



Media Release

Court decision upholds \$2.8 million fine, clears path for long-awaited restoration of Point Buckler Island

Unauthorized levee construction considered brazen and harmful

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SACRAMENTO – The California Supreme Court has denied review of the February appellate decisions in *Sweeney v. Regional Water Board* and *Sweeney v. Bay Conservation and Development Commission*, leaving in place key administrative orders against the Point Buckler Club for unauthorized levee construction and other environmentally harmful activities at Point Buckler Island.

The privately owned club's construction of a mile-long levee in 2014 and 2015 blocked tidal access to the island's channels, destroyed tidal marshland vegetation and deprived endangered salmon and longfin smelt of valuable foraging habitat. Located in Solano County, Suisun Marsh is the largest contiguous, brackish marsh on the west coast of North America and a critical part of the Bay-Delta estuary.

In 2016, the San Francisco Bay Regional Water Quality Board (San Francisco Bay Water Board) issued a cleanup and abatement order directing owner John Sweeney and the Point Buckler Club to restore the tidal circulation and marsh habitat at the island, and imposed a \$2.8 million fine that reflected the brazen nature of the dischargers' activities and egregiousness of the ecological harm.

Additionally, Bay Conservation and Development Commission (BCDC) issued a \$752,000 penalty in 2016 and imposed restoration and monitoring requirements.

Sweeney and the Point Buckler Club challenged the Board's and BCDC's orders in court and initially received a favorable decision from Solano County Superior Court. The San Francisco Water Board and BCDC won a reversal in the State Court of Appeal. The appellate decision affirmed longstanding precedent under the Porter-Cologne Water Quality Control Act and ensured that the San Francisco Bay Water Board and BCDC can continue to regulate dredge and fill activities, thereby protecting critically important wetland habitat throughout San Francisco Bay.

The Supreme Court's June 9 decision leaves the Court of Appeal decision in place and allows what will likely be a long process of restoring the island's habitat to begin. After five years the San Francisco Bay Water Board and BCDC can now proceed with enforcing their 2016 orders.



“We’re pleased the court has affirmed the statutory imperative to protect aquatic resources. We’re hoping the board and the BCDP can work cooperatively with Mr. Sweeney on restoration,” said Michael Montgomery, executive officer of the San Francisco Bay Water Board. “The decision that the Supreme Court left in place also helps to clarify our cleanup authority going forward for other matters.”

The [appellate opinion](#) is consistent with a 2020 decision issued by the United States District Court for the Eastern District of California in a case brought by the federal government. That decision found that Mr. Sweeney and Point Buckler Club had violated the Clean Water Act when they built the levee.

The San Francisco Water Board is a California state agency responsible for the preservation and enhancement of water quality.

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