



CALIFORNIA DEPARTMENT OF  
FORESTRY AND FIRE PROTECTION  
SB 926: PRESCRIBED FIRE CLAIMS  
FUND PILOT PROJECT



PROGRAM GUIDELINES

JUNE 19, 2023

# CONTENTS

Background .....	3
Program Guidelines.....	4
FAQs.....	6
Step 1 – Submitting an application and reserving coverage in the Fund.....	6
Step 2 – Review and approval of Fund coverage by CAL FIRE .....	8
Step 3 – Claims Submission .....	11
Miscellaneous .....	13
List of Collaborators .....	14

# BACKGROUND



Beneficial fire practices—which include prescribed, cultural burning and managed fire—are essential to reduce the risk of large-scale catastrophic fire in California.

[California’s Strategic Plan for Expanding the Use of Beneficial](#)

[Fire](#) sets a target of deploying beneficial fire on 400,000 acres

annually by 2025. Beneficial fire is used by practitioners to

restore habitats, maintain cultural practices, and reduce the risk of

catastrophic fire. One of the primary obstacles to increasing two

of these essential types (prescribed and cultural) fire use in California, however, is the difficulty

for practitioners to obtain adequate liability coverage. While the rates of escape and loss are

very low, there is always some residual risk when working with fire.

The U.S. Forest Service reported in 2022 that 99.84% of prescribed fires go according to plan. Liability coverage, when available, protects practitioners, property owners, and the public from the associated financial risk. Increasingly, practitioners on private or tribal land are unable to obtain affordable private insurance for their beneficial fire operations. As a result, in September 2022 Governor Newsom signed into law SB 926, which established a pilot Prescribed Fire Claims Fund. This legislation authorizes claims covering certain losses arising from prescribed fires and cultural burning until January 1, 2028.

This claims fund is intended to both encourage greater beneficial fire use and demonstrate that prescribed and cultural burning are low risk, which may entice private insurers back into the market.



# PROGRAM GUIDELINES

Public Resource Code (PRC) sections 4500 and 4503 establish the Prescribed Fire Liability Pilot Program (Fund). The Fund will be administered by the California Department of Forestry and Fire Protection (CAL FIRE) with the purpose of increasing the pace and scale of and reducing the barriers to prescribed fire and cultural burning.

CAL FIRE has chosen to contract with the California Insurance Guarantee Association (CIGA) to serve as the third-party administrator to adjust any claims arising out of the Fund. A working group of other state agencies, prescribed fire practitioners, Burn Bosses, and Cultural Fire Practitioners collaborated with CAL FIRE to develop these Guidelines. A list of these collaborators can be found at the end of these Guidelines.

Enrollment in the Fund is done by completing the California Prescribed Fire Claims Fund [Online Application](#). **To be eligible to enroll in the Fund, a prescribed fire must be conducted or supervised by a Burn Boss or a Cultural Burn must be conducted or supervised by a Cultural Fire Practitioner.** These terms are defined in law and listed below:

**1. Burn Boss:**

- a. A person certified pursuant to Section 4477 to conduct prescribed burning operations and to enter into contracts related to prescribed burning operations; or
- 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."

**2. Cultural Burn** means "the intentional application of fire to land by Native American tribes, tribal organizations, or Cultural Fire Practitioners to achieve cultural goals or objectives, including subsistence, ceremonial activities, biodiversity, or other benefits."

**3. Cultural Fire Practitioner** means "a person associated with a Native American tribe or tribal organization with experience in burning to meet cultural goals or objectives, including subsistence, ceremonial activities, biodiversity, or other benefits."

(The definitions for Cultural Burning are pursuant to Public Resource Code 4002.4. Effective January 1, 2022)

If these definitions are satisfied, a project is eligible for coverage of up to \$2,000,000 for a prescribed fire or Cultural Burn. If a project enrolled in the Fund needs to file a claim for coverage, they must submit an email to [claimslabilityfund@fire.ca.gov](mailto:claimslabilityfund@fire.ca.gov) with the name of the Burn Boss, project name, brief description and estimated claim total. A claim cannot be paid by the Fund unless the following conditions are met:

1. CAL FIRE reviewed and approved a burn plan prior to the prescribed burn or Cultural Burn taking place. Templates for burn plans may be found at the [NWCG](#) or [CAL PBA](#) websites for a Burn Boss.
  - i. A Cultural Burn plan may be completed by answering the supplemental questions in the application for a Cultural Burn by a Cultural Fire Practitioner.
2. All permits required for the prescribed burn or Cultural Burn, including a burn permit if required, were obtained; and
3. CAL FIRE determines that the prescribed burn or Cultural Burn complied with, as applicable, the terms and conditions of all burn plans, burn permits, and other required permits.

Once CAL FIRE finds the conditions were met for enrollment and payment from the Fund for a prescribed burn or Cultural Burn that submitted a claim to the Fund, CAL FIRE will request CIGA to adjust the claim. CIGA will adjust the claim and make a recommendation to CAL FIRE on the amount to be paid. CAL FIRE will then work with the project covered by the Fund on the amount and process for payment.

# FAQS

## OBTAINING ENROLLMENT INTO THE PRESCRIBED FIRE CLAIM FUND (FUND) REQUIRES THREE DISTINCT STEPS:

1. **Submitting an application for Fund coverage:** First, an eligible Burn Boss or Cultural Fire Practitioner must reserve a spot in the Fund by applying for coverage.
2. **Receiving CAL FIRE approval of project reservation in the Fund:** Second, CAL FIRE must approve those reservations that complete the minimum conditions necessary for coverage.
3. **Submission of eligible claims:** Finally, any party damaged by a project that is enrolled in the Fund may then submit a claim up to certain amounts as further described.

## STEP 1 – SUBMITTING AN APPLICATION AND RESERVING COVERAGE IN THE FUND

### 1. How does a Cultural Fire Practitioner or Burn Boss apply for Fund coverage?

A Burn Boss and Cultural Fire Practitioner should reserve coverage for their burn projects as soon as possible by submitting an application to enroll into the Fund. Since funding for this program is limited to 20 million dollars, reservations into the Fund are required. The Fund will accept up to 200 reservations on a first come first serve basis.

Those eligible to reserve a position in the Fund will be prompted to demonstrate their eligibility and to identify a specific burn project and enroll that burn project in the Fund.

#### To enroll in the Fund, a Cultural Fire Practitioner and Burn Boss should:

- Fill out the CA Prescribed Fire Claims Fund [Online Application](#).
- The reservation system will have two parts: **Submitted application** and **approved reservation**. Applications must be submitted at least 7 calendar days in advance of the project to approve the reservation and be enrolled in the Fund.
  - i. **Submitted application** means that the applicant has completed the application and has an eligible project.

ii. **Approved reservation** means that the project has been enrolled. The application has been reviewed to ensure that it was filled out correctly and on-time and that the project qualifies for the Fund. Please allow at least 7 calendar days for approval. You will receive a notice when the reservation has been approved or denied.

- All enrollees who apply will receive a notice letting them know their proposed burn project has been **submitted** for coverage from the Fund and reminding them that coverage will not be **approved** until all minimum conditions are met.

**2. Does a project have to have an approved burn plan or the required permits to have a reservation?**

No. Eligible parties are encouraged to enroll while they finalize receiving their required permits, plans, and other agreements. The required permits and burn plan must be completed prior to the ignition of the burn unit to be eligible for coverage from the Fund.

**3. Should more than one applicant register the same burn project?**

No. Only one application per burn project should be submitted. Applicants are encouraged to consider developing larger burn projects that cover multiple separate burn units to expedite enrollment. The \$2 million limit is per project and not per burn unit.

**4. When should I apply?**

Applications should be submitted as soon as the project has identified a responsible Burn Boss or Cultural Fire Practitioner with defined boundaries, objectives, and an expected time of ignition for the project.

**5. If the Burn Boss or Cultural Fire Practitioner already has prescribed fire liability coverage, should they still apply for coverage from the Fund?**

Yes. Payment from the Fund may augment or be primary to liability coverage. In addition, enrollment will allow the State to gather information about the needs of beneficial fire practitioners, the rates of escape, loss and damage, and the benefit of the Fund to the State.

**6. How long will it take me to apply?**

If the applicant has completed a description of the project and has all the required information about the project, submitting the application for the Fund should take about 10 minutes.

**7. How much does it cost to apply?**

There is no cost to apply for and enroll in the Fund.

## STEP 2 – REVIEW AND APPROVAL OF FUND COVERAGE BY CAL FIRE

### 1. How does a Burn Boss or Cultural Fire Practitioner know if their burn project application has been approved?

CAL FIRE will review and approve reservations for eligibility of Fund coverage that have met the minimum qualifications required by the Fund. All applicants will receive a notice that their burn project has been approved for coverage and enrolled in the Fund once all applicable conditions are met. Applicants who have not received an approved enrollment notice should assume that their burn project is NOT covered by the Fund. A denial email will be sent to the applicant if they do not qualify for enrollment into the Fund. CAL FIRE reserves the right to exclude anyone who is ineligible or anyone with a burn project that has not undergone appropriate planning and permitting from participating in the Fund.

### 2. How long will approval take?

The submitted application must be approved prior to the event to be eligible for coverage from the Fund. Please allow 7 calendar days for approval/denial after the application is submitted.

### 3. What are the minimum requirements for an approved reservation to have a claim paid by the Fund if damages occur from the project?

**To have a reservation approved for payment from the Fund, the following minimum requirements must be met:**

- The applicant must have received the approved reservation in the Fund.
- CAL FIRE must have reviewed and approved the burn plan.
- A burn permit, if required, and all other permits required to conduct the prescribed fire or Cultural Burn must have been obtained.

### 4. How long is my approved reservation good for?

- All approved reservations will be enrolled in the Fund from July 1<sup>st</sup> of each year to June 30<sup>th</sup> of the following year.
- All approved reservations after July 1<sup>st</sup> shall have a start date of the date of reservation approval and exist until June 30<sup>th</sup> of the following year.
- The approved reservation may be renewed upon request if the specified burn project is not completed. For projects occurring in July, CAL FIRE recommends requesting a renewal in advance of the June 30<sup>th</sup> date.



## 5. Where can I find a template of a burn plan?

- Templates for burn plans may be found at the [NWCG](#) or [CAL PBA](#) websites for a Burn Boss.

## 6. Where do I submit my burn plan and/or burn permit for approval?

- When CAL FIRE burn permits are required, a burn permit can be applied for on the Office of State Fire Marshal [Burn Permit Website](#). The local CAL FIRE Unit will review and may approve the burn plan. When permits are not required, a burn plan may be submitted to your local CAL FIRE Unit for approval.

## 7. Do I need to complete a burn plan for a Cultural Burn conducted by a Cultural Fire Practitioner?

Yes. However, the supplemental burn description in the application for a Cultural Burn may substitute to create a 'burn plan' for the Cultural Fire Practitioner for review and approval by CAL FIRE as required by law. The supplemental burn description is only available to a Cultural Fire Practitioner as defined in California Civil Code section 3333.8.

- A check box is provided as an option for a Cultural Fire Practitioner to choose that this supplemental burn description represents the burn plan for the project and is sent to the CAL FIRE Unit for review and approval.
- The Cultural Fire Practitioner has the option to provide a burn plan from the template suggestions (ex. NWCG or CAL PBA).
- The Cultural Fire Practitioner is required to have confirmation of an approved burn plan from CAL FIRE prior to ignition of the burn to be eligible for a claim to be paid by the Fund.

## 8. What are the reporting requirements and is all information public information?

- Administrators will request information about whether the burn occurred, as well as burn size, location, property owner, jurisdictional area, CAL FIRE Unit, contact information, fuel type, permits obtained for each approved reservation, and any escape, loss, or damage (whether or not a claim was filed). This information will help evaluate the success of this pilot program.
- Approved Applicants should report any changes to or completion of projects annually by June 30<sup>th</sup> following the approved reservation. This voluntary information will help evaluate the success of this pilot program.
- Applicants should report whether burns were completed.
- Applicants should report any unanticipated events.

Collected information will be compiled and shared publicly on a regular basis.

**9. How do I protect confidential cultural information submitted to CAL FIRE?**

For a Cultural Burn, a Cultural Fire Practitioner has the option to provide this information at their discretion and/or request that such information be kept confidential.

**10. Who can enroll a burn project for coverage by the Fund?**

- A Cultural Fire Practitioner as defined above; or
- A Burn Boss as defined above.

**11. Who is NOT eligible to enroll a burn project under the Fund's coverage?**

- Private landowners;
- The federal government; and
- Public entities.

**12. Can I transfer an approved reservation?**

Approved reservations may be transferred from one Burn Boss or Cultural Fire Practitioner to another with an update to the reservation. Contact the program administrator at [liabilityclaimsfund@fire.ca.gov](mailto:liabilityclaimsfund@fire.ca.gov) for any transfer requests. Please allow 7 days for any changes.

**13. What is the notification obligation for adjacent landowners if the project caused damages?**

The Burn Boss or Cultural Fire Practitioner shall notify the adjacent landowners in writing of the availability of the Fund and the claims process within 10 days from the completion of each burn unit. Failure to properly notify adjacent landowners may impact the ability of the Fund to pay for claims.

**14. What is the obligation of the Burn Boss or Cultural Fire Practitioner if damages occur from the project?**

Along with the landowner notification requirements listed above, the Burn Boss or Cultural Fire Practitioner must also notify CAL FIRE of potential claims arising from the project.

## STEP 3 – CLAIMS SUBMISSION

### 1. What can I do as a landowner if I believe damages occurred from a burn project enrolled in the Fund?

A landowner can review the [online dashboard](#) for the project information and contact [liabilityclaimsfund@fire.ca.gov](mailto:liabilityclaimsfund@fire.ca.gov) for further assistance.

### 2. Who can submit a claim to the Fund?

- Individuals with qualified damages;
- Insurance companies who have received claims of damage by insured parties or their beneficiaries (insurers shall be asked to demonstrate such coverage obligation);
- Trustees, corporations, or other entities who hold title to property damaged by a burn project enrolled in the Fund;
- The representative, estate, or guardian(s) of persons with damages from a burn project enrolled in the Fund;
- Any subrogate of a claim.

### 3. How do I submit a claim?

Please email the program administrator at [liabilityclaimsfund@fire.ca.gov](mailto:liabilityclaimsfund@fire.ca.gov) to file a claim.

### 4. How long do I have to submit a claim?

Any claim must be submitted 60 days from the date of the injury or the claims period from the Fund will be closed.

### 5. What is the coverage limit?

All burn projects enrolled in the Fund are eligible for coverage of **up to** \$2 million per project, if available. Depending on whether any prior claims have been drawn from the Fund, and the amount of such claims, less than \$2 million may be available for any project. A project is defined as “all activities conducted pursuant to any one burn plan.”

- If losses from a project do not exceed \$2 million, and full coverage is available, claimants will be required to waive all potential claims against burn project participants upon accepting payment from the Fund.

- If losses from a project exceed \$2 million or the amount available from the Fund, losses will be paid on a proportional basis, with total payment not to exceed \$2 million or the amount available. Claimants will be required to waive claims against burn project participants for the amount paid from the Fund, upon accepting payment from the Fund. However, claimants may still seek compensation for the unpaid portion of loss or damage from burn project participants.
- Note, all payment is subject to and contingent upon appropriation of funding to CAL FIRE.

## **6. What injuries does the Fund cover?**

- The Fund will only cover damages that occur outside of a planned burn unit. No claims are eligible within the planned boundary for trees, carbon stocks or other assets that are within the burn unit boundary.
- The Fund is intended to cover property (real and personal) damage, personal injury and death, and some forms of smoke damages.
- Smoke damage to real property, other than to agricultural or natural resources, are eligible for coverage, as are damages, losses, physical injury or death resulting from vehicle accidents solely caused by smoke.

## **7. What damages are not covered by the fund?**

Smoke damages are not eligible for coverage by the Fund except in the limited circumstances described above. This ineligibility for coverage by the Fund includes smoke-related and fire-related health claims such as asthma or exposure to toxic fumes are not eligible for coverage by the Fund.

## **8. How will claim viability be determined?**

CAL FIRE will determine whether the claimed damage or loss was caused by the burn project. Claims are subject to California Insurance Code Section 530 which defines proximate versus remote causes.

## **9. How will damaged claim value be determined and adjusted?**

The California Insurance Guarantee Association (CIGA) is a third-party administrator that CAL FIRE contracted with to determine the value of the damaged or lost real property. CIGA will consult with CAL FIRE to determine if the claim is valid. Damages will not be paid for claims less than \$5,000. For claims greater than \$5,000, the claim will be paid from \$1.00. A claim being paid from \$1.00 means there is no deductible for the Fund to pay a claim.

# MISCELLANEOUS

## 1. What does it mean that the Fund is a “pilot project”?

The pilot project is meant to remove one of the primary obstacles to using beneficial fire by providing liability coverage in the event of loss or damage occurring from a prescribed fire or cultural burn. This pilot project is also intended to bring private insurers back into the beneficial fire insurance market by providing additional data about the risk of loss or damage from prescribed fire and cultural burns. This pilot project expires January 1, 2028, and may change over time to better accommodate the needs of beneficial fire practitioners. Please check back frequently as the rules may change over time.

## 2. What types of burns are expected to utilize the Fund?

Broadcast burning is expected to be the main type of burn project covered by the Fund. Pile burn projects that are for direct public benefit may also apply but the total number of these projects may be capped pending availability of reservations. For example, a pile burn project identified in a Community Wildfire Protection Plan might qualify.

## 3. Does anything in this program alter the standards created by SB 332?

No, liability for suppression costs that result from a prescribed fire or cultural burn are not eligible for compensation from this Fund. However, nothing in this program is intended to supplant or alter those requirements and protections found in [SB 332](#).

***If you need assistance applying to enroll in the Fund, please go to the online [application website](#) or contact the program administrator at [liabilityclaimsfund@fire.ca.gov](mailto:liabilityclaimsfund@fire.ca.gov).***



# LIST OF COLLABORATORS

CAL FIRE California Natural Resource Agency	California Cattleman's Association	University California Cooperative Extension
Office of the State Fire Marshal -- CAL FIRE	California Insurance Guarantee Association	The Nature Conservancy
California Prescribed Burn Association	Tribal Representation from members of the Indigenous Stewardship Network	Santa Barbara County Fire Mid-Klamath Watershed Council
California Insurance Commission	Private Landowners	Audubon Canyon Society
Fire Restoration Group	California Air Resources Board	Southern Sierra Burn Collaborative

Many people helped by contributing to the online application development, Frequently Asked Questions, or assisted through agency support. Here are just a few of the contributors that assisted in this effort, but certainly does not capture the many contributors over months of hard work:

Lenya Quinn-Davidson	Bill Tripp	Jessica Morse
Sara Clark	Danny Manning	Jared Aldern
Michael Wara	Anthony Stornetta	Katie Pofahl
Jamie Sammut	Tony Toso	Dan Porter
Chris Fowler	Kirk Wilbur	Len Nielson
Ron Gray	Will Harling	Alex Gould
Don Hankins	Debra Halberstadt	Matthew Reischman
Ron Goode	Sasha Berleman	John Melvin
	Chris Calfee	