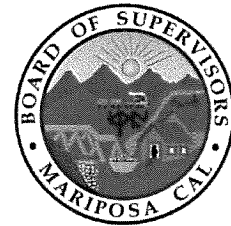


# MARIPOSA COUNTY

Board of Supervisors • 209-966-3222



## RESOLUTION - ACTION REQUESTED 2021-98

MEETING: March 2, 2021  
TO: The Board of Supervisors  
FROM: Marshall Long, District III Supervisor  
RE: Letter of Support

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### **RECOMMENDATION AND JUSTIFICATION:**

Approve a Letter of Support for SB 332 Which Will Provide Additional Liability Protection for Certified Burn Bosses on Prescription Fires.

This letter of support is in alignment with the Board's approved 2021 Legislative Platform which supports prescribed burning and strategic thinning of forests.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

01/26/2021: The Board approved the 2021 Legislative Platform.

The Board has approved other letters of support for other issues in the past.

### **ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Alternatives: The Board may modify text in the letter.

Negative Action: If the Board does not approve the letter, it will not be submitted.

Individual Board members may write their own letters of support at that time, which may not carry the same weight as a letter from the entire Board.

### **ATTACHMENTS:**

**SB 332 Letter of Support(PDF)**

**SB 332 Fact Sheet (PDF)**

**RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]**

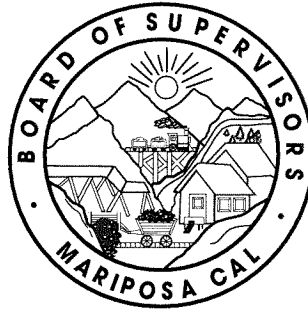
**MOVER:** Wayne Forsythe, District IV Supervisor

**SECONDER:** Rosemarie Smallcombe, District I Supervisor

**AYES:** Smallcombe, Sweeney, Long, Forsythe, Menetrey

# Mariposa County Board of Supervisors

District 1 ... ROSEMARIE SMALLCOMBE  
District 2 ..... TOM SWEENEY  
District 3 ..... MARSHALL LONG  
District 4 ..... WAYNE FORSYTHE  
District 5 ..... MILES MENETREY



DALLIN KIMBLE  
County Administrative Officer

RENÉ LAROCHE  
Clerk of the Board

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March 2, 2021

Senator Bill Dodd  
State Capitol, Room 2082  
Sacramento, CA 95814

## RE: SB 322 (Dodd) – SUPPORT

Dear Senator Dodd:

The Mariposa County Board of Supervisors is pleased to submit this letter in support of your SB 332. By reforming the liability standard for certified burn bosses, this legislation will remove a major disincentive that currently prevents highly trained prescribed fire practitioners from applying ‘good fire’ to the landscape. The additional liability protection provided to certified burn bosses under SB 332 will enable burn bosses to expand the application of controlled burns throughout the state, improving California’s wildfire resilience and aiding in averting catastrophic fire seasons like those experienced by the state in 2018 and 2020.

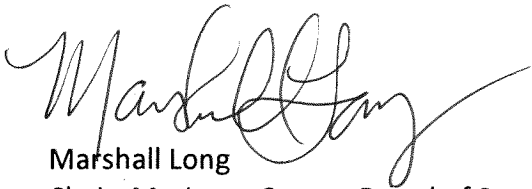
Under current law, prescribed fire practitioners are subject to a ‘simple negligence’ standard for escaped fires—that is, they may be found liable for property damage or personal injury if they fail to exercise the care of a ‘reasonably prudent person.’ While less than 1% of prescribed fires escape their intended burn area and property damage and personal injuries are exceedingly rare, concerns over *potential* liability nevertheless severely disincentivize the application of prescribed fire. As a result, practitioners engage in fewer burns and/or smaller, less-complicated burns, providing less wildfire resilience than would a robust prescribed fire regime. Additionally, the simple negligence liability standard impacts the availability of liability insurance for practitioners.

SB 332 would apply a ‘gross negligence’ liability standard to certified burn bosses, holding them liable only for damages resulting from reckless or willful misconduct. There is little reason to believe that this change in law would significantly increase damages from prescribed fire, particularly because the gross negligence standard would only apply to highly qualified, well trained prescribed fire professionals certified as burn bosses under a curriculum developed by the State Fire Marshall. But the benefits of the gross negligence standard would be significant,

improving access to liability insurance, increasing the state's wildfire resilience through preventative application of 'good fire,' and expanding the suite of ecological benefits that prescribed fires provide.

Experts believe that California should burn upwards of 1 million acres per year via prescribed fire to avert another catastrophic wildfire season, but current levels are only about 125,000 acres per year. Because it will promote the application of prescribed fire by reforming the liability standard for the state's most qualified prescribed fire practitioners, your SB 332 will make measurable improvements in the state's wildfire resiliency. Consequently, Mariposa County is happy to support SB 332, and we thank you for your leadership on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Marshall Long". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Marshall Long  
Chair, Mariposa County Board of Supervisors