



BARRY POINT FIRE
FREMONT-WINEMA NATIONAL FOREST
FACT FINDING REVIEW REPORT
SUPPLEMENT

Prepared for:
Regional Forester
Region 6, U.S. Forest Service
Portland, Oregon

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Introduction

This report is a supplement to the Barry Point Fire Fact-Finding Review Report prepared for the Pacific Northwest Regional Forester by Shepard & Associates, LLC, dated January 9, 2013. Following the release of that report and other reports developed by the U.S. Forest, the Regional Forester met with several of the stakeholders that were affected by the Barry Point Fire. Several people expressed the concern that their views of events related to the fire were not adequately presented in any of the reports. One of the original objectives of the January 9th report was to “tell the story” from the perspective of the local landowners and permittees. The scope of the original report was changed as the process evolved and individual perspectives were lost.

Following the meeting with stakeholders, the Regional Forester asked Shepard & Associates, LLC to prepare a supplemental report to the January 9th report that presented the Oregon landowner/permittees’ stories of the Barry Point Fire from their own perspective, undiluted by editing or revision. This supplemental report presents the stories of most, but not all of the stakeholders interviewed for the January 9th report.

Background

The Barry Point Fire was ignited by lightning on August 5, 2012 and was contained on August 27th. It was one of several fires that started during a lightning storm that hit the Lakeview area. Federal, State, and local firefighting resources aggressively attacked and successfully suppressed all fires in the area, except for the Barry Point Fire. Records show that the Barry Point Fire was aggressively attacked, but escaped initial attack. This fire spread to the east and then to the south over a period of 14 days before weather and suppression actions halted its spread on August 18th. By the time the fire was declared contained 92,977 acres had been burned. It had progressed from initial attack forces to a Type 1 Incident Management Team (IMT) organization by the time of containment.

This fire raised controversy from the very beginning and much of that controversy continues to this day. Questions have been raised on the strategies and tactics used to suppress the fire; management of the incident; management of the National Forest (from the local to the National level); management the Oregon Department of Forestry (ODF) and its interaction with Federal firefighting policy and forces; communication between the agencies, local officials and landowners, and between the incident management teams and the Forest; and post fire activities. Multiple reviews have been undertaken on this fire and others continue. After action reviews are not uncommon in the wildland fire community. The agencies use such reviews as a way of learning from the past to improve future firefighting operations and to change policy where appropriate.

In October 2012, the Regional Forester commissioned a review of the Barry Point Fire to determine the facts of the fire by reviewing applicable fire records and interviewing local officials, local landowners and

permittees, National Forest personnel, ODF personnel, and Incident Management personnel to get their perspectives. The original delegation to Shepard & Associate, LLC had three objectives:

- Conduct interviews with fire personnel and community members to develop a common understanding of what occurred on the fire.
- Develop a report that captures the common community and landowner concerns or narrative of the fire.
- Include lessons learned that might apply to future fires.

The work was started by interviewing people involved with or affected by the fire. After compiling that information and starting to prepare the report, the Regional Office changed the scope to change the lessons learned objective to finding and recommending areas that needed a closer look by other review teams. The Fact Finding Report identified and recommended four issues for further review.

The January 9, 2013 Fact Finding Review Report can be found on the Fremont-Winema National Forest web site at www.fs.usda.gov/fremont-winema.

Methods

During the weeks of October 29th through November 3rd, 2012, Shepard & Associates, LLC conducted interviews with over 25 landowners/permittees, county officials, National Forest personnel, ODF personnel, and Incident Management Team members. The interviews were not recorded; however the two interviewers took handwritten notes to capture the main points presented by those interviewed. As stated in the January 9, 2012 report, there were no set questions. Those interviewed were asked to talk about their experiences with the Barry Point Fire. They were asked follow up questions to clarify points. To set a starting point for this supplemental report, the handwritten notes for each of the county officials and Oregon landowners/permittees were typed and then the two note sets were combined.

Very few discrepancies between the two sets of notes were found. However, it was recognized that the notes likely did not fully capture all of the points presented by those interviewed and there may be errors in the notes. The notes were sent to each of the county official and landowner/permittee interviewees by email and/or regular mail for review. (See Appendix A for the letter sent). Those interviewed were asked to correct or delete information found in the notes and to add any information that was missing from the interview or that they wanted to add. The individuals interviewed were told that the notes, as edited by them, would be presented in this supplemental report without any substantive editing. They were asked to respond by April 8th. Some of those interviewed asked for more time due to pressing work, such as calving. This was discussed with the acting Deputy Regional Forester who decided that it would be better to give more time to prepare a thoughtful response, in their own words, than to rely on notes that may contain errors. Additional time was granted.

Along with the notes, each of the landowners/permittees interviewed were sent a questionnaire (Appendix B) giving them the opportunity to opt out of having their information presented in the supplemental report, having it included and attributed to them by name, or having it included without attribution. All of the interviewees that responded chose to have the information attribute to them, with the exception of one that chose to have the information included, but not attributed.

Thirteen individuals or families were contacted and all responded. Some accepted the notes as is and did not make any changes, some made changes to the notes or added comments, and other chose to write their own narrative. Two chose to write a letter for inclusion in the report. No changes have been made other than some minor typographical or grammatical editing that did not change the substance of the submission. The individual reports are presented in alphabetical order.

INTERVIEWS

Bill Albertson

Bill and his family own land on the west side of the fire in the Yocum Valley area.

Bill started out by pointing out his property on the map.

Bill reported that he did not see anyone “fighting the fire directly, just lighting us up.” (referring to burning out or back burning on Bill Albertson’s property.)

On Saturday, 8/11 Bill got a text saying the fire was in Yocum Valley at Onion Knoll, burning there and into Albertson property where his cattle are summered.

[Note: The following replaces our existing notes as it is in much greater detail than the notes taken during the interview on October 30, 2012. The following is as it was submitted to us for the supplemental report.]

“I called my brother John & headed for Yocum thru Long Valley using 3940 # Forest Road as 4017 Forest Road would be burned there. As I approached the Junction of Hay Creek, Strawberry & Long Valley I took 3940 # Forest Road that was north of Governor Ridge and East of Long Valley. I started running into loggers removing trees on Governors Ridge side of road along with numerous Fire Crews clearing also on East side of 3940 Forest Road. As I reached the top of hill between Yocum and Long Valley I ran into a local contractor cat crew. After visiting with them I found out the fire was still in the Dog Lake basin hung up in the old Onion Burn. They also said they were preparing this block of 6 to 8000 acres that included Governors Ridge & Private property in Yocum Valley to be back burned.

By then brother John pulled up behind me with his pick up and trailer with his back-hoe. John and I headed down into Albertson Property in Yocum Valley, we stopped at the cinder pit pondering, what we had learned from the Cat Crew. As we were outside talking a F.S. fire crew pick-up with a Hot-shot crew super came out of our property that my cows were on, he and 2 others in the pick-up stopped to talk to us. We asked him if it was true that they were going to back burn Governors Ridge into Yocum and East of 3940 back to Dog Lake, he said yes, tonight or tomorrow night. We asked why when the fire is hung up in the old Onion fire east of 4017 Forest Road in the Dog Lake Basin. He said he was following orders. We asked and got a list of names and numbers for the IC head and his team.

We left John’s pick-up and back hoe in the valley and took my pick-up over to 4017 Forest road, we drove up to the top hill of Yocum and Green Valley. The fire was east of 4017 over the rim. There was no wind. It was very calm, dead silence, almost eerie. We went to an old Forest Service rock pit to call out on our cell phones. John called Brian Watts IC commander and asked why we were not contacted about the back burn which would burn all of Leo Albertsons and my timber in Yocum Valley, he said he was sorry, my bad! John called Dustin Gustaveson from State Forestry, he told John that Mike Carlson would meet him in Yocum later that night to see where possible cat lines could be established on Rim above Dog Lake.

The Garrett ranch was moving their cattle off the Governor Ridge allotment, some on us and some into the Dog Lake marsh. Then we waited for awhile for Rick Wagoner with ODF to call John back. We finally left the Rock Pit and went down the hill into Green Valley, and turned around @ Green Creek. We did not see one fire fighter from Yocum Valley on 4017 to Green Valley. We wondered why they weren't prepping 4017 instead of 3940 road, miles from the fire. We went back to Albertson Property in the middle of Yocum Valley to spend the night at the corrals. We had heard earlier on a Forest Service radio, that they wanted someone to make contact with us to possibly have us leave for our safety. A couple of hours later a woman showed up and asked us if we were staying the night. We told her yes right here on Albertson Property.

Mike Carlson with ODF came by and picked up John, they went to the top of the hill in Yocum and Green Valley, and John showed him where he could put in cat lines east of 4017 and back fire and burn into the fire on the Dog Lake side of the rim and not burn Governors Ridge.

While John was gone I could here a cat working north of us on my father's property then I could see lights, it went clear across the Valley East, to my place west of 4017.

August 12, 2012 we awoke to smoke so thick you couldn't see ¼ mile. John and I went back to rock pit over looking Green Valley. There were fire crews prepping 4017 from the Yocum Valley to the top of hill of Yocum. We pulled in the old rock pit and turned our cell phone on. John had received a message from Rick Wagner from ODF. It said they were calling off burning Governors Ridge and would move closer and possibly do a back burn that made sense. We went back to the corrals were we had previously spent the night. I told John I was going to check the FS cat line they had put in on dads and to check the fences. The cat came out of FS land and went threw our gate which they never closed. I saw cattle tracks in the cat line going out in the FS proposed back burn area. Luckily I found them and put them back on us, I closed the gate and followed the line thru our meadow and out of our property about 1/8 mile from a gate, here they cut our fence and left it. I didn't have fencing tools so I fixed it back the best I could until I could come back later and fix it right.

I went back to the corrals I met up with my brother John and told him what I found. Not only did they not tell us that they were going to burn us out, they put a cat line that would not of stopped a fire, left a gate open to allow cows to get out in the very area they were going to burn. They had also cut our East fence and did all of this without notifying the land owner. We spent the rest of the day prepping around dad's cabin.

The fire didn't move much today, no wind and the West boundary of fire is hung up under the rim on Dog Lake side in the old Onion Burn. John and I went home for a few hours and come back to see what would happen next. After dark we would see they were back burning from Green Valley up the hill thru the rock pit about (East) of 4017. We could also see headlamps on top where John had shown Mike Carlson to make a cat line. After awhile we could see small fires starting approx ½ mile east of 4017 on top of Rim between Yocum and Dog Lake.

Around 10:30pm we went home. The next morning brother John went to the 6:00am daily meeting at the fairgrounds. The day shift firefighters had to attend. John had a meeting with Travis assistant Chief of fire for ODF, Dustin Gustaveson, Greg Pittman, Bryan Watts, IC commander outgoing and Steve Gage

incoming IC commander. He asked them can you back burn or burn out private property without notifying the land owners, they can't.

About 7:00am John stopped by my folks place and told us what he found out at the meeting. A few minutes later my brother Hank called from Green Valley and said the back fire from the night before had jumped 4017 road and was burning in on me. I left immediately heading for Yocum using 4017, John went home to pick up his back hoe. As I crossed Green Creek (Where the back burn was started the night before I did not see one firefighter all the way up the hill) As I topped over into Yocum I drove thru approx 1/2 mile of fire on both sides of the road and again no firefighters anywhere. As I turned off of 4017 onto the road that accesses my property brother Hank and his wife met me. Hank got in with me, a lone forest service employee asked how many was going into fight the back burn on my property. I told him Hank, I, and brother John would be here with a back hoe in 15 minutes. As we went down the hill, we went from FS land to private property that is 1/2 to 3/4 miles from my east property line. Just thru the gate there was 2 spot fires about as big as a house, one on either side of the access road. The breeze was coming out of South & East the 2 spot fires were south and west of the fire. I remember thinking how odd we have 2 spot fires so far from the fire and in the wrong direction of the breeze. We went on thru another neighbor property then on to my own land. I parked north of the meadow, I look at my watch it said 8:08am. Hank and I took water and shovels; we went to the NE corner, no fire here yet. We could see it 200 yards up the hill towards 4017, we moved south, the fire had already burned in on me about mid point of my East property line. Hank and I started making a fire line with our shovels. John arrived and widened the line south to the property access road.

We expected the fire crew to show up to help us, but they never did. About 9:30-9:45 am I heard numerous chain saws running thru the morning, they kept getting closer. Around 10:15 am we had a line on the inside of my fence and were trying to stop the fire from going any further south on my neighbor's property. During the time we were fighting the fire it was low and slow, and not enough breeze to make it spread very fast. I walked up to the access road and met a super he said two cats were coming and should be there by 11:00am. I told him that I had heard them earlier west of us. Around 11:00 am both cats showed up. A forest served cat and a contractor cat out of Bly, operated by John Richmond and a FS cat boss who asked us if we could show them where to go. I told him they need to hit the south fire line between us and 4017, which both cats did. Both cats came back to where they started, the contractor cat and cat boss went back up the new line to widen it. The FS cat and cat boss followed me north along my east fence line that was already burned, and the fire was out. The cat boss didn't act like he wanted to cross the black. I told him we need to get the north end of the back burn as the fire is spreading north and west towards Governor's Ridge. We finally got him to the fire area east and north of me, when a tree crowned and he said "This fire is trying to tell us something". He told the operator to drop back to a safe area a couple yards down the hill. John and I went on ahead throwing dirt with our shovels on little spot fires. About 1/2 hour later we heard the cat fire up. Even though we were on the west line we could see that if we could just get the cat another 200 yards up the hill, he could turn east and have the fire contained. The sound of the cat got dimmer and dimmer they never came back. John and I went back to the back hoe, pretty bewildered, wondering if the fire would burn Governor's Ridge and all our timber.

John and I drove the back hoe out of the timber after checking our fire line. As we came out in the meadow we saw the 5 grey back fire fighter rigs leaving my meadow where they had been parked.

After arriving at the pick up John and I decided to have John clean off an area for his back-hoe just in case. Then John said I am going back to check our fire line. About that time Lake County Sheriff Phil McDonald showed up looking for Hank. He had made contact with Hanks wife, who was worried about his safety.

Hank and I visited with Phil about our morning work, fighting the back burn without any help from FS or ODF. 2 helicopters came and started dropping water on the south and north line, also 2 dipper air tankers dumped 2 loads a piece on the north line.

After about 30 minutes John had not returned. The fire crews were still lighting up the second back burn off of my access road instead of 4017 FS road.

I told Phil and Hank I was worried about John being in the 2nd back burn fire area. Hank said he would go look for him. He came back without my brother John; he said that he could not find him. By now I was thinking John probably got burned up in the new back burn, because he had no way of knowing that they were going to light me up again. After Hank left a woman FS fire fighter came across the meadow and came back where Phil and I were standing and I asked her what she was doing. She replied looking for spot fires in the area that we were in. I told Hank that I was going to look for John and for him to stay put.

I then went to the NE corner of my property and I could hear a cat coming off the hill from the north, off of FS land. I saw my brother John walking with the cat crew, I told John I thought you got burned up since no FS or ODF people had even notified us of the second back burn. John said that John Richmond and his cat boss had stopped the fire from reaching Governor's Ridge. The helicopter and air tankers had left as suddenly as they appeared. All the FS firefighting crews were walking single file out of the area. I told John to go to the pickup and stay put. I went west from my NW corner to see if there were any spot fires on my property. As I came out of the timber on my property I saw a FS, a State Forestry, the Sheriff's, and a federal law enforcement pick up, with several people talking to the Sheriff, and my brothers John and Hank. I walked up to the group and asked who they were, as I did not know the FS person. He introduced himself as Randy Ostman, Private land owner liaison. Rick Wagner, Kelly Carlson, Dustin Gustaveson with the ODF, Mark Suba federal law enforcement, deputy sheriff Daniel Tague, and Sheriff Phil McDonald (were in the group). I asked why they back burned me the second time today there was no reason to burn me out. The closest fire was well over a mile or more from me, there was nothing but green forest south of me. 4017 FS road was 400 yards up the hill from my south boundary line, why did they not burn off of it since it was already prepped. I asked the ODF did you know they were going to burn me out this afternoon, they said no. I asked who gave the orders to burn me a second time today, the first back burn the Albertson's controlled it without any fire fighters help. Neither the FS liaison nor the ODF could tell me who and why. Now 8 months after the fire I still do not know anymore that the day of the back burn. Fred Way needs to find another job. He wants all of us that got burned out to be friends and good neighbors again with the FS.

Senator Whitsett and Congressman Walden both toured the private land burned during the Barry Point fire at different times. When Congressman Walden toured the area there was several FS employees including Fred Way. When we arrived at my property Fred chose to stay back and visit with the neighbor lady at the rigs instead of seeing what happened on August 13, 2012 on my property. If you would ask Fred today what happened on the Albertson's property he would have no clue. Fred left his post towards

the end of the fire, if you are hired to manage a forest or any other business you don't leave your post when things have gone to hell in a hand basket. Yes, I was very stressed and emotional and still am after 8 months of stonewalling, meetings, letters, interviews, and still no answers from the Federal or State fire agencies. Other than they did agree in a January 2013 FS meeting over 50% of the fire was either back burned or burned out, as they call this "fire suppression". I saw a report that over 12,000 acres of private and over 42,000 acres of national forest was burned on the Oregon side during the Barry Point Fire. Yes, I broke down during my interview with Ed Shepard and Roy Montgomery. When you see your property being burned from a back burn that FS and ODF had allowed to burn in on you with only your 2 brothers and yourself fighting it and all but stopping it without fire agencies help. Then without any consideration of your land or the very safety of your lives, light you up a second time. My brother John disappearing during the second back burn of the day, and both Hank and I looking for him thinking that he had been burned up in the second back burn of the day, as no one notified us it was going to happen. If the wind had changed to the normal SW flow we could have all been burned up without any way out.

The government fire agencies whether FS or ODF personnel on IC teams lack leadership, they are indifferent and arrogant to the land owner, they ask no permission, recognize safety for themselves but not for the land owners, no communication, totally disconnected from land owners feelings in regards to there property rights, they do not use local fire officers that know the area and the terrain, not to mention the land owners. The 6:00am fire fighters meeting every morning wasted valuable fire fighting time as they were up to three hours between shift changes and the fire was left un-checked and unattended and to burn wherever. My two questions I want answered are-

#1 If the government puts a boot in your ass who protects you and your property rights from being burned or taken by any other means?

#2 Why can't the government officials tell us the TRUTH about the Barry Point fire and the wrong decisions that were made when they burnt our property?

In closing, the people of Lake County should be outraged of the "suppression" acreage burned in the Barry Point fire. Over 50% for suppression acres is unacceptable. My faith in the FS and ODF has been lost.

I would like to thank Lake County Commissioner Dan Shoun, Sheriff Phil McDonald, Senator Doug Whitsett, and Congressman Walden for all their help, and concern.

Thanks

Bill Albertson"

John Albertson

October 30, 2012

April 7, 2013

Mr. Shepard,

I have attached my description of the Barry Point fire starting Saturday August 11, 2012. From the first time you and your associate interviewed me up until now this process has not gotten any easier. I have spent countless hours telling what happened and trying to get some answers from the Forest Service and Oregon Dept of Forestry only to have my words diluted, edited and distorted. I have lost many productive work days, and spent many sleepless nights trying to understand how our Government has become so dysfunctional. You were asked to do a third party independent review only to have your document edited to satisfy the same person, Kent Connaughton, who commissioned you to do it. I truly hope that this is not going to happen with the information that I am sending to you today.

John Albertson

John Albertson was interviewed on October 30, 2012. The statement that follows replaces the notes that were taken during the interview as they are in more detail. The following was submitted by John Albertson for the supplemental report.

“Saturday, 8/11/2012

Prior to this day neither I or my family had any contact with the USFS or ODF. My brother, Bill Albertson, contacted me via phone to say the fire was coming into Yocum Valley. I loaded my backhoe onto a trailer and followed Bill to Yocum going thru Long Valley. On the Road #3940 that goes thru Long Valley and enters Yocum from the north we encountered many hotshot crews prepping the road. WE did not know at that time what their plan was in regard to the prep work on this road. We arrived in Yocum around mid day and found a hotshot crew leader coming off some of our property. We stopped him at the Cinder Pit. He informed us after we asked him what all the hotshot crews were doing that we had just passed and he said they were preparing to burn an 8000 to 9000 acre block what would also burn all of our timber. This block of land is also a large part of the water shed that supplies water to Albertson Reservoir, which we use to irrigate 1200 acres in the valley. I asked the hotshot crew leader

why we had not been contacted. He replied that he did not know why, but continued to say they would put in a cat line around our property. I told him we had property outside of the fence line. He then gave me the name of Brian Watts and a phone number for him, and told me he was the Incident Commander, I.C. My brother Bill and I drove to the east side of Yocum to a gravel pit on the rim between Dog Lake and Yocum where we had cell service. I called the Fire Camp and asked to speak to Brian Watts, after about 15 minutes of waiting on the phone Mr. Watts came on the line. I told him who I was, where I was and asked him why we had not been notified that the USFS and ODF were prepping to burn Governor's Ridge and all of our timber lands? His reply was "Sorry, my bad." I told him that was not an acceptable answer. I also informed him that the "plan" to burn-- the 8,000 to 9,000 acres including our timber lands—was criminal. I then called Dustin Gustaveson at ODF and told him what we had discovered. He said he would send Mike Carlson of ODF to meet with us and get things taken care of. Dustin also said Rick Wagner with ODF would call me shortly to discuss the situation. Wagner did not call while I waited on the rim—the only place we had cell service. Bill and I went back into the valley and spent the night in our vehicles. Mike Carlson showed up and I took him back to the top of the rim between Yocum Valley and Dog Lake and showed him a better burnout spot that made sense and would NOT burn the 9000 acre Governor's Ridge block that they planned to burn. He said it was a good idea but he didn't think he could get it by the "bean counters". I told him that the fire had stopped moving towards Yocum, it had hung up under the rim on the Dog Lake side and it was ridiculous to burn Governor's Ridge and our timber lands. He agreed.

Sunday, August 12, 2012

Bill and I went from the valley back up to the rim to make phone calls about 5:00 am. I had a message that Rick Wagner left after we had left the cell phone area the night before. He said that they had got the whole idea of burning out Yocum Valley shut down and that Mike Carlson was working on a burnout a lot closer to the fire that made more sense. He also said he would be up to meet with us. Mr. Wagner did not get his phone hung up as he thought and continued speaking with someone that must have been in his vehicle. He and the other person went on to have an animated conversation about us and the fire situation. Mr. Wagner went on to make jokes about what he had said to me and what he should have said to me. He also referred to all the dozers sitting around doing nothing and having no lights while everything turned to shit. We spent the rest of Sunday in Yocum cleaning an area around our cabin with my backhoe. Bill found where the USFS cat had cut the fence in one of the fields from the night before when they put the cat line in. We found that they had not put the line in around the fence as promised.

We went home for a short time in the afternoon because the fire was STILL not moving west towards Yocum. It was still laid down just like it was on Saturday when we arrived. When we returned in the evening things had not changed, but as it got dark we could see that there was fire in Green Valley which turned out to be more back burn. We could see head lamps along the rim between Yocum and Dog Lake. They were trying to back burn along the rim where the fire had a natural stop and where it had been for two days. They did not back burn from the road leading to the rock pit as I had discussed with Mike Carlson the night before. We went home about 11:00 p.m.

Monday, August 13, 2012

I went to town to fire camp for the 6:00am morning meeting or briefing. I talked with Greg Pittman and Dustin Gustaveson and they introduced me to Travis Medima, ODF assistant chief of fire. Travis asked me if I would meet with the two IC commanders, Brian Watts and Steve Gage. During the meeting I told Watts and Gage that ODF personnel, Pittman and Gustaveson, had told me that it took a week for ODF and the IC team to get on the same page. I told them that was not acceptable and that management was like a bunch of dogs around a fire hydrant. I restated to Mr. Watts that his remarks from our phone conversation about us not being contacted in regards to burning us out and specifically the "sorry, my bad" was not acceptable. During the meeting I asked the entire group "where does it say that you can burn us out without prior notification?" They responded that it was not going to happen. I took them for their word. I left to meet with my folks and Bill for breakfast. We were eating and I was explaining that things had been resolved when my brother Hank called from the rim in Yocum to say that the fire was entering Yocum near the Picnic Ground, because the back burn from Green Valley, that had been set the night before, had jumped the road and was heading for our property. Bill went to Yocum in his pickup and I went home to load my backhoe. I went to Yocum via the Green Valley road, #4017, Hank said the fire had laid down and I could get through that way. I drove into Yocum into a safe zone and unloaded the backhoe and headed to the picnic ground. Bill and Hank had a good start on digging a hand line on the east edge of the property, so using the backhoe I started widening the line, moving downed trees and continued putting in more line. There were no other people around, it was several hours before two dozers showed up. One dozer operated by John Richmond started building line on the east boundary from south to north and on up the rim onto USFS land. Two helicopters showed up and made many drops to the east and north of us. We had a good line along the property and the water drops had things well under control. Also two air tankers made two drops a piece on the north line. Bill and I met up in the meadow with the back hoe and where he had parked his pickup. We saw four or five Greyback rigs leaving the meadow.

I built a pad to park the backhoe free of anything combustible. We had heard chainsaws running after the dozers showed up but didn't know that they were prepping the road that leads to the picnic ground. This road is the only access to the property! At about 1:00 pm. I told Bill I was going to check the fire line on the east side of the property. Bill stayed with the pickup and backhoe. I walked to the east line and went south to the property corner and saw all was good there. I then went north up under the rim onto USFS lands and met up with John Richmond running the dozer. I worked near him for some time. I then observed a wall of flames to the south near the south property line. I headed back to Bill and the equipment; I was thinking that something had gone terribly wrong. I found Bill in a panic as he and Hank had been looking for me thinking I had gone south to where the wall of fire had erupted. To my total disbelief this wall of fire was a burn out that was set the full length of the access road leading to the picnic grounds, it was our only way out! The Lake County sheriff, Phil McDonald, had arrived while I was working near John Richmond. The sheriff was there looking for Hank, because his wife was concerned about his safety. Phil had stopped at the intersection of #4017 and the access road to the picnic grounds and asked the USFS personnel if the Albertsons were still on the picnic ground property.

They told him that we were still there so he came down the access road and met with Bill and Hank. The USFS did not advise the sheriff or my family that they were going to do a burnout on the access road. We had no contact with the crews that set the back burn fires on the access road. After the burn out had cooled down the Land Owner Liaison group showed up on the property: Rick Wagner--ODF, Kelli Carlson--ODF, Dustin Gustaveson--ODF, and Randy Ostmen—USFS, also Daniel Tague, Lake County Sheriff's Deputy and Mark Suba USFS arrived on the scene. I met Rick Wagner and confronted him about the phone message he left Saturday night. He did not deny what had happened and seemed very embarrassed. The conversation with the Land Owner Liaison Group was very pointed and sometimes heated. None of them could or would answer the question of who authorized the burnout that trapped us on the property. We stayed on the property until early in the evening and then I took the backhoe back to the Cinder Pit in the middle of Yocum. We continued to monitor the fire for hotspots for several days. I then moved the backhoe home to the Westside. Later that week when the fire came close to the valley and the Westside community a friend called and was concerned that his home may be in danger as well as others on the west edge of the valley. I drove the backhoe to his home and did some work around his house, removing sagebrush. ODF personnel showed up and said that they had a dozer but they wouldn't unload it; they took it to the Mill Flat area and kept it on standby near the north edge of the flat. The fire had already gone through that area and was headed south and west toward the valley. As the result of ODF's refusal to unload their dozer local residents—Evans Ranch, Lakeview Water Users, Ace Felder and John Albertson cleaned debris on about 2.5 miles of canal road on the west edge of the valley while the ODF dozer sat on standby. I was told by Dustin Gustaveson that the dozer was on stand-by in case the fire decided to go north. As we all know the fire went 20 plus miles south into California, effecting about 25,000 acres of private timber owned by Collins Company and others. I contacted Dustin Gustaveson after the fire was out and asked him about getting reimbursed for my equipment costs; his reply was "We didn't ask you to help." These are the types of answers we have received for the past 8 months.

The public should be appalled by the mismanagement of our lands and resources. If they could see first hand what is happening when it comes to forest management and fire suppression they would demand changes at the highest level. We, the affected land owners, have seen firsthand the lack of accountability in both the USFS and the ODF and are asking our State and US representatives to step up and help us make the necessary changes so this doesn't continue to happen across the West. In conclusion—You can't fix the problem if you won't admit that there is a problem."

Evans Family

The following letter was submitted by the Evans Family in lieu of notes.

EVANS RANCH 

Quality Hay and Cattle



91106 Horseshoe Lane
Lakeview, OR 97630

(541) 947-2844

May 9, 2013

Mr. Ed Shepard
Shepard & Associates, LLC
PO Box 849
Newberg, OR 97132

Mr. Shepard

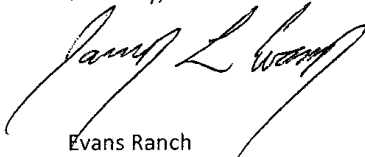
Please accept this letter as notification that other than this correspondence, Evans Ranch does not want to be associated with and/or a part of your investigative report of the Barry Point Fire. Your Report and testimony in Salem on May 2, 2013 failed to mention many of the observations and comments **made by you and Roy Montgomery** during the tour of the Barry Point Fire. These observations and comments included references to, lack of management and organization, missed opportunities, fire fighters acting independently etc.

After your tour of the Barry Point Fire on the Oregon side, Ace Felder and I (James Evans) asked you what you would do if you were in our shoes, you said "lawyer up".

It is very sad, but apparent that your report is skewed in favor of the organization funding it.

Please include this letter in your supplemental report requested by Regional Forester Kent Connaughton.

Sincerely,



Evans Ranch
James L. Evans
Jerry R. Evans



cc: Regional Forester Kent Connaughton, US Senator Jeff Merkley, US Senator Ron Wyden, US Representative Greg Walden, Oregon Senator Doug Whitsett, Oregon Representative Gail Whitsett, Oregon Representative Mike McLane, Oregon Representative Cliff Bentz

Felder Family

The Ace Felder Family submitted the following letter in lieu of the notes from the November 1 interview.

Felder & Nevarez Ranches Inc.

15128 Westside Rd.

Lakeview, OR 97630

Shepard & Associates, LLC

I would like to have this letter placed in the supplemental report of the Barry Point Fire Fact Finding Report in lieu of the notes that were taken during our interview. After reviewing the notes sent to me, I found there were some errors, however more concerning was how out of context these notes would seem to someone without having some history or sense of what may have taken place leading up to these notes. There were questions asked that lead to the responses that were in the notes and without the questions, the responses in notes made little sense. In the notes, the part on our “final thoughts” were somewhat correct. Those being:

- There was terrible mis-management
- Communication was very poor
- We do not want to see anyone hurt
- Fire crews were frustrated not being able to fight the fire
- Crews were not given plans to fight the fire
- Concerned about FS using the “Box” concept to fight fire, too much land both private and federal is destroyed needlessly

The Shepard report on the Barry Point Fire was to be an “independent third party fact finding review for better or for worse” as told to us by Regional Forester Connaughton. This report did not tell all the story of what went on during the fire due to edits and revisions made by Region 6 Administrators. There was nothing mentioned about the massive acreage burned in back fires (approx. 60% of total acres burned) or the total disregard for private lands, the missed opportunities on numerous occasions to stop this fire, lack of communication with landowners and permittees, lack of safety concerns for landowners and permittees. I know this because myself and my family spent 7 days in the fire.

In the letter from Ed Shepard inviting us to give an accounting of the fire through our eyes, this is my accounting. From what I have been told, with proper management the fire would never have left Barry

Point. What I KNOW is after the fire crossed the 4017 road, it could have been stopped at Big Horseshoe Meadow and could have been stopped on Horseshoe rim before it got close to the residential area at Drews Reservoir, it should never have gone over Buckaroo Pass and entered the old Onion Fire burn. When it went over Buckaroo Pass and burned south to Fall Valley, the fire was very quiet and did very little damage. However, when the Zig Zag Crew lit their back fire Sunday night from Fall Valley, that back fire went back north and destroyed the whole west side of the Dry Creek Basin. This included the Harvey and Morris property. I KNOW on Tuesday 8/14 I told ODF Dustin Guastavsen that I could show them where to put in fire lines on the Feldkamp and Griffith properties to be effective and less damaging and I was ignored. Those back fires never met the real fire and caused somewhere around \$25,000.00 dollars in damage on the Griffith property alone. I KNOW on Wednesday, night 8/15 I was helping the Evans Family, cutting dozer lines on their property and ODF had a dozer less than a ¼ mile away and refused to unload and help. I KNOW on Thursday, 8/16 in the early morning USFS back fired the Griffith property without any notice and could have trapped us between the back fire and real fire had we been bringing more cattle off our forest permit as we had been doing the previous 5 days. I KNOW USFS burned up 150 acres of private timber on the Point Ranch that could have been avoided by simply putting the dozer line on a USFS two track road that ran parallel to the property line thus burning only juniper and sage brush on USFS property only and never touching the private timber. There are many more issues that could be brought forward; however, I think I've made my point.

To sum up my accounting of this fire, as I have said from the start, had this fire been completely out of control, without any opportunities to contain or put out, I would have never had said anything. This is not the case, our accounting or that of any other affected landowners has not changed since the fire and that's because the facts never change. At times we may be more emotionally charged than others, but rightfully so. All we are asking is for the truth and to see major changes in the way these wild fires are handled in order to be less destructive to public as well as private lands. Fire suppression should not be a revenue generating machine that it has become, the focus should be to put the fire out as quickly and safely as possible. We have never asked to put people in harm's way, but we are forced into unsafe situations in order to protect our businesses and private lands because of the way these fires are handled. The people at the administration and management levels must be held accountable for their actions or things will never change. Through all of the reports and reviews, I have not seen where there will be any significant changes for the upcoming fire season. As I have said without accountability there will be no change. This I KNOW.

FELDER & NEVAREZ RANCHES INC.

Ace Felder and Family

Lee Fledderjohann, Collins Pine

October 30, 2012

Collins Pine is a major landowner in the Barry Point Fire Area in both OR and CA. They also have active stewardship sales in the area. Lee was one of Collin's representatives on the fire.

Lee started his narrative from August 7.

Some of the area around Barry point had been logged by Collins back in 1994, so he was familiar with the roads and the timber in the area.

Collins Pine is a partner with ODF and has ODF radios in their trucks.

ODF's Rob Wood (one of the initial attack ICs) called in SEATS and other IA resources. Lee felt the IA was responsive.

Lee was in contact with the FS as the fire approached and got within 1 mile of an active logging show on USFS lands.

The fire started moving south as the Type 2 team came in.

Brian Watts, Type 2 IC tried to do fuel work ahead of the fire. Collins was instrumental in rounding up equipment from local loggers to accomplish this fuels work. Once Collins got the IC and the loggers hooked up, Collins did not provide any direction to the loggers; they were part of the fire team now.

Most fires in the area move SW to NE. Barry point started this way, and then it blew south.

The Ruby pipeline appeared to have been a good place to make a stand because it has a minimum width of 125 feet and a maximum of 195 feet. He knew this because Collins Pine cleared the right-of-way.

In anticipation of the fire moving south onto Collins land, Collins made efforts to widen State line Road, which is the northern boundary of their California holdings.

It appeared that the Forest Service was using the "big box approach" to corralling the fire. Using the Fletcher Fire (a fire that burned a few years earlier 2007) on the east and a county road in CA on the south to bound the fire; unfortunately this box included most all of Collins land in California and a significant portion in Oregon.

There was discussion of using the Beaver Dam road for the south control line (in CA), but this was dismissed without a reconnaissance of the road. Not sure why. Lee was present during the discussion and decision, and disagreed with the decision not to use this road.

There seemed to be some tension between the Division Boss and Division trainee about trying to stop the fire earlier or going further south. Lee saw this as "old school vs. new school".

Collins wanted to save as much of their land as possible as would be expected. Put in 5-7 miles of line on their property the first day the fire was on their property.

Lee reported that he was not asked for a lot of information by the IMT. This could have been because there was another Collins representative in fire camp at the same time.

Tried to get air support to support Collins line building, but was not successful.

Fire team seemed risk averse which may have led to missed opportunities. He felt that if there was any risk, the IMT backed away.

Safety comes first, but need to calculate risks. More work could have been done. Once the FS pulled out; they stayed out. There was no checking back to see if the situation returned to a safe condition for the fire fighters.

Collins had a contractor's pickup truck burn up (in CA) as they pulled out from line construction.

Collins lost 50 -70 million board feet of timber; 25% of their holdings

When the FS was developing the "box", he does not know if any analysis was done; maybe just judgment without any recon.

When the fire got into CA a Modoc Branch Director was assigned. A strike team from the Modoc was supposed to show up to assist (Collins line construction) but didn't. They were reassigned. Collins was in contact with CDF. CDF was not on the fire at all. They had their hands full elsewhere. Collins also had other fires (Chips Fire). It was mostly ODF that provided resources to support Collins in CA.

Lee does not think there was much burnout on Collins land. There may have been some impact from burning out, though.

Lee's only tactical involvement was trying to get equipment for the team.

Lee felt local knowledge was never really used. Lee fed GPS info to the teams, but never showed up on maps for days. Information that was provided was mostly disregarded.

Lee did not observe much prep work being done on lines. When he asked about prepping Ruby Pipeline, he got no answer. He felt that had the pipeline been prepped it would have been more effective for burnout and could have protected a lot of private land. It appeared that the IMT did not use Collin's advice on this.

He heard a lot of chatter on radios about saving houses.

There was mop up going on in one area where there was line needing support to the north on Collins property. He felt the resources could have been better used to control the advance of the fire.

Lee reported the ICs were good to talk to; did not seem arrogant. Brian Watts and Steve Gage Type 2 and NIMO IC) were good to work with. He had no problems with them. He felt they had good interaction with ODF.

Collin's existing FS sales were a big concern for them. They did not lose any existing sales on FS. Collins had some concern with rehab, but not a big deal. They have their own equipment and can do it themselves. The BAER Team coordinated with them.

There was low erosion potential on Collins land.

Final thoughts were: communicate better. The local landowners know the land; use them. And, “Don’t promise what you can’t deliver”. He felt the Forest Service sacrificed too large an area unnecessarily.

Paul Harlan, VP Resources, Collins Pine

October 30, 2012

Collins Pine monitors radio traffic during the fire season and heard the initial report of the fire called in from Dog Mountain lookout. Since they had active timber sales in the area, they were concerned.

Collins owns land just west of Barry Point.

He could tell they “had a potential fire” (meaning a tough fire) by the voices on the radio.

Paul felt they responded on initial attack well. “Full response – plus”.

On Day 2 there was active burning most of the time. There was spotting and drawing back into the column. There were chunks falling out way over Drew’s Reservoir. State went out and patrolled.

The Chips Fire near Chester, CA was also burning at this time. Collins had land in this fire. Paul went down to Chester on Sunday (8/12) and stayed until Monday night.

Paul sat in on transition (briefings) of Type 3 to Type 2 and with the NIMO team as a local resource. The fire was not heavily affecting Collins at this time. He was the only private citizen at the briefings.

Paul asked Gage (NIMO IC) why CDF was not there. The response was that CDF and the Modoc NF have traded off fire protection.

Paul is sensitive to this because the Fletcher Fire (from a few years earlier) started from a Forest Service fire they were “baby sitting” and burned 4,400 acres of Collins Pine land (8,800 acres total).

Steve Gage called Joe Waterman with CDF to tell him of Paul’s concern. Joe came up to meet with the team.

On a 2008 fire Collins worked well with the Forest Service in Almanor Basin, CA. They used Collins’ equipment and Collins was involved in the planning. His experience from the past fires was that the IMT involved them in the suppression efforts. There has generally been good coordination.

Greg Pittman (ODF) asked Paul to come to the planning sessions (for the Barry Point Fire) on Tuesday night. The Team wanted to use the Beaver Dam Road as the south control line. Paul did not want to lose that much acreage. He wanted them to first use the pipeline (Ruby) or, secondly, the State line road where Jeld-Wen had recently clearcut a strip.

Beginning Tuesday (8/14) morning Paul was at all the morning and some of the evening briefings. He reported he had full rein (access) at the ICP, but was not in on the strategy meetings or deployment of resources. He did not know if any resources were deployed to the pipeline. He felt he probably could have gone to these meetings (strategy meetings), but was not invited in. If he had gone to these meetings he could at least know what they lost and why. He would have had a better picture of what was going on.

Barry Point had extraordinary burning conditions. Nothing is worth killing anyone.

Paul was emotionally close to this. He had talked Collins into buying the land (in CA).

Collins constructed line on the west flank and south in CA. After that line, they prepared to put in a dozer line on the east side. Tyler Otteson a Division Supervisor from the Modoc advised them not to do it (construct the line down the east side) citing concerns over spotting. They were putting the line in on the black (direct). Otteson was coming off of his day shift duties.

Paul talked to night branch director, Mike Carlson with ODF, briefed him on the plan and was told to go for it. ODF sent a couple of engines to help.

They got the line in and Lee Fledderjohann and two other Collins Pine people stayed out the following day and chased spots and held the line.

Paul went to bed and then down to the ICP in the afternoon.

ODF was holding the line until the fire picked up.

Paul went out on the line to deliver a message that evening. They had a close call. Collins lost a pickup truck. Paul pulled everything off.

ODF was a big help, but the feeling was that Collins had the fire. Collins was not fully integrated into the operations.

This was a learning moment. They needed to be integrated better. Clearer communications similar to the 2008 CA fire were needed. In the future they need to be fully integrated into the fire organization with full acceptance and support from the IMT.

If he is in an ICP again he will be more forceful in becoming involved. If you know the strategy and deployment you know why things are done.

He did not feel the Type 2 IMT took advantage of some opportunities to stop the fire before it got to CA.

Paul feels the “big box” theory is resulting in larger fires.

Paul thought the Type 2 team did a good job of getting firefighters out of the briefings quickly, but was not focused on getting the firefighting resources on the fireline in a timely manner. Travel could be an hour or more from the ICP after the briefings. There were gaps during shift changes when the line was not staffed.

Virgil and Sharon Harvey

October 31, 2012

The Harveys own a home on a 325 acre property located within the Barry Point Fire perimeter just south of the Morris' home in the Dry Creek area.

The Harveys noted that they have been working on the property for 6 years. The use logs from their property to do woodworking.

They had placed sprinklers around their property (house) to protect it.

On 8/9 2 federal people came out to see what to do to protect their property. They didn't want the Harveys in there.

The Harveys had 100' cleared around their cabin while the fire was still on Dog Mountain. Before the fire reached their property they had lined around with a cat except on the west side because of rocks

On 8/12 the fire got on their property. Two FS people assured them they had plenty of resources.

There were 80 firefighters and a cat on a lowboy staged on the 4020 Road above his property. They were standing around telling jokes.

Virgil was crisscrossing his land looking for fire. About 1000 he walked into the fire west of his land by the 4020 road on the ridge.

The 4020 Road had been prepped to Morris' but not beyond to the west of the properties.

The fire was backing through scab rocks and brush.

There was an old logging road that could have been used for a line.

At about 1015 the firefighters where "standing around, joking"; Virgil had to get their attention and talked to the 2nd in command. He goes to the Harveys' with 3-4 engines. The firefighter said the fire was over the line. Virgil said it wasn't. He went to get a skidder to push the water bars out. He then found that the engines and firefighters had pulled out with no communication and not having taken any action. Virgil feels he was "lied to".

About 1500 the fire was on Harvey land and Virgil used his water truck to work on spot fires.

Two FS engines showed up on a 40-50' spot. One engine left, the other stayed. Virgil filled the FS engine from his water truck.

At 1530 Virgil got on his AWD to get his cat and put fireline in on the west side of his land in the rocks.

Between 1600 and 1700 the Zig Zag HS were in the area and had fire all around. The fire was blowing up and they all decided "to bail".

Virgil knew that about 1600 the winds would shift from the west. He's not sure how the fire blew up and got moving; whether it was spotting or burnout.

Virgil moved his cat under the sprinklers. They just got out when the fire jumped over the cabin.

When Virgil left he met a fire commander, but not sure who he was. They had a heated exchange and the "commander" filed a complaint with the sheriff for yelling.

Martina Kyle (Range Con) called Sharon Harvey and said she needed to send a thank you letter to the firefighters for the help they got.

The Zig Zag firefighter was the only guy that communicated with Virgil.

By 1730 the entire area (Harvey's) was covered with fire. It took out about 250 acres.

On Monday (8/13), Virgil went back in to fuel the sprinkler pump. He went in on a road from the south through Point Ranch. He found that their cabin and cat had survived the fire due to the sprinklers.

The Harveys used the sprinklers through the 16th. From the 15th – 19th the Harveys fought fire on their property to keep it out of big Ponderosa pine on the SE part of their property. He spent 4 days and nights protecting his timber. He spent \$2000 on fuel.

Virgil met a BLM employee on his way to get fuel. The BLM called to get help fighting the fire.

Virgil noted that he fought fire in CA for 15 years.

Harvey's called ODF, Kellie Carlson, stewardship forester. All she said was that if they took any fire killed trees out, they'd have to replant. This really upset him.

Virgil feels that 75% of the area that burned was due to burnouts that got away.

Virgil feels the fire could have been stopped earlier. There was a wide area to the north in Horseshoe Meadow had the Dog Lake Road been prepped.

He lost \$50k in juniper (used in his woodworking business). The timber was their retirement. He had planned to log his property in stages over the years to pay for retirement, but he has lost all that to the fire.

Their beef with the FS is that they are not going to make them better; they "put the buck on us".

They felt the fire could have been caught at Barry Point (origin) because other fire that started at that time, north of Morris' had been caught with initial attack.

They will pay their ODF assessment in protest. ODF has never inspected their property.

They heard the objectives (of the firefighting) were to protect private land; didn't see much action on that.

Sometime between 8/12 – 15, there was a burnout on Collins to the south from the Point Ranch Road north of the pipeline. It crowned in the timber and spotted south.

Virgil feels the Forest Service doesn't have any right to come onto private land without permission. This burnout burned up around 10,000 acres including a large patch of timber north of the road. He feels the FS wanted to burn this to eradicate juniper because they had done a study on juniper invasion.

There was poor communication by the FS. The landowners did not get notification of burnouts.

After fire, on a September 17th field trip by the FS with the Supervisor, they had to turn around because FS workers had blocked the road to do work. They had not even communicated internally that this was happening, let alone with the landowners.

Most of the fire fighting he saw was with drip torches.

He would rather have lost the cabin than the timber. They lost at least \$40k in timber and another \$16k in fences. He had been offered \$425,000 for his property before the fire, but now it is only worth about \$325/acre which would only be about \$105,000.

If they (the Harveys) did this (burning out) they'd be in jail.

They felt forgotten by the FS. They feel there were local people with information and that the FS was not letting the local be involved.

ODF entered their property without permission. If they have to plant tree if they salvage the dead, they will have to front the money and this will bankrupt them.

Estimate of \$500- 600 K in total losses and costs.

The Harveys are concerned about future fire danger. The FS left a mess along the Harvey's fence line with cut dead trees.

Lake County Sheriff Phil McDonald

November 1, 2012

Sheriff McDonald is the Lake Co. Sheriff.

His daughter works for LIFC.

Lots of things went good. The structure protection was outstanding.

He got a firefighter complaint from the IMT against Albertson. He thinks thing got blown out of proportion (leading to the complaint).

Promises made to Albertsons by the person in charge of the equipment (dozer boss?) were not kept. They said they would not construct line on Albertson land; then they cut the fence and constructed the line. They said they would fix the damage to Albertson's fence and the cat line. This never happened.

The Sheriff ran into Barb Albertson (Hank's wife) and she said she had not heard from him and was concerned. The Sheriff went out to the picnic grounds (on Albertsons' property) to look for them. He encountered the Prineville and Winema HS crews. He talked to the spotter from the HS crew and asked if they knew the Albertson's were in there. He said yes.

The Hotshots started burning out below the 4017 Road, but never told the Albertsons even though they knew they were in there. The fire ran up the hill toward the Albertsons who had to move out. In doing this Bill and John got separated. Bill thought his brother had been trapped.

Bill confronted the task force leader who denied burning out below the 4017 road. The Sheriff reported they were burning out.

He thought the area burning on Albertsons' could have been a slop over, he didn't know, but there were lots of people that could have handled it.

He thought the shift changes "were a cluster". The Division Sups stayed and talked. Others just stayed in the trucks waiting for shift change. There was little communication between shifts.

Local people were invited to the briefings. The briefings spent too much time on non-essential stuff. This is important, but too much time spent on things other than fire strategy and tactics. They were not focused.

The briefings could have been handled better. He only went to one briefing. The FS and IMTs kept him in the loop when there were team transitions.

He feels it was a mistake to go to NIMO. His opinion is they should have gone directly to a Type 1 team from Type 2.

He stated it was Brian Watt's first fire on his own as a Type 2 IC. He doesn't feel that Brian "visioned" what the fire was going to do next. He feels he was in over his head. He felt the Type 2 IMT did not

think big enough strategically from the beginning. They were always behind the power curve. He saw fire behavior that was not normal for the area.

He feels there were coordination problems that improved when the Type 1 team transitioned in.

He feels they did a great job keeping the fire from going over Drew's Reservoir. If the fire had crossed the reservoir it could have gotten into 400,000 acres of red timber. It would have been a huge economic impact on timber and grazing.

Firefighters need to listen more to the locals. He got a lot of complaints. The IMT needed to listen to landowners and ranchers about the fuels, terrain, and roads. They are very familiar with where everything is and could be helpful to the firefighters.

Fire people need to tell them straight, be up front about things, and be honest about what they tell them. They also need to be sensitive to the landowners' objectives.

Line firefighters sometimes said they didn't know why they were doing what they were doing.

Heard of and saw cats not working. No dozer boss. He understands why they were not working, but the perception is bad.

The use of local loggers and equipment was good.

The sheriff felt he got good information on the fire. He knew where to go to get it. He knows to look for ops and planning people. The structure protection group was especially good with information.

He feels the briefings have become a "dog and pony show". If that's what you're going to do, why not let the PIO do that.

Fire people need to go to talk to the landowners and (forest) users. Draw on their knowledge. A lot of the agency people don't know the ground like they used to. The ranchers know the land.

He feels that ODF often "got squashed". They were not listened to very much by the IMT.

He feels agency arrogance was a problem.

The Type 2 IMT moved Randy Ostman from Ops to a liaison position. They should have left him with ops; that's what he's good at.

Don't tell people what you think they want to hear. Level with them.

Sometimes Division personnel without work in their division were not allowed to help out in the next division when they were asking for help. The ops people were behind the power curve.

The structure people stayed out in the field and did not have to drive in and out. There was continuity throughout the fire. The Westside RFD helped out with the structure protection group, but couldn't stay the whole time.

Some people in the Drew's Reservoir area are very happy, like the Miles, because of structure protection.

The Sheriff said he learned a lot too; working with the evacuations.

He had some problems with PIOs. He feels a couple made issues out of things that didn't need to be issues; such as the sheriff not wanting his number put out as info. His office is not staffed for that.

He had some issues with finance. Finance said the sheriff's expenses were not reimbursable. They got it fixed.

He felt there were no major incidents.

He feels that Barry Schullanberger got thrown under the bus during the first community meeting. There were a lot of upset people and Barry had to answer to a lot of things that someone else from the Forest should have handled.

Untruthfulness was an issue. "If there was more straightforward communication, there would not be much complaint."

The sheriff had some nomex shirts he gave to the Albertson's while they were fighting the fire.

Roger and Kathy Miles

October 30, 2012

The Miles reported that they are on the east flank of the fire, neighboring the Forest Service. They pointed out their ownership (171 acres) on the map.

The fire burned really hot near their land and burned onto their land.

Roger had been clearing juniper for years on his land and had cleared and pruned trees before the fire.

Roger did three days of work before the fire reached them.

Fire crews from the Structure Protection Group came in before the fire reached the Miles' property. After talking to the Miles, the crew trimmed juniper before the fire reached them.

When the fire reached them, it burned hot but stayed on the ground. Preliminary observations indicated only 8-10 trees along the fence were torched. (2013 – It now appears that approximately 30+ pines were damaged and have turned brown to their tops.) Photos have been taken of all damage.

They received a level 1 evacuation notice on the Friday after the fire started (8/10). The Westside Rural Fire and Sheriff checked on them on Saturday and kept them informed.

The models showed the fire coming toward them and they moved horses and calves.

A back burn on Fitzwater Peak escaped and spread toward their land.

Structure protection crews showed up and were positive they could save their house because of the defensible space and access to water from a pond near the house which was used to soak the area. Rusty and Eric (firefighters from outside the area) were supervising. They had good communication with this group throughout the fire.

Roger bladed a road 200 – 300 feet from the house to drop point 150. There were other old fire roads on the land that were improved by bulldozer.

The weekend before the fire reached them, a helicopter put down retardant. They felt this really helped.

The Forest had a lot of debris and had a hot burn. The Miles' treated land did not burn as hot.

Their fence line on the south side burned the west side and spots on the north side. They have 10-15 acres on the SE side of the canyon with mature pine trees (see note above).

The Miles were evacuated on August 15th. They were given plenty of notice before hand.

The owners met Rusty (firefighter) and he asked permission to backfire from their land. The backfires did not burn well because of limited fuel from the previous clearing.

Fire rehab needs are to clean a lot of debris up and burn it, repair cut and burned fences, and remove berms in the road. He doesn't really care if the FS does this or not. He can take care of it.

Overall the Miles were pleased with the work. They had people on and around their place for about a month, because access to other parts of the fire was provided across the property. He feels that is a forest health issue related to the fire.

Matt and Mike Morris

October 29, 2012

Landowners in the Dry Creek area below the 4020 Road

Interviewed both Matt and Mike together

The Morris' built a home on their property

Matt was on the fire throughout except for 2 nights with the permission of ODF crews protecting buildings. Matt agreed to leave when the crews said it was time to go.

Mike started by having praise for the Blue Mountain Team

Started narrative on Sunday April 7; smelled smoke and a fire was found to N and NE of their house. Helitack and engines showed up and put fire out. No smoke Monday morning (not Barry Point Fire). There were several fires in the area that were controlled at initial attack.

Mike recognized the biggest danger wildfire. They took every precaution to provide defensible space and were praised by officials for the steps taken by them.

They became aware of Barry Point on Monday night or Tuesday morning.

Matt called ODF dispatch on Monday afternoon.

On Thursday Matt and a friend drove to Lookout Point to watch fire suppression activities. They watched the fire run and die down at Drew's Reservoir. There was a gigantic plume on Thursday morning. They thought the danger may be over when the fire burned out at Drew's (Reservoir).

No one had contacted the Morris'. They called into the incident to make them aware of their presence. They talked to a PAO. They also tracked the fire on Inciweb.

On Thursday night, late, they got a call from Kelly Carlson from ODF. Kelly came out at 12:30 am on Friday with Deputy Campbell and Mark Suba (USFS LEO). They encouraged the Morris' to leave. The area was under a level 1 evacuation. Morris responded they were ready to leave and had a plan. They wanted to wait until daylight.

At 3 pm on Friday it was time to leave when the smoke blew-up on Horseshoe Ridge. They went and opened the gates to the south for the cattle to escape. Thought their house was "gone". At that time there was a huge plume coming over Horseshoe Ridge. They checked in with the Command Center.

At 6:30 am the next day (Saturday), they got a call advising them if there was anything they needed to return and get it. They were told everything north of Ruby (pipeline) would be gone. They went out to the property. There was no security stopping them. They arrived at the property about 7:30 am. They had ground fire on the property by the gate (north area), no fire in the canopy. It was calm, with little wind; it was actually cool temperatures with the inversion layer. Contacted Ada (PAO) and asked where

the crews were for structure protection. The response was the USFS was going to make a stand at the pipeline. They later found out that decision was made on Thursday, August 9th.

In about 1 ½ to 2 hours engines showed up for structure protection. There were 6 engines, 2 tenders, 2 dozers, and a Division Commander (Div. Sup).

On Sunday (8/12) about 4 pm Matt was near the south fence line. He observed a large dust devil (no fire in it), larger than 30'x80' two story building. Matt captured this on a cell phone video. Winds went from 2 – 5 mph to 30 mph in 5 minutes. About that time the valley south of their house blew up. Firefighters called everything into safety zone in the meadow.

Zig Zag HS burned out Sunday night (8/12), after the fire “front” had passed through. They posted pictures on Flickr of the burnout, probably taken around mid-night. The picture posting say 8/13.

Matt spent the night in the safety zone. Mike went into the ICP and talked to the PAO on Sunday night.

The Morris' felt the fire fighters cared for their ranch. Their frustration was with the lack of communication from the IMT with them as landowners. The PAO was helpful.

Emergency suppression rehab on their land was managed by ODF. Felt they did a great job. They came back later to fix some things they missed the first time through.

Within the first two week had contact with BAER Team. They perceived the contact as adversarial by some of the members. Matt showed them his concerns, particularly drainage on the 4020 road accessing their property. Matt's concerns were rejected. They were told there was no problem with the road.

Matt walked the property with the BAER Team. Matt was concerned with rock gone from the road and the ditched filled with duff. They knew when the rains came the road would be in danger. December 2012 rains had water flowing over the road just as the Morris' said it would.

BAER argued with them about road. They did not feel there was any damage (4020 road).

The Morris' expressed they had a lot of frustration with the “know it all attitudes” of a number of the Forest Service, but not all, and being told “it will look so green, you'll love it.” This was very offensive to the Morris', whose land had burned.

Morris reported they are spending about \$1200/week for cleanup, not counting Matt's labor. Estimate it will take 7 -10 years to get property cleaned up, slash piles removed, and fences rebuilt.

Morris' saw two problem areas with the fire.

1. Shift changes. Communication was lacking. The Quality and quantity of the communication was not good. Brought this up with NIMO doing a video interview. They recommended using local radio stations for more current information. They understand how difficult communication is – but, it must be improved.

The information on Inciweb was 8 – 12 hours old. Unless they called ICP they couldn't get updated information. The lag in updates made it hard to decide what to do. The only direct contact was with the Sheriff's Department and Kelly Carlson.

2. Bad attitude of the USFS fire personnel. Attitude of "You don't know anything". They could have come across as compassionate, not arrogant. ODF personnel were outstanding!

There were pockets of unburned areas below the 4020 road that would flare up with 20 mph winds. Matt advised Branch Director Chris Hutsell about this. They were told that it was an "unburned pocket cleansing itself". No concern for private property expressed. They kept telling "officials" their property is surrounded by the burned area, that they still had fuels in their area, and that their property is a pocket in the burned area.

Matt's Narrative

On Sunday (8/19) ODF ordered out from around property by the IMT. They didn't go; they stayed and continued mopping up around Morris' house and along 4020 road. The Morris' were told it is not a concern because it is inside the black containment zone. At this time they had been allowed back home. They were living on their property – it was a concern to them!

The Morris felt they were abandoned and expressed this to Chris (from NIMO), during the video interview.

The Morris' went to K Falls to get a pump to protect what was left. Greg Pittman from ODF sent them some surplus hose. They felt they could not rely on the USFS fire personnel to further protect their property (and still feel that way).

ODF was more sensitive to their concerns.

Chris (NIMO) had the attitude "I know more than you".

The Morris' feel they (fire personnel) need more training on sensitivity. They spent 12 years looking for this land – now it's burned. They really don't want to hear how nice it will be.

Shift changes caused big breakdowns. They took way too long. There were 3 to 4 hours with no crews on the line. Crews were leaving their post before being relieved by the next shift. Morris reported some firefighters expressed frustration with this also, including the Planning Operations Chief on the Type 1 team.

No overlap of shifts allowed the fire to run. This did not change when the Type 1 Team came in, if it did it happened several days after the fire had run through the Morris' place.

Chris (NIMO) said firefighters "like making overtime" and that firefighters like working 10-12 hour shifts. She said firefighters wouldn't like 3 10 hour shifts with 2 hour overlap.

A lower level firefighter told them that the "unofficial policy is to let it (the fire) go". This is also stated in the Shepard Report that as early as Thursday, August 9th the decision was to let the fire burn to the pipeline.

Felt the transitions caused a problem. Changing personnel meant they had to get to know the new personnel.

Matt reported that on Sat. morning, 8/11, 4 engines stopped them to ask for directions. They were lost and 12 miles (by road) from where they wanted to be. This was a problem with not having local knowledge, poor maps, or both.

The Morris sensed a turf battle between ODF and FS based on comments from ODF personnel. Some ODF firefighters were told to stand back and don't fight the fire.

They felt that local people needed to be involved as liaisons with the fire and Forest.

They observed dozers sitting for 6-8 hours waiting for dozer bosses.

The Morris' were not advised of 2 public meetings.

The Morris' summarized their major concerns as:

- A lack of reliable information about the fire threat to their property early during the fire until the level 3 evacuation order was issued.
- Burning out from the 4020 Road without explaining the objectives to the landowners or getting their permission to burn on private land (Zig Zag Hot Shots 8/12 pm – am of 8/13).
- A lack of sensitivity to landowners' concerns by the BAER Team relative to damage on their property.
- A lack of enough good quality communications from the Forest Service and IMT. It was absent or poor at best.
- The Inciweb information is not timely.

In addition o clarifications and edits incorporated into the notes above, the Morris' asked that the following be included with their notes:

"I want it clearly stated that at no time did anyone from the Morris family refuse to evacuate or in any way endanger firefighters. Matt had permission from on site crew boss to stay. Matt made it very clear that he would leave when they said it was time to go. Which he did.

"The reality of the matter is that Matt's presence on the afternoon of August 12, 2012 was life saving when the fire erupted out of control in the valley. When the fire blew up and smoke and flames over ran crews south of our fence line – Matt yelled instructions and directions that led them to where a critical stream crossing was that they couldn't see through the smoke. Matt could see them and yelled instructions which were relayed over by radio. Matt's instructions led two engine crews to safety. To imply in any way that the Morris' threatened the lives of firefighters is offensive and a lie. Strong language I know, but the truth."

County Commissioner Dan Shoun

October 29 and 30, 2012

Dan Shoun is a Lake County Commissioner. He formerly worked for the federal agencies in Lakeview. He was interviewed twice; the first time as a part of the Steering Group and then as an individual. Both interviews are included here. The Commissioner's points are further broken down into his personal thoughts and observations on the incident and his expression of thoughts and observations shared with him by landowners.

The Commissioner is experienced in fire management and fire policy. He is actively involved in many of the National Fire Plan groups.

Steering Group Interview, October 29, 2012

Personal Thoughts and Observations

Fires are getting worse. There are bigger fires and more of them.

Forest health and lack of management are problems.

The strategies and tactics on the fire could have been different. Indirect tactics could have been closer and there could have been more direct action. (Note: He also heard this from landowners.)

Pre-fire communication not as good as it could be. It is good with ODF, okay with BLM, not so good with the Forest Service. (Note: He also heard this from landowners.)

On a national level, there is a conflict between strategies for suppression and wildfire benefits. Restitution policies don't match up with the way we are now fighting fire. This is a congressional issue, not a local issue.

Landowners' Thought and Observations expressed by the Commissioner

On this fire there was a lack of communication, a lack of listening, and the FS did not explain what or why things were done.

Questions and concerns of landowners were ignored.

There could have been better communication with the people that know the land and better explanation of what the fire folks were doing.

Individual Interview, October 30, 2012

Personal Thoughts and Observations

There were a lot of transitions of teams.

Lake County did not have a big time fire season if you look at the numbers. It was not lengthy, due to the moist spring.

Shift changes took too long. There were delays getting resources out on the line during shift changes for most of the fire, especially when the Type 2 IMT was in charge. He observed crews and engines leaving camp late after briefings. (Note: He also heard this from landowners.)

Pre-fire there was a perception by some FS employees that the SO would move to Klamath Falls. Not sure Fred (Forest Supervisor) had much experience reaching out to the community. After the fire, he (Fred) got the message.

Some concern with Fred's engagement during the fire. He was involved in the fire early on and was emotional on how things had gone badly. He left during the middle of the fire to get away from it. (Note: He also heard this from landowners.)

His comments on ODF/USFS relationships:

- The day to day relationships are good.
- On Barry Point Fire the ODF was treated like a step child (an expression of ODF's feelings).
- ODF feels like an outsider looking in. They are an equal partner, but not equal participant (again, and expression of ODF's feelings).
- Value of the land perceived (by the teams) to mean nothing.
- ODF relationship could be improved if the agencies recognized the needs of ODF.

Every acre is important and this needs to be reflected in relationships. Note: He also heard this from landowners.)

Landowners Thoughts and Observations as expressed by the Commissioner

Crews got lost.

FS did not listen to the locals on line location potential.

The Type 2 IMT ignored the values on private lands when implementing tactical operations. This was especially the case when they conducted burnouts.

Jack and Bev Sparrowk

November 1, 2012 (by phone)

Jack and Bev Sparrowk are ranchers north and east of the Barry Point area. They were impacted in the early days of the fire. There were some technical difficulties with the interview phone call. The Sparrowks intended to talk to us together, but had to end up one talking and then the other. Therefore, there may be some redundancy in the notes.

Jack

The fire was about 40 acres in size at 7 p.m. the first night.

The next morning they dozers setting on lowboys waiting to be inspected and they could have been working on the fire.

There was lack of communication between the Forest Service and people who were affected by the fire. This needs to improve. The Forest Service has too many rules and regulations to follow to get anything done.

There was poor communication between firefighters. Nobody knew what was happening.

The Forest did contact him about the fire.

The Forest Service had the road closed on his ranch away from the fire. They had a non-local guy from Pennsylvania working as road security on Tracy Loop.

ODF put the fire out when it got on his land. They had good communication from Dustin Gustaveson, ODF.

The Forest's Range Conservationist Martina was not helpful.

Bev

They attended an open house a few days after the fire started. They gave contact information but she never received any useful information about the fire. She used inciweb for information and felt it was good.

Until attending a meeting on Monday, they didn't know a burn in the southwest corner of their timbered property was a result of a back burn. Nobody told them a back burn was going to occur.

Because of the fire they had to move their cattle to an area they were not supposed to be in. When they called the Range Conservationist Martina to let her know about it, Martina's response was that it would reduce their time on their permit.

She felt that every time they had a transition between fire teams, they lost time getting up to speed. There were firefighting resources sitting around while the transitions were going on.

They saw equipment sitting idle waiting to be inspected and waiting for dozer bosses to arrive. They sent people home the first night of the fire when they could have been fighting the fire.

She heard contractors' complaints that they wasted time getting to the fire and they didn't get on the fireline until 10 or 11 a.m. There were gaps between shift changes. Firefighters left the line before firefighters for the next shift arrived.

April 28, 2013: Added note from Jack Sparrowk

“My comments should be – They screwed around, not putting out fire in the beginning and let it get away – lots of lost motion and unnecessary expense.”

Interview of a permittee

November 1, 2012

This interviewee is a permittee on the National Forest.

Most of this interview related to areas east of Dog Lake and the Big and Little Horseshoe area.

When the fire broke out he was not too concerned. Fires in this area generally burn SW to NE. He thought they would catch it at the 4017 road. The size of the fire and the way it spread at night caught people off guard.

Barry Schullanberger called him Wed. night to tell him it crossed the 4017 road and was going south. The interviewee met with fire personnel that night. They didn't know the plans or future objectives at that point.

He noted slow shift changes with gaps; lots of lost time. He noted the day shift getting out late and the night shift leaving before the day shift arrived.

He met Doug Baxter (Type 2 IMT) at the middle of Big Horseshoe Valley about 1100 to 1200 that day. He didn't see any aircraft that day, or many people fighting fire.

He pushed his cows off of the ridge and into Dog Lake area. He got conflicting stories from Martina (range con) and the acting district ranger on whether they could go into Dog Lake with the cattle.

By Friday (8/10) the fire had grown to the east and was pushing south across Big Horseshoe.

On Friday and Saturday he pushed his other cattle out to the east. On Sunday and Monday he got the stragglers out.

He didn't know the fire plans; communications were not good and the plans were vague at what they wanted to do. They were conceding the loss of Horseshoe Valley.

It was hard to get a straight answer if they would protect Dog Lake. The Prineville HS said they would protect it.

It would have been good to have security have an updated plan and maps they could share. Even security and some fire folks were questioning what the plan was. He could only find a crew boss who said they "were in a holding pattern and didn't know the plan".

Team transitions caused concern. If you draw a box and give the perception you are going to burnout, it would be could to let the public know. There was a lot of concern about the "box concept" among the local people. The concern was that the Forest Service was just going to draw a big box over a large area and let the fire burn. It scared a lot of people.

Also, it would be good to let the public know the role of the different teams; the bigger the team, the less contact. Need to let the local people know how they are tied to the plans. The Forest Service needs better information on non-local IMTs and their capabilities to handle complex fires before they bring them in.

Having non-local IMTs on Barry Point raised a lot of apprehension among the locals. There needs to be better integration of local knowledge of fuels, terrain, fire behavior in the area, and the road system.

This interviewee noted he fared fairly well; only lost one cow. Had some issue with security. Had to get cows out, but they would let him back up to do it.

Martina was good at keeping him informed to the extent she had information.

In hindsight, he thought he should have been called a day or two earlier. Impression the team was not looking at a future scenario. The Forest Service and IMTs need to better understand what it takes to move cattle.

He doesn't hold the FS accountable because of the conditions. The fire was fairly active.

He doesn't know if there was a lot of opportunity to go direct on the fire.

Information to the public or education might help. It's a hard pill when crews are sitting in staging areas and private land is burning. It's a black eye for the FS.

He felt the fire was moving faster than resources coming in.

He felt there were some issues with transitions and shift gaps. He had "no real negatives".

Things could have gone better, e.g. communications, and sharing plans and maps more often. Maybe could have provide radios to people moving cows.

Moving cows may have required the team to change tactics. They made sure they were out and safe before conducting any activity, and sent people in to be sure they were safe.

He felt the downslope winds off of Dog Mountain and the narrow gap could have led to fire crossing Dog Lake Road. Looks like the fire burned hot through there. There is a tight gap and he's not sure it could have been burned out. But there was sparse fuels and in hindsight maybe they could have hit the slope over south of Dog Lake Road harder. They may have missed an opportunity to catch the fire on Horseshoe Ridge because there wasn't much effort fighting it when the fire slowed down in that area.

Appendix A

Letter to Interviewees

Shepard & Associates, LLC
Natural Resource Consultants

P.O. Box 849

Newberg, OR 97132

Phone: (971) 832-3945

Email: sssstr1@comcast.net

Date

Name

Address

Town

Dear ,

The Regional Forester has asked Shepard & Associates, LLC to do a supplemental report to the January 9, 2013 Barry Point Fire Fact Finding Report. This supplemental report will consist of the accounts of the fire through the eyes of the individual local landowners, permittees, and Lake County officials that we interviewed last fall. The supplemental report will be added to the former report to provide a place for your individual story of the Barry Point Fire to be included in the record.

Roy Montgomery and I have compiled our notes from the interviews and those notes are enclosed with this letter. We attempted to include your thoughts as accurately as possible. The interviews were not recorded and we may have missed some points or made errors. Please review the attached notes and make any corrections, deletions, or additions that you would like to make. Please feel free to elaborate or add onto any points you feel are important to be sure your account of the Barry Point Fire is recorded. Your notes will go into the report as you return them to me without any further substantive edits.

We recognize that some people may not want to have the issues they raised attributed to them by name; some may not want to participate at all. I have enclosed a questionnaire for you to complete to let us know how you want your thoughts attributed in the supplemental report.

Please return the questionnaire and your edited notes to me, by email or regular mail, at the address given above by April 8, 2013.

We realize that you are all busy this time of year and we recognize that you have endured and continue to endure a lot over the last several months. We are asking for some more of your time. Please take whatever time you can spare to edit your notes so that your story can be recorded as you would like it to be.

Thank you.

Sincerely,

Ed Shepard, CF
Principal Member
Enclosures

Appendix B

Interviewee Questionnaire

Shepard & Associates, LLC
Natural Resource Consultants

P.O. Box 849

Newberg, OR 97132

Phone: (971) 832-3945

Email: sssstr1@comcast.net

The information that you provide us is intended to be used in a supplement to the Barry Point Fire Fact Finding Report, dated January 9, 2013. The Report will be made public and placed on a U.S. Forest Service website. We recognize that people differ in their willingness to publicly share information; therefore we would like you to respond to the questionnaire below and return it, along with your comments, corrections, and/or additions by email or by mail to the address above (addressed envelope enclosed). If you choose not to have anything you report attribute to you by name, we will make every effort to honor that.

_____ I have reviewed the notes provided by Shepard & Associates, LLC and have commented, corrected, deleted, and/or added to them as appropriate. You may attribute these to me by name in the Supplemental Report.

_____ I have reviewed the notes provided by Shepard & Associates, LLC and have commented, corrected, deleted, and/or added to them as appropriate. You may use the information I provided, but I do NOT want the information attributed to me by name.

_____ I do not want the information I provided included in the Supplemental Report.

Signature _____

Date _____

Thank you.