

Hermits Peak/Calf Canyon Claims Public Comment Transcript

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Ned Pennock, Co-Facilitator

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Introduction

Ned Pennock: Good evening, everyone! Welcome to the fifth Public Meeting on the Hermit's Peak/Calf Canyon Fire Regulations. My name is Ned Pennock.

Susana Struve: My name is Susana Struve.

Ned Pennock: And we are your co-facilitators for tonight's meeting. I also want to introduce Teresa and Laura who will be providing our American Sign Language interpretation this evening. Before we get started, we again, want to thank you for hosting this meeting in your community and for taking the time to join us. This meeting is a necessary step for us to gather your input on the Interim Final Regulations making sure that they are clear, can be effectively implemented and that they work for you.

And briefly I want to point out the emergency exits in the rear of the room and out the front door and the door in which you walked. Also, the restrooms if you go out the door over here and to your left somebody will direct you down the hall to the restrooms.

Susana Struve: *Provided remarks in Spanish*

Ned Pennock: As we get going, here are a few important things to keep in mind. This meeting will be recorded and later transcribed. The transcript will become part of the official public record. Providing a comment here tonight constitutes your consent for your name to appear on the official transcript for the public record. Those of you who attended any of the previous public meetings, will see some of the same content as before. However, it is important that we provide the information for any attendees who have not seen or heard this material before.



FEMA

The primary purpose of this meeting is two-fold. First, we want to bring visibility of the program to you by providing an overview of our approach to the program development and an overview of program requirements as outlined in the published Interim Final Regulations. This includes clarifications to the Interim Final Regulations based on some concerns expressed in the first several public meetings.

Second, is to ask for your comments on the Regulations and as a reminder you'll have until January 13th, the end of next week, to submit any comments.

Finally, let me spend a minute on what this meeting is not intended to do. This is a public comment forum rather than a discussion forum. The comments that you provide tonight are part of the regulatory process to gather your input to help improve the Interim Regulations. This is why we structure the meeting the way we do rather than providing an open forum for questions and answers. Individuals cannot apply for assistance or receive information regarding a pending assistance request as part of this meeting. However, we will have resources and Notice of Loss Forms available at the end of the meeting as you are leaving. We will also have people who can provide answers to general questions about the program.

One final word about the public comment process, you can view all written public comments on Regulations.gov. Once the public comments period ends, we will publicly respond to all comments – all relevant comments – to the Rule before finalizing the Rule. We will update you on the expected timeline once we have a better sense of the scope and nature of the comment.

Susana Struve: *Provided remarks in Spanish*

Ned Pennock: Those of you who indicated an interest in providing verbal comments this evening by signing up before entering the meeting will be offered the opportunity to speak first. Each person will be given 3 minutes to speak and, if time allows, participants at the meeting who have not yet spoken will have the chance to speak. As a reminder, the final Rule will provide responses to all relevant comments that we receive. We also have answers to frequently asked questions on fema.gov/hermits-peak.

Susana Struve: *Provided remarks in Spanish*

Ned Pennock: So, briefly let's take a moment to review tonight's agenda. First, we'll provide a brief update on efforts to build out the Claims Office. Second, we will describe the background of this regulation and review its purpose. After the overview information, we'll explain the instructions for providing your written comments on the Rule during the public comment period. The majority of the remaining time on tonight's meeting agenda is reserved for verbal comments for the record on the Hermit's Peak/Calf Canyon Fire Assistance Interim Final Rule and we will conclude with a few closing remarks from the Claims Office leadership.

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: Thank you, Susana. Good evening, everyone! Thank you very much for being here and joining us tonight for this public meeting. I want to echo Ned here in expressing my appreciation to you for taking time out of your busy schedules to be here tonight. I also want to acknowledge up front how challenging the last many months have been for all of you and for your community. And how challenging it's been for you to get what you need to recover. FEMA and the Federal Government have brought you a range of programs, many of which have been

around for decades and were not designed to meet your needs as you are dealing with the wide range of losses and what I know is a tremendous amount of suffering. And I know how frustrated you are, and I would be frustrated as well.

I also know that I don't have your trust, and I will have to work very hard to earn it. I understood this situation as I came into the role of Director of the Hermit's Peak/Calf Canyon Claims Office just days after the legislation passed back on September 30th. But I am here because I care about your recovery, and we have an opportunity together to build and design a program that meets your needs.

I am in this role because I have a couple of decades worth of experience building and managing federal programs. And I know that I don't know you and your unique culture and all of the issues that we will need to address together that are unique to this area. What I have done, though, is spend much of my time in this role so far listening and learning and I will continue to do so, and I don't plan to do this alone. I started and will continue to build a team, with a priority on hiring local, bringing in the right expertise and putting offices right here Las Vegas, Mora County and Santa Fe. We expect these offices will open in February. In fact, the one in Mora very, very soon.

We conducted two very successful local hiring events in December, and we are conducting another right here in Mora this Tuesday, January 10th. I will be including a couple of key roles in the office who will all be hired locally. It is important to me that we tap into local experience and expertise and familiarity with New Mexico law. First, we will be hiring Navigators who will be engaging with you to directly to walk you through the process. The Deputy Director and the Claims Chief will be hired locally. In addition, I have established a Hermit's Peak Advocate role who will report to me directly, separate from our claims team, and will work to resolve issues on your behalf, and provide feedback and recommendations to me and report on those publicly.

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: So now, let me tell you about the new legislation. The Hermit's Peak Fire Assistance Act and the recently signed Omnibus Spending Bill provided a total of \$3.95 billion to compensate businesses and communities impacted by the Hermit's Peak/Calf Canyon Fire and flooding after the fires. I want to pause for a minute just to emphasize, make sure everyone is aware of the change since our last public meeting that the Omnibus Spending Bill provided an additional \$1.45 billion for this program.

This program is very different than other FEMA programs. Those programs, especially the Individual Assistance and Households Program, were designed to give people assistance in getting back on their feet after a disaster, not compensating them for a full range of their losses. We will tailor this new program, however, to meet the needs of those impacted, with our primary focus on providing a simple and straight forward process. To achieve this, we are conducting focus groups and listening sessions with community members, business owners, local and state elected officials and other stakeholders.

This program is much more like an insurance program, where you submit a claim across a broad range of losses, with no overall cap on payments, we come to agreement on the amount to provide, consistent with New Mexico law, you accept the amount, and we provide you the funding. There are timeframes in the law to help move this process expeditiously.

If you don't agree with the amount, you can appeal and ultimately go through an arbitration process. Arbitration is where we bring in an independent person who is officially responsible for making the final decision. And it is not until the end of the process that you need to decide to take the compensation through the program or pursue other legal action. We are designing the process to be as simple and straightforward as possible, so that you do not need outside legal assistance, though of course that is your decision, and we will provide experts or assistance with any third-party assessments you may need.

The development of the regulations is the very first step in the process to build this office and program. If we continue the comparison of this process to an insurance claim, this regulation is the equivalent of your insurance policy and it: outlines allowable claims and how to navigate the claims process; describes claims evaluation criteria; and provides additional guidance on pursuing an appeal or arbitration of a claim determination. This regulation also provides flexibility for the claims process to meet the unique and specific needs of New Mexico residents.

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: The legislation required us to develop the regulations within 45 days of the day the law was signed. This is an extremely fast timeframe for federal agencies to develop regulations, so to meet this timeframe and the urgency of the need, we initially based the regulation on those from the Cerro Grande Fire, since the law is also very similar. We published the regulations as an Interim Final Rule on November 14th. So, what this means is that we can begin implementing the program, but we also opened a 60-day public comment period. This is the opportunity to get comments from you to ensure that the regulations meet your needs.

During this time, we're also working to build out this office and the claims process, which will continue to occur over the next several months. During this time, we will be hiring staff to support the claims office across a range of duties; identifying and opening facilities to provide one-on-one assistance at fixed and mobile sites, including locations in San Miguel and Mora counties; designing the claims process from beginning to end. This includes incorporating any input provided during this comment period, and through engaging with local, state and community leaders. And we're committed to delivering funds as quickly as possible and ensuring a simplified claims process.

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: This slide shows the three general steps that are involved in the claims process.

- Notifying the Claims Office that you've had a loss related to the fire,
- Submitting to the Claims Office proof of the loss, and
- Receiving payment from the Claims Office for the loss.

We're here today to get your input so you are part of the process in developing these steps. Details of these general steps are still being developed; however, all of the steps have timeframes that are required by the regulations. We will discuss each of these general steps in more detail in the following slides.

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: The first step in the claims process is to submit a Notice of Loss Form to the Hermit's Peak/Calf Canyon Claims Office. Completing this step signals your interest in starting the claims process. The Notice of Loss should include a brief description of each loss or injury and forms can be downloaded from the Internet at <http://www.fema.gov/Hermits-Peak>. It's important to emphasize that while we are beginning to accept the Notice of Loss Forms, it will take us some time to build out the operation and the claims process to their full capacity. The Hermit's Peak/Calf Canyon Claims Office is expected to be fully operational early this year. And don't worry, there's no rush to complete this form. You will have until November 14, 2024, to file a Notice of Loss Form.

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: What types of losses will we cover? The Claims Office will review each claim based on its unique facts and merits. You should not assume that an injury resulting from the Fire is not allowable simply because the regulation fails to address it specifically. Losses may include personal property, business, financial losses and personal injury, including reasonable out-of-pocket treatment costs for mental health conditions resulting from the fire.

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: Loss of property. Compensation may be awarded for an uninsured or an underinsured property loss; a decrease in the value of real property; damage to physical infrastructure; lost subsistence; cost of reforestation or revegetation not covered by any other Federal program; and any other loss determined to be appropriate for inclusion as a loss of property. We would first like to acknowledge that the process for valuating and reimbursing claimants for tree loss is one of the primary concerns for many residents in the affected area. We understand that trees are critical to the livelihood, businesses, and culture for many of those impacted. Before addressing the issue of tree loss under the Interim Final Rule, we would first like to directly address the misconception that all forms of loss incurred from the Hermit's Peak Fire may be capped at 25 percent. **This is not the case.**

As it pertains to tree loss, the Hermit's Peak Interim Final Rule states that payment for revegetation and reforestation will not exceed 25 percent of the value of the land plus any structures on the land. This does not apply to business losses for timber, crops, and any other natural resource.

However, we do recognize that the language in the Rule that addresses the reimbursement for tree loss was taken from the Cerro Grande Regulation. We understand that this language may need to be changed to reflect the unique characteristics of the affected area for the Hermit's Peak Fire. The Interim Final Rule provides one way to value the landscaping aspect of vegetation and trees, but we are exploring various ways to ensure that we can provide for the full value of loss and reforestation associated with trees.

It's our intention to design the Hermit's Peak Fire Claims Office process so that all losses, including tree loss, will be addressed fairly and equitably. This is why the public comment period is critical. So that we can receive feedback from the public as to what changes need to be made.

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: Business loss. Compensation may be awarded for damages to tangible assets or inventory, including timber, crops, and other natural resources; business interruption losses; overhead costs; employee wages for work not performed; loss of business net income; and any other loss determined to be appropriate for inclusion as a business loss.

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: Financial loss. Compensation may be awarded for: increased mortgage interest costs; insurance deductibles; temporary living or relocation expenses; lost wages or personal income; emergency staffing expenses; debris removal and other cleanup costs; costs of reasonable heightened risk reduction; and premiums for flood insurance.

On flood insurance, given the increased flood risk with the ground charred and unable to absorb water having a flood insurance policy is vital. Until vegetation is restored, which can take five years or more after a wildfire, flood insurance will protect your home when flooding occurs. For more information on flood insurance and how to purchase it, visit floodsmart.gov and we can help you with that once our offices are open.

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: What types of losses will we not cover? We cannot compensate for

- Insurance or other third-party payments or settlements,
- Punitive damages, or
- Any legal fees incurred in prosecuting a claim under the Act or an insurance policy.

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: How you document your losses? The next step in the process is to submit a Proof of Loss. The Proof of Loss Form includes a statement attesting to the nature and the extent of your losses. You have 150 days after we formally acknowledge your Notice of Loss Form to complete the Proof of Loss.

The Claims Office is currently accepting Notice of Loss Forms from residents who are prepared to begin the claims process. Once a Notice of Loss Form is received and officially acknowledged, each claimant will then have 150 days to submit a final Proof of Loss Form. We are starting to recognize now the receipt of the Notice of Loss Forms via email as they are received. However, these emails do not officially trigger the 150-day period for submitting the Proof of Loss Forms. This is because we do not want to negatively impact claimants by initiating the 150-day period for each Notice of Loss submission before adequate Claims Office staff have been hired to ensure that each claimant has access to the resources needed to help them through the process.

Official acknowledgement of Notice of Loss Forms, which will trigger that 150-day period for proof of loss submission, will be sent via direct mail in the coming weeks. The Claims Office will work with the claimant to determine what level of documentation will be required, offering as much flexibility as possible. We recognize there are a number of circumstances where those impacted by the fire do not have property or other important records.

However, it is up to the Claimant to prove injuries and damages through whatever documentation is reasonably available to support their claim, including photographs and video, to demonstrate the nature, extent, and value of their injuries and losses. We know that sometimes documentation may not be reasonably available, if say maybe it burned in the fire. If that's the case, we may determine that the Claimant's statement alone will be sufficient.

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: Although the Claimant is responsible for the Proof of Loss, through our Navigators and Claims Reviewers, we will assist in preparation of the claim. This includes assistance in understanding and filling out the Proof of Loss Form. We will also have adjusters and experts available to help the Claimant determine the value of the loss. A Claimant may amend the Notice of Loss to include additional claims at any time before signing a Proof of Loss or add any additional losses during the two-year window to submit a claim.

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: What if you incur costs for completing the Proof of Loss? We will reimburse Claimants for the reasonable costs they incur in providing documentation as well as the reasonable costs they incur in providing appraisals, or other third-party opinions that we request. We will not reimburse Claimants for the cost of appraisals or other third-party opinions that we do not request.

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: How do you get payment? The Claims Reviewer will submit a report for review to determine whether compensation is due to the Claimant. We will provide a written decision to the Claimant on the amount of compensation due to them. We must do this within 180 days of formally acknowledging our receipt of the Notice of Loss. If the Claimant is satisfied with the decision, we will issue payment after FEMA receives a completed Release and Certification Form.

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: The Claimant must accept the determination by submitting a Release and Certification Form within 120 days after we provide the written decision. Alternatively, the Claimant can initiate an Administrative Appeal. When the Claimant accepts payment for losses through the Act (except for partial payment), the election is final, and the Claimant may no longer seek other legal avenues for those particular losses. However, within the two-year window, the Claimant may request to reopen the claim to seek compensation for new losses or an injury not previously reported.

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: What if you disagree with the decision? First, I would like to emphasize that the Advocate role will work with Claimants to help resolve conflicts and concerns that they do not feel are being addressed by their Navigator or Claims Reviewer. This individual will help identify challenges that Claimants are having and work to develop solutions. Again, the Advocate will report directly to me to ensure that they are able to escalate and address concerns providing public accountability to the process. Please note that after the claims process is completed if a

Claimant is not satisfied, they can appeal and either have the dispute resolved by an independent arbitrator or by New Mexico Federal court.

If the Claimant is dissatisfied with the outcome of the Administrative Appeal, they may submit the dispute to an independent binding arbitration within 60 days of the Appeal decision. Through Arbitration, we will bring in outside officials to serve as an independent official to make the final determination. More specifically, the arbitrators will be independent and impartial. This is a basic rule for arbitrators generally. They will not be employees of FEMA. Based on the rule, arbitrators will be selected randomly for each requested hearing, further supporting the concept of impartiality.

As an alternative to arbitration, a Claimant dissatisfied with the outcome of an Administrative Appeal may seek judicial review of the decision by bringing a civil lawsuit against FEMA in the United States District Court for the District of New Mexico. This lawsuit must be brought within 60 days of the date that appears on the Administrative Appeal decision.

Susana Struve: *Provided remarks in Spanish*

Ned Pennock: Thank you Angie. Please give us a few minutes so we can get set up for the public comment part of tonight's meeting.

Susana Struve: *Provided remarks in Spanish*

Public Comment Period

Ned Pennock: Hi, thanks everybody. We are now going to begin the public comment part of the meeting.

If you signed up to speak before the meeting, we'll call your name and bring a microphone to you. We have a microphone on this side and over on this side and I'll provide the third mic. When it is your turn to provide a comment, please identify yourself and speak directly into the microphone. And we'll be using a timer to keep on track. As a reminder, FEMA will not be responding to comments during the meeting. We do request that you limit your comments to no more than 3 minutes and since so many of you signed up in advance this will be especially important. If you no longer wish to provide a comment, please just indicate so. And if time allows, we will provide the opportunity for others to speak once all who signed up in advance have spoken.

Susana Struve: *Provided remarks in Spanish*

Susana Struve: Jose Aragon.

Jose Aragon: *Good afternoon, my name is Emilio Aragon.* (Facilitator asked Jose to take a few steps away from the speaker to prevent feedback.) I was thinking as a general comment that we need a central clearing, kinda local around the area for victim input 'cause we get a lot of double messages. At one point, I was told to send in receipts and for my loss, I did, and I get a phone call five days later telling me "don't send forms," no reason but so we need somebody that can tell us the right rule. I was told I was number three on the list for assistance, what list? And that was three months ago since two engineers from Louisiana, FEMA engineers, came to my site I was cleaning up

'cause we hadn't had any clean up and that's when they made the comment. But what list? And number three - for three months, anyway.

We may be having too many meetings and it taxes us 'cause here we are trying to rehab our communities, our area, our sites, and all these meetings take a toll.

Under the question, what types of losses, I lost the '63 Studebaker that I had - that's a classic for my grandson, we were going to put the engine on it that I had already acquired and the tranny - well that burnt. We have driveway rehab, up a hill in Canyon de Manuelitas - it was affected quite a bit especially by the floods, not the fire but the floods afterwards, got big ruts in it anyway that type of driveway rehab. I also lost a newly published book, 40 copies of Bully by Privilege that I had just received from my publisher for distribution, and do we get that?

Susana Struve: Your time is over, but if we have time we can come back for other comments. Thank you. Joe Lovell

Joe Lovell: Thank you, my name is Joe Lovell and I'm an attorney and I represent numerous individuals, businesses, entities, and associations who have been harmed by this fire. I'm here - First, I would like to commend you on your reevaluation of the arbitrary cap on tree replacement but I'm going to use my time to talk about section 296.31 reimbursement of claim expenses which you limit to only those requested by the Claims Office, yet the statute and the rules also placed on all of these people the burden of providing the record, developing the record, and also the burden of proof and yet empowering yourselves, the party without the burden of proof to determine what proof these people can use, alright? There's a name for that, it's called conflict of interest. The rest of us, we cannot engage in a conflict of interest, but your rules allow FEMA to do so. You know that there will be a necessity for third-party opinions. Your own rules set various limitations that are tied to market value which, of necessity, require a third-party opinion. In addition, there are all of the things that have costs. The question ultimately is "how much will it cost to - rebuild? How much will it cost to - put in new culverts? How much will it cost to - reroute a river? All of those things are costs that will require third-party opinions and yet once the Notice of Loss is filed then the claimant has 150 days and can only then obtain opinions during that short window of time, if and when you give them the permission to do so. That is also arbitrary and unfair. An example would be a client of, I have that is a water association whose infrastructure was largely destroyed. Their spring was silted in. They were required right then to develop, determine the cost of fixing this as well as the cost of drilling a new well. They have to know that cost. Whether they make a claim or not, they have to know the cost. They also have to know that cost to make a claim and yet, you say that the work they do, the expense they incur in doing that and preparing the claim cannot be compensated unless and until you decide to allow them to do that. Thank you.

Susana Struve: Thank you. Barbara Romano - Barbara Bustos.

Barbara Bustos: My husband is going to speak.

Susana Struve: Please state your name.

Theodore Bustos: Hello, my name is Theodore Bustos, and on the "what types of losses will be covered," my question is we need to know what other federal programs cover the cost of reforestation or revegetation. And that's all.

Susana Struve: Thank you. Roger Romano

Roger Romero: My name is Roger Romero, my question is we have two years to get this, right? That's the time limit? In two years is not enough time because simply – especially with the flooding – it's going to continue for quite a few more years than that. That's it, thank you.

Susana Struve: Thank you. Kelly or Jeanie Powell

Kelly Powell: Hello, my name is Kelly Powell, I live on [X] in Mora County. I see a lot of debris clean up, and cleaning all the dirt and debris from the flooding and all that, but I don't see anybody's homes being replaced. This is kind of upsetting. You're spending all this money for cleaning up dirt alongside the road, but there is no homes being replaced. I think that's really discouraging, I think you should focus on all that. Anyways here's my wife.

Jeanie Powell: My name is Jeanie Powell and most people around here consider me a pain in the butt, but I'm going to introduce you to our community. We are a group of people that are multi-cultural, multi-religion, most people here have property that has been handed down from generation to generation back to the beginnings of the land grants. A lot of these people have raised their families in one- or two-bedroom homes with six or seven children and they have done it very successfully. We've had Rhode Scholars come from our community. We've had doctors, nurses, lawyers and we also have homemakers, our loggers, everybody in this community is essential. Everything in this community is essential, but it has been wiped out. Our logging, our firewood for next year is nonexistent because no more trees are growing. The year after that it's gonna be worse and the year after it's gonna be worse. With the costs of fuels in the area, our area cannot afford propane, electricity to heat our homes without that wood supplement. Our forested areas are trashed. So, these are concerns that we have or at least I have for our communities. They are people that I have talked to – elderly people – and a lot of these people don't have the worldly education that everyone else has outside in the big bad world, that know how to apply for assistance, etc. I know we submitted claims for just our evacuation. We were told we can't be helped because we had our own camper. You know these are the things that these people there are still little old ladies that are living with their children, their aunts, their other relatives because they can't, they don't have [a] home anymore, and the process is not understood by them and how to apply. I don't see anybody outreaching to the community going down that tax line and saying "do you need our help?" I haven't seen any of that. You come to us and then we'll tell you whether or not we can do something, and most people have been turned away at least twice. Oh well, try again and they might help you a third time. Try again and they might help you a fourth. But this is our community.

Susana Struve: Thank you. Sherry Morrison.

Sherry Morrison: Hello my name is Sherry Quintero Morrison and I'm not from here, I'm from Santa Fe but a lot of my friends live in Rociada, in Las Vegas, in Mora, Angel Fire and they've been all affected. Three of my friends lost their houses and all the buildings on their property and I feel for them. And there are a couple of things that I'm concerned about, is, one: what about the future income say for instance from the rancher that grows Christmas trees? This year he couldn't cut any Christmas trees. What about next year and what about the year after? This needs to be brought up. Also, regarding your arbitration, are those arbitrators going to be from New Mexico? Impartial? But they need to be aware as this lady said over here of the culture, the livelihood, the history, the importance of this generation that lives here in this valley. So, bringing an arbitrator from the east is not a good idea, they need to be from New Mexico. The other thing that I would recommend is if you are going to have the process of processing the claims if there is a way on the computer where that the claimant can go and look at the process of where their claim is. Thank you.

Susana Struve: Thank you. Kathy Varela

Kathy Varela: Hey everybody, my name is Kathy Varela and I want to talk about this trust issue. Bless your heart, sweetie, for taking this on. You said that you know that you don't have our trust, and yet how can you when we've all had experiences with FEMA, and it hasn't gone well. So, you are asking us right now "trust us" in the final moment, as you're gonna make payout, "trust us." Then you use words like "to earn it," "reasonable available sources," "the claims office may determine." You're the sole person who's gonna tell us what we are worth. That's not trust. Trust is when I can go to get outside sources and sit down and say "how much to replace my well?" Trust, it is a little bit too late. Meet our needs? Do you know what our needs are? And then, we have to prove after everything burned in the fire, when we are locked out? How many of us were allowed back in our homes? Not very many. You gotta earn trust and how do you earn trust when we have had an almost nine months with FEMA? And now, at the end you are asking "well just trust us this last time, one more time." Thank you.

Susana Struve: Thank you. Rey Herrera.

Rey Herrera: That was [inaudible], yes, I want to talk about some things that you folks, hello FEMA, a little eye contact. Okay, you folks may not be aware of, this is a long trip. This like taking a jog and if you don't look to where you are going to place your next step, there may be an open manhole that you don't know about. Okay, there's a lot of open manholes in your process and the process stinks in several ways. Number one, the cost of materials to rebuild has increased anywhere from 40 to 800 percent. Okay, now, cost per square foot to rebuild. Rebuild when? Now? Next week? Two years from now? Five years from now? The mountain behind my house which is home to the Santa Fe National Forest, slid 16 feet. Nobody can tell me - when do I get a green light to tell me if I can rebuild? The Corps of Engineers came up, and said "do this, do that, put wattles, do this, do that, we guarantee you that this mountain will not move." Bull-feathers. It moved 16 feet the very next day. Nobody can tell me, "okay I, as an agency, I'm going to be responsible to tell you when you got a green light." You don't build a house on shifting sand. We are looking to rebuild, maybe, on a mudslide. You just don't do that.

Cost of materials. Let's see what else do I have, how many minutes, oh yeah, I had other things. The thing of it is, somebody because we are still getting this finger pointing stuff, and I can't tell you how unsettling that is when you go to USDA and they say go across the street. You go across the street and they say who sent you here? Oh no we don't do that, g*****. Sorry, but that's not the way that you do business, that's not the way that you make us whole, and I look at my math books and I don't see any number in there for making them whole. My hats off to Hector Balderas and those folks that finally said "complete restitution." Let's do it and that's what's called - I have talked to you about it before - doing it right, doing the right thing for the right reasons. Okay, I even brought my contractor who built my home down from Colorado to attest, since he has been through three similar scar burn experiences. He knows the problems they encounter. I said "am I full of beans or what? You are saying \$148 a square foot. That guys says da da da. This one says you know what it is now? It's an excess of \$548 a square foot, and it can go, listen, you heard this here, it can go as high as \$1,200 a square foot. So that's bull.

Susana Struve: Thank you. Gerald Singleton

Gerald Singleton: Thank you. My name is Gerry Singleton. I'm an attorney. I've spent the last 15 years representing people who are the victims of fires and I have to say the sentiments that I've heard expressed by the last gentleman here, by Kathy before that, are very commonplace. This is something that a lot of people go through. And really

addressing the issue of trust, I think one of the things that FEMA can do in that area, and I know you are working very hard, would be to hire local attorneys and people from New Mexico: retired judges; people that know New Mexico law; people that know what the cost is to build; people that can make those evaluations.

One of the concerning things about looking at the temporary regulations is that when you look at the appellate process it doesn't lay out in any kind of detail what that's going to look like. For example, are the arbitrators going to be attorneys? Are they going to be New Mexico attorneys? Are they going to know anything about the law?

One of the concerns we have is that when we look at the bill it very clearly says in Section C, that the damages must be calculated according to New Mexico law, and yet we have two areas where the regulations are directly contrary to New Mexico law. New Mexico law clearly allows you to recover noneconomic damages, the pain and suffering. The anguish that all of these people have gone through – that is black letter law. We submitted as part of our comment, it was a letter, that I signed, that Joe signed, that Brett signed, 20 attorneys who represent thousands of people in these fires signed this letter, and we said please look at this memo that was prepared by the former Chief Justice of the New Mexico Supreme Court, Vearle Payne, laying out in detail, why it is that noneconomic damages are recoverable. That is clear in New Mexico law and yet they are not recoverable under the regulations. That violates both the bill itself and New Mexico law, and then we get to the 25 percent cap. There is nothing in New Mexico law that justifies that, it is directly contrary to New Mexico law. The way to determine it is not to look at the pre-fire value is and take some arbitrary number, be it 25 percent, be it 50 percent, be it 75 percent the way to do it under the law is to get arborists, to get erosion experts to come in and look at what it will cost to actually remediate it. Those are the types of things that are absent from the regulations, and I think it would go a long way toward restoring trust if we had people who understood New Mexico law and who the people in the community had confidence in who were involved in drafting these regulations and administering the program. Thank you very much.

Susana Struve: Thank you. Mike Herrera.

Mike Herrera: Hi my name is Mike Herrera and I traveled here from Longmont, Colorado. Amongst a vehicle it was, honest, not on its last leg, it's a '19 Chevy truck but it had a bunch of codes. Anyway, got another car to get down here for this meeting, and I've been a builder for over 40 years. I've seen a lot of stuff that has transpired with fires. Perfect example the Marshall fire that just recognized its one-year anniversary. It took FEMA six months to decide who was going to take care of all the cleanup. They just now started building the first home and of course there's the battle with insurance, with FEMA approving so much, and as the usual, unless you over insure, you are out of pocket and a lot of people can't do this.

Boulder County is a wealthy county, but it doesn't matter, your wealth, it's what it costs to rebuild. And we all saw this, perfect example during COVID, me as a contractor I watched a piece of OSB go from \$16 a sheet to \$70 a sheet. How do I justify that cost to my customer? You know you have to stipulate that in the contract this price is only good for 30 days. This price is going to go up. Luckily prices have come back down, but how can you stipulate that you got 130 days, 160, whatever it is, and your hands are tied. This is what you agreed to but, guess what? You're not going to get that home rebuilt for you anywhere from one to five years from now. So, if you're gonna rebuild your home, it's a 3,000 square foot home at \$750,000 and then all of a sudden five years down the road you gotta settle for a 1,500 square foot house at that same value to replace it. This doesn't make sense, so I don't see why FEMA has the right to tie your hands to when – there's nobody out there, nobody wants to work in today's world. These contractors can't find employees to come out and do these jobs. I'm a perfect example. I mean, I've had people tell

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me "Mike, things are booming, you need to get a second crew going." And I was like no I can't because I cannot find reliable people. I mean we are really quick to send money across the pond or across the ocean, but we can't take care of our people right here that are in need, and everyone knows what I'm talking about we are not going to throw politics into it. Thank you.

Susana Struve: Thank you. Gilbert Quintana

Gilbert Quintana: Thank you for the record, my name is Gilbert Quintana born in Tramperos, New Mexico, in Agua Negra, a village that none of you probably know of because it's listed as Homeland, New Mexico, and the rest is history, okay? I do have some concerns. I heard the concept of this progressive legislation is very different, it's made to meet the tailored needs of the people. I wonder how tailored it's going to be to meet the needs of the people. I heard this young lady here talk about trust. I think that's critical for trust to be rebuilt through FEMA because many of us when we first fled these areas – very difficult time – we met with people at these rescue centers, FEMA saying you gotta go to our insurance companies first, okay? And, for those of us who do have insurance, we went to our insurance company. Now, what is that going to do to my premium? They didn't reimburse everything I lost. It's very difficult to understand where an agency that is here to represent us with a new law with \$3.95 billion is really going to represent and build that trust. Because I was told by this same organization to go to them and now I'm going to have repercussions even with my insurance company and many of my friends and relatives and neighbors do not have that convenience for them.

I'm very concerned about the psychological trauma. 1966 I was ordered to go to a war that was not worth it. Many of my friends and relatives came back traumatized, got PTSD 30 years later – we are treating kids 20 years later, Mora kids, Mora adults, Mora elderly people, one year later suffering from – 6 months later suffering from trauma. I mean this will go on and on and on this trauma doesn't just take a two-year period to have its onset. As a professional behaviorist, I know how that works. That has to be reconsidered again. I think it has to be looked at very seriously to the effects of trauma and stress and duress on the people here in Mora and San Miguel Counties, specifically, physical health issues. There are air pollutants that we don't even see in this room right now that are floating around – we've been breathing them since April, okay. Why don't we have sites set up to test this air quality around here? The same goes for our water; the same goes for our land that we use to feed our animals with, give water to our animals, eat the consumption of that food. What is that going to do? What is going to happen two years from now all of a sudden when we start to have other experiences with our well-being? I think it's very critical that we look at these things and finally, because I'm running out of time, firewood. We need firewood. These are things FEMA can do immediately to help the people and show good trust and good faith for the people of Mora and San Miguel Counties. Thank you.

Susana Struve: Thank you. Nancy Quintana.

Nancy Quintana: *Good evening, I'm going to speak in Spanish. My name is Nancy Quintana and the comments I have regarding the regulation have to do with property loss.*

The increase of value of real property, the regulation says that, or what I understand is that you can claim the decrease of your property, value of your property until November 14, 2024; but what I understand what it says is that in good faith you are doing a business to sell the property. Mora County is now a flood zone; I understand this means that our property has lost value due to being in a flood zone. In other words, for those of us who are not

going to sell our property in the next two years, how are we going to claim the loss in value of our property due to the fire and flood? I believe that the regulation should contemplate more than years to be able to claim this loss.

Another comment that I have is with the flood insurance. The regulation says that you will only be compensated for two years since you were not required to have flood insurance, but we are going to have flood insurance for more than five years, that is, two years is not enough.

And the last one, well, this regulation says that it will compensate people, injured persons who suffered an injury as a result of the fire and sustained damage to receive compensation under the Act, but there is something that really catches my attention and that is that all the charities that came to help the people who suffered from this fire will be compensated. I wonder if there are no other programs that can compensate these organizations for the help they gave to the people of Mora because 3.95 billion is a lot of money, but we have lost a lot. Thank you.

Susana Struve: Thank you. John Romero. We'll come back, Ayla Jarvis.

Ayla Jarvis: Hello, my name is Ayla Jarvis and I'm set to inherit property here in Encinal Canyon from my father right here, Dana Jarvis. So, I have a concern, the Federal Register under the Interim Final Rule set November 14th Section 296.21 under allowable damages, it says that in paragraph C (3) is intended to implement Section 104 (D)(4)(a)(ii) of the Act which authorizes FEMA to pay otherwise uncompensated damages resulting from the Hermit's Peak/Calf Canyon Fire for a decrease in value of real property. So, it says to be awarded compensatory damages paragraph C (3), requires the Claimant to either sell the real property in good faith in a transaction that closes no later than November 14, 2024, and the claimant realizes the loss in the pre-fire value, or the Claimant can establish that the real property value was permanently diminished as a result of the fire. So, I'd like to request that the word "permanent" be removed because of the fact that I don't understand how you can establish permanent loss in value when it is something that along the way, we should – because we have had a 85 percent decrease in our property value since the fire from property that was sold previous to the fire right next to ours and property sold right after and it's, yeah I would like to ask for non-permanent compensation and immediate compensation for the decrease in property value.

The other thing is, I'd like to ask for, attorney's fees should be covered in full to help with the claims process for those especially that are elderly, handicapped or those with basic literacy skills that don't have the ability to file the claims process themselves, that the attorney's fees should not come out of the final claim; that should be added on top of it.

I'd also like to figure out how, we have one year, like it's more than a year, so your 150 days plus 180 days plus the 120 days so it's more than a year without compensation. How are we expected to rebuild the house, fix the road and live up there without any fence? My dad was retired and lived up there without any, he didn't have to pay for anything but now he has to live in Santa Fe, pay money and then we have to pay gas every time that we come to one of these meetings or go up there to meet an appraiser. So, the last thing I'd like to address, is the cost should definitely be covered for the appraisals, the contractors, arborist, and any third parties used to establish the scope of work, land value lost, clean-up costs, tree loss, etc. So please, remove the sentence where it says if requested by the claims office because it shouldn't be if it should be an automatic reimbursement for any outside person that we use to establish our proof of loss. Thank you.

Susana Struve: Thank you. Roger Chavez (no comment – left the facility)

Susana Struve: Brett Phelps

Brett Phelps: Thank you all for coming out here to hear us tonight. My name is Brett Phelps. I am a Mora resident; was evacuated, thankfully our place was spared; but I am also an attorney who is representing many people who have suffered a lot of damages.

First, I just want to reiterate what everyone else had said, I think these are all important comments and there's New Mexico law to back this up. You say that these regulations are based on New Mexico law, and I specifically like to point to the court of appeals opinion *Maestas v. Medina* from 2011 when our New Mexico court of appeals emphasized the principal that the theory of damages is founded on the principle of making the injured-party whole. In computing damages, the fact finder is not held to an inflexible or precise standard. The object is to afford just and reasonable compensation for injury sustained. So, any kind of limits that you all are putting, any of these strict limits are not in accordance with New Mexico Law. They are not following what you are supposed to do under the Bill, what you say you are supposed to do under the regulation. The goal here, what you've said you came here to do is to make people whole and the way that these regulations are reading right now is not going to that for many, many people, so I would just encourage you to listen to what these people are saying and make these changes to help compensate these people who have suffered tremendously. Thank you.

Susana Struve: Thank you. Max Garcia

Max Garcia: Thank you again for the opportunity to comment and thank you Ned, Angela, we've talked before. I also appreciate the fact that you are giving us the courtesy of giving translations to what you guys are presenting as well. So that is very much appreciated from my standpoint, and I am sure a lot of folks feel the same way. Anyways, we talked previously about the 25 percent and now we get more definition, but I feel we need the values quantified and qualified. If any schedules are developed with respect to any of that, how that is arrived at, we would like that developed within the comment period of the regulation, not afterwards. So, we would appreciate comment on that.

And as far as making it mandatory to apply for other resources, federal government resources, I talked to the Farm Service Agency, Natural Resources Conservation Agency and they've got severe backlog. They don't know, there is so much going on that they don't know where the end is up. They are having a difficult time, so my recommendation is that applying for those other federal programs, federal grants should not be a condition by FEMA as far as compensation for all of us that suffered losses. So please, don't make it a condition that we apply for and qualify or apply for those federal programs. We should be compensated for our loss completely. If we want to apply through those other federal programs we can do so on our own.

Another thing is, I feel that let's not wait much longer to get compensated for our loss. There's a lot of us that are having a difficult time and are hurting. I feel that something should be done to develop an estimate. If you look at the loss that each individual person is incurred, look at the loss, develop a reasonable estimate, as far as what the loss is, and provide assistance as soon as possible; and then you can go through the full claim process and definitized the rest of the amount.

We need transparency, full and open involvement and a level playing field, consistency in award compensation, regardless of whether we hire an attorney or not. So, level the playing field; a lot of us can't hire an attorney please,

and somebody else can afford to hire an attorney, level the playing field and make it level for all of us. Thank you very much.

Susana Struve: Thank you. Taylor Bui. I am sorry about the last name.

Taylor Bui: That's all right, Bui. My name is Taylor Bui. I am from the New Mexico Attorney General's Office. The new Attorney General, Raul Torres, he shares many of your concerns and is committed to bringing them forward; he is very concerned about what he's been hearing, making sure that the Claims Office, that the folks in the office, that the process reflect our people and our laws. He very concerned by the non-economic damages, and he is very concerned about making sure that everyone in this community is not just made whole but make sure that all of their losses are recovered, and everyone get their due. He is continuing to advocate for our communities with his conversations with FEMA and we will keep bringing those forward. So, not only our comments are being made there but we will be taking our comments and using them to reinforce our position in our positions in negotiations as well. So, I appreciate everyone who has come out and making these comments, I encourage the community to continue doing so and know that the Attorney General's Office has your back going forward through all of this process. Thank you.

Susana Struve: Thank you. Joseph Griego

Joseph Griego: My name is Joseph Griego, I am a community member. I think one of the things that need to be considered is the insurance issue. There are conversations that, it is two years but yet the experts are saying that it's a five year flood area; and if you look at the burn scar and look at where they're identifying the flooding area, it has to be compensated for and covered for five years for everybody who lives there, not just individuals that got burned, because the flood is now affecting everybody or potentially will affect everybody; and to say unless you can demonstrate that you were in a burn area to get compensation for the insurance, that should be covered for everybody, based on, and not for a two-year period but a five-year period based on the experts from FEMA saying that this is a five-year issue.

I think the other thing that needs to happen is, I know you've spoken in regards to the 25 percent of the tree loss, but we keep, we adopted something or looked at the Cerro Grande fire, which in their case their trees were landscape. In this case, it's revenue, it's a way of life, that has to be compensated, and we had the Congresswoman Ledger here and she said that compensation would be at 100 percent, and I understand that she is a politician, but 100 percent, and she went on record to say that that compensation had to go out 30 years until the trees return; because if you compensate for five years based on when the flooding will end, we still don't get the compensation back for those people that depend on the trees for life. In regard to wood, for Christmas trees, for heat, for their livelihood, and so five years doesn't cover it, and it will not cover it. So, that has to be extended out to make sure that the people here that depend on that for livelihood is guaranteed that.

The other piece is the issue with contracts. So, we have a lot of local contractors working here. We have local contractors working. We have the majority of them not working and that is another FEMA issue. Massive contracts went out, the Mora people, or Mora contractors are being subcontracted; they are not even given the opportunity – that is wages lost. If you are working for a contractor as a subcontractor, you've lost wages. You've lost revenue, and that's another part that FEMA's failed to do and failed to represent the people. Yet, we had the Congresswoman here say "we're going to make you whole to 100 percent;" we've had the Senator's office say "we are going to make

you whole to 100 percent;" but everything that we look at with the legislation in regards to the comments coming from here; and when those are going to come out and be revealed is a percentage – we can't do it 100 percent – well that's not what was told to the people of Mora and San Miguel. In addition to that, the rules when it finally comes out, I think there has to be a time that it comes out that we, as Mr. Garcia said, to review those, so that we can have another opportunity to make comments, and that it not the final rule at the end of day. Thank you.

Susana Struve: Thank you. Paula Garcia

Paula Garcia: Good evening, my name is Paula Garcia, and I am the Executive Director of the New Mexico Acequias Association. I also grew up here, I am a descendant of eight generations of farmers and ranchers. I want to start by saying that the purpose and intent of this Act was for restorative justice for our communities. We're already marginalized economically and socially, and this bill should help to compensate us and makes us whole. Some of the ways to build trust would be to have an Independent Claims Administrator and to hire a local individual to operate the Claims Office, and for local Navigators.

I also want to mention that the Cerro Grande rules, which were the basis for these rules were from a very different context. Here, we are land-based people and this fire ravaged through our communities; and we are a community of farmers, ranchers, loggers, we harvest wood, we harvest medicine, we graze our animals in these mountains, so our way of life has been severely disrupted and these rules will have to be significantly edited in order to take into account the different contexts. So, to the extent that they were based on Cerro Grande, there has to be much more substantive adjustments to account for land-based people. One of the examples is to, in the definition of subsistence resources, it should include other natural resource gathering. Also, under allowable damages, we think it should add physical infrastructure including irrigations infrastructure such as acequia systems.

We also haven't been working with acequias to submit FEMA claims, and so I pay special attention to the requirement in the Rule about having to file for FEMA Public Assistance. But the Act does not require that the people apply for FEMA Public Assistance. This is important because there are some acequias that did not make the deadline because the FEMA application process was in some ways traumatic, it was burdensome, and difficult for people that had already been going through a hard time due to the fire; and it's not in the Act to require Claimants to apply for FEMA Public Assistance. It's in the interim draft rule but it is not in the Act; so, we think that the Rule as written violates the Act in that regard.

With regard to the two-year time frame, the interim rule has to be adjusted to, actually in this case, look more than the Cerro Grande rule to allow for the re-opening of claims, because we are going to see this flooding for years and years to come. Why would Cerro Grande have that benefit and not the people here, who are land-based people who were even more affected by the disaster. Thank you for your consideration.

Susana Struve: Thank you. Bob Wessley

Bob Wessley: Thank you. I'd like to talk to the issue of building trust in the Agency and I think first as a background, I'd like to say that I've come to understand that there are two FEMAs: there's the FEMA that we've had for decades and that goes to New Orleans every other year, and they operate under a very narrow-minded set of rules and they are very, compared to the need, minimally funded; and then there's the FEMA that is under the September Regulation – wrong word – statute, and they have a substantial amount of money and they are dedicated to a

particular purpose and it's different people with different rules. So, I think that is the first thing to recognize, that here today we have different rules than we had in New Orleans. And, as things get going, essentially the face of the FEMA "2" organization is going to be these Office Claims Adjusters, or reviewers, I guess, and the trust is going to come from the attitude that you folks inculcate in those Claims Reviewers. You can have them say: "your job is to help the victims get paid;" or, on the other hand, you could say "your job is to show why it's going to be difficult to get you paid," and that's going to be the measure of getting you folks trusted. If these people have the attitude of "we are really going to help, we are not here to protect the government" and so that is the point I'd like to make. Thank you.

Susana Struve: Thank you. Mr. or Mrs. Cooper – I can't read this; we'll go the next: Mr. Richard Ruster

Pause/Someone else requested the microphone.

What is your name? JoDeane Cooper. JoDeanne, okay, Thank you.

JoDeane Cooper: Hi, my name is JoDeane Cooper and I live in Guadalapita. I am quite frustrated because we've gone to meetings after meetings after meetings and this just feels like lip service, again. At what point are we are going to get some traction with changing the Interim Final Rule? I mean, I feel like I just keep going to these meetings, we keep voicing our concerns and nothing gets done, nothing changes. Who do we see – who do we need to talk to to get traction on this? Twenty-five percent being restitution let's say for our trees, is nothing. It's like taking a one-inch diameter aspen tree and saying this should suffice for all of our ancient oak trees, for our sequoias. I mean, if you had a sequoia tree and you gave me a one-inch little aspen tree and tell me that's what you are going to get, that is nothing. It's an affront. It's an insult. Our culture, our land, our timber: this is who we are, this is what this land has been. And to tell me that I am going to get 25 percent inclusively with the land, the structures, the blah, blah, blah. How do we get some traction with this? 'Cause I am tired of going to meetings and we just voice our opinion, but nothing changes. These attorneys have voiced their opinions. There's been representatives, there's been groups, there's been community members – nothing is changing. You've heard from us over and over again. We've submitted our comments and yet nothing is changing. You're valuing our livelihoods, our land, our culture, on an example that does not even fit who we are and what we are and what we had. I'm tired of feeling I have to beg. I am laughing at the total restoration, that we are going to be compensated 100%, show me, show me that you guys have our interest in mind, show me where you are going to change to provide that for people. Thank you.

Susana Struve: Thank you. Richard Ruster

Richard Ruster: Could you (speaking to the American Sign Language Interpreter) step aside just a little bit so that I can see my time (on the screen). Thank you. Thank you.

My name is Richard Ruster, I live in Cleveland, Mora County. I've spoken two other times and I focused a lot on this trust issue from a particular point of view, which is how challenging it is for FEMA as an organization with a track record that has been demonstrated over and over again that it knows to get to denials, and knows how to get to turning people down and creating barriers. And that mindset, if it comes here, is going to be a disaster, and so what I've suggested is how important is to make a radical change in the mindset and the approach of FEMA in this program, at least. And I hear you listening, Angela, and deeply appreciate that, and I don't mean just this moment but for everything here. What I want to focus on tonight is my – I come from a background of organizational design

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and culture work – and I'm going to offer a seven-point program for how you can make that radical transformation very quickly. I will give it to you in writing afterwards. But the basic idea is that first you are very clear about your purpose, your mission and your value statements – that your purpose is to be a perfect conduit from the Act to the people with their needs and that your job is to lure maximum fulfillment of that potential. From that point of view, I am going to suggest two more radical thoughts: that you and your team that revisits all of these comments, approaches that with the attitude on how to get to “yeses” instead of “no's” which is to say, you are biased to say “yes” to every suggestion that has come forward and then to look for how that's the right thing to do. And thinking that through, it's going to rewire your brains – and the organizational brain – to start thinking in terms of yeses and inclusion. The second part is the comments that are not related to specific suggestions but telling you the stories of people who are afraid that they don't fit in boxes, they don't fit in the categories. And that stage of reviewing these, that you use each of these personal stories to expand the container to make it inclusive of what those needs are, and make sure that the regulations and the mindset covers all of these cases. There are few other points but those are the radical thoughts and I leave them with you with all my best wishes as I look at it like FEMA has come with two strikes against you: the organization history; and then this particular proposal which is based on Cerro Grande and that doesn't rebuilt trust. But if you come back with what I just suggested, is a great foundation to rebuilt trust. Thank you.

Susana Struve: Thank you. Lawrence Gallegos

Lawrence Gallegos: My name is Lawrence Gallegos, and I am, I work for the National Latino Farmers and Ranchers and while I am not, I don't live in this community, I did grow up in Taos County, the neighboring county, and I also ranched for 30 years in southern Colorado and northern New Mexico. There's just a couple of things that I wanted to talk about. The first one has been brought up a couple of times, and basing the management or the process that you are going through on the Cerro Grande fire doesn't make any sense to me, because the Cerro Grande fire was basically in Los Alamos, which is probably the wealthiest county in the State of New Mexico, and the people there, I think, probably 100 percent of them have insurance on their properties. That's not the case here, I think because it is a land grant. And I was sixth generation that worked a land grant and Conejos County in Colorado and there's very many people that don't even have titles to their properties, and so I think you need to make, you know, figure out ways to compensate those people 'cause they may not even have titles or a way to figure out how they can get titles so they can actually be compensated for those properties.

The other thing is, I wanted to mention that, especially because of the flooding and stuff, that is not just in San Miguel and Mora counties that people are being affected, it is downstream from the different streams and rivers are being affected because of the floods. And also in Taos County, some of the fire did go into Taos County, but it wasn't declared a disaster area, but there are several businesses that been impacted, so I don't know if those people should be able to be compensated, too, under business losses.

The last thing I would like to say is while I was a permittee in the forest, in the Carson National Forest; I've talked to Christine Bishop who is the rain specialist in the Santa Fe National Forest, and there are 27 allotments here in the Santa Fe National Forest that are affecting several permittees. I did not see, hear any way that those permittees might be able to be compensated and through the Forest Service or how that was going to be done.

Susana Struve: Thank you. Eugene Pickett

Eugene Pickett: Hello, I'm a neighbor of yours from Central New Mexico, Pueblitos and I was traumatized coming up here. You know, and while I listen it brought tears to my eyes; and the trauma was what I saw around you and how you must you have felt when you saw the fire coming over the mountain is devastating. But be encouraged, because the country is watching. All of the United States is watching to see how you are going to be treated. You know, we have a legislative group in Washington, that is fighting for you. So, they're up there but they are coming down here. Take full advantage, let your voices be heard, say something. When we got flooded out in Pueblitos – because we are a small community – we had no help, so we had to figure it out neighbor to neighbor. Some neighbors came back, and a lot didn't. We had no resources. So, take full advantage, whatever you have to say, say it, because it is part of the federal record, and those federal records, they're gonna be reviewed. So be encouraged but be aware that we are going to fight with you, we will be with you. The National Latino Farmers and Ranchers, our motto is: preserve, protect and serve – that's what we do, all over the country. Every time there is a flood, every time there is a massive weather event, FEMA is to come out now. So, they are understaffed, but here there is a big difference because the appropriations that our legislators have fought to get something in place. So, if you got something, you got something to work with, and I am saying that like our flood was in 2017, and I still haven't recovered. You look around the things that you know, the land is going to take at least five years to remediate; these are knowledgeable things that USDA knows, but there is a changing attitude and we see it. So, your comments, and you're coming to these meetings are demonstrations that you care about yourselves, you know they are not going to chase you off. And those of us that you don't even see, that are gonna be invisible soldiers behind you – I'm one of them. These brothers up here that are with me are part of that, we fight, we need to know, and you have some very talented individuals who are amongst you, one of them is a guy named Ron Ortega. He lives here, he loves you and he works with us to do whatever we can to be those soldiers behind you that you need.

Susana Struve: Thank you. Jaime Chavez

Jaime Chavez: *Good evening, I am also from a Merced, the Merced de Atrisco in Central New Mexico and also from the acequias.* And I just wanna because of the people that are in this room that come from this historical landscape, this historical place, who are being told that we have a two-year window for recovery – regeneración – I think is the word, the term “regeneration.” How are you going to regenerate? And then limiting it to trees and stuff, I mean you gotta look at the whole vegetation. You gotta look at the soils. You're telling me there is runoff, there's erosion, you know, there's ash from the fire in the water, and headwaters protection, protection from floods, and what is the plan? And I heard that there's a lack of inter-agency cooperation, you know, with a lot of people who are doing similar things, like the USDA and NRCS, the former Soils Service at United State Department of Agriculture. And then I have to look, somebody said a central clearing house, that means that you on the ground have to organize yourselves, and you are already organized, because you are organized by water, you are organized by “familia” (*family*) and by “comunidad” (*community*). How are you going to keep your farm and ranch operations going because you have to deal with the losses, calculating these losses? It really reminds me that to the acequias and to the land grants the need of Nuestra Sociedad Mutua, ever heard of that? Mutual Aid Society. I mean when a neighbor's roof comes down, you know you all have to get together and put it up, that is how you all responded to this fire, I think “como vecinos” (*like neighbors*), “como gente de la tierra” (*like people from the land*). It's good to get these monies in place for the next two years, but it coincides with the overall government roll-out of monies with regards to infrastructures, and what we need to do to protect our food security, our food systems, because that's what this is as well. Okay it's an entire, you know, ecology if you will, an ecology that needs to be preserved and be protected. It is also a treaty, these are treaty communities, as well. We seem to forget that, right? That it's supposed to really go

above the US Congress and what have you. This is an international question, and it's a question that is on the laps of our people right now, but we have to find genuine solutions. Thank you.

Susana Struve: Thank you. Clarence Garcia

Clarence Garcia: My comment is 'cause we applied for Individual Assistance from FEMA for damages to our home. I have been put off every time for the reasons that our adjusters. I've had about ten adjusters that are supposed to go check the damages on our property and no one showed up. There was one gentleman that called up and said that we made an appointment for Tuesday morning, Monday he called me up and said that FEMA has sent him someplace else, so he couldn't come by the house to do his adjustment. Then finally, an adjuster out of California that worked for FEMA, said "we are going to do it by Facetime. Do you have a phone that we can do this adjustment on Facetime?" So, I say yes and what time do you want to meet? So, we did meet and I had to go around the property and everything showing the damages on Facetime. I still got a notice that I wasn't accepted because there was never an adjustment made. Another time, another time, at my aunt's house there was two adjusters that went by there to do her adjustment. I happened to be there at my aunt's house and, I told the two adjusters well "I just live up the road here, a quarter of a mile from her," and they say we can't do it. And I say you are here already, save you a trip, and they say no we can't do it for the reason is that FEMA has to assign somebody. So that is my comment today.

Susana Struve: Thank you. And the last person on the list is Leticia Chavez-Paulette

Leticia Chavez-Paulette: Hello. Good evening, it's me again, I'm Leticia with the Lifeline Training Institute. I'm a crisis counselor and we are here to help you find other resources when you are getting denied or you are just having a hard time. We help, we want to help those people that are computer illiterate or they're having a hard time just managing the system. So, if you know anybody, please give me their name and number and we'll call them, reach out to them; and we have a local certified peer support worker that will also reach out. So, I am here to help, I am not with the government, and I need your name and number in order to help you. Thank you.

Susana Struve: Thank you.

Closing Remarks

Ned Pennock. Thank you everybody for your comments tonight. Again, because of the number of comments that we had, we're not going to have additional time to take any more verbal comments here. If you have another comment that you would like to make, there will be another meeting that Angie will speak to in a minute, or you can provide that comment online. We do have the information up here on the slide and in your handouts for where to provide those written comments.

Susana Struve: *Provided remarks in Spanish.*

Angela Gladwell: I know this has been a long meeting, so I will be very brief, but I just wanted to say a couple of comments in closing. First of all, I just wanted to say thank you all, thank for your time, thank you for coming out, thank you for letting us know what you are thinking and feeling and how we need to make changes to those regulations.

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A process piece. The question about, you are saying the comments over and over again, but you are not getting traction on the changes. This is a 60-day public comment period that closes on January 13th. We are being repetitive for a reason to make sure that we are reaching everybody that wants to come out to these meetings and have themselves heard, so that's why you may be hearing some of same things over and over. As of January 13th, we will then be taking those comments and addressing them, okay?

The other thing I want to address specifically from a process piece is about the concerns about being able to comment on the evaluation pieces as part of the regulations. Again, the public comment period ends on January 13th. We are doing a good bit of policy making which is really going to be focusing on those other pieces, a lot more details about how the process is going to work and there will public engagement and involvement with that process. So just because it's not addressed then doesn't mean that it's not going to be and that there won't be an opportunity to engage.

The last thing is a personal note, I just need to share something about me, as a person, and as a leader that I think it is import for you all to know. One is that I am values-based leader – that's how I do every decision that I make on a day-to-day basis. The first thing that I did after my first two visits here was, I wrote the value and operating principles statements for our office that have had input along the way, I am happy to discuss them with anyone of you, to get additional input. I used them in hiring and selecting our team.

And the other thing that is important for you to know is, I can't share right now my outcomes – the outcomes of our work – because we are just building this program. So, all I can share is my intention, right? As I tell my team, I am not going to get it right every time, and you are not going to agree with me with all the decisions that I make. But the commitment that I have to them, to you, to everyone is that I always tell you why and will seek the best advice possible. So, all I can share with you at this point, is a little bit about me, and who I am, and what my intentions are, and then I am going to take one step at a time and build trust; or I might take a couple of steps backwards and start all over again. Hard is something I do. Okay, I am here for you, I am here for this program, and if I don't get it right, you are going to tell me, and we are going to fix it, Okay. Have a good night everybody.

(Whereupon the Public Meeting concluded at 7:50 p.m.)

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