
Oregon wildfires

PacifiCorp could face substantial liability if downed power lines caused Oregon wildfires

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The Bogus Creek Campground, which was destroyed in the Archie Creek Fire in the Umpqua National Forest. (Courtesy Francis Eatherington)

By [Ted Sickinger](#) | [The Oregonian/OregonLive](#)



The causes of most of Oregon's **catastrophic wildfires** that ignited on Labor Day are still under investigation, with official determinations yet to come.

But anecdotal and eyewitness accounts suggest that several were started by electrical lines and equipment buffeted by the historic windstorm that whipped across the state for three days.



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Many residents of affected communities are asking why the lines weren't **deactivated before the winds**, which were clearly forecast days in advance by the National Weather Service, along with red flag warnings noting the extreme fire danger.

Oregon's U.S. Senators Ron Wyden and Jeff Merkley wrote Friday to the chief of the U.S. Forest Service and the Oregon State Forester asking for an analysis of what role power lines played in the start or spread of the fires in the Santiam Canyon.

If, in fact, power lines were the culprit in igniting the fires statewide, one utility could face enormous exposure: **Portland-based Pacific Power** and its parent company, PacifiCorp, which is owned by Warren Buffett's Berkshire Hathaway conglomerate.

Pacific Power was formed by a string of mergers that created a predominantly rural service territory spread throughout Oregon, but also in parts of Washington and Northern California. The utility operates local distribution systems and, in some cases, high voltage lines that run through the center of the fires in the Santiam Canyon along Oregon 22; the Archie Creek fire in the Umpqua National forest; the Slater fire that started in California and blew into Oregon; the Echo Mountain Complex near Lincoln City; the Alameda Fire in the Rogue Valley, and the South Obenchain fire that started east of Eagle Point.

PacifiCorp declined to answer questions about individual fires and the potential involvement of its infrastructure. Drew Hanson, a spokesman, said "The Labor Day windstorm was far-reaching, impacting communities we serve throughout Oregon and into northern California."

The fires destroyed several thousand homes and structures and claimed nine lives in Oregon and another two in California. And if electrical lines are the cause, the resulting liability could be enormous. On top of the lives, homes, structures, livestock and belongings lost – **that initial state estimates pin at \$1 billion** -- the Oregon Department of Forestry and federal agencies have likely spent hundreds of millions on fire suppression efforts, with far more to come in **cleanup and restoration** costs.

Northwest utilities are only too aware of the \$30 billion in liabilities that sent California's largest electrical utility, Pacific Gas & Electric, into bankruptcy last year. Those claims stemmed from dozens of fires blamed on its equipment, including the destruction of the town of Paradise in 2018 that claimed 85 lives and 11,000 homes.

But if Oregonians are eager for their state utility regulators to weigh in, they were disappointed Thursday. The Oregon Public Utility Commission invited chief executives and top transmission executives from Pacific Power and Portland General

Electric for a review of the wildfires, and each utility gave a 15-minute presentation, followed by questions from commissioners.

None of the executives or the commissioners even flirted with the subject of how the wildfires started or whether Pacific Power in particular should have used preemptive blackouts in light of the forecasts -- as PGE did on Mt. Hood. It was a curious omission, as the financial impacts of the fires could be meaningful for ratepayers, and the PUC has been pushing utilities to develop more comprehensive wildfire prevention plans in the wake of the Paradise disaster, including standards to implement so-called public safety power shutoffs.

Instead, commissioners asked softball questions and declined to allow any public comment or questions. Megan Decker, the PUC chair, made it clear that the PUC has no role investigating the fires' causes. That will be up to the federal and state agencies that protect the lands burned.

And the legal threshold to assign liability for a wildfire may be higher in Oregon than it is in California, where court cases have turned on a 'you-break-it-you-you bought-it' standard known as inverse condemnation. In Oregon, plaintiffs may need to meet a higher bar, such as negligence on the part of the utilities.

Either way, residents affected by the wildfires aren't waiting around. Lawyers have already filed one class action lawsuit against PacifiCorp alleging negligence and other claims. Other victims tell The Oregonian/OregonLive that they are also discussing possible lawsuits with attorneys.

The results of forensic fire investigations can take months. But the Oregonian/OregonLive looked at the largest wildfires in the state, interviewed residents where possible, and examined the utility infrastructure in each case.

Beachie Creek/Santiam fires

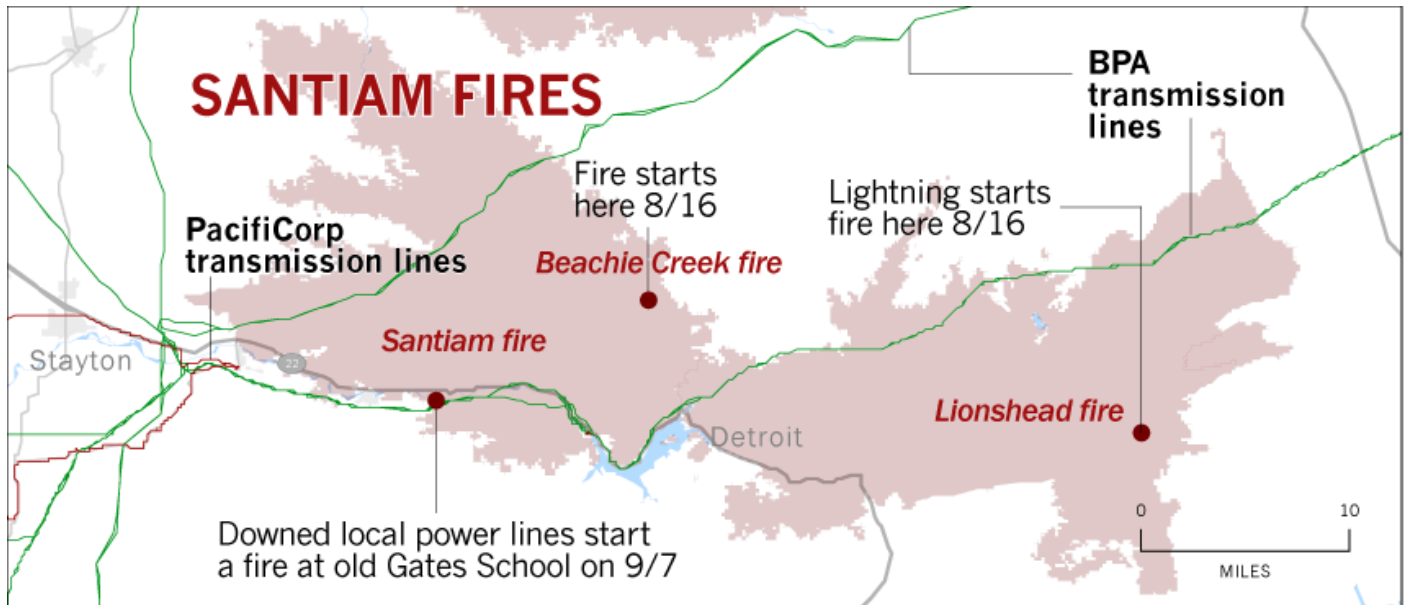


Firefighters attempted and failed to control a fire that destroyed a fire camp at the old Gates Elementary School on Labor Day. The fire was ignited when a power line fell on a cyclone fence.

The **Beachie Creek fire** is actually a misnomer for what is now a 192,843 acre-complex of fires that merged together. The original Beachie Creek fire started Aug. 16 in the Opal Creek wilderness, two miles south of Jawbone Flats. Before the Labor Day windstorm, it was a 500-acre fire burning in steep and inaccessible terrain. The cause is still under investigation.

The Labor Day winds blew up that fire, but the Northwest Interagency Fire Coordination Center also said in mid-September that downed power lines were responsible for **setting 13 separate fires** – many of them miles away from the Beachie Creek fire - along the Santiam Canyon from Mehama to Detroit on Labor Day and the following morning.

Twelve miles away as the crow flies, a fire command center set up at the Gates School was incinerated on Monday evening of the Labor Day weekend after a power line fell on a cyclone fence surrounding the school, arced and set off a number of fires simultaneously, according to the firefighters on scene. It destroyed the camp, including equipment parked there, and firefighters were forced to retreat.



Map: Mark Friesen/staff

Sources: Esri, U.S. Department of Homeland Security, National Interagency Fire Center

PacifiCorp officials said in the days following those fire starts that they didn't know if its equipment caused any of them. It also declined to address questions about the extent of its service territory.

But Diane Turnbull, the executive director of the Upward Bound Camp that now owns the old school property, told The Oregonian/OregonLive that Pacific Power is their service provider.

The lead plaintiffs in the class action suit filed last week live farther down the canyon, in Lyons. Their lawsuit claims that Pacific Power, which also serves that community, is responsible for the fire that destroyed their home.

PacifiCorp declined to comment.

In a letter sent Friday to U.S. Forest Service Chief Vicki Christiansen and Oregon State Forester Peter Daugherty, Wyden and Merkley noted that downed power lines may have had a significant role in the expansion of the Beachie Creek fire. They asked for an analysis of that role.

“Could more have been done to prevent these power lines from starting a fires in the windstorm?” they asked. “What role did downed power lines play in establishing new fires in the canyon?”

Pacific Power and its parent company aren’t the only electricity or transmission providers in the Santiam Canyon. Bonneville Power Administration owns high voltage lines that parallel Oregon 22 from the city of Detroit west. Consumers Power provides local distribution to some customers, though the utility’s officials told the Salem Statesman Journal they shut their system down about 7pm on Labor Day.

Archie Creek fire



A view of the Archie Creek fire's destruction, looking south from Oregon 138 at milepost 24. (Courtesy Francis Eatherington)

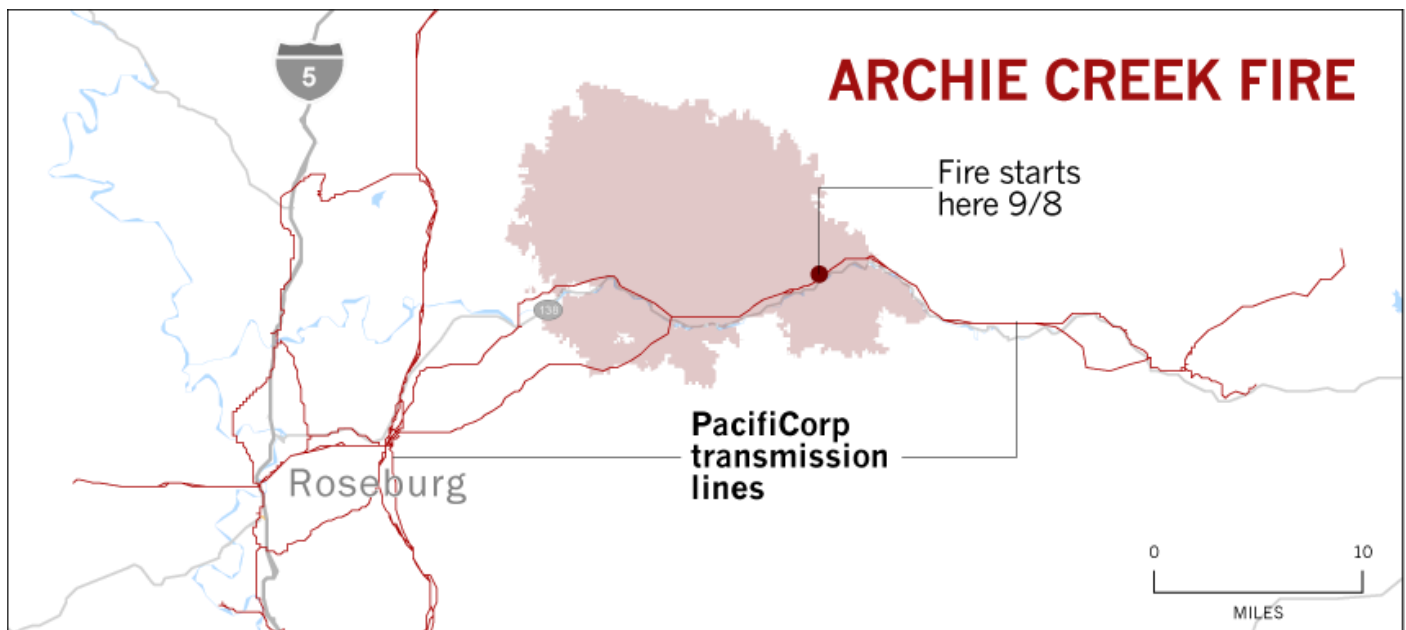
Fire officials say the 132,000 acre Archie Creek fire in the Umpqua National Forest east of Roseburg started Tuesday morning Sept. 8, near Steamboat. The fire destroyed 109 homes and its cause remains under investigation.

PacifiCorp is the local service provider along Oregon 138, which follows the North Umpqua River. It also operates a high voltage transmission line that carries electricity from a hydroelectric dam 60 miles east of Roseburg to Dixonville, just east of Roseburg. It also runs along the highway.

That line has been the source of fires and litigation in the past. In 2009, the Williams Creek fire started just west of Archie Creek. It burned 8,395 acres, and an investigation determined the fire was caused by a power line. The Forest Service sought recovery of \$16 million in firefighting costs, alleging PacifiCorp was negligent for failing to adequately inspect and maintain the line. PacifiCorp settled the lawsuit in 2016 for \$13 million, according to the U.S. Attorney of Oregon.

While fire officials say Archie Creek started at Steamboat, residents say there were fire starts up and down the highway, at Susan Creek and at Archie Creek and potentially at Steamboat. The utility's power lines run through them all.

Ron Hamill, a field biologist who lives off Oregon 138 east of Fall Creek Falls, drove up the highway at 5 a.m. on Tuesday to find the source of smoke at his house. He spotted a fire at Archie Creek.



Map: Mark Friesen/staff

Sources: Esri, U.S. Department of Homeland Security, National Interagency Fire Center

"I didn't see the lines arcing, but it was burning directly beneath the line and hadn't burned down to the road," he said. "We have 10 power outages a year up here. They're always having problems with the lines."

When he drove back to a vantage point closer to his home, he saw another big plume coming from Susan Creek, about three miles to the west. While the winds were blowing, he said, it's unlikely the Archie Creek fire had already spotted six miles down the road.

Anne Dorsey lives about 10 miles downriver from Steamboat. Her property is north of the river, adjacent to the PacifiCorp transmission line, which set a small fire on her property in 2002 that was quickly extinguished.

If the power lines started the fires, Dorsey said it would be the third time since she moved there, and this one overran her property. While her home survived, her outbuildings and the surrounding forest were destroyed.

"It will be a miracle if the house doesn't get wiped out in a landslide," she said.

She said neighbors at Susan Creek told her they also lost power Tuesday morning, but that Pacific Power ended up re-energizing their lines.

“After the power went back on, the Star Mountain fire blew up,” she said, referring to the mountain above those homes. “That was someone’s big mistake.”

She said she’s talking with an attorney who has already sent in a veteran fire investigator to look at the fire’s source. “They said there was a 99% chance it was a power line.”

PacifiCorp declined to comment.

Slater fire



Crews repair power lines damaged by the the Slater Fire in Happy Camp, California. The wildfire spread from California into Oregon in early September.

Fire officials say this 154,000 acre behemoth started as a “vegetation fire” on the morning of Sept. 8, near the Slater Butte Fire Lookout north of Happy Camp, California. Amid the ensuing high winds and low humidity, the Slater fire burned northwest into Oregon’s Illinois Valley.

The blaze has caused 2 deaths and destroyed 700 structures. The cause of the fire is under investigation, and fire officials declined to pinpoint the start of the fire other than say it was near the fire lookout.

Pacific Power is the electrical provider in Happy Camp and up into Oregon. It also owns a transmission line that runs just north of the Slater Butte Fire Lookout and serves local distribution in that area.



Map: Mark Friesen/staff

Sources: Esri, U.S. Department of Homeland Security, National Interagency Fire Center

In fact, in developing wildfire prevention plans for its service territory in California, Pacific Power identified the Happy Camp area as one of its few extreme risk areas, where topography, historical fires and local fuel conditions put it at higher danger. Consequently, the company developed plans to deactivate its lines there during periods of extreme risk.

The National Weather Service issued a red flag warning for the entire area Sept. 6, calling for “strong, gusty wind with low relative humidity.” The warning went on to say “high fire danger will likely contribute to a significant spread of new and existing fires.”

But Pacific Power didn't de-energize its lines. At its meeting with the Oregon Public Utility Commission its executives said public safety power outages are a "last resort."

"The cause and origin of the Slater Fire is still under investigation," Drew Hanson, a spokesman for PacifiCorp said in an email. "Pacific Power only institutes a Public Safety Power Shutoff as a last resort, following the carefully considered protocols set forth in its comprehensive Wildfire Mitigation Plan. Public Safety Power Shutoff events must be properly planned and coordinated so a loss of power does not have unintended consequences of increasing public safety risk."

"In this case, Pacific Power did not institute a Public Safety Power Shutoff because the forecasted conditions did not meet the factors identified in Pacific Power's Wildfire Mitigation Plan."

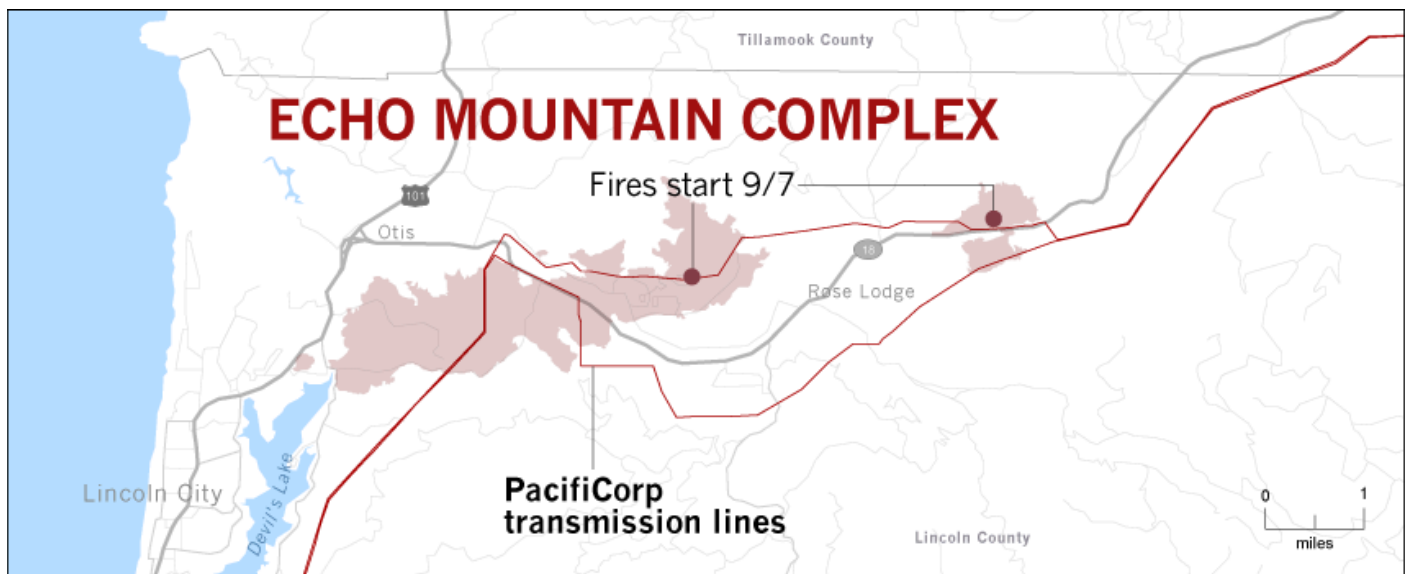
Echo Mountain Complex



The Echo Mountain fire burned 29 of the 31 homes in the Salmon River Mobile Village on the north side of Oregon Highway 18.

The Echo Mountain Complex blew up amid high winds at 11:45 p.m. on Monday night, just east of Otis. At 2,552 acres, it's one of the smallest of the Labor Day fires. But it was highly destructive, burning 293 structures in the area northeast of Lincoln City. The cause is still under investigation.

The complex is actually two fires. One reportedly began on Echo Mountain near Panther Creek, where Pacific Power's VanDuzer # 2 transmission line has a right of way. The second, the Kimberling fire, started further east, where the company's Van Duzer #1 and # 2 lines come together and run along Oregon 18. Pacific Power also provides local distribution in the area.



Map: Mark Friesen/staff

Sources: Esri, U.S. Department of Homeland Security, National Interagency Fire Center

Rep. David Gomberg, D-Central Coast and a resident of Otis, said that while there is no official cause of the fire yet, "anecdotal accounts are that it was power lines."

Gomberg's house survived, though fire burned across his driveway and many neighbors lost their homes. He says he hasn't spoken to anyone who witnessed the fires start.

"We were initially told it was human-caused, and the inference was that it was power lines, but suddenly all that just stopped," he said. "We're waiting for the investigation."

PacifiCorp declined to comment.

Other fires



FILE - In this Sept. 15, 2020, file photo, taken with a drone, fire retardant blankets leveled homes in Talent, Ore., after the Almeda Fire tore through the area. Two unusual weather phenomena combined to create some of the most destructive wildfires the West Coast states have seen in modern times. (AP Photo/Noah Berger, File) AP

The Almeda fire was the **most destructive** of Oregon's Labor Day fires in terms of its impact on homes. This was an **urban conflagration** that ignited near a BMX park on the north side of Ashland. Amid high winds, flames blew rapidly northwest along Bear Creek, consuming some 2,700 structures and 2,400 homes as it ripped through the communities of Talent and Phoenix along the Oregon 99 corridor.

Police told the Medford Mail Tribune that the fire had two points of origin, one in Ashland and another in Phoenix. In Ashland, they found one person dead near the head of the fire. In Phoenix, they arrested a man who has been charged with two counts of arson and other charges.

Pacific Power is the local service provider, and its local infrastructure was decimated in the fire. But there is no indication that its lines were involved in starting it.

The nearly 33,000-acre South Obenchain fire reportedly started Sept. 8 at 2 a.m., five miles east of Eagle Point. It destroyed 33 homes and 56 other structures. The cause of the fire is still under investigation. Pacific Power is the electric service provider in the area.

Holiday Farm fire



Marcus Kauffman with the Oregon Department of Forestry, walks through a burned out area of the Holiday Farm Fire along the southwest edge of the burn area above Deerhorn, Ore., Thursday, Sept. 17, 2020. (Chris Pietsch/The Register-Guard via AP) AP Chris Pietsch/The Register-Guard via AP

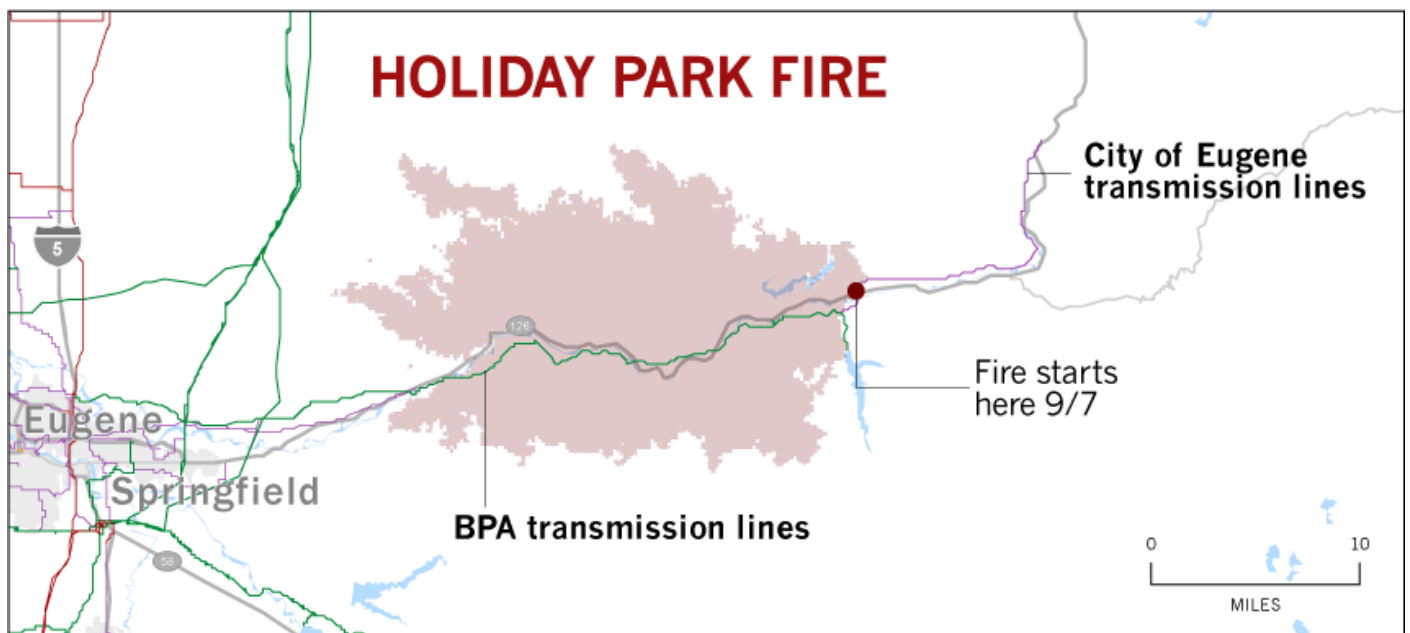
Pacific Power has no involvement here. But it's another fire where residents blame power lines.

This wildfire blew up along the McKenzie River just east of Blue River at 8:20p.m. on Labor Day. Fanned by the gusting east winds, the fire eventually grew to 173,000 acres and destroyed 431 homes.

Fire officials say the cause remains under investigation, though Kris Brandt, who lives almost on top of the reported start at milepost 47 of Oregon 138 told the Oregonian/Oregon live that his power went out at 8:15 p.m., followed by a loud explosion.

“I would have guessed it was a transformer exploding but I can’t confirm,” he said.

He alerted neighbors, then started filming what he thinks was the fire’s start, less than 1,000 feet away.



Map: Mark Friesen/staff

Sources: Esri, U.S. Department of Homeland Security, National Interagency Fire Center

About the same time, Tyee Burwell was returning home when he noticed a power line arcing on a pole near milepost 47.

“It was blowing blue sparks everywhere,” said Burwell, a resident of nearby McKenzie Bridge. “I’m pretty darn sure that’s where the fire started.”

The local electricity provider is Lane Electric Cooperative, which received multiple outage calls as winds began to pick up Labor Day evening. A spokesman for the utility previously told the Oregonian/OregonLive that it did not shut down its distribution system until early Tuesday morning.

The Eugene Water and Electric Board serves customers farther down the drainage, and both the Bonneville Power Administration and the City of Eugene own transmission lines that parallel the highway.

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Correction: Anne Dorsey lives 10 miles west of Steamboat on Oregon 138. An earlier version of the story misstated the distance.

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