

**DES**

Washington State  
DEPARTMENT OF  
ENTERPRISE SERVICES



# Prescribed Fire Claims Fund

PILOT PROJECT

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## BACKGROUND

During the 2025 Legislative Session, the Washington State Legislature passed House Bill 1563 (HB 1563). HB 1563 creates a pilot project to reimburse claims for damages caused by prescribed burns on the Department of Natural Resources' (DNR) protected lands or caused by cultural burning on DNR protected land or on tribal lands. The Office of Risk Management, in coordination with DNR, will reimburse claims arising from such burns as outlined in the statute.

### HB 1563



*HB 1563 and the history surrounding its passage*

#### **Session Law Chapter 93, Laws of 2025**

<https://bit.ly/4cl9XDY>

### RCW 76.04.196



*Since it became a law, HB 1563 is codified in RCW*

#### **RCW 76.04.196: Prescribed fire claims fund pilot program—Prescribed fire claims account** (exp 6/30/2033)

<https://bit.ly/4qo0Fsr>

# LEGISLATIVE INTENT





In Section 1 of HB 1563, the Washington State Legislature provided some reasons why it had determined that a prescribed fire fund pilot project was warranted.



Below are some of the reasons the Legislature passed this bill:

- Washington is experiencing a forest health crisis.
- Wildfires have burned 470,000 acres in the last ten years.
- 3,000,000 acres in Eastern Washington alone are in need of active management.
- Prescribed fire and cultural burning are an effective, yet underutilized, method to help address forest health.
- Prescribed fires and cultural burns remove vegetation, proactively removing hazardous fuel.
- Prescribed fire smoke has up to 50% less particulate than wildfire smoke.
- Fires return nutrients to the soil.
- Tribes have used cultural burning since time immemorial.
- Prescribed fire escapements are rare.
- The growing risks of wildfires requires at least a five-fold increase in prescribed burning to effectively reduce accumulated fuels, restore resiliency to landscapes, and protect communities.
- Despite rarity, uncertain financial risks deter this work.
- The 2023 prescribed fire barriers assessment report and strategic action plan found one of the most significant barriers to more prescribed burns is uncertainty around potential liability.
- Legislature intends to establish a fire claims fund pilot program to provide loss coverage for prescribed and cultural burns conducted in accordance with applicable requirements.
- By decreasing the uncertainty, the legislature intends to promote the use of this critical tool for strengthening and protecting our resources and communities.



## STATUTORY CRITERIA FOR VALID CLAIMS


The Legislature provided specific criteria in HB 1563 for what types of prescribed fires are eligible to participate in the fund. In order to meet the criteria for reimbursement, the claim must meet the following:

-  Be a loss from a prescribed fire or cultural burn on department protected lands or on tribal lands where an agreement exists between the Indian tribe and the department or where approved by the Indian tribe; [Section 2(1)(a)]
-  Must not be a claim covered under the federal tort claims act under a federally recognized burn plan; [Section 2(1)(a)]
-  The burn damage was caused by a non-state and non-federal entity; [Section 2(1)(b)]
-  The burn must have been conducted by a certified burn manager, under an approved burn plan, with applicable permits and in accordance with any other applicable conditions or requirements as determined by the department; [Section 2(2)(a)(i)]
- OR*

 The burn must have been conducted by a cultural fire practitioner, in accordance with an applicable burn plan or permit; [Section 2(2)(a)(ii)]
-  The fire must not have been caused by a criminal or negligent act. [Section 2(2)(c)]

The Legislature also created parameters on what types of damages may be covered by the Fund. The claim can only be for:

-  Property or economic damage as described under RCW 76.04.760(3)(a), (c) and (d) suffered by the claimant as a result of the prescribed fire or cultural burn; [Section 2(2)(b)(i)]
-  Reasonable costs authorized for reimbursement by DNR under RCW 76.04.475, related to the prescribed fire or cultural burn; [Section 2(2)(b)(ii)]
- OR*

 Costs of suppression of an escapement for which a person is liable to a third party. [Section 2(2)(b)(iii)].

# FREQUENTLY ASKED QUESTIONS

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## Where can I find the Legislative History of HB 1563?

Session Law Chapter 93, Laws of 2025

<https://bit.ly/4cl9XDY>

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## Where can I find the statutes governing HB 1563?

RCW 76.04.196: Prescribed fire claims fund pilot program—Prescribed fire claims account. (exp 6/30/2033)

<https://bit.ly/4qo0Fsr>

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## Where can I find the Washington Administrative Code (WAC) governing the Prescribed Fire Claims Fund Pilot Project?

[Proposed WAC 332-24]

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## How do I file a claim for reimbursement from the Prescribed Fire Fund?

Claims should be filed using the [Standard Tort Claim form](#).

The claim can be [filed electronically](#), or the tort claim form may be printed and mailed, faxed, or hand-delivered to the Department of Enterprise Services, Office of Risk Management.

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## What are the dollar limitations on claims for Prescribed Fire Damages?

The maximum amount that can be paid on any one claim is \$2 Million. Additionally, reimbursement of claims may not exceed the amount of money provided by the Legislature to the Fund.

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## Who determines the validity of my claim?

When a claim is filed, the Office of Risk Management will assign the claim to a Tort Claims Investigator. That investigator will coordinate with the claimant and with the Department of Natural Resources to determine the validity and value of the claim.

The Department of Enterprise Services is exploring the option of implementing a contract with a private insurance adjustment firm. This would be like the method implemented by the State of California for their prescribed fire fund. This option could provide greater bandwidth for claim adjustment in the event of multiple claims and may provide greater speed and consistency in claim adjustment.

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## What if there are multiple claims to the Fund arising from one fire?

When multiple claims arise from a single incident, the Office of Risk Management will set a time window within which all claims from that incident must be submitted. Once the claims are submitted, they will be investigated as with a single claim. If the total amount of the submitted claims exceeded the amount of money in the Fund, the money in the fund will be distributed proportionally to the eligible claimants. For comparison, this process is like a class action lawsuit where there are many claimants and limited funds to reimburse those claimants. In those situations, an adjuster will distribute the available funds to the claimants proportionally to the severity of the claim.

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## How much money did the Legislature provide in the claims fund?

The Legislature provided initial funding of \$2 Million to the Fund.

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## Who can submit a claim to the Fund?

Any party who has suffered damage arising from a prescribed fire conducted within the requirements of the Fund.

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

60 days

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## May I seek reimbursement from other sources, even if I submit a claim to the Fund?

Yes, submitting a claim does not prevent a claimant from seeking reimbursement for damages from other sources such as insurance companies or other liable parties. Court awards for damages arising from prescribed fires will be offset by the amount provided from the Fund to the claimant.




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## Is the Fund considered “Primary” for insurance purposes?

The Fund will pay damages from qualified prescribed fires without regard to whether the damages may also be covered by an insurance policy. The Fund is not “insurance” and should not be considered a substitute for insurance coverage. The intent of the Legislature is to provide money to cover damages from prescribed fires so that insurance coverage for this type of activity might become more accessible and less expensive.

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## What damages will the Fund cover?

-  Property or economic damage as described under RCW 76.04.760(3)(a), (c) and (d) suffered by the claimant as a result of the prescribed fire or cultural burn;
-  Reasonable costs authorized for reimbursement by DNR under RCW 76.04.475, related to the prescribed fire or cultural burn;
- OR
-  Costs of suppression of an escapement for which a person is liable to a third party.





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## What is a “Certified burn manager”?

“Certified burn manager” means a prescribed burn manager certified under RCW 76.04.183 or a prescribed fire burn boss certified under the national wildfire coordinating group standards.



## What damages are not covered by the Fund?

-  Trees, carbon stocks, or other assets within the planned burn unit.
-  Smoke damage to agricultural crops or natural resources;
-  Damages resulting from a prescribed fire or cultural burn not permitted by the department or approved by the tribe
-  Damages resulting from a prescribed fire or cultural burn started under criminal or negligent circumstances.

[Proposed WAC 332-24]



## How will claim viability be determined?

A Tort Claims Investigator from the Office of Risk Management will be assigned to review and adjust the claim. That investigator will coordinate with the claimant and with the Department of Natural Resources to determine the validity and value of the claim.

The Department of Enterprise Services is exploring the option of implementing a contract with a private insurance adjustment firm. This would be like the method implemented by the State of California for their prescribed fire fund. This option could provide greater bandwidth for claim adjustment in the event of multiple claims and may provide greater speed and consistency in claim adjustment.



## What documentation should I submit with my claim?

At the very least, the claimant needs to provide the Office of Risk Management the name and contact information of the claimant. This will allow the assigned investigator to contact the claimant in order to adjust the claim. The claimant does not need to submit all of their documentation with their initial claim, although they can if they would like. The claimant should collect and retain any evidence that could support their claim, e.g., photographs of the damages, dates the damages occurred, names and contacts for any witnesses, any police or fire department reports, values of the damaged property, etc.



## How will damaged claim value be determined and adjusted?

A Tort Claims Investigator from the Office of Risk Management will be assigned to review and adjust the claim. That investigator will coordinate with the claimant and with the Department of Natural Resources (DNR) to determine the validity and value of the claim.

In the event multiple claims are filed from a single incident and the damage amounts of those claims exceed the amount of money in the Fund, the claims will be adjusted similar to the way a class-action lawsuit is handled. The Office of Risk Management will set a time window within which all claims from that incident must be submitted. Once the claims are submitted, they will be investigated as with a single claim. If the total amount of the submitted claims exceeds the amount of money in the Fund, the money in the Fund will be distributed proportionally to the eligible claimants.

The Department of Enterprise Services is exploring the option of implementing a contract with a private insurance adjustment firm. This would be like the method implemented by the State of California for their prescribed fire fund. This option could provide greater bandwidth for claim adjustment in the event of multiple claims and may provide greater speed and consistency in claim adjustment.



## What happens after I submit a claim?

The Office of Risk Management will send notice to the claimant that the claim has been received. This happens immediately when the claim is filed electronically but can take up to 10 days if the claim is filed via mail or other “hardcopy” filing. A Tort Claims Investigator from the Office of Risk Management will be assigned to review and adjust the claim. That investigator will coordinate with the claimant and with the Department of Natural Resources to determine the validity and value of the claim.

The Department of Enterprise Services is exploring the option of implementing a contract with a private insurance adjustment firm. This would be like the method implemented by the State of California for their prescribed fire fund. This option could provide greater bandwidth for claim adjustment in the event of multiple claims and may provide greater speed and consistency in claim adjustment.



## What is a “Cultural fire practitioner”?

“Cultural fire practitioner” means a person approved by an Indian tribe as having experience in burning to meet cultural goals or objectives, including subsistence, ceremonial activities, biodiversity, or other benefits.

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

In House Bill 1563, the Legislature provided an expiration date of 2033 for the Fund, meaning the Fund is temporary. The intent of a pilot project is to test the effectiveness of the project. If the project meets the goals of the legislature’s intent, they could make the Fund permanent and extend it beyond the set expiration of 2033.

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## What are “Department protected lands”?

"Department protected lands" has the same meaning as in RCW 76.04.005. RCW [76.04.005: Definitions](#) reads as follows:

"Department protected lands" means all lands subject to the forest protection assessment under [RCW 76.04.610](#) or covered under contract or agreement pursuant to [RCW 76.04.135](#) by the department."

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## What is an “Indian tribe” for purposes of the Fund?

"Indian tribe" has the same meaning as in [RCW 43.376.010: Definitions](#):

"Indian tribe" means any federally recognized Indian tribe whose traditional lands and territories included parts of Washington."



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