

Fires

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thousands of homes and over a million acres burned.

The causes of the wildfires have been debated ever since they ignited.

Historically powerful east winds on Sept. 7 and 8 caused existing wildfires, including the Beachie Creek and Lionshead fires, to explode and quickly spread. The wind also brought down power lines in numerous locations statewide, likely igniting additional wildfires. Arson also has been investigated — and one person found guilty.

But amid the reporting, debates and speculation, one key document has been missing: final investigation reports that lay out exactly how each firestorm ignited.

The U.S. Forest Service and Oregon Department of Forestry are tasked with laying out what happened during the wildfires and considering legal action against those responsible. That could include recouping firefighting costs or filing criminal charges. The reports also could make or break numerous lawsuits representing thousands of people impacted by the fires, while deciding the fate of Oregon's second-largest utility.

Two years later, of the 10 major Labor Day fires in Oregon, no investigations have been completed.

The pace has exasperated everyone from survivors to lawyers to firefighters, especially when measured against investigations into deadlier California wildfires such as the Camp and Dixie fires that were completed in about a year.

"It's very much a source of frustration and confusion, honestly, because those of us who lived it know exactly what happened," said Kirk, whose home burned down in the Beachie Creek Fire. "For us, what happened isn't the big question — it's who's going to accept responsibility."

The two Oregon investigating agencies say deliberation is necessary given the high stakes of the report.

"We recognize that this is two years after the fact and that the public has been patiently waiting for the final investigation reports," said Jessica Pranke, spokeswoman for ODF. "The complexity and sheer number of fires on the landscape at one time is a lot for an agency to handle, but we are committed to conducting an accurate and complete investigation."

"Oregonians impacted by them deserve the time it takes to ensure proper accountability."

Gianni Muschetto, chief of law enforcement for Cal-Fire, said that on average, his agency finishes major wildfire investigations in about a year, or a year and a half. Complex cases, he noted, require lab work and expert forensics that can take a long time to generate.

"I know it can get frustrating for wildfire victims, but I always remind them that the worst thing we could do is leave holes in the investigation," Muschetto said. "It's one thing to say, 'Well, the wind blew down the power lines and that started the fire.' But to meet the threshold for a jury to hold someone accountable, in the face of a defense attorney, you have to have all your bases covered."

Fault of power lines a core question

Perhaps the most pressing question the reports could answer is to what extent Oregon utilities were responsible for igniting the blazes.

In at least seven of the 10 major Labor Day fires, downed power lines have been implicated.

The biggest target is Pacific Power. A class action lawsuit of nearly 2,500 properties, many in the Santiam Canyon, is progressing through Multnomah County Circuit Court, where it has been consolidated with similar cases. Insurance companies also have filed multiple lawsuits against Pacific Power, blaming it for igniting wildfires that it had to pay claims on.

The lawsuits generally allege that the utility's failure to maintain vegetation near its power lines and shut off power during the predicted windstorm led to downed power lines that sparked fires and wrought much of the devastation.

If investigators agree, it could bring a crippling blow to a utility that brings power to almost 2 million people across the West.

In California, investigations determined that Pacific Gas & Electric's power lines were responsible for multiple deadly wildfires, including the 2018 Camp Fire that burned the town of Paradise. That led PGE into bankruptcy and to pleading guilty to 84 counts of involuntary manslaughter for the 84 victims who died in Paradise.

Who's investigating and what's the status?

The Forest Service is investigating the wildfires that occurred on federal lands, including the Lionshead, Holiday Farm, Archie Creek, Riverside, Slater and Two Four Two fires.

ODF is investigating fires that took place on state lands, including the Echo Mountain Complex and South Obenchain Fire.

The Ashland Police Department is in charge of investigating the Alameda Fire. While a man was found guilty of arson for setting a fire after the Alameda Fire already had ignited and spread, the investigation into the cause of the original fire and second-deadliest Labor Day Fire remains open, Ashland Police confirmed this week.

Finally, the investigation into the deadliest fire, the Beachie Creek/Santiam Fire, which took five lives and upended life in the Santiam Canyon, is being undertaken by both the Forest Service and ODF. The Forest Service is investigating the cause and spread of the fire on federal lands while ODF is investigating "all other reports of fires on ODF protected land, some of which were within the final footprint of the Beachie Creek fire," the agency said.

Neither the Forest Service nor ODF would estimate a timeline for completion of their investigations.

"Sometimes it is easy to assume the cause and origin of a fire, but further steps need to be taken to prove civil (preponderance of the evidence) or criminal (beyond a reasonable doubt) in a court," the Forest Service said in a statement. "These steps might be trace analysis investigation at a crime lab (DNA takes time) of evidence collected during the wildland origin and cause investigation, investigation and documentation of known or associated suspect social media, search warrant preparation and execution, and analysis of seized items, interviews, etc."

Who's to blame in the Santiam Canyon?

In the Santiam Canyon east of Salem, three different fire events converged and competing narratives and lawsuits have left a complicated situation in an area simply trying to rebuild and move on.

What's known — and has been known for two years — is that starting the afternoon of Sept. 7 and continuing through Sept. 8, historically powerful east winds caused the already-burning Beachie Creek Fire to roar out of the Opal Creek Wilderness, the Lionshead Fire to roar from Mount Jefferson to Detroit, and some combination of downed power lines to ignite fires in Santiam Canyon cities from Detroit to Gates to Mill City.

The long-held question has centered on the primary source of the destruction: the downed power lines and Pacific Power, or the already-burning active wildfires.

Originally, on the morning of Sept. 8, the Forest Service told the Statesman Journal that the Santiam Canyon fires "were started by falling trees that knocked down power lines and ignited small fires that grew on historically high winds."

Later, in a report authored by Northwest Interagency Incident Management Team 13, a Forest Service team managing the original Beachie Creek Fire, wrote: "Fire managers have now determined that at least 13 new fires were started between Detroit and Mehama from downed power lines during the peak of Monday's wind event and then on Tuesday a large front of wind-driven fire ran through the city of Detroit from the east."

The Forest Service has not offered a more detailed explanation of the "13 new fires" despite multiple requests, instead pointing to the final investigation report yet to be produced. But numerous eyewitnesses, both in interviews and in 911 calls, reported numerous power line-ignited fires.

Local firefighters have long said the focus on the downed power lines is hogwash — and has become a scapegoat for the agencies' failure to put out the Beachie Creek Fire when it was a small blaze in the Opal Creek Wilderness weeks before the wind event.

They allege it was the original fire spreading out of the wilderness and into the canyon that did the lion's share of damage. Satellite maps showing the spread of the heat, hour by hour, do show the bulk of heat emanating from the original fire and spreading into the canyon.

"If the Forest Service would have put out the Beachie Creek Fire like they should have and the wind did cause power line issues, we could have handled those, but we were way too busy trying to stop the Beachie Creek Fire," Mill City Fire Chief Leland Ohrt said.

The Forest Service has long maintained that terrain was too steep and dangerous for firefighters to safely attack the fire while it was in the wilderness area, leading to a "containment strategy."

Ohrt and a small group of volunteer firefighters who stayed all Labor Day night fighting the fire are credited with saving much of Mill City. They point out that NW Team 13, which blamed the power lines, evacuated the Santiam Canyon early despite pleas from the volunteers to stay and help.

"I think that someone is just trying to cover their butts," Ohrt said. "The Forest Service also said they were overrun, which was not the total truth. The homes in our district burnt due to the Forest Service not doing their job. The power lines were not the reason."

Carmickle, the Gates mayor, blames both the Forest Service and Pacific Power.

"Pacific Power doesn't want to take responsibility for their actions in not turning off the power despite knowing about those winds for days ahead of time, and the Forest Service doesn't want to take responsibility for not putting out the original fire," he said. "And we've heard nothing for two years."

ODF said it has been busy in the Santiam Canyon looking for those answers.

"It's most accurate to say we're still investigating fires within the Santiam to determine cause and points of origin," Pranke said. "The ODF investigations

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group is extremely thorough and methodological in their investigations to create a full picture of what happened during a fire, and in turn helps validate the accuracy of the cause and origin of that fire."

She added that the investigation was slowed by the pandemic — which limited the ability to interview witnesses — while the agency also has to respond to public records requests, oversee depositions of firefighters and fire managers, and complete evidence inspections for these cases.

Each of the communities impacted by the Labor Day Fires has its own story — often similar to the Santiam Canyon — that residents say requires clarification.

Slow speed jeopardizes claims, sows mistrust

For wildfire victims, the speed of the investigation is significant, not just for peace of mind but because anyone personally injured by wildfires has a two-year statute of limitations to begin legal action. With no formal investigation results, people who suffered won't know where to seek legal remedy and could miss out on the chance to recoup costs.

The delay also has eroded impacted communities' trust in government agencies.

"The way it's played out, with just a total lack of accountability, has been really disgusting," Carmickle said. "It's just been people pushing blame on each other. In this community, we are willing to forgive, but we do want accountability and we haven't had that."

There is also a belief that the long delay is agencies hoping to sweep their own responsibility in the wildfires under the rug.

"I don't think you will ever get the truth out of either agency," Ohrt said.

The lack of an investigation outcome limits the ability for lawyers — on either side — to use the most critical piece of evidence in civil trials. Victims' lawyers can't use it to build their case for additional relief for those who lost their homes or loved ones. Meanwhile, it may be depriving Pacific Power of evidence needed to defend itself.

It also has prevented the public from accessing some of the details of the investigations compiled so far. Agencies, including the Oregon Department of Forestry and U.S. Forest Service, have blocked public records requests into information from the Labor Day fires, citing "ongoing investigations."

The Statesman Journal had numerous records requests denied, including the original report from Northwest Team 13 on their version of events that happened Labor Day night to require the fire crew to evacuate from the Old Gates School.

"The people of the State of Oregon should be allowed to know what their government has been doing, both to learn how the fires started and how to avoid such tragedies in the future," said Derek Johnson, a partner of Johnson Johnson Lucas & Middleton in Eugene, a law firm working on the case against Pacific Power.

Learning the right lessons?

In the two years since Labor Day fires took his home and badly burned his wife, Bailey said he's seen little change in terms of emergency preparation in the Santiam Canyon.

Bailey, who previous to moving to the Santiam Canyon helped coordinate relief in the town of Paradise, which burned in the 2018 Camp Fire, said that any final investigation report needs to be a jumping-off point for improving coordination in the event of another cataclysm — whether it's fire, flood or earthquake.

There needs to be better emergency communication, preparation and leadership, he said.

"There needs to be a clear accounting of what happened but just as important, on what didn't happen and why it didn't

happen," he said. "Unless we can understand those failures, they are doomed to repeat themselves."

Echo Mountain Complex – Lincoln County, Oregon Department of Forestry
South Obenchain Fire – Jackson County, ODF

Alameda Fire – Jackson County, Ashland Police

Beachie Creek Fire – Santiam Canyon section, Marion/Linn County, ODF

Beachie Creek Fire – Opal Creek Wilderness/federal land segment, U.S. Forest Service

Lionshead Fire – Warm Springs Reservation, Forest Service

Holiday Farm Fire – Lane County, Forest Service

Archie Creek Fire – Douglas County, Forest Service

Riverside Fire – Clackamas County, Forest Service

Slater Fire – Siskiyou/Josephine counties, Forest Service

242 Fire – Klamath County, Forest Service

The Forest Service didn't specifically address the fires but instead issued this statement in response to questions from the Statesman Journal:

"The primary goals in wildland fire investigations are to preserve the scene, determine the origin, determine the cause, determine potential responsible parties, protect evidence and to preserve the interests of all parties as far as possible. Answering all the questions of where (origin) and how (cause) are the first steps of any investigation and is a science-based, systematic methodology. Every wildland fire investigation is unique. Timeliness of completion of an investigation is on a variety of factors such as location, accessibility, evidence analysis and resources available. The goal is to answer the 5 w's (who, what, where, when, why, how). The order changes in fire investigation to when, where (origin), how (cause), why (is there intent or maliciousness), who (subjects or suspects).

Every investigation is criminal until evidence shows it isn't. Sometimes it is easy to assume the cause and origin of a fire, but further steps need to be taken to prove civil (preponderance of the evidence) or criminal (beyond a reasonable doubt) in a court. These steps might be trace analysis investigation at a crime lab (DNA takes time) of evidence collected during the wildland origin and cause investigation (OnC), investigation and documentation of known or associated suspect social media, search warrant preparation and execution, and analysis of seized items, interviews, etc.

Like any investigation, some are fast and some are slow. Additional information about wildfire origin and cause determination is available at: Wildfire Origin & Cause Determination Handbook (nwcg.gov)

- These fires remain under investigation.

- We do not have an estimated timeline for when the investigations will be completed.

- While fire investigations are active, it's important to keep all pertinent information and details confidential to not jeopardize the outcome.

- Additional information about the fire investigation process is available from NWCG at Wildfire Investigation (nifc.gov). It also includes the most recently revised general cause categories for wildfires.

Just as fire does not know jurisdictional boundaries, fire investigators from different agencies and geographical areas work together to complete investigations. *Zach Urness has been an outdoors reporter in Oregon for 15 years and is host of the Explore Oregon Podcast. To support his work, subscribe to the Statesman Journal. Urness is the author of "Best Hikes with Kids: Oregon" and "Hiking Southern Oregon." He can be reached at zurness@statesmanjournal.com or (503) 399-6801. Find him on Twitter at @ZachsORoutdoors.*