

C.J. Molloy Ruling on Backfire vs US Government  
September 2006

You will find a link at the bottom to a recent decision by Judge Molloy (US District Court for the District of Montana) on a tort action against the US Government brought by a group of private landowners (and Allstate Insurance for what I presume to be a client) who had lost property in a wildland fire suppression operation during the Spade Fire in the Bitterroot Valley of Western Montana during August 2000. Judge Molloy's ruling is in favor of the government stance and was filed September 9, 2006.

A Little Background: During July - August of 2000 numerous wildland fires were burning across Western Montana (in particular the Lolo and Bitterroot National Forests), and Northern and Central Idaho (Nez Perce, Salmon-Challis, and Payette National Forests) and threatening several communities as well as burning portions of the Selway-Bitterroot Wilderness and the Frank Church River of No Return Wilderness. In the Bitterroot Valley of Ravalli County alone (one of the fastest growing counties in Montana) an estimated 356,000 acres were burned, more than 1,500 people were evacuated, and 70 homes and 170 other structures were destroyed. Previous to this event the landmark fire had been the Sleeping Child Fire which had burned 38,000 acres much of which was attributed to a crew from California conducting another burnout operation. During 1988 there was considerable concern that fires burning in the Selway-Bitterroot Wilderness and on the Bitterroot National Forest would sweep the valley – that didn't happen. The fires waited another 12 years to accomplish that feat. Millions were spent on fire suppression and millions more on resource rehabilitation. At the time these fire complexes were the largest that had occurred since the fires of the 1988 season - that dubious honor would later go to Colorado and Oregon. The 20<sup>th</sup> anniversary of the 1988 fire season (Yellowstone, etc.) is rapidly approaching for the rest of you "grey-beards" like me, I was active during both the 1988 and 2000 seasons on Fire Behavior which to say the least was interesting. – Chuck Bushey, IAWF FireNet Moderator

The following is a link to the court documents, posted at the Wildland Lessons Learned Center website.

[http://www.wildfirelessons.net/documents/CJ\\_Molloy\\_ruling\\_memo.pdf](http://www.wildfirelessons.net/documents/CJ_Molloy_ruling_memo.pdf)