



SENT VIA ELECTRONIC TRANSMISSION/FIRST-CLASS MAIL

November 4, 2011

Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, California 95814  
[eircomments@deltacouncil.ca.gov](mailto:eircomments@deltacouncil.ca.gov)

**Re: Draft Delta Plan Program Environmental Impact Report**

Dear Council Members:

This letter is in response to the November 2, 2011 Notice of Availability of a Draft Program Environmental Impact Report for the Delta Plan and corresponding timeline for submission of comments ("Notice"). The Notice provides a 60-day period to provide comment on the Draft Environmental Impact Report for the Delta Plan ("DEIR"). This comment period is inadequate in light of the circumstances surrounding the considerably-delayed release of the DEIR and the holiday season.

Section 15105 of California Code of Regulations ("CEQA Guidelines") provides that comment periods may extend beyond 60 days in "unusual circumstances." (Cal. Code Regs., tit. 14, 15105(a).) Such unusual circumstances undoubtedly currently exist.

The very nature of the DEIR rises to the level of "unusual circumstances." Most DEIRs are hundreds, not thousands, of pages and evaluate a specific project with narrow geographic boundaries. In contrast, this DEIR evaluates "recommendations" which "seek to influence actions" in "the Delta and Suisun Marsh, although the Delta Plan could have influence beyond the Delta." (Notice of Availability, p. 1.) The Notice does not identify a specific project or geographic area. Indeed, at the most recent Delta Stewardship Council ("DSC") meeting on October 27, 2011, councilmembers and the DEIR panel itself referred to the 2,000+ page DEIR as unique when compared to other DEIRs. This by itself establishes the "unusual circumstances" necessary to extend the comment period.

Further creating unusual circumstances is the delayed timeline of the DEIR. Initially, the DSC scheduled the DEIR for completion and release in June 2011, according to the DSC's Notice of Preparation. Nearly five months later, and as we enter the 2011 holiday season, the DEIR is now set to be released. The comment period allowed for is through

and including January 3, 2012; this encompasses the entire holiday season and places a significant burden on commenters. The delays by the DSC which result in the comment period spanning the entire holiday season should not compromise nor prejudice a party's ability to draft comments in response to the DEIR.

Sixty days is not sufficient time to read, evaluate, and comment on 2000+ pages of previously undisclosed information, much less during the holidays. Furthermore, the first oral public comment period is less than two weeks after the November 4 release date. Certainly, this is not enough time to adequately comment on such an involved document. Such circumstances undeniably constitute "unusual circumstances" for purposes of extending the comment period.

For these reasons, the San Joaquin River Group Authority requests the DSC extend the comment period on the DEIR to at least 75 days to avoid prejudice and allow for thorough and sound comments.

Very truly yours,  
**O'LAUGHLIN & PARIS**

A handwritten signature in blue ink, appearing to read "Tim O'Laughlin".

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TIM O'LAUGHLIN

TO/tb

cc: San Joaquin River Group Authority (via e-mail only)