

San Francisco Bay Regional Water Quality Control Board

## INSPECTION REPORT

To: Point Buckler Club, LLC Case File  
Place ID 816826

From: Benjamin Martin, Environmental Scientist  
Agnes Farres, Environmental Scientist  
Brian Thompson, CHG, CEG, Senior Engineering Geologist  
Dyan Whyte, PG, Assistant Executive Officer

Prepared on: April 19, 2016

Approved by:

**Subject: Inspection of Point Buckler Island, Suisun Marsh, Solano County**

On March 2, 2016, staff members of the San Francisco Bay Regional Water Quality Control Board (Water Board) performed an inspection of Point Buckler Island (Island), an approximately 51-acre island owned by Point Buckler Club, LLC (Point Buckler Club) that is located off the western tip of Simmons Island in the Suisun Marsh, Solano County (Figure 1).

Dyan Whyte, Brian Thompson, Agnes Farres, and Benjamin Martin conducted the inspection with two scientists (Peter Baye, Coastal Ecologist/Botanist and Stuart Siegel, Professional Wetland Scientist), a topographical survey crew from CLE Engineering, Inc. (Daniel Gillenwater, James Kulpa, Darren Gewant, Kyle Berger, and Justin Dankle) and representatives of the National Oceanic and Atmospheric Administration (Don Tanner, Special Agent) and U.S. Environmental Protection Agency (Paul Jones, Life Scientist).

The purpose of the inspection was to assess conditions at the Island resulting from unauthorized construction of levees and placement of fill into waters of the United States. The Water Board issued a Notice of Violation to Point Buckler Club on July 28, 2015, informing it that the diking off and filling of tidal marsh areas and the removal of critical flow to the interior of Point Buckler Island were unauthorized activities in violation of the Clean Water Act and the California Water Code. Objectives for the inspection included the following:

- Investigating water quality
- Surveying topography and mapping the extent of fill material;
- Documenting site activities; and
- Assessing the condition of wetlands soil and vegetation.

This inspection report contains observations by Water Board staff and results of the water quality investigation. A separate report is being prepared by the accompanying scientists and CLE Engineering to present findings from the topographical survey, mapping, and wetland assessment.

### Summary of Events

- **Island Access** - Water Board staff attempted on multiple occasions to obtain voluntary access from Point Buckler Club to inspect the Island in February, prior to warm weather that would induce extensive vegetation growth. Since timely access was not granted, the March 2, 2016, inspection was conducted under an administrative inspection warrant issued on February 24, 2016, (Case No. MiSC002135) by Judge Harry S. Kinnicutt, Superior Court of California, Solano County. Water Board staff executed the inspection warrant in coordination with the Solano County Sheriff's Department (Marine Patrol members Sergeant Raymond Dudley, Deputy Jaime Garcia, Deputy Michael Otto, and Deputy Brian Miller).
- **7:45 – 10:30 (approximate time)** - The Solano County Sheriff's Department transported Regional Water Board staff, Paul Jones, and Don Tanner to the Island in two Marine Patrol boats. Early morning fog delayed arrival of the sheriff's deputies at the Pittsburg Marina. Prior to departure, we held a safety meeting which covered boat safety, potential hazards associated with the inspection, and a plan for sheriff deputies to secure the Island before we disembarked from the boats. On route we picked up Don Tanner and were joined by the scientists and CLE Engineering, Inc.

*Note: The inspection was originally scheduled for February 26, 2016, but Water Board staff concerns about safety were elevated the day after the inspection warrant was issued. On February 25, 2016, we received reports that someone matching John Sweeney's description was firing off a gun on the island. Gunfire was not expected because a duck club has not been actively operating at the Island and duck season closed in January. Before scheduling an inspection with us, the Solano County Sheriff's Department conducted a threat assessment. On the day of the inspection, deputies told inspectors to remain in the boats until safety procedures were followed to secure the Island.*

Upon arrival at the Island, Sheriff's deputies made contact with Terry Huffman and Robert Perrera, President and Wetlands Regulatory Scientist of Huffman-Broadway Group, Inc., respectively, who stated that Point Buckler Club's attorney, Mr. Lawrence Bazel, had requested that they be present during the inspection. Deputies secured the Island, then we disembarked, offloaded equipment, and met with the survey crew, who arrived on a separate boat, and Peter Baye, who arrived by kayak. Peter Baye started his inspection by kayaking around the perimeter of the Island while we setup a staging area on the levee at the southern end of the Island.

- **10:30 – 12:30 (approximate time)** - CLE Engineering, Inc. started its topographical survey while Water Board staff, Stuart Siegel, Peter Baye, Paul Jones, and Don Tanner performed a reconnaissance of the Island, and began documenting observations. We generally walked

clockwise around the island along the levee, with departures outside the levee and into the interior of the Island to observe and photograph various features and activities including the levee, borrow ditch, natural channels, tidal deposits, culverts, wetland vegetation, historic structures, and recent development. Terry Huffman and Robert Perrera followed and observed our activities. John Sweeney arrived at the Island by boat and brought two reporters from the Contra Costa Times.

- **12:30 – 1:00 (approximate time)** - Lunch break; Don Tanner, John Sweeney, and the reporters had left the Island.
- **1:00 – 4:00 (approximate time)** - CLE Engineering, Inc. continued with its topographical survey while the scientists and Water Board staff conducted more focused investigations. Dyan Whyte and Brian Thompson continued to document observations, which are contained in Exhibit A. Ben Martin and Agnes Farres measured water quality parameters (i.e., temperature, pH, dissolved oxygen, and specific conductance), which are presented in Exhibit B. Brian Thompson helped to dig shallow test pits so Agnes and Ben could obtain groundwater quality measurements. All shallow test pits were filled in after measurements were taken. Stuart Siegel, Peter Baye, and Paul Jones continued their investigations, which collectively included documenting observations, mapping parts of the Island, and/or assessing the wetlands.
- **4:00 – 4:45 (approximate time)** - Investigation activities at the Island were completed. We collected and loaded equipment onto boats, and the remaining inspection team members departed from the Island. Ben Martin and Agnes Farres measured water quality at two locations in Suisun Bay as we left the Island. The Solano County Sheriff Department transported Dyan Whyte, Brian Thompson, Ben Martin, Agnes Farres, and Paul Jones back to the Pittsburg Marina, and we unloaded equipment from the boats.

#### **Attachments**

- Exhibit A - Observations
- Exhibit B - Record of Water Quality Measurements

