

September 23, 2021

Frankie Petrick
Yachats Fire Chief
Yachats Rural Fire Protection District
P.O. Box 1, Yachats OR 97498
yrfpd@peak.org

Katherine Guenther
President of the Board
Yachats Rural Fire Protection District
P.O. Box 1, Yachats OR 97498
yrfpd@peak.org

Robert Sanchez
Siuslaw National Forest Supervisor
3200 SW Jefferson Way
Corvallis, OR 97331
r6_siuslaw_wwweb_front_desk@usda.gov

Superintendent Terri Davie
Oregon State Police
3565 Trelstad Ave SE
Salem, OR 97317
ask.osp@osp.oregon.gov

Rear Admiral Melvin W. Bouboulis
13th Coast Guard District
915 4th Ave
Seattle WA 98174
D11-DG-M-PACAREA-PA@uscg.mil

Dear Fire Chief Petrick, Board President Guenther, Superintendent Sanchez, Superintendent Davie and Rear Admiral Bouboulis:

We were among a small group of bystanders who attempted to rescue Steve Allen on Thursday, Sept. 9, at Devil's Churn, located in Siuslaw National Forest and within the jurisdictions of Yachats Rural Fire Protection District and the Oregon State Police. We are writing to urge you to order an after review of this incident that resulted in Mr. Allen's drowning. We believe that an after review will reveal important information that may lead to strengthened policy and procedure and help to prevent a tragedy like this from happening again at Devil's Churn or the surrounding vicinity.

The three of us engaged in an attempt to rescue Mr. Allen after he fell into Devil's Churn at approximately 2:15 pm on Sept. 9. We were successful in keeping Mr. Allen above water for approximately 20-25 minutes. Our goal was to keep Mr. Allen alive until first responders arrived. However, when the responders arrived, we experienced a team who did not engage in a rescue effort. We have questions as to what policy and procedure they were following and if that was appropriate for the situation at hand. It has also come to our attention that a private fishing craft just offshore was prepared to support the rescue efforts but were called off before they had an opportunity to help. Let us off some specific questions:

- We understand that first responders may have been following existing practice and policy when they arrived at the incident. However, the manner in which they engaged with us, Mr. Allen's wife and other bystanders raises questions. The first responders to the incident scene did not take control of the situation or provide bystanders with any information on the purpose of their response or their intent. What we observed was their checking on Mr. Allen's status and then

failing to engage in any rescue or retrieval efforts. Moreover, they did not take control of the situation or explain their actions to us, despite our questions and bewilderment. Again, they may have been following procedure. But they seemed to lack training on how to lead and communicate with bystanders, especially those who had engaged in a rescue effort. Yes, conflict arose as bystanders grew angry with the responders' lack of response and communication. All of this could have been avoided with their taking control and communicating their actions. Even Mrs. Allen's wife, having just witnessed her husband's drowning, was left further traumatized by the leadership and communication void. We feel that an after review of this incident might lead to reinvigorated training for first responders on how to enter, control and manage intense, traumatic incidents such as this one.

- We are troubled to learn that a commercial fishing ship had responded to a "pon pon" alert and was stationed just 50 yards offshore with two experienced and skilled divers. The ship's captain himself has expressed anger and disbelief that his crew was never engaged despite his assessment that they might have had the opportunity to at least aid in retrieving Mr. Allen's body, perhaps even in saving his life. There is enough question here to further warrant an after-review of this incident.

We recognize that we each have gone through a deeply emotional and traumatic experience. Yet, beyond those feelings, we think that it's reasonable and rational to question the response and conduct after review. As Drew Tracy, a member of the Board of the Yachats Rural Fire Protection District, says, "Unless we look at these critical incidents, they tend to repeat themselves." That's precisely our motivation: to ensure that this never happens again.

We urge you to do the right thing for all involved by conducting an after-review in the manner in which your jurisdictions require. We would appreciate a response and are available to be part of the after review or help in any way we can to gathering all the facts and data. We can be reached at the contact information below.

Sincerely,

Andy Nelson

Andy Nelson
Portland, Oregon
handsonportland@gmail.com

Marty Gaughan

Marty Gaughan
Portland, Oregon

Santos Tovar

Santos Tovar
Bakersfield, California

File Code: 6270
Date: October 25, 2021

Dear Mr. Nelson, Mr. Gaughan, and Mr. Tovar,

Thank you for your letter on September 23, 2021, requesting an after-action review of the events surrounding Mr. Allen's drowning at Devil's Churn.

I appreciate and share your desire to ensure we all learn from this tragic event. To that end, on September 14, 2021, District Ranger Michele Holman and the Forest Service employees who help manage the Devil's Churn area met with members of the Yachats Rural Fire Protection District for an after-action review of the incident. We are reviewing recommendations from that meeting and will take any follow-up actions that are warranted.

Please accept my gratitude for the personal risks you undertook to rescue Mr. Allen. I was not there, but in hearing from my staff who were, I can only begin to imagine the impact this event has had on all who were witnesses that day.

Sincerely,

Robert F Sanchez
Forest Supervisor
Siuslaw National Forest



YACHATS RURAL FIRE PROTECTION DISTRICT
PO BOX 1
YACHATS, OREGON 97498
Tel. 541-547-3266 Fax 541-547-4257
e-mail yrfpd@peak.org

After Action Report for Call at Devils Churn
9-21-2021

On September 9, 2021, Yachats Rural Fire Protection District (YRFPD) was faced with a call that was one of our more challenging and high risk situations we could have in our District. At 14:23 YRFPD and the US Coast Guard were dispatched to Devils Churn with a person that fell into the churn. YRFPD requested the assistance of the Lincoln County Rope Rescue Team at 14:25 along with rolling the South Lincoln Ambulance and a YRFPD rescue rig. At 14:26 the United States Coast Guard (USCG) North Bend launched a helicopter and a small boat. Upon arrival at the parking area at 14:31, the YRFPD crew donned their personal floatation devices required by Standard Operating Guideline (SOG) 203.7, grabbed rope bags and walked down the trail where they were directed to the eastern end of the churn area. They arrived to find a group of people of about 10-12 yelling and screaming "run, come save him". According to protocol the crew walked across the slippery lava rock to find a victim floating face down with arms above his head in the water. People on scene stated the victim was holding on to the rope as we approached. At this point the crowd was screaming at the crew and calling the crew names and started approaching the crew and circling behind them putting the crew between the edge and the hostile crowd. This caused the crew to back off the edge. Due to the hostility of the crowd, law enforcement was requested to the scene. Several people in the crowd were demanding that the crew jump in and pull the victim to safety. However, with an incoming tide (high tide was at 15:16) there was no safe way to enter the churn and with the victim unresponsive and unable to hold onto a rope there was no way to pull the victim from the churn. The crew and the park rangers started moving the crowd back up to the parking area. The victim's wife was left with a park ranger.

The rope team arrived and determined the need to set up a high-line evolution with a midpoint drop to reach the victim. This took some time to set up with limited team members on site. However it was set up rather quickly given the complexity of the operation. With the delay in communication due to lack of cell phone coverage, distance to the patient, risk to the rescuers and several other factors a rescue was not able to be performed and the team had to switch to a recovery mode. The team was also able to add in the rescue swimmer from the USCG North Bend helicopter to the team. By the time the rope team was set up, the victim had sunk and teams were unable to see him any longer. The search continued until command called it off at 17:40.

Points of Clarification:

A person in the water is a US Coast Guard call. YRFPD is there to support operations and if the conditions are safe for the crew, then YRFPD can rescue or retrieve the victim.

YRFPD's Standard Operating Guideline 203.7 states:

- Rescue Operation in Water the following methods can be used to rescue a victim:
 - Reach – Extend a long handled tool to the victim.
 - Throw – Throw the throw bag to the victim.
 - Support – Assist Coast Guard in a support role.
- Recovery Operations:
 - Recovery operations shall be performed at the discretion of the Fire Chief or Ranking Officer. A recovery operation will only occur if it can be safely managed. Every situation is unique and will be

Discussion with the United States Forest Service (USFS) ended with the following recommendations:

- To create better signage at the end of the trail.
- The USFS staff is not trained in rescue so they are debating whether to replace the life ring.
- USFS staff is going to look at adding a cell phone booster in the churn area as well as at the visitor's center.
- USFS staff would like to place surf safety signage on the side of the Devils Churn building.
- USFS staff is going to add a sign when the Devils Churn building is not staffed which states the address of the location and the location of the nearest land line phone and where cell phone coverage is available.
- YRFPD is discussing the deployment of a grappling hook for body recovery.

Outcomes:

- The USFS has decided not to replace the ring at this time. The potential for injury to rescuers is greater than the potential for rescue. Devils Churn is manned by volunteers and response by Forest Service staff is variable. Most of the volunteers are short term.
- The USFS is increasing the wifi capability at Devils Churn as well as the visitor's center.

This report prepared by Yacahts Rural Fire Protection District
Frankie Petrick, Fire Chief