COMPENSATION FOR TAKING OF PRIVATE PROPERTY FOR FIRE SUPPRESSION 3825

(No. 29 March 2006)

Please reference the 7700 Emergency Incident Management Handbook for governing policy. When private property is taken under the guidelines established in that section, the following fiscal instructions must be observed:

- If the property owner challenges the action, he/she should be informed of the need for the property and that replacement or compensation will be arranged.

- As a matter of policy, replacement or compensation shall be offered where demanded in all cases of the taking of private property, except when the property is used to suppress or prevent fire on the property of the owner.

- Furthermore, it is policy to first attempt replacement of the property where practical (if, for example, water) through CAL FIRE resources or, if unavailable, by hired equipment.

NOTE: If potable water is taken, be certain it is replaced with potable water, and transported in approved sanitary vessels.

If compensation is demanded, reasonable measures of calculation shall be used. As an example, pumping costs and delivery costs where on-site sources are depleted would be reasonable.

Where feasible, a land use agreement can be drawn up to provide a contractual basis for compensation. However, the costs contemplated must be appropriate in nature and value for a land use agreement.

Per guidelines in Sections 3821.9 (Q) and 3825, when compensation is demanded for damages or for costs in excess of what CAL FIRE judges appropriate for a use agreement, the claim becomes a tort and must be filed and approved by the Victim Compensation and Government Claims Board before it is payable from the Emergency Fund.

(see next section)

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(see Forms or Forms Samples)