

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

NORTH COAST REGION

(DRAFT) RESOLUTION NO. R1-2026-0033

**AUTHORIZING REFERRAL TO
THE OFFICE OF THE ATTORNEY GENERAL
FOR JUDICIAL CIVIL ENFORCEMENT OF ALLEGED VIOLATIONS OF
CLEANUP AND ABATEMENT AND INVESTIGATIVE ORDER NO. R1-2024-0026**

WHEREAS:

- A. Referral of a matter to the Attorney General for judicial enforcement is not an adjudicative proceeding. An adjudicative proceeding is an evidentiary hearing for determination of facts pursuant to which an agency formulates and issues a decision. The North Coast Regional Water Quality Control Board (North Coast Water Board) is not determining facts and has made no determination of liability for the alleged violations described in this Resolution. Rather, if referral of the matters described herein results in the filing of a judicial complaint that proceeds to a hearing, the superior court would be the trier-of-fact and issue a decision on the merits of the alleged violations.
- B. The North Coast Water Board is a state agency whose primary authority under the Porter-Cologne Water Quality Control Act (California Water Code §§ 13000 et seq.) is regulating, enforcing, and ensuring the quality of the waters of the state.
- C. The Vern C. McGaughey Trust owns Humboldt County Assessor's Parcel Numbers 513-171-005-000, 513-121-001-000, 513-151-001-000, 514-141-009-000, 513-171-012-000 (collectively, the Property).
- D. The Little River, tributaries to the Little River, and adjoining wetlands are situated upon and flow through the Property.
- E. The Little River, its tributaries, and the adjoining wetlands are waters of the state and waters of the United States (U.S.).
- F. As set forth in Cleanup and Abatement and Investigative [Order No. R1-2024-0026](#)¹ (Cleanup Order) issued by the North Coast Water Board's Executive Officer (see Finding Q below), Vern McGaughey, individually and as trustee of the Vern C. McGaughey Trust (collectively, Discharger), has caused or permitted waste to be discharged, and threatens to cause or permit waste to be discharged, to waters of

¹ Cleanup and Abatement and Investigative Order No. R1-2024-0026 can be found here: https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2024/R1-2024-0026.pdf

the state and causes, or threatens to create, a condition of pollution or nuisance through the following actions and/or inactions on the Property: (1) unauthorized fill within and adjacent to the Little River, its tributaries, and wetlands; (2) unauthorized onsite waste disposal; (3) construction of unpermitted roads through wetlands and unpermitted stream crossings along those roads; and (4) inadequately controlled grazing that is threatening to cause and/or contribute to physical degradation and bacterial impairment within the Little River. The Discharger's activities were conducted without authorization from applicable federal, state, and local agencies, including but not limited to the North Coast Water Board.

- G. On December 23, 2010, the California Department of Fish and Game, later renamed to the California Department of Fish and Wildlife (CDFW), issued a Notice of Violation to the Discharger for the unpermitted placement of debris along a tributary to the Little River.
- H. On January 14, 2011, North Coast Water Board staff (Staff) inspected the Property and observed unauthorized discharges of construction debris on the Property. The observations were documented in an inspection report dated April 14, 2011.
- I. On January 24, 2011, August 28, 2014, November 25, 2015, November 3, 2017, April 9, 2021, and September 14, 2022, the California Coastal Commission (Coastal Commission) issued Notices of Violation to the Discharger for the unpermitted placement of soil/fill, construction debris, broken concrete, and plastic erosion control fabric into watercourses on the Property.
- J. In the fall of 2022, multiple resource agency partners, including the Coastal Commission, CDFW, Humboldt County Department of Health and Human Services, Division of Environmental Health as the designated Solid Waste Local Enforcement Agency (LEA), and Humboldt County Department of Planning and Building, Code Enforcement (Code Enforcement), provided complaints to and requested cleanup oversight assistance from the North Coast Water Board due to the extensive solid waste dumping, unauthorized dredge and fill activities, and uncontrolled grazing operations on the Property contributing to water quality degradation and watershed impairments.
- K. On December 6, 2022, the Humboldt County Chief Building Official issued a Stop Work Order to the Discharger for unpermitted development in the Coastal Zone on the Property.
- L. On April 18, 2023, CDFW transmitted an Environmental Impact Assessment to the North Coast Water Board documenting 40 violations of the Fish and Game Code based on observations made during a November 10, 2022 inspection of the Property.
- M. The LEA issued a first and second Notice and Order 24-01 to the Discharger on January 31, 2024, and March 12, 2025, respectively, directing the Discharger to

immediately cease and desist the deposition of solid waste to land, waterways, and environment, and to take certain corrective actions to remove solid waste from the Property.

- N. The LEA designated the Property as an Illegal Disposal Site (SWIS No. 12-AA-0134) for the unauthorized dumping of refuse, construction debris, vehicles, and domestic waste on the Property. The Property has been incorporated into the LEA's routine inspection inventory and the LEA is inspecting the Property on a quarterly basis.
- O. On February 2, 2024, Staff met with the Discharger and their representatives, and representatives from the Coastal Commission, CDFW, Code Enforcement, and LEA, to discuss the Discharger's noncompliance with local, state, and federal law; longstanding unpermitted activities on the Property; the regulatory requirements for cleanup and restoration; and a forthcoming Cleanup and Abatement and Investigative Order intended to protect and restore the Little River and associated wetlands and return the Property to compliance.
- P. On February 5, 2024, the Executive Director of the Coastal Commission issued a Notice of Intent to Record a Notice of Violation (NOVA) for the unresolved violations on the Property.
- Q. On October 8, 2024, the North Coast Water Board's Executive Officer issued the Cleanup Order pursuant to California Water Code (Water Code) sections 13304 and 13267 to the Discharger, requiring the Discharger to complete the following Required Actions: submit a Stream and Wetland Impact Assessment that includes a Report of Grazing Activities and a Stream and Wetland Delineation and Impact Assessment Report by January 31, 2025; submit a Cleanup, Restoration, and Monitoring Plan (CRMP) that includes, in part, a Solid Waste Characterization, a Solid Waste Removal and Disposal Plan, and a Stream and Wetland Restoration Plan by March 31, 2025; fully implement an approved Solid Waste Removal and Disposal Plan and an approved Stream and Wetland Restoration Plan by October 31, 2025; submit a Final Waste Disposal Report by December 1, 2025; submit a CRMP Completion Report by January 30, 2026; and submit Annual Monitoring Reports by January 31 annually for at least five years.
- R. The Discharger failed to submit a Stream and Wetland Impact Assessment as required by the Cleanup Order (Required Action 1). Staff documented the Discharger's violation of Required Action 1 and provided notification of their forthcoming noncompliance with other Cleanup Order requirements in a Notice of Violation issued to the Discharger on February 10, 2025.
- S. In February 2025, the North Coast Water Board identified enforcement actions in non-dairy cattle grazing ranches upstream of the Little River at Highway 101 and Moonstone Beach as its strategy for addressing impairments affecting Water Contact Recreation (REC-1) and Shellfish Harvesting (SHELL) beneficial uses in the Little River watershed. The Property is the type of property that contributes to the

impairment of REC-1 and SHELL beneficial uses in the Little River. Uncontrolled livestock grazing and unauthorized construction of a pit privy on the Property and within and adjacent to waters of the state and waters of the U.S. are activities of human and animal origin which have the potential to contaminate and/or exacerbate the existing bacterial impairment in the Little River, its tributaries, and adjoining wetlands.

- T. On March 24, 2025, Staff transmitted a public Offer to Settle Administrative Civil Liability (Settlement Offer) to the Discharger for their failure to comply with Required Action 1. The Settlement Offer provided the Discharger an opportunity to resolve the alleged violation through payment of \$39,737 and an agreement to complete the Required Actions of the Cleanup Order over an extended, revised timeline. The Discharger received the Settlement Offer but failed to respond and engage with Staff by the April 23, 2025 due date.
- U. On June 11, 2025, Staff and the Discharger and their representatives participated in in-person settlement negotiations to resolve outstanding violations of the Cleanup Order, but were unable to reach an agreement.
- V. Staff inspected the Property on July 9, 2025, and observed that the conditions causing the discharges and/or threatened discharges of waste and degradation of the Little River and its adjoining wetlands persisted on the Property. Staff documented their observations in an inspection report sent to the Discharger on August 8, 2025.
- W. On August 29, 2025, Code Enforcement issued a Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty to the Discharger.
- X. On October 6, 2025, the Discharger requested an extension to the deadlines established in the Cleanup Order and the LEA's previously issued Notice and Order 24-01. The North Coast Water Board's Executive Officer denied the Discharger's request on December 5, 2025, and the LEA denied the Discharger's request on December 22, 2025.
- Y. The Discharger, to date, has failed to comply with any of the Required Actions of the Cleanup Order. Staff documented Cleanup Order violations in an additional Notice of Violation issued to the Discharger on October 31, 2025.
- Z. On February 6, 2026, Staff, the Discharger's representatives, and representatives from the Coastal Commission, CDFW, Code Enforcement, and LEA, participated in in-person settlement negotiations in an attempt to reach a global settlement, but were unable to reach an agreement.
- AA. On May 20, 2026, the LEA inspected the Property and observed no evidence of solid waste removal or additional solid waste disposal. Site conditions were consistent with the conditions observed during the July 9, 2025 inspection.

- BB. The Discharger is alleged to have violated Water Code section 13267 for the failure to submit technical reports required by the Cleanup Order. Water Code section 13268, subdivision (b), allows the superior court to impose civil liability up to five thousand dollars (\$5,000) for each day the violation of a Water Code section 13267 technical reporting requirement occurs. Higher monetary penalties may be imposed for knowingly committing such violations.
- CC. The Discharger is alleged to have violated the Cleanup Order. Water Code section 13304, subdivision (a), allows the North Coast Water Board to request that the Attorney General petition the superior court to issue an injunction to compel compliance with an order issued pursuant to Water Code section 13304.
- DD. Water Code section 13350, subdivision (d), allows the superior court to impose civil liability up to fifteen thousand dollars (\$15,000) for each day the violation of a cleanup and abatement order issued pursuant to Water Code section 13304 occurs. Water Code section 13350 also allows the North Coast Water Board to request that the Attorney General petition the superior court to impose, assess, and recover administrative civil liability for violations of cleanup and abatement orders issued pursuant to Water Code section 13304.
- EE. The Discharger is alleged to have caused or permitted waste to be discharged to waters of the state without waste discharge requirements. Water Code section 13350, subdivision (d), allows the superior court to impose a civil liability up to fifteen thousand dollars (\$15,000) for each day the unauthorized discharge(s) occur or twenty dollars (\$20) for each gallon of waste discharged.
- FF. The Discharger is alleged to have violated Water Code section 13376 and federal Clean Water Act sections 301 and 401 (33 U.S.C. §§ 1311, 1341) for the unpermitted discharge of pollutants and/or dredge or fill material to waters of the U.S. Water Code section 13385 allows the superior court to impose civil liability up to twenty-five thousand dollars (\$25,000) for each day such violation occurs, and twenty-five dollars (\$25) per gallon discharged but not cleaned up in excess of 1,000 gallons.
- GG. Water Code section 13386 allows the North Coast Water Board to request that the Attorney General petition the superior court to issue an injunction to restrain a person from committing or continuing to commit a violation of Water Code section 13376 and federal Clean Water Act sections 301 and 401 (33 U.S.C. §§ 1311, 1341).
- HH. Water Code section 13361 requires the Attorney General, at the request of the North Coast Water Board, to bring every civil action brought under the provisions of Water Code Division 7 in the name of the people of the State of California and any of those actions relating to the same discharge may be joined or consolidated.

- II. All enforcement options other than referral to the Attorney General and any resulting judicial relief have been considered. Given the ongoing harm to the Little River and its adjoining wetlands and tributaries, and the Discharger's refusal to comply with the Cleanup Order, judicial enforcement of the Water Code is the most appropriate and efficient option. Judicial enforcement of the Water Code allows for the assessment of higher maximum civil liabilities, if appropriate, as well as injunctive relief and the issuance of a consent judgment that can contain broader and more specific requirements than an administrative enforcement action and/or settlement. The ability to pursue injunctive relief and/or a consent judgment would allow the North Coast Water Board, through the Attorney General, to place the Discharger under a judicially enforceable timeline to comply with the Cleanup Order.
- JJ. Water Code section 13350, subdivision (g), requires the North Coast Water Board to hold a hearing, with due notice of the hearing given to all affected persons, prior to requesting the Attorney General to petition a court to impose civil liability under Water Code section 13350. On July 1, 2026, notice was given to the Discharger and interested persons regarding this hearing and they were provided an opportunity to comment on the Resolution in writing in advance of the hearing. On August 6, 2026, the North Coast Water Board held a hearing in compliance with Water Code section 13350, subdivision (g), and considered both the written comments submitted and oral comments offered at the hearing.

THEREFORE BE IT RESOLVED THAT:

- 1. The North Coast Water Board hereby authorizes the Executive Officer to request that the Office of the Attorney General seek civil liabilities and costs under the Water Code, including, but not limited to, Water Code sections 13268, 13304, 13350, and 13385, bring other applicable causes of action, and/or seek other relief including an injunction under Water Code sections 13304 or 13386, as may be appropriate against Vern McGaughey and the Vern C. McGaughey Trust.
- 2. The North Coast Water Board hereby authorizes the Executive Officer, Assistant Executive Officer, and North Coast Water Board staff and their attorneys to participate in any settlement discussions regarding the resolution of the violations at issue. The North Coast Water Board retains its authority to approve any proposed settlement of the alleged violations.

I, Valerie Quinto, Executive Officer, hereby certify that the foregoing is a full, true, and correct copy of the Resolution adopted by the California Regional Water Quality Control Board, North Coast Region, at its regular meeting on August 6, 2026.

Valerie Quinto
Executive Officer