
THIRD READING

Bill No: AB 1699
Author: Rogers (D), et al.
Amended: 6/25/26 in Senate
Vote: 27 - Urgency

SENATE NATURAL RES. & WATER COMMITTEE: 7-0, 6/23/26

AYES: Becker, Seyarto, Allen, Cabaldon, Grove, Laird, Stern

SENATE EMERGENCY MGT. COMMITTEE: 8-0, 6/30/26

AYES: Stern, Seyarto, Allen, Ashby, Blakespear, Dahle, Grayson, Pérez

NO VOTE RECORDED: Rubio

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26

AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 76-0, 5/22/26 - See last page for vote

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

SOURCE: Pacific Forest Trust

DIGEST: This bill establishes the Good Fire Act, which indefinitely extends the Prescribed Fire Liability Program, and makes changes to the program and other relevant laws to advance the implementation of prescribed fire throughout the state.

ANALYSIS:

Existing law:

1) Pursuant to 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 the Department of Forestry and Fire Protection (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. (Public Resources Code (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 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) Establishes that the SFM, as part of the continuing education of burn bosses, shall require recertification no sooner than every three years.
- 2) Requires 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) Specifies 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) Authorizes 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) Authorizes 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) Specifies 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) Specifies 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) Establishes 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) Specifies 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) Requires that a burn plan be submitted to the Claims Fund portal prior to ignition.
- 12) Requires 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) Specifies 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) Requires the Department, no later than one year after a claim is paid from the fund, to submit a report to the Legislature regarding the claims process.
- 15) Exempts 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.

- 16) Amends 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.
- 17) Replaces a reference to the Office of Planning and Research to the Office of Land Use and Climate Innovation.
- 18) Makes findings and declarations relevant to the value of prescribed burning in California.
- 19) Establishes this bill as an urgency statute.

Background

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.

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.

Executive action. Last year, Governor Newsom issued Executive Order (EO) N-35-25 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 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.

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

FISCAL EFFECT: Appropriation: Yes Fiscal Com.: Yes Local: No

- By removing the sunset on the Prescribed Fire Claims Fund and significantly expanding the universe of eligible entities, this bill would create ongoing General Fund cost pressures of an unknown amount, possibly in the low to tens of millions of dollars annually.
- By prohibiting a state entity that awards grant funds for beneficial fire projects from restricting those funds for use as payment for overtime or double rates of pay, this bill potentially creates cost pressures on various grant funds.
- The Department of Forestry and Fire Protection does not anticipate a fiscal impact from this bill.

SUPPORT: (Verified 8/14/26)

Pacific Forest Trust (sponsor)
3 Suns Farm
All Hands Ecology
Amah Mutsun Tribal Band
American Rivers
Berkeley; City of
Biswell Forestry
Briceland Volunteer Fire Department
Burnbot INC.
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
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
Fave Trainings
Firefighters United for Safety, Ethics,
and Ecology
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, 501 (C) (3)
Orange County Fire Authority
Orleans Volunteer Fire Department
Pacific Gas and Electric Company
and its Affiliated Entities
Peninsula Open Space Trust
Plumas Corporation
Plumas County Fire Safe Council
Plumas Underburn Cooperative
Prometheus Fire Consulting LLC
Rain
Rancho Aromitas Firewise
Community
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 of
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: (Verified 8/14/26)

None received

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.”

ASSEMBLY FLOOR: 76-0, 5/22/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Arambula, Chen, Gabriel, Celeste Rodriguez

Prepared by: Edith Hannigan / N.R. & W. / (916) 651-4116
8/14/26 11:16:36

**** END ****

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