

**From:** Al Miller <syngineer1@gmail.com>  
**Sent:** 10/24/2023 2:20:48 PM  
**To:** Public Comment <PublicComment@trpa.gov>  
**Subject:** Fwd: Public Comments in Objection to Item V.A, October 2023 TRPA Governing Board Agenda; Appeal on Approval of a Pier Replacement

see email below, and attached pdf.

----- Forwarded message -----

From: **Al Miller** <syngineer1@gmail.com>  
Date: Tue, Oct 24, 2023 at 1:51 PM  
Subject: Public Comments in Objection to Item V.A, October 2023 TRPA Governing Board Agenda; Appeal on Approval of a Pier Replacement  
To: <mambler@trpa.gov>, John Marshall <jmarshall@trpa.gov>, <jregan@trpa.org>, Cindy Gustafson <cindygustafson@placer.ca.gov>  
Cc: Lahontan <rb6-lahontan@waterboards.ca.gov>, Fiore-Wagner, Mary@Waterboards <mary.fiore-wagner@waterboards.ca.gov>, Letton, Ben@Waterboards <Ben.Letton@waterboards.ca.gov>

To whom it may concern:

I object to the adoption of Item VII. APPEAL, which contains a single Item, by reference, as follows: 1. A. Appeal of Single-Parcel Pier Rebuild Permit, 1713 Lakeshore Blvd, Washoe County, Nevada, Assessors' Parcel Number (APN) 130-331-14, TRPA File Number ERSF2022-1124; Appeal No. ADMIN2023-0016. I also object to the approval of the Project and any other new pier or pier replacement project approving plastic materials in the shorezone or waters of Lake Tahoe. I hereby incorporate by reference my written comments and public testimony in response to Item V. in TRPA's July 26, 2023 Governing Board meeting agenda, for a new multi-use pier proposal.

This email and its attachments must be provided to the Board and the public timely by publication on TRPA's website for the upcoming Agenda Item. Upon my review I state the following for consideration.

1. The pier decking proposed for approval is composed of plastics, which have been shown to degrade over time to microplastics that are contaminating Lake Tahoe.
2. The application materials are unclear to me with regard to "finishes" for the supporting steel for the pier. If they are to be painted surfaces that must be prohibited. Paint may also contain microplastics which can be shed into the water.
3. The Lahontan Cutthroat trout has a protected species status. A primary threat to recovery is "habitat degradation." Microplastics have potential to degrade the habitat for this fish species and other aquatic species.
4. TRPA's public records contain information concerning the threats to Lake Tahoe from past and continuing approvals of plastic shoreline structures since September 28, 2022. More recently, on or about June 1, 2023, TRPA legal staff was given the information attached to my July comments as "My Preliminary Thoughts On Settlement Matters in Miller v. TRPA," a lawsuit I filed last year in U.S. District Court for the Eastern District of California; see also written Public Interest comments provided to TRPA today for Agenda Item XIII of the October 2023 agenda for additional information and a copy of the latest lawsuit filing last week, also hereby incorporated by reference. TRPA should know better, and does not care about these issues in support of their development agendas, and so misinforms its permit applicants.
5. Microplastics pose a significant threat to Lake Tahoe water quality and clarity as documented, among other public records, in Dr. Chandra's recent co-authored article in the July 12, 2023, science journal *Nature*.
6. I find that TRPA has failed to consider the potential adverse cumulative environmental effects of the proposed action, and therefore failed to consider an important aspect of the microplastics problems at Lake Tahoe, in calendaring this Project for approval without consideration or findings of potentials for the Project to become a source of microplastics. Thus, the approval is a prejudicial abuse of discretion if it is approved in a manner contrary to law. An Environmental Impact Statement is necessary before additional new sources of microplastics are introduced to Lake Tahoe. The environmental documentation filed for the project may satisfy deficient requirements in the TRPA Rules of Procedure, but it is conclusory and lacking findings and therefore contrary to Compact and case law requirements for environmental review, merely documenting that TRPA failed to take a look, let alone the "hard look" required in the face of microplastic threats to Lake Tahoe..

For the stated reasons, and others in the incorporated record, I reiterate my objection to approval of the Project (Appeal denial), for even failing to discuss these matters of microplastics in public, in an ongoing attempt at subterfuge and deliberately misinforming the public and permit applicants without discussion. I have no interest in the neighbor dispute with this Item. **I would drop all my objections to this pier Project and other pier projects on the bases above if the Applicants would redesign their pier project to EXCLUDE plastics, by the use of unpainted wood, metal, and natural stone or set concrete (natural minerals) not containing plastics.** I am also providing these comments to the Lahontan Water Board for inclusion in the record of my petition filed with that agency on July 14, 2023, with regard to these same microplastics issues the TRPA is here ignoring.

And so it is, Alan Miller, PE