

CRIMINAL INCIDENT RECORD

2 ORGANIZATION CODE	3 SYSTEM AREA Lassen Volcanic National Park	4 LOCATION CODE	5 YEAR 09	CASE/INCIDENT NUMBER - 000162
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6 LOCATION OF INCIDENT Lassen Peak Trail	7 BEAT	8 WHEN DID IT OCCUR?	MO 07	DAY 29	YR 09	9 24 HOUR TIME 12	HRS 42	MIN. 42	10 DAY OF WEEK 4
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11 OFFENSE/INCIDENT CODE	12 NATURE OF INCIDENT Fatality	13 WHEN RECEIVED DATE _____ TIME _____
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14 LAST Botell, Jr.	FIRST Thomas	MI Anthony	C <input type="checkbox"/>	V <input checked="" type="checkbox"/>	W <input type="checkbox"/>	15 DATE OF BIRTH 05/11/2000	16 PHONE BUSINESS
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17 ADDRESS NUMBER 19945 Ava Circle	STREET Red Bluff	CITY CA	STATE CA	ZIP	18 PHONE RESIDENCE
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19 LAST Botell	FIRST Katrina	MI	C <input type="checkbox"/>	V <input checked="" type="checkbox"/>	W <input type="checkbox"/>	20 DATE OF BIRTH 11/17/1995	21 PHONE BUSINESS
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22 ADDRESS NUMBER 19945 Ava Circle	STREET Red Bluff	CITY CA	STATE CA	ZIP	23 PHONE RESIDENCE
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24 LAST N/A	FIRST	MIDDLE	A <input type="checkbox"/>	S <input type="checkbox"/>	O <input type="checkbox"/>	25 DATE OF BIRTH	26 PHONE BUSINESS
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27 ADDRESS NUMBER	STREET	CITY	STATE	ZIP	28 PHONE RESIDENCE
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29 RACE	30 SEX	31 AGE	32 HGT	33 WGT	34 EYES	35 HAIR	36 HAIR LENGTH	37 HAIR STYLE	38 FACIAL HAIR	39 MARKS/SCARS	40 ARMED WITH
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41 HAT	42 COAT/JACKET	43 SHIRT	44 TROUSERS/SKIRT	45 SHOES	46 SOCIAL SECURITY NUMBER	47 PDID
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48 LAST N/A	FIRST	MIDDLE	A <input type="checkbox"/>	S <input type="checkbox"/>	O <input type="checkbox"/>	49 DATE OF BIRTH	50 PHONE BUSINESS
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51 ADDRESS NUMBER	STREET	CITY	STATE	ZIP	52 PHONE RESIDENCE
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53 RACE	54 SEX	55 AGE	56 HGT	57 WGT	58 EYES	59 HAIR	60 HAIR LENGTH	61 HAIR STYLE	62 FACIAL HAIR	63 MARKS/SCARS	64 ARMED WITH
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65 HAT	66 COAT/JACKET	67 SHIRT	68 TROUSERS/SKIRT	69 SHOES	70 SOCIAL SECURITY NUMBER	71 PDID
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72 VEHICLE <input type="checkbox"/> INVOLVED IN CRIME <input type="checkbox"/> KNOWN TO OPERATE	73 YEAR	74 MAKE	75 MODEL	76 BODY STYLE	77 COLOR	78 TAG NUMBER	79 STATE	80 IDENTIFYING FEATURES/VIN
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81 <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STOLEN <input type="checkbox"/> RECOVERED <input type="checkbox"/> SEIZED	REMOVED TO	REMOVED BY	82 NCIC <input type="checkbox"/>
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83 ARREST(S) DATE	84 TIME	85 CHARGE(S)	86 COURT DATE	87 VALUE STOLEN \$	88 VALUE RECOVERED \$
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85 ITEM	NARRATIVE: (1) CONTINUATION OF ABOVE ITEMS. INDICATE ITEM NUMBER AT LEFT. INCLUDE ADDITIONAL WITNESSES AND SUSPECTS. (2) INDICATE HOW NOTIFIED OF INCIDENT. DESCRIBE DETAILS OF INCIDENT. (3) DESCRIBE PROPERTY AND ITS VALUE	90 STL	91 REC	92 PROP	93 VALUE
	<p>Summary: Wednesday, July 29, 2009 Thomas Botell Jr., Katrina Botell and Brittany Botell were hiking with their parents on the Lassen Peak Trail within Lassen Volcanic National Park. The children sat on a stone and concrete retaining wall in the "switchbacks" area of the trail. Approximately four feet of the northern end of the wall gave way, causing traumatic injury to Thomas and Katrina. Brittany was not injured. Katrina suffered head trauma and was evacuated by helicopter to Mercy Medical Center in Redding, from which she was ultimately released. Thomas succumbed to his injuries and was pronounced deceased at the scene. The Shasta County Coroner performed the autopsy. Lassen Rangers conducted the initial investigation, which was assumed by NPS Investigative Services Branch [REDACTED] on August 24, 2009.</p>				

94 INVESTIGATOR NOTIFIED

95 STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> SUSPENDED	CLOSED BY: <input type="checkbox"/> ARREST <input type="checkbox"/> EXCEPTION <input type="checkbox"/> UNFOUNDED	96 DISPOSITION
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97 REPORTING OFFICER	BADGE/ID	DATE	98 ASSISTING OFFICER	BADGE/ID	99 SUPERVISOR	BADGE/ID	DATE
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24AUG09

12 Jan 10



Department of the Interior
National Park Service
INVESTIGATIVE SERVICES BRANCH

Investigative Activity Report

Investigation Subject: Fatality Investigation	Case Number: LAVO-09-0162 / ISB-PW-09-0080	
Location: Lassen Volcanic National Park	Case Status: Open	Report Date: August 24, 2009
Report Subject: INVESTIGATIVE SUMMARY		

SUMMARY:

Wednesday, July 29, 2009 Thomas Botell Jr., Katrina Botell and Brittany Botell were hiking with their parents Thomas Botell Sr. and Jennifer Botell on the Lassen Peak Trail within Lassen Volcanic National Park (LAVO). During the hike up Lassen Peak, the children sat on a stone and concrete retaining wall in the "switchbacks" area of the trail about 1.7 miles above the trailhead. Approximately four feet of the northern end of the wall gave way while the children were seated upon it, causing traumatic injury to Thomas Botell Jr. and Katrina Botell. Katrina suffered head trauma and was evacuated by helicopter to Mercy Medical Center in Redding, from which she was ultimately released. Thomas Jr. succumbed to his injuries and was pronounced deceased at the scene at which time CPR was discontinued. The Shasta County (CA) Coroner performed the autopsy. Lassen Rangers conducted the initial investigation, which was assumed by NPS Investigative Services Branch, [REDACTED] on August 24, 2009.

INCIDENT DOCUMENTATION:

July 29, 2009 – at scene

12:39: Yosemite National Park Communications (VoIP Radio Dispatch for LAVO) received information, via Susanville (CA) Interagency Fire Center (SIFC), that the Chester (CA) Ambulance was responding to a report of traumatic injury on the Lassen Peak Trail within LAVO. Yosemite Dispatch relayed this information, via radio, to NPS Rangers at LAVO, who responded to the scene¹. At an unspecified time about 45 minutes after 12:55 PM [REDACTED] arrived at scene and radioed an update on conditions to responding EMS providers.

14:00: Chester Ambulance [REDACTED] arrived at scene on foot and found bystanders providing cardio pulmonary

¹ Yosemite Communications consolidated incident report.

Reporting Official/Title [REDACTED]	Signature [REDACTED]	Date 11/11/10
Approving Official/Title [REDACTED]	[REDACTED]	Date 12 Jan 10

Distribution: Original – Case File Other: Other:

resuscitation to Thomas Botell Jr. [REDACTED], assisted by [REDACTED] and [REDACTED] then assumed care of both patients provided emergency medical treatment to Thomas ("Tommy") Anthony Botell Jr.² and Katrina Botell³.

14:18: CPR was discontinued on Tommy Botell, in accordance with established protocol. His body was later removed from the scene by CHP helicopter and flown to Redding, where custody was assumed by the Shasta County Coroner.

14:18 (approximate): A short haul operation to remove Katrina Botell from Lassen Peak to a landing zone at Lake Helen was initiated. Once at Lake Helen, she was transferred to "Air Med 42" for transport to Mercy Medical Center, departing at 15:20.

15:42 all emergency services personnel, family and bystanders cleared the scene. [REDACTED] remained behind to conduct further investigation^{4 5}.

FOLLOW-UP INVESTIGATION:

July 29, 2009

Thomas A Botell Sr. was interviewed at the Lassen Peak Trailhead by [REDACTED]. Mr. Botell stated that he and his family had been hiking on the Lassen Peak Trail. Thomas (Jr.), Katrina and Brittany Botell, his children sat on the end of a concrete and rock retaining wall. A portion of the wall gave way and fell causing the death of his son Thomas Botell Jr. and serious injury to his daughter Katrina.

Jennifer K. Botell was interviewed at the Lassen Peak Trailhead by [REDACTED]. Mrs. Botell stated that she and her family were hiking on the Lassen Peak Trail when her children sat on a section of retaining wall along the trail. A section of wall collapsed, injuring Thomas Botell Jr. and Katrina Botell.

[REDACTED] was interviewed at the Lassen Peak Trailhead by [REDACTED]. [REDACTED] also provided a written statement to [REDACTED]. [REDACTED] stated that he did not see the wall collapse but responded a short distance to the scene and provided assistance to a nurse who provided CPR to Thomas Botell Jr.

² National Park Service – Emergency Medical Services Report: "Tommy Botell"

³ National Park Service – Emergency Medical Services Report: "Katrina Botell"

⁴ Supplemental Report; Initial Investigation by [REDACTED]

⁵ Supplemental Report: Scene Photographs and Log

⁶ Supplemental Report: Thomas A. Botell Sr. Interview by [REDACTED]

⁷ Supplemental Report: Jennifer K. Botell Sr. Interview by [REDACTED]

⁸ Supplemental Report: [REDACTED] Interview by [REDACTED]

⁹ Voluntary Statement: [REDACTED]

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[redacted] was interviewed at the Lassen Peak Trailhead by [redacted] provided no additional information.

[redacted] provided a written statement, prepared by [redacted]

[redacted] at Lassen Volcanic National Park provided a written statement to [redacted] concerning his actions at the scene¹².

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead¹⁰. [redacted] provided [redacted] with copies of digital images¹¹ which he took of the scene.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead¹⁰. This statement can be found on the reverse side of the statement provided by [redacted] [redacted] also provided [redacted] with digital still and video images that he took of the scene¹¹.

[redacted] and [redacted] provided witness statements to [redacted] the Lassen Peak Trailhead¹⁰. None of these persons witnessed the wall collapse.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead¹⁸. [redacted] Rogers reported that she heard about the incident from another hiker and went to help. She found Thomas Botell Jr. unconscious and without a pulse. She initiated and performed CPR for approximately one hour until relieved by [redacted] left the scene prior to the helicopter arriving to evacuate the children.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead¹⁰. They provided no additional information.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead¹⁰. He provided no additional information.

¹⁰ Supplemental Report: [redacted] Interview by [redacted]

¹¹ Voluntary Statement [redacted]

¹² Voluntary Statement [redacted]

¹³ Voluntary Statement [redacted]

¹⁴ Supplemental Report: Receipt of Digital Imagers from [redacted]

¹⁵ Voluntary Statement [redacted] s [redacted] k

¹⁶ Evidence Item #5 compact disk containing digital still and video images of scene taken by [redacted]

¹⁷ Voluntary Statement [redacted]

¹⁸ Voluntary Statement [redacted]

¹⁹ Voluntary Statement [redacted] s

²⁰ Voluntary Statement [redacted]

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[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead²¹. He provided no additional information.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead²². He provided no additional information.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead²³. He provided no additional information.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead²⁴. She provided no additional information.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead²⁵. He stated he had been skiing (on vestigial snow fields) and was resting when he heard screaming above him. Looking up, he saw a rock wall falling down the slope and heard someone screaming for help. He directed a person, whom he does not identify, to call 911.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead²⁶. He provided no additional information.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead²⁷. He provided no additional information.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead²⁸. He provided no additional information.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead²⁹. He provided no additional information.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead³⁰. He provided no additional information.

[redacted] spoke with [redacted] at the Lassen Peak Trailhead³¹ he provided no additional information.

- 21 Voluntary Statement [redacted]
- 22 Voluntary Statement [redacted]
- 23 Voluntary Statement [redacted]
- 24 Voluntary Statement [redacted]
- 25 Voluntary Statement [redacted]
- 26 Voluntary Statement [redacted]
- 27 Voluntary Statement [redacted]
- 28 Voluntary Statement [redacted]
- 29 Voluntary Statement [redacted]
- 30 Voluntary Statement [redacted]
- 31 Record of Contact [redacted]

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[redacted] spoke with [redacted] at the Lassen Peak Trailhead³² he provided no additional information.

[redacted] spoke with [redacted] at the Lassen Peak Trailhead³³ he provided no additional information.

[redacted] spoke with [redacted] at the Lassen Peak Trailhead³⁴ he provided no additional information.

[redacted] spoke with [redacted] at the Lassen Peak Trailhead³⁵ he provided no additional information.

[redacted] spoke with [redacted] at the Lassen Peak Trailhead³⁶ he provided no additional information.

[redacted] spoke with [redacted] at the Lassen Peak Trailhead³⁷ he provided no additional information.

[redacted] spoke with [redacted] at the Lassen Peak Trailhead³⁸ he provided no additional information.

[redacted] spoke with [redacted] at the Lassen Peak Trailhead³⁹ he provided no additional information.

[redacted] spoke with [redacted] at the Lassen Peak Trailhead⁴⁰ he provided no additional information.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead⁴¹. He provided no additional information.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead⁴². He provided no additional information.

- ³² Record of Contact [redacted]
- ³³ Record of Contact [redacted]
- ³⁴ Record of Contact [redacted]
- ³⁵ Record of Contact [redacted]
- ³⁶ Record of Contact [redacted]
- ³⁷ Record of Contact [redacted]
- ³⁸ Record of Contact [redacted]
- ³⁹ Record of Contact [redacted]
- ⁴⁰ Record of Contact [redacted]
- ⁴¹ Voluntary Statement [redacted]
- ⁴² Voluntary Statement [redacted]

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[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead⁴⁶.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead⁴⁷. He provided no additional information.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead⁴⁸. He provided no additional information.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead⁴⁹. He provided no additional information.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead⁴⁷. He provided no additional information.

[redacted] provided a witness statement to [redacted] at the Lassen Peak Trailhead⁵⁰. [redacted] stated that she was hiking on the Lassen Peak trail when she came across this incident. She found Tommy Botell unresponsive with a female ([redacted]) performing CPR on him. [redacted] stated that Tommy had no pulse, blue lips and dilated pupils. She also evaluated Katrina Botell and found her to be responsive and being stabilized by her parents. [redacted] then assisted with CPR for approximately 1 hour 20 minutes. She reported that upon arrival, Paramedics attempted to intubate Tommy Botell and also found him to be without a pulse.

[redacted] provided a statement to [redacted] at the Lassen Peak Trailhead⁴⁹. He provided no additional information.

[redacted] provided a statement to [redacted] at the Lassen Peak Trailhead⁵⁰. He provided no additional information.

[redacted] provided a statement to [redacted] at the Lassen Peak Trailhead⁵¹. He provided no additional information.

[redacted] was contacted by [redacted] at the Lassen Peak Trailhead⁵². He provided no additional information.

- ⁴³ Voluntary Statement [redacted]
- ⁴⁴ Voluntary Statement [redacted]
- ⁴⁵ Voluntary Statement [redacted]
- ⁴⁶ Voluntary Statement [redacted]
- ⁴⁷ Voluntary Statement [redacted]
- ⁴⁸ Voluntary Statement [redacted]
- ⁴⁹ Voluntary Statement [redacted]
- ⁵⁰ Voluntary Statement [redacted]
- ⁵¹ Voluntary Statement [redacted]
- ⁵² Voluntary Statement [redacted]

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Reporting Agent 

[redacted] was contacted by [redacted] at the Lassen Peak Trailhead⁵³. He provided no additional information.

[redacted] provided a statement to [redacted] at the Lassen Peak Trailhead⁵⁴. He provided no additional information.

[redacted] provided a statement to [redacted] at the Lassen Peak Trailhead⁵⁵. He provided no additional information.

[redacted] provided a statement to [redacted] at the Lassen Peak Trailhead⁵⁶. He provided no additional information.

Investigation to date has revealed a total of 57 persons who were identified as having been present, in the vicinity of or responded to this incident. 54 of these people are identified and documented either by way of their reports, witness statements or documentation of contact during the canvas at the Lassen Peak Trailhead. No record of interviews or statements taken from the three children directly involved in collapse of the rock retaining wall was provided to this investigation. No interviews of the surviving children will be sought.

July 30, 2009

[redacted] and [redacted] attended the autopsy of Thomas Anthony Botell Jr. [redacted] documented the external condition of the body, prior to initiation of the post mortem examination. Due to problems with the Nikon D-50 camera a second set of photographs were completed using a Canon SD 1200 camera^{57 58}. No further visual record was kept by NPS officers, once the exterior of he body had been examined. [redacted] later obtained a copy of the Shasta County case number C09-0713, including Coroner's Verdict of Death, Coroner's Final Review, Report of Autopsy, Decedent General Information and Coroner Narrative Report⁵⁹.

[redacted] and [redacted] conducted an interview of [redacted] at the Loomis Ranger Station. [redacted] prepared a supplemental report of the interview⁶⁰. [redacted] provided information concerning the original construction of the rock and cement retaining walls and maintenance and rehabilitation efforts and programs over the period of his tenure. [redacted] further provided his opinion concerning the quality and nature of the original construction as well as ongoing maintenance.

⁵³ Voluntary Statement [redacted]

⁵⁴ Voluntary Statement [redacted]

⁵⁵ Voluntary Statement [redacted]

⁵⁶ Voluntary Statement [redacted]

⁵⁷ Supplemental Report, Post Mortem Examination T Botell Jr., by [redacted], 30JUL09 09:30 AM

⁵⁸ Supplemental Report, Post Mortem Examination T Botell Jr., by [redacted], 30JUL09 09:51 AM

⁵⁹ Shasta County Coroner Report C09-0713

⁶⁰ Supplemental Report, Interview of [redacted] by [redacted]

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[REDACTED] located and recovered a park computer file folder located on the park's network drive labeled "Peak Trail" containing approximately 2.88 gigabytes of information relating to the trail reconstruction project. This file was copied in its entirety to DVD-R labeled Evidence Item #5⁶¹ ⁶².

[REDACTED] reviewed online data concerning weather in the vicinity of Lassen Peak on July 29, 2009 in an effort to determine if adverse weather could have been a contributing factor to the collapse of the rock wall⁶³.

[REDACTED] reviewed a United States Geological Survey website concerning earthquake activity in the Lassen Peak area on July 29, 2009. No pertinent data was found⁶⁴.

August 5, 2009

[REDACTED] conducted an interview of [REDACTED] for LAVO⁶⁵. [REDACTED] provided information on the history of the Lassen Peak Trail

August 6, 2009

[REDACTED] conducted an interview of [REDACTED] provided information and opinion concerning the nature of ongoing trail maintenance, the original construction methods of the trail and the level of effort required to maintain and repair the Lassen Peak Trail⁶⁶.

[REDACTED] conducted an interview of [REDACTED] provided information and opinion concerning the nature of ongoing trail maintenance and the level of effort required to maintain and repair the Lassen Peak Trail⁶⁷. At the time [REDACTED] provided [REDACTED] with his files containing information concerning the maintenance and restoration of the Lassen Peak Trail. [REDACTED] took copies of 11 pages of these documents⁶⁸. [REDACTED] reported that he had removed a sign from the Lassen Peak Trail parking area, as it had, in his opinion, presented a false image that the entire trail was open, when it was not. This sign was present at the parking area the day of the Botell incident.

[REDACTED] conducted an interview of [REDACTED] management, [REDACTED] provided information concerning the history and management of the Peak Trail⁶⁹.

⁶¹ Evidence Item #5: compact disk, contents include copy of NPS LAVO electronic files relating to Peak Trail

⁶² Supplemental Report, Collection of NPS LAVO electronic files relating to Peak Trail

⁶³ Supplemental Report, Weather Records for July 29, 2009 by [REDACTED]

⁶⁴ Supplemental Report, USGS Seismology Records for July 29, 2009 by [REDACTED]

⁶⁵ Supplemental Report, Interview of [REDACTED] by [REDACTED]

⁶⁶ Supplemental Report, Interview of [REDACTED] by [REDACTED]

⁶⁷ Supplemental Report, Interview of [REDACTED] by [REDACTED]

⁶⁸ Supplemental Report, Collection of copies of file documents from [REDACTED] by [REDACTED]

⁶⁹ Supplemental Report, Interview of [REDACTED] by [REDACTED]

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August 14, 2009

██████████ received a computer portable hard drive, by mail, containing approximately three hours of raw video footage taken of the Lassen Peak trail as part of the compliance process for the "Reach the Peak" project. The hard drive and video footage was received from ██████████ ██████████, Yosemite National Park and was turned over to ██████████ on August 24, 2009. The video was shot by ██████████ on June 30th, 2009 while hiking the Peak trail with Lassen ██████████ ██████████. The video was made as part of a fund raising effort for the "Reach the Peak" trail project.

August 20, 2009

██████████ searched the LAVO website for information pertaining to hiking/trail conditions and visitor safety.

██████████, assisted by ██████████ searched the Lassen Volcanic National Park central files for documents relating to the Lassen Peak trail. ██████████ made copies of pertinent documents and included them to this investigation⁷².

August 26, 2009

██████████ and ██████████ went to Lassen Peak at the scene of the trail wall collapse. ██████████ created a record of the Lassen Peak trail from the trailhead to a point just above the incident, including trail signs, trail condition, ██████████ observations and recollections from the day of the incident and point of rest of wall fragments below the trail as follows:

- Digital video tape record of the trail and the site of the collapse, including all signs along the trail and at the trail head⁷³. Video converted to MPEG format November 24, 2009; original tape held as evidence.
- Digital still images of trail conditions, measurements and relevant objects⁷⁴.
- GPS data relating to video locations, trail points and resting point of wall fragments⁷⁵.
- ██████████ collected a sample of native material, including volcanic ash and rock fragments from the surface immediately adjacent to the point of collapse of the retaining wall^{76 77}.

September 1, 2009

⁷⁰ Supplemental Report: Documentation of receipt of video from ██████████ (see also Evidence Report)

⁷¹ Supplemental Report: Public information Portal LAVO Trail Conditions, by ██████████

⁷² Supplemental Report: LAVO files containing information relating to this investigation.

⁷³ Video of Lassen Peak Trail on August 26, 2009 by ██████████

⁷⁴ Photo log from August 26

⁷⁵ GPS Data Map and .kml showing relative positions

⁷⁶ Evidence report documenting items collected August 26, 2009

⁷⁷ Photo documentation of samples obtained August 26, 2009

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██████████ conducted a search of the World Wide Web "Internet" for images of the Lassen Peak Trail at Lassen Volcanic National Park. At <http://www.panoramio.com/photo/12913012> is an image identified as "Left to go to the top of Lassen Peak, 9700ft" by: "██████████", which was uploaded to the site on August 8, 2008. This is the sole image available in public domain that could be located which appears to show the precise site of the wall collapse prior to the time of the incident⁷⁸. While she appears to live in the San Francisco Bay Area, no record of "██████████" could be located in DMV and public database records.

November 16, 2009

██████████ requested clarification of reports of interview and written statements from Thomas Botell Sr. and Jennifer Botell via their attorney⁷⁹.

██████████ conducted an interview, by telephone, of ██████████ ██████████, National Park Service, Pacific West Region⁸⁰.

November 21, 2009

██████████ sent an e-mail to ██████████ reporting his findings in a review of the "Reach the Peak" electronic folder retrieved from the Lassen Volcanic National Park computer server⁸¹.

November 24, 2009

██████████ transferred the Digital Video tape created by him, on August 26, 2009 to a digital .mpeg format to facilitate transfer. This file is logged at Item 73 in the document registry. The original tape version remains in evidence, as indicated on the attached evidence record.

November 25, 2009

██████████ interviewed ██████████ by telephone at her office in the National Park Service, Pacific West Regional Office, Seattle Washington. A supplemental report documenting this interview, a follow-up interview on December 3, 2009 and documents provided by ██████████ on December 3 is attached to this record⁸². A compact disc containing images of the Lassen Peak Trail was provided by ██████████ and documented as evidence on December 9, 2009⁸³.

December 9, 2009

⁷⁸ Supplemental Report: Photograph of site of wall collapse prior to incident from "Internet" search

⁷⁹ Letter requesting clarification or additions from Thomas and Jennifer Botell, by ██████████

⁸⁰ A and B – E-mail and Supplemental Report: Interview of ██████████, USNPS

⁸¹ E-██████████ to ██████████ reporting his findings in a review of the Reach the Peak computer folder.

⁸² A, B and C, Supplemental Report of interview ██████████, USNPS

⁸³ Evidence report indicating Item# 11, compact disc

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reviewed the documents recovered from the Lassen Volcanic National Park computer server by titled "Lassen Peak Trail Documents." The following documents were found to be relevant to this investigation and are made a part of this report.

- "Initial Peak Enhancement Detail" (03/26/07), identifies trail damage and estimates costs for rehabilitation of Lassen Peak Trail⁸⁴.
- "Proposal cover letter to Jarvis" (03/26/07), seeks funding for Lassen Peak Trail rehabilitation⁸⁵.
- Trail Condition Survey Assessment (2002), identifies problems with Lassen Peak Trail⁸⁶.
- Lassen National Park Trail Assessment, September 24th-26th 2007⁸⁷ (by).

NOTE: File names were changed by addition of a document number, where included in this report. All MSWord documents included here were published to the folder as PDF documents to ensure that the text remained unchanged.

December 9, 2009

made a detailed comparison of digital images taken by various persons and video footage captured on August 26, 2009⁸⁸. Based on this comparison, he concluded that a single section of wall ("Wall 1") fell on July 29, 2009, injuring the Botell children. A second section of wall (Wall 2), originating from a point immediately adjacent to the original, was found on August 26, 2009, down slope and 34' south from the point of rest from the first.

At the request of contacted for clarification concerning his observations on August 4-5, 2009⁸⁹. reported to that he had seen Lassen Park Trail and on the trail on August 4 or 5, 2009 rolling wall sections downhill at the direction of park management.

reported to that he had also been unable to "read" the external hard drive provided by after it was also found to be unreadable on computer. reportedly sent the drive back to immediately contacted at Yosemite N.P. who took possession of the FedEx parcel sitting on desk a short time later. was absent from her office at the time.

December 14, 2009

⁸⁴ Initial Peak Enhancement Detail (03/26/07)

⁸⁵ Proposal cover letter to Jarvis (03/26/07)

⁸⁶ Trail Condition Survey Assessment (2002)

⁸⁷ Lassen National Park Trail Assessment, September 24th-26th 2007

⁸⁸ Supplemental Report: Analysis of photographic evidence, by

⁸⁹ Memorandum To: From: December 9, 2009

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██████████ conducted an interview with ██████████ via telephone⁹⁰. ██████████ confirmed that he had prepared the trail report dated September 24 -26, 2007, provided to ██████████ by ██████████. ██████████ stated he had also prepared a "Trail Log" documenting points along the trail with comments as to their condition. He stated that ██████████ had this document in his possession by that ██████████ could provide a copy when he returned to his office.

██████████ conducted an interview with ██████████ via telephone, to clarify several points from earlier interviews and to obtain a copy of the trail log identified by ██████████⁹¹. ██████████ stated he had no idea who rolled the wall section, initially located immediately adjacent to the one which injured the Botell children, down the hill.

██████████ conducted an interview of ██████████ via telephone, to clarify several points from earlier interviews⁹². ██████████ stated he did not know who rolled the section of wall, initially located immediately adjacent to the one which injured the Botell children, down the hill.

██████████ conducted an interview of ██████████ via telephone, to clarify several points from earlier interviews⁹³. ██████████ reiterated that he had seen ██████████ and ██████████ roll two wall sections downhill and understood they were there performing those actions at the directive of their supervisors.

██████████ conducted an interview of ██████████ via telephone, to clarify several points from earlier interviews⁹⁴. ██████████ stated he and ██████████ went to the Lassen Peak Trail, at the directive of his immediate supervisor ██████████ with instructions to make the trail safe to reopen. When they had pried down two loose wall sections they decided that the task was too large to accomplish in a short time and returned to the Mineral Work Station (Lassen National Park) and reported this to ██████████.

December 15, 2009

██████████ conducted an interview of ██████████ via telephone, to clarify several points from earlier interviews⁹⁵. ██████████ stated he pushed the missing wall section off the hill with the assistance of ██████████ and ██████████ at the direction of ██████████.

██████████ spoke with ██████████ and ██████████ at ██████████ office in Yosemite NP. ██████████ reported that she also could no longer "read" the drive she had sent to ██████████ and speculated that as it was quite old it may have been damaged during shipment. ██████████ agreed to ship a new

⁹⁰ Report of Interview ██████████ by ██████████
⁹¹ Interview of ██████████ by ██████████ 14DEC09
⁹² Interview of ██████████ by ██████████ 14DEC09
⁹³ Interview of ██████████ by ██████████ 14DEC09
⁹⁴ Interview of ██████████ by ██████████ 14DEC09
⁹⁵ Interview of ██████████ by ██████████ 15DEC09

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drive as soon as possible. [REDACTED] agreed to load a second copy of the archival data onto the new drive and provide it to [REDACTED] or to [REDACTED].

January 11, 2010

[REDACTED] received confirmation that a third (new in the box) external hard drive he sent to [REDACTED] had been received by her. [REDACTED] stated she had successfully loaded approximately 40+ gigabytes of data onto the drive and returned it directly to [REDACTED] by FedEx on January 8, 2010. The data reportedly consisted of video, shot in June of 2009, of the Lassen Peak Trail, including the section of wall that collapsed⁹⁶.

[REDACTED] communicated with [REDACTED] concerning his review of a draft copy of this report as the point of contact from the client NPS Unit. The chronological narrative at July 29, 2009 12:30 was modified to include reference to [REDACTED].

[REDACTED] communicated directly with [REDACTED] concerning a single letter typographical error in the face sheet of this report and the inadvertent use of bolded text in the [REDACTED] interview. These issues were corrected.

The reports of this investigation were published and printed copies were prepared for signature at an anticipated meeting between [REDACTED] and [REDACTED] on January 12, 2010. A single document is outstanding pending the anticipated receipt of a functional external computer drive containing video from [REDACTED].

⁹⁶ Evidence Report Item #12 - RESERVED

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CONCLUSIONS:

The Lassen Peak Trail was constructed in the early 1900's, initially through private funding, as part of a Lassen Peak Highway/Trail corridor, to provide access to Lassen Peak and its environs for visitors. Later, when the Lassen Volcanic National Park was established, further construction and maintenance of the trail to the summit of Lassen Peak was taken over by the US Government. During a period of historical significance from 1925 through 1941, the current general alignment of the trail was established. Dry stack rock retaining walls were built by the Civilian Conservation Corps from 1933 through 1941. Over the intervening years, the dry stack walls have been rebuilt or repaired many times.

In the late 1970's and particularly in 1979 the dry stack rock walls built by the CCC on about the upper 1/3 of the trail, beginning about 7800' from the trailhead, were replaced using a wet mortar and rock construction technique. Much of this wet mortar type construction remains in place, although some sections had slumped and/or migrated downhill due to weathering and human foot traffic, prior to the July 29, 2009 incident. Evidence this erosion and movement is visible in images captured during this investigation.

According to [REDACTED], this type of construction lends itself to significant erosion of supporting material at the base of the walls. This is due to water runoff which collects behind the water impermeable wall during rainfall and snowmelt events. The water then runs down the back side of the wall and flows out under the base, taking the supporting substrate with it. Statements made by [REDACTED] and documents produced by he and other NPS officials indicate that "trail cutting", or human foot traffic shortcutting trail switchbacks further accelerates this erosion, particularly near the ends of the walls closest to the switchbacks.

[REDACTED] stated that when the wet mortared walls were constructed, they were insufficiently ballasted. This means that the footing of the walls is insufficient to hold them in place as it is neither sufficiently massive nor appropriately anchored to the mountain to allow them to remain in place when exposed to weight imposed by snow loading, water runoff and human foot traffic. She reported finding no evidence of anchoring of the walls to the bedrock of the mountain by use of metal rebar or the like. The walls are essentially long, thin structures floating on talus on the sides of Mount Lassen and highly susceptible to rotational forces which could cause them to tumble down the mountainside.

This erosion and instability was identified by the National Park Service as early as 2002. Over the past 3-5 years efforts by park staff were made to identify legal and historically appropriate alternatives to rehabilitation of the trail. In 2007 and 2008, experts from the California State Parks and Recreation Department were brought in to assist with evaluation of the existing trail, attempt to identify alternatives and assist with estimating rehabilitation costs. This process also sought to acquire funding to accomplish the trail rehabilitation which has been variously estimated at between 2.2 and 3.0 million dollars.

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Shortly before 12:42 PM on July 29, 2009, Thomas Anthony Botell Jr., aged 9, Katrina Botell, aged 13 and Brittany Botell, aged 7 were hiking with their parents Thomas Anthony Botell Sr. and Jennifer Botell on the Lassen Peak Trail. The three children sat on the northern end a section of wet mortar retaining wall construction*. The nearest end to the trailhead is located about 8,319 feet along the trail and is the end of the wall upon which the children sat. The children had reportedly hiked a short distance ahead of their parents and sat down on the wall to wait for them to catch up.

At that time, the northern most segment of the wet mortared rock retaining wall, measuring about 4' in length may or may not have been attached to the rest of the wall, but was originally constructed as a single unit. As a result of the additional load imposed by the weight of the children, the 4' wall section, if not already detached, separated or sheared off from the remainder of the original wall. It certainly began to move downhill over the native talus surface and simultaneously began a rotational movement on its long axis, essentially tumbling downhill on the fall line.

As a result of the downward shift and rotation, Thomas Jr. and Katrina were pitched forward and face downward in front of the path of the now rolling wall section. Brittany was thrown off to the side, caught herself on her hand and sustained a minor bruise from contact with the ground. Thomas' right foot was trapped under the wall which continued to roll over him, causing a large laceration to the back of his right thigh. As the wall segment continued to roll downhill it crushed Thomas' upper right thorax between the ground and the wall, possibly against a rock outcropping immediately above the next lower section of trail. Continued movement of the wall and Thomas' body caused significant displaced alignment of his cervical spine before he came to rest. According to [REDACTED], blunt force trauma injuries to the thorax and cervical spine of Thomas Botell Jr. caused his death.

Thomas remained conscious and then semi-conscious for several minutes after being freed from underneath the wall segment by his father. A short time later, he lost consciousness and was nearly immediately found to be without a pulse not breathing. Bystanders performed CPR until relieved by professional responders at 2:12 PM. At 2:18 PM resuscitation efforts were terminated in accordance with established medical protocols. Thomas' body was later transported by California Highway Patrol Helicopter to Benton Airpark in Redding and transferred to the Shasta County Coroner.

Simultaneous to the movement effecting Thomas, Katrina who was seated to his right was also pitched forward on to the surface below the wall. The movement of the wall caused a laceration to her scalp and fractures to bones in her head. Katrina came to rest, partially trapped under the wall and lying on the trail immediately below where she had been sitting. She was freed by her father and cared for by her mother for about 90 minutes until professional emergency medical caregivers arrived and took over. Katrina was evacuated by helicopter to Mercy Medical Center in Redding, Ca where she was treated and later released to return home.

*NOTE: A written statement attributed to Katrina Botell, published at <http://www.tommybotell.com>, indicates that Brittany Botell did not sit down on the rock wall prior to it collapsing, as was otherwise reported.

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The Lassen Peak Trail was closed to public access the following day and remained closed on August 26, 2009. Documentation, in the form of witness statements and interviews, digital still images and digital video images, of the condition of the trail before and after the incident are contained in this report.

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Reporting Agent

A handwritten signature in black ink, appearing to be a stylized name, is written over a horizontal line.