

# Claims Office/Natural Resources Conservation Service (NRCS) Partnership MythBusters and FAQ's

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**Release Date: Aug 25, 2023**

**Myth:** FEMA will not fully compensate you for your losses.

**FACT:** The Claims Office aims to provide the fullest compensation possible under the law to claimants and is committed to providing fair and equitable compensation for all claims. The Claims Office and USDA's Natural Resources Conservation Service (NRCS) have coordinated to ensure that NRCS plans under this partnership will streamline the claims review process, ensuring claimants receive compensation that is comprehensive, fair, and transparent without having to pay a percentage of your claim to an attorney.

**Myth:** NRCS Conservation Restoration Plans intentionally low ball estimated evaluations and omit categories of loss. NRCS plans will yield a lower compensation in comparison to a 3rd party estimate.

**FACT:** Experienced NRCS certified planners from New Mexico will develop Conservation Restoration Plans. These certified planners have an abundance of experience working within the geographical area that is now the burn scar. Landowners can request NRCs to amend or supplement Plans if there is further impact due to damages sustained as a result of the Hermit's Peak/Calf Canyon Fire and subsequent flooding.

The Claims Office will use the NRCS Conservation Restoration Plans to calculate fair and equitable compensation. NRCS developed these plans with current market values in mind and reevaluates them for accuracy every 30 days to ensure accurate representation of real time costs.

NRCS and the Claims Office have worked with New Mexico State University (NMSU) to develop a payment schedule based on local costs associated with practices that could be included in an NRCS



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## Conservation Restoration plan.

The Hermit's Peak/Calf Canyon Claims Office and NRCS are aware that the prices of goods and services may fluctuate over time. A claimant can supplement and amend a claim to include additional claims/costs at any time before signing the Proof of Loss. Claimants may also ask to reopen a claim if they incurred additional financial losses while implementing their plan.

NRCS offers claimants the opportunity to request an NRCS Conservation Restoration Plan for their property tailored to their recovery from the Hermit's Peak Calf/Canyon Fire and subsequent floods. Certified local planners will develop these plans with more-indepth information than may be available in the privatemarket. NRCS will provide Plans to landowners at no cost. Conservation Restoration Plans will address a variety of natural resource categories of NRCS-approved common practices, which include but are not limited to:

- Woody residue treatment (removing or laying down dead trees)
- Tree and shrub establishment
- Debris removal
  
- Access roads (excluding private driveways)
- Fencing
- Soil erosion
- Pipelines
- Livestock wells
- Riparian (riverbank) damage

Conservation Restoration Plans, in most cases, will be only a portion of the claim. Plans will not address elements of a claim such as houses and other buildings, value of burned trees, or business losses such as grazing, hay production or hunting. These values will have to be addressed separately.

**Myth:** NRCS Conservation Restoration Plans do not take into consideration future erosion and flooding beyond the present damage.

**FACT:** The NRCS has mechanisms in place to recognize the risk for damages beyond those that are present, which may include future erosion and flooding.



NRCS will work with the claimant/landowner to schedule additional site visits to address new damage and reevaluate for further impact due to damages sustained as a result of the Hermit's Peak/Calf Canyon Fire and subsequent flooding.

**Myth:** NRCS is telling claimants/landowners that they can take plans to Claims Office and be paid on the spot.

**FACT:** NRCS delivers the plan to landowners. A landowner can deliver the plan to the Claims Office if they so choose. Claimants must submit a Notice of Loss (NOL) and then follow the claims process to be compensated. NRCS plans under this partnership will streamline the claims review process, ensuring claimants receive compensation that is comprehensive, fair, and transparent.

**Myth:** FEMA is taking 30-45 days to acknowledge an NOL.

**FACT:** The Claims Office goal is to acknowledge each Notice of Loss within 30 days of receiving it. While we realize that the time of acknowledgment varies, we are striving to adhere to and achieve this goal consistently. Factors that may affect a longer waiting period include the high volume of claims that are coming in and the additional documentation needed to protect the identity of claimants when a third-party representative is used in lieu of the claimant submitting their own NOL.

**Myth:** FEMA will only use NRCS plans to pay you what they want to pay you.

**FACT:** NRCS plans are developed with current market values in consideration and those values are reevaluated for accuracy every 30 days to ensure accurate representation of real time costs. The Hermit's Peak/Calf Canyon Claims Office and NRCS are aware that the prices of goods and services may fluctuate over time. If a claimant incurs additional cost while implementing the plan, the claimant can reopen the claim through the supplementation process and request additional compensation to address the cost increase. NRCS

Conservation Restoration Plans, in most cases, are only a portion of the claim. You will always be responsible for your claim. If you disagree with an NRCS Conservation Plan or other estimate, you can submit your own third-party estimates. If you disagree with a



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compensation offer, you can appeal, and arbitrate or go to court.

**Myth:** Third-party estimates will be processed just as quickly as those Notices of Loss that include an NRCS plan.

**FACT:** All third-party estimates will require additional review by the Claims Office and may include requests for additional documentation and field visits if necessary. Third-Party estimates may take additional time to process in comparison to line items developed within the scope of a Conservation Restoration Plan from the NRCS.

**Myth:** You must perform repairs recommended in NRCS Conservation Restoration Plans to receive compensation.

**FACT:** The Claims Office provides compensation based on the NRCS Conservation Restoration Plans and is not implementing or requiring implementation of the plan as part of the Conservation Restoration plan. NRCS provides implementation practice standards and specifications as a service to landowners who choose to implement practices listed in the plan. The Claims Office makes payments based on NRCS plans directly to the claimant.

**Myth:** NRCS staff are FEMA employees.

**FACT:** NRCS staff are not FEMA employees. FEMA's Hermits Peak/Calf Canyon Claims Office and the USDA's Natural Resources Conservation Service (NRCS) are both federal agencies working in partnership to offer claimants an opportunity to request a comprehensive Conservation Restoration Plan. This partnership is meant to help the claimant expedite the claims process and provide the service to claimants free of charge. Under this partnership, NRCS plans will include cost estimates for recovery actions allowable for compensation under the Claims Office. The Claims Office and NRCS have a three-year Memorandum of Understanding in place. NRCS plans to offer this service to landowners impacted by the Hermit's Peak/Calf Canyon Fire and floods as long as the partnership is in place. We encourage all landowners whose natural resources were impacted by the Hermit's Peak/Calf Canyon Fire to take advantage of this partnership. The focus of the Claims Office is to ensure all claimants receive full compensation under the law.



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**Myth:** FEMA has not said how they will implement these NRCS reports.

**FACT:** FEMA will not be implementing the actions addressed on the NRCS plan but will provide compensation so the claimants can choose to implement some or all the actions. Under the FEMA/NRCS partnership, NRCS plans will include cost estimates for recovery actions eligible for potential compensation under the Claims Office. Plans will be developed by experienced certified NRCS planners. Plans will be provided to landowners at no cost. The Claims Office will use submitted Conservation Restoration Plans to provide compensation for the identified losses. A claimant/landowner may choose to submit a portion of the Conservation Restoration Plan or the plan in its entirety. The claimant may also opt out of receiving compensation for certain line items within the plan itself in lieu of utilizing third-party estimates.



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