

Idaho Prescribed Fire Council

Mission: **Advance the safe and effective use of prescribed fire in Idaho**

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A photograph of a prescribed fire in a forest. Several firefighters in yellow and red gear are working in a field of tall grass and pine trees. The ground is covered in dry pine needles and some small fires are visible. The background shows more trees and a clear blue sky.

Prescribed Fire Legislation Reform in Idaho

Heather Heward – Prescribed Fire Council Chair

Methods

<i>Category</i>	<i>FFO</i>	<i>Forest Contractors</i>
<i># of participants</i>	28	9 (3 also FFO)
<i>Size of area</i>	2.5 – 1,000 acres (avg. 115)	1,000 - 20,000 acres
<i># of piles per year</i>	1 – 100 (avg. 6) piles	2 - 500 (avg. 50) piles
<i>Construction type</i>	Mostly hand piles	Mostly machine piles
<i>Average pile size</i>	6x6 feet	15x15 feet

Results

Broadcast burning practices: uncertainty and underuse

Pile burning practices: similar among FCs, variable among FFOs

Smoke management practices: in action, not name

Relevance and convenience of smoke management: irrelevant and inconvenient

Recommendations

Lower barrier, raise benefits

- Barriers
 - Risk – training
 - Uncertainty – clear rules
 - Resources – PBA
- Benefits
 - Resources
 - Training

Align outreach with existing practices and motivations

- Learn what people want and how they want it and give it to them

Why Idaho Is Considering Policy Changes



Prescribed fire is a **proven tool** for forest and rangeland health, wildfire resilience, and ecosystem stewardship.



Current Idaho liability interpretation functions like **strict liability**, making burners responsible even when they act responsibly.



A modernized system can **protect responsible burners, reduce barriers, and compensate people** if damages occur.

The Three Core Components of a Modern Prescribed Fire Policy



**1. Training & Certification
(Certified Burn Manager)**



**2. Liability Reform (Moving
Away From Strict Liability)**



**3. Claims Fund (Compensation
for Damages)**

1. Training & Certification (Certified Burn Manager)

Purpose: Create skilled burners who follow best practices, lowering the risk of escaped fire.

How it works:

Burners complete a **state-approved training program** similar to those used in more than 20 states.

Certification demonstrates competence and enables access to reduced liability protections.

Benefits:

- Increased safety
- Consistent standards
- Builds public confidence

2. Liability Reform (Moving Away From Strict Liability)

Current system:

- Burners may be held liable for damage **even if they did everything right** (strict liability).

Proposed system:

- Burners who complete training and follow state requirements may qualify for reduced liability.

Liability Standard	Meaning	Example
Strict Liability	Responsible even if careful	Unexpected wind gust causes escape
Simple Negligence	Didn't use reasonable care	Didn't check updated weather
Gross Negligence	Reckless disregard for risk	Burning during a red flag warning

3. Claims Fund (Compensation for Damages)

What it is:

- A state-authorized pool of money—often **\$1–2 million**—that can pay for:
- Damage caused by certified burners
- Fire suppression costs associated with their projects

Why it's needed:

- If a certified burner meets the highest standards but an escape still occurs, a claims fund ensures impacted property owners are **fairly compensated**.

What This Policy *Does* *Not* Do

Does NOT require every burner to be certified

Does NOT restrict current burning rights

Does NOT protect negligent burners

Does NOT shield certified burners from all consequences

Does NOT leave property owners uncompensated



What This Policy *Does Achieve*

Creates **better-trained burners**

Reduces liability risk for those who follow best practices

Provides a **safety net for victims** of accidental escapes

Aligns Idaho with successful approaches already implemented in CA and OR

Encourages more safe, beneficial fire use statewide

Timeline

- May 29th - Finalize Working Draft
- June – Land Board for Draft Rule Making
- Summer – Additional sponsors
- October – Finalize all working documents
- November – Add to legislative docket
- 2027 – Legislative Session support
- April 2027 – Legislation Passes / Ask Land Board to enter Official Rule Making
- Complete Rule Making Spring 2028 for approval by Land Board/Legislature
- Fall 2028 – Begin Implementation