

Pass closed

NCH shut down for winter, skiers waiting for snow

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Literary legacy

Local author discovers state's forgotten writers

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DNR investigation: Rendezvous Fire caused by burning debris

Garbage can cited as source of 175-acre fire

BY MARCY STAMPER

A wildfire that burned 175 acres on Rendezvous Road on July 31 was caused by a property owner who had burned debris in a metal garbage can in a dry flower bed, according to an investigation by the Washington Department of Natural Resources (DNR).

Investigators found evidence that the woman had moved the can to another location on her property and hosed it down with water, according to the DNR report.

"Based on the statement of Ms. Canny [the property owner] and physical evidence found at the scene, a reasonable person could deduct that the Rendezvous Fire was started by the burning of material in a metal garbage can that had been placed in a flower bed lined

by railroad ties. The fire spread from the garbage can to the combustible fuels located in the flower bed, spread to the railroad ties and the natural vegetation in the immediate area," DNR Senior Investigator Terry Liebrecht wrote in the report.

The 51-page investigation was completed Sept. 23 and then circulated for other agency reviews. It was provided to the Methow Valley News through a records request last week. It includes 36 photos of the burn barrel, charred railroad ties, blackened vegetation and soil, and various parts of the property.

Matthew Bryant, a wildland fire investigator with DNR, arrived at the scene around 3 p.m. on July 31. The fire had been reported to 911 less than 20 minutes earlier.

As he approached the scene, Bryant could identify the east and west flanks of the fire, and saw the blaze rapidly progressing uphill toward the north. He determined that the fire had started near

a house about 3 3/4 miles up Rendezvous Road. After an initial investigation of the property, Bryant secured the fire-origin area.

Bryant then talked with the property owner, Sharon Canny, who said she had been upstairs in the house when she saw the fire and called 911. After reporting the fire, Canny said she got a hose from her garden shed and began spraying water on the fire.

Canny, who lives on Mercer Island (near Seattle) and has a second home on Rendezvous Road, told Bryant that she had just returned to Winthrop on Monday, July 29, two days before the fire. She said she hadn't been in the large garden since she arrived in Winthrop.

U.S. Forest Service Law Enforcement Officer Dave Graves arrived while Bryant was talking with Canny. Graves pointed out a round metal garbage can about 12 inches in diameter and 30 inches

See FIRE, A2



Photo courtesy DNR fire investigator

The DNR investigators determined the fire started when the property owner used a trash can to burn debris, where it burned railroad ties surrounding a flower bed before escaping to surrounding vegetation.

EARLY MORNING ENCOUNTER



Photo by Ralph Schwartz

Santa Claus visited with Kaylee Blackburn and Tevin Tomatich of Twisp, on Saturday (Dec. 7) during breakfast with Santa at the Twisp Valley Grange.

County weighs issues related to Methow gravel pit CUP decision due to be released shortly

BY MARCY STAMPER

Property owners on a ridge across from a proposed county gravel pit near Methow want Okanogan County to perform a complete analysis of the environmental impacts of the pit and to impose conditions to mitigate noise, dust and discharge into the ground and water.

"We're not opposed to a gravel pit in Okanogan County — and not necessarily this one — but the county needs to do more analysis for a conditional-use permit [CUP]," attorney Mark Ryan told county hearing examiner Dan Beardslee at a hearing last week. Ryan represents 70 landowners in the



Photo by Marcy Stamper

Okanogan County Public Works Environmental Coordinator Anna Randall, County Engineer Josh Thomson, and Road Maintenance Manager Gary George, left to right, described the county's plans for the gravel pit at the hearing.

Methow River Ranch Phase II Homeowners Association (HOA).

At the first hearing on the pit in November, Beardslee and members of the public asked for more precise, detailed information about the county's plans.

There would be no noise, dust or toxic run-off from the pit, which would be on a bench high above the valley

floor just north of the town of Methow, attorney Sandy Mackie told Beardslee. Mackie is representing Claude Miller, who has an agreement to sell 540 acres to the county for the pit for \$1 million.

The HOA appealed the county's claims that the pit would have little impact on noise, traffic, water adequacy

See GRAVEL, A2

MV School District's field trip procedures tightened

Background checks now required for all volunteers

BY RALPH SCHWARTZ

The Methow Valley School District is tightening its procedures after a chaperone at an Oct. 4 mountain biking field trip was charged with sexual misconduct.

The district's procedures will include a requirement that all school volunteers, including field trip chaperones, undergo a Washington State Patrol background check. Volunteers and internship mentors usually go through the background check, Superintendent Tom Venable said, but this step is not currently included in the district's written procedures.

The school district has no record that Emily Binning-Wolak, the chaperone who was charged with felony sexual misconduct, ever went through a background check, Venable said.

"We're not certain that would have

prevented this incident from occurring, but it's our job to minimize the likelihood that events like these take place when students are under our supervision," Venable said.

According to court documents, Binning-Wolak, 41, was arrested on Oct. 8 after telling a sheriff's deputy she had consensual sex with a 16-year-old Liberty Bell High School student after the two separated from the rest of the group during a mountain biking trip in the Sun Mountain area. The boy also told the deputy the sex was consensual, according to court documents.

Adults who have sex with a 16- or 17-year-old in Washington state can be charged with sexual misconduct with a minor if they are at least 60 months older and in a supervisory role.

Binning-Wolak also was charged with communication with a minor for immoral purposes, for sending nude photographs of herself to another Liberty Bell student through Facebook Messenger, according to the deputy's report. Binning-Wolak pleaded not

See SCHOOL, A3

French Creek Road battle continues in Superior Court

Judge's ruling expected soon

BY MARCY STAMPER

Arguments in court over French Creek Road last week boiled down to one basic issue: How does a road officially become a county road? And, if it is a county road, what's the process for privatizing it?

Okanogan County Superior Court Judge Henry Rawson heard oral arguments on Dec. 4 about French Creek Road from the county, a citizens' group seeking to preserve access to public roads, and property owners along the road who say the road is private.

The Okanogan Open Roads Coalition and Okanogan County contend that French Creek Road — including a 3-mile

stretch that plaintiffs Gamble Land and Timber and Cascade Holdings Group say is a private-access road to their property — has been a public road for more than a century.

Gamble and Cascade filed the quiet-title lawsuit in 2017 to protect their property from trespassing. The coalition intervened in the case a few months later because the county had taken little action to defend the road, saying it would instead abide by the court's decision.

This summer, the coalition filed hand-written documents from the 19th and early-20th centuries, including survey field notes and maps, in court. The historic documents show the road — then referred to as the Methow Valley Road — was mapped out and opened for use by the public before

See ROAD, A3



Photo by Marcy Stamper

Judge Henry Rawson

ADDRESS LABEL

THURS.	FRI.	SAT.	SUN.	MON.	TUES.
Dec. 12	Dec. 13	Dec. 14	Dec. 15	Dec. 16	Dec. 17
38°	39°	37°	32°	34°	33°
27°	25°	21°	28°	27°	26°
Cloudy, Snow	Partly Cloudy	Clouds & Sun	Partly Sunny	Cloudy	Cloudy, Some Snow

WEATHER DATA BASED ON ACCUWEATHER.COM FORECAST FOR TWISP

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FIRE

From Page A1

tall that had been used as a burn barrel. The outside of the can was black and blue from burning; there were wet, pasty ashes inside that had recently been watered down; and the inside of the galvanized metal lid was flaking, Bryant wrote. The trash can had holes drilled in the lid, sides and bottom to vent air, Graves said.

Graves asked Canny to come with him to see the can. She said it was lying on its side in a rock ring on dry grass approximately 5 feet away. She said she had put it there after the fire started. The grass within the rock perimeter was not burned and was 15 feet away from the main fire edge, Graves wrote. Canny explained that she had sprayed water in the can before the firefighters arrived and then moved it to the unburned grass, Graves wrote.

Graves detected the odor of fresh burning inside the can, plus freshly burned paper, soot and water in the can, and told Canny it appeared the can had been used that day.

Canny said she hadn't burned anything in the can and knew

"how dangerous fire could be," Graves wrote. Graves reiterated that it appeared someone had used the can that day, and that it had been near the fence or flower bed when used.

"I told Canny that I did not believe she did not use the burn barrel/can and asked her why she would go out of her way, while trying to put out the fire with her garden hose, she would pick up the garbage can that was not a threat or not been used and put water in it, if she had not used it recently," Graves wrote.

"Canny again denied using the can to burn anything, saying that 'She thought that it was the thing to do' referring to spraying water in the can." She added that she had burned papers in the can about a month before, Graves wrote.

In his account, Liebrecht wrote that when Bryant first arrived at the fire scene, he saw Canny spraying water inside the garbage can, but it was on part of her property where there was no fire. "Had the metal can been located where Ms. Canny claimed it was, there would be no need to apply water to the interior of the container," Liebrecht wrote.

After the initial questioning of Canny, Graves left to assist with a

traffic accident, so Bryant continued the investigation on his own.

Garbage can

A countywide burn ban on all outdoor burning and had been imposed by the Okanogan County commissioners in June. Canny told Bryant that she wasn't aware of the burn ban but, in a voluntary written statement, said she knew about the ban. Burn barrels are illegal in Washington state.

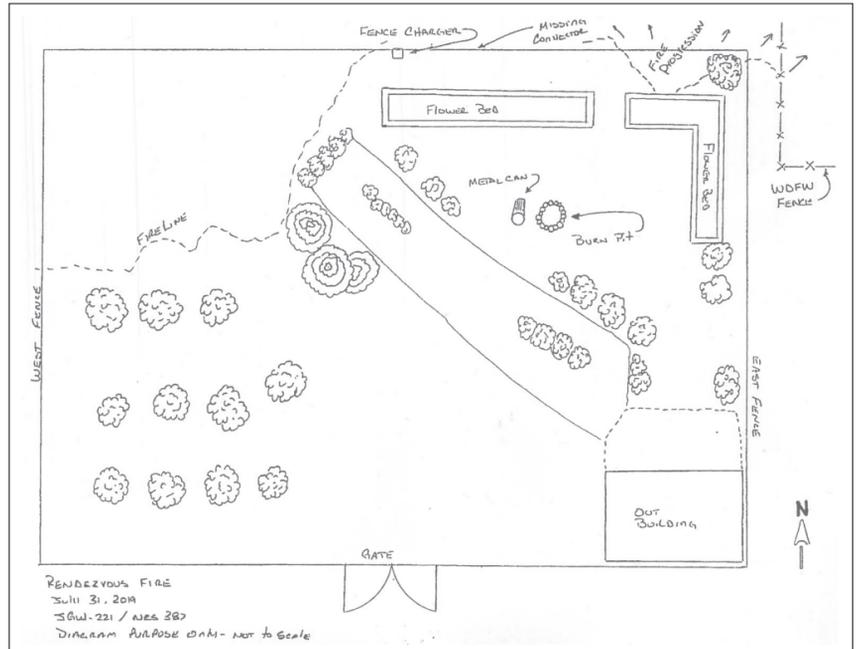
Canny said she hadn't burned anything in the barrel that day, but provided differing accounts to investigators about when she'd last used it. She told Liebrecht that she had last burned debris in the can in April, but learned burn barrels were illegal and hadn't used it again. Then Canny changed the date when she'd last used it from April to sometime in May or June, Liebrecht wrote. She told Bryant she'd last used the barrel in early July.

The exterior of the can showed heat exposure, consistent with its being used as a burn barrel, but it didn't reveal any conclusive evidence, perhaps because Canny had sprayed it with water, Liebrecht wrote.

Further investigation

From the path of the fire, Bryant determined it had started in the flower bed in the northeast corner of the garden. The burned railroad ties had been moved but, after Bryant repositioned them around the bed, he concluded that the fire had spread beyond the railroad ties into natural vegetation on the north side of the garden. Burn indicators on the railroad ties aligned with the advancing fire vector, he wrote.

Because the railroad ties had been severely burned — the fire had consumed 2 to 3 inches of the wood — Bryant concluded that the fire had burned for a



Courtesy of DNR Fire Investigator Terry Liebrecht

When the investigators arrived, the garbage can, which had been doused with water, had been moved to a spot near the burn pit toward the center of the garden, away from the burned flower bed in the upper right-hand corner.

long time before it escaped.

Bryant reviewed the nine possible causes of ignition, including equipment, smoking and lightning. There had been no lightning in the area for more than a week, and Bryant was able to eliminate all other causes. "The only remaining Fire Cause Category is debris burning," he wrote.

Bryant — along with Liebrecht — interviewed Canny again on Aug. 1. Canny said she had mowed her lawn on July 31 and was relaxing inside afterward when she saw the fire burning up the hill.

The investigators asked Canny to walk them through the steps of retrieving the hose from the garden shed, hooking it up, and spraying the burn barrel to suppress the fire. They also asked

her if she knew how the fire had started and what had been growing in the flower bed. Canny pointed to brown, dead weeds but later said the bed contained green bushes and flowers.

Bryant and Liebrecht examined the flower bed and determined it hadn't had many plants before the fire started. They placed the burn barrel in the bed to be sure that it fit inside the railroad-tie border.

In the voluntary statement she wrote on the day of the fire, Canny she said she hadn't been in the garden. She said she had a trash can for burning during the winter but hadn't burned anything for a month.

Canny contacted Bryant later that week to ask if he had found a bag of fertilizer, which she may

have left in the garden, and asked if it had been considered as contributing to the fire. Bryant said he hadn't found evidence of a burning bag or fertilizer.

The Rendezvous Fire was 3 to 5 acres when first reported, but the wind and terrain spread it rapidly, Okanogan County Fire District 6 said at the time. People in the area were advised to be aware of the fire and to be ready to evacuate. Firefighters closed Rendezvous Road and West Chewuch Road.

Firefighters from multiple agencies and aerial dumps of water and retardant controlled the blaze within seven hours. Several houses were threatened, but no structures were damaged. The fire was declared 90% contained the next day.

RECOVERING COSTS OF FIREFIGHTING

By law, DNR must recover costs associated with the suppression of wildfires on the state or private land it protects if the fires were determined to be caused by negligence or criminal intent. DNR investigates the origin and cause of all human-caused wildfires within its jurisdiction.

The cost of suppressing the Rendezvous Fire was just over \$100,000, according to Gary Margheim, a sergeant with the Natural Resources Police who supervises DNR's investigation

unit. Because of the high cost, DNR has submitted the case to the state attorney general to see if it meets the criteria for negligence, Margheim said. The attorney general is still reviewing the case.

Eighty-five percent of wildfires in Washington are human caused, and 52% of those are determined to have been negligently or intentionally started, according to DNR. Any money recovered for fire suppression goes into the state's general fund, not to DNR.

GRAVEL

From Page A1

and endangered species. But Mackie said the appeal should

be thrown out because, while it was filed in time, the appeal fee wasn't sent until after the deadline. Ryan said he'd missed the fee requirement because it was in a different section of the county

code and mailed a check the next day. If accepted, the appeal and CUP will be consolidated.

The two existing pits in the Methow Valley are already depleted. Ryan said he understands that the county needs a gravel source for road work and winter road maintenance. Beardslee can attach conditions to the permit to address their concerns, such as limiting hours of operation and truck trips, Ryan said.

The conditions also need details about what they'll do if a hose breaks — it's not enough to say hazardous materials won't enter ground or surface water, Ryan said.

Permit needs details

Permitting gravel pits is a two-step process, Mackie said. The county is only responsible for finding an appropriate site for the

mine. The Washington Department of Natural Resources handles the mining plan and other necessary requirements, he said.

"Gravel pits are essential — everyone drove on a gravel or asphalt road to get here," Mackie said. "The mere fact that it's a gravel pit is not grounds for rejecting it. The issue is if it can be appropriately accommodated," he said. Noting that he had worked on permitting for pits around the state, Mackie said the topography and a berm will buffer noise and visual impacts.

Although the county has met

several times with members of the community about the proposed pit, conflicting information has sown confusion. County Engineer Josh Thomson stressed that the county hasn't changed its estimates of trucks trips to and from the pit. The county provided its first estimate — 1,900 trucks a year — at the hearing examiner's first hearing in November, he said.

But Ryan's appeal estimated 6,000 truck trips. Thomson speculated that some people extrapolated truck trips based on the pit operating 14 hours a day, seven days a week. After getting

feedback from the community, the county restricted the hours to Monday through Thursday, 6 a.m. to 4:30 p.m., barring emergencies, Thomson said.

The county has a purchase-and-sale agreement with Miller to buy the 540 acres. Because it needs only 149 acres for the pit, the county hopes to sell the remaining acres for public access and wildlife habitat. The pit itself would occupy 81 acres. The county will not buy the property if the CUP isn't approved.

Beardslee said he would issue a written decision within 10 working days.



Photo by Marcy Stamper

Mark Ryan, the attorney for the homeowners' association appealing the gravel pit, said his clients are not necessarily opposed to the pit, but want the county to do a more detailed analysis and control noise, dust and visual impacts.

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