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FILE NUMBER 20459-001

DIRECT DIAL

REC'D 6/20/98 Leslie Fu

March 31, 1998

BY OVERNIGHT COURIER

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

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

Dear Walter:

I submit this information to you on behalf of Reclamation District 501. It has taken some time to assemble and analyze the additional information we indicated that we would send to you in conjunction with the contentions by the Reclamation District that flooding of Prospect Island is causing seepage in fields on the northern end of Ryer Island. We are including in this letter photographs of the affected filed, several statements from eyewitnesses to the seepage, maps and charts showing the area of seepage, and well data showing the existing of seepage conditions when Prospect Island is flooded. Once you and your staff have had a chance to review this material, we hope you will give us the opportunity to discuss it with you in more detail.

Photographs

I have enclosed a series of six photographs all taken at the time when Prospect Island was flooded. Exhibit A. The first two photos show the water seepage in the fields in the northern part of Ryer Island. The fields that are affected by the seepage are Fields 11, 12, 13, 13A, and 14. Note that the pictures depict seepage extending into the fields and not just at the edge nearest the levee. This is an indication that the seepage emanates from beneath the field and is not merely flowing through the levee immediately adjacent to Miner Slough.

The next four photographs depict the saturated condition of the soil in the fields. We have determined that in some cases

the seepage approaches to within a very few inches of the surface, providing an opportunity for heavy equipment, such as trucks, to break through the topsoil into to the saturated areas and become stuck. As you can see from these pictures, quite a few of our vehicles were mired in the fields as the farmers attempted to load them. Note again that the trucks are not at the immediate edge of the fields but are inside the fields and the seepage there has caused a collapse.

Statements, Maps and Well Data

I have attached five statements of eyewitnesses (Exhibit B-F) to this letter as further evidence that the flooding of Prospect Island results in seepage in the Ryer Island fields. These statements should be taken as testimony, admissible in court as to the conditions caused in the fields at Ryer Island when Prospect is flooded. The testimony is important because it is based on many years of observation and is persuasive on the issue of whether there is a correlation between flooding of Prospect and seepage on Ryer.

Mr. Neil R. Hamilton, farmer and Chairman/Trustee of Reclamation District 501, states that he has been farming since 1957 on Ryer Island. Exhibit B. Mr. Hamilton observes that over the years everytime Prospect floods Ryer Island seeps. Moreover, Mr. Hamilton observes that when Prospect is pumped out, then Ryer Island dries out. This is very significant because it has nothing to do whatsoever with any influence of Miner Slough.

Mr. Craig Nakahara and his family have been farming on Ryer Island for over 40 years. Exhibit C. He concurs with Mr. Hamilton's observation that high water tables and seepage occurs on Ryer Island everytime Prospect Island floods. He also observes that the seepage problem persists for quite a few months after a flood and causes problems with planting. He also states that slough water was low and he would have planted early except for the flooding on Prospect.

Mr. Joe Maria also provided a statement. Exhibit D. He has been farming Ryer Island for over 40 years. Mr. Maria has observed that his well, which has its pipe extended three feet above ground will overflow when Prospect Island is flooded. This is a clear indication that the head pressure from the flooding of prospect has a direct influence on groundwater in the fields on Ryer Island. Mr. Maria states unequivocally that when Prospect floods, Ryer Island is wet and when Prospect is dry the land on Ryer Island dries up faster.

Mr. Carlo Guidi, owner of Carlo Guidi Ranch, has lived on Ryer Island all of his life and he has relatives who have farmed there for over 40 years. Exhibit E. Mr. Guidi provides two maps for your use. He has annotated the maps in green and blue. The blue area depicts fields that are no longer farmable due to seepage. The green areas depict fields that may be farmable in the late spring but where yields have been reduced. Mr. Guidi estimates that due to seepage, 60 to 75 percent of the crop production has been cut. The seepage has affected over 300 acres of Mr. Guidi's land. He also provides a second map which he states depicts areas that were formerly productive but now some of these areas cannot be farmed and others can only be entered late in the season.

Finally, Mr. Tom Hester, Resident Manager, Islands, Inc. provides a statement that concurs in the observations of the other residents. Exhibit F. Mr. Hester observes that he must alter crop rotation because he must be very selective about crops to plant in these saturated areas. Mr. Hester conservatively estimates that the yield on a grain crop would drop by one ton per acre or at least 30 percent. Mr. Hester also provides charts of well data taken from wells in the northwest side of Ryer Island. According to the data in these charts, when Prospect Island is flooded, the water table approaches the surface of the land in the fields on Ryer Island. The measurement of the wells is from the water table to the top of the well pipe which extends above the ground by 14 to 25 inches. That distance must be subtracted from the measurement in order to determine how close to the surface the water is. In all cases where there is flooding, the water table as measured in the wells is just below the surface of the ground. As observed by one farmer anything 15 to 18 inches below ground interferes with the root zone and causes the trucks and farm equipment to become mired.

Mr. Hester also provided information about soil types in Prospect Island and on Ryer Island. There are similar soil types found on both Islands but it is no known whether these are lenses that extend under the slough and would provide a conduit for the water on Prospect to seep on Ryer Island. this would require further investigation. However, from the sandy soil types it appears likely that water percolating at Prospect could seep as a result of the increased head pressure so that Ryer becomes wet. As one farmer observed the head pressure is enough to make his well overflow.

Conclusion

Based on the foregoing analysis and the exhibits provided with this letter, I recommend that you reevaluate your position with regard to seepage on Ryer Island in the context of your studies and environmental analysis of Prospect Island.

Very truly yours,

McQUAID, METZLER, McCORMICK
& VAN ZANDT, L.L.P.

By _____
Michael J. Van Zandt

Enclosures

cc: Theodore A. Kolb, Esq.
Tom Hester
Neil Hamilton

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