

Date of Hearing: March 23, 2026

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 1699 (Rogers) – As Introduced February 3, 2026

**SUBJECT:** Good Fire Act: Prescribed Fire Liability Pilot Program: burn bosses: California Environmental Quality Act

**SUMMARY:** Establishes the Good Fire Act to indefinitely extend the Prescribed Fire Liability Pilot Program (Program) and facilitate greater beneficial burning to meet the state's forest treatment goals.

**EXISTING LAW:**

- 1) Pursuant to Public Resources Code (PRC) 4477:
  - a) Requires the State Fire Marshal (SFM), with the involvement of the Statewide Training and Education Advisory Committee, to develop a curriculum for, or amend into an existing curriculum, a certification program for burn bosses, who possess authority to engage in a prescribed burning operation and to enter into the necessary contracts related to a prescribed burning operation. The curriculum shall provide for the initial certification as well as the continuing education of burn bosses.
  - b) Requires the Department of Forestry and Fire Protection (CAL FIRE) to develop a training program for prescribed fire users to certify professionals in any agency or organization as burn bosses. Requires CAL FIRE to certify these individuals to a common standard. It is the intent of the Legislature that the department use its discretion to ensure that burn bosses are thoroughly qualified to engage in prescribed burning operations prior to issuing certifications.
  - c) Requires the SFM to post and update on its internet website the number of burn bosses with an active burn boss certification.
- 2) Declares cooperation by CAL FIRE with a person desiring to use prescribed burning as a means of converting brush-covered lands into forage lands or to help meet wildland management goals, which has as its objective the prevention of high intensity wildland fires, watershed management, range improvement, vegetation management, forest improvement, wildlife habitat improvement, restoring ecological integrity and resilience, community wildfire protection, carbon resilience, enhancement of culturally important resources a public purpose. (PRC 4491)
- 3) Authorizes a person, firm, or corporation, or a group or combination of persons, firms, corporations, or groups, that owns or controls brush-covered land, forest lands, woodland, grassland, shrubland, or any combination thereof within a state responsibility area (SRA) to apply to CAL FIRE for permission to utilize prescribed burning for those public purposes in PRC 4491. (PRC 4492)
- 4) Requires, upon receipt of an application, CAL FIRE to inspect the land in company with the applicant to determine whether a permit shall be granted; to prescribe the manner in which

the site for the prescribed burning shall be prepared; and, to require any precautions to be taken by the applicant as may be considered reasonable to prevent damage to the property of others by reason of the burning. (PRC 4493)

- 5) Authorizes the director of CAL FIRE to enter into an agreement with the owner or any other person who has legal control of any property, any public agency with regulatory or natural resource management authority over any property that is included within any wildland, or any nonprofit organization to conduct joint prescribed burning operations that serve the public interest and are beneficial to the state. Requires the agreement to establish guidelines for the cooperative management of joint prescribed burning operations and requires the completion of a project agreement for each prescribed burn. (PRC 4497)
- 6) Defines “burn boss” as a person certified pursuant to PRC 4477 to conduct prescribed burning operations and to enter into contracts related to prescribed burning operations; or, a person qualified for the National Wildfire Coordinating Group position title of “Prescribed Fire Burn Boss Type 1” or “Prescribed Fire Burn Boss Type 2.” (PRC 4500 (a))
- 7) Establishes the Program to increase the pace and scale of the use of prescribed fire and cultural burning and to reduce barriers for conducting prescribed fires and cultural burning. (PRC 4500 (b))
- 8) Establishes the Prescribed Fire Claims Fund (Claims Fund) to support coverage for losses from prescribed fires and cultural burning by nonpublic entities, such as cultural fire practitioners, private landowners, and nongovernmental entities. Requires moneys in the fund to be under the control of CAL FIRE, and CAL FIRE, or the third-party administrator with whom CAL FIRE contracts, is authorized to direct payments for claims from the Fund. (PRC 4500 (c)(1))
- 9) Establishes the California Environmental Quality Act (CEQA) to provide a process to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided, and provides specified exemptions for wildfire risk reduction projects. (PRC 21000 *et seq.*)

**THIS BILL:**

- 1) Finds and declares it is critical that the state take more action to further expedite and expand beneficial fire projects, where appropriate, to enable practitioners to more effectively implement safe and effective beneficial fire projects.
- 2) Requires, as part of the continuing education of burn bosses, the SFM to require recertification no sooner than every three years. Requires CAL FIRE to consider methods to increase the pool of available instructors for the certification program, including the use of nondepartmental instructors.
- 3) Requires, in addition to the curriculum and certification program developed, CAL FIRE to, in consultation with the Statewide Training and Education Advisory Committee, develop a mechanism to allow individuals certified by CAL FIRE as a prescribed fire incident commander or equivalent, individuals qualified for the National Wildfire Coordinating Group position title of “Prescribed Fire Burn Boss Type 1” or “Prescribed Fire Burn Boss

Type 2” or equivalent, or individuals certified as prescribed fire managers or similar positions by other states pursuant to a certification program that is substantially similar to the program to be designated as a state-certified burn boss. Once certified, an individual may use the recertification process to maintain currency.

- 4) Authorizes CAL FIRE to waive the inspection requirement or modify the standard precautions for an application submitted by any of the following individuals:
  - a) A person certified pursuant to Section 4477 to conduct prescribed burning operations and to enter into contracts related to prescribed burning operations;
  - b) A person qualified for the National Wildfire Coordinating Group position title of “Prescribed Fire Burn Boss Type 1” or “Prescribed Fire Burn Boss Type 2;”
  - c) A cultural fire practitioner; and,
  - d) Other parties as determined by the director.
- 5) Prohibits a state agency, department, board, or commission that has awarded grant funds or other sources of funds to an awardee, who is paying individuals engaged in the preparation for or implementation of beneficial fire projects from those funds, from, in the disbursement of the award, restrict payment covering the cost of providing overtime or double rates of pay unless that restriction is required by the applicable statute establishing the funding. The restriction shall apply to, but not be limited to, the CAL FIRE’s Forest Health Program.
- 6) Clarifies moneys in the Claims Fund are to support coverage for losses from prescribed fires and cultural burning by led by individuals and entities other than CAL FIRE or the federal government.
- 7) Requires a claim for money in the Claims Fund to meet additional conditions.
- 8) Provides that CAL FIRE approval is not required for a plan reviewed and approved by a burn boss as a condition for payment of claims from the Fund.
- 9) Requires the guidelines for the Program and administration of the Claims Fund to include methods for prioritizing broadcast burns and burns by nonpublic individuals or entities or California Native American tribes in the event the Fund is oversubscribed.
- 10) Deletes the January 1, 2028, sunset date on the Program.
- 11) Exempts from CEQA actions taken by CAL FIRE to assist in the implementation of prescribed fire or cultural burning projects that do not otherwise require compliance with CEQA.

**FISCAL EFFECT:** Unknown

**COMMENTS:****1) Author's statement:**

For generations, California Tribes have stewarded the landscape with fire. This community wide effort created a safer and healthier ecosystem for all. Tragically, one of the first laws ever passed by this Legislature outlawed this practice. We restricted cultural burning practices and ignored that wisdom. We eventually set up a fire response system that extinguished all flames, even when they were desperately needed to clear overly dense vegetation and support fire dependent plants. AB 1699 is about righting that historic wrong. The use of beneficial fire, a prescribed fire, or a controlled burn are all examples of "Good Fire". We know all too well about the opposite, catastrophic wildfires that burn out of control. We need much more Good Fire to address that very real threat that far too many of us have learned to live with. We need to follow the leadership of our Tribes and build up the systems to use more Good Fire.

**2) Wildfires.** Wildfires in California are continuing to increase in frequency and intensity, resulting in loss of life and damage to public health, property, infrastructure, and ecosystems.

Fire has always been present in California landscapes either occurring by lightning strikes or used by Native American tribes to preserve certain useful plants and prevent larger fires. Low-intensity fires have clear ecological benefits, such as creating habitat and assisting in the regeneration of certain species of plants and trees. Low-intensity fire also reduces surface fuel, which decreases future wildfire intensity.

A century of suppressing low-intensity fires, logging of older growth and more fire-resistant trees, and a significant five-year drought has increased the size and severity of California's fires. Climate change has also contributed to wildfire risk by reducing humidity and precipitation and increasing temperatures.

**3) Prescribed burning.** Science strongly points to the need to re-establish more frequent fire across a significant part of the state. In significant parts of California, reintroduction of fire in controlled circumstances can limit the scope of catastrophic wildfire and improve ecosystem resilience. In many ecosystems, beneficial fire may be the only restoration tool available.

Prescribed burning is the controlled application of fire to the land to reduce wildfire hazards, clear downed trees, control plant diseases, improve rangeland and wildlife habitats, and restore natural ecosystems. Prescribed fires are typically conducted in compliance with a written prescribed fire plan that outlines the conditions necessary for the burn to be "within prescription." Recent research<sup>i</sup> on California's 2020 wildfire season found prescribed fires decreased wildfire burn severity by 16% and led to a net reduction of 14% in smoke emissions.

California's *Strategic Plan for Expanding the Use of Beneficial Fire*<sup>ii</sup> (March 2022) estimates that between 10 and 30 million acres in California would benefit from some form of fuel reduction treatment and sets a target for deploying beneficial fire on 400,000 acres annually.

Last year, the Air Resources Board released data on California's Natural and Working Lands Carbon Inventory that show the carbon impacted by prescribed fire is more than ten times

lower than that from wildfires, while processing harvested wood products emits about 60% as much as wildfires emissions on average.

According to the *Strategic Plan*, approximately 125,000 to 150,000+ acres are treated with prescribed burning in California annually by state and federal agencies. According to the Wildfire Forest Resilience Task Force Dashboard<sup>iii</sup>, 188,000 acres were treated with beneficial burns in 2024. While this rate is increasing to manage wildfire hazards, it remains far below the long-term goal of 400,000 acres annually and the roughly 4.5 million acres that burned annually before the year 1800.

Prescribed burns are safe: the US Forest Service reported in 2022 that 99.84% of prescribed burns operate as planned without incident.

- 4) **Burn bosses.** SB 1260 (Jackson), Chapter 624, Statutes of 2018, required CAL FIRE to develop a professional “burn boss” curriculum and certification program that would create a consistent standard for the education and skills needed for people to conduct prescribed fires. Under this program, CAL FIRE staff members and private individuals or companies could become certified in order to increase the workforce capable of safely conducting prescribed fires.

As of September 2025, California has certified 65 prescribed fire burn bosses to approve burn plans and lead prescribed burning operations to reduce wildfire risks.

California needs to significantly increase its force of certified burn bosses to manage a goal of 400,000 to 1 million+ acres of controlled burns annually. To meet this need, the state requires hundreds to thousands of certified professionals to manage a massive backlog of 20 million acres that would benefit from fire

- 5) **Liability coverage.** SB 332 (Dodd), Chapter 600, Statutes of 2021, updated the state’s liability standards so that no person would be liable for any fire suppression or other costs otherwise recoverable for a prescribed burn if specified conditions are met, including, among others, that the burn be for the purpose of wildland fire hazard reduction, ecological maintenance and restoration, cultural burning, silviculture, or agriculture, and that, when required, a certified burn boss review and approve a written prescription for the burn. The law is intended to assist private prescribed fire practitioners overcome a barrier to conducting prescribed fire, which is the associated liability. Federal and state prescribed fires do not have the same concerns because they are able to self-insure.

Many private entities, such as cultural fire practitioners and nonprofits, have stated that it is incredibly difficult to obtain insurance to cover any damages that could arise if the prescribed fire went out of prescription. Many private entities are unwilling to conduct public purpose burning without insurance or some liability protection.

To support the use of prescribed burns to meet the state’s treated acreage goals, SB 170, Budget Act of 2021, included \$20 million to CAL FIRE to establish the Program, in consultation with the Department of Insurance and the California Natural Resources Agency that creates a prescribed fire claims fund to support coverage for losses from permitted prescribed fires by non-public entities, such as Native American tribes, private landowners, and nongovernmental entities.

SB 926 (Dodd), Chapter 606, Statutes of 2022, set parameters to operationalize the \$20 million budget appropriation by establishing the Prescribed Fire Liability Claims Fund (Claims Fund) to support coverage for losses from permitted prescribed fires by individuals and specified entities. The Claims Fund will provide up to \$2 million in coverage for prescribed fire projects led by a qualified burn boss or cultural practitioner. The Claims Fund is meant to demonstrate that prescribed fire, when carefully planned, resourced, and implemented, is a low-risk land management tool that mitigates the larger, more damaging risks of high-severity wildfires. According to CAL FIRE, the Claims Fund will also advance cultural burning, helping Indigenous Californians restore their connection to fire.

Current statute authorizes the Claims Fund until January 1, 2028. This bill proposed to delete that sunset date.

Proponents of the bill inducing Pacific Forest Trust state that making the Claims Fund permanent by removing the 2028 sunset is essential for long-term planning. The Claims Fund has proven successful in accelerating beneficial fire by providing coverage where commercial insurance is unavailable or prohibitively expensive. Since its rollout in June 2023, the Claims Fund has enrolled hundreds of projects totaling tens of thousands of acres across the state. Strong statewide demand exists and the initial funding remains intact. Removing the uncertainty of a sunset provision now will provide the assurance needed to undertake large, multi-year projects and sustain California's momentum over time.

To date, none of the \$20 million has been drawn down (because none of the fire projects enrolled in the program have needed it).<sup>iv</sup>

- 6) **Executive action.** Last year, Governor Newsom issued Executive Order (EO) N-35-25<sup>v</sup> expressing concern that strict compliance with various statutes and regulation would prevent, hinder, or delay the use of beneficial fire to limit dangerous wildfire conditions that threaten life and property, and ordered the following, among other things:
  - CAL FIRE to assist local agencies and beneficial fire practitioners that limit fire conditions and suspended those efforts from CEQA.
  - The suspension of PRC 4493, which requires CAL FIRE to conduct a site visit or inception before issuing a state burn permit for projects undertaken by a burn boss or a cultural fire practitioner.
  - Suspend the limitation on public and governmental agencies enrolling in the Pilot Program to the extent it prohibits resource conservation districts and volunteer fire departments.
  - CAL FIRE to review and update its prescribed fire guidebook to more effectively support prescribed fires that are primarily planned or conducted by non-CAL FIRE entities.
- 7) **Codifying the EO.** This bill is largely an effort to codify the Governor's EO. Consistent with the Governor's EO, this bill:
  - Exempts actions taken by CAL FIRE to assist in prescribed fire or cultural burning projects from CEQA.

- Amends PRC 4493 to allow CAL FIRE to waive the inspection requirement or modify the standard precautions for a permit application submitted by specified individuals, including burn bosses, to conduct prescribed burning.
  - Modifies the entities eligible to receive money from the Claims Fund to include “individuals and entities other than CAL FIRE or the federal government,” which includes RCDs and volunteer fire districts (and others).
  - Expands the pool of eligible individuals to be designated as a state-certified burn boss and authorizes those individuals to be certified and recertified to maintain currency.
- 8) **Overtime.** According to the author, many state grant funds prohibit grantees from paying overtime and this can be problematic for prescribed fire, which requires around-the-clock work during and after the burn for safety purposes.

This bill would prohibit a state entity that has awarded grant funds for beneficial fire projects from restricting those funds for use as payment for overtime or double rates of pay.

- 9) **CEQA.** The bill exempts actions that assist in the implementation of prescribed burning or cultural burning to the extent they do not otherwise require compliance with CEQA.

Pacific Forest Trust argues that this bill avoids unnecessary paperwork by clarifying CEQA does not trigger new CEQA obligations solely due CAL FIRE involvement. This bill allows CAL FIRE to actively help with projects rather than only being present in case something goes wrong, increasing capacity for prescribed burns during critical weather windows. While the October 29 Executive Order temporarily addressed this issue, AB 1699 offers a permanent fix.

- 10) **Double referral.** This bill is also referred to the Assembly Emergency Management Committee.

## REGISTERED SUPPORT / OPPOSITION:

### Support

3 Suns Farm	Campfire Restoration Project
All Hands Ecology	Central Coast Prescribed Burn Association
American Rivers	Central Coast State Parks Association
Biswell Forestry	Colusa County Resource Conservation
Briceland Volunteer Fire Department	District
Burnbot INC.	Confluence West
Cal Poly Humboldt Fire Resilience Institute	Contra Costa Resource Conservation
California Association of Local	District
Conservation Corps	Cross Contour LLC
California Cattlemen's Association	Cultural Fire Management Council
California Indian Environmental Alliance	Danoxa Fish and Wildlife, Robinson
California Licensed Foresters Association	Rancheria Pomo Indians of California
California Tahoe Alliance	Defenders of Wildlife
California Tribal Business Alliance	Ecoflight
Calwild	Environmental Defense Fund

Environmental Protection Information Center  
 Fave Trainings  
 Firegeneration Collaborative  
 Firewerx  
 Forestry and Fire Recruitment Program  
 Forevergreen Forestry  
 Friends of Plumas Wilderness  
 Friends of the Lost Coast  
 Habematolel Pomo of Upper Lake  
 Hayfork Prescribed Burn Association  
 Humboldt County Prescribed Burn Association  
 Hyampom Prescribed Burn Association  
 Indigenous Stewardship Network  
 Keep Tahoe Blue  
 Lake County Land Trust  
 Los Angeles Prescribed Burn Association  
 Marin Resource Conservation District  
 Mattole Restoration Council  
 Mid Klamath Watershed Council  
 Mother Lode Land Trust  
 Mount Hermon Northwest  
 Nourishing Futures  
 Pacific Forest Trust  
 Peninsula Open Space Trust  
 Plumas Corporation  
 Plumas County Fire Safe Council  
 Plumas Underburn Cooperative  
 Prometheus Fire Consulting LLC  
 Rain  
 Resource Renewal Institute  
 Rural Voices for Conservation Coalition  
 San Luis Obispo Prescribed Burn Association  
 Santa Clara County Firesafe Council  
 Santa Rosa Junior College Shone Farm  
 Save Mount Diablo  
 Save the Redwoods League  
 Scott River Watershed Council  
 Sempervirens Fund  
 Sequoia Riverlands Trust  
 Sierra Business Council  
 Sierra Nevada Alliance  
 Solano Resource Conservation District  
 Sonoma Land Trust  
 South Bay Prescribed Burn Association  
 Spye Conservation INC.  
 Sugar Pine Foundation  
 Terra Fuego Resource Foundation  
 The Climate Center  
 The Fire Restoration Group  
 The Lookout  
 Treepeople  
 Trees Foundation  
 Tribal Ecorestoration Alliance  
 Trinity County Resource Conservation District  
 Trout Unlimited  
 Trust for Public Land  
 Tuolumne Prescribed Burn Association  
 Western Watersheds Project  
 Wild and Scenic Rivers  
 Yolo County Fire Safe Council  
 Yolo County Resource Conservation District  
 Yolo PBA  
 Yosemite Gateway Prescribed Burn Cooperative  
 Yosemite Rivers Alliance

## Opposition

None on file

**Analysis Prepared by:** Paige Brokaw / NAT. RES. /

<sup>i</sup> Kelp, M., Burke, M., Qiu, M., Higuera-Mendieta, I., Liu, T., and Diffenbaugh, N.S. (2025)

<sup>ii</sup> [california-strategic-plan-for-prescribed-fires.pdf](https://ebudget.ca.gov/2026-27/pdf/GovernorsBudget/3000/3540FCS.pdf)

<sup>iii</sup> [Interagency Tracking System](#)

<sup>iv</sup> <https://ebudget.ca.gov/2026-27/pdf/GovernorsBudget/3000/3540FCS.pdf>

<sup>v</sup> [www.gov.ca.gov/wp-content/uploads/2025/10/Executive-Order-Beneficial-Fire.pdf](https://www.gov.ca.gov/wp-content/uploads/2025/10/Executive-Order-Beneficial-Fire.pdf)