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From: "Fernandez, Xavier@Waterboards" <Xavier.Fernandez@waterboards.ca.gov>

Date: Tuesday, July 21, 2015 at 3:57 PM

To: "Janelle.D.Leeson@usace.army.mil" <Janelle.D.Leeson@usace.army.mil>, "Galacatos, Katerina SPN (Katerina.Galacatos@usace.army.mil)" <Katerina.Galacatos@usace.army.mil>, "Siu, Jennifer (Siu.Jennifer@epa.gov)" <Siu.Jennifer@epa.gov>, "Hoang, Tinya@BCDC" <tinya.hoang@bcdc.ca.gov>, Adrienne Klein <adrienne.klein@bcdc.ca.gov>, "Aichele, Cody@BCDC" <cody.aichele@bcdc.ca.gov>, "gary.stern@noaa.gov" <gary.stern@noaa.gov>, "Ryan\_Olah@fws.gov" <Ryan\_Olah@fws.gov>, "Steven\_Culberson@fws.gov" <Steven\_Culberson@fws.gov>, "Hammerli, Lorie@Wildlife" <Lorie.Hammerli@wildlife.ca.gov>, "Ferranti, Annee@Wildlife" <Annee.Ferranti@wildlife.ca.gov>, "Chappell, Steve" <schappell@suisunrcd.org>

Subject: Potential Violation for Unauthorized Diking of Suisun Tidal Marsh

Hi All,

We are notifying you of a potential violation of state and federal laws protecting wetlands and special status species. Water Board staff will be meeting with upper management to recommend an enforcement action, but wanted to inform you of the potential violation. Please let us know whether your agencies will be taking any action.

Last week, while Water Board staff were looking at the Tule Red Project on Google Earth, we noticed what appeared to be intensive grading activities at Suisun Club 801, Buckler Point (or Point Buckler), south of the Tule Red Project (APN 009-002-0010). At first, we thought it was grading under the Suisun General Permit (for levee maintenance and general "grading activities"), but upon additional research, we believe that we have identified **unpermitted activities that began in 2014 and may be ongoing. These activities include constructing about a 1 mile levee in waters of the State and U.S., which in turn has converted about 49 acres of tidal marsh into diked marsh.**

I've attached an interpretation of historic aerial photographs of the site dating back to 1948. The island was undiked in 1948, but by 1958, levees had been constructed in the island interior. These levees appeared to be poorly maintained, and by the mid-1970s, the site was indistinguishable from nearby islands that had never

been leveed from tidal action. The site was fully open to the tides by 1981, and was largely unchanged until the construction of the new levee in 2014/2015. A photograph taken in April 2015 shows further grading, removal of vegetation, and excavation of ponds in the now-diked marsh plain.

We also found this video posted to the internet site Vimeo which indicates that the island is being turned into a kiteboarding recreation area: <https://vimeo.com/101305415>. We have not contacted the owner yet (pending discussion with management), but the contact information is:

Point Buckler Club, LLC.  
171 Sandpiper Drive  
Pittsburg, CA 94565  
Website: <http://www.pointbucklerisland.com/>  
Attn.: John Sweeney  
[john@spinnerisland.com](mailto:john@spinnerisland.com)  
Phone: 415-686-0907

Regards,

Xavier Fernandez  
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SF Bay Regional Water Quality Control Board  
510-622-5685  
[xavier.fernandez@waterboards.ca.gov](mailto:xavier.fernandez@waterboards.ca.gov)

## Suisun Club 801 – Buckler Point: Historic Aerial Interpretation

7-20-2015

Historic aerials obtained from the US Geological Survey: [www.earthexplorer.gov](http://www.earthexplorer.gov) or Google Earth: [earth.google.com](http://earth.google.com).

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**February 12, 1948:** Levees are not readily apparent; light areas bounding the island appear to be naturally deposited berms/high marsh consistent with other isolated islands in southern Suisun Bay (e.g. Roe Island, western undiked portion of Ryer Island). No borrow ditches are evident. The island has tidal sloughs and an extensive interior pond. (USGS high-res imagery)



**Suisun Club 801 – Buckler Point: Historic Aerial Interpretation**

**July 21, 1958:** Levee construction in the island interior is obvious, and a structure has been built on the island's northern side. Areas inside the levee are isolated from tidal action. (USGS high-res imagery)



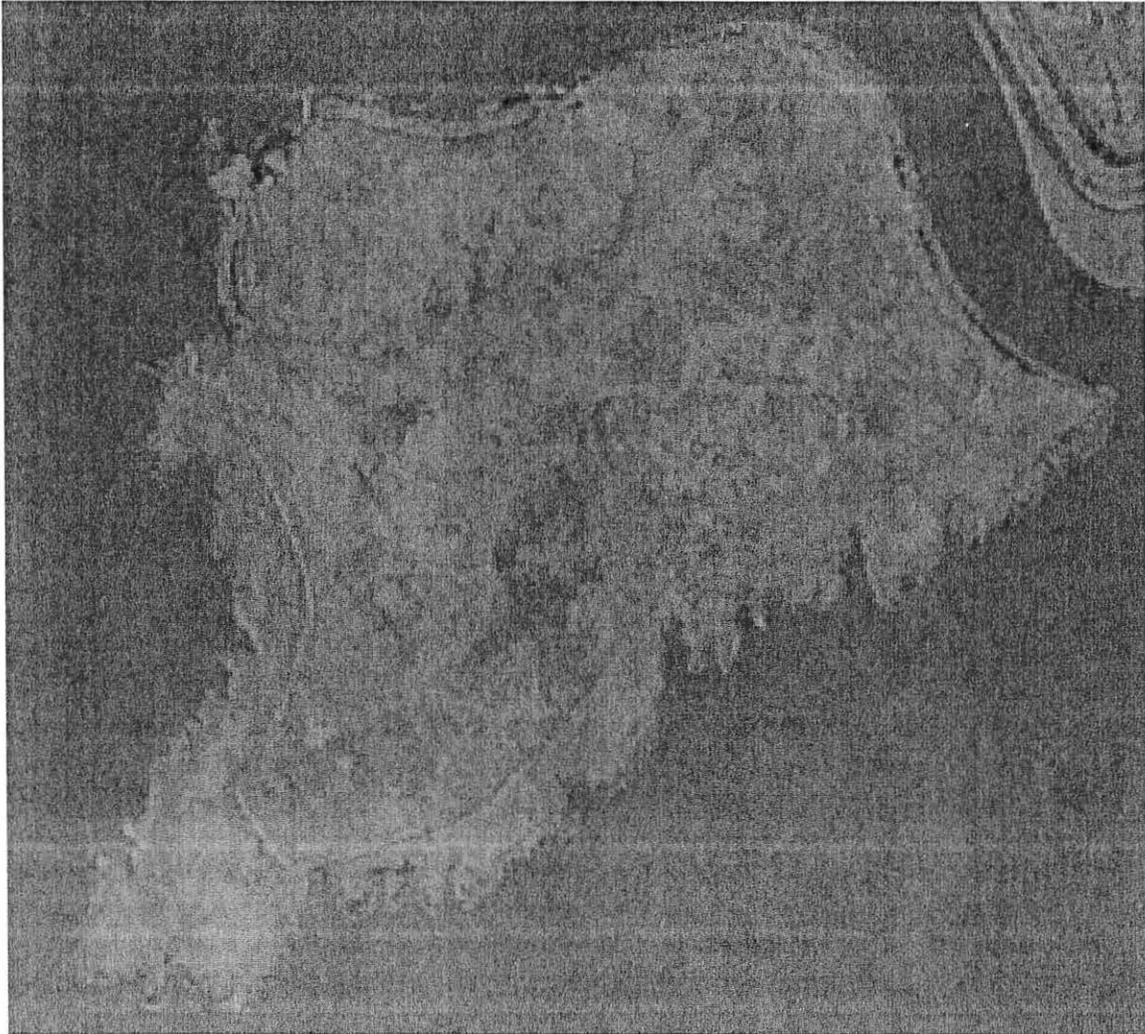
Suisun Club 801 – Buckler Point: Historic Aerial Interpretation

April 22, 1968: Areas within the levees appear to be managed to favor open water (duck hunting) conditions, but levee integrity is unclear. (USGS high-res imagery)



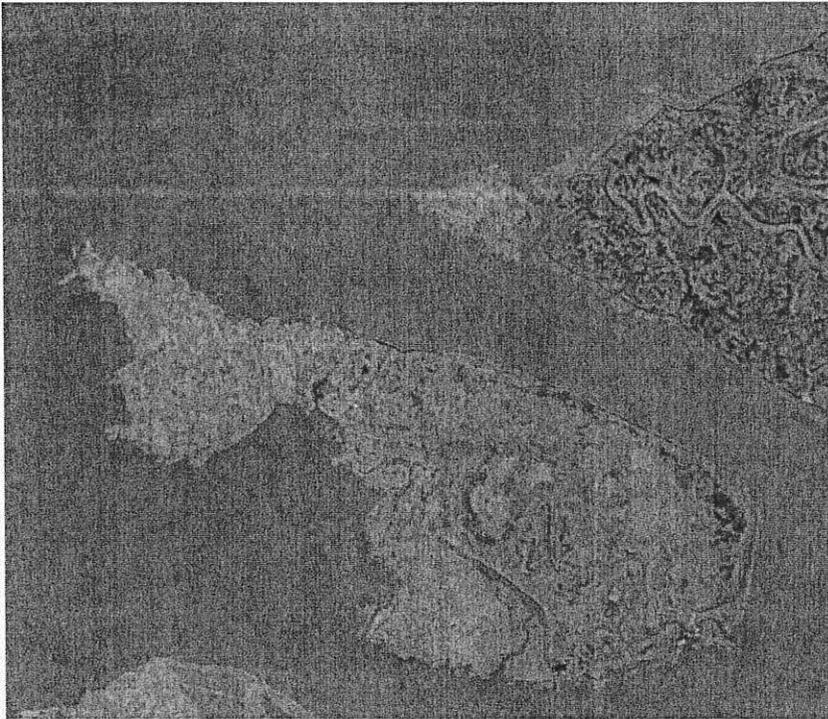
### Suisun Club 801 – Buckler Point: Historic Aerial Interpretation

**October 3, 1973:** The integrity of the levees along the north side of the island continues to be unclear; the island may be open to tidal action. A pier/boat landing appears to have been constructed on the island's northern tip. (USGS medium-res imagery; photo is rotated slightly counterclockwise relative to other photos)



Suisun Club 801 – Buckler Point: Historic Aerial Interpretation

July 17, 1974: Wetlands in the island display appear to be unmanaged, and display no obvious visual differences from fully tidal habitats in Roe Island and western Ryer Island: (USGS medium-res imagery)



Infrared imagery from May 28, 1975 underscores the resemblance: (USGS medium-res imagery)



**Suisun Club 801 – Buckler Point: Historic Aerial Interpretation**

**February 20, 1981:** The island is open to the tides, with a sizeable levee breach in its southwest corner. Breaches may also exist along the island's northern side. (USGS hi-res imagery)



## Suisun Club 801 – Buckler Point: Historic Aerial Interpretation

**July 13, 1988:** The large levee breach in the site's southwest corner appears to have been partially repaired, but tidal action continues through a breach into the island's northern borrow ditch. (Google Earth)



Suisun Club 801 – Buckler Point: Historic Aerial Interpretation

**June 15, 1983:** Breaches along the site's northern boundary enlarge; the island continues to be fully tidal. The breach in the island's southwest corner has re-opened (if it was ever closed). (Google Earth)



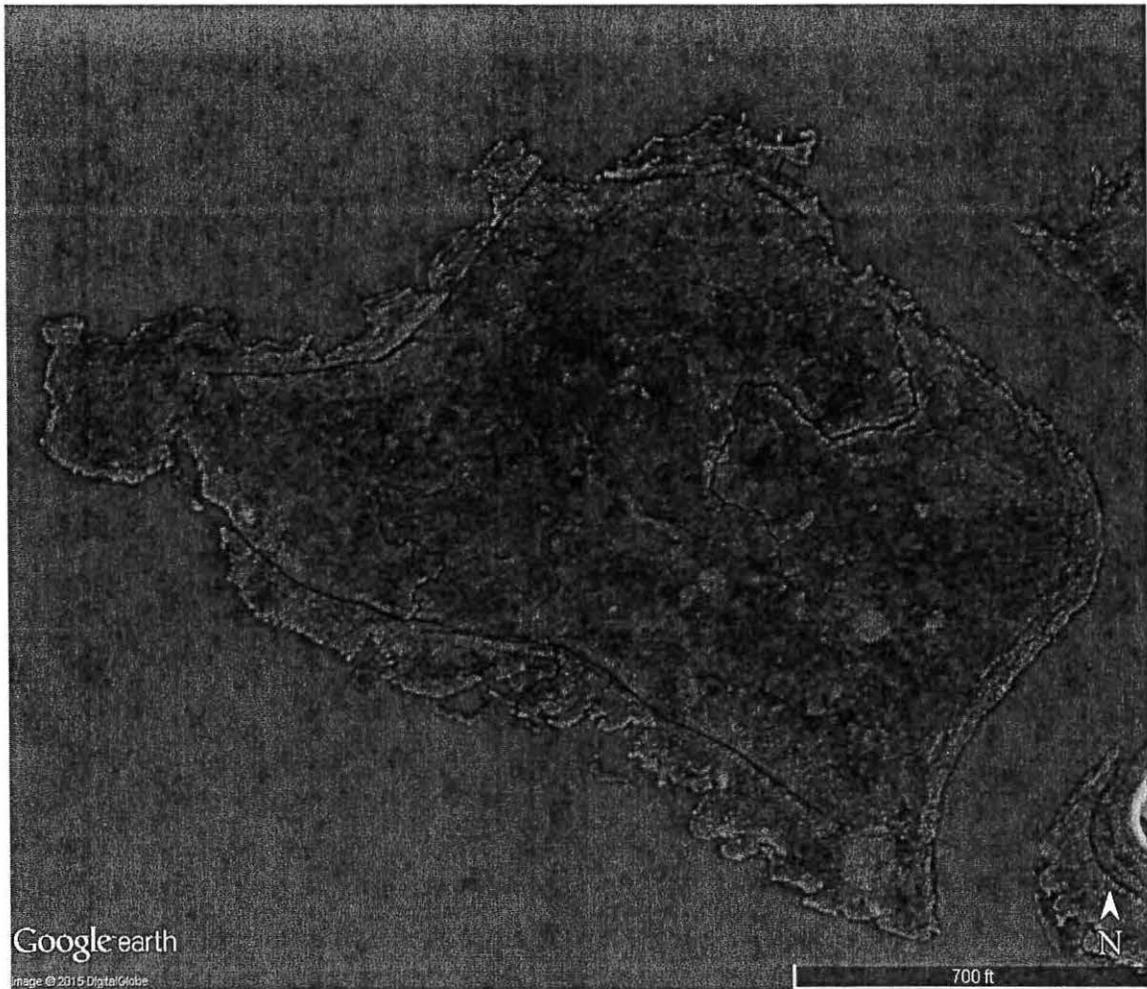
## Suisun Club 801 – Buckler Point: Historic Aerial Interpretation

**July 27, 2002:** The island is still fully open to the tides, with the southwest and northern breaches still evident. Notably, berm/high marsh areas along the island's northeast side have retreated, increasing tidal action in a slough that reaches into the former pond area. (Google Earth)



Suisun Club 801 – Buckler Point: Historic Aerial Interpretation

September 18, 2011: The island continues to be fully tidal. (Google Earth)



Suisun Club 801 – Buckler Point: Historic Aerial Interpretation

May 19, 2012: The island continues to be fully tidal, though mechanical mowing equipment has cut broad swaths through the island's vegetation. (Google Earth)



Suisun Club 801 – Buckler Point: Historic Aerial Interpretation

August 23, 2012: A boat and two small structures appear at the island's western tip. (Google Earth)



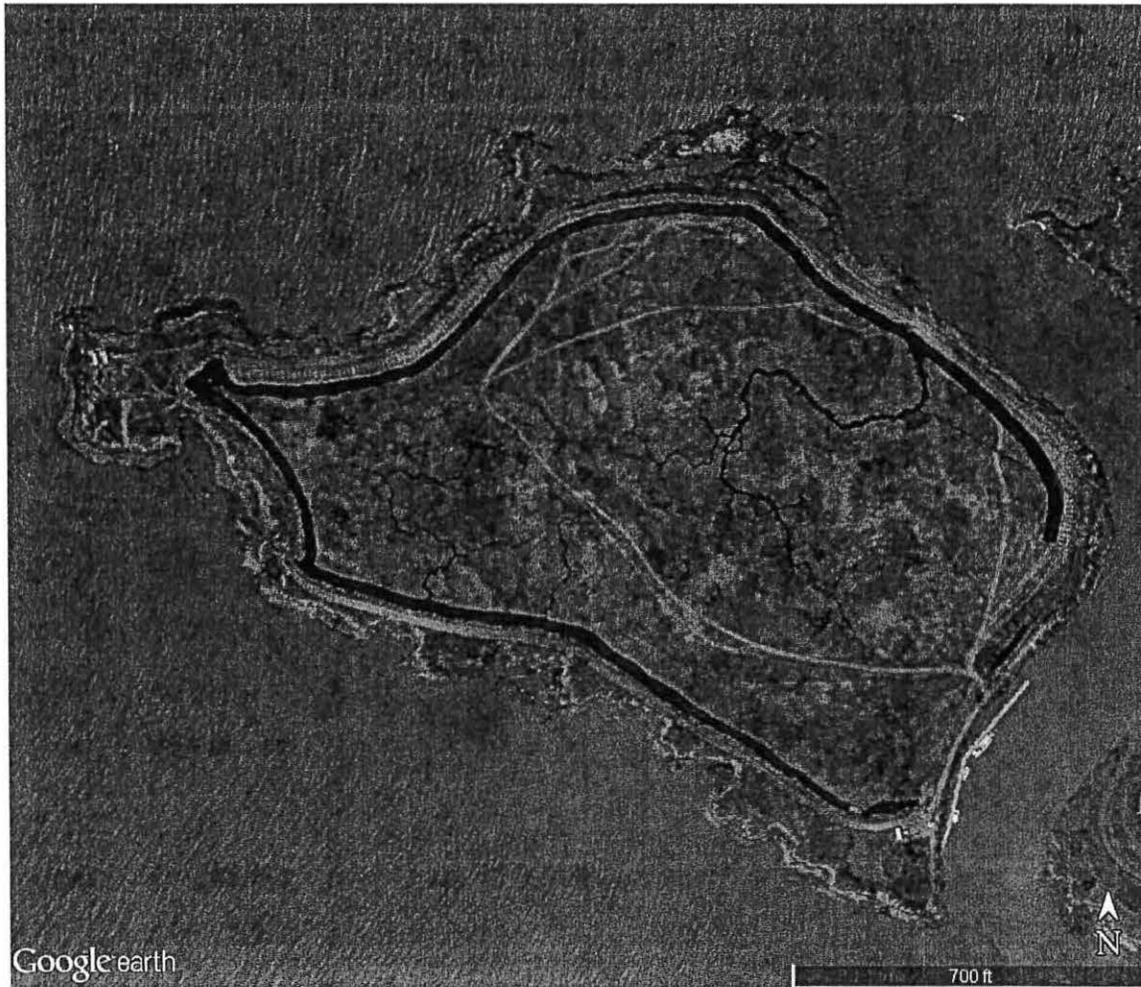
## Suisun Club 801 – Buckler Point: Historic Aerial Interpretation

**May 26, 2014:** Levee construction is initiated at the island's southeast corner, working clockwise around the island. Multiple boats, piers, and structures can be observed, as well as the excavator constructing the new levee. The new levee generally follows the rough alignment of the 1958 levee, except in the island's westernmost tip, where it deviates considerably. The levee cuts off tidal action through the island's southwest corner, but tidal action continues through the northern sloughs and 1948 borrow ditches. The new levee footprint appears to be placed on top of the 1948 borrow ditch. (Google Earth)



Suisun Club 801 – Buckler Point: Historic Aerial Interpretation

**August 23, 2014:** Levee construction around the island is nearly complete, except for the levee's east side. The slough at the island's north side has been cut off from tidal action. (Google Earth)



## Suisun Club 801 – Buckler Point: Historic Aerial Interpretation

**April 1, 2015:** Levee construction is complete and the island is now fully diked off from tidal action. Heavy equipment criss-crosses the marsh plain, and excavators have cut 4 crescent-shaped ponds in the marsh approximately 80 feet in diameter. What appears to be four large storage trailers are present in the western portion of the now-diked marsh. (Google Earth)

