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California Energy Commission

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09-RENEW EO-1

TN # 74583

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Subject: DRECP NEPA/CEQA – Present Alternatives in Comparative Form

The DRECP DEIS is in clear, obvious violation of NEPA's requirement for presentation of alternatives. NEPA Section 1502.14 requires alternatives be presented in "comparative form", in order to "sharply define the issues".

NEPA §1502.14 Alternatives including the proposed action.

This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (§1502.15) and the Environmental Consequences (§1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public.

Instead, the alternatives are in separate documents, in a non-comparative form that defies convenient comparison.

NEPA §1502.2 Implementation.

*(c) Environmental impact statements shall be kept **concise** and shall be no longer than absolutely necessary*

Section 1502.14, shown above, explains why concision is important:

"...providing a clear basis for choice among options by the decisionmaker and the public."

NEPA wants the document to be easily understood. In its current form, the DEIS fails completely.

Example 1: These tables appear in five documents:

Document	Table
Chapter II.3. Preferred Alternative	Interagency DRECP Plan-Wide Preferred Alternative
Chapter II.4. Alternative 1	Interagency DRECP Plan-Wide Alternative 1
Chapter II.5. Alternative 2	Interagency DRECP Plan-Wide Alternative 2
Chapter II.6. Alternative 3	Interagency DRECP Plan-Wide Alternative 3
Chapter II.7. Alternative 4	Interagency DRECP Plan-Wide Alternative 4

Each table is in the same format:

**Table IL3-1
Interagency DRECP Plan-Wide Preferred Alternative**

Alternative Components	Acreage
DFA's	2,024,000
Study Area Lands	183,000
Future Assessment Areas	128,000
Special Analysis Areas	42,000
DRECP Variance Lands	13,000
DRECP Plan-Wide Reserve Design Envelope	14,921,000
Existing conservation areas	7,662,000
BLM LUPA conservation designations	6,177,000
Conservation Planning Areas	1,142,000
Urban Areas, Other Lands, and Undesignated Areas	5,457,000
Impervious and Urban Built-up Land	535,000
Military Lands	3,019,000
BLM Open OHV Areas	264,000
Imperial Sand Dunes, including the BLM Open OHV Area	132,000
Johnson Valley OHV Shared Use Area	56,000
Tribal Lands	129,000
Undesignated Areas	1,323,000
Plan Area Total	22,585,000

The five tables have nearly identical left columns. The acreage numbers in the right column change from table to table. It is these numbers the reader must compare to understand the alternative differences.

The diligent reader is faced with some possibilities:

- Try to remember the numbers as he reads the five chapters. This is clearly impractical.
- Print the five tables and arrange the printouts on a table to align the number columns next to each other. In four of the five the table is spread across two pages. Scissors and tape are almost a necessity. This is almost comedic.
- Invent a cut-and-paste method in a word processor or spreadsheet to align the columns so they can be compared. Few readers have the skills to do this.
- With pencil and paper copy the data into a new single table. Archaic, but perhaps the only way.

But the left column is slightly different from table to table. So even these techniques, except the last, won't work. The DEIS has pushed the reader into a task so difficult for most that comprehending the alternative differences is either impossible, or is so frustrating that the reader would give up.

In unequivocal conflict with NEPA's requirement for concision, each table is preceded by a paragraph repeating the data in the table, both columns, sequentially, in narrative form. The wording in the five paragraphs for the five tables is identical – only the numbers change. The narratives add nothing to comprehension. Instead the narratives subtract from comprehension, since a diligent reader must waste time and tolerance reading and comparing to detect the possibility of small changes.

Instead of presenting the reader with this clerical, time-consuming, and intellectually frustrating task, all the data could be in one table and the redundant narrative paragraph omitted.

This form of presentation is the exact opposite of NEPA's intention. It is a clear and obvious violation of the letter and spirit of NEPA.

Example 2: Most of the first pages of the documents describing each alternative are identical. Only until the last few lines of the pages do the descriptions begin to differ. As with Example 1, a diligent reader must examine the identical sections, looking for possible small differences that may be important. With this form of presentation the reader has no confidence that important differences are easily understood, and must rely on this detail comparison. This is a clear violation of NEPA's requirement to present data in comparison form.

Example 3: There appears to be no simple description of the main difference in focus of each of the alternatives. Instead, the reader must, by comparing the five documents, assemble a list of

differences before being able to understand the intent of each alternative's focus. We are all used to alternative names indicating focus, such as 'Development Focused Alternative', and 'Conservation Focused Alternative'. Even this technique is denied the reader. Again, this is a clear violation of NEPA's requirement to present data in comparison form.

These are not trivial issues. Presuming BLM is indeed interested in substantive, useful, well thought out comments, it must present the data in easily understood form so reviewers can spend time on substance. But by ignoring NEPA's requirements, and common sense, the form of the document requires reviewers to waste time deciphering what the document says. BLM will receive fewer comments, and lower quality comments, with a document so difficult to read and comprehend. Decisionmakers must also understand the document. We cannot assume that because BLM created the document, decisionmakers and others at BLM fully understand the document – these people can be confused also. These compromises increase the distinct possibility that the EIS will lead to flawed conclusions.

I have had the opportunity to examine the DEIS only in some small detail, partially because of its daunting length and difficult format. I have heard that it has anywhere from 8,000 to 11,000 pages. I have heard many complaints from others of difficulty in understanding because related information is so scattered and so difficult to use. The NEPA violations contributed substantially to my inability to understand the differences between the alternatives because of the time required to discover the differences. Had the DEIS followed NEPA requirements, I could have quickly understood the differences, and been able to spend my limited resources on concepts.

The DEIS is a hostile document, not friendly. The concept of 'easy-to-use' is absent. This must be corrected.

Sincerely,

A handwritten signature in black ink that reads "Tom Budlong". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Tom Budlong

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