

ILLEGAL CAMPFIRES POSE IMMINENT DANGER

SUMMARY

The Nevada County Grand Jury is authorized to investigate all aspects of city and county government.

In the conduct of this investigation, one of the fire officials reasonably summed up the thoughts of many of those interviewed; **“I understand there are people who want this kind of home-free lifestyle, but they shouldn’t be allowed to continue to put the entire community at risk for their lifestyle.”**

The Nevada County Grand Jury looked at the dangers posed to our community from illegal campfires. The Nevada County Grand Jury considered the extreme fire conditions we experience every year, exacerbated by the multi-year drought and this unusually dry winter. Each news report brings dire warnings about the lack of water. Conditions will become drier and more dangerous as the year progresses.

The majority of fire personnel interviewed made reference to “the Perfect Storm”, created when temperatures are high, humidity is low, fuel is abundant, steep topography exists, and there is a north wind. Those conditions existed on September 11, 1988, when a transient burned his toilet waste in an illegal campfire. The resulting wildfire, known as the 49er Fire, went on to claim 312 structures and over 33,000 acres. According to the Fire Safe Council of Nevada County, the total suppression effort cost \$7.5 million, and the total loss was \$22.7 million.

The Nevada County Grand Jury interviewed city, county, and state fire and law enforcement personnel. The majority of those interviewed stressed the danger posed by illegal camp fires. Statistics provided confirm the increase in severity of the threat.

The Nevada County Grand Jury recommends that the citizens of Western Nevada County take every opportunity to reduce the threat of a catastrophic wild fire, including the following:

- Report any individuals maintaining illegal camps in wooded areas.
- Be aware of what is happening on their own property, and if camping is suspected, follow the procedures to get law enforcement involved.
- Call 911 immediately if a plume of smoke is observed.

Additionally, the Grass Valley Police Department should continue their Strategic Response Team and be commended for taking actions on dealing with transient fires and trespassing issues.

GLOSSARY

Grand Jury – Nevada County Grand Jury
NCCFD - Nevada County Consolidated Fire District
CAL FIRE - California Department of Forestry and Fire Protection
NCSO - Nevada County Sheriff's Office
GVFD - Grass Valley Fire Department
NCFD – Nevada City Fire Department
GVPD – Grass Valley Police Department

BACKGROUND

The Nevada County Grand Jury (Grand Jury) is authorized to investigate all aspects of city and county government. The 2013-14 Nevada County Grand Jury issued a report entitled “Panhandlers, Vagrants and Transients in a Neighborhood Near You?” The publication of that report started a significant public discussion about the problem identified in the report.

The current Grand Jury looked at the dangers posed to our community from illegal campfires. The Grand Jury considered the extreme fire conditions we experience every year, exacerbated by the multi-year drought and this unusually dry winter. Each news report brings dire warnings about the lack of water. Conditions will become drier and more dangerous as the year progresses.

This investigation was not intended to explore the issues and problems associated with homelessness, but rather to focus on the public safety issue of wildfires in our community. Among the greatest threats is the possibility of uncontrolled fire escaping from illegal campfires, many of which exist in local transient camps.

The majority of fire personnel interviewed by the Grand Jury made reference to “the Perfect Storm”, a situation created when temperatures are high, humidity is low, fuel is abundant, steep topography exists, and a north wind. Those conditions existed on September 11, 1988 when a transient burned his toilet waste in an illegal campfire. The resulting wildfire, known as the 49er Fire, went on to claim 312 structures and over 33,000 acres. According to the Fire Safe Council of Nevada County, the total suppression effort cost \$7.5 million, and the total loss was \$22.7 million.

APPROACH

The Grand Jury interviewed personnel from Grass Valley Fire and Police Departments, Nevada County Consolidated Fire District (NCCFD), California Department of Forestry and Fire Protection (CAL FIRE), Nevada County Sheriff's Office (NCSO), Fire Safe Council of Nevada County, the Nevada County Board of Supervisors, and the Nevada County Environmental Health Department. The Grand Jury also reviewed the report issued by the

2013-14 Nevada County Grand Jury, entitled “*Panhandlers, Vagrants and Transients in a Neighborhood Near You?*”, and reviewed the official responses to that report. Several members of the Grand Jury visited one or more of the transient camps.

DISCUSSION

The Grand Jury conducted numerous interviews with city, county, state, and non-profit personnel focusing on the subject of the fire danger posed by illegal campfires. All agreed that there is a significant problem, which is getting worse, and that most area residents are unaware of the magnitude of the problem.

There are many known transient camps in and around the Grass Valley and Nevada City areas. These transient camps are on city, county, and private property. Transient camp locations change over time as law enforcement and others clear out trespassers. This makes it more difficult for law enforcement to keep track of transient camp locations and problem individuals. Nearly everyone interviewed felt the transient population is increasing.

On numerous days in the summer and fall, conditions are perfect for a catastrophic wild fire, and it only requires a single ignition source. One likely, even predictable, source comes from an illegal campfire.

Fire Departments

The Grand Jury interviewed six fire personnel of varying departments and ranks. See Appendix A for pictures provided by fire personnel. The following summarizes their comments:

- Human-caused fires are at the top of their list of concerns. When a responsible person has a backyard burn or campfire, they are required to have a 10 foot cleared area, a shovel, and readily available water source. In transient camps inhabitants have none of these things, AND are often under the influence of alcohol or drugs. There are always threats of wildfire from illegal fires in this area, and among the greatest threat is from transient camping and cooking fires, and the transient population most likely to camp illegally in the Nevada City/Grass Valley area is increasing every year.
- In acknowledgement of the seriousness of this year’s fire threat, local fire crews and air attack resources were brought in two months ahead of their normal schedule.
- Some fires are used to keep individuals warm or for cooking. Often those individuals with alcohol problems drink and pass out while fires are burning, causing danger of fires spreading. Some transient camps have rudimentary fire pits. Some transient campers flee if their fire becomes a problem.

- Fires on private property must have the permission of the land owner. If a fire escapes, it is deemed as negligence. A property owner, transient, or both can then be cited, and required to pay costs of suppression and damages.
- Fire officials are finding more transient camps back into the deeper, dense, and highly flammable brush, away from roads and out of sight. From a fire standpoint, “We just can’t afford to leave these places alone,” stated one fire official. These numerous transient camps with their dozens of cooking and warming fires present a serious, extreme fire hazard to our community, particularly in the hot, dry summer and fall months. Another fire official stated, “I understand there are people who want this kind of home-free lifestyle, but they shouldn’t be allowed to continue to put the entire community at risk for their lifestyle.”
- In discussing the potential for serious fires resulting from transient activities, one interviewee said Nevada County has just been very lucky since the 49er Fire in 1988, which he reminded us was started by a transient fire. He said it would just take one day with dry fuels and a north wind for a similar occurrence. He talked about the fire near Pioneer Park last fall and said how lucky they were to stop it before it went all the way to the top of Banner Mountain. Fire personnel were very surprised houses were not lost in that fire – that there certainly was the potential for loss.
- Fire fighters and EMT personnel, responding to transient-related calls, stated concerns for their own safety due to: sanitation issues at camps such as human excrement and discarded syringes, aggressive dogs, weapons in camp, drunken behavior, mentally unstable individuals, and sometimes even booby traps. Most firefighters wait to enter a transient camp until law enforcement arrives. If fire or law enforcement personnel are injured, local government may be liable for all related costs.
- All fires have some degree of investigation in an after-incident report. Depending on the situation, some reports are very brief and others more detailed. Our area is a wildland/urban interface with residences often interspersed with dense fuels. Transient camps are often located in these areas. Transients choose locations with dense fuels, with little or no supervision or regulation, so they can remain undetected. The transient camp areas require significant patrol and fire protection by local agencies.
- When contacted by fire personnel or law enforcement, the majority of property owners, especially absentee owners, are not aware of the illegal camps on their properties, or of their legal responsibility for costs and damages. Property owners, when contacted, generally respond quickly to official requests for posting their properties and allowing law enforcement personnel to remove the trespassers.
- The NCCFD, the Grass Valley Fire Department (GVFD), and the Nevada City Fire Department (NCFD) have a uniform reporting system through dispatch, and calls can

be identified as “transient-related”. The three agencies responded to 170 medical calls involving transients in 2014, typically related to drugs, drunkenness, and injuries from falling, fighting, and disruptive behavior. The burden of paying for these costs falls to the taxpayers.

- There has been a large increase in transient-related fires in the past two years, averaging 15 to 20 per year. The size of these fires ranges from 100 square feet to half an acre and larger. Many are escaped fires from transient cooking or warming fires, although many are a result of carelessness.
- During a 60-day period between November 1 and December 31, 2014, NCCFD, GVFD, and NCFD recorded 16 vegetation fires, one vehicle fire, and three other fires attributed to transients. There was a total of 220 transient-related incidents during all of 2014.
- CAL FIRE has automatic dispatch protocols when a serious fire is reported within the Grass Valley/Nevada City area. For fires that are in, or threaten, the CAL FIRE State Responsibility Area, if the threat level is high, CAL FIRE will automatically dispatch the following:
 - One Division Chief @ \$802.00 per 24 hours
 - One Battalion Chief @ \$988.00 per 24 hours
 - Six Engines @ \$2792.00 **each** per 24 hours
 - One Bulldozer @ \$3469.00 per 24 hours
 - One Hand Crew @ \$3662.00 per 24 hours
 - One Air Attack @ \$912.00 per **hour**
 - Two Air Tankers @ \$2649.00 **each** per **hour**
 - One Helicopter @ \$1679.00 per **hour**
 - **Each** load of retardant for the Air Tankers is approximately \$4000.00.
- The resources and costs listed above are in addition to local agencies’ equipment and personnel. This is a huge commitment of resources and expense, but is necessary due to the potential risk. There is also the question about what resources will be available for the next call.
- Fire suppression is an extremely expensive and vitally necessary endeavor. In the dispatch protocol display above, the taxpayers’ bill for just the **first hour** of a fire will be approximately \$10,000. If two loads of retardant were dropped on that fire, the **first hour’s** cost would approach \$20,000. Few, if any, fires with a high threat level are suppressed within one hour. Most fires in this category require many hours of suppression efforts. Many fires continue to burn and grow for days and even weeks, as witnessed by our 49er Fire in 1988, and cost millions of dollars in suppression costs alone. Damages resulting from wildfires can easily exceed the cost of suppression due to destroyed homes and outbuildings, community infrastructure and damaged watersheds.

Law Enforcement

It is impossible to analyze the threats of wildfire from transient camps without understanding and considering the law enforcement component of this subject. The majority of transient camps in our area appear to be on private property. In these cases, transients are considered trespassers and must initially be dealt with by city police officers or NCSO deputies.

California Penal Code Section 602(o) provides that private property owners, their agents, or those in lawful possession of a property may under certain provisions make a request for a peace officer's assistance to enforce trespassing laws on the property for a specified period of time, during which time there is a fire hazard, or the owner, owner's agent, or person in lawful possession is away from the premises or property, or the property is closed to the public and posted as being closed. A Letter of Authority pursuant to the above Penal Code must be on file and specify the need for law enforcement assistance.

Officials from the Grass Valley and Nevada City Police Departments, along with the NCSO, have stated they are working hard to deal with transient fire and safety issues, but find it difficult to keep up with the increasing illegal camping population and their local nomadic movements.

The Grass Valley Police Department (GVPD) has established a Strategic Response Team, created to be a liaison with the transient and homeless population in Grass Valley. Transient camps on private property are the responsibility of the property owner. Grass Valley requires that private property be posted with "No Trespassing" signs, and that the property owner must provide a letter to the GVPD authorizing the police to go onto their property for enforcement activities. This Letter of Authority must be renewed by the property owner every six months. Nevada County has a similar requirement, with Form 470 to be completed by the property owner every six months.

Typically, many of the people encountered in the illegal camps are identified by law enforcement as those who are the most problematic within that population. These individuals are not willing to accept the rules and standards required of them (rules prohibiting drugs, alcohol, etc.) by most shelters. They prefer to trespass and camp illegally and not be constrained by any of society's rules of behavior. Law enforcement has a continual problem in this regard. Once they resolve the illegal occupancy in one area, the trespassers simply move to another area, and the cycle begins again.

The majority of law enforcement officers interviewed agreed that the transient camps are an "increasing and significant problem". The majority opinion is that illegal camping numbers have increased in the past several years, in part due to the influx of marijuana trimmers who arrive in the fall and then decide to stay in the area because it is comfortable and accommodating with plenty of free services. The transient camp problems include trash, human waste, people who are under the influence of alcohol or drugs, the danger of fire, and soil or water pollution.

General

The Nevada County Chief Executive Officer, in his Friday memo dated April 24, 2015, released the following information:

“Although the 2015 Nevada County Homeless Count is still preliminary, all indications point to a declining homeless population since data was first collected in 2009. The 2009 count was 345 individuals, compared to the most recent 2015 count of 241. These numbers include the City of Truckee and eastern Nevada County.”

It is the belief of the majority of those interviewed that these numbers confirm that various agencies are helping the people who want to be helped get out of a homeless situation. It does not address the target population of concern, transients or homeless who choose to live in the woods and are not seeking to change their lifestyle.

There are many areas of our community deemed so unsafe that firefighting personnel will not enter unless they are accompanied by armed law enforcement personnel. In some cases, these transient camp areas are so unsafe that armed law enforcement officers will not enter them alone.

If there is another devastating wildfire, the possibility exists that homeowner insurance rates could increase substantially or policies could simply be cancelled.

A representative of the Fire Safe Council of Nevada County reported they are accomplishing excellent results in clearing brush and reducing fuels from a variety of high risk properties. Clearing low-growing brush also has the benefit of eliminating its attractiveness as a transient camp.

FINDINGS

- F1.** Citizens of western Nevada County need to know and understand the significant wildfire risks posed by illegal campfires.
- F2.** Law abiding citizens and property owners should not have to suffer from the threat and potential liability from a fire started by someone who chooses to illegally camp in the wooded areas.
- F3.** Property owners may have legal responsibility for costs and damages associated with suppression efforts resulting from an illegal fire on their property.
- F4.** The extraordinary cost of paying for fire suppression and damages resulting from a wildfire is a financially life-altering event for the average person, and is more than most property owners can afford.

- F5.** Significant public funds are being spent, and firefighting resources are being committed to responding to illegal camp fires and transient activities.
- F6.** The extraordinary threat of illegal transient fires, within our fire prone environment, is a major public safety issue.
- F7.** The GVPD is taking proactive and effective actions in dealing with transient fire and trespass issues in their jurisdiction.

RECOMMENDATIONS

- R1.** The Nevada County Grand Jury recommends that the citizens of western Nevada County take every opportunity to reduce the threat of a catastrophic wild fire, including the following:
- Report any individuals maintaining illegal camps in wooded areas.
 - Be aware of what is happening on their own property, and if camping is suspected, follow the procedures to get law enforcement involved.
 - Call 911 immediately if a plume of smoke is observed.
- R2.** Grass Valley Police Department Strategic Response Team should be commended for taking actions on dealing with transient fires and trespassing issues and should continue their effort.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

- None required

APPENDIX A

Sutton Way Transient Camp



Taylorville Road Transient Camp



Taylorville Road Transient Camp



Transient camp



Transient camp



Near Sierra College Trail



Near Sierra College Trail



Condon Park



Condon Park



Whispering Pines Transient Camp



Whispering Pines Transient Camp

