
San Francisco Bay Regional Water Quality Control Board

Sent via electronic mail: No hard copy to follow

December 9, 2015
CIWQS Place ID 816826

Point Buckler Club, LLC/John Sweeney
c/o Briscoe Ivester & Bazel LLP
155 Sansome Street
San Francisco, California 94104
Attn: Lawrence Bazel, lbazel@briscoelaw.net

**Subject: Request for Submittal of a Technical Report Regarding Construction Activities,
Point Buckler Island, Solano County**

Dear Mr. Bazel:

Thank you for meeting with Regional Water Board (Water Board) and San Francisco Bay Conservation and Development Commission (BCDC) staff on November 20, 2015, regarding the construction activities conducted by Point Buckler Club, LLC (Discharger) at Point Buckler Island (Site). As we discussed at the meeting, the Water Board needs additional information in order to better understand the extent of the construction activities and any corresponding impacts to waters of the State that may have occurred since the time the Discharger purchased the Site. During our meeting, we mutually agreed that generating additional information characterizing the Site's habitat, topography, and construction activities would be beneficial to all parties concerned.

Additionally, during the meeting you indicated that you may have access to historic documents that could be helpful in establishing the history of the Site as a managed wetland including, but not necessarily limited to, records documenting (1) past managed wetland activities, (2) Department of Water Resources' (DWR) proposed or completed actions at the Site to mitigate for impacts associated with water diversions from the Delta, and (3) historic Site-specific classification records describing different habitat types (i.e., classifying areas of the Site as managed wetlands, tidal marsh, uplands, etc.).

Accordingly, the purpose of this letter is to clarify the information we agreed you would submit to us during our November 20, 2015 meeting. Please submit no later than February 15, 2016, a technical report, which includes, at a minimum, the following information:

1. The results of a forensic wetland delineation designed to identify and characterize the extent of wetlands and other waters of the State: (a) immediately prior to construction activities at the Site; and (b) current conditions at the Site. The forensic wetland delineation shall be performed in accordance with the U.S. Army Corps of Engineers' 1987 Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Delineation Manual: Arid West Region. At a minimum, this delineation should include information characterizing soil and hydrologic conditions, and classifying vegetation communities.

2. The results of a topographical survey of the Site using either: (a) Real-Time Kinematic GPS; (b) total station survey methods; or (c) an equivalent alternative method sufficient to accurately provide the information described herein. If you choose to complete an equivalent alternative method, please submit a detailed description of the method data to be collected, proposed reporting, and all other related information, as appropriate, prior to implementation. The survey should be performed relative to the NAVD88 vertical datum and tied to at least one stable (Vertical Order – First) NGS benchmark in that datum in the vicinity. Any local control benchmarks utilized in the survey effort must be established by a registered Professional Land Surveyor (PLS) in the NAVD88 vertical datum, with proper documentation. Care should be taken during data collection to ensure that the bottom of the survey rod is placed on the ground surface and not on living or dead plant matter/thatch.

Adequate survey data should be collected to document the elevations of all relevant geomorphic features on the Site including, but not limited to, the marsh plain, all existing and former channels, borrow ditches, artificial impoundments, and levees. Topographic data density should be adequate to capture the elevation variation. Within the marsh plain, data density should be on the order of 5-10 data points/acre. Topographic survey data should be collected along 10 roughly equally spaced/distributed north-south transects (i.e., spaced approximately 150 ft. apart). Survey data should be collected at all significant break points along each transect so as to adequately delineate the location and elevation of all topographic features, including, but not limited to channels, ditches, marsh plain(s), and levees. Levee centerline and channel thalweg profile data should be collected, along with cross sections at intervals sufficient to capture the geometric variation in the topographic features. However, at a minimum, topographic data should be collected along cross sections every 200 feet.

Using the survey data collected, the Discharger should construct a Digital Elevation Model (DEM). Additional "validation" data (not used in DEM generation) should be collected to assess the accuracy/precision of the created DEM (surveyed vs. predicted elevations). The DEM must be generated or approved by a registered civil engineer or PLS. The final DEM should be delivered in raster (grid) format with a maximum cell size of 1meter. A detailed survey and DEM generation report should be produced, containing detailed information on survey methods, benchmark check-in and QA/QC results, DEM generation, and QA/QC methods/results.

3. An appropriately detailed narrative description of the Discharger's current and intended future activities on the Site and appropriately detailed plans and schematics showing the current and proposed improvements at the Site.
4. The date(s) excavation from the borrow ditch and levee and road construction began and a description of the Discharger's work at the Site.
5. Documentation of the Site's operation as a managed wetland from 1984 until the Discharger purchased the property.
6. Documentation of any use of the Site as mitigation for other activities, or the completion of activities on the site intended to mitigate for impacts elsewhere. At a minimum, this should include copies of any agreements with, or requirements by or of DWR regarding the Site, and any documentation associated with those agreements, concerning either the Discharger or previous property owners. This should include any agreements or documentation relating to the installation and operation of a pump or pumps to provide freshwater to the Site. It should also include a narrative describing and summarizing the agreements and related documentation. Additionally, please submit documentation regarding whether the water pump and generator observed during the October 21, 2015, site visit were present at the time the Site was purchased by the Discharger, who purchased and placed the observed pump and generator, and whether the pump has ever been operated, the dates or time periods when the pump was operated, and a description of any activities for which the pump has been used.

If you have any questions, please contact Agnes Farres of my staff at (510) 622-2401 or by e-mail to agnes.farres@waterboards.ca.gov.

Sincerely,

Dyan Whyte
Assistant Executive Officer

Cc by email:

John Sweeney, john@spinnerisland.com
U.S. Environmental Protection Agency
Bill Lee, lee.bill@epa.gov
Corps, SF Regulatory Branch
Katerina Galacatos, Katerina.Galacatos@usace.army.mil
Tori White, Tori.White@usace.army.mil
California Department of Fish and Wildlife
Jim Starr, Jim.Starr@wildlife.ca.gov
San Francisco Bay Conservation and Development Commission
Maggie Weber, maggie.weber@bcdca.gov