

Insurer pays state almost \$170,000 for 2019 Rendezvous Road Fire

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DNR recovers firefighting costs for 175-acre blaze

An insurance company has paid almost \$170,000 through homeowner's liability insurance to the state Department of Natural Resources (DNR) to cover firefighting costs for the Rendezvous Road Fire, which burned 175 acres in July 2019.

A September 2019 DNR investigation found that the fire was caused when property owner Sharon Canny burned debris in a metal garbage can in a dry flower bed in hot, dry conditions during a burn ban. The fire spread to adjacent state and private property. It was declared 90% contained the following day.

Documents obtained recently by the Methow Valley News from DNR through a public records request detail the agency's effort to recover its costs.

The documents provided by DNR include a copy of a check payable to DNR from USAA Garrison Property and Casualty Insurance Company in San Antonio, Texas, for \$168,790 for "payment under Personal Liability coverage FULL AND FINAL PAYMENT FOR EXPENSES FOR RENDEZVOUS FIRE 7/31/19," issued on Aug. 25, 2020. USAA insured Canny's residence.

In August 2020 correspondence, Assistant Attorney General Steven Reneaud thanked USAA for its decision "to fully reimburse DNR for the fire-suppression costs it experienced fighting the Rendezvous Wildfire."

USAA Representative Linda Snopek wrote to Reneaud, "I'm pleased we've reached an amicable resolution of the below referenced claim."

Some details of the settlement are unclear because many of the documents were redacted because of attorney-client privilege.

Claim supported

DNR's Northeast Region fire staff recommended billing Canny for the cost of fire suppression because it exceeded \$100,000. The state Attorney General's Office concurred.

In an April 2020 letter to Canny, Reneaud explained the agency's request for the fire-suppression costs. The letter summarized DNR's investigation and evidence including a burned area in a flower bed, charred railroad ties, and signs of recent use of a burn barrel.

"In sum, a jury would likely find that the Rendezvous Fire was a direct result of your outside burning, including your failure to adequately tend and extinguish the burn barrel and to prevent the spread of the flames to neighboring property. The jury would also likely find that these actions did not reach the level expected of a reasonable person. This failure supports a statutory fire cost recovery claim by DNR," Reneaud wrote.

Canny had told investigators she was relaxing in her home after mowing the lawn when she saw the fire and tried, without success, to put it out using garden hoses.

Reneaud dismissed a suggestion Canny made several days after the fire that a nearby bag of fertilizer might have exploded and caused the fire.

Liability insurance typically provides a policyholder with coverage for lawsuits filed against them arising out of negligence, said Amy Bach, executive director of United Policyholders, by email. "Coverage includes legal fees and costs and, where covered, an indemnification payment to the person making the claim against you if it's determined you were at fault," Bach said. United Policyholders is a nonprofit organization that provides information and resources to consumers about insurance.

Law requires recovery

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.

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.

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.

At the time of the fire, Canny lived on Mercer Island and the Rendezvous property was a second home, according to the DNR documents. She still owns both properties, according to Okanogan County property records.