

Statement of Probable Cause
Summit Fire
5/22/2008

I, Katherine A. Price, am a Peace Officer for the California Department of Forestry and Fire Protection (CAL FIRE). I have over 20 years experience in both Firefighting and Origin and Cause Investigations of fires. I have been assigned in my current position as a peace officer / arson investigator for the San Mateo/Santa Cruz Unit since May 2003.

On May 22, 2008, at approximately 5:16 A.M., the CAL FIRE Emergency Command Center in Morgan Hill received a 911 report of a vegetation fire in the area of 31000 Summit Road, in the unincorporated area of Santa Clara County. The first arriving engine at scene located the fire in the 31000 block of Summit Road, along the Santa Clara-Santa Cruz County border. The fire was burning at a rapid rate of spread and was estimated at 100 acres in size. Winds at the time of the fire were from the northeast at 20-30 mph with gusts up to 60 mph.

The fire was contained on May 28, 2008 after burning a total of 4,270 acres of brush, timber, and annual grasses. 344 structures were threatened of which 132 structures and outbuildings were destroyed.

On May 22, 2008, at approximately 1:30 P.M. I arrived at the fire in the 31000 block of Summit Road and met with the Fire Captain Greg LATRONICA who was on the first engine to arrive at scene. LATRONICA stated that when he arrived the fire was moving from east to west. He observed a clearing with large burn piles on the East side of Summit Road and noticed the only burn area on the east side of Summit Road was in

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an area downwind of the where the large burn piles where located. I drove into the clearing on the east side of the road, later identified as 31000 Summit Road and observed several large burn piles. Looking at the burn indicators, witness statements and weather observation, I determined this area to be the general area of origin.

At approximately 4:30 P.M. CAL FIRE Investigator Josh WHITE arrived at scene and we conducted an origin and cause investigation using burn indicators, witness statements, and weather observations and determined the origin of the fire was a burn pile located in the clearing at 31000 Summit Road. Next we examined the property surrounding the origin area. There was evidence of recent vegetation clearing on the property. An area, approximately five acres in size was void of vegetation such as manzanita, madrone, oak trees and pine trees. There were remnants of six large debris burns on the property. Two of the piles were smoking. I measured the temperature of the two burn piles with an Extech, IR Thermometer, Model # ⁴²⁵³⁰ 42512. The temperature reading in the pile identified as Pile # 1 was 921 degrees. The temperature reading of the pile identified as Pile # 2 was 1022 degrees. In my training and experience as a Fire Investigator, measuring temperatures so high in these piles indicated there was no effort to extinguish the piles with water prior to any work crews leaving the job site over four weeks ago. The cause was determined to be blowing embers from a debris burning operation. Embers were blown by strong east/northeast wind into dry vegetation on the property. There was no water source at scene.

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The property belongs to Andrew NAPELL. I later learned that NAPELL hired contractor Channing VERDEN to conduct land clearing on the property for which VERDEN was paid approximately \$18,000.00 dollars.

Prior to the start of the Summit Fire on May 22, 2008 Chief SAMPSON and I responded to 31000 Summit Road on March 25, 2008 for a smoke investigation. A pickup truck was backed into the dirt driveway behind the truck Chief SAMPSON and I observed smoke and walked onto property to investigate. We observed several large debris piles on the property. The vegetative material in the piles was not cured (a violation of Air Quality regulations) and one of the large piles was burning. I encountered an older white male adult, who I later identified by a CAL Photo ID as Channing VERDEN. VERDEN stated he was hired by the property owner to clear the land and he had been doing this type of work for a long period of time. VERDEN provided a copy of a Bay Area Air Quality Management District (BAAQMD) notification form after which SAMPSON and I explained the weather conditions and fuel moisture levels were extreme for this time of year and any burning was hazardous. VERDEN was also told all burn piles had to be extinguished by dark, and someone needed to be in attendance of the burn piles at all times. I verbally noted to VERDEN there was no water supply at scene; VERDEN said he was working on getting a water truck up to the location.

On April 18, 2008, due to weather conditions and low fuel moisture levels CAL FIRE San Mateo/Santa Cruz Unit suspended all open burning within all unincorporated areas of Santa Cruz County.

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On May 12, 2008, CAL FIRE Santa Clara Unit suspended all open burning in the unincorporated areas of Santa Clara County by proclamation.

On October 15, 2008, DA Investigator FARLEY interviewed Andrew NAPELL, the property owner at 31000 Summit Road at his place of employment. NAPELL is the sole owner of the property and stated he hired Channing VERDEN at an hourly rate to clear the parcel. NAPELL walked the property with VERDEN and identified areas to clear and what vegetation to leave on the property. When VERDEN started clearing NAPELL received copies of timecards from two employees, Carl EDWARDS and Cheyenne Sun HILL, hired by VERDEN to conduct chainsaw work on the property. According to NAPELL, he did not meet with CAL FIRE to obtain a signature on the burn permit prior to VERDEN starting the burning operation. NAPELL stated VERDEN started work on the property the week of March 24, 2008 and stopped on April 4, 2008. According to NAPELL, VERDEN did not complete the work due to an equipment fire on VERDEN'S excavator.

On October 5, 2008, Santa Clara County District Attorney Investigator Craig FARLEY conducted a taped phone interview with Carl EDWARDS, one of the employees hired by VERDEN to help with land clearing on the NAPELL property. EDWARDS worked for two weeks using chainsaws to cut trees cleared from the property. EDWARDS stated the piles were ten feet tall and the material was wet so they did not burn well.

On October 21, 2008, DA Investigator FARLEY interviewed Fire Captain Randy CASTRO from the CAL FIRE Santa Clara Unit. CASTRO was the Fire Captain

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assigned to work with CAL FIRE hand crews along Summit Road performing fire access road maintenance and fuel break maintenance. Part of his duties was inspecting burn permits in the area. Property owners in the area who wished to burn contacted CASTRO via his state issued cell phone to arrange a date for CASTRO to meet with them to inspect the property prior to burning. CASTRO met with NAPELL'S contractor at the property site in late April 2008 to inspect the debris piles on NAPELL'S property. CASTRO told VERDEN the debris piles were too big to burn as they were and he would need to either break the piles down or start separate piles and "feed" those piles from the larger piles. CASTRO informed VERDEN the pile sizes would have to be 10 foot X 10 foot in size. CASTRO also explained to VERDEN he was required to have someone in attendance of the burn piles at all times and burning could only occur between 10:00 AM and 5:00 PM.

On October 28, 2008, DA Investigator FARLEY interviewed Cheyenne SUN HILL, one of the employees hired by VERDEN for chainsaw work on the NAPELL property. SUN HILL confirmed he was hired by VERDEN for land clearing. SUN HILL worked for 3-4 days and was present at the site two days during the burning operation on NAPELLS property. SUN HILL observed embers blowing towards Summit Road and back towards the other side of the ridge on the Santa Clara Valley side while working at the site. During this time SUN HILL used a shovel to extinguish several small fires on the property at night. SUN HILL recalls two CAL FIRE employees, a female and male, coming to the site on a day when they were burning. SUN HILL indicated the piles were huge which concerned him and recalls VERDEN telling him they did not have permission to burn that day.

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Based on the above facts, I have probable cause to believe Channing VERDEN was responsible for burning large debris piles on NAPELL'S property. That VERDEN was aware of the extreme fuel and weather conditions in the area as explained to him by CAL FIRE employees on March 25, 2008. VERDEN neglected to provide water at the site to prevent any fire from escaping the burn piles, as instructed by CAL FIRE employees on March 25, 2008 and as evidence of SUN HILL'S need to extinguish small fires caused by escaped burning embers while employed for VERDEN at the NAPELL property. VERDEN'S failure to ensure the piles were out after stopping work on the NAPELL property did in fact cause hot embers to escape the debris piles and start the 4,270 acre Summit Fire on May 22, 2008 at approximately 5:30 A.M. which destroyed 132 structures.

Kay Price #2146
CAL FIRE