



MEMORANDUM OF INTERVIEW

Date and Time: March 29, 2012 at 0819 hours

Person Interviewed: Kevin Michalak
Technician II/Engine Boss

Contact Information: Colorado State Forest Service-Golden District Office
1504 Quaker Street
Golden, CO 80401
303-279-9757

Interview Location: Lower North Fork Fire near Prescribed Unit 4
Conifer, Colorado

Interviewed By: SA Shannon Tokos

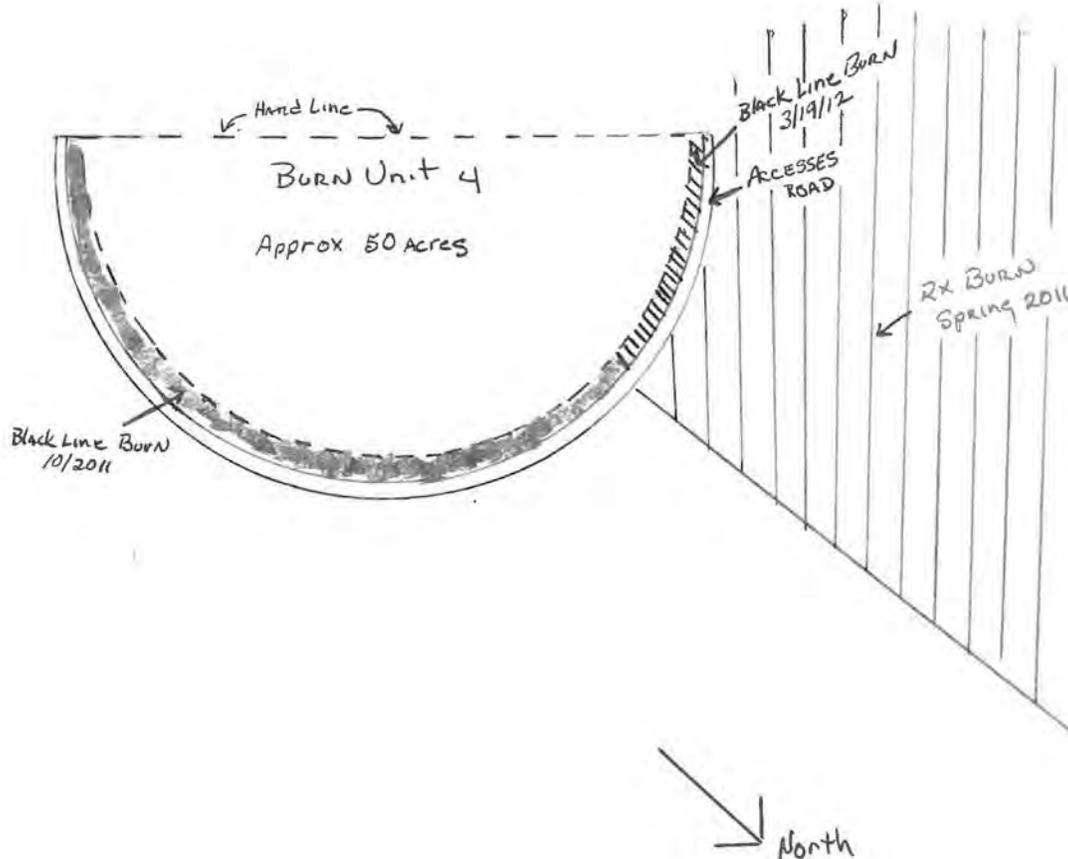
Reference: Case File #LM1200582
Lower North Fork Fire Origin and Cause Determination

On 03/29/12 at 0819 hours Bureau of Land Management (BLM) Special Agent, Shannon Tokos met with Kevin Michalak, Technician II/Engine Boss, Colorado State Forest Service (CSFS), Golden District Office. The meeting took place in the vicinity of prescribed burn Unit 4 on the Lower North Fork Fire. Also attending the interview was BLM Park Ranger/Fire Investigator, Troy Schnurr. Michalak provided the following information about the Lower North Fork Fire.

Unit 4 of the prescribed burn was bordered by the road that ran the ridgeline with a hand line running roughly parallel to the ridge, closing the unit. Michalak stated that Unit 4 contained approximately 50 acres. Roughly four years ago the fuels within the unit were masticated. A hydro-axe was used to treat the fuels below the road, approximately one chain deep (66 feet). After that, the terrain became too steep to use the machine. The goal of the prescribed burn in Unit 4 was to only burn between the road and the handline.

Michalak mentioned burning a test plot near Unit 4 in the spring of 2011 in order to determine how the fire would burn given the fuels and terrain. In October 2011 crews put in a blackline below most of the road along the ridge in anticipation of the upcoming burn. The black line below the road was finished on 03/19/12. According to Michalak, the burn was on property owned by the Denver Water Board. National Forest Systems land began on the other side of the North Fork of the Platte River.

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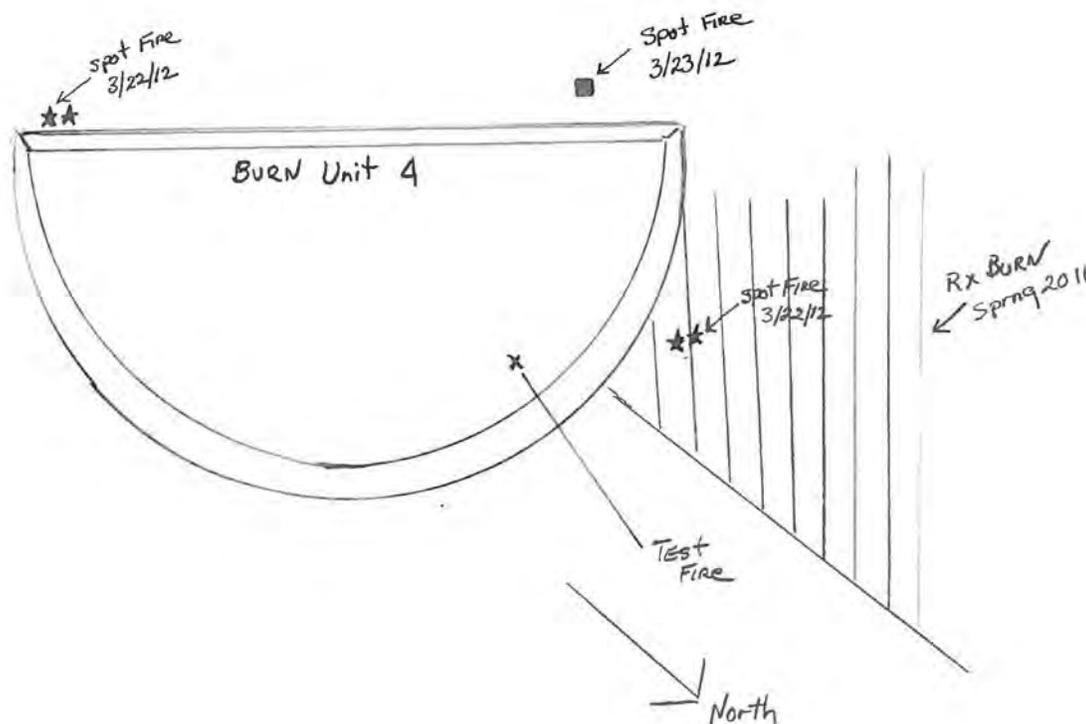
On 03/22/12, the day that the prescribed burn in Unit 4 was ignited, there were approximately 80 people in attendance, including but not limited to:

- 20 person SWIFT (Department of Corrections) crew,
- 20 person Type 2 CSFS crew,
- 6 Type 6 Engines,
- A Type 5 Engine in standby,
- A Type 7 Engine in standby,
- 2 people monitoring Colorado air quality,
- Jefferson County Fire Management Officer, Rocco Snart with a refresher class, and
- A 6 person firing crew from the Platte Canyon Hot Shots.

Unit 4 was ignited on Thursday, 03/22/12 at approximately 1045 hours. The burn began with a test fire that expanded for about 50'. Winds were variable from multiple directions at the time of ignition, but the weather was still in prescription. Michalak stated that there was no

burn ban in effect and a red flag warning had not been issued. He said that hazardous weather was not predicted until Monday, but the warning about Monday did not come out until Saturday night or Sunday (3/25/12).

According to Michalak, the plan for Unit 4 was to burn from the black line down to the handline. Michalak stated that the burn was a little difficult due to the shifting winds but the project was successful. During the prescribed burn, Michalak stated that there were 4-5 small spot fires outside of the perimeter. He believed that they were caused by rolling material due to the steep grade and wind conditions. The spot fires ignited in duff and smoldered. Crews were able to completely extinguish them. Michalak also mentioned some isolated tree torching in the interior of the prescribed burn. The burn ended at approximately 1630-1700 hours. Crews remained on site to mop-up until approximately 2000 hours. At the time the final crews left the burn area, there were a few stumps burning and cold weather was setting in. There were no known spot fires when the crews left the area.



On Friday, 03/23/12, Michalak arrived at Unit 4 at approximately 0900 hours. The SWIFT crew, four Type 4 Engines and a Utility Terrain Vehicle (UTV) with water were on scene that day. According to Michalak, there were two areas of heavy smoking in the interior of the burn. There was also one spot fire that had ignited below the handline. Engine crews were working from the road into the burn unit for approximately 100 feet. A hand crew worked the handline and spot fire until the spot fire was completely extinguished. They worked the entire length of the hose lay from the road, which accounted for 1200 feet. Michalak stated that the

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mop-up work on the unit that day was successful and that there were no other smoking areas or spot fires. The fire was put into patrol status and he left the burn unit at approximately 1700 hours.

On Saturday, 03/24/12 Michalak arrived at Unit 4 at approximately 1030 hours. The SWIFT crew was not on scene that day. Upon arrival, Michalak walked the west (weather station) side of the unit and did not see anything active within two chains (approximately 132') from the road. Michalak did notice one spot in the interior of the unit where an area of needle cast and litter was still smoldering. He knew that the SWIFT crew had worked at that location the previous day (03/23/12) and when they had finished there was very little smoke coming from the site. Michalak also walked the south side of the unit, down to the handline and did not notice anything of concern. According to Michalak, the entire blackline of the fire was completely cold. He left the area at approximately 1400 hours.

Michalak decided not to go up to Unit 4 on Sunday, 03/25/12 because the site looked good the previous day, the weather prediction was favorable, and he intended to visit the site the on Monday (03/26/12).

On Monday, 03/26/12, Michalak returned to Unit 4 around 1030 hours. He was accompanied by Rob Kriegbaum, Fire Fighter I, CSFS, Golden District Office and Ryan Cox, Fire Fighter II (seasonal), CSFS, Golden District Office. Michalak stated that his intention that day was to check the unit and then remove all of the remaining suppression equipment (e.g. hose, pump, signs, UTV). The crew started by collecting Global Positioning System (GPS) data on the unit. Michalak drove Kriegbaum to the west corner. Kriegbaum then walked the bottom handline with the GPS. Michalak then drove to the south side to meet with Kriegbaum. At that time, Kriegbaum informed Michalak that the unit looked good. The only visible smoke was from the interior of the unit at the needle cast area that the SWIFT team had worked on 03/23/12 and from a downed log that was also in the interior of the unit. Michalak then drove the UTV back to the west side of the unit to complete his mapping. Kriegbaum and Cox remained on the south side of Unit 4 pulling up a hose line.

According to Michalak, by about 1230 hours on 03/26/12, he and his crew were on the south side of Unit 4. They had packed everything into their vehicle and loaded the UTV. Michalak noticed that the winds were starting to pick up. He estimated them to be 10-15 mph. out of the south/southwest at that time. Michalak and his crew drove in their truck to the northeast side of the burn unit. At that time, he estimated that the winds were 15 mph. with gusts to 20 mph. out of the south/southwest. Michalak stated that he and his crew noticed small puffs of smoke; he called "duffers", emerging inside the burn unit, below the road. Kriegbaum and Cox jumped out of the truck and began working the area with hand tools. Michalak took the UTV down to a water source near the red gate. He was gone approximately 15 minutes. He stated that when he returned with the UTV, his crew was working 2-3 small spot fires that had jumped the road on the north/northeast side of Unit 4. Michalak said that all of the spots were within five feet of the road, and that nothing went over the lip of the ridge. Kriegbaum and Cox were using hand tools, and were getting the spots under control. By this time, it was around 1300 hours.

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Michalak said that when they were finished with the spots, the crew began working on numerous fires that had ignited on the burn unit side of the road. He mentioned that when they put water on the fires they would dry out in 10-15 minutes and re-ignite. Michalak called Kirk Will, Assistant District Forester, CSFS, Golden District Office, on the radio and requested a Type 6 Engine. Will was the Acting Fire Duty Officer. Michalak stated that Kriegbaum may have called Will first, but he was not sure.

Michalak, Kriegbaum and Cox continued to work the area, inside the burn unit, below the road, on the north/northeast side, for 10-15 minutes. Michalak stated that the winds were picking up to 20-30 mph. and gusting.

Michalak started noticing more smoke coming from the south side of Unit 4. Kriegbaum walked toward the south side to check on the smoke. He told Michalak that he did not see anything, only smoke coming from the interior of the burn unit. They continued to work on the area where the fires were occurring on the north/northeast side of the unit. They ran out of water. It was now between 1330 and 1340 hours. Michalak stated that he began noticing more smoke coming from the south side of Unit 4. He took the UTV down to check, and noticed similar "duffing" as they were fighting on the top of the ridge (north/northeast side). Since all of the duffing was coming from inside the black line, Michalak drove back up to his crew.

Michalak got ahold of CSFS Engine 862, and they informed him that they were five minutes from the red gate. He and his crew continued to work the area on the north/northeast side with hand tools. They were out of water. He said they were working fires on both sides of the road, but none of fires that were outside of Unit 4 went over the lip of the ridge.

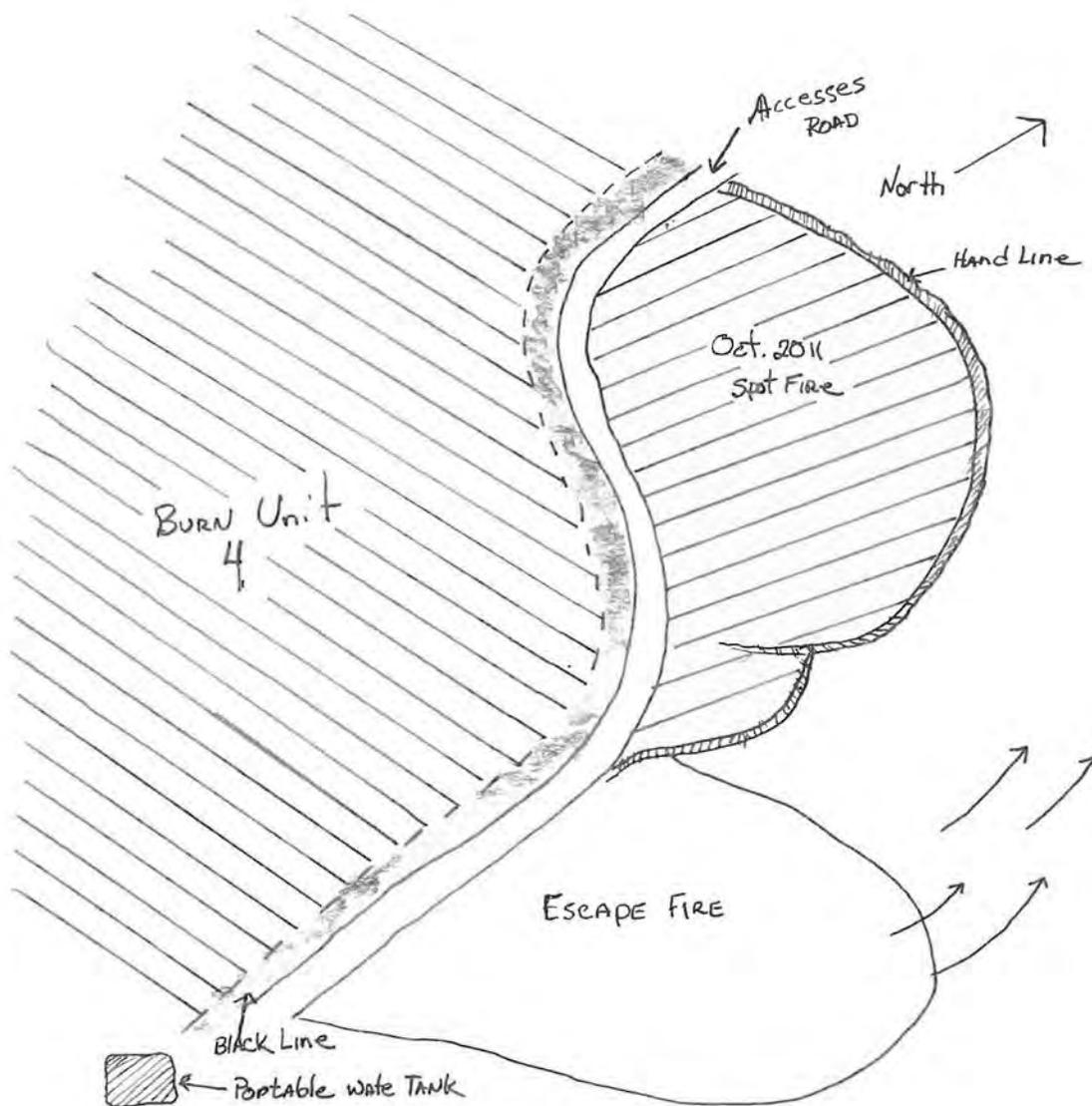
Michalak then noticed, what he described as, a significant amount of smoke on the south side of the unit. He drove the UTV down to check and noticed a fire, approximately 1/10 to 2/10 of an acre in size, outside of the burn unit. The fire was in unburnt masticated fuels. He estimated the winds to be 20-30 mph. Michalak drove the UTV back up to his crew and the vehicle and called Will on the radio. Michalak advised Will of the fire and requested four additional engines and two hand crews. He also requested a Fire Duty Officer and advised Will to check on the availability of the Jefferson County Type 3 Incident Management Team.

By this time, Michalak stated that the CSFS Type 6 Engine had arrived at their location. The CSFS employees that brought the engine to the scene returned to the CSFS Golden District Office in the chase truck, leaving Michalak, Kriegbaum and Cox at the fire, with the Type 6 Engine. Michalak took the UTV back down to the fire on the south side of Unit 4. He stated that the smoke was heavy.

At this point in the interview, Michalak and SA Tokos were standing at the location where the fire escaped on the south end of Unit 4. Michalak informed Tokos that the day after they burned part of the blackline in Unit 4 in October 2011, they (CSFS) received a call requesting that they go back up to the site and check on the unit. Upon arrival Michalak located a spot fire on the south/southeast side of the unit. The fire was outside of the burn perimeter. They

used handline to put it out. Michalak indicated the area where the October 2011 spot fire occurred and identified the associated handline, which was still visible on the ground.

Michalak stated that when he came back down to the fire on the south side on UTV on 03/26/12 the fire had wrapped around the area that was burnt in the October 2011 spot fire and was moving back toward the unit.



Michalak returned to the top of the ridge and staged at that location with Kriegbaum and Cox. He said that they did not initiate any suppression effort on the fire at that time due to the weather conditions and their limited resources. They knew that additional resources were enroute to the scene. Michalak then reiterated that nothing on top of the ridge (the north/northeast side of the unit) went over the lip.

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Michalak took the UTV down a two-track road that runs along the bottom of the drainage below the ridgeline. He stated that the fire was still contained between the two roads (the two-track and the ridgeline road). It was heading north with winds of 20-30 mph. and gusting with heavy smoke.

Michalak went back to his crew at the top of the ridge. Additional resources from Aspen Park and Indian Hills arrived on scene along with a fire crew from the Jefferson County Sheriff's Office. At this point the suppression effort began.

When asked about weather data, Michalak stated that there was a weather station near the west side of the unit. He was under the impression that it was functioning, and agreed to obtain weather information for the investigation team upon his return to the office.

Michalak did not have any photographs of the events that took place. He also advised that he did not have cell phone service at the burn location.

When asked about other types of activities in the area, Michalak provided the following information.

- During the unit preparation, which began in the spring of 2011 and continuing through 03/26/12, Michalak did not recall seeing anyone other than authorized personnel in the vicinity of the Lower North Fork Fire. He said that the red gate was locked and only the Denver Water Board and CSFS employees had keys to access the area.
- Michalak stated that on 03/22/11, he observed some of the personnel on scene smoking, but he said that they were primarily in the black.
- On 03/22/12, during the execution of the prescribed burn in Unit 4, Michalak heard some unspent shells go off in the interior of the unit. There were no people associated with the shells, and no shooting activity was taking place in the vicinity of the fire. He advised that the firing crew had used drip torches and flares to ignite the prescribed burn.
- Michalak stated that the area had not seen any rain or weather in "awhile".
- The local community had been made aware of the prescribed burn before it took place on 03/22/12. Michalak stated that signs were posted on 03/18/12 advising of the pending activity and providing a phone number to call with questions or concerns. He was not aware of any calls or complaints.
- Michalak was not aware of any arson activity in the area.
- Michalak mentioned that on Saturday, 03/24/12, he went to the south end of the burn unit and used binoculars to view the area on the other side. He mentioned that he saw an attended fire that was at least one mile down from the burn unit near the South Platte River. He was not sure if it was a campfire or if it was associated with a residence.
- On Friday, 03/23/12, Michalak was on scene at Unit 4 when a campfire in Reynolds Park was reported. He believed that the campfire was approximately 1.5 miles from the red gate, or 1-1.5 miles as the crow flies from Unit 4 on the west side of Foxton Road.

Michalak agreed to provide SA Tokos with a map of the burn units, weather data from the weather station near the scene, a record of the radio communication and a copy of the prescribed burn plan.

I certify that this report has recorded in it a summary of all pertinent matters discussed with the witness on 03/29/12, and that I prepared this report on 04/09/12 after refreshing my memory with notes made during and immediately after the interview with the witness/suspect.

/s/ Shannon J. Tokos

(Signature)

Shannon J. Tokos, Special Agent
Office of Law Enforcement and Security Region 4

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