
SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Josh Becker, Chair

2025 - 2026 Regular

Bill No: AB 1699 **Hearing Date:** June 23, 2026
Author: Rogers
Version: June 16, 2026 Amended
Urgency: Yes **Fiscal:** Yes
Consultant: Edith Hannigan

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

SUMMARY

This bill would establish the Good Fire Act, which would indefinitely extend the Prescribed Fire Liability Program, and make changes to the program and other relevant laws to advance the implementation of prescribed fire throughout the state.

BACKGROUND AND EXISTING LAW

Department of Forestry and Fire Protection (Department). The Department, in accordance with a plan approved by the Board of Forestry and Fire Protection, is responsible for the prevention and suppression of forest fires (Public Resources Code (PRC) §§4113, 4114).

Office of the State Fire Marshal (OSFM). In the mid-1990s, the OSFM was moved from the State and Consumer Services Agency to the Department. The State Fire Marshal (SFM) is established as a Chief Deputy Director of Forestry and Fire Protection in the Department (Health and Safety Code (HSC) §13100). The mission of the OSFM is to “[protect] life and property through the development and application of fire prevention, engineering, training and education, and enforcement.”

Prescribed burning. 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 researchⁱ 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*ⁱⁱ (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,ⁱⁱⁱ 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.

Burn bosses. SB 1260 (Jackson), Chapter 624, Statutes of 2018, required the Department 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, Department 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.

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 the Department to establish a 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 the Department, the Claims Fund will also advance cultural burning, helping Indigenous Californians restore their connection to fire.

To date, none of the \$20 million has been drawn down.^{iv}

Executive action. Last year, Governor Newsom issued Executive Order (EO) N-35-25^v expressing concern that strict compliance with various statutes and regulations 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:

- The Department to assist local agencies and beneficial fire practitioners that limit fire conditions and suspended those efforts from the California Environmental Quality Act (CEQA).
- The suspension of Public Resources Code (PRC) §4493, which requires the Department 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 (RCDs) and volunteer fire departments.
- The Department to review and update its prescribed fire guidebook to more effectively support prescribed fires that are primarily planned or conducted by non-Department entities.

Existing law:

- 1) Pursuant PRC §4477:
 - a) Requires the 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 to develop a training program for prescribed fire users to certify professionals in any agency or organization as burn bosses. Requires the Department 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 the Department 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, or 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 the Department for permission to utilize prescribed burning for those public purposes in PRC §4491. (PRC §4492)
- 4) Requires, upon receipt of an application, the Department 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 the Department 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 Prescribed Fire Liability Pilot 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 the Department, and the Department, or the third-party administrator with whom the Department contracts, is authorized to direct payments for claims from the Fund. (PRC 4500 (c)(1))
- 9) Establishes 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.*)

PROPOSED LAW

This bill would:

- 1) Establish that the SFM, as part of the continuing education of burn bosses, shall require recertification no sooner than every three years.

- 2) Require the Department to consider methods to increase the pool of available instructors for the certification program, including the use of nondepartment instructors.
- 3) Requires the Department, in consultation with the Statewide Training and Education Advisory Committee, to develop a mechanism to allow individuals certified as prescribed fire managers under other certification programs to be designated as a state-certified burn boss, and to allow that person to use the SFM recertification process to maintain currency.
- 4) Specify that changes made to PRC §4477 by this bill do not alter, expand, or limit the applicable standard of care related to prescribed fires and cultural burning under California law.
- 5) Authorize the Department to waive the inspection of land proposed to be burned by a private person for a burn application submitted by certain qualified prescribed fire managers.
- 6) Authorize the Department to modify standard precautions, undertaken by the applicant to prevent damage to the property of others by burning, for a burn application submitted by certain qualified prescribed fire managers.
- 7) Specify that changes made to PRC §4493 by this bill do not alter, expand, or limit the applicable standard of care related to prescribed fires and cultural burning under California law.
- 8) Specify that state bodies awarding funding that pays for individuals involved in beneficial fire projects to include overtime or double rates of pay as an allowable expense when such expenses are necessary for the implementation of the project.
- 9) Establish that the Prescribed Fire Claims Fund (Claims Fund) applies to prescribed fires and cultural burning conducted by individuals and entities other than the Department or the federal government and on any lands within the state.
- 10) Specify that, for a claim to be paid from the Claims Fund, the burn plan must have been approved by the Department or a burn boss before the prescribed fire or cultural burn.
- 11) Require that a burn plan be submitted to the Claims Fund portal prior to ignition.
- 12) Require the Department develop methodologies for prioritizing broadcast burns and burns by nonpublic individuals or entities or California Native American tribes in the event the Claims Fund is oversubscribed.
- 13) Specify that changes made to PRC § 4500 by this bill do not alter, expand, or limit the applicable standard of care related to prescribed fires and cultural burning under California law.
- 14) Exempt from CEQA certain wildfire risk reduction projects to actions taken by the Department to assist in the implementation of prescribed fire or cultural burning projects that do not otherwise require compliance with CEQA.
- 15) Amend the Forest Improvement Grant Program to require grantees to file accountability reports with the Department six months from the date of receiving funds and every six months thereafter.

- 16) Replace a reference to the Office of Planning and Research to the Office of Land Use and Climate Innovation.
- 17) Make findings and declarations relevant to the value of prescribed burning in California.
- 18) Establish the bill as an urgency statute.

ARGUMENTS IN SUPPORT

According to the author, "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."

ARGUMENTS IN OPPOSITION

None received.

COMMENTS

Double referral. This bill is double referred to this committee and the Senate Emergency Management Committee. This is the committee of first referral. Elements of the bill under the jurisdiction of that committee are included for context and completeness only.

Codifying the EO. This bill is largely an effort to codify the Governor's EO. This bill:

- Exempts actions taken by the Department to assist in prescribed fire or cultural burning projects from CEQA.
- Amends PRC §4493 to allow the Department 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.
- Expands the EO by modifying the entities eligible to receive money from the Claims Fund to include "individuals and entities other than the department or the federal government," which includes resource conservation districts 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.

The Committee may wish to amend the bill to clarify the applicability of recertification processes to eligible individuals using alternative certifications to qualify as a California burn boss. **[SEE Amendment #1]**

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 authorize overtime or double time pay under grant funding where the pay is necessary for the implementation of the burn.

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 to the Department's involvement. This bill allows the Department 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 EO N-35-25 temporarily addressed this issue, AB 1699 offers a permanent fix.

Early to bed.... This bill proposes to repeal the sunset of the Claims Fund, which is currently set for January 1, 2028. The Claims Fund has only been in place since 2022, and while it has shown promise for increasing the amount of prescribed burning in the state, no claims have been filed against it.

While repealing the sunset date provides certainty to burn bosses and eligible entities wishing to use prescribed fire, it would behoove the Legislature to have a process in place to evaluate the function of the fund once it has been drawn upon. The Committee may wish to amend the bill to include a requirement that the Department provide a report to the Legislature on the implementation of the claim process, once a claim has been made. **[SEE Amendment #2].**

Committee amendments will be taken in the Senate Emergency Management Committee. Due to time constraints, if the committee wishes to amend the bill and the bill is passed out of this committee, the amendments will be taken in the Senate Emergency Management Committee's hearing on this bill.

Related legislation

SB 926 (Dodd, Chapter 606, Statutes of 2022) established the Prescribed Fire Claims Fund.

SB 332 (Dodd, Chapter 600, Statutes of 2021) provided that no person shall be liable for any fire suppression or other costs otherwise recoverable for a prescribed burn if specified conditions are met.

SB 170 (Budget Act of 2021) included \$20 million to the Department to establish a 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 1260 (Jackson, Chapter 624, Statutes of 2018) required the Department 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.

SUGGESTED AMENDMENTS

AMENDMENT 1

Amend PRC 4477(b) as follows:

4477(b) [...] Once certified, an individual may use the recertification process provided in subdivision (a) to maintain currency as a California certified burn boss.

AMENDMENT 2

Amend Sec. 7 of the bill as follows:

SEC. 7. Section 4503 of the Public Resources Code is ~~repealed.~~ amended to read:

4503. ~~This article shall remain in effect only until January 1, 2028, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2028, deletes or extends that date.~~ No later than one year after a claim on the fund is made, the department shall submit a report to the Legislature regarding the claim process and propose statutory changes that may improve the efficiency, transparency, effectiveness, or overall function of the claims fund.

SUPPORT

Pacific Forest Trust (sponsor)
3 Suns Farm
All Hands Ecology
Amah Mutsun Tribal Band
American Rivers
Biswell Forestry
Briceland Volunteer Fire Department
Burnbot
Cal Poly Humboldt Fire Resilience Institute
California Association of Local Conservation Corps
California Cattlemen's Association
California Environmental Voters
California Forward
California Indian Environmental Alliance
California Licensed Foresters Association
California Native Plant Society
California State Association of Counties (CSAC)
California Tahoe Alliance
California Tribal Business Alliance
Californians for Western Wilderness
Calwild

Campfire Restoration Project
Camptonville Community Partnership
Central Coast Prescribed Burn Association
Central Coast State Parks Association
Central Sierra Environmental Resource Center
Colusa County Resource Conservation District
Community Wildfire Planning Center
Confluence West
Contra Costa Resource Conservation District
Cross Contour LLC
Cultural Fire Management Council
Danoxa Fish and Wildlife, Robinson Rancheria Pomo Indians of California
Defenders of Wildlife
Ecoflight
Elevate California
Environmental Defense Fund
Environmental Protection Information Center (EPIC)
Fave Trainings
Firefighters United for Safety, Ethics, and Ecology (FUSEE)
Firegen
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
Humboldt Fire Resilience Institute
Hyampom Prescribed Burn Association
Indigenous Stewardship Network
Karuk Tribe
Keep Tahoe Blue
Klamath Forest Alliance
Lake County Land Trust
Los Angeles Prescribed Burn Association
Marin Resource Conservation District
Mattole Restoration Council
Megafire Action
Mid Klamath Watershed Council
Midpeninsula Regional Open Space District
Mother Lode Land Trust
Mount Hermon Northwest
Nevada County Resource Conservation District
Nourishing Futures
Orleans Volunteer Fire Department
Peninsula Open Space Trust
Plumas Corporation
Plumas County Fire Safe Council

Plumas Underburn Cooperative
Prometheus Fire Consulting LLC
Rain
Rancho Aromitas Firewise Community (RAFC)
Resilience Force
Resource Renewal Institute
Rural Voices for Conservation Coalition
Salmon River Restoration Council
San Benito Fire Safe Council
San Benito Resource Conservation District
San Luis Obispo Prescribed Burn Association
Santa Clara County Firesafe Council and South Bay Prescribed Burn Association
Santa Clara Valley Habitat Agency
Santa Rosa Junior College Shone Farm
Save Mount Diablo
Save the Redwoods League
Scott River Watershed Council
Sempervirens Fund
Sequoia Riverlands Trust
Shasta County Board of Supervisors
Shasta County
Sierra Business Council
Sierra Consortium
Sierra Nevada Alliance
Solano Resource Conservation District
Sonoma County Agricultural Preservation and Open Space District
Sonoma Ecology Center
Sonoma Land Trust
South Yuba River Citizens League
Spye Conservation INC.
Sugar Pine Foundation
Terra Fuego Resource Foundation
The Climate Center
The Fire Restoration Group
The Lookout
The Nature Conservancy
The Wilderness Society
The Wildlands Conservancy
Treepeople
Trees Foundation
Tribal Ecorestoration Alliance
Trinity County Resource Conservation District
Trout Unlimited
Trust for Public Land
Tuolumne Prescribed Burn Association
Ventura County Resource Conservation District
Watershed Research & Training Center
Western Watersheds Project
Wild and Scenic Rivers
Wildlands Network

Wildlands Robotics
Wine Institute
Yolo County Fire Safe Council
Yolo County Resource Conservation District
Yolo PBA
Yosemite Gateway Prescribed Burn Cooperative
Yosemite Rivers Alliance

OPPOSITION

None received

-- END --

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

ⁱⁱ [california-strategic-plan-for-prescribed-fires.pdf](#)

ⁱⁱⁱ [Interagency Tracking System](#)

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

^v www.gov.ca.gov/wp-content/uploads/2025/10/Executive-Order-Beneficial-Fire.pdf