

State of California  
California Regional Water Quality Control Board  
Santa Ana Region

December 4, 2020

STAFF REPORT

ITEM: 8

SUBJECT: Rescission of Waste Discharge Requirements, Order No. R8-2006-0062, Fortland Development, Inc., Tract 31957, Lake Elsinore Highlands through Order No. R8-2020-0054

DISCUSSION:

Order No. R8-2006-0062 issued to Fortland Development, Inc. is no longer necessary because the development project was never initiated and the new owner of the project site has revised the project to avoid and eliminate the discharge of fill to waters of the State.

RECOMMENDATION:

Adopt Order No. R8-2020-0054, as presented.

Cc:

U.S. Army Corps of Engineers – James Mace - [james.e.mace@usace.army.mil](mailto:james.e.mace@usace.army.mil)  
California Department of Fish and Wildlife – Eric Chan - [Eric.Chan@wildlife.ca.gov](mailto:Eric.Chan@wildlife.ca.gov)  
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State of California  
California Regional Water Quality Control Board  
Santa Ana Region

Order No. R8-2020-0054

Rescission of Waste Discharge Requirements  
for  
Fortland Development, Inc.  
Order No. R8-2006-0062

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Santa Ana Water Board), finds that:

1. On August 25, 2006, the Santa Ana Water Board adopted, Order No. R8-2006-0062, waste discharge requirements for proposed Tract 31957, Lake Elsinore Highlands, a residential development project on 90 acres of property in Lake Elsinore. This proposed project would have filled waters of the State, and, as a result, Order No. R8-2006-0062 was adopted to protect these waters and their beneficial uses. Since 2006 there has been no development initiated on the project site. The current owner of the property, SAM Running Deer, LLC, has proposed modifications to the original project. The current proposed project would eliminate all fill to Rice Canyon Creek, designated as a water of the State. The project footprint now would be moved out of Rice Canyon Creek on the project site.
2. This rescission action is based on the facts that specific discharges never occurred and the proposed revised project for the site would not fill any area of waters of the State. As such, this action is exempt from the requirements of the California Water Code in accordance with section 13376.
3. The Board has notified interested agencies and persons of its intent to rescind Order No. R8-2006-0062 and has provided them with an opportunity to submit written comments and recommendations.
4. The Board, in a public meeting, heard and considered all comments pertaining to the rescission of waste discharge requirements.

**IT IS HEREBY ORDERED** that Order No. R8-2006-0062 be rescinded.

I, Hope A. Smythe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on December 4, 2020.

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Hope A. Smythe  
Executive Officer