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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEVEN DWIGHT HAMMOND and
DWIGHT LINCOLN HAMMOND, JR.,

Defendants.

Case No. 10-CR-60066-HO

UNITED STATES' THIRD TRIAL
WITNESS LIST

Trial date: June 11, 2012 @ 9:00 a.m.

The United States of America, by S. Amanda Marshall, United States Attorney for the District of Oregon, and Frank R. Papagni, Jr. and AnneMarie Sgarlata, Assistant United States Attorneys, respectfully submits its third trial witness list which identifies the witnesses the Government may call at trial. As part of its continuing discovery obligations, the government

will be providing copies of final experts' reports, documents and photos, which were recently provided by some of the government witnesses in preparation for their testimony at trial:

The Government anticipates that the number of witnesses and length of its case-in-chief will be heavily influenced by the number of stipulations, if any, agreed to by Defendants.

The Government reserves the right to call additional witnesses as may become necessary during the course of trial.

Respectfully submitted this 20th day of April 2012.

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WITNESS LIST

WITNESS

SUMMARY OF TESTIMONY

- 1. Thomas H. Dyer, Ret. BLM District Manager**

Dyer will testify that at an October 28, 1999 meeting at the BLM Burns District Office, Dyer accepted Steven Hammond’s admission in the presence of Dwight and Susan Hammond and Miles Brown, BLM Resource Area Field Manager, that on September 9, 1999, he ignited fires on Hammond property which burned onto 90 acres of public land near Fir and Bridge Creeks.

Dyer offered to cooperate with Hammond Ranches as he had with other ranchers with prescribed burnings. He asked Dwight and Steven Hammond to contact their BLM Rangeland Management Specialist Dave Ward if they were interested in initiating a cooperative prescribed burn.

Dyer and Brown warned Dwight and Steven Hammond that “in the future” if they conducted burns on their property which burned public lands without a prescribed burn agreement with BLM, it would be treated as a fire trespass and legal action would be taken. A record of the meeting was described in a November 5, 1999, letter from Dyer to Dwight Hammond.

**2. Brett Jantze, Hunting Guide/
Outfitter**

Jantze will testify that before the 2001 hunting season, he sought permission to have guided hunts on Hammond Ranches properties. Jantze spoke to Steven Hammond who wanted \$5,000 for two deer hunting permits. Since the cost was far higher than what other landowners were asking, Jantze did not purchase them.

In 2001, Dennis Nelson of Utah contacted Jantze to arrange a guided deer hunt for his son, Dustin. Jantze arranged for Gordon Choate to guide the hunt which was to be on public lands, some which bordered Hammond properties.

After meeting Dwight Hammond the morning of September 30, 2001, and seeing who he believed to be Steven Hammond shoot into a herd of deer, then having his campsite on public land threatened by a fire less than three hours later, Choate quit guiding hunts for Jantze.

3. Gordon Choate, Former Hunting Guide

Having grown up in Burns, Oregon, Choate hunted the Steens Mountain area since he was a boy. Choate was hired to guide a mule deer hunt on September 29-30, 2001. On September 29th, Choate set up camp and along with Dennis and Dustin Nelson scouted the area. Early the next morning, Dustin Nelson shot a buck mule deer on public land in Section 15, more than a half a mile from the nearest Hammond Ranch property.

As the Nelsons were moving the deer toward Choate's pickup, Dwight Hammond and two passengers, an older man and a teenage boy, drove up to him. Choate recognized Dwight Hammond because in 1996, when hunting with his stepson and friend on public lands near Hammond property, Choate had met Dwight Hammond and soon after a fire occurred.

Dwight told Choate that he had "a couple of guys (hunters) coming down the hill," then asked where Choate was camped. A wary Choate gestured with his arm and stated "back that away."

After loading up the deer, Choate was driving the Nelsons toward Bridge Creek Road when they observed a herd of deer on a hill. While stopping to admire the deer, numerous shots rang out and several deer were crippled. Choate saw a man with a rifle wearing a white cowboy hat walk down the hill, look in the direction of Choate's pickup, then duck down behind some sagebrush. Choate thought the man in the hat was Steven Hammond. As Choate drove back to his campsite, he told his hunters that the last time he met Dwight Hammond, there had been a wildfire.

While Choate dressed the deer at the campsite, at about 10 am, Dennis Nelson smelled smoke coming from the area where Choate had met

Dwight Hammond. Leaving his camping gear, Choate evacuated his hunters. At about noon, Choate left the Nelsons at their pickup. As he returned to his campsite, he took photographs of the fire.

Back at the campsite, Choate, a former pilot, saw a small plane fly over. At 5:57 pm, Choate reported what occurred and requested an investigation by game officers. Choate spent the night in the trees near his camp and the following afternoon on October 1, 2001, met Oregon State Police Game Officer Rod Spannaus and USFW Officer Pete Revak and took them to where he viewed the deer being slaughtered.

While with the officers, Choate again saw Dwight Hammond and others. Shown driver's license photographs by Spannaus, Choate identified Dwight Hammond and was 95% Steven Hammond was the man in the white cowboy hat.

4. Dennis Nelson, Utah Resident

Dennis Nelson will testify that in 2001, he arranged an Oregon hunting trip for his son, Dustin, who had finished his mission for the Mormon Church in 2001. After scouting the area with their guide, Gordon Choate, on September 29, 2001, early the next morning, they went back and Dustin shot a buck mule deer. After taking photographs, Nelson and his son were taking the deer to Choate's pickup when he saw Choate talking to two guys in a pickup. After loading the deer into Choate's pickup and while driving back toward camp, Nelson saw a herd of deer, then saw four people coming over a hill. A man in a white cowboy hat did most of the shooting at the deer, then ducked down behind some sagebrush and a rock. Nelson witnessed that the group had wounded several of the deer. The hunters retreated back up the hill and did not pursue the wounded animals. Choate identified the man in the cowboy hat as Steven Hammond. As Choate drove back to camp, he told Nelson that when he had been hunting a few years ago and had met Dwight Hammond, there had been a wildfire.

At the campsite, about a half hour to an hour after the deer slaughter, Dennis Nelson smelled smoke coming from that area. Choate packed up the deer, the Nelsons' gear and drove them out of the area to their pickup. Dennis Nelson saw a couple areas of fire. He began driving back to Utah around noon. A hunter all his life, this was the only time he had been hunting where there had been a wildfire.

**5. Dustin Nelson, Utah Resident,
Hunter**

Dusty Nelson will testify that in 2001, he finished his mission for the church, and his father took him on a guided hunt in Oregon. Dustin Nelson's recollection of the events of September 29 and 30, 2001, are similar to his father's. Dustin Nelson described the pickup driven by Dwight Hammond as being an old white/blue or yellow Chevy.

6. Rod Spannaus, Frmr. Oregon State Police Game Trooper

Spannaus will testify that on September 9, 2000, he attended an Oregon Hunter's Association meeting in Burns, Oregon, where he heard Steven Hammond ask the members to be paid for feeding wildlife on Hammond Ranches lands.

On October 1, 2001, Spannaus was investigating a game violation complaint by Choate. On September 30, 2001, Dwight, Steven and Dusty Hammond had landowner preference hunting licenses/tags for buck deer. Russell Hammond had a regular (non-landowner) buck deer tag for the Steens Unit hunt. Choate and the Nelsons had observed the deer being shot on public land (Section 14). Spannaus showed Choate driver's license photographs of Dwight and Steven Hammond. Choate identified Dwight Hammond and was 95% sure the man in the white cowboy hat who shot the deer was Steven Hammond. Spannaus was unable to track the dead or injured deer because of the smoke and fire coming from the Hammond Ranch lands in Section 16 which had burned onto public lands in Sections 15 and 14. Spannaus did not interview Dwight or Steven Hammond.

On February 26, 2000, Spannaus interviewed Dwight Hammond who said he had a pilot's license and did some aerial gunning from time to time on his private land but never on public land. When asked if he had been aerial gunning on public lands on December 25, 1999, Dwight Hammond told Spannaus that he was unable to remember that far back (two months).

On August 28 and 29, 2006, Spannaus accompanied West Virginia Division of Forestry Fire Cause Investigator John Bird as he investigated the fire cause on Krumbo Butte.

7. **Dusty Hammond, Juvenile
Accomplice to Arson with Dwight,
Steven, and Russell Hammond and
Jacon Taylor**

Grandson to Dwight Hammond, nephew to Steven Hammond, and son to Russell Hammond and Debbie McDonald, Dusty Hammond lived on Hammond Ranch lands from ages 12 through 16.

Dusty Hammond will testify that before September 30, 2001, he overheard his uncle Steven and grandpa Dwight talking about lighting a fire when there were hunters on the (Steens) mountain. Dusty heard uncle Steven talking about getting in trouble for interfering with hunters (Steven Hammond was convicted in 1999 of Interference with the Lawful Use of Public Lands by a guide and two hunters).

Before breakfast on Sunday, September 30, 2001, Dwight Hammond had flown over the mountain and had seen hunters and a group of deer. A deer hunt was planned that day. Dusty Hammond had breakfast with Steven, Dwight and Russell Hammond, along with Steven Hammond's nephew Jacon Taylor, an older man who was Dwight Hammond's friend, and a teenage boy who was with the older man.

Susan Hammond told Dusty Hammond that Steven Hammond had gotten into trouble for signing hunting tags for five, but he was going to get out of it with a wrist slap. She wanted to know if Dusty Hammond had talked to anyone about it.

After breakfast, the group got their hunting rifles and, along with Susan Hammond, drove in several vehicles to the Hammond cabin/trailers in Section 34. Dwight Hammond took Steven, Russell and Dusty Hammond along with Jacon Taylor, to a location near the old gravel pit along Fence Creek, bordering Sections 35 and 36, so they could begin their deer hunt. Dwight Hammond drove his blue

Ford pickup. Dwight Hammond left with the old man and teenage boy as passengers. The group was to meet up with Dwight Hammond at the Rock Jack Gate in Section 26.

Hunting four abreast, the group reached the Rock Jack Gate, but Dwight Hammond was not there. They continued hunting with Steven Hammond, wearing a white straw cowboy hat. As Steven Hammond went over a hill, several shots rang out. Russell Hammond went over the hill, and several more shots rang out. Dusty Hammond did not fire any shots and stayed near the top of the hill. Russell Hammond and Dusty Hammond proceeded to walk near the fence line in Sections 23, 22 and 15 until reaching the rock crib which joined three fences near a Mud Creek tributary on the border of Sections 16 (Hammond Ranch property – the schoolhouse section) and public land, Section 15.

Russell and Dusty Hammond were joined by Steven Hammond and Jacon Taylor. Dwight Hammond drove up from the west along with the old man and teenage boy. The old man and teenage boy stayed in the pickup. Russell Hammond had Dusty Hammond join his grandfather Dwight, uncle Steven and cousin Jacon. Steven Hammond began passing out boxes of Strike Anywhere matches and told the group to start lighting fires and burn the junipers.

Steven Hammond said to light the whole country on fire, and directed Russell and Dusty Hammond to start dropping matches down the Mud Creek draw along the bottom of the fence line, then head south. Steven and Jacon were going to walk up the draw to around the waterhole and Steven was going to head north and Jacon south. Dwight was going to drive past the waterhole and then start lighting fires.

The group was to meet up at the cattle guard on Steens Mountain (Loop) Road. Dusty asked where that was and Steven pointed and told him to head for that spot on the hill.

13-year old Dusty Hammond did as he was told by his uncle Steven Hammond and watched his father, Russell Hammond start fires in the cheat grass with the matches. Dusty Hammond lost sight of his father and soon was surrounded by fire. Smoke and fire were coming from the area where he had last seen Steven Hammond and Jacon Taylor.

Dusty Hammond took cover among the rocks, then walked back up Mud Creek and followed an old cow trail and fence line to the cattle guard. It had been an hour since he had started lighting fires, and no one was at there. Dusty Hammond walked down the road until Dwight Hammond drove up and took him to the cabin.

Except for Steven Hammond, the group got into the vehicles and drove for about 45 minutes back to the ranch. Steven Hammond left in his jeep to go move a backhoe. Around noon, the group was at the ranch having a lunch that Susan Hammond had previously prepared.

After lunch, Dwight Hammond said he was going to fly over the fire and see what it did. Dusty Hammond saw Dwight fly off in his plane. Steven and Dwight Hammond told Dusty Hammond not to say anything about lighting the fires.

The next morning, October 1, 2001, at the breakfast table, Susan Hammond told Dusty Hammond not to say anything about the fires because uncle Steve, grandpa Dwight and his dad, Rusty, would go to jail.

In 2009, Dusty Hammond was living with his mother. When interviewed by BLM investigators Dennis Shrader and George Orr, Dusty Hammond disclosed what occurred in 2001. Dusty Hammond explained he had kept the secret because he was afraid of what Steven and Russell Hammond might do to him.

At age 16, Steven Hammond, in the presence of Dwight and Susan Hammond, sandpapered off of his chest a couple of initials he had tattooed on himself. The abuse was investigated by Deputy Needham of the Harney County Sheriff's office but no charges were filed.

**8. Brian Needham, Deputy Sheriff,
Harney County Sheriff's Office**

On March 16, 2004, at 2:10 pm at the Hammond Ranches in Diamond, Oregon, Needham was investigating the alleged child abuse of Dusty Hammond by Steve Hammond. When told the purpose of the investigation, Steven Hammond told Neeham: "Dusty was lucky that he was not at the ranch when he told on Dwight, Susie or himself or there would have been hell to pay and Dusty would have wished he wasn't alive."

On September 9, 2006, at 8:35 am, Needham and Harney County Sheriff David Glerup executed a state search warrant and seized a 1994 blue Chevrolet pickup truck parked at the Hammond Ranch.

9. **Tammi Renfro, BLM Dispatcher** In 2001, the 24-year old Renfro was a “summer help” dispatcher at the BICC.

Renfro will testify that on September 30, 2001, at 12:00 and 12 seconds (pm) she received a telephone call from Steven Hammond. The call was recorded. Steven Hammond asked if there was any reason why a guy couldn’t be controlled burning. Renfro answered that she thought all the burn restrictions were off. Steven Hammond stated: “Okay, there might be something, uh, 6-8 miles south of Fish Lake or 8 to 10 miles east of Frenchglen.”

Renfro informed Steven Hammond that BLM had a controlled burn going down near there too (V-Lake) and there was gonna be a lot of smoke.

On September 30, 2001, at 5:57 and 15 seconds, pm, Renfro received a telephone call from Gordon Choate. The call was recorded. Choate reported what he had seen and wanted to get “a game cop.” Choate described how the whole country caught on fire after he met Dwight Hammond and saw a person he was “pretty sure” was Steven Hammond shoot into a herd of ten bucks and cripple at least four of them. Renfro informed Choate that Hammond told her they were going to do some burning. Choate responded that it was “amazing the fires just started after they talked” to him and was burning towards his camp.

- 10. Tací Weil (formerly Moss), BLM Dispatcher**

Tací Weil will testify that using the dispatch recording, on or before November 29, 2001, she documented the date, time, call numbers, and transcribed the telephone calls to the BICC from Steven Hammond and Gordon Choate (along with a phone call from Pete Revak). Weil provided copies of her work to Dennis Shrader and Dave Ward. The original recording and spiral notebook daily log are no longer available. If required, Weil (formerly Moss) will verify the accuracy of her transcripts.

11. Dave Ward, BLM Rangeland Management Specialist (Hammond Grazing Allotment)

Ward was the Range Conservationist or “Range Con” for Hammond Ranches when Steven Hammond committed a fire trespass in Sections 25 and 26 on September 11, 1999. The trespass was closed by BLM Resource Area Field Manager Brown with a warning to Hammond Ranches that their continued burning of public lands without authorization would result in legal action. On November 5, 1999, a letter from BLM District Manager Dyer informed Dwight Hammond that he should contact Ward to do cooperative prescribed burns.

Before September 30, 1999, Ward worked with Steven and Dwight Hammond in Sections 15 and 16 with the intent to do a cooperative prescribed burn after preparing a plan and doing an environmental study. Ward thought a burn would improve the range conditions. Ward had not been provided notice that Steven and Dwight Hammond intended to do a “controlled” burn on Sunday, September 30, 2001. Ward learned of the burn on September 30, 2001.

Ward began investigating the burn of public land on October 1, 2001. On October 17, 2001, Ward completed his GPS map of the public lands burned. Ward observed the fire had begun on Hammond Ranch land in Section 16 and burned uphill in two areas making mile long runs on to public land in Section 15. The total area burned was approximately 138 acres. Ward recommended legal action be taken against the Hammond Ranches for the unauthorized burn.

On November 5, 2001, Ward was asked by BLM Investigator Shrader to arrange a meeting with Steven Hammond regarding the fire. Ward asked the possible penalties which ranged from a citation to a court appearance.

On November 7, 2001, Ward and Steven Hammond toured Blitzen River Ford and took a trip up to Old Frazier Field. Steven Hammond told Ward that he did not start the fire but admitted the fire came from Hammond Ranch lands. Steven Hammond said he “didn’t light the match.” Ward was unaware how the fire was ignited. Steven Hammond told Ward that he wouldn’t come to the BLM office in Burns just to be given a ticket.

On November 13, 2001, Ward informed Shrader what Steven Hammond had told him on November 7, 2001.

On November 26, 2001, Ward was present at the Burns BLM office when Steven, Dwight and Susan Hammond met with Shrader. Dwight Hammond stated they had worked for five years to build up fuels to burn the area and had been promised for years and years it was going to be burned, but wasn’t. Ward heard Steven Hammond deny starting the fire or directing anyone to start the fire. Steven Hammond denied having knowledge who started the fire and stated Hammond Ranches wasn’t involved in starting the fire. Steven Hammond stated he called the dispatch center and was told he could be burning.

Ward heard Steven Hammond warn Shrader that he was “getting into a hornets’ nest” and believed BLM was going after their grazing permits like the USFW.

Ward heard Steven Hammond ask who had called law enforcement and how Shrader had gotten involved. Steven Hammond said he had started a burn on Hammond property on Monday, October 1, 2001 in Section 24, and pointed to a map.

Steven Hammond stated on Monday (October 1, 2001), he had seen a BLM uniformed officer and a guy with a badge in the mid-afternoon out in the area of the burn (public land Sections 14 and 15).

When Ward told Steven Hammond that there was a complaint that involved Steven Hammond allegedly shooting at a group of deer, Steven Hammond stated several times: “Dave, you’re my Range Con, I should have known this.”

Steven Hammond mentioned the fire could have been started by lightning, but then said he was only joking.

Steven Hammond concluded the meeting by telling Dwight and Susan Hammond that Shrader was “one of them and trying to get them.”

Ward’s investigation of the fire on public lands in Sections 15 and 14 showed that the loss to the BLM exceeded \$1,000 in damages.

12. Dennis Shrader, Ret. BLM Special Agent

On October 31, 2001, Shrader was assigned to investigate the fire on Sections 15 and 14 of public property. After interviewing David Ward, Shrader had a telephone conversation with Steven Hammond on November 24, 2001.

After informing Shrader he would not drive from Diamond to Burns, Oregon, just to get a ticket, Steven Hammond agreed to a telephone interview. Steven Hammond wanted to be asked specific questions and admitted starting a fire Sunday. He asked if Shrader knew if the fire was started by lightning. When Shrader replied he did not, Steven Hammond said he was “just” kidding, and that Shrader didn’t know the whole story, and there was another agency involved.

Shrader told Steven Hammond that he understood from Dave (Ward) that Steven Hammond believed the government was trying to run him off his cattle allotment. Steven Hammond asked if Dave said that. Shrader told Steven Hammond he wanted to hear his side of the story and did not want to push this to grand jury or get the United States Attorney’s Office involved in the matte(r) but would if he needed to. Steven Hammond told Shrader he would talk to him, Monday (November 26, 2001).

Shrader’s recollection of the November 26, 2001, interview of Steven Hammond and statements of Dwight Hammond is similar to that of Dave Ward.

After November 26, 2001, Shrader interviewed Spannaus, Jantze, Choate, and the Nelsons. No charges regarding the September 30, 2001, burning of public lands were brought by the U.S. Attorney’s Office until after Shrader and BLM Law Enforcement Officer George Orr interviewed Dustin Hammond in March 2009.

Shrader retired from the BLM in 2011, and was contracted as an expert witness and litigative consultant by the U.S. Attorney's office for one year. For his work, as of April 9, 2021, Shrader has been paid \$58,167.70

13. Karla Bird, Frmr. BLM Andrews Resource Field Manager

Bird will testify that on March 26, 2003, she and BLM Rangeland Conservationist Dave “Cam” Swisher, met with Steven and Susan Hammond at the Hammond Ranch house. While discussing grazing issues, Steven Hammond pointed to several locations on a map and stated he had set this fire and that fire. Bird recognized the locations as public land where Hammond Ranches had grazing permits. While pointing, Steven Hammond stated, “You guys never caught me.” Swisher recalled Steven Hammond pointing generally to the area of Hammond Ranch land and public lands which burned in 2001.

On August 23, 2005, a fire in the area of Little and Big Fir Creeks caused Bird to telephone Steven Hammond asking permission for firefighters to use the roads on Hammond property. She had spoken with Susan Hammond on Monday, August 22. Steven Hammond said he was in Bend for the day and staying overnight. After discussing the fire’s location, Steven Hammond denied the firefighters access and suggested it be treated like a fire in the wilderness.

On August 23, 2005, Steven Hammond telephoned Bird for a fire update and was informed of the evacuations of Fish Lake and Jackman Park campgrounds. On August 25, 2005, Bird telephoned Susan Hammond because Steven Hammond told firefighters to stop fire suppression activities on Hammond property.

On August 26, 2005, Steven Hammond called Bird and asked if his conversations with her that week were recorded. After Bird told him it was likely and he could get a copy of them by making a Freedom of Information Act request, he commented: “Boy, you really have your ducks in a row.”

On August 30, 2005, Steven Hammond telephoned Bird and told her that for future fires, he wanted BLM to know very clearly he doesn't want so much as a fire fighter's footprint on private ground. Bird replied that BLM would be writing a fire management plan for the area to allow BLM to manage fires rather than to only suppress them. Steven Hammond said he hoped it would actually happen, rather than just talked about.

On October 5, 2005, Bird sent a letter to Steven and Susan Hammond confirming their denying firefighters use of their roads to reach the fires on public lands in the Little and Big Fir Creek.

A year later, on August 4, 2006, Steven Hammond asked Bird when controlled burns would take place on his grazing allotments. When Bird said she did not know, Steven Hammond replied the schedule wasn't soon enough to suit him, then asked if she was applying for any transfers. Bird answered that was her personal business.

On August 22, 2006, when Bird returned Steven Hammond's telephone call, he asked if she knew about a fire at Moon Hill. After Bird answered she did not, Steven Hammond stated that she soon would. (Moon Hill Road runs near Krumbo Butte where firefighters Dunten and Hussey reported someone setting fires below them in the evening of August 22, 2006).

On August 24, 2006, Steven Hammond came to the BLM Burns District Office and spoke with Bird, BLM District Manager Dana Shuford and BLM Law Enforcement Officer (LEO) George Orr. Steven Hammond had been arrested by the Harney County Sheriff for his actions on August 23, 2006, and he was not allowed on BLM lands without a BLM employee escort.

Steven Hammond opined Shuford would be liable for Hammond's cattle that could be burned up in the fire, and was concerned about his continuing to work with his "range con," Joe Glascock, because Glascock was working with law enforcement. Bird offered to find staff to escort him, but that Glascock would likely continue to be his "range con."

On September 20, 2006, Bird sent a letter notifying Dwight Hammond that Bill Anderson had replaced Glascock as the Hammond Ranches range management specialist.

On November 1, 2006, Susan Hammond met with Shuford and Bird at the BLM Burns District Office. She asked about the progress of the criminal investigation of her husband and son. Shuford replied that managers could not influence the investigation, he did not know the details, but thought the investigation was continuing. Susan Hammond said she wished the whole thing could be "swept under the carpet," and felt a lot of pressure. She made several complaints about BLM and thought Bird and her staff were attacking Hammond Ranches. Bird replied Hammond Ranches had multiple range specialists over the years and all had trouble communicating with Steven Hammond. Bird reminded Susan Hammond that a new range specialist, Anderson, had been assigned to them.

**14. Bill Otley, Owner/Operator
Diamond Valley Ranch**

Otley has been an Angus beef cattle rancher all his life. He has private land and grazing leases on public land in Diamond, Oregon. Some of Otley's fences border Hammond Ranches property on the Steens Mountain and also in Diamond, Oregon.

Otley will testify that at the end of August 2005, he saw smoke and went up the Steens Mountain (Fir Creek). He will testify that the fire was near his property and lasted a couple days.

Several days after the fire was out, Steven Hammond told Otley that he had lit a fire on his side of the fence to clean up, straighten up, block up or whatever, some land the other fire had not burned. Steven Hammond was sorry the fire had gotten through the fence and burned onto Otley's property. Otley replied that was no problem and there was nothing to worry about. The fire Steven Hammond started burned 10 to 20 acres of Otley property.

The 2006 Granddad fire (Ignition # 3 on August 23, 2006) caused Otley a loss of about 6,637 acres of grazing pasture, and damaged fences and gates in Sections 1, 2, 5, 6, 7, 8, 12, 31 and 32. The fire required Otley purchase 150 tons of hay to feed his cattle. The Oregon Department of Fish and Wildlife offered to buy \$49,535 of five different seed mixes for Otley to reseed the burned lands. The helicopter application of the seed was an estimated \$25,000. Otley paid for the aerial application of that seed. He had to sell calves in spring instead of selling them at full growth. Otley estimated the fire cost him more than \$31,750. The morning after the Granddad fire, Steven Hammond called Otley and asked if he had lost any cows. Otley didn't know, but ultimately determined he had not.

15. Stacey Davies, Rancher

Davies will testify that for more than 13 years, he has managed a ranch that covers over a million acres, has 14 employees, and raises beef cattle and horses. The ranch is near Hammond Ranches. Davies has done business with Steven Hammond and has served on school and landowner boards with Steven and Susan Hammond.

While the “red tape” working with BLM is “pretty thick,” starting in 1997, Davies has done numerous cooperative burns with BLM as a tool to manage juniper and sage brush. The prescription burns Davies has done with BLM have occurred after a management plan is completed, and only when the conditions – relative humidity, temperature, wind speed – are right. If the conditions were not right, such as where there is a “red flag warning” or a “no burn order,” there was no burning. Davies has done many prescribed fires, but not “controlled burns” because he believes fire cannot be totally controlled.

On May 23, 2007, Davies told BLM LEO Orr and Criminal Investigator Shrader that Steven Hammond told him why go through all this burn prescription stuff in what two matches can do in August.

16. Dave Glerup, Harney County Sheriff

In late July, early August 2006, Steven Hammond asked Sheriff Glerup if he could file a complaint against BLM fire fighting personnel if he caught them trespassing on his land because he was angry about BLM improving their roads near his property because it would encourage people to drive through his property. Steven Hammond did not want any BLM fire suppression on his property because he thought fire was good for the mountain. He thought BLM mismanaged fire operations on the mountain and claimed his property was much healthier than BLM because it was burned more often.

On August 23, 2006, at 11:00 am, Sheriff Glerup was told by BLM District Manager Shuford that BLM LEO Orr was enroute to Steens Mountain after receiving a complaint of persons setting fires upwind of BLM firefighters.

BLM firefighter Lance Okeson radioed Glerup, and at 3:30 pm, a helicopter took him to Okeson's location on Bridge Creek Road.

At 4:00 pm, Okeson reported to Glerup and Orr what had occurred earlier that day and showed them where several fires had been started, and the boot prints where he had seen Dwight Hammond walking.

At 4:45 pm, Glerup, Orr and Okeson flew over several hundred acres of burned land and could see land still burning. At 5:15 pm, Glerup landed north of the fire near Catherson Cabin, and with Orr, interviewed Chad Rott and Lisa Megargee.

At 7:00 pm, Glerup and Orr interviewed Jeffrey Hussey and Brett Dunten about the fires started on Krumbo Butte on August 22, 2006.

On August 24, 2006, at 8:35 pm, Glerup and Orr saw Steven Hammond leave the Frenchglen Hotel after meeting with Glascock. As Steven Hammond drove toward the North Loop Road, Glerup stopped him and explained he was being stopped because of what happened on the mountain yesterday. Steven Hammond asked: "Am I going to jail." Glerup arrested then released him to tend to his animals and fences. Glerup told Steven Hammond that he and Dwight Hammond needed to be the Harney County Sheriff's office at 1:00 pm. At 8:45 am, Glerup and Orr interviewed Joe Glascock about his meeting with Steven Hammond. At 1:15 pm, Steven and Dwight Hammond were charged with state felony and misdemeanor offenses and released on the conditions that they not be on BLM lands without a BLM employee and not interfere with BLM firefighting operations.

On August 26, 2006, Sheriff Glerup, Deputy Lucas McClain and Orr executed a state search warrant for a pair of laced up boots with a heel, but no boots matching the description were found at the Hammond Ranch.

On August 28, 2006, Glerup and Orr interviewed Malheur National Wildlife Refuge volunteers Alice and Calvin Elshoff about an older man they saw walk out of the smoke on August 22, 2006, near the gauging station off of Lower Bridge Creek.

On September 9, 2006, Glerup and Deputy Needham executed a second state search warrant at Hammond Ranches which authorized the seizure of a 1994 blue Chevrolet pickup truck so that tire prints could be taken and compared to tire tracks on Bridge Creek Road.

17. Chris Briels, Harney County Fire Chief

Briels will testify that he has been the Harney County's Fire Chief since 1984, and that on August 8, 2006, he issued a county-wide ban on open burning, including burn barrels, because of extreme dry conditions. The burning ban, or fire closure, was announced in the local newspaper, radio station and on the internet. The burn ban did not apply to local, county, state and federal personnel engaged in fire suppression activities.

The area containing Hammond Ranches and public lands east of Eastside Canal Road, south and west of Moon Hill Road/McCoy Ridge Road and north of the Steens Mountain (North Loop) Road are within Harney County and subject to the burn ban.

During the burn ban, neither Dwight and Steven Hammond, nor anyone representing Hammond Ranches asked or received permission or authorization from Briels to do open burning or back burning. Nor did Steven Hammond notify Briels on or before August 22, 2006, that he would be doing a back burn on Krumbo Butte, and he did not notify Briels after he did the burn on Krumbo Butte as to why he violated the ban. In the summer of 2007, during a burn ban, Steven Hammond called Briels for a waiver to the ban, but it was denied because of high fire danger.

18. Ronald L. Holle, Lightning Expert, Holle Meteorology & Photography

Ronald Holle is a meteorological and scientific consultant with education, training and experience as a research meteorologist. He has been employed by entities such as the National Oceanic and Atmospheric Administration (NOAA), the Mesoscale Research Division National Severe Storms Laboratory (NSSL), and the Environmental Science Services Administration (ESSA), and has served as Supervisory Meteorologist with the Thunderstorm Studies Group. He has worked as a scientific consultant with entities both public and private, and has served as Adjunct Professor in the Department of Geography at Arizona State University, on the American Meteorological Society's Committee on Atmospheric Electricity, and as Session Chair or co-Chair at conferences on the Meteorological Applications of Lightning Data, the International Conference on Lightning and Static Electricity. He was a founding member of the Lightning Data Center in Denver, Colorado, has served as a Steering Committee Member and Session Co-Chair for the National Weather Association, and as a member of the National Weather Service. He holds various technical and scientific society memberships, has received numerous honors and awards from entities such as the American Meteorological Society, Florida State University, the National Weather Association, and has authored over 50 formal scientific publications in addition to books and book chapters and over 280 informal scientific publications

Mr. Holle will testify to the presence and location of lightning strokes in the vicinity of

the 2006 Grandad and Krumbo Butte fires, and the 2001 Hardie-Hammond fire. He will explain the National Lightning Detection Network owned and operated by Vaisala, Inc.; whether and to what extent the sensors associated with that system detected lightning strokes at or near the locations of the 2001 and 2006 fires in this case; and the derivation of, and confidence intervals associated with, the data he relies upon to form such conclusions.

19. David Toney, BLM FMO/Incident Commander

David Toney has served as the Division Fire Management Officer on the Ochoco National Forest/BLM Burns District in Harney County, Oregon, for the BLM and U.S. Forest Service. Mr. Toney was assigned as Incident Commander (IC) on the August 2006 Grandad fire, and will testify about his contacts with the Hammonds concerning 2005 fires in the Steens Mountains, and statements made by Hammonds expressing a desire to allow the mountain to burn under the fires. Mr. Toney will also testify to conversations with defendant Steven Hammond about Hammond's refusal to allow fire crews onto Hammond property, about Hammond's resistance to working with government agencies on managing fires and public lands. He will testify to NEPA requirements applicable to fires on public and private lands, to receiving an August 2006 report from Lance Okeson relating Okeson's observations of Grandad fire behavior and resulting resource needs, and Okeson's report about observing defendant Dwight Lincoln Hammond, Jr. lighting a fire and Dwight Lincoln Hammond, Jr. inviting Okeson to the Hammond ranch to talk about the fire.

20. Glascock, Frmr. BLM Rangeland Conservationist

A graduate of the University of Wyoming and a BLM Firefighter Type II with training in wildland fire behavior, firefighting, and resource management, Glascock was assigned as the Hammond Ranch's Rangeland Conservationist in 2006.

On Thursday, August 17, 2006, while flagging fence lines with Steven Hammond and Cam Swisher, Glascock commented how good the burns looked. Steven Hammond told Glascock that he would start fires after a dry lightning storm, and that he and his dad, Dwight Hammond, had been doing it for years. Steven Hammond talked about a fire which was blamed on a low flying jet which he had started. Steven Hammond told Glascock that the next time there was dry lightning in the area, not to be surprised if a fire occurred in the Bridge Creek area.

On Monday, August 21, at 10:30 am, Glascock reported to LEO Orr what Steven Hammond told him on August 17. On August 21, there were multiple lightning strikes throughout the Bridge Creek area, with strikes at 5:30 pm and 6:10 pm, near the East Refuge Road igniting fires. NOTE: All times are approximate.

On Tuesday, August 22, BLM Rangeland Conservationist Supervisor Fred McDonald sent Glascock to do a reconnaissance of the fire in Lower Bridge Creek. Glascock left Burns and along the East Side Canal Road observed the parked Hammond horse trailer and pickup.

At 8:30 am, Glascock arrived where fire had been burning in the Lower Bridge Creek area and saw Dwight and Steven Hammond, along with two juveniles, moving cattle on horseback. At 9:00 am, Glascock drove the fire's perimeter on an All Terrain Vehicle (ATV). At 10:30 am, he finished circling the perimeter and determined the fire was out around the perimeter and there was only a small pocket in the interior still burning.

Near a gate, Glascock met Dwight Hammond, along with Steven Hammond and three children, who were moving cattle from the refuge into the burned area. Dwight Hammond told Glascock: "It's too bad the fire wasn't bigger."

Glascock left the Lower Bridge Creek area to respond to a fire near Mormon Place. After determining that fire was inactive, Glascock learned from McDonald that the Lower Bridge Creek fire was actively burning again.

At 12:30 pm, as Glascock drove over "P-Hill," he observed several new smoke columns rising from the Lower Bridge Creek area. At 1:00 pm, the juveniles who had been moving cattle told Glascock that Steven and Dwight Hammond were opening gates. Glascock met Steven Hammond who was on horseback and leading the horse Dwight had been riding. Steven Hammond stated: "This fire really took off," and stated Dwight Hammond was up Bridge Creek opening gates. As Glascock talked with Steven Hammond, he saw smoke rising from the Bridge Creek drainage. As Glascock left, Steven Hammond told him to: "Be sure to close the gates."

At 1:30 pm, Glascock began a second reconnaissance of the fire area, then reported at 3:30 pm to BLM Incident Commander John Petty what he had seen and discussed suppression tactics.

At 7:00 pm, Glascock met Okeson at Antelope Reservoir and discussed a strategy to stop the spread of the fire coming from the Lower Bridge Creek area. Glascock (and Okeson) observed Dwight and Steven Hammond circle the reservoir in an airplane.

After 7:00 pm, after establishing a “backfire anchor point”, Glascock and Okeson began creating a blackline by backfiring south along Bridge Creek Road. They discovered a small “slop-over” fire caused from their backfire operation when returning to Antelope Reservoir. Okeson and Glascock spent the night at Antelope Reservoir.

At 6:00 am on Wednesday, August 23, 2006, Okeson left for Krumbo Butte to get more “slash fuel” for their “drip torches” from BLM Firefighter Hussey. Glascock drove south on Bridge Creek Road to check the status of the backfire from the previous night, and found there were no active “hotspots” and any “slop-overs” were “cold” and out. Glascock continued the backfire operation past the “old line shack.”

At 8:00 am, Glascock met Okeson and they refilled their drip torches and drove to the south end of Bridge Creek Road to begin a “test fire.” At 8:40 am, Glascock learned of Incident Commander Toney’s warning that the weather was going to be “critical and not

gonna be good” with relative humidity (RH) down to single digits and temperature in the high 80s, a 35 mph wind coming up around 1:00 pm, “people ‘s lives are gonna be on the line.”

At 8:45 am, Glascock told BLM Firefighter Chad Rott on Engine 612 how to get to Okeson and his location on Bridge Creek Road, and that there was “one tree over the road” that had to be “cut with a chainsaw” or dragged out of the road.

At the south end of Bridge Creek Road, near where a 2005 fire had burned, Glascock and Okeson began a test fire and waited for Rott and BLM Firefighter Lisa Megargee to arrive.

The first person to arrive at the test fire location was Steven Hammond driving a blue pickup truck. He was by himself. Glascock noticed the truck’s tires. Steven Hammond stopped and talked to Glascock. Okeson questioned Steven Hammond about starting fires the previous night on Krumbo Butte. Glascock heard Steven Hammond admit he started them.

Glascock watched Steven Hammond drive down the road to the west. Glascock drove north on Bridge Creek Road to evacuate a fencing crew.

Enroute Glascock met Rott and Megargee who warned him about the start of new fires on the east side of Bridge Creek Road. Rott and Megargee then drove south toward the test fire location. As Glascock drove north, he observed two fires near Little Bridge Creek on the east side of the road (Ignitions #5 and #4),

and two more fires on the east side of the road (Ignitions #3 and #2) .

Where Knox Springs Road (east/west) enters Bridge Creek Road (north/south), Glascock saw tire tracks which appeared identical to the tires' tread on the blue pickup truck being driven by Steven Hammond. He located the fencing contractors and had them evacuate the area.

At 10:30 am, Okeson radioed Glascock to come to his location because he was chasing a person who was lighting fires. Glascock arrived at Okeson's parked ATV on Bridge Creek Road, then walked to where Okeson was standing with Dwight Hammond. Glascock asked Dwight Hammond, "How's it going?" Dwight Hammond replied, "Not so good."

In Dwight Hammond's presence, Okeson told Glascock he saw Dwight lighting fires, and stated "he's been lighting us in here." Glascock heard Okeson tell Dwight Hammond that he has to call this in. Dwight Hammond did not deny starting the fires, and told Glascock and Okeson to "come down to the house tonight and we'll talk."

At 10:36 am, in Dwight Hammond's presence, Glascock heard Okeson radio dispatch: "We've got a situation out here, I need some advice on. * * * I'm having a whale of a time contacting anybody in this country . . . , but yeah, I need George Orr on the radio ASAP." Unable to talk with LEO Orr, Glascock and Okeson let Dwight Hammond leave. Dwight Hammond walked to the west (toward Ignition # 9). As Glascock and Okeson walked east to

their ATVs, a line of fire approached them from the west, the area they had last seen Dwight Hammond.

Glascock and Okeson place rocks around the boot prints where Okeson had seen Dwight Hammond cross the Bridge Creek Road.

Glascock drove south on Bridge Creek Road looking for Dwight Hammond, but had to stop looking because of the intense fire activity. After Okeson reported the fire conditions to him, Glascock drove north on Bridge Creek Road and observed where the Knox Springs fires had crossed the Bridge Creek Road.

Glascock met Okeson, Rott and Megargee at the junction near Antelope Reservoir, then at 12:55 pm, LEO Orr and Sheriff Glerup interviewed him at Catherson Cabin near Moon Hill Road (northeast of Bridge Creek Road).

Glascock next assisted BLM firefighters in backburn operations along Moon Hill Road (to the east of the approaching fire).

At 9:00 pm, Glascock telephoned Steven Hammond and left a voice message asking about Dwight Hammond's safety. He spent the night at "Witzel Cabin."

On Thursday, August 24, 2006, at 5:30 am, as Glascock drove toward Frenchglen, he received a telephone call from Steven Hammond who wanted to meet him at a Frenchglen hotel.

At 7:00 am, Glascock met LEO Orr at Frenchglen and informed him of the meeting. At 8:00 am, Steven Hammond told Glascock that he knew Glascock wanted to be part of

this community, and if he wanted to stay here, he will make this go away. Steven Hammond told Glascock that: “If I go down, I'm taking you with me. You lighted those fires, not me.”

At 10:30 am, Glascock drove back to the area of the Lower Bridge Creek burn and examined the area.

On August 27, 2006, Glascock showed U.S. Fish and Wildlife Law Enforcement Officer John Megan boot tracks near Bridge Creek.

**21. Alice Elshoff, Former Volunteer,
Malheur National Wildlife Refuge**

In the late morning of August 22, 2006, Elshoff and her husband, Calvin Elshoff, were moving a tractor on the Malheur National Wildlife Refuge because of the fire danger. Elshoff saw an older, tall man wearing a hat and dark work clothes carrying something in his hand. Elshoff saw the man walk out of the smoke about 200 yards upstream of the Bridge Creek gauging station walking toward the East Refuge and East Side Canal Roads.

The Hammond pickup and horse trailer were parked on East Side Canal Road and were approximately 800 yards away from where Elshoff saw the man. Because the man appeared tired, Elshoff yelled at him and asked if he was all right or needed a ride. The man did not reply but veered away and disappeared into some sagebrush. Elshoff was unable to identify the man.

**22. Bill Lampert, Air Tactical Group
Supervisor/Air Attack Plane
Observer**

On August 21, 2006, Lampert was the initial lead air attack plane observer for the fires in the Lower Bridge Creek area (south of Bridge Creek). Lampert will testify that on August 22, 2006, he was in the air until Air Tactical Group Supervisor Joe Bates took over air attack operations.

At 11:30 am, on August 22, 2006, Lampert radioed to dispatch a request for “getting a heavy” (tanker) because the fire had “gotten a lot bigger than when (he) was here earlier.”

At 12:15 pm, on August 22, 2006, Lampert radioed to dispatch the GPS location of another fire started in the Lower Bridge Creek area.

Because the “spot fires” did not align with the prevailing winds, Lampert thought they were odd and notified Bates of his suspicions and requested law enforcement be notified.

23. **Randy A. McKinley – Geographer, United States Geological Survey Center (USGS) Earth Resources Observation and Science Center** McKinley helped prepare the maps (exhibits) for the Lower Bridge Creek, Krumbo Butte and Granddad fires which reflect the burn and no burn areas. McKinley used landsat satellite images acquired before and after the fires to highlight the burn impacted areas. The USGS has been mapping wildfires for the Department of Interior since 2001.

If needed, McKinley will testify to how he analyzed the images to determine the burned and unburned areas. The process required he manually interpret the satellite images which have a “resolution” of approximately 30 by 30 meters of ground area (a pixel area) and determined which vegetation had been burned as opposed to vegetation changes unrelated to the fire (e.g., agricultural activities).

24. Brett Dunten, BLM Contract Firefighter

On August 22, 2006, Dunten was driving a Firestorm engine and was assigned with Heavy Engine Captain Ryan Hussey's BLM Engine 426.

Dunten will testify that on August 22, 2006, at 9:45 pm, a fire on Hussey's engine blew out near the ridge north of Krumbo Butte. While Hussey worked to change tire, at 10:00 pm, Dunten drove near the edge of the rim, then walked to the rim of ridge to view the main fire. The main fire was slowly creeping up the Krumbo Butte draw, away from the rim where Dunten was standing.

Dunten returned to his engine and an hour to two hours later, Dunten returned to the rim to monitor the main fire. He noticed there were three spot fires about 15 to 30 feet apart in a line and about 300 to 500 yards from the main fire which had not previously been there. Dunten radioed Hussey about the fires. The fires were in a location away from where the direction of the main fire was moving.

Dunten took cellular telephone photographs of the line of fires which were not subsequently retained. Dunten reported to Hussey what he saw, showed Hussey the photographs he had taken and told Hussey that he thought someone was lighting fires below them (the firefighters). He later accompanied Hussey to the rim and pointed out where the fires had been.

Hussey, Dunten, their crews, and another fire engine crew camped the night of August 22, 2006, at Gil Thompson reservoir.

The morning of August 23, 2006, Dunten showed Okeson the cellular telephone photographs and explained what he had seen.

In the mid-morning, Dunten heard a plane and saw a small off-white tanish colored plane fly over the Krumbo fire. It flew over the Krumbo basin at about 50 to 75 feet above eye-level. Dunten watched the plane fly down the Krumbo drainage and disappear behind the hills to the northwest of him.

25. Ryan Hussey, BLM Firefighter

On August 22, 2006, Ryan Hussey was the Heavy Engine Captain for BLM Engine 426 and crew.

Hussey will testify that on August 22, 2006, at 9:45 pm, a tire on his engine blew out near the ridge north of Krumbo Butte. While Hussey worked to change the tire, Dunten radioed him at 11:00 pm or 12 am, to inform him that there were three spot fires about 15 to 30 feet apart in a line and about 300 to 500 yards from the main fire which had not been there when he had gone to the rim around 10:00 pm. The fires were in a location away from where the direction of the main fire was moving.

Hussey looked at the photographs Dunten had taken with his cellular telephone. Hussey accompanied Dunten to the rim and Dunten pointed out where the fires had been, but by the time he got to the rim, the fires were no longer separated.

For safety, Hussey had Dunten, their crews, and another fire engine crew camp the night of August 22, 2006 at Gil Thompson reservoir.

The morning of August 23, 2006, Hussey discussed with Okeson what Dunten had reported and Dunten showed Okeson the cellular telephone photographs and explained what he had seen. Hussey told Okeson that he thought someone had been lighting fires below them.

26. **Chad Rott, BLM Fuels Tech,
Temp. Engine Captain, Engine 612**

Rott will testify that on August 23, 2006, he was the Captain of Fire Engine 612. At 10:00 am, as directed by Lance Okeson, he and his crew member, Lisa Megargee arrived at the north end of Bridge Creek Road to put out, or “mop up,” a “slop over” fire. The fire was completely cold or out. There were some smoldering juniper trees but there were no active flames in the “back fire” on the west side of the road.

Rott radioed Okeson and was told to drive to the south end of Bridge Creek Road to “mop up” a test fire. At 8:45 am, Glascock told BLM Firefighter Chad Rott on Engine 612 how to get to Okeson and his location on Bridge Creek Road, and that there was “one tree over the road” that had to be “cut with a chainsaw” or dragged out of the road.

As Rott and Megargee drove south, Rott did not see any fire on the west side of Bridge Creek Road. When Rott reached the down juniper tree, he got out to get his chainsaw. As he opened the side compartment to get the saw, a blue pickup truck driving south on Bridge Creek Road came up behind him.

Rott recognized the driver as Steven Hammond from what Hammond had told Rott when Rott had strayed onto Hammond Ranch property while trying to reach a wildland fire in 2005. Rott did not recognize the passenger, but on February 5, 2007, identified the person from a group of photographs to be Dwight Hammond.

Steven Hammond approached Rott and asked how long they were going to block the road. Rott replied as long as it takes to cut the tree

out of the road. Steven Hammond went back to the pickup and after talking with his passenger, backed up his pickup about 100 feet, then drove up the side of the hill which had been partially back burned. The pickup went through brush and bounced over rocks, and came down on the road in front of the downed tree and Rott's fire engine.

After the pickup, driver and passenger left heading south down Bridge Creek Road at a high rate of speed, Rott radioed Okeson and asked if he had received any visitors yet. When Okeson said he had not, Rott told him that Steve Hammond was coming.

After cutting away the juniper tree, Rott and Megargee resumed driving south on Bridge Creek Road, and after traveling a quarter of mile, he saw a half acre of waist high brush burning on the east side of the road. No fires were burning on the west side. The fire was running to the east with three to four foot flames. It was shaped like a "D" with the flat end toward the road. The fire was too large for Rott and Megargee to suppress (Ignition # 3). The only persons, Rott had seen since 10:00 am, besides Megargee, on the Bridge Creek Road had been Steven and Dwight Hammond.

As Rott continued driving south, he saw other fires on the southeast side of the road in an Aspen tree stand (Ignitions 4 and 5). The west side of the road had no fire. They put a "wet line" around the fires to try to prevent their spread.

Rott continued driving south, he saw a two acre fire on the slope to the east of the road which was putting up a lot of smoke (Ignitions 6 or 7).

Rott met Glascock who was driving north on Bridge Creek Road to evacuate a fencing crew. Rott warned Glascock about the new fires.

Rott met Okeson who showed Megargee and him the test burn area to be mopped up. Rott told Okeson about all the fires he had seen on the east side of the road. Okeson left to “check it” while Rott and Megargee mopped up the test burn.

After mopping up the test burn site, Rott heard Air Attack (Joe Bates) tell Okeson that there was fire everywhere and to leave the area. Rott and Megargee traveled north on Bridge Creek Road and met Okeson.

Rott observed a new fire on the east side of the road and asked Okeson how that got there. Okeson told Rott, “Just happened, I just caught Dwight Hammond coming from that new fire.” Okeson told Rott and Megargee to get out of the area.

Glascock was not with Okeson but arrived a few minutes later. As Rott and Megargee drove north, he observed many new fires, all to the east side of the road. Rott and Megargee drove to Antelope Reservoir and were eventually joined by Okeson and Glascock.

27. Lisa Megargee, BLM Engine Crewman, Engine 612/”Hot Shot” Firefighter Megargee’s testimony will be similar to Chad Rott. Megargee was unfamiliar with the roads.

28. Lance Okeson, BLM Line Scout/Line Safety Officer, Rangeland Management Specialist

Lance Okeson has twenty-two seasons of experience in wildland fire and prescribed burning and has a Bachelor of Science degree in Rangeland Resources from Oregon State University. He has been an incident commander, division supervisor, task force leader, a fire boss, leader and a lead crew member on a “Hotshot Crew.” Okeson has been an instructor for various wildland fire and prescribed fire courses. He has owned and operated three hunting preserves and worked for a logging company in Harney County.

Okeson has conducted numerous prescribed burns, including the September 2001, 22,000 acres V Lake burn, in which Roaring Spring Ranch Manager Stacey Davies participated.

Okeson will testify that on August 21, 2006, Okeson was assigned to be the line scout/line safety officer on the fire which started east of Frenchglen, Oregon. The afternoon of August 22, 2006, Okeson met Incident Commander John Petty and received a briefing. Okeson was to scout out the fire and formulate a plan to attack the fire.

On August 22, 2006, at 7:00 pm, Okeson met Glascock at Antelope Reservoir and they agreed to do a back fire/black line on the west side of their “control line,” Bridge Creek Road. While at the reservoir, Okeson saw Dwight Hammond piloting a plane with a passenger. At 8:00 pm, sundown, Okeson and Glascock began back fire operations with two drip torches and finished up around 10:30 pm when they ran out of slash fuel. Returning to Antelope Reservoir, Okeson noted a small “slop over” fire. At Antelope Reservoir,

Okeson reported to Toney the plan to attack the fire and to meet with Hussey in the morning.

On August 23, 2006, Okeson left Antelope Reservoir shortly after 6:00 am and drove his ATV to Krumbo Butte where he met Hussey and obtained slash fuel. Dunten showed Okeson photographs of the suspicious fires started below the fire crews on Krumbo Ridge after 10:00 pm on August 22nd. Okeson examined the area where Dunten saw the fires.

At 8:00 am, Okeson met with Glascock. At 8:40 am, Okeson learned from Toney that at 1:00 pm, fire weather conditions would become critical and was warned of the danger to fire personnel. At 8:45 am, Okeson informed LEO Orr about the suspicious fires on Krumbo Butte. Okeson had Glascock direct Rott and Megargee on Engine 612 to patrol the black line on Bridge Creek Road, clear out the juniper on the road, and drive south to the test fire location.

At 9:00 am, after Okeson conducted a “test fire” on the south end of Bridge Creek Road, he decided not to continue with the back burn operation.

Rott informed Okeson that Steven Hammond is headed toward him. Okeson directed Rott to come to the test fire location to mop it up.

After Steven Hammond arrived at Okeson and Glascock’s location, Okeson talked to him about lighting fires underneath the fire crews that were on the ridge at Krumbo Butte. Steven Hammond admitted to lighting a back fire to protect his winter range allotment.

Okeson said that he needed to notify BLM of what he is doing because he could kill someone. Steven Hammond told Okeson that: “Well, then maybe you guys had just better clear out.” Okeson said “That ain’t gonna happen, we’re here and were going to deal with this fire.” Steven Hammond said he had to open gates, and left driving west down towards Hammond Ranch property.

Shortly after Okeson learned Steven Hammond was headed toward him, Rott reported to Okeson that there was a fire on the east side of the road which he could not put out.

Okeson sent Glascock north to have fencing contractors evacuate the area. After Rott and Megargee arrived at his location and informed him of new fires on the east side of Bridge Creek Road, Okeson drove north to a high point on the road to act as a lookout for Engine 612, and observe the fires.

At 10:30 am, Okeson saw Dwight Hammond walk away from a newly lit fire (Ignition 8). As Dwight Hammond crosses Bridge Creek Road, Okeson yelled at him, “Dwight stop!” but Dwight Hammond continued walking.

Okeson radioed Glascock and drove to where Hammond had crossed the road, and pursued him. As Okeson got within 20 feet, he said, “Dwight, I know you lit that fire and lit those kids (Rott and Megargee) in. I’m not going to let you get away with it. I know you want to see this mountain burn, I do too, but this is not the way. We have people all over this mountain – fire crew, permittees, and the

public. If you kill someone by lighting fires you can be charged with manslaughter.” Dwight Hammond rolled his eyes, and Okeson stated, “All these people are sons and daughters of someone, how would you feel if someone burned up a child of yours? Damn it, Dwight, I know you don’t care about these kids but I do.” Dwight Hammond stated, “No, I care.” Okeson replied, “The hell you do, your actions don’t show it.” After they stared at each other, Okeson stated, “Dwight, I don’t know what to do” and reached for his radio. Dwight Hammond stated, “You don’t have to do that.” Okeson replied, “Yes, I do,” and Dwight Hammond stated, “This is just going to get a lot of people excited. You don’t have to do this. Come down to the ranch tonight and we can work this out.”

At 10:36 am, Okeson called Burns Fire Dispatch and requested law enforcement officer Orr. Glascock arrived at the location and said, “Hi Dwight, how’s it going?” Dwight Hammond responded, “Not so good.” Okeson told Glascock that he had seen Dwight light a fire and “He lit us in here.” After being unable to call out on his radio and cellular telephone, Okeson told Dwight Hammond, “I don’t know what to do. I guess I’ll let you go as I don’t have authority to arrest you.” Dwight Hammond responded, “You guys come down to the house tonight and we’ll talk.”

Dwight Hammond walked away to the west while Glascock and Okeson walked back to their ATVs on Bridge Creek Road. As they reached the ATVs, Okeson turned around and saw a line of fire rapidly moving towards them

from the location where they last saw Dwight Hammond.

Air Attack (Joe Bates) asked Okeson what was going on because there was fire all around them. Okeson replied there was an arsonist.

Okeson placed rocks around a boot print where he had seen Dwight Hammond cross Bridge Creek Road. Rott and Megargee arrive and are sent north by Okeson to the safety zone at Antelope Reservoir. Glascock drove south on Bridge Creek Road looking for Dwight Hammond. Bates informed Okeson that the area is unsafe and he needs to leave.

Okeson drove to the north side of Big Bridge Creek and observed a column of smoke east of his location. Okeson radioed Glascock to drive north.

Glascock and Okeson drove to Antelope Reservoir and met Rott and Megargee. At 1:32 pm, Okeson met LEO Orr near Moon Hill Road.

A helicopter took Sheriff Glerup to Okeson's location on Bridge Creek Road, and at 4:00 pm, Okeson reported to Glerup and Orr what occurred earlier that day. Okeson identified Dwight Hammond as the person walking away from a fire recently started on the east side of Bridge Creek Road. Okeson showed Sheriff Glerup and Orr where several other fires had been started and boot prints where he had seen Dwight Hammond walking, including the boot print Okeson had surrounded by rocks.

Okeson and Orr put flags in the locations where they found boot prints appearing to the

be same as the ones Okeson surrounded with rocks on Bridge Creek Road.

At 4:45 pm, Glerup, Orr and Okeson flew over several hundred acres of burned land and could see land still burning. After landing, Okeson worked the back fire operation along Moon Hill Road.

On August 24, 2006, at 10:30 am, Okeson and BLM LEO Lynn Miracle (from Lakeview) went to the location on Bridge Creek Road where Okeson saw Dwight Hammond cross the road on August 23, 2006. Okeson saw that the rocks had been moved and the boot prints in the road had been destroyed, but not the flagged boot prints off the side of the road. Okeson saw tire tracks coming from the south. The tire tracks stopped near the rock ring and did a half-moon turn, then trailed off to the south. Okeson and Miracle tracked the prints and marked the trail with pin flags.

At 7:30 pm, Okeson and BLM LEO Lynn Miracle were near Big Bridge Creek, when Okeson observed, at a distance of 200 to 300 yards, Dwight Hammond flying a white with blue stripe Super Cub plane flying at or below tree top height down Big Bridge Creek from the east to the west (towards the Hammond Ranch).

Between August 25 and 30, 2006, Okeson assisted fire cause investigators and, with Glascock, reviewed the burned area from a helicopter (video tape).

29. Joe Bates, Air Tactical Group Supervisor

Since 1989, Bates has been an Air Tactical Group Supervisor (ATGS). He has done over 750 missions and directed approximately 5,000 airtanker drops.

Bates will testify that on Tuesday, August 22, 2006, he replaced ATGS Lampert (96N). Because the “spot fires” Lampert had observed that morning did not align with the prevailing winds, Lampert thought they were odd and notified Bates of his suspicions.

At 3:28 pm, Bates reported smoke near Krumbo Butte. Engines 426 (Hussey) and Fire Storm 3 (Dunten) engine crews were dispatched to the Krumbo Butte Fire (Incident # 2531) at 4:50 pm to keep the fire from crossing Moon Hill Road.

On August 23, 2006, at 9:28 am, Bates arrived over the Lower Bridge Creek Fire. After consulting with the incident commander, Bates directed airtanker drops near the Steens Mountain Loop Road. Bates proceeded to circle the fire line in a clockwise direction to assess the overall condition of the fire and identify new targets. Bates observed the front edge of the Lower Bridge Creek fire to be smoldering.

As Bates turned to the right, he saw several fires burning two or three miles to the east of the Lower Bridge Creek fire line. The fires were near Little and Big Bridge Creeks (Ignitions 4 and 5, 6 and 7, and Trial Fires 1-7). Bates commented to his pilot this was unusual and directed he fly over to the fires. In the twenty-three years Bates has been involved in

air attack over fires, he has never seen this occur.

As Bates neared Bridge Creek Road, he observed the fires were near and to the east of the Bridge Creek Road. Bates saw two “quads” and an small engine working a small fire (test fire). At 10:45 am, he overheard someone (Okeson) trying reach dispatch, so Bates answered. Okeson told Bates that there were people starting fires in the area. Bates became concerned because the fire near Okeson was intensifying.

Bates orbited above Okeson for 15 to 20 minutes, and told Okeson it was not safe for him to stay any longer. The engine and a “quad” departed the area, but Okeson remained on the road by the fire because he wanted to preserve some evidence. Bates told Okeson that he had to leave and Okeson departed.

30. George Orr, BLM LEO

LEO Orr will testify that he interviewed Glascock on August 21 and 24, 2006, interviewed witnesses regarding the fires occurring on Lower Bridge Creek, Krumbo Butte, and Bridge Creek on August 22 and 23, 2006. He was the affiant and assisted in the execution of warrants to search Hammond Ranches signed by Harney County Circuit Court Judge Cramer on August 26, and September 8, 2006. Orr gathered evidence and assisted in the gathering and photographing of evidence.

**31. Chris Norton, California
Department of Forestry**

Norton will testify that on Thursday, August 24, 2006, while on a dozer line off of Steens Mountain (North Loop) Road, he saw a man arrive in a blue pickup truck. Norton who was unfamiliar with the area, went up to the man and asked for directions regarding property ownership and explained they was were trying to stay off private land. The man told Norton that his land was up at the fence line within sight of Norton's location. Steven Hammond identified himself to Norton then stated that he didn't want anyone from the fire department on his land "what so ever, for any reason." Norton saw a rifle with a scope laying on the seat next to Hammond. Norton told Hammond that they had instructed firefighters to stay off his land specifically, so if they did cross property boundaries, it was unintentional. While patting the rifle, Steven Hammond told Norton that he would exercise zero tolerance, regardless of the firefighter's intent, be it accidental or intentional. Norton said they intended to honor his wishes and to have a good day and walked away. Steven Hammond drove the dozer line, then down a road toward the fence line.

32. **Gary White, Fire Cause Investigator, GL White & Assoc./ Ret. BLM Criminal and Fire Cause Investigator**

Gary White is a Wildland Fire Origin and Cause Investigator who has worked for various government agencies as a fire investigator since 1975. He has served on the National Wildfire Coordinating Group Fire Investigation Working Team, and is an author of the Wildfire Origin & Cause Determination Handbook. As set forth in detail during his testimony at the February 21, 2012 and March 5, 2012 Daubert hearings in this case, and pursuant to this Court's March 6, 2012 Order, Mr. White will testify to his supervision of the origin and cause investigators tasked to the August 2006 fires, his investigation of the origin and cause of Ignition 10, and his review and opinion of the origin and cause investigation of Ignitions 1 through 9. He will also explain the systematic methodology of determining fire origin and cause employed by the origin and cause investigators in this case, describe the presence and significance of indicators such as angle and depth of char, freezing, staining, sooting, curling, V patterns, and white ash, and educate the jury as to relevant aspects of the recommended methodology for determining the origin and cause of wildland fire.

33. **Carrie Bilbao, BLM Lead Fire Investigator and Fire Trespass Coordinator, BLM Wildland Fire Origin and Cause Investigator**
- Carrie Bilbao is a Lead Fire Investigator and Fire Trespass Coordinator for the Boise District BLM. She is also a BLM Wildland Fire Origin and Cause Investigator with over 19 years of experience in fire investigation and fire operation, and has investigated over 800 wildland fires. As set forth in detail during her testimony at a February 21, 2012 Daubert hearing in this case, Ms. Bilbao will testify to her August 2006 investigation of the origin and cause of Ignitions 8 and 9 of the Grandad fire. Pursuant to this Court's March 6, 2012 Order finding Ms. Bilbao qualified as an expert so to testify, she will opine that Ignitions 8 and 9 were incendiary; that is, caused by an individual. [CR 78 at 7-8].
34. **John Bird, Fire Cause Investigator, West Virginia Dept. of Forestry**
- John W. Bird is a Wildland Fire Investigator and Bloodhound handler employed by the West Virginia Department of Forestry. As set forth in this Court's March 6, 2012 Order following Mr. Bird's testimony at the February 21, 2012 Daubert hearing in this case, and the March 5, 2012 continuation of that hearing, Mr. Bird will testify to his investigation of the origin and cause of most of the ignitions related to the August 2006 Grandad fire. [CR 78 at 8]. Specifically, he will testify as to the incendiary nature of Trail Fires 1 through 7, Ignitions 1 through 10 and the Krumbo Butte Fire.

35. Charley Martin, Fire Behavior Analyst, Senior Scientist, Stinger Ghaffarian Technologies

Charley Martin is a Fire Behavior Analyst with education, training and experience in fire behavior, fire suppression tactics and strategy, and fire effects. He has 30 years' experience, primarily through his previous employment with the U.S. Forest Service (USFS) in the District of Oregon, with wildland firefighting. As set forth in detail during his testimony at a March 5, 2012 Daubert hearing in this case, and pursuant to this Court's March 6, 2012 Order, Mr. Martin will testify regarding site conditions and his analysis of fire behavior related to the 2006 Grandad Fire [CR 78 at 8]. He will explain his use of computer models to calculate the rate of growth and spread of the August 2006 fires, and will describe the model's use of data such as the ignitability of available fuels, topography of relevant fire origin areas, wind speed, and weather information. He will offer an opinion concerning the possibility that the various ignition sites investigated during the 2006 Grandad fire were caused by spotting from the "main" Grandad Fire.

36. Gordon Schmidt, Consultant

Gordon Schmidt has 32 years of experience in forestry and wildland fire management working for the U.S. Forest Service and Bureau of Land Management. He began operationally fighting fire at the firefighter level in 1966, and completed his service in the federal government as a Planning Section Chief for a National Area Command team, the highest firefighting organizational level in the Federal government. He worked in Forest Fire and Atmospheric Science Research at the Pacific NW Station, served as Deputy Director and Acting Director of Fire and Aviation Management at the Regional level. He has served as a Fire Behavior Officer for the U.S. Forest Service, as a fire simulator instructor at the University of Washington, and has both given and received training in various aspects of fire behavior and analysis and fuels modeling.

Mr. Schmidt has served on many local, regional, and national task groups for special problem resolution, and served on the committee that developed the Joint Fire Sciences Plan. He has worked with developing nations, including Brazil, India, Botswana, and Mexico, in wildland fire protection program planning and has established close working relationships with several Canadian provinces and the Canadian Forest Service.

Mr. Schmidt has instructed local, regional, national, and university courses as Affiliate Lecturer at the University of Washington and as Affiliate Professor at Colorado State University. His professional instruction activities have included a wide variety of forest fire protection seminars and courses ranging from fire behavior analysis to management decision making and risk assessment. He coordinates and teaches four weeks of wildland fire management training annually through the Technical Fire Management training program

at Washington Institute and is working toward the advancement of core wildland fire science with the U.S. Forest Service's fire research organization. He has published many articles and papers in the profession, and has managed large, complex wildland fire management programs at the forest, regional, and national level of the Forest Service.

Mr. Schmidt has served as an expert witness, and as a fact witness, in lawsuits involving the Federal government (as both plaintiff and defendant), and has served as a consulting fire management specialist on other lawsuits. He has served as a Staff consultant with the Brookings Institution's Washington, D.C. Center for Executive Education, where he undertook several projects for the Federal government involving strategic planning, aviation reviews, large fire cost reviews, and policy implementation.

Mr. Schmidt will testify as to fire behavior surrounding the August 2006 fires, the possibility of spotting from the main Granddad fire to the location of Ignitions 1 through 10 and the Trail Fires.

37. **Steve Morefield, Ret. BLM Deputy Fire Management Officer** **Steven Morefield is a retired Deputy Fire Management Officer (FMO) for the Burns District BLM, with over 30 years of training and experience in wildland fire management and prescribed burning, fire suppression, and fire safety. Relevant to the charges of Threaten[ing] to Assault A Federal Officer, Counts 15 through 18, Mr. Morefield will testify about being on duty as the Deputy FMO during the August 2006 fires, about the significant fire activity occurring in the Burns District at the time of the August 2006 fires, the red flag warning the National Weather Service had issued for the Burns District at the time, and how that fire activity was complicated by weather factors. He will explain how these and other factors caused a significant strain on fire suppression resources and available personnel, and how the presence of a potential arsonist lighting additional fires elevated the safety concerns already incident to wildland firefighting operations.**

38. Jonathan Manski, Manager, Burns Interagency Dispatch Center (BICC)

Jonathan Manski is a BLM Unit Aviation Manager who has worked in wildland firefighting since 1980. He previously served as a federal wildland firefighter and continues to serve as a structural volunteer firefighter with certifications as a Resource Unit Leader, Trespass Coordinator, and Personnel and Equipment Time Recorder. From 1989 to 2009, including the time periods charged in the Indictment, Mr. Manski served as the Burns Inter-agency Communication Center (BICC) Manager. Relevant to the charges of Depredation of Government Property by Fire, Mr. Manski will testify to costs sustained by government agencies in suppressing and investigating the 2001 Hardie-Hammond fire and the August 2006 fires. Relevant to Count 14, Mr. Manski also will testify to SAFECOM entries on August 24 and 31, 2006 and to September 1, 2006 TFR intrusions.

39. Daniel Gonzalez, U.S. Fish & Wildlife Service, Wildlife Biologist

Daniel Gonzalez is a U.S. Forest Service Fish & Wildlife Biologist with education, training and experience regarding the protection, management and improvement of fish and wildlife habitat. During the August 2006 Grandad fire, Mr. Gonzalez was employed as a Watershed Wildlife Habitat Biologist for the Oregon Department of Fish & Wildlife (ODFW) in Harney County, Oregon. There, his duties included preparing annual and biennial budgets, work plans, and reports related to management programs; coordinating with districts and habitat assistance for cooperative landowner service; developing funding opportunities for the Upland Game Stamp Program, access and habitat programs, and the Deer Enhancement and Restoration (DEAR) project; supervising and directing the implementation of the Habitat, Green Forage, Upland Game, access and habitat, and DEAR Enhancement programs in the Malheur Watershed District; and coordinating with the Habitat Division, the USFS and BLM, and Oregon state counties and districts on wildlife standards and guidelines for land use planning.

Mr. Gonzalez has authored or participated in the drafting and editing of professional documents and publications including the Malheur River Subbasin Summary Plan, the Riverside Wildlife Area Management Plan, the ODFW Southeast Oregon Restoration Seeding Guidelines, Logan Valley Wildlife Mitigation Management Plan, and Malheur River Wildlife Mitigation Management Plan. Much of Mr. Gonzalez's professional work has involved the Steens Mountains and associated habitats, including 648 acres of

land (Fish Lake) near the site of the 2006 Grandad fire.

Mr. Gonzalez's testimony, relevant to the Depredation of Government Property by Fire charges stemming from the August 2006 Lower Bridge Creek and Grandad fires, will concern his involvement in assessing damage to relevant habitats as a result of those fires. It will also concern the development of inter-agency plans to mitigate damage sustained by critical sage grouse and other wildlife habitats as a result of the fire. Mr. Gonzalez will describe the character of specific portions of damaged land, and the important role of such lands as a transitory habitat for a variety of species. His testimony will also cover financial and environmental costs associated with the fire's damage and the mitigation thereof.

40. Jeff Rose, BLM Fire Ecologist

Jeffrey Rose is a Fire Ecologist with the Burns District BLM with specialized education, training and experience in conservation issues in the particular areas of the Steens Mountains affected by the August 2006 fires. His background and experience include studying the ecology and disturbance response of sagebrush and western juniper plant communities in the Steens Mountains area, measuring plant and site characteristics to compare western juniper woodlands and sagebrush plant communities, and fire planning in the Burns District, including serving on or leading teams on all fuels and prescribed fire projects. His responsibilities also include development and maintenance of the Burns Interagency Fire Zone Fire Management Plan, development of the Fire Program Analysis budgeting process, and monitoring of prescribed and wildfire effects on vegetation. Mr. Rose also serves as an instructor at the BLM National Training Center for the Restoration of Sagebrush Ecosystems and for the National Advanced Fire and Resource Institute, where he teaches fire history in the Great Basin ecosystems and management of these ecosystems using fire and other tools.

Mr. Rose also has served on two national committees for the BLM, one involving the finalization of the BLM interim Sage-grouse Policy, and the second involving the LANDFIRE project, which uses satellite images to classify vegetation and fire regime on all vegetative areas in the continental United States and Alaska. Relevant to the charges of Depredation of Government Property by Fire, Mr. Rose will testify about the sensitivity of wildlife habitats affected by those fires, about stabilization and rehabilitation

treatments performed on affected lands before and after the August 2006 fires, and costs incurred incident thereto.

41. Patrick Darling, FAA Aviation Safety Inspector

Patrick Darling is an Aviation Safety Inspector for the Federal Aviation Administration (FAA) who has been involved in hundreds of enforcement cases during his tenure at FAA. He will testify to his investigation of facts underlying Counts 11 and 12 of the Indictment, charging defendant Dwight Lincoln Hammond, Jr. with operating an aircraft without a current medical certificate on two separate occasions during the August 2006 Grandad Fire. He will also testify to his investigation of facts underlying Counts 13 and 14, charging Dwight Lincoln Hammond, Jr. with operating an aircraft within a restricted area during the Grandad Fire. He will explain the Temporary Flight Restriction (TFR) in effect on the dates underlying Counts 13 and 14; notices to airmen (NOTAMs), and the means available to access such information; the duties and obligations of airmen, pursuant to FAA regulations, to maintain current certifications and appropriate documentation on their persons or in their aircrafts, and other duties incumbent on airmen, such as the performance of appropriate pre-flight planning. He will also testify to the search of FAA records concerning a valid medical certificate for Dwight Lincoln Hammond, Jr. and for other members of the Hammond household.

POTENTIAL/ REBUTTAL WITNESSES

After receipt of a witness list and reciprocal discovery from Defendants, the Government should be able to substantially reduce the number of potential rebuttal witnesses.

Dr. E. Philip Krider, University of Arizona, Atmospheric Sciences

Dr. Krider is a Professor Emeritus in the Department of Atmospheric Sciences and Institute of Atmospheric Physics at the University of Arizona. He has education, training and experience in the fields of lightning, atmospheric electricity, and cosmic ray physics, and has received numerous honors and awards for distinguished achievements in the science and engineering of lightning research. Dr. Krider has served as Co-Chief Editor of the Journal of Atmospheric Sciences, and as an Associate Editor of the Journal of Geophysical Research. He also has served as Chair of national and international committees, including the NASA/U.S. Air Force Lightning Advisory Panel, the International Commission on History of Meteorology, and as a member of numerous distinguished committees in the atmospheric sciences. Dr. Krider holds numerous patents related to lightning detection and has authored, edited or refereed books, chapters, and professional journal articles on measuring, detecting, and observing lightning.

Dr. Krider will testify as to the presence or absence of cloud-to-ground lightning strokes in the days preceding and during the 2001 Hardie-Hammond fire and the August 2006 fires.

**Janice Madden, BLM Wildland Fire
Cause and Origin Investigator**

**Lynn Miracle, BLM Law Enforcement
Officer and Wildland Fire Cause and
Origin Investigator**

**Charles Miller, Fire Cause and Origin
Investigator, CM Fire and Forestry, LLC**

**Jeff Stampfly, Fire Behavior Analyst,
Dept. Of Natural Resources, State of
Michigan**

**Warren Silberman - FAA Manager,
Aerospace Medical Certification Branch**

**Douglas W. Burdette, FAA Aviation
Safety Inspector, Aviation Data Systems
Branch**

**Lewis Sanders, Ret. FAA Assistance
Manager**

**Steve Schleyer, Special Agent, U.S.Dept.
of Transportation, Office of Inspector
General**

**Margo J. Wilson, Ret. FAA Supervisory
Legal Instruments Examiner, Aircraft
Registration Branch**

**Ken Higle, BLM Fire Management
Officer, Frmr. USFS Emigrant Creek
Ranger District employee**

**Cam Swisher - BLM Rangeland
Management Specialist**

John Petty, BLM Incident Commander

Jaylene Krueger, BLM Dispatcher

Steve Hancock, BLM Helitack

Calvin Elshoff, Volunteer

John Witzel