen rights while complying with the FCC. Why would our county choose to tie it's own hands and fail to protect and citizen and property rights with the current draft code? Based on the draft code and slides presented by the consultant hired by the county to help write the draft code, it seems the consultant is either unaware of these rulings and strategies, which apply nation wide, or is not interested in protecting the rights of the county and it's citizens to self governance and due process. The county's first legal responsibility, above any FCC rule, is the protection of it's citizens. This draft code is a complete failure in that regard!!!

Please remove the current consultant, form a working group of concerned citizens to revise the draft code, and bring in a consultant who is interested in preserving the rights of the county and it's citizens to protection and due process. I support hiring Andrew J. Campanelli, one of the top wireless attorneys in the country, to advise on the code revisions and insure robust protections for citizen and county rights.

Kind regards,
Carolyn Chew
Yelm Washington

From: [Mujdat Ozgunay](#)
To: [Kaitlynn Nelson](#)
Subject: 5G cell tower
Date: Monday, May 03, 2021 10:00:52 PM

Planning Commissioners,

The current draft wireless code appears to be written by and for the wireless companies. There are virtually no protections for the county or citizen rights to notice, comment on, control, limit, plan, or stop the locating of wireless towers, or even enforce the FCC radiation limits. In a number of court cases over the past two years brought by cities and municipalities all over the US, the FCC rules essentially tying the hands of local governments have mostly been vacated or found not to be legally binding, yet they are present in this draft code. Further there are legal code strategies to work within the FCC rules that bring back due process, local control, and protect county & citizen rights while complying with the FCC. Why would our county choose to tie it's own hands and fail to protect and citizen and property rights with the current draft code?

Based on the draft code and slides presented by the consultant hired by the county to help write the draft code, it seems the consultant is either unaware of these rulings and strategies, which apply nation wide, or is not interested in protecting the rights of the county and it's citizens to self governance and due process. The county's first legal responsibility, above any FCC rule, is the protection of it's citizens. This draft code is a complete failure in that regard.

While I wholeheartedly support the need for a public hearing on the wireless code, the draft code needs significant revision before it is ready for public comment.

Please remove the current consultant, form a working group of concerned citizens to revise the draft code, and bring in a consultant who is interested in preserving the rights of the county and it's citizens to protection and due process.

I support hiring Andrew J. Campanelli, one of the top wireless attorneys in the country, to advise on the code revisions and insure robust protections for citizen and county rights.

Regards,
Mujdat Ozgunay - Rainier WA

From: [Trisha Keenan-Wilkie](#)
To: [Kaitlynn Nelson](#)
Subject: Thurston Wireless Code Update
Date: Monday, May 03, 2021 10:33:34 PM

Good Evening Kaitlynn:
My name is Patricia Keenan- Wilkie. I live at 16405 Starry Lane SE,
Rainier, Wa. in Thurston County.

Please put me on record as being opposed to this code rewriting
eliminating the protections to the citizens.
Apparently the Wireless Companies are not our friends. This is verified by
their heavy handed efforts here.
Please include my concerns at the May 5th meeting.
We will be watching closely.
Thank You,
Patricia Keenan-Wilkie

From: [Campbell Rebecca](#)
To: [Kaitlynn Nelson](#); [County Commissioners](#)
Subject: REC-MEMORANDUM OF COMMENT ON YOUR PROPOSED NEW COUNTY WIRELESS CODE
Date: Monday, May 03, 2021 10:44:30 PM

To: Thurston County Planning Commissioners/Planning Department
Staff/County Commissioners

From: Rebecca Em Campbell-Informed Resident-Olympia, Washington State

Date: May 3, 2021

Re: Proposed Thurston County Wireless Code

For the past eight years, I and other informed residents of Thurston County have been courteously contacting Thurston County officials concerning the dangers of improperly regulated technologies of wireless radiation to human health and property, as well as well to the natural and built environments. And we have been routinely ignored by all Thurston County officials and their supporting staff, now further using the pandemic emergency under muddy color of law further to deny us any authentic voice in county decision-making on this matter, as shown in your latest draft of proposed new county regulations that would continue this willful and criminal malfeasance. Your latest draft continues to show exquisite sensitivity to greenwashed virtue signaling and aesthetics, as well as to your continuing cooperation with corporate cooptation of all areas of Thurston County governance -- with no such sincere sensitivity to the will and welfare of the people whom you claim to serve.

Now therefore consider this a notice, that we the people of Thurston County, if we decide to act, may not continue to present any further evidence that will continue to be ignored by Thurston County officials and county personnel. We may instead, both individually and together, be filing and enforcing claims of liability against all of those responsible for this continuing willful and criminal malfeasance, in such a way as to hold all of you both legally and financially accountable in both your official and personal capacities. This would be for aforesaid continuing willful and criminal actions and inaction against we the people of Thurston County and against the land on which we stand to make our lawful claims against you and those you are willfully and criminally enabling. This is despite the binding oaths that all of you have taken to protect and serve the people of this county, as well as to serve and protect the natural environment in which we live, for which you can and may be held accountable.

**NOTICE TO AGENT IS NOTICE TO PRINCIPAL; NOTICE TO PRINCIPAL IS
NOTICE TO AGENT.**

From: [Tamie Wright](#)
To: [Kaitlynn Nelson](#)
Subject: Wireless Code Draft
Date: Monday, May 03, 2021 11:56:10 PM

Planning Commissioners,

The current wireless code draft appears to be written by and for the wireless companies. It seems there are virtually no protections for the county or citizen rights to notice, comment on, control, limit, plan, or stop the location of wireless towers, or even enforce the FCC radiation limits. There are legal code strategies to work within the FCC rules that bring back due process, local control, and protect county & citizen rights while complying with the FCC.

The county's first legal responsibility, above any FCC rule, is the protection of its citizens.

While I support the need for a public hearing on the wireless code, the draft code needs significant revision before it is ready for public comment.

Please remove the current consultant, form a working group of concerned citizens to revise the draft code, and bring in a consultant who is interested in preserving the rights of the county and interested in protecting the citizens and due process.

I support hiring Andrew J. Campanelli, one of the top wireless attorneys in the country, to advise on the code revisions and ensure robust protections for citizen and county rights.

Sincerely,

Tamie Wright
Thurston County Resident

From: [Meryl B.](#)
To: [Kaitlynn Nelson](#)
Subject: Comment: Planning Comm, Wireless Code Rewrite
Date: Tuesday, May 04, 2021 3:56:22 AM

To: The Thurston County Planning Commission
From: Meryl Bernstein, Tenino, WA
Date: 4 May 2021
RE: Wireless Code --Draft

I have been following the science and issues around wireless technology from **reputable sources** for quite some time and I am convinced we need to be thoughtful and careful when moving forward, for the health of our citizens as well as the inhabitants of the natural environment. Localities must not waive control beyond the purview of the FCC, in which there is certainly wiggle room as proven by numerous successful lawsuits. Please do the homework.

The proposed code as it is currently written gravely restricts our ability to determine how the many components of this technology might affect us whether it be location (homes, commercial and rural areas, etc) --notification omission, radiation levels or our ability to bring attention to potential problems *after the fact*. Such restrictions are undemocratic and shortsighted.

The draft must be written in such a way as to allow the public, exposed to this evolving technology, a say in the matter to the greatest extent possible. The wireless industry is immensely useful, no doubt, but it is also advancing the new technologies so rapidly there is **no track record**. PUBLIC HEALTH is completely reliant on the test of time, and therefore the ability to modify, revise or shift course if necessary.

I can't emphasize enough what a serious matter this is: The code must not tie our hands.
Thank you for your attention.
M. Bernstein



Virus-free. www.avast.com

From: [John Newman](#)
To: [Kaitlynn Nelson](#)
Subject: For the Planning Commission on Wireless Draft Code
Date: Tuesday, May 04, 2021 6:34:31 AM

Dear Commissioners;

It is ludicrous to rewrite county wireless codes without a public hearing. These are public airwaves that corporations want to manipulate for monetary gain without public input. The code has to be rewritten to address some extremely important public concerns. Wireless tower locations and power use needs to be reviewed by the areas that are being effected. The draft code offers almost no protections of the citizens of the county. The draft code needs to be rewritten and then a public hearing must be held to review the new wireless county requirements.

Thank you;
John Newman
Olympia, WA

From: [Glen Anderson](#)
To: [Kaitlynn Nelson](#)
Subject: URGENT! STOP letting telecom companies abuse us about 5G cell towers!
Date: Tuesday, May 04, 2021 8:17:53 AM
Attachments: [image003.png](#)
Importance: High

I have been reading a lot about the health and environmental dangers of 5G cell towers. I am concerned that the giant telecom companies are abusing local governments and local people.

Do NOT let them bully Thurston County!

They are LYING when they say the FCC has made local governments powerless to stop them!

Get independent information to protect people and health and the environment and our local community.

Here are some sources of information:

You can educate yourself on what can legally be done within the current FCC rules with the links below. We can get back our control, it just needs to be written in the code. Additional emails supporting the code modifications and strategies outlined in the below links would also be very helpful.

<https://scientists4wiredtech.com/vhp/>

<https://scientists4wiredtech.com/action/>

<https://scientists4wiredtech.com/action/nepa-strategies/>

<https://scientists4wiredtech.com/2019/08/federal-court-overturns-fcc-order-bypassing-environmental-review-for-4g-5g-wireless-small-cell-densification/>

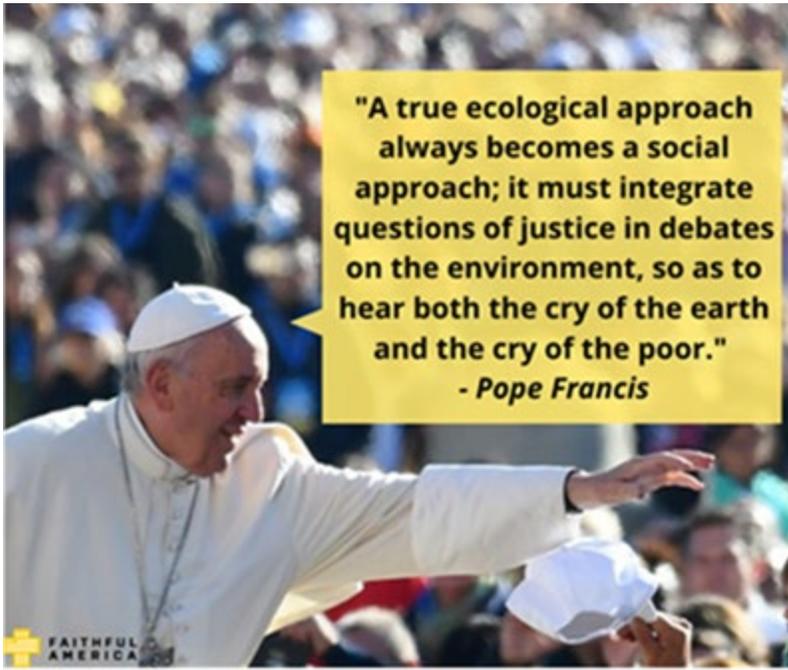
<https://scientists4wiredtech.com/learn-how-to-fight-locally/>

<https://scientists4wiredtech.com/thisworks/>

Andrew Campanelli is willing to consult with the county on the code.

He is a major contributor to scientists4wiredtech.com and his website is here: <https://anticelltowerlawyers.com/attorneys/andrew-j-campanelli.html>

ALSO SEE www.5Gcrisis.com, a project of Americans for Responsible Technology. They also have some informative organizing tools/ideas on YouTube.



Glen Anderson (360) 491-9093 glenanderson@integra.net
See information at my blog, www.parallaxperspectives.org, in categories for "Environment," "Religion," "Economics," and so forth.



This email has been checked for viruses by Avast antivirus software.

www.avast.com

From: [J Nap](#)
To: [Kaitlynn Nelson](#)
Subject: Thurston county code update
Date: Tuesday, May 04, 2021 8:42:31 AM

Planning commission

Please be advised that protecting the citizens is and must be a primary concern of all decisions.

Please remove the consultant, revise the draft code with concerned citizens, and bring a knowledgeable consultant such as Andrew J. Campanelli to advise us in the code revision.

While I wholeheartedly support the need for a public hearing on the wireless code, the draft code needs significant revision before it is ready for public comment.

Best regards
Jack Vasoyan Rainier WA

From: [Clare](#)
To: [Kaitlynn Nelson](#)
Date: Tuesday, May 04, 2021 9:07:37 AM

Please form a group of concerned citizens to revise the current code.
Clare Wade
16649 Cougar Village Ln. SE.
Yelm

From: [Clare](#)
To: [Kaitlynn Nelson](#)
Date: Tuesday, May 04, 2021 9:11:57 AM

Please select a concerned citizen to revise the code.
Clare Wade
16649 Cougar Village Ln Se
Yelm

From: [SONIA PENA](#)
To: [Kaitlynn Nelson](#)
Subject: new wireless code for thurston county
Date: Tuesday, May 04, 2021 10:34:11 AM

Please take a pause before you ratify the new Thurston County Wireless Code. There is much not being addressed and much to be discussed before this should be just ratified.

Sincerely,
Sonia Pena

From: [Rosalind Berg](#)
To: [Kaitlynn Nelson](#)
Cc: [wildrose200](#)
Subject: Draft Wireless Code Revisions
Date: Tuesday, May 04, 2021 10:42:19 AM

Dear Kaitlyn,

It has come to my attention that the County is proposing to rewrite the draft Wireless Code to a version that radically favors the wireless companies whilst at the same time almost totally ignoring protections for County or citizen rights. It does not have to be this way since a number of court cases nationwide have recently challenged the FCC's right to impose restrictions which override the rights of local governments to make their own legislative decisions. This then raises the question why our own local County officials are not striving to protect the rights of the County and its citizens.

I am wholeheartedly in support of the County hiring Andrew J. Campanelli, a wireless attorney of national repute, to advise on the restructuring of the Wireless Code.

I also support the need for allowing public input in this matter which concerns us all.

yours sincerely,
Rosalind Berg
Rainier, WA.

From: mahalo@fairpoint.net
To: [Kaitlynn Nelson](#)
Subject: Thurston Wireless Code Update
Date: Tuesday, May 04, 2021 10:43:48 AM

To the Planning Commissioners,

I have reviewed your Memorandum titled: **Wireless Code Update, Thurston County Zoning Code Chapter 20.33 Development Code Docket #A1- Wireless Communications Considerations for April 21, Planning Commission Work Session.**

This current draft appears to be written by and for the wireless companies. There are virtually no protections for the county or for the rights of citizens to notice, comment on, control, limit, plan, or stop the locating of wireless towers or even enforce the FCC radiation limits.

Given the above, I ask **why would our county choose to tie its own hands and fail to protect and citizens and property rights with the current draft code??**

In a number of **court cases** over the past two years brought by cities and municipalities all over the US, the FCC rules essentially tying the hands of local governments have mostly been vacated or found not to be legally binding. However, they are present in this draft code. Further there are legal code strategies to work within the FCC rules that bring back due process, local control, and protect county and citizen rights while complying with the FCC.

Based on the Thurston County draft for the updated code and slides presented by the consultant, hired by the county to help write this draft, it seems the consultant is either unaware of these rulings and strategies, which apply nationwide, or is not interested in protecting the rights of the county and its citizens to self-governance and due process. **The county's first legal responsibility, above any FCC rule, is the protection of its citizens.** This draft code is a complete failure in that regard.

While I wholeheartedly support the need for a public hearing on the wireless code, the draft needs significant revision before it is ready for public comment. Please remove the current consultant, form a working group of concerned citizens to revise the draft and **bring in a consultant who is interested in preserving the rights of the county and its citizens to protection and due process.**

I support hiring Andrew J. Campanelli, one of the top wireless attorneys in the country, to advise on the code revisions and insure robust protections for citizen and county rights.

Kind regards,
Lucille Ryan
PO Box 911, Rainier, WA
360-446-0572
mahalo@fairpoint.net

From: [Rory Siegel](#)
To: [Kaitlynn Nelson](#)
Subject: URGENT RE WIRELESS CODE CHANGES!!!!
Date: Tuesday, May 04, 2021 11:44:02 AM
Importance: High

Planning Commissioners,

The current draft wireless code appears to be written by and for the wireless companies. There are virtually no protections for the county or citizen rights to notice, comment on, control, limit, plan, or stop the locating of wireless towers, or even enforce the FCC radiation limits. In a number of court cases over the past two years brought by cities and municipalities all over the US, the FCC rules essentially tying the hands of local governments have mostly been vacated or found not to be legally binding, yet they are present in this draft code. Further there are legal code strategies to work within the FCC rules that bring back due process, local control, and protect county & citizen rights while complying with the FCC. Why would our county choose to tie it's own hands and fail to protect and citizen and property rights with the current draft code?

Based on the draft code and slides presented by the consultant hired by the county to help write the draft code, it seems the consultant is either unaware of these rulings and strategies, which apply nation wide, or is not interested in protecting the rights of the county and it's citizens to self governance and due process. The county's first legal responsibility, above any FCC rule, is the protection of it's citizens. This draft code is a complete failure in that regard.

While I wholeheartedly support the need for a **public hearing** on the wireless code, the draft code needs significant revision before it is ready for public comment.

Please remove the current consultant, form a working group of concerned citizens to revise the draft code, and bring in a consultant who is interested in preserving the rights of the county and it's citizens to protection and due process.

I support hiring Andrew J. Campanelli, one of the top wireless attorneys in the country, to advise on the code revisions and insure robust protections for citizen and county rights.

Kind regards,

Rory Siegel
PO Box 1263
Yelm, WA 98597

From: [cpracna](#)
To: [Kaitlynn Nelson](#)
Subject: Wireless code
Date: Tuesday, May 04, 2021 12:11:18 PM

I am a electrical engineer that has spent part of my career as a television station transmitter engineer. I am well aware of the dangers of high frequency radiation on living organisms.

The way I see it, your new "code" for wireless transmission is nothing but a give away to the telcom companies to put their antennas anywhere they wish thereby creating a sea of high frequency radiation within which people are supposed to work and live. The old FCC guidelines have not been updated for decades and they only refer to the heating effect of microwave radiation, but there can be other more subtle effects to a living breathing organism. There have been no tests made to verify that an organism in close proximity to these cell sites is safe. We only have the assertions of the telcom companies themselves. They have no interest in human safety, only their business model, sales of equipment and subscriptions. There are nations and scientists in Europe that have some concern about the safety of 5G. There are always two sides to any argument and so far you have only listened to those who can profit and not those who may bear the brunt of physical damage. At lease put in your plan that when the proof comes out that people are being damaged by these technologies, they would have legal recourse against the telcoms. You will know you have touched a nerve when you get massive backlash from the telcoms. Sadly, I have no hope that you would buck your masters in that way.

Charles Pracna

From: [Dorothy and Kim Lyons](#)
To: [Kaitlynn Nelson](#)
Subject: wireless code
Date: Tuesday, May 04, 2021 2:04:10 PM

Planning Commissioners:

I understand that the County is updating its Wireless Code to better comply with FCC regulations. I urge you to allow public comment, and to further work to incorporate as many additional protections as possible for local control by the County and its residents. I know that is not a simple thing, given strong Industry influence on regulations, and appreciate the work you have done. However, as a rational, healthy resident who is neither of those things when overly exposed to wireless activity, I thank you for any effort that will promote the protection of County residents over Industry profit, and that will allow me to continue to live comfortably in my own home without saturation of pollution (as the Insurance companies call it) that will not stop at my property line. (There are surely better ways to advance these technologies while also emphasizing safety, research, and alternatives to the current radiation models.)

I thank you for your continued efforts on behalf of the people of Thurston County, and wish you a lovely rest of the day,

Kind regards,

Dorothy Lyons
4725 Boston Harbor Rd NE
Olympia, WA 98506

From: [Linda Powell](#)
To: [Kaitlynn Nelson](#)
Subject: Thurston Wireless Code Update
Date: Tuesday, May 04, 2021 3:44:03 PM

Please don't update the Thurston wireless code without the direction of experts in this field. The health of our community is at stake and these changes should not be taken lightly, nor without wide publicity of, and public input to, all the issues pertaining to wireless in our county. Our county is not a minion of the FCC and deserves to put the well being of its citizens first.

Thank You,
Linda Powell
Unincorporated Thurston County

From: [Monika Hancock](#)
To: [Kaitlynn Nelson](#)
Subject: Thurston Wireless Code - (5G)
Date: Tuesday, May 04, 2021 2:34:16 PM

Begin forwarded message:

From: monikahancock61 <monikahancock61@gmail.com>
Subject: Fwd: Action Needed! - Thurston Wireless Code Update - Your Comments needed to stop uncontrolled spread of small cell sites (5G)
Date: May 4, 2021 at 2:26:07 PM PDT
To: than285076@aol.com

Planning Commissioners,

The current draft wireless code appears to be written by and for the wireless companies. There are virtually no protections for the county or citizen rights to notice, comment on, control, limit, plan, or stop the locating of wireless towers, or even enforce the FCC radiation limits. In a number of court cases over the past two years brought by cities and municipalities all over the US, the FCC rules essentially tying the hands of local governments have mostly been vacated or found not to be legally binding, yet they are present in this draft code. Further there are legal code strategies to work within the FCC rules that bring back due process, local control, and protect county & citizen rights while complying with the FCC. Why would our county choose to tie it's own hands and fail to protect and citizen and property rights with the current draft code?

Based on the draft code and slides presented by the consultant hired by the county to help write the draft code, it seems the consultant is either unaware of these rulings and strategies, which apply nation wide, or is not interested in protecting the rights of the county and it's citizens to self governance and due process. The county's first legal responsibility, above any FCC rule, is the protection of it's citizens. This draft code is a complete failure in that regard.

While I wholeheartedly support the need for a public hearing on the wireless code, the draft code needs significant revision before it is ready for public comment.

Please remove the current consultant, form a working group of concerned citizens to revise the draft code, and bring in a consultant who is interested in preserving the rights of the county and it's citizens to protection and due process.

I support hiring Andrew J. Campanelli, one of the top wireless attorneys in the country, to advise on the code revisions and insure robust protections for citizen and county rights.

Kind regards

Monika Hancock
concerned citizen

From: ye_haaw
To: [Kaitlynn Nelson](mailto:Kaitlynn.Nelson)
Cc: ye_haaw@mail.com
Subject: Thurston Wireless Code Update Comments
Date: Tuesday, May 04, 2021 4:31:26 PM

The FCC telecommunications act, 47 U.S.C 332(c)(7) cited in the Thurston County Wireless Code updates is a violation of US and Washington State Constitutions and a violation of Thurston County Codes.

In Washington State, the Washington State Administrative Code (WAC) 220-610-110 provides for the listing and protection of endangered, threatened, and sensitive wildlife species and the Revised Code of Washington (RCW) 43.21C.010 State Environmental Policy Act Purposes are (2) "to promote efforts which will prevent or eliminate damage to the environment and biosphere; (3) "and to stimulate the health and welfare of human beings". Likewise TCC 17.15.100 - Statement of policy for critical areas paragraph c. "To protect unique fragile and vulnerable elements of the environment ". TCC 24.01.005 Thurston County Critical Areas Ordinance 24.01.010- Purpose, These Regulations are intended to: "B. Identify and protect the functions and values of unique, fragile, and vulnerable elements of the environment such as fish and wildlife habitats, wetlands, and other ecosystems; D. Recognize and address cumulative and adverse impacts that could degrade or deplete water resources, wetlands or fish and wildlife habitat... F. Protect critical areas, associated buffers designed to protect the function of critical areas, ... by: directing activities not essential in such areas to other locations". TCC 17.09.150 – State Environmental Policy Act Substantive Authority D1. " The county shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens may: a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations; b. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings; c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences; e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice; 2. The county recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment."

Federal, State, and County requirements to protect the environment, protect the health and safety of people, animals plants (life as we know it) were violated under the previous Thurston County Wireless Code, and will be violated even worse under this proposed code update. I do not consent to any County Approval to permit the operation of harmful wireless technologies, nor do I consent to Thurston County officials acting in violation of the State and County regulations cited above.

Marbury v. Madison, 5 U.S. 137 (1803), was a landmark U.S. Supreme Court case that established the principle of judicial review in the United States, meaning that American courts have the power to strike down laws, statutes, and some government actions that they find to violate the Constitution of the United States. The Constitution of the United States establishes certain limits not to be transcended by the different departments of the government. The powers of the legislature are defined, and limited; and that those limits may not be mistaken, or forgotten, the Constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained? The distinction, between a government with limited and unlimited powers, is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed, are of equal obligation. It is a proposition too plain to be contested, that the Constitution controls any legislative act repugnant to it; or, that the legislature may alter the Constitution by an ordinary act.

The FCC Telecommunications act is repugnant to the US Constitution, Washington State Constitution, and the Thurston County Code. This fact is becoming more abundantly clear to more people every day. It would be wise for Thurston County to self correct its errors and no longer comply with Unconstitutional Acts and thus return to protecting the health safety and welfare of the people and environment as they are charged and bound to do... . while you still have some modicum of ability to do so.

Sincerely,

Chris Nubbe
1201 E Yelm Ave
Ste 400-472
Yelm, Washington 98597

From: [Sharon Olson](#)
To: [Kaitlynn Nelson](#)
Subject: Planning Commissioners-Comment on Wireles Codes
Date: Tuesday, May 04, 2021 5:27:42 PM

Dear Planning Commissioners,

After having read the current draft of wireless code, it appears to be written FOR the WIRELESS COMPANIES, not the public community that uses them. PLEASE do not abdicate your responsibility to stand for citizen safety and due process. The county's first LEGAL responsibility, above any FCC rule, is the PROTECTION of it's citizens. This draft code is a complete FAILURE in that regard.

There are nearly NO SAFEGURADS for the county or CITIZEN rights to notice, comment on, control, limit, plan, or stop the locating of wireless towers, or even enforce the FCC radiation limits. Why would OUR county HARM CITIZENS and tie their own hands?

There already has been a number of court cases in the last 2 years, where cities and municipalities all over the US, FOUGHT the FCC rules. These FCC rules have NOT been found to be LEGALLY binding, yet they are present in THIS DRAFT code. There are legal code strategies to work within the FCC rules that bring back due process, local control, and protect county & citizen rights, & COMPLY with the FCC.

A PUBLIC HEARING does need to be held, but AFTER the draft code GETS significant revision. Please REMOVE the current consultant supposedly hired to help draft this code-he is either incompetent or unconcerned for citizen RIGHTS. Maybe you need a working group of concerned CITIZENS, and a consultant like Andrew J. Campanelli, one of the TOP wireless attorneys in the county to PRESERVE citizen rights.

We are watching all our LEADERSHIP to see whether they go FOR the Citizens or against. PLEASE go FOR the CITIZENRY!

Sharon Olson
Small Business Owner & Resident in Rainier

From: [Victoria](#)
To: [Kaitlynn Nelson](#)
Subject: Thurston Wireless Code Update
Date: Tuesday, May 04, 2021 5:59:51 PM

I am definitely in favor of a public hearing on the Thurston Wireless Code. However, I think it more prudent to wait until the draft code has been seriously revised to include robust protection of county and citizen rights and allowing people time to review same. In its present state, it does not give any reasonable amount of protection to the taxpayers or their properties, and leaves that to the discretion of the wireless companies, which is like letting the fox guard the hen house.

**Victoria Harper-Parsonson
PO Box 822
10503 Creek Street
Yelm, WA 98597**

360-894-1592

From: belinda@fairpoint.net
To: [Kaitlynn Nelson](#)
Subject: Wireless Code
Date: Tuesday, May 04, 2021 6:04:59 PM

Dear Planning Commissioners,

The current draft wireless code appears to be written by and for the wireless companies. There are virtually no protections for the county or citizen rights to notice, comment on, control, limit, plan, or stop the locating of wireless towers, or even enforce the FCC radiation limits.

In a number of court cases over the past two years brought by cities and municipalities all over the US, the FCC rules essentially tying the hands of local governments have mostly been vacated or found not to be legally binding, yet they are present in this draft code.

Further there are legal code strategies to work within the FCC rules that bring back due process, local control, and protect county & citizen rights while complying with the FCC. Why would our county choose to tie it's own hands and fail to protect and citizen and property rights with the current draft code?

Based on the draft code and slides presented by the consultant hired by the county to help write the draft code, it seems the consultant is either unaware of these rulings and strategies, which apply nation wide, or is not interested in protecting the rights of the county and it's citizens to self governance and due process.

The county's first legal responsibility, above any FCC rule, is the protection of it's citizens. This draft code is a complete failure in that regard.

While I wholeheartedly support the need for a public hearing on the wireless code, the draft code needs significant revision before it is ready for public comment.

Please remove the current consultant, form a working group of concerned citizens to revise the draft code, and bring in a consultant who is interested in preserving the rights of the county and it's citizens to protection and due process.

I support hiring Andrew J. Campanelli, one of the top wireless attorneys in the country, to advise on the code revisions and insure robust protections for citizen and county rights.

Kind regards,

Belinda K Dawson
Rainier WA 98576

From: [Alex Foster](#)
To: [Kaitlynn Nelson](#)
Cc: [sue danver](#); [Rella Schafer](#)
Subject: WCF code revision
Date: Tuesday, May 04, 2021 6:07:38 PM

To: Kaitlynn Nelson; Thurston County Planning Department
Cc: Thurston County Board of County Commissioners

Subject: Revision of the WCF code Chapters 20.33, 20.03, and 22.54.

I have reviewed suggested revisions to the Wireless Communication Facility (WCF) code draft Chapters 20.33, 20.03, and 22.54.

I have several issues with the proposed changes. First and foremost, almost none of the text marked for deletion in sections 20.33.005 through 20.33.110 has been brought forward to the proposed revision. Why are most all specific local ordinances being deleted? FCC does not require local jurisdictions like Thurston County to do this. By doing so the County is essentially surrendering most all local control on WCF placement and design. I am aghast the County would even consider doing this.

I request the County delay further public hearings until revision issues are properly reviewed and corrected. Further I suggest the County acquire services of unbiased third party consultants for the review process. It is apparent from your proposed revision that this has not been done.

Sincerely,

/s/ Alex D. Foster
16206 163rd Lane SE
Yelm, WA 98597

From: [Stacey Kimbell](#)
To: [Kaitlynn Nelson](#)
Subject: Comment to the Thurston County Planning Commission
Date: Tuesday, May 04, 2021 9:24:12 PM

Planning Commissioners,

I live near Thurston County and my children go to school in Thurston County Schools. I am writing to ask you to please revise your current draft wireless code. The code as it is written does not protect or follow the best interests of the residents of Thurston County. Rather, it seems invested in the interests of big wireless companies.

The reasons given for the current draft code are that the FCC has "tied your hands". This is demonstrably false. Court decisions made in the past few years have been found not legally binding, and yet this draft code follows them. As the planning commission, you are not doing your due diligence in representing the residents of Thurston County by presenting this draft code with outdated legal reasoning.

As someone who loves this area, I implore you to remove your current consultant, who seems content to hand the whole of the region over to wireless companies with little concern about using the current and most accurate legal tools available to them. Hire Andrew J. Campanelli to advise on your code revisions. Do this BEFORE any public hearings on this draft code. Anything less would be giving Thurston County residents short shrift. Please do not forget whom you are here to represent.

Sincerely,
Stacey Kimbell
Roy, WA

From: [Rebecca Kitz](#)
To: [Kaitlynn Nelson](#)
Subject: RE: Thurston Wireless COde Update-Comments from concerned citizen
Date: Tuesday, May 04, 2021 10:56:14 PM

Dear Commissioners,

The current draft wireless code appears to be written by and for the wireless companies. The people who this would most impact, the citizens that you represent and speak on behalf of are being pushed aside and leave out with no protection. The draft code allows placement of towers & antennas in the public right of way, immediately in front of your house or business, without any notice to you or anyone in the affected range what so ever, no comment period, and no process for you to challenge the location, no NEPA or environmental review, no proof of a coverage gap, no limits on wattage's, no check to see if wattages are within legal range, no exceptions to "shot clocks," no list of best/worst prioritized locations, no requirement for pollution insurance or insurance of any kind, and the list goes on. The draft code only plays lip service to protect the county's rural character and "encourages" wireless companies to locate their towers in less intrusive locations. Those are the extent of the protections for the county and its citizens. There are virtually no protections for the county or citizen rights to notice, comment on, control, limit, plan, or stop locating wireless towers or even enforce the FCC radiation limits!

In several court cases over the past two years brought by cities and municipalities all over the US, the FCC rules essentially tying the hands of local governments have mostly been vacated or found not to be legally binding. Yet, they are present in this draft code. Further, there are legal code strategies to work within the FCC rules that bring back due process, local control, and protect county & citizen rights while complying with the FCC. Why would our county choose to tie its own hands and fail to protect citizens and property rights with the current draft code? Is there some backdoor dealing that our county is partaking in? Is the lobbyist now the people who have more of a say and more influence than the taxpayers and the people who would ultimately suffer? I think I speak for thousands in this state that we are tired of constantly fighting for common-sense protections with our elected officials and county representatives. It's truly shocking and honestly sickening that something this impactful is quietly being swept under the people. While many are suffering due to the lockdown mandates that make everyday life a struggle, our officials are attempting to change code to benefit wireless companies and big corporations. The big government does best: blindsides the people to line their pockets with cash and positively benefit big corporations.

Based on the draft code and slides presented by the consultant hired by the county to help write the draft code, it seems the consultant is either unaware of these rulings and strategies, which apply nationwide, or is not interested in protecting the rights of the county and its citizens to self-governance and due process. The county's first legal responsibility, above any FCC rule, is the protection of its citizens. This draft code is a complete failure in that regard.

I don't think having a public hearing of the wireless code even needs to be debated! It's appalling that our county commissioners and elected officials are even contemplating **not** having a public hearing on this! The intended changes impact every single person's quality of life and happiness. The public has a right to know what is going on and what the intent is. We have a right to make our voices heard, and our grievances addressed. **Having a public hearing is a demand and needs to take place!** But before this happens, the draft code needs significant revisions before it is ready for public comment. Please consider removing the current consultant, form a working group of concerned citizens to revise the draft code, and bring in a consultant interested in preserving the rights of the county and its citizens to protection and due process. I support hiring Andrew J. Campanelli, one of the top wireless attorneys in the country, to advise on the code revisions and ensure robust protections for citizen and county rights.

Kind regards,

Rebecca L. Kitz
Yelm, WA 98597

From: sdanver7@aol.com
To: [Kaitlynn Nelson](#); [Jennifer Davis](#); [planning](#)
Subject: Please allow more time for citizens to review new WDF code, please do not set hearing date
Date: Wednesday, May 05, 2021 1:14:14 AM

To: Kaitlynn Nelson; Thurston County Planning Department
Cc: Thurston County Board of County Commissioners
Jennifer Davis, Senior Long Range Planner

Date: May 4, 2021

Subject: Revision of the WCF code Chapters 20.33, 20.03, and 22.54.

I have contributed to attempts to mitigate cell tower projects in the past, most notably with the Lake Lawrence cell tower project. From my experience, I believe it is important to retain the local ordinances from the previous WCF code and not deleted as has been in the new draft. The FCC does not require local jurisdictions like Thurston County to remove local code. It seems the rights of citizens would be powerless with challenging the placement of WCF fixtures.

Therefore, I would like to ask that setting a date ion for a public hearing by the pPanning cCmmission be postponed and **not be set** at the May 5th meeting. More time to allow for detailed citizen review and input is critical. The changes are significant.

Sincerely,

Sue Danver
Delphi Valley area of West Thurston County

P.S. I apologize for this late posting. I missed the deadline by a mere hour.

From: [Esther Grace Kronenberg](#)
To: [Kaitlynn Nelson](#)
Subject: Wireless code
Date: Wednesday, May 05, 2021 11:24:29 AM

Dear Ms. Nelson and Planning Commission,

I write to urge the Commission to fully inform themselves of the implications of the draft wireless code being proposed before adopting it as a draft.

It appears that the current wireless code was written by the wireless companies to maximize benefits to them, while ignoring protections for the county or for individual citizen's rights to comment, control, limit or plan the locating of wireless towers or of enforcing FCC radiation limits.

There is a wealth of scientific literature about the possible health effects of 5G radiation. The Planning Commission should familiarize itself with these studies before adopting any drafts written by wireless companies. We know from past experiences with tobacco companies that public safety is not their primary concern.

Further, it appears that the County does have the right to self-governance and due process, regardless of claims by the FCC that they do not. Numerous court cases around the country have proven these rules not to be binding. We need to honor self-governance and citizens' rights over the interests of the wireless industry.

Please educate yourselves about this important issue before adopting a draft code. We need to take a close look at this before it goes to a public hearing. There is no reason to rush into this with blindfolds.

A good source of information is scientists4wiredtech.com.

Having remotely attended several of your meetings, I know how much work you do and very much appreciate the time you give to the public.
Thank you for protecting the citizens of the County.

Regards,
Esther Kronenberg
Olympia, WA

From: [Maggie Van Rossum](#)
To: [Kaitlynn Nelson](#)
Subject: Wireless code
Date: Wednesday, May 05, 2021 8:02:14 AM

Please let the record show that I am very concerned about your actions or inactions in the case of wireless transmissions in our county.

Not only are you preventing the citizens from having an opportunity to respond—you are putting our health and well-being on the line. There are numerous scientific investigations that show that exposure to such transmissions are detrimental to our bodies. Where are your safeguards and where are your hearts? I thought you were here to protect and serve.

Revise the codes, allow the public to comment——please——do the right thing.

Kind regards,
Margaret Van Rossum
Tenino, WA

From: [Harmony Alexander](#)
To: [Kaitlynn Nelson](#)
Subject: Wireless towers meeting today
Date: Wednesday, May 05, 2021 2:10:24 PM

A draft code allows placement of towers & antennas in the public right of way, immediately in front of your house or business, without any notice to you or anyone in the effected range is totally unacceptable. The Commission must take action to prevent this overreach of wireless tower companies, and allow public debate on these issues.

Sincerely, a concerned citizen, Harmony Alexander