



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

---

## Santa Ana Regional Water Quality Control Board

October 28, 2013

Mr. Tom Fuhrman  
Wooden Nickel Ranch  
25690 Holland Road  
Menifee, CA 92584

**NOTICE OF VIOLATION: UNAUTHORIZED DISCHARGES OF FILL TO WATERS OF THE STATE WITHIN ASSESSORS PARCEL NOS. 358-100-004 & 358-100-005, LOCATED AT 25690 HOLLAND ROAD, IN THE CITY OF MENIFEE, RIVERSIDE COUNTY**

Dear Mr. Fuhrman,

Regional Board staff has determined that your earthmoving and grading operations on your property, operating as the Wooden Nickel Ranch, in the city of Menifee (Assessor Parcel Nos. 358-100-004 & 358-100-005) have discharged fill, or caused fill to be discharged, to waters of the State and/or waters of the U.S. We have no record that these discharges have been authorized in accordance with the applicable law.

Therefore, we have concluded that these discharges have occurred in violation of California Water Code ("CWC") Section 13260 (which requires submittal of a report of waste discharge prior to the discharge of waste to waters of the state), CWC Section 13376 (which requires that waste discharges to waters of the United States be permitted in accordance with the Clean Water Act and its implementing regulations), and/or Clean Water Act Section 401 (which requires certification that discharges of fill to, excavation in, or dredging of, waters of the United States subject to federal license will comply with applicable water quality standards). The unauthorized discharge of fill to waters of the state, in this case, to the central drainage across the property identified above, is a violation of CWC Section 13260 and may also be a violation of CWC Section 13376 and Clean Water Act Section 401. The unauthorized discharge occurred on a developed portion of the Property.

Regional Board staff initially became aware of the unauthorized discharge on May 28, 2013. Subsequently, a site inspection was conducted by agency personnel on June 24, 2013.

CAROLE H. BESWICK, CHAIR | KURT V. BERGTOLD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | [www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

Based upon observations made by inspection staff and from statements you made at that time regarding the work on the property, the discharge was the result of earthwork and vegetation removal through the central drainage and surrounding uplands on the property. The earthmoving equipment was also used to re-contour the existing drainage, and to construct a retention basin within the streambed. This drainage is considered waters of the state, as that term is defined in the CWC.

A review of records related to the property, and a closer examination of the site during the visit on June 24, 2013, showed the existence of a second drainage along the western boundary of the property. This western drainage had also been altered. However, alteration of the western drainage was authorized under CWA Section 401 certification, through this agency. Both drainages appear in aerial imagery of the property that is widely available on the internet.

Unauthorized discharges of fill to waters of the State are subject to administrative civil liability in an amount up to \$1,000 per day for each day of violation in accordance with CWC Section 13261(b)(1). Unauthorized discharges of fill to waters of the U.S. and violations of Clean Water Act Section 401 are subject to administrative civil liability in an amount up to \$10,000 per day for each day of violation, in accordance with CWC Section 13385.

In order to address these violations, Regional Board staff requests that you, as the person responsible for and the owner of the subject property, provide a report concerning these discharges that includes:

- 1) A description of the physical and biological condition of the waters discussed above before they were filled by the unauthorized discharges, including the time period over which the discharges occurred;
- 2) An estimate of the spatial extent of the fill based on a jurisdictional delineation;
- 3) Actions that will be taken to restore the drainages that is consistent with their condition prior to the unauthorized fill discharges; and
- 4) A proposal, including a time schedule, for compensatory mitigation for the temporal loss of the drainages' physical and biological integrity during the period between when the unauthorized discharges first occurred and when the proposed restoration will be completed.

All of the information requested above must be prepared by persons with professional experience in field biology, restoration ecology, or with similar qualifications. Please provide the requested report by November 25, 2013.

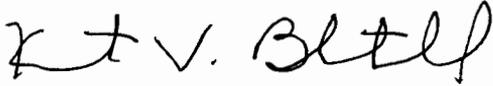
Tom Fuhrman  
Wooden Nickel Ranch

- 3 -

October 28, 2013

Should there be any questions, please contact Marc Brown at [marc.brown@waterboards.ca.gov](mailto:marc.brown@waterboards.ca.gov) or call (951) 321-4584, or Mark Adelson at (951) 782-3234 or [mark.adelson@waterboards.ca.gov](mailto:mark.adelson@waterboards.ca.gov).

Sincerely,



Kurt V. Berchtold  
Executive Officer  
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

City of Menifee – Danis Bechter, [danis@igst.com](mailto:danis@igst.com)  
U.S. Army Corps of Engineers, Los Angeles Office - Stephen Estes  
State Water Resources Control Board, OCC - David Rice  
California Department of Fish and Wildlife – Kim Freeburn-Marquez  
SWRCB, DWQ-Water Quality Certification Unit - Bill Orme