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## North Coast Regional Water Quality Control Board

### Stewardship Program Update Elk River Drinking Water Summary

The Staff Report and Action Plan for the Upper Elk River Sediment Total Maximum Daily Load (Elk TMDL) was approved in 2016 by the North Coast Regional Water Quality Control Board (North Coast Regional Water Board), the State Water Board (State Board) in 2017, and the US Environmental Protection Agency and the Office of Administrative Law in 2018. [The Action Plan for the Upper Elk River Sediment TMDL \(Action Plan\)](#)

([https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/tmdls/elk\\_river/pdf/180319/ACTION\\_PLAN\\_FOR\\_THE\\_UPPER\\_ELK\\_RIVER\\_SEDIMENT\\_TMDL.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/elk_river/pdf/180319/ACTION_PLAN_FOR_THE_UPPER_ELK_RIVER_SEDIMENT_TMDL.pdf)) was incorporated into the [Water Quality Control Plan for the North Coast Region \(Basin Plan\)](#)

([https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/basin\\_plan/basin\\_plan\\_documents/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/basin_plan_documents/)) in 2018. The Action Plan “describes the implementation actions necessary to attain water quality standards in the Upper Ek River Watershed” with the goal “to achieve sediment related water quality standards, including the protection of the beneficial uses in the upper watershed and prevention of nuisance conditions (Basin Plan p.4-129)”. Impacted beneficial uses include domestic and agricultural water supply.

While the majority of the 44.2 square mile Upper Elk River Watershed is predominantly timberland it also includes residential and agricultural parcels that extend the full length of the watershed from immediately below commercial timberlands to the Elk River drainage into the Humboldt Bay. A significant number of these private lands traditionally relied on riparian water rights to supply domestic and agricultural water needs.

In September 1998 a [Clean Up and Abatement Order \(CAO 98-100\)](#)

([https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2012/120522\\_coa\\_scotia\\_palco\\_98-100.pdf](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2012/120522_coa_scotia_palco_98-100.pdf)), which superseded a previous order [CAO 97-115](#)

([https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2012/120522\\_scotia\\_palco\\_cao\\_97-115.pdf](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2012/120522_scotia_palco_cao_97-115.pdf)), was adopted by the North Coast Regional Water Board. Subsequent to CAO 98-100 a Stipulated Agreement between the Water Board and Pacific Lumber Company (PalCo)<sup>1</sup> regarding compliance with CAOs 97-115

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<sup>1</sup> In 2008, a bankruptcy court agreed to Mendocino Redwood Company’s proposal to reorganize the financially troubled PalCo, acquire its land and operate as Humboldt

and 98-100 was signed in February 1999. Agreement 3(a)(b) provides that the discharger will comply fully with the conditions of CA 98-100 including identification of properties with impacted water supplies and providing downstream landowners with temporary water until a permanent supply is established. Agreement 7 limits compliance with CAO 98-100 to landowners who utilize water from the North Fork Elk (upstream of the confluence with the South Fork Elk). As a result, a limited number of North Fork Elk River community members now receive regular water delivery to cover residential and/or agricultural water needs from HRC who took over Pacific Lumber Co. lands including associated legal and regulatory obligations. While this addressed the water needs for these approximately 10 households along the North Fork Elk, hauling water/paid water delivery is not a sustainable long-term solution, nor does it address the overall water quality needs of the watershed, or address water delivery needs for all Elk River community members.

The Elk TMDL Action Plan called for the creation of the Elk River Stewardship Program (Stewardship Program), a non-regulatory participatory program to engage with stakeholders to find common ground and identify strategies to improve overall watershed conditions. Stewardship program goals include identifying strategies and solutions to improve domestic water and agricultural water supplies (Basin Plan pg. 4-133). Consistent with the intent of the Stewardship Program, North Coast Regional Water Board staff have spent significant time engaging with federal, state, and local agencies to identify applicable programs and available funding sources.

From April 2022 through September 2023 significant progress was made towards understanding and contextualizing drinking water project needs, constraints, and identifying possible solutions. Information gathered during this time was shared through an iterative process with potential project leads including the Humboldt Community Services District (HCSD), Humboldt County Planning Department, Humboldt County Public Works, Humboldt County Supervisors, CalTrout, the Elk River Community, and the State Water Board Division of Financial Assistance and Division of Drinking Water. A summary of key information from this process is included below:

**Water Delivery Service:** The lower portion of the watershed is within the HCSD boundaries and currently receives HCSD water. The upper and middle portions of the watershed are within the HCSD Sphere of Influence only and lack any water delivery infrastructure. For the HCSD to provide service to the entire watershed, areas currently in the sphere of influence need to be annexed into their boundaries, and water delivery infrastructure would need to be built. (*Annexation is a separate process that can be requested by community members or at direction of the State and requires Local Agency Formation Commission approval*).

**Service Consolidation vs. New Service District:** The Division of Drinking Water is working to stop the proliferation of small, individual Community Water Systems. Given the Upper Elk is already within the HCSD sphere of influence, it would be consistent

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Redwood Company. Legal and regulatory obligations including the CAO were retained in the ownership change and are now the responsibility of HRC.

with current consolidation goals that the area be incorporated into the HCSD vs. developing a new and separate Community Water System.

**Community Member Perspectives:** Currently not all community members agree on a single water delivery solution. Some community members have expressed support for the expansion of HCSD water delivery while others have expressed opposition to paying for any water and will only be satisfied with full watershed remediation and a return to relying exclusively on riparian water rights to meet all water needs. Returning to riparian water rights is a long-term goal of the Elk TMDL and is the focus of the actions described in the [Elk River Sediment Remediation and Habitat Rehabilitation Recovery Plan](https://caltrout.org/wp-content/uploads/2019/05/Elk-River-Stewardship-Recovery-Plan-Public-Draft-July_2022.pdf) (https://caltrout.org/wp-content/uploads/2019/05/Elk-River-Stewardship-Recovery-Plan-Public-Draft-July\_2022.pdf). However, the North Coast Regional Water Board recognizes that it can take several years to several decades to fully experience benefits from restoration-based habitat recovery. Therefore, while it is expected that water quality will benefit from restoration, it should not be the only tool used to address immediate water delivery needs.

**Population and Income:** Community population size and household income are factors in determining the water delivery project type and funding source (e.g., *Small Community Water System vs. Expanded Small Community Water System vs. State Small Water System*) in State led projects. A Small Community Water System serves no more than 3,300 service connections or a yearlong population of no more than 10,000. An Expanded Small Community Water System serves more than 3,300 service connections, but no more than 6,600 service connections, or a yearlong population of more than 10,000 persons but no more than 20,000 persons. A State Small Water System serves at least five, but not more than 14 service connections and does not regularly provide drinking water to more than an average of 25 individuals daily for more than 60 days of the year. Income determines Disadvantaged Community status, which is met when the entire service area of community water system is less than 80% of the statewide median household income.

Based on 2024 population estimates and a Disadvantaged Community determination completed by North Coast Regional Water Board staff of an estimated \$66,199 median household income<sup>2</sup>, the Elk River project would be a Small or Expanded Community Water System, and be eligible for non-repayable financing (i.e., principal forgiveness) for planning/design or construction through the [Drinking Water State Revolving Fund](https://www.waterboards.ca.gov/drinking_water/services/funding/documents/srf/dwsrf_policy/dwsrf_policy_final.pdf) (https://www.waterboards.ca.gov/drinking\_water/services/funding/documents/srf/dwsrf\_policy/dwsrf\_policy\_final.pdf). Disadvantaged Community status is also a consideration in other funding sources.

**Relevant Funding Opportunities:** Potential funding sources include:

[Drinking Water State Revolving Fund](https://www.waterboards.ca.gov/drinking_water/services/funding/SRF.html) (https://www.waterboards.ca.gov/drinking\_water/services/funding/SRF.html): Assists

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<sup>2</sup> Disadvantaged Community evaluation completed in 2024.

public water systems in financing the cost of drinking water infrastructure projects need to achieve or maintain compliance with the Safe Drinking Water Act by providing loans and other assistance.

[Safe and Affordable Funding for Equity and Resilience Program \(SAFER\)](https://www.waterboards.ca.gov/water_issues/programs/hr2w/)

([https://www.waterboards.ca.gov/water\\_issues/programs/hr2w/](https://www.waterboards.ca.gov/water_issues/programs/hr2w/)): Intended to ensure safe and affordable drinking water delivery to all Californians while also reaching sustainable operations for the state’s drinking water systems. Projects can include water infrastructure and various operational and administrative costs.

[Small Community Drinking Water Funding Program](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/sustainable_water_solutions/scfp.html)

([https://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/sustainable\\_water\\_solutions/scfp.html](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/sustainable_water_solutions/scfp.html)): Designed to help small (less than 10,000 people), disadvantaged (less than 80% of the statewide median household income) communities to provide drinking water service. This program provides technical assistance needs, interim water supplies, and implements eligible drinking water capital improvement projects.

[Expedited Drinking Water Grant Program](https://www.waterboards.ca.gov/drinking_water/services/funding/expedited-grant-funding.html)

([https://www.waterboards.ca.gov/drinking\\_water/services/funding/expedited-grant-funding.html](https://www.waterboards.ca.gov/drinking_water/services/funding/expedited-grant-funding.html)): Utilizes state funding sources administered as grants for drinking water infrastructure projects.

Each funding source has specific available dollar amounts and funding priorities. For example, in the DWSRF the available funding is dependent on the project type ranging from \$45,000 to \$80,000<sup>3</sup> per hookup while the SAFER program currently provides \$130 million annually<sup>4</sup> to develop and implement sustainable solutions for small systems with violations of drinking water standards. Money may be spent on operations and maintenance costs, consolidations, provision of replacement water and administration<sup>5,6,7</sup>. Funding for planning and implementation is needed in the Elk River.

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<sup>3</sup> Participation in this program for water deliver hook-ups is optional

<sup>4</sup> Program amounts are current as of 2024 and may be subject to change

<sup>5</sup> [Frequently Asked Questions: Safe and Affordable Funding for Equity and Resilience Program](https://www.waterboards.ca.gov/publications_forms/publications/factsheets/docs/faq_safe_drinking_water_program_overview_factsheet.pdf)

([https://www.waterboards.ca.gov/publications\\_forms/publications/factsheets/docs/faq\\_safe\\_drinking\\_water\\_program\\_overview\\_factsheet.pdf](https://www.waterboards.ca.gov/publications_forms/publications/factsheets/docs/faq_safe_drinking_water_program_overview_factsheet.pdf))

<sup>6</sup> [Fact Sheet: Drinking Water Grants-Drinking Water State Revolving Fund \(DWSRF\) Program](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/dw-grant-fact-sheet.pdf)

([https://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/docs/dw-grant-fact-sheet.pdf](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/dw-grant-fact-sheet.pdf))

<sup>7</sup> [Fact Sheet: SB 200 Closes Funding Gap to Provide All Californians with Access to Safe and Affordable Drinking Water](https://www.waterboards.ca.gov/publications_forms/publications/factsheets/docs/SADWF_Fact_Sheet_updated_dft_fnl_7.24.19.pdf)

([https://www.waterboards.ca.gov/publications\\_forms/publications/factsheets/docs/SADWF\\_Fact\\_Sheet\\_updated\\_dft\\_fnl\\_7.24.19.pdf](https://www.waterboards.ca.gov/publications_forms/publications/factsheets/docs/SADWF_Fact_Sheet_updated_dft_fnl_7.24.19.pdf))

**Regulatory/Governing Authority Over Drinking Water:** It is through the Division of Drinking Water that the State Board has the primary authority to enforce federal and state drinking water statutes and is responsible for the regulatory oversight of public drinking water systems. The State Board's Division of Financial Assistance awards state and federal grants and loans for drinking water infrastructure. The Division of Drinking Water and the Division of Financial Assistance work together to fund and implement the various drinking water programs and funding sources. Staff in these Divisions are recognized as leads in addressing drinking water needs through their specific authority and implementing programs.

**Water Delivery Project Lead:** Based on Division of Financial Assistance funding and project guidelines, the State Board Division of Drinking Water, the HCSD, Humboldt County or a 501(c)(3) working in the watershed are recognized as potential water delivery project leads. Once a project lead is identified, a technical assistance request can be submitted to the Division of Financial Assistance who will then assist in leading the technical assistance process and funding opportunities. North Coast Regional Water Board staff has compiled relevant technical assistance information and can assist in the submission process.

**Initiating a Water Delivery Project:** A completed engineering report (also referred to as a technical or feasibility study) that evaluates technical options and assesses their feasibility is a required first step for a water delivery project from technical, project planning, and funding perspectives. In addition, a planning grant application, and all relevant environmental analysis documents are also required. (New projects approved under the [Expedited Drinking Water Grant](#) ([https://www.waterboards.ca.gov/drinking\\_water/services/funding/expedited-grant-funding.html](https://www.waterboards.ca.gov/drinking_water/services/funding/expedited-grant-funding.html)) have a streamlined process timeline for completing environmental documents. However, a completed engineering report is still required prior to project funding). The Division of Financial Assistance can provide technical assistance with the application and loan processes to fund and complete an engineering report and will ultimately direct an applicant to the appropriate funding source. Technical assistance and funding requests need to come from a project lead with recognized authority.

**Draft Feasibility/Technical Study Options:** Based on input from community members, the HCSD, CalTrout, Division of Drinking Water and North Coast Regional Water Board staff supported including the following project alternatives for evaluation.

- Explore test wells
- Treat surface water by developing a pilot test with a focus on individual filtration systems to understand how and why (or why not) they work in the Elk
- Provide long-term mass water hauling
- Build an HCSD community fill station

- Extend HCSD infrastructure and water delivery services<sup>8</sup>
- Build a small community water system that taps into an aquifer

The majority of these options were identified in the health and safety interviews with Elk community members. Including them will help address concerns that the Water Board has made a pre-determined decision to require HCSD water delivery expansion at the expense of undertaking watershed recovery actions.

**North Coast Regional Water Board Staff Efforts to Address Drinking Water Needs:**

From approximately May 2022-September 2023, North Coast Regional Water Board staff renewed and intensified efforts to identify drinking water delivery strategies for the Elk River. A significant amount of time was devoted to identifying potential funding sources, understanding regulatory and programmatic authority, and reviewing previous efforts to address water delivery needs. Staff reached out to county, state, and local agencies, non-profits, and the Elk River community to supplement this information and gauge project lead interest.

After close coordination with North Coast Regional Water Board, Division of Drinking Water staff submitted a technical assistance request to “connect the HCSD and Elk River community members to explore all water delivery options and develop a plan for moving the project forward in partnership with the HCSD, community members and possibly Humboldt County”<sup>9</sup> to the Division of Financial Assistance on October 5, 2023. The request included all six project alternatives previously discussed for the TMDL area only and was submitted with the understanding that a local lead would be needed if the project was approved. Ultimately, after several meetings with Division of Financial Assistance, the technical assistance request was denied with specific feedback on how to strengthen and re-submit. Key feedback included: narrow the request to evaluate one option only, expand project size, and have the county or HCSD be project lead.

On December 12, 2024, Humboldt County Department of Public Works submitted a revised technical assistance request, with unanimous support from the HCSD Board. The revised technical assistance seeks evaluation of HCSD service expansion only, expands the project size from the Elk River community to the broader HCSD sphere of influence area that has no service (increasing the potential benefit from approximately 50 to approximately 160 homes). On May 30, 2025, the technical assistance request was approved. [California Urban Water Agencies \(CUWA\)](https://www.cuwa.org/about) (<https://www.cuwa.org/about>) has initiated work plan development with [Brown and Caldwell](#)

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<sup>8</sup> A 2023 general cost estimate from the HCSD for installing water lines only was approximately \$400-\$500/foot. This estimate excludes any pressure reducing or boosting stations, hydrants and additional miscellaneous fixtures needed on longer lines.

<sup>9</sup> Request for Technical Assistance to Department of Financial Assistance Form submitted 10/2023.

(<https://brownandcaldwell.com/>) as technical staff supporting CUWA<sup>10</sup>, and Humboldt County as the technical assistance request lead. Project coordination with Humboldt County began in summer 2025. A formal work plan was signed in early 2026. The technical assistance process is expected to conclude at the end of January 2027.

North Coast Regional Water Board staff will continue to support the county led technical assistance process and any subsequent water delivery project through the Stewardship Program as appropriate. The transition is towards the county and the HCSD as project lead is consistent with the goals of the Watershed Stewardship Program as described in the Basin Plan to “identify strategies and solutions to... improve domestic water and agricultural water supplies.” (Basin Plan pg. 4-133).

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<sup>10</sup> [News Release: CUWA Seeks Small and Local Firms to Support Safe and Accessible Drinking Water through SAFER Program](https://static1.squarespace.com/static/678816235a9d104e921aabee/t/67b6610be6ca4a7bab5166d3/1740005643832/CUWA%2BPress%2BRelease_August%2B2023_FINAL.pdf)  
([https://static1.squarespace.com/static/678816235a9d104e921aabee/t/67b6610be6ca4a7bab5166d3/1740005643832/CUWA%2BPress%2BRelease\\_August%2B2023\\_FINAL.pdf](https://static1.squarespace.com/static/678816235a9d104e921aabee/t/67b6610be6ca4a7bab5166d3/1740005643832/CUWA%2BPress%2BRelease_August%2B2023_FINAL.pdf))