

How Napa's Cakebread winery absolved itself of starting one of California's most destructive fires

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Vineyard operations manager Mike Rogers walks at Cakebread Cellars owned Dancing Bear Ranch vineyard on Howell Mountain in St. Helena, Calif., on Wednesday, August 18, 2021. After the Glass fire began in 2020, an electric fence at Dancing Bear Ranch was suspected by Cal Fire as a possible origin of the wildfire. Cakebread undertook an extensive investigation at its own expense which ultimately showed that the fire could not have started there. Scott Strazzante/The Chronicle

In the late September days following the eruption of the Glass Fire, which would turn out to be the tenth most destructive wildfire in California history, officials zeroed in on one possible point of origin: an electric fence at a vineyard, high up a rugged ridgeline on Howell Mountain.

It belonged to Cakebread Cellars, one of Napa Valley's most famous wineries.

The Cakebread family understood what was at stake. Anyone would have, especially after seeing the example set by Pacific Gas and Electric Co. The utility, whose equipment has caused more than 1,500 fires since 2014, has paid tens of billions of dollars to the fires' victims.

If Cakebread’s vineyard fence were found to have sparked the Glass Fire, and if the winery were found guilty of negligence or another statutory violation, it would have been vulnerable to lawsuits from Cal Fire, the state’s firefighting agency, as well as the owners of 650 destroyed homes.

Those damages would amount to “a very sobering number,” said Richard Linkert, a lawyer representing Cakebread. “I know it would have a lot of zeroes.”

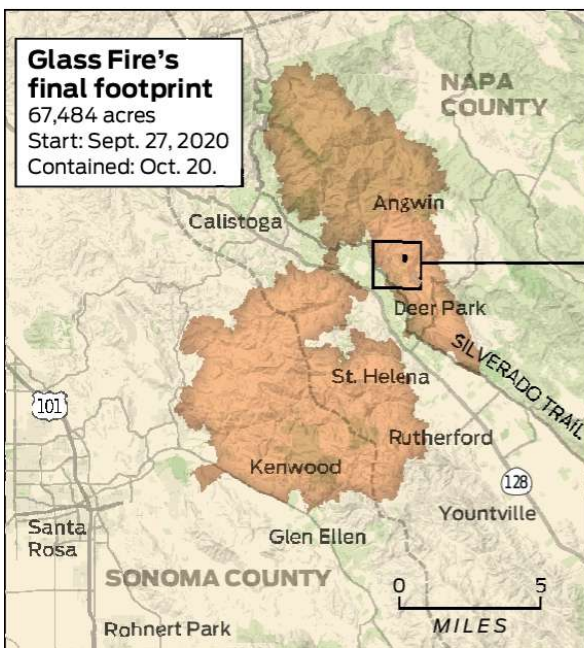
So the Cakebreads jumped to action. Rather than wait for Cal Fire to complete a report on the fire’s origins, a process that could take upwards of a year, the winery undertook its own investigation.

Soon they’d retained Linkert, an experienced wildfire attorney who proceeded to hire an extensive crew of forensic and technical experts. The findings from this commission, which focused on analyses of photographs taken in the fire’s early hours, exonerated Cakebread, showing that the fence did not ignite the Glass Fire and that the blaze did not start on its property.

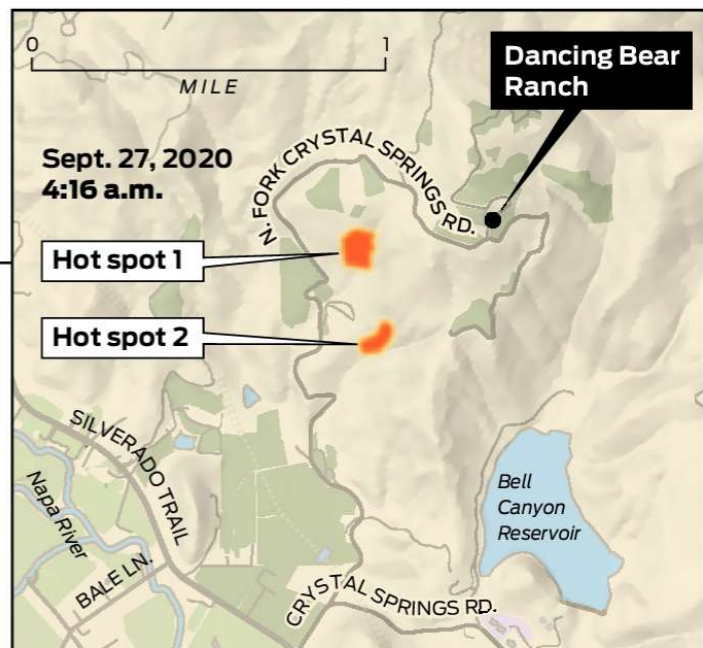
Those findings heavily informed Cal Fire’s own investigation, whose results were published last week. The evidence that Cakebread provided allowed investigators to “rule out” their vineyard property, fire captain Gary Uboldi wrote. (PG&E power lines were also ruled out.) Ultimately, Uboldi and his colleagues were unable to determine an exact cause or point of origin for the Glass Fire.

The Glass Fire’s origins

Heat maps taken by the California National Guard at 4:16 a.m. on Sept. 27, 2020, in the early hours of the Glass Fire, show that the fire had begun but was not yet at Cakebread’s Dancing Bear Ranch property. That proved to Cal Fire investigators that the vineyard fence could not have been the cause of the fire.



Source: California Department of Forestry and Fire Protection



John Blanchard / The Chronicle

It's common for Cal Fire to make use of privately funded research in its wildfire investigations, according to Ken Pimlott, a former director of Cal Fire who wasn't involved in inquiries into the Glass Fire. But the scope of the Cakebread study, unprecedented for a California winery, raises questions about the state's independence and points to possible new ways in which businesses with a lot to lose may seek to play a larger role in the future of natural-disaster accountability.

Of the 14 people interviewed for Uboldi's report, nine represented Cakebread.

Members of the Cakebread family swear they were seeking the truth, not simply absolution, and instructed their consultants accordingly. "If it was us, we were going to take our lumps with it. We wanted to understand what happened there," said co-owner Bruce Cakebread. "But if it wasn't us, we wanted to understand that, too."



The Glass Fire, seen here at Vineyard 29 in St. Helena on Sept. 28, 2020, ultimately burned 67,484 acres and destroyed 650 homes.

Carlos Avila Gonzalez/The Chronicle 2020

Cakebread Cellars is one of Napa's most storied names. Since the family first started its eponymous winery in 1973, it has developed a devoted following for its Chardonnay and Cabernet Sauvignon wines and for its luxurious tasting room on Highway 29 in Rutherford.

The company's land holdings extend far beyond that Rutherford address. The Cakebreads own about 1,000 acres in Napa Valley, including a 210-acre parcel above St. Helena on Howell Mountain. They call their 27 acres of grapevines here Dancing Bear Ranch; Cakebread Cellars produces one of its highest-end red wines from here, sold for about \$150 per bottle.

Any implication that the winery was responsible for starting a massive wildfire would have threatened Cakebread's public image and its standing in the Napa wine community — a danger that the family understood from the start.

A KTVU report on Sept. 30 that Cal Fire was investigating the Dancing Bear Ranch electric fence created a sense of urgency to get in front of the story. “We had a lot of reputational damage,” said CEO Mike Jaeger.

Jaeger and his team engaged Linkert the very same day. Typically, companies hire him two years after a fire, once they're already being sued, he said. Linkert assembled a brain trust — an electrical engineer, forensic animator, fire investigator and fire engineer — to work on Cakebread's behalf.

The final bill hasn't yet been tallied, but Jaeger said the winery has spent “several hundred thousand dollars” on the project so far.

The main piece of exculpatory evidence: five photographs taken during the Glass Fire's first moments, between 3:37 and 3:54 a.m. Two were taken by Steve Burgess, the former owner of Burgess Cellars, who snapped iPhone photos from his Howell Mountain porch just as the blaze was becoming visible. The images show a pitch-black night with bright orange flames advancing across a ridge. (Cakebread showed me the images but would not release them for publication, citing concerns that the images could be manipulated.)

Those photos turned out to contain key information, said Toby Terpstra, a forensic video technician whom Cakebread hired. Terpstra specializes in re-creating scenes based on photographs or videos, such as those taken at the scene of a vehicle accident. He often uses a technique called photogrammetry, which enables measurements to be taken from an image. Terpstra plotted the location of the fire at the time those photographs were taken.

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According to Terpstra, his models revealed that by 4 a.m. on Sept. 27, the Glass Fire had already begun — but had not yet reached the area with the electric fence. Although the blaze did arrive at Dancing Bear Ranch sometime before dawn, those early pictures offer incontrovertible proof, Cakebread’s team believes, that it could not have been the origin point.



Cal Fire did not use photogrammetry techniques in its Glass Fire investigation, and it’s unclear whether it has in the past. Pimlott, who retired from Cal Fire in 2018, was not familiar with it. The technology is not yet widespread, Terpstra said; he estimated about 50 companies in the country employ it. The U.S. Geological Survey is now using photogrammetry to create maps, and independent forensic technician John DeHaan said he has commissioned photogrammetry in fire investigations he’s led in the past.



In December, when Cakebread’s team presented Cal Fire with their findings — which came in the form of a highly produced short film — it changed the course of the official investigation, Uboldi’s report suggested.

“From the video and pictures, I saw I could rule out my prior identified location of interest for the origin of the fire at 300 North Fork Crystal Springs Road which is owned by Cakebread vineyards,” Uboldi wrote.

Cal Fire did not respond to a request for comment for this story.

Heat maps collected by the California National Guard at 4:16 a.m. on Sept. 27 would eventually corroborate this, as a diagram in the Uboldi’s report shows. The heat maps indicate that there was a period of time when the fire was burning but had not yet engulfed Dancing Bear Ranch.

Theoretically, that made the electric-fence hypothesis moot, but Cakebread’s investigators insist that the fence could not have caused the fire anyway.

The winery had initially installed the fence to keep bears and deer from eating the grapes. But after finding that the animals could easily hop the fence, it switched to putting bird netting over the vines instead. The netting has done a better job of protecting the fruit, Bruce Cakebread said, and they hadn’t turned the fence on for a couple of years.

Cal Fire investigators found the electric fence’s controller set to the “off” position during their initial inspection of the property, according to the state report. . If someone had turned the fence back on, Bruce Cakebread said, he would have been notified under the company’s protocol.

“One might easily mistake it for an origin area,” Linkert said of the fence. The burn pattern on the ground, showing char in a V-pattern advancing up a slope, looked like a possible beginning, said Linkert. So it makes sense that Uboldi had focused on the fence so intently for the first few months.

But the results of the photogrammetry eliminated that possibility, Linkert said. With only one other, deenergized power line on Dancing Bear Ranch, that left no other ignition sources on Cakebread’s land, according to him.

Cal Fire agreed.



An electric fence at Dancing Bear Ranch was initially suspected by Cal Fire as a possible origin of the 2020 Glass Fire. The vineyard's owner undertook an extensive investigation at its own expense which ultimately showed that the fire could not have started there.

Scott Strazzante/The Chronicle

As wildfires become more frequent and destructive in California, the stakes for holding someone accountable are growing higher, too. Victims who lose homes, businesses or loved ones can — and do — seek compensation. With residents and commercial property owners finding it increasingly difficult to secure wildfire insurance, litigation may become an increasingly important part of that compensation process. And understanding the exact cause of each fire can help mitigate future disasters.

When a Cal Fire investigation comes up inconclusive, which is not a rare occurrence, it can be frustrating to victims.

“Everyone was hoping for a more definitive response from Cal Fire,” said Sonoma County Supervisor Susan Gorin, who represents areas affected by the Glass Fire. She hopes more information may yet come to light: “There will certainly be more discussion about the origin.”

These dynamics take on unique meaning in Wine Country, which has suffered numerous megafires in recent years. While a winery or vineyard has not been found culpable for sparking any of those blazes, these rural agricultural parcels often contain fuel sources — electrical equipment, large propane storage tanks and power tools.

Wineries are also often public-facing businesses, dependent on the goodwill of customers and wary of the sort of public-relations nightmare that PG&E has endured.

On top of that, wealthy businesses such as wineries may be able to offer resources that perpetually under-resourced Cal Fire lacks. If an individual or a business has collected its own information — as insurance companies frequently do — Cal Fire will want to look at it.

“At the end of the day, Cal Fire or the local unit is responsible for conducting the investigation, but any public agency will rely on bringing in additional experts,” said Pimlott, the retired Cal Fire director. Conducting an examination like this “really takes expertise that’s available both in the public and private sector.”

Such an arrangement presents ethical questions: Can evidence be credible if its collection is funded by an interested party? “There’s a clear conflict of interest there,” said Timothy Ingalsbee, executive director of Firefighters United for Safety, Ethics and Ecology, a nonprofit that promotes wildland management practices.

Nevertheless, multiple experts confirmed, it’s standard for Cal Fire to incorporate information provided by private investigators working on behalf of an insurance carrier or a company like Cakebread. All relevant information should be considered and reviewed, no matter who collected it, Ingalsbee said.

“A lot of it comes back to the integrity of the private-sector investigator,” said forensic technician DeHaan. The attitude, he said, is “we’re going to look at all the options and test all the hypotheses and keep our minds open.”

Pimlott said Cal Fire corroborates outside information it receives and carefully guards investigations against meddling.

“You are always protecting the area of origin like a crime scene,” he said. “It doesn’t mean a crime was committed, but they are treated like that.”

Just like people accused of crimes, companies implicated in wildfire causation have varying means to spend on their defenses. Cakebread’s investigation could set a new example for how businesses can work to clear their names of wrongdoing. But not every business, not even every Napa Valley winery, has several hundred thousand dollars for such an endeavor.

For the Cakebreads, the arrival of the Cal Fire report seemed to mark the end of a long, anxiety-ridden saga. While it’s possible the winery could still face lawsuits from victims, Linkert said the extent of the evidence they collected and its endorsement by Cal Fire would likely dissuade such actions. If someone wanted to file a suit, Linkert said, he’s confident that they’d change their minds after seeing the high-production video he showed Cal Fire.

Cakebread’s absolution doesn’t change the fact that investigators still don’t know what caused the Glass Fire, and it’s possible they never will. Knowing that Cakebread isn’t responsible doesn’t ease the pain of this community, a fact that co-owner Dennis Cakebread acknowledged. “No matter where it started, it was still a horrible event,” he said.

Still, he added, “I’ve got to admit there’s a certain feeling of relief.”



The grapes from Dancing Bear Ranch produce one of Cakebread Cellars’ highest-end red wines, selling for about \$150 per bottle.

Scott Strazzante/The Chronicle

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