

Original Letters Submitted
After the Public Review

221 MAIN STREET
SIXTEENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94105-1936
(415) 905-0200
FAX (415) 905-0202

MCQUAID, METZLER, MCCORMICK & VAN ZANDT LLP

FILE NUMBER 20468-001

DIRECT DIAL

March 3, 1998

BY FAX FIRST CLASS MAIL

Mr. Walter Yep
U.S. Army Corps of Engineers
Sacramento District
1325 J. Street
Sacramento, CA 95814-2922

**Re: Meeting on Project Modification Report and Draft
Environmental Assessment/Initial Study for Prospect Island**

Dear Walter:

As a follow-up to our meeting on February 19, 1998, I wanted to convey to you our appreciation for your willingness to listen to our concerns and to consider additional information which we will send to you shortly. First, I wanted to reiterate some of the concerns and issues we addressed at the meeting and we hope that in your consideration of these issues you will take into account our comments.

On the issue of seepage at Ryer Island, it is our belief that the origin of the seepage is directly related to the flooding of Prospect Island. We will provide data on these conditions, along with a statement from Reclamation District 501 personnel that they have personally observed the seeps only when Prospect Island is flooded. We will also have pictures showing that the seeps occur inside the fields and not just on the edge, evidencing the existence of a lens to transmit the water from Prospect Island to the fields on Ryer Island. Just as you find it difficult to prove the seeps are not caused by Prospect Island when there is no corresponding data for when the island is dry, we find it difficult to provide data that the seeps are coming from a particular area of Prospect. We cannot provide such data as long as Prospect is flooded. Nonetheless, we will provide you with as much information as we can, although we believe you already have sufficient information to make a reasonable inquiry.

We also discussed with you the potential impacts of wind conditions and wave runup, as well as overtopping of the levees as one of our paramount concerns. We believe that the documents

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have inadequately analyzed the potential effects of flooding Prospect Island on the levees, especially those adjacent to Ryer Island. Clearly, the assessment must analyze the potential effects of a 100 year storm event to determine whether the levees will withstand wind, wave and overtopping. A major flaw in the report is the failure to analyze a major failure of the levees.

Also discussed at the meeting was the geotechnical report and the staging of construction. We believe the report is optimistic in its analysis. Moreover, we believe that the depth of the peat has not been properly analyzed and as such the stability of the construction will be jeopardized.

We addressed the issue of alternatives analysis and the need to look at other alternatives other than the breaching of Miner Slough. In addition, there is a need for more site specific information and analysis concerning the breaching of Miner Slough. This should include wind and wave action, tide and current surges, the increased current velocity and its effect on the adjoining levees, the weakening of the levees by the breach and the possible erosion of the levee, the silting in of Miner Slough, and the possibility of predators entering the slough.

We have asked you to approach the U.S. Fish and Wildlife Service (U.S. FWS) to determine what restrictions will the Service place on the use of adjoining farmland when the Prospect Island area is named as a fisheries habitat. Specifically, we want a determination as to whether the U.S. FWS will require fish screens on irrigation pumps, or any other restrictions on the use of farm equipment in, at, near, or around the fisheries habitat. We are also concerned about water quality issues and whether the assessment has adequately addressed the effects of the flooding on water quality.

We have asked for a complete list of reports and studies relied upon in the development of the report and a list of all the personnel who contributed to the report, not just the environmental personnel. We have also asked you to reform your FONSI to comply with the NEPA regulations.

Finally, we have indicated to you that the failure of the Army to go forward with this project would leave Prospect Island in a flooded condition. This means that the no action alternative will have impacts on the surrounding land use and other issues such as levee stability, water quality, access, and fisheries impacts. These no action impacts are completely neglected in the assessment and should be addressed.

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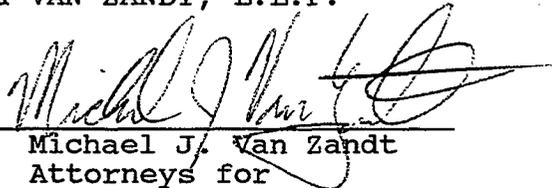
We will send our additional information to you shortly and hopefully we can come to an understanding as to contingent mitigations to apply to the Reclamation District 501 activities. Again thank you for taking time to meet with us and for the consideration of our comments.

If you have any questions, please call.

Very truly yours,

MCQUAID, METZLER, MCCORMICK
& VAN ZANDT, L.L.P.

By



Michael J. Van Zandt
Attorneys for
Reclamation District 501

cc: Theodore A. Kolb, Esq.
Neil R. Hamilton
Thomas Hester