



United States
Department of
Agriculture

Forest
Service

Washington
Office

1400 Independence Avenue, SW
Washington, DC 20250

File Code: 5100

Date:

FEB 12 2010

Mr. William A. Derr
1250 Colusa Avenue
Berkeley, CA 94707

Dear Mr. Derr:

Thank you for your letter of November 24, 2009, regarding the Station Fire review. You are well regarded for your skills as an investigator and firefighter, as well as for your many years of dedication to the Forest Service, and your interest, input, and insights are appreciated.

I believe strongly that the Station Fire review was conducted in a thorough, professional, and fair manner and I stand firmly by the conclusions that I reached about the initial attack actions. I never intended to interview all of the more than 200 individuals involved in the early stages of the fire as I do not believe that is necessary to gain a solid understanding of the situation. Instead, I focused on interviewing key Angeles National Forest and Ranger District personnel, as well as the Incident Commander, who I believe have the most significant and relevant knowledge of events. I carefully considered whether or not Incident Commanders made reasonable and prudent decisions with the information that they had at the time and I concluded that their choices were rational.

While I did not interview all of the personnel involved in initial attack on the Station Fire, I spent ample time on the Angeles National Forest, during two separate visits, to provide an opportunity for contact for other employees who wished to speak to me. You are probably aware that the Chief of the Forest Service, Tom Tidwell, and the USDA Secretary, Tom Vilsack, both by law (2002 No Fear Act) and personal direction do not tolerate reprisal. If employees have critical information to share, they have policy and legal protections in place to enable them to do so.

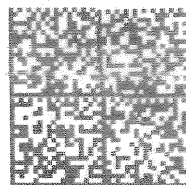
Consequently, at this point in time, I do not believe that additional inquiry into the initial attack phase of the Station Fire is needed, nor do I believe that it would be beneficial, and I do not intend to conduct it.

Thank you for your continuing interest in national forest management. I look forward to meeting you some time in the future. If you have further questions or concerns, please contact Tom Harbour, Director of Fire and Aviation Management, at (202) 205-1483.

Sincerely,

JAMES E. HUBBARD
Deputy Chief, State and Private Forestry

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November 24, 2009

1250 Colusa Ave
Berkeley, CA 94707

Mr. James E. Hubbard
Deputy Chief for State and Private Forestry
U.S. Forest Service
1400 Independence Ave SW
Washington, D.C. 20250-0003

Dear Mr. Hubbard:

Now that the Station Fire Review has been completed and published, we have some serious concerns that should be addressed. Since the retirees were told that it was not appropriate for them to be a member of the review team, it was unfortunate that the team did not seek information from retirees and only interviewed those directly involved in supervising early suppression actions. We could have provided additional witnesses if our request to provide employee protection had been acted on. Our concerns follow:

- 1) The urgent need for the Forest Service to provide written protection against retaliation to employees coming forward with information that could change the Team's findings. These employees are not likely to come forward within the Agency absent this assurance. They have been advised of their options to contact the U.S. Office of Special Counsel and/or the Office of Inspector General, USDA if they experience any form of retaliation for speaking with me and/or the Forest Service fails to investigate their concerns regarding the escape of the Station Fire. Personnel Management and the Office of the General Counsel, USDA, can provide guidance in preparing a letter to employees assuring them of protection.
- 2) The Review Team did not have specific details regarding the burning island within the contained perimeter above the road. Embers from this island, in the late evening, caused spot fires below the road which escaped.
- 3) The IC was advised to extinguish the fires within this island to prevent spot fires. Sufficient measures were not taken although resources were available and extinguishment could have been accomplished safely.
- 4) Witness and video information illustrate items 2) and 3) above. Other information, including the LACoFD Report, indicate that this fire could have been contained in the early stages.

Al West has done his best to acquaint Forest Service officials with many of these concerns since the SAF meeting in Florida. In spite of his efforts, there is no indication that enough information reached the review team including the need for employee protection measures which would have allowed for a more thorough review.

I spent 38 years with the Forest Service and retired after 18 years as the Special Agent in Charge, Region 5. I have an extensive background regarding the requirements for an objective and comprehensive review. One requirement is that ALL witnesses be identified and interviewed. Since only one category of witnesses was interviewed, the Team may not have uncovered all the facts.

It is imperative that the Forest Service Review be accurate even if it identifies Forest Service shortcomings. The objective should be to identify opportunities to make improvements so that future firefighting will be more effective and accomplished in the safest manner possible.

The Forest Service was quoted in a Los Angeles Times article on November 19, 2009: "LA County did not raise these issues during our review." While they may not have, similar issues were raised by others prior to the two reviews. The Forest Service further stated, "We stand by our report." This statement gives the impression that they are unwilling to consider new information or reconsider information which they may have previously dismissed.

The information presented here has not been fully verified for complete accuracy; however, I believe there is sufficient substance to warrant a follow-up inquiry to establish the facts.

I would be happy to discuss by phone these concerns and assist in any other way that would be appropriate.

These observations are not meant to be adversarial; this letter is a sincere effort to assist the Forest Service.

Sincerely,

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William A. Derr ✓
Home Phone: 510-525-8892
Cell Phone: 510-207-9133
Email: billlecfr@me.com

cc: Randy Moore
Al West
Mike Rogers

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Mr. Tom Tidwell, Chief
US Forest Service
1400 Independence Ave SW
Washington, D. C. 20250-0003

December 30, 2009

1250 Colusa Ave
Berkeley, CA 94707

Dear Mr. Tidwell:

Re: Station Fire

Enclosed are copies of correspondence to Regional Forester Randy Moore and Deputy Chief James Hubbard which include actions on the first day of the fire. Apparently you were unaware of these specifics before December 24, 2009.

Since October the concerns of employees and retirees regarding the Station Fire have been given to Al West for referral to the Review Team. The Review Team failed to address some of these concerns. The letter to Mr. Hubbard has not been answered. Mr. Moore's letter was discussed with him but a copy not left with him.

Employees would normally be expected to come forward and provide information to management and/or a Review Team but they perceive that this could be harmful to their careers. Insufficient efforts were made by the Team to identify key witnesses.

A careful study of the enclosed correspondence will provide a broader perspective of the Station Fire and related issues.

Continuing press coverage and local political and Congressional interest will surface issues not addressed by the Review Team. The Forest Service should conduct a followup review with a new review team to minimize further criticism. To establish credibility the team should include wildland fire suppression experts and qualified retirees. The team leader should probably not be a Forest Service employee, however, one member of the previous team should be retained for continuity.

While there may be a natural inclination to question suggestions from retirees, dozens of credible retirees and employees who have first hand knowledge of the suppression activity on the Station Fire support the need for a followup review.

The Forest Service has an opportunity take the high ground if they were to announce that due to new information they are reopening the review of the Station Fire. This decision would be viewed positively by those who are calling for a Congressional inquiry.

This letter is intended to support the Forest Service. Enclosed is a list of some of my references concerning a recent overseas consulting assignment.

Sincerely,

William A. Derr

Email: billlecfr@me.com

Phone: 510-525-8892

Letters of Reference

Paul F. Barker
Regional Forester
Pacific Southwest Region
USDA Forest Service
San Francisco, CA

Mansour Bassiri
Founder/CEO
Bioxiness Pharmaceuticals
Hercules, CA

David V. Cresson, President
Consumer Survey Center
Half Moon Bay, CA

Edward W. Few
Assistant Director of Law Enforcement
USDA Forest Service
Office of the Chief
Washington, D.C.

Wilbur W. Jennings
Regional Attorney
USDA Office of the General Counsel
San Francisco, CA

Laura Mark
Special Agent in Charge
Pacific Southwest Region
USDA Forest Service
Vallejo, CA

Susan Mills
Founder/CEO
Merrimack Management Associates
Berkeley, CA

Richard E. Montague
Deputy Regional Forester for Resources
(Fire, Timber, Recreation and Land
Uses)
USDA Forest Service
Pacific Southwest Region
San Francisco, CA

George Roby
Forest Supervisor
USDA Forest Service
Claremont, CA

Michael Rogers
Forest Supervisor
USDA Forest Service
San Diego, CA

Paul Steensland, President
Paul Steensland & Associates, LLC
Grants Pass, Oregon

Mary Beth Uitti
Program Manager, Evaluation and
Review Staff
Executive Office for United States
Attorneys
U.S. Department of Justice
Washington, D.C.

Kristi van Greunen
U.S. Office of Special Counsel
Oakland, CA

Bruce Van Zee
Legislative Affairs Staff
Timber, Fire and Wilderness
USDA Forest Service
Office of the Chief
Washington, D.C.

Allan J. West
Deputy Chief
USDA Forest Service
Office of the Chief
Washington, D.C.

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November 12, 2009

Mr. Randy Moore, Regional Forester
Forest Service, USDA
Pacific Southwest Region
1323 Club Drive
Vallejo, CA 94592

Re: Station Fire, Angeles National Forest, August 26, 2009

Dear Mr. Moore:

Thank you for the opportunity to brief you today subsequent to our telephone discussion regarding the Station Fire.

At that time I relayed to you my concerns relative to information I had received indicating that fire suppression actions by Forest Service personnel immediately following the initial containment of the Station Fire did not meet acceptable or established wildland fire suppression standards and led to the escape of the fire. I believe that this information is accurate and supportable by reliable witnesses and other evidence.

I have made a diligent effort to convey these concerns to the Review Team. I have not been contacted by the Team to provide specifics. Absent these specifics the final report may not be accurate and/or complete.

Hopefully, our meeting today will help ensure that these specifics, if validated by the Review Team, are appropriately included in the final report.

The following specifics illustrate my concern:

- 1) The initial attack contained the fire above the Angeles Crest Highway.
- 2) There was an actively burning island, surrounded by burned fuels within the contained perimeter. The burned area surrounding the island provided both access and a safety zone for firefighters to take direct action on the burning island fuel within the contained perimeter.
- 3) This island, if not suppressed, would predictably cause spot fires below the highway.
- 4) Action to suppress the fire within the island could have been accomplished safely with available resources.
- 5) Advice was given to the District Fire Management Officer (DFMO) who was the Incident Commander (IC) on the fire that if the fire within the island was not suppressed, spot fires would occur below the road which would significantly increase

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the risk of an escape if not contained. For reasons unknown this advice was ignored and no action was taken to suppress the fire within the island.

- 6) Toward dusk spot fires appeared below the road. The first two were suppressed by the person who had previously advised the DFMO regarding spot fires and the risk of an escape. He was assisted by Los Angeles County Fire Department (LACoFD) personnel.
- 7) For reasons unknown the DFMO took no suppression action on the remaining spot fires.
- 8) The DFMO was further advised that sufficient resources should be ordered to ensure that these additional spot fires would be controlled. It appears that this advice was not heeded.
- 9) The DFMO left the fire at approximately midnight and was replaced by an even lessor qualified IC.
- 10) The Forest Fire Management Officer (FMO), advised the Forest Supervisor and the District Ranger, prior to the Station Fire, that the DFMO referred to herein was not qualified to function as an IC on a fire such as the Station Fire in the circumstances cited above.

The above statements should have a thorough analysis to confirm their validity and if correct whether or not appropriate suppression action was taken during the period of time referenced. There is video and audio evidence available to assist in such an analysis.

I have a major concern regarding the protection of Forest Service employees who may be crucial witnesses to the events related herein. They are concerned that adverse actions may be taken against them by the Forest Supervisor or others involving such things as: careers, promotion and transfer opportunities, reputation, retirement, and/or other acts of retribution. One employee has already been threatened with some of these actions on a related matter involving the Station Fire.

There appears to be a hostile work environment on the Angeles National Forest, especially towards the fire organization that has existed for some time. A recent example perhaps not directly related was the initiation of a criminal investigation presumably by the Forest Supervisor, of allegations that former Forest Supervisor Mike Rogers had violated a Forest Closure on September 19, 2009. Mr. Rogers had travelled to Chilao to visit old friends some of whom were Forest Service employees. Mr. Rogers had a residence pass mailed to him earlier by one of these persons. The Forest Supervisor had also asked Mr. Rogers if he was heading up an investigation of the Station Fire wherein Mr. Rogers replied that he was not. In fact, Mr. Rogers had been keeping the Forest Supervisor informed of what he was hearing from others regarding fire suppression concerns as a well intentioned effort to keep her informed of what was

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being discussed. Any underlining motive playing a role in the initiation of this investigation is unknown.

I have asked whether the Chief can provide written assurance to employees wherein they would be protected against any form of retaliation if they come forward with information to establish what took place in the early stages of the Station Fire. I have not had a reply. Perhaps you could look into this matter and if affected employees can be protected please advise me of the details wherein I'm sure that these employees could be made available to the Review Team.

If the Review Team has not addressed the concerns in items: 1 thru 10, assuming they are valid, their final report will be severely compromised. If contrary facts become public they will give the impression that the Forest Service review was either incomplete or an attempt to obscure the facts.

Perhaps an additional review should be considered to look at the transition to the Incident Command Team and their subsequent management of the fire since numerous questions remain unanswered as to why the fire was virtually unchecked until it had destroyed 160,000 acres of valuable watershed.

Underlining all of the above, there appears to be a host of contributing factors within the Forest Service that have been building for years that may have led up to the apparent failures on the Station Fire. It may be time to take an honest and hard look at these factors. In the early 1970s one of your predecessors, Regional Forester Doug Leisz, initiated a comprehensive safety review due to an alarming increase in fire fighting fatalities. This review was titled "Safety First" and included all Region 5 personnel involved in wildland fire suppression (not just personnel in the fire organization). Upon completion and implementation, there were no fire fighter fatalities over the next ten year period. I believe a similar effort undertaken today where all employees are invited to provide their honest appraisal of needed changes in policy and direction to the overall Forest Service Fire Management program and related agency issues would be of immense benefit to the Forest Service.

I would appreciate the opportunity to review the Team's final draft report to determine whether they have addressed the issues I have raised regarding the fire's escape. To do this in sufficient detail and to confirm the accuracy of our information they would have had to interview key witnesses and view the video and audio evidence. It is unlikely that they have done so. If the Team wishes to interview key witnesses there must be written assurance from the Chief to them that they are protected against retaliation. If this can be accomplished, I will be happy to initiate contact between the parties. I think there is benefit to the Forest Service if they can get the review right the first time. Circumstances and time may not allow them a second chance.

I have a strong commitment to assist the Forest Service in their review process of the early stages of the Station Fire. Since I have been the recipient of a variety of information, from first hand accounts that appear to be highly credible, I have been in a

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good position to facilitate contact between these witnesses and the Team, providing employees received the necessary protections. Since I have not been afforded the opportunity to interact directly with the Review Team I have been hampered in efforts to ensure that they have all the information available. If the final report is inaccurate and/or incomplete other persons will undoubtedly bring this to the attention of Congress, other Government entities and/or the Press which could result in unacceptable consequences to the Forest Service.

In conclusion, even though by now the review may be concluded and the report nearly written, I think it would be appropriate if you would consult with the Chief regarding the issues we have discussed in our meeting today.

The information contained in this letter which may directly and/or indirectly identify employees who have come forward is confidential, and I trust you will be discreet and not divulge this information to anyone. These employees must not be placed in any jeopardy for having provided information.

Sincerely,

S/ William A. Derr
1250 Colusa Ave
Berkeley CA 94707
510-525-8892