

Date of Hearing: January 13, 2026

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

Damon Connolly, Chair

AB 763 (Ward) – As Amended January 5, 2026

SUBJECT: Timber harvesting: waste discharge requirements

SUMMARY: Requires a Regional Water Quality Control Board (Regional Water Board), in specified cases, to approve, deny, or otherwise act on a request for permit coverage for timber harvesting operations performed consistent with an approved timber harvesting plan (THP) subject to General Waste Discharge Requirements (WDRs).

EXISTING LAW:

- 1) Pursuant to the Z'berg-Nejedly Forest Practice Act (FPA) (Public Resources Code (PRC) §§ 4511- 4630.2):
 - a) Declares that it is the policy of California to encourage prudent and responsible forest resource management to serve the public's need for timber and other forest products, while giving consideration to the public's need for watershed protection, fisheries and wildlife, sequestration of carbon dioxide, and recreational opportunities. (PRC § 4512)
 - b) Exempts timber operations from WDRs under specified conditions. (PRC § 4514.3)
 - c) Prohibits a person from conducting timber operations unless a THP prepared by a registered professional forester (RPF) has been submitted for such operations to the Department of Forestry and Fire Protection (CAL FIRE). (PRC § 4581)
 - d) Requires CAL FIRE to transmit a copy of a THP to the Department of Fish and Wildlife (CDFW) and the appropriate Regional Water Board, among other specified public entities, and to invite, consider, and respond in writing to the comments received from the public agencies to which the plan has been transmitted. (PRC § 4582.6)
 - e) Establishes the intent of the Legislature to identify and implement efficiencies in the regulation of timber harvesting between state agencies. (PRC 4629.2 (g))
- 2) Pursuant to the Porter-Cologne Water Quality Control Act (Water Code §§ 11300 - 16201):
 - a) Requires that any person discharging waste, or proposing to discharge waste (other than into a community sewer system), that could affect the quality of the waters of the state to file with the appropriate Regional Water Board a Report of Waste Discharge (ROWD) as required by the Regional Water Board. (Water Code § 13260)
 - b) Requires a Regional Water Board, after any necessary hearing, to prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge (except discharges into a community sewer system), with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. Requires the implementation of any relevant water quality control plans that have been adopted, taking into consideration the beneficial uses

to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and other specified considerations. (Water Code § 13263)

- c) Permits the State Water Resources Control Board (State Water Board) or Regional Water Boards to waive discharge reports for specific discharges or type of discharge for not more than five years if the discharge is consistent with applicable state or regional water quality control plans and is in the public interest. (Water Code § 13269)

FISCAL EFFECT: Unknown.

COMMENTS:

Purpose of the bill: According to the author, "California's timber industry is a necessary partner in meeting the state's established forest management and wildfire resilience goals. Ensuring that permitting processes are clear, predictable, and efficient supports timely forest treatments that are consistent with approved timber harvesting plans and California's environmental standards.

AB 763 makes a targeted, technical improvement by clarifying that Regional Water Quality Control Boards with established general waste discharge requirements will approve, deny, or otherwise act on requests for coverage when a timber harvesting operation is consistent with an approved plan. The bill also recognizes and preserves flexibility to consider any forthcoming legislative recommendations resulting from the California Natural Resources Agency [CRNA]'s Lean Six Sigma review of the Timber Harvest Permitting Process. Together, these efforts support responsible forest management while maintaining strong environmental protections."

Forests in California: Approximately one-third of California's total land area, 33 million acres, is forest land. Sixty percent of California's forests are publicly owned. Federal agencies, including the United States Forest Service, the Bureau of Land Management, and the National Park Service, own and manage 19 million acres (57%) of California's forest land. State and local agencies, including CAL FIRE, state and local park and water districts, and land trusts, own another 3%. The remaining 40% of California's forests are privately owned. One-third of California's privately owned forests are held by timber companies; the remaining two-thirds are held by families, individuals, and Tribes.

Potential impacts of timber harvesting: The Lahontan Regional Water Board explains that California's forested watersheds are of significant economic importance, providing water, timber, fisheries, and recreational uses, while supporting a diverse array of terrestrial and aquatic species, including threatened and endangered species. Potential impacts from land disturbing activities in forests include sediment discharges from felling trees; yarding and hauling of logs; road construction and reconstruction; watercourse crossing construction, reconstruction, or removal; herbicide applications; and road use and maintenance. Impacts to stream temperature can result from removal of vegetation providing shade. These activities can impact the beneficial uses of water by silting over fish spawning habitats; clogging drinking water intakes; filling in pools creating shallower, wider, and warmer streams; increasing downstream flooding; creating unstable stream channels; losing riparian habitat and function; increasing stream temperatures; and, increasing the turbidity of streams and lakes.

Regulating timber harvesting in California: According to the North Coast Regional Water Quality Control Board (NC Regional Water Board), for private timberlands, CAL FIRE is the

lead agency responsible for regulating timber harvesting under the California Forest Practice Rules (FPRs). The FPRs require the submission and approval of a Timber Harvest Plan (THP) prior to starting most timber operations. The State Water Board, the State Board of Forestry, and CAL FIRE entered into a Management Agency Agreement (MAA) in 1988 for overseeing water quality protection on THPs. Under the MAA, the Regional Water Boards are responsible agencies and play an advisory role. Regional Water Boards regulate discharges of waste from timber harvesting under their own authority through WDRs and Waivers of WDRs.

CDFW explains that THPs are both California Environmental Quality Act (CEQA) functional equivalent environmental documents and operational plans that detail how timber operations (e.g. felling and harvest of trees, related road construction and maintenance, and preparing ground for planting of seedlings) are to occur. A registered professional forester (RPF) submits THP details, including the potential impacts of timber operations on natural resources in the plan area.

Regional Water Boards and THPs: The NC Regional Water Board describes that once a THP is submitted to CAL FIRE, Regional Water Board staff review the plan as a "Review Team" member, along with CDFW, the California Geological Survey, and CAL FIRE. Regional Water Boards have two roles in the review of timber harvest plans, Non-industrial Timber Management Plans, and other commercial timber harvest projects on private lands:

- 1) The Regional Water Board issues permit coverage to the plans approved by CAL FIRE through WDRs and Waivers of WDRs, which establish conditions or requirements to control discharges of waste into waters of the State in compliance with the Basin Plan and other water quality requirements; and,
- 2) As a member of the CAL FIRE Review Team, Regional Water Board staff triage plans to determine the greatest threat to water quality; conduct a review of harvest plans and submit questions; participate in a pre-harvest inspection and submit comments and recommendations; and, participate in a final plan review. These actions are meant to protect water quality and avoid violations of Regional Water Board regulations.

Regional Water Board staff may also participate in the following activities to protect the beneficial uses of water and regulate timber harvest activities: attend active and post-harvest inspections of approved plans; review Habitat Conservation Plans and Sustained Yield Plans; perform and review watershed analyses; participate in meetings of the Board of Forestry and CAL FIRE; take enforcement actions and investigate complaints; assess conversions of timber lands to other land uses; and participate in Total Maximum Daily Load (TMDL) development and implementation.

General WDRs: According to the State Water Board, Regional Water Boards may regulate timber harvesting operations through individual WDRs, Waivers of WDRs, or through General WDRs. Each General WDR outlines the process and conditions for enrollment, which may vary by Regional Water Board. Generally, however, dischargers must submit an application seeking coverage under the General WDR after their THP has been approved by CAL FIRE and before they commence THP operations. The application consists of a formal request for coverage (which may be through a letter requesting coverage, a ROWD Form 200, or a Notice of Intent document), the approved or accepted project documents (generally received from the lead agency, such as CAL FIRE), required technical reports, and necessary filing fees.

Coverage under General WDRs takes effect only when the discharger's application is determined to be complete; Regional Water Board staff have reviewed the application for completeness and accuracy; and, the discharger has received a written Notice of Applicability from the Regional Water Board stating that coverage under the General WDR is appropriate.

This bill: This bill clarifies that a Regional Water Board that has established General WDRs for timber harvesting is required to approve, deny, or otherwise act on a timber harvester's request for permit coverage (enrollment in a conditional waiver, individual WDRs, or General WDRs) to conduct timber harvesting operations consistent with an approved THP subject to General WDRs.

Efficiencies in forest management: According to CRNA, the Timber Regulation and Forest Restoration Fund (Fund), established in 2012 under Assembly Bill (AB) 1492 (Committee on Budget, Chapter 289, Statutes of 2012), places a 1% assessment on lumber and engineered wood products sold at retail to pay for state agency staffing, permitting, oversight, and environmental protection of California's forested ecosystems. The Fund supports approximately 223 agency staff at CNRA, the Board of Forestry and Fire Protection, CAL FIRE, CDFW, the California Geological Survey; and, the State and Regional Water Boards.

The Timber Regulation and Forest Restoration Program (Program) established by AB 1492 has an annual operating budget that varies year by year but ranges from approximately \$69 million - \$111 million. These funds enable interagency staff to work closely to build and maintain interagency cohesion, efficiency, and performance in the management of California's forested ecosystems. A major component of the Program is to provide efficient and consistent environmental oversight of commercial timber harvest on California's non-federal timberland to protect natural resources while allowing sustainable harvest.

Lean Six Sigma assessment: CRNA notes that after more than a decade in operation, the Program is undergoing a formal Lean Six Sigma assessment to evaluate California's timber harvest plan process and explore the associated complexities of multiagency review. Lean Six Sigma is a data-driven process performed to reduce waste and improve quality. The NiVACK Group is operating as CNRA's consultants to provide an objective, third-party analysis of the THP process to identify efficiencies, and related to this, explore program effectiveness tied to environmental protections and operations. Extensive stakeholder engagement across agency personnel, Tribes, timber industry (industrial and nonindustrial) representatives, and other interested stakeholders supports this investigation to find where the Program and its participants can improve performance and outcomes.

CRNA relays that it anticipates the Lean Six Sigma report will be ready for public release in the first quarter of 2026, after which time Program leadership will begin evaluating next steps to implement recommendations, with input from stakeholders and the public.

This bill: According to the author's office, this bill preserves the flexibility to consider any forthcoming recommendations resulting from the Lean Six Sigma review of the THP process.

Previous related legislation:

AB 2639 (Joe Patterson, 2024). Would have expanded the definition of "timber operations" to include the noncommercial maintenance of timberlands through fuels reduction paid in part or in whole with public funds. Would have provided that timber operations for the maintenance of

timberland, paid in part or in whole with public funds, may, as an alternative to obtaining an approved THP, comply with the requirements of CEQA. This bill was held in the Assembly Appropriations Committee.

SB 901 (Dodd, Chapter 626, Statutes of 2018). Includes a number of reforms to the FPA and established a number of exemptions.

AB 2889 (Caballero, Chapter 640, Statutes of 2018). Requires CAL FIRE to provide guidance and assistance to ensure the uniform and efficient implementation of processes and procedures regulating the filing, review, approval, required modification, completion, and appeal of decisions relating to THPs.

AB 1492 (Committee on Budget, Chapter 289, Statutes of 2012). Establishes the Fund, which receives funding from an authorized 1% assessment on lumber and engineered wood products sold at the retail level. Requires that funds from the Fund are prioritized to support the activities and costs of CAL FIRE, the Department of Conservation, CDFW, and the State and Regional Water Boards associated with the review of projects or permits necessary to conduct timber operations.

SB 810 (Burton, Chapter 900, Statutes of 2003). Prohibits a THP from being approved if the appropriate Regional Water Board finds that the proposed timber operations will result in a discharge into a watercourse that has been classified as impaired due to sediment, which causes or contributes to a violation of the regional water quality control plan.

REGISTERED SUPPORT / OPPOSITION:

Support

Anderson Logging INC
Auten Resource Consulting
California Chamber of Commerce
California Forestry Association
California State Association of Counties
Humboldt and Mendocino Redwood Companies
Humboldt Redwood Company

Opposition

None on file.

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