

New Mexico Burning – A Raging Start to Wildfire Season

It is nearly impossible to watch any newscast without hearing an expert's warning that 2022's wildfire season is arriving early and going to be severe. This warning has come to fruition, especially in New Mexico, where in excess of 15 wildfires have occurred since early April. The fires detailed below have damaged over 500 structures in total and have potential subrogation opportunities.

McBride Fire

The McBride Fire started on April 12, 2022, near Gavilan Canyon Road in Ruidoso, New Mexico and spread to the Lincoln National Forest. The fire is now contained. Our retained fire investigator and electrical engineer have inspected the area of the fire's origin and documented the conditions. Preliminary fire investigation indicates an aged or diseased tree fell on a power line and caused the ignition. The investigation remains ongoing. We have placed the utility on notice of its potential liability to coordinate further site examinations.

Initial damage assessments tabulated the destruction of 209 structures, including outbuildings. Structures and other damaged property may be located in the following zip codes: 88312, 88316, 88323, 88324, 88345, 88346, 88355.

Nogal Canyon

This fire also started on April 12, 2022 and is now contained. The reported cause of the fire is a downed power line. We placed the responsible utility on notice of the claims arising out of the fire.

Preliminary information states the fire has damaged six residences and eight outbuildings. The structures affected by this fire are expected to be in the 88341 zip code.

Hermit's Peak and Calf Canyon

The Hermit's Peak fire started one month ago on April 6, 2022. It originated about 12 miles northwest of Las Vegas, New Mexico at the base of Hermit's Peak in the Pecos Wilderness. The incident began as a prescribed burn that escaped the burn's perimeter.

The Calf Canyon fire started on April 19, 2022. The fire originated about 18 miles northwest of Las Vegas, New Mexico. The cause of this fire remains under investigation. Initial reports, however, are that this ignition was caused by a downed power line. Our investigative team is on stand-by to inspect the area of the fire's origin as soon as public authorities provide access to the area.



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*Structure burned in Calf Canyon in Taos County
Credit: Taos County Sheriff's Office*

The Hermit's Peak and Calf Canyon Fires merged on April 23. In total, these two fires have burned 160,100 acres, but the fire is only 20 percent contained. At this time, it has been reported that between 275-300 structures have been damaged. Structures and outbuildings sustaining damage in these fires may be located in the following zip codes: 87501, 87505, 87552, 87573 and 87731.

Post-Fire Investigation and Preserving Subrogation

Obtaining and preserving evidence of the fire's start and spread, along with the damage from the event, is a key part of the claim handling process, especially when subrogation issues are under investigation. Evidentiary matters are complicated by the severity of the destruction and the number of entities involved in investigating loss sites. Video, photographs, flyovers, GPS, and other high-tech devices provide crucial evidence needed to evaluate the wildfire's specific cause.

Initial and preliminary reports are that each of these fires may have been caused by ignition sources that give rise to subrogation potential.

It is important that insurers hit the ground running in order to maximize chances of recovery arising from a wildfire. Cozen O'Connor has retained, on behalf of our clients, consultants to investigate the circumstances of these fire losses and document the fire scenes and origin areas, including the utility lines.

As the investigation develops, we will collect and preserve evidence and notify all identified parties of our potential claims, and request they preserve all evidence, interview witnesses and record statements, and gather damage documentation for each of our clients' losses.

In terms of retaining experts, we note that wildfire investigations with potential utility-based causes are a very specialized field and some of the most experienced experts have already been retained by parties involved in the investigation. There is, therefore, a need to act promptly.
