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AB-763 Timber harvesting: streambed agreement: waste discharge requirements. (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 763

Introduced by Assembly Member Ward

February 18, 2025

An act to amend Section 1611 of the Fish and Game Code, and to add Section 13263.8 to the Water Code, relating to timber harvesting.

LEGISLATIVE COUNSEL'S DIGEST

AB 763, as introduced, Ward. Timber harvesting: streambed agreement: waste discharge requirements.

The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted to, and approved by, the Department of Forestry and Fire Protection.

Existing law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, a river, stream, or lake, or deposit or dispose of debris, waste or other materials where it may pass into a river, stream, or lake unless the Department of Fish and Wildlife receives written notification of the activity and the entity has entered into a lake or stream agreement with the Department of Fish and Wildlife. Existing law provides that an entity submitting a timber harvesting plan, as prescribed, is deemed to have given notice to the Department of Fish and Wildlife. Existing law specifies that the Department of Fish and Wildlife is not required to issue an agreement fewer than 60 days from the date the notification is complete.

This bill would require the Department of Fish and Wildlife to issue an agreement within 5 working days of the approval of a timber harvesting plan by the Department of Forestry and Fire Protection.

The Porter-Cologne Water Quality Control Act requires a California regional water quality control board to prescribe waste discharge requirements for the discharge of pollutants into state waters and authorizes the regional board to prescribe general waste discharge requirements for a category of discharges if the regional board finds or determines that certain criteria apply to the discharges in that category.

This bill would require, for a regional board that has adopted general waste discharge requirements for timber harvesting, the regional board to authorize timber harvesting operations performed consistent with an approved timber harvesting plan subject to those general waste discharge requirements within 5 working days of receiving a complete request.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1611 of the Fish and Game Code is amended to read:

1611. (a) An entity that submits a timber harvesting plan in accordance with Section 4581 of the Public Resources Code or directly to the department is deemed to have given the notification required by Section 1602, as long as the following information is included in the plan:

- (1) The volume, type, and equipment to be used in removing or displacing any one or combination of soil, sand, gravel, or boulders.
- (2) The volume of water, intended use, and equipment to be used in any water diversion or impoundment, if applicable.
- (3) The equipment to be used in road or bridge construction.
- (4) The type and density of vegetation to be affected and an estimate of the area involved.
- (5) A diagram or sketch of the location of the operation that clearly indicates the stream or other water and access from a named public road. Locked gates shall be indicated and the compass direction shall be shown.
- (6) A description of the period of time in which operations will be carried out.

(b) Notwithstanding subdivision (a), the department is not required to determine whether the notification is complete or otherwise process the notification until the timber harvesting plan and the proper notification fee have both been received by the department.

(c) ~~Nothing in this section requires the~~ The department ~~to shall~~ issue an agreement ~~fewer than 60 days from the date the notification is complete.~~ *within five working days of the approval of a timber harvesting plan by the Department of Forestry and Fire Protection.*

(d) The date on which the term of an agreement issued pursuant to this section begins shall be the date timber operations first commence, unless the agreement specifies a later beginning date.

SEC. 2. Section 13263.8 is added to the Water Code, to read:

13263.8. For a regional board that has established general waste discharge requirements for timber harvesting pursuant to subdivision (c) of Section 13263, notwithstanding subdivision (a) of Section 13269, the regional board shall, within five working days of receiving a complete request, authorize a timber harvesting operation performed consistent with an approved timber harvesting plan subject to those established general waste discharge requirements.