

# Hermit's Peak/Calf Canyon Claims Public Meeting

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Old Memorial Middle School, 947 Legion Drive, Las Vegas, NM 87701

Thursday, November 17, 2022

Angela Gladwell, Chief Hermit's Peak/Calf Canyon Claims Office

Ned Pennock, Co-Facilitator

Elizabeth Guevara, Co-Facilitator

## Introduction

**Ned Pennock:** Good evening, everyone. Welcome to this the first Hermit's Peak/Calf Canyon Fire Assistance Public Meeting. My name is Ned Pennock.

**Elizabeth Guevara:** I'm Elizabeth Guevara.

**Ned Pennock:** And we are going to be your co-facilitators for tonight's meeting. Before we get started, we first want to thank you for hosting us in your community. And also taking the time to join us this evening to learn more about this important program. This meeting is a necessary step for us to gather your input on the draft regulations, making sure that they are clear, can be effectively implemented and that they work for you.

**Elizabeth Guevara:** Provided remarks in Spanish

**Ned Pennock:** So just a couple of very quick housekeeping items. I ask people to look around the room and find the nearest emergency exit to you and if there is an emergency to follow that pathway. The restrooms, should you need them, are out this door, down the hall and to your right.

**Elizabeth Guevara:** Provided remarks in Spanish

**Ned Pennock:** So, as we get going here, I want to bring some important things to your attention. First of all, this meeting will be recorded and later transcribed in both English and Spanish. The transcript will become part of the official public record.



# FEMA

Providing comment here tonight constitutes your permission for your name to potentially appear in a public record. The primary purpose of this meeting is first to bring visibility to this program and an overview of the regulations to you, so you better understand the general program requirements. Second, is to ask for your comments on the regulations.

We understand that they just were published earlier this week and that you may not have been able to read them yet. That's ok because the public comment period will run through January 13, 2023, including a future public meeting right here in four weeks. Finally, let me spend a minute on explaining a little bit about what this meeting is not.

This is a public comment forum rather than a discussion and a forum to provide questions and we provide answers. And also, we will not be collecting any Notice of Loss forms during this meeting. That needs to be done separately. At the end of the of the meeting Notice of Loss forms will be available to be picked up at the end of the hallway on your way out. And for those of you who decide that you would like to provide a comment, we ask a few things, each person will be give up to 3 minutes to speak and if time allows anybody who hasn't already signed up already, you will be given an opportunity to also share your comments during the public comment period.

**Elizabeth Guevara:** Provided remarks in Spanish

**Ned Pennock:** So quickly, our agenda for this evening is up on the screen. First, we are going to provide an update on the Hermit's Peak/Calf Canyon Claims Office build out. Next provide some background information of the Interim Final Rule. Next an overview for how you will provide comments and then we will actually open the public comment period.

**Elizabeth Guevara:** Provided remarks in Spanish

**Angela Gladwell:** Thank you Elizabeth. Good evening, everyone. Thank you for joining this public meeting for the Hermit's Peak/Calf Canyon Regulations tonight. I'm so glad that you are here and spending time with us.

The regulations do a couple of important things. First, they outline allowable claims and how to navigate the claims process. Second, they describe claim evaluation criteria, and they provide additional guidance on pursuing an appeal or an arbitration of a claim determination. Again, my name is Angela Gladwell. Most people call me Angie. I am the Director of the Hermit's Peak/Calf Canyon Claims Office. I started this role at the beginning of October, and I started this role because I care about the recovery here in New Mexico and I'm building a team and hiring a team who will be solely focused on delivering this program for you and for those that have been impacted by this fire.

This Claims Office is being established in response to the Hermit's Peak Fire Assistance Act which as many of you know was signed into law on September 30<sup>th</sup> of this year. The Act provides \$2.5 billion to compensate individuals, businesses and communities impacted by the Hermit's Peak/Calf Canyon Fire and the subsequent flooding.

**Elizabeth Guevara:** Provided remarks in Spanish

**Angela Gladwell:** The Hermit's Peak/Calf Canyon Claims Office will be disbursing the \$2.5 billion dollars in funding that's included in this Act. This process will operate more like an insurance claim and it's completely different from previous FEMA assistance programs.

This program is being designed specifically for you with a much broader scope of allowable damages and no overall cap on payments.

We've taken the first steps to begin the claims process and open the claims office which includes publishing these interim final regulations and beginning the public comment period.

Our work to build out this office will take a little bit of time and over the next three to four months we will be doing a number of things. We will be hiring staff to support the claims office across a range of duties. This will include hiring local members of the community and as more information on those job opportunities are available, we will share them with you. We will be identifying and opening facilities to provide one-on-one assistance at fixed and mobile sites including locations in San Miguel and Mora Counties. And we are going to be designing the claims process from beginning to end. This includes incorporating any input provided during the open comment period and through engaging with local, state and community leaders and we are committed to delivering the funds as quickly as we possibly can and ensuring a simplified claims process.

**Elizabeth Guevara:** Provided remarks in Spanish

**Angela Gladwell:** FEMA published what's called an Interim Final Rule in the Federal Register on November 14<sup>th</sup> so Monday of this week. This started a 60-day public comment period for the regulation and meanwhile allows us to begin implementing the program.

The regulation explains how participants can choose whether to pursue a Hermit's Peak/Calf Canyon Fire claim or an alternate remedy, outlines how to navigate the claims process, identifies required documentation, describes claim evaluation criteria, and provides additional guidance on pursuing an appeal or an arbitration of a claim determination.

To receive compensation under the Act, a Claimant must be an injured person who suffered an injury or loss as a result of the Hermit's Peak/Calf Canyon Fire. This regulation also provides flexibility for the claims process to meet the unique and specific needs of New Mexico residents.

This process will be tailored to meet the needs of those impacted with our primary focus on providing a simple and straightforward 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.

**Elizabeth Guevara:** Provided remarks in Spanish

**Angela Gladwell:** The first step in the claims process is to submit a Notice of Loss form to the Claims Office. Completing this form just signals interest in starting the claims process. No documentation is required at this point. Individuals, businesses, tribes, non-profit organizations and associations, and non-Federal government entities that suffered injuries or losses due to the Hermit's Peak/Calf Canyon Fire may bring a claim by filing a Notice of Loss Form and our initial priority will be individuals. A brief description of each loss or injury should be included in the Notice of Loss.

Forms are now available and can be downloaded from the Internet and again we will have forms after the meeting, but the website is [www.fema.gov/hermits-peak](http://www.fema.gov/hermits-peak). It's important to emphasize while the Notice of Loss form will be

accepted starting this week, 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 Offices are expected to be fully operational in early 2023. And also, don't worry there is no rush to complete this form today if you don't want to. You have until November 14, 2024, to file a Notice of Loss claim.

**Elizabeth Guevara:** Provided remarks in Spanish

**Angela Gladwell:** The Claims Office will review each claim based on its unique facts and merits. Claimants should not assume that an injury resulting from the Fire is not allowable simply because the regulation fails to address it specifically. Damages may include property, business, financial losses, or personal injury. So, for loss of property compensation may be awarded for an uninsured or underinsured property loss, a decrease in the value of real property, damage to physical infrastructure, loss of subsistence, cost of reforestation or revegetation not covered by another federal program and any other loss determined to be appropriate for inclusion as a loss of property.

For business loss, compensation may award, may be awarded for 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.

**Elizabeth Guevara:** Provided remarks in Spanish

**Angela Gladwell:** For financial losses, compensation may be awarded for increased mortgage, interest costs, insurance deductibles, temporary living or relocation expenses, loss wages or personal income, emergency staffing expenses, debris removal and other clean-up costs, cost of reasonable heightened risk reduction, and premiums for flood insurance.

On flood insurance, given the increased flood risk, with the grounds charred, barren and unable to absorb water, having a flood insurance policy is vital. Until vegetation is restored, which can take up to five years or more after a wildfire, flood insurance will protect your home when flooding occurs.

This legislation allows FEMA to compensate injured persons only for damages not paid or that will not be paid by insurance or other third-party payments or settlements. The legislation does not allow FEMA to compensate for damages paid or that will be paid, (um sorry I'm just repeating the same statement), the laws of the state of New Mexico will apply to the calculations of damages and punitive damages are not available.

**Elizabeth Guevara:** Provided remarks in Spanish

**Angela Gladwell:** Moving on to the next step of the process. The next step is to submit a Proof of Loss. The Proof of Loss includes a statement that attests to the nature and the extent of the claimant's injuries. Claimants should submit a signed Proof of Loss to the Claims Office not later than 150 days after the date when the Notice of Loss was submitted. The burden of proving damages and injuries rests with the person filing the claim.

FEMA expects that Claimants will provide whatever documentation is reasonably available to support their claim, including things like photographs and videos, to corroborate the nature, extent, and value of their injuries or to execute affidavits in a form established by the Claims Office. If documentation or substantiating evidence of an injury or damage is not reasonably available, for example, it may have burned in the fire, the Claims Office may determine that the Claimant's statement alone will be sufficient to substantiate the injury or damage based on the unique circumstances presented by each case.

**Elizabeth Guevara:** Provided remarks in Spanish

**Angela Gladwell:** The Claims Office will work with the Claimant to determine what level of documentation will be required, offering as much flexibility as possible. Although the Claimant is responsible for the Proof of Loss, the Claims Office will assist in preparation of the claim. This includes assistance in understanding and filling out the Proof of Loss form.

The Claims Office will have adjusters and experts available to help the Claimant determine the value of a loss. A Claimant may amend the Notice of Loss to include additional claims at any time before signing a Proof of Loss.

**Elizabeth Guevara:** Provided remarks in Spanish

**Angela Gladwell:** FEMA will reimburse Claimants for reasonable costs they incur in providing documentation requested by the Claims Office. FEMA will also reimburse Claimants for the reasonable costs they incur in providing appraisals or other third-party opinions if requested by the Claims Office. FEMA will not reimburse Claimants for the cost of appraisals or other third-party opinions not requested by the Claims Office. And FEMA will not reimburse Claimants for any legal fees incurred in prosecuting a claim under the Act or an insurance policy.

**Elizabeth Guevara:** Provided remarks in Spanish

**Angela Gladwell:** The Claims Reviewer will submit a report for review to determine whether compensation is due to the Claimant. The Claims Office will provide a written decision to the Claimant. Not later than 120 days after the written decision is provided, the Claimant must either accept the determination by submitting a Release and Certification Form to FEMA and/or initiate an Administrative Appeal. If satisfied with the decision, the Claimant will receive payment after returning a completed Release and Certification Form.

All Claimants who receive compensation will be required to sign a Release and Certification Form including payment for partial payments. When the Claimants accept payment through the Act, except partial payment, the election is final, and the Claimant may no longer seek other legal avenues.

**Elizabeth Guevara:** Provided remarks in Spanish

**Angela Gladwell:** If a Claimant is dissatisfied with the decision, they may request a review of the determination by written request to the Appeals Docket Office of Hermit's Peak/Calf Canyon Claims postmarked or delivered within 120 days after the date it appears on the determination letter.

A Claimants who is dissatisfied with the outcome of the Administrative Appeal may submit the dispute to binding arbitration. A Claimant may initiate arbitration by submitting a written request to the Arbitration Administrator for

Hermit's Peak/Calf Canyon claims. The written request for arbitration must be electronically stamped and post marked no later than 60 days after the day that appears on the Administrative Appeals decision.

As an alternative to arbitration, a Claimant dissatisfied with the outcome of the Administrative Appeal may seek judicial review of the decision by bringing in 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 day that appears on the Administrative Appeal decision.

**Elizabeth Guevara:** Provided remarks in Spanish

**Ned Pennock:** So that concludes the portion of our program that reviewed the process the claims process. If you can please give us a minute or two to get organized for the public comment period we'd appreciate that. So, bear with us.

**Elizabeth Guevara:** Provided remarks in Spanish

## Public Comment Period

**Ned Pennock:** Ok, thanks everybody. So, we are going to start the public comment portion of the meeting. I know that some of you signed up before the meeting up here expressing an interest to provide a comment. What we will do is we'll read a name and if you would still like to provide a comment, please raise your hand and we will bring a microphone to you. OK? At the end if we have additional time, there will be an opportunity for others if you have a comment and you didn't sign up to go ahead and to provide your comment. Just a reminder this is the comment period, and that FEMA will not be responding to any comments here or any questions. We ask that you limit your time to three minutes, and we will actually have a timer up on the screen to give you an idea of how much time you have taken. So, with that said we are going to do this in Spanish and then we will get going.

**Elizabeth Guevara:** Provided remarks in Spanish

**Elizabeth Guevara:** Jerry Wallingford

**Jerry Wallingford:** I have a quick question. I understand you will not be responding to any questions during the meeting, but will there be a response at some time later to the general populace?

**Ned Pennock:** The answer to that is yes there will be responses provided in the in the final determination that respond to questions.

**Jerry Wallingford:** Alright, I have a number of questions and I will try to go through them as quickly as possible.

**Ned Pennock:** So, right now the questions will be responded to in writing in a couple of months and so anything that you provide we ask that it be a comment right now as opposed to a question.

**Jerry Wallingford:** Well, I am afraid that I am not familiar enough to make general comments today after looking at the Federal Register for just a couple of days. It was not possible. So, I will pass mine to someone else.

**Ned Pennock:** So, one more quick response to that so I think we are going to have some time after the meeting where we can provide some questions and answers after the end of the formal comment meeting if that is, ok?

**Jerry Wallingford:** Yes.

**Angela Gladwell:** I just want to remind everyone I know that this format seems very rigid when you are coming here with a lot of questions about the program. There is a very formal process that goes with federal rule making and we want to make sure that we capture all of your comments that are going to inform this formal rulemaking and that those get considered and finalized and that is why we are here. And then if we have time at the end, we will have some time for a number of us to be able to answer questions if we are able to do that and we will be back in your community talking to you about program implementation. So, this is not your only opportunity, but we just wanted to let you know why this process right now is probably more formalized and rigid than you might want.

**Elizabeth Guevara:** Randy Tilton

**Randy Tilton:** Thank you. Thank you. Thank you. I just have four comments. Thanks for being here and allowing this particular forum. I appreciate being able to offer some comments.

Number one, the criteria for evaluation, your calculation of damages. You indicated that you are referencing the State of New Mexico laws. You did not specify which ones that you were specifying or indicating there. I would value that particularly with the calculation of damages. If there is something in the State of New Mexico regulations or statutes that says something about that I would like to be informed of that.

Number two, I did not see anything that specifically requires or will, excuse me, compensate for travel. Now being out of town, I cannot live on the land because it was burned up pretty good. Being out of town, I live behind two gates and when FEMA or Corps of Engineers, or Tetra Tech or those folks need access to the land I'd have to travel to come here so I would like to see something in there that compensates for travel. The other thing too for travel for getting costs for replacement costs for the equipment like the backhoe that I lost. I had to get a replacement cost because I had to travel to Mesa Tractor down there in Albuquerque to talk with those folks so I would like to see something in there that compensates for travel.

Number three, Proof of Loss Form. I have not seen that I don't know when it will be published or when it is available. Maybe that will be on your website, but I'm not real sure but I haven't seen it so. That's good. I was going to ask for the form that you wanted to see from this particular populace on this standardization on how you want to apply for compensation.

And Number four, after the determination is made you had said that we one, we can accept it, two put in an Administrative Appeal and that was it. How about if we don't want to go either of those routes? Can we just leave that whole process and pick up our own particular way to receive compensation, but those are my four things? Thank you very much.

**Elizabeth Guevara:** Thank you. Rachel and Max Garcia.

**Max Garcia:** Thank you all for having us here and thank you coming in to help us. My question is we have been contacted by multiple agencies for offering help, and namely the Farm Service Agency, and NRCS and they are

offering help for the items that we suffered damage for. And if we, what is somebody going to help us out to make a determination on what would be more convenient for us? More beneficial. I see that if we accept their help then the benefits of the FEMA Act will probably not help us out and another thing is there are other claims or issues that I see that we have concerns about and we can submit those in writing in response to the request for the comments. That is all that I have.

**Elizabeth Guevara:** Thank you Max. Toby Dolan. (No comment) Ok, thanks. Kayt Peck.

**Kayt Peck:** Kayt Peck. I have two comments. One involves the ability of us as the public to review overall project budget and other transparency related to fiscal accountability. And also, a comment that I, that I certainly hope there will be coordination and some accountability to the local groups who are responsible for long-range recovery planning. That's all I have.

**Elizabeth Guevara:** Thank you Kayt. Jennifer Carbajal.

**Jennifer Carbajal:** Thank you so much. Jennifer Carbajal from the Long-Term Recovery Group. The comment that I have is that the regulations are to abide by the New Mexico Tort Law and from my understanding that has been adhered to as far as no caps so that the comment is the 25 percent cap that is in the regs right now, doesn't seem to align with that. And also New Mexico damages law, I believe, covers intrinsic value not market value. So, question on how that's going to be reflected in the regulations and also will people have at - it isn't explicitly state that you cannot file a claim on the same subject matter again. So my question is, if you file a - bear with me here - a Notice of Loss on a certain subject matter then you have within 150 days to fill out your Proof of Loss and I'm assuming that is all on the same subject matter. Now if there is an award for that does that release you from that subject matter only? So, an example that pertains to that is say somebody fills out something early on the onset during the early group, they close out early and then in the Spring there is flooding. Can they go back and file another Notice of Loss for subsequent damage in a separate subject matter than the original Notice? Ok, one, two, I think that's it, that pretty much captures all of the notes that I have. Thank you.

**Elizabeth Guevara:** Thanks Jennifer. Frank Rodriguez. Ok, no comment. Brett Phelps.

**Brett Phelps:** Thank you. Good evening and thanks for being here. My name is Brett Phelps. I am a resident of Mora and was evacuated during the fire and I am also a local attorney here representing a lot of fire survivors as well and so my comment is in regard to the attorneys' fees not being included. My comment would be that they should be taken not be taken out of our clients' compensation. And I argue that on behalf of my clients.

First of all, because New Mexico law is generous in allowing for attorneys' fees. I have had plenty of cases within this zone district that judges that sit over the areas in the burns scar that have awarded attorneys' fees. Additionally, Congresswoman Leger Fernandez in her presentation one of the guiding principles of this legislation is that survivors should be fully compensated for the losses that they've suffered and if my clients have to provide 20 percent of the compensation for the actual damages to go towards attorneys' fees they are not going to be fully compensated. And so that would not be in alignment with what the legislative intent of this law was meant to do so we would ask that you take that into consideration and award those attorneys' fees outside of the damages themselves. Thank you.

**Elizabeth Guevara:** Thanks Brett. John Givens.



**John Givens:** We all see a pattern. I'm also a lawyer. My firm has represented over 18,000 wildfire victims across America. And I have spent the last five years doing nothing but representing wildfire victims. So, I have processed personally thousands of fire claims and I have two comments on the regulations.

First, I would ask that you consider employing Brown and Greer PLC to assist you in administering the claim and second, echoing the earlier comment that there are two 25 percent caps in the proposed regulations and those proposed caps are inconsistent with New Mexico law, inconsistent with the Act itself, and are frankly unnecessary. In terms of Brown and Greer PLC there is a fire victim trust in California with 77,000 fire victims that have filed claims. Brown and Greer is a law firm but they are an unusual law firm. They specialize in helping administrators of large billion-dollar funds administer claims and they have over the last 18 months administered 60,000 wildfire claims worth \$10 billion dollars. Brown and Greer PLC is an expert in administering fire claims they have done literally 3,000 claims every single month. There will probably be 3,000 claims in this fire maybe a little more. They can process that in a single month. You should employ them to assist you as administrator. The administrator in California employed them and they have all the experts already on hand. Everything that you were doing right now to get up to speed on how to process these claims, they are doing it every day. So, I would urge you to consider employing them.

Secondly, again on behalf of the several hundred clients that we represent in this fire, I would urge you to consider not having the two caps. There is a cap of 25 percent in Section C.2 that FEMA is limiting compensation to trees and landscaping to 25 percent of pre-fire value. In California, the fire victims trust had a 263 percent ten times that for the cap on pre-fire value for trees. You can afford to do more than just 25 percent restoration of trees. And then briefly, it's inconsistent with New Mexico laws previously noted there is no law in New Mexico capping trees damages at 25 percent.

Secondly, the Act itself says that New Mexico laws to be applied in calculating damages. It doesn't say in calculating 25 percent of damages. It says in calculating the full damages.

And then third, in terms of the Act itself, and I would ask the administrator since I represent several hundred clients if it is possible that I can go slightly over since I am about to run out of time. But the Act itself says in Section C.3 that the extent of damages is damages measured by injuries suffered, not 25 percent of injuries suffered but the actual injuries suffered. And so, the Act itself calls for payment of the full damages.

Teresa Fernandez Leger when she was here in her PowerPoint said that full damages should be paid. And then finally, in the Act Section 4(a)5 it says the cost of restoration of forests is recoverable. The cost of restoration of forests isn't 25 percent of the forest. The cost the statutes says the full cost of restoration of the forest. And in brief closing and then I will be done, in California they had \$13.5 billion for 77,000 claimants. That is \$175,000 per claimant on average. Here you got \$2.5 billion with perhaps 5,000 claimants which is \$500,000 per claimant. That's three times the amount of money. I would urge you to consider that being as you have three times the amount of money that has been done in another fund that had a cap that is 263 percent compared to a 25 percent cap you can afford to pay these people in full and we don't need caps on their damages. They should be allowed under both the Act and New Mexico law to recover their damages in full. The caps are unnecessary because frankly there's only 160 structure losses and maybe. . .

**Elizabeth Guevara:** Thank you John. We can continue gathering comments. We want to make sure that everyone has a time to provide a comment. Ok, Alissa Wells.

**Alissa Wells:** Hi, thank you being here and encouraging those of us that have been affected by this to be able to include our comments in the forming of these rules. My name is Alissa and I am a Mora resident and I was evacuated multiple times during this. And I'm asking that an independent manager from this area be appointed to run the claims process. In the rules and just through general discussions there is a lack of general knowledge about the culture and the way of life here. And coming back to the trees and land and the water and all of those issues that we are all very concerned about.

Our community - our trust in FEMA right now is very low. Many of us have been denied multiple times over and over and a lot of people believe that if FEMA is in charge of this that we will not be treated fairly. I also know many people, personally, who have stated that if it has anything to do with FEMA they're just not going to be participating. They are worn out and tired and they've got better stuff to do than to keep reapplying and reapplying and reapplying. Our public trust and participation will increase if there is an independent manager from this area that is appointed to help us. The local manager will know about the unique issues and concerns that we face here in our area and I believe the program would be much more successful with an independent local manager that represents us.

**Elizabeth Guevara:** Thank you so much for your comments. That concludes the folks that are written to provide comments, but if you'd like to provide comment now, you can raise your hand. We'll bring a mic over to you. Also the gentleman in the back in the green. Please state your name.

**Charlie Painter:** Hi my name is Charlie Painter. Thank you for being here and taking our comments. I have one comment about not being reimbursed for third-party evaluations unless the claims office requests it and if we are putting in a valuation for different types of projects that were affected by this wildfire then in order to get a valuation for our claim we need experts to value what we need to do: burnt forest, [indecipherable], bridges, all of that before we even put in a claim. And so, that's what we are doing, is information gathering so that we can put in a correct valuation and to not pay those people unless the Claims Office says we need it, it just doesn't seem quite right. Thank you.

**Lind Ward:** Hi, my name is Lind Ward. If there is one thing that I learned from my husband who was first responder to 911, is that things like this can have long-term health effects. I didn't see anything in the bill or related bills that I looked at. And the comment tonight I believe was that there will not be any further legal action against the government once we take a check. There is nothing in here about long-term effects that could crop up 10, 15 years because of being exposed to contaminants and carcinogens. That needs to be put in.

**Elizabeth Guevara:** Thank you.

**Brian Trujillo:** Hi. Good evening. My name is Brian Trujillo. I'm up in the Rossello Canyon area. Just to let you guys know that my family's has over thousands of acres burnt whatever wasn't burnt was flooded out. We've had 21 floods since July 1. And just to let you guys know that that 25 cap on forestry and restoration is really not going to help anything. We just got you're gonna talk about millions of dollars and you're only gonna give us 250. That is not going to work to bring us back for we need to be. We lost houses, we lost meadows. It's going to take at least 3-4

years to get us back where we need to be. So, by setting a cap of 25 percent, you are doing an injustice to the people of Northern New Mexico. Thank you.

**Elizabeth Guevara:** Thank you. I see a hand here and a hand there.

**Martha Trujillo:** Hello, I am Martha Trujillo. We liked to see the delete of the 25 percent cap on reforestation damages. Delete the 25 percent cap on risk reduction. Delete the requirement that damage that, that damage be permanent. Add flood damage to compensable damage. Delete damages must be reasonable in amount. Delete any language of permanently diminished. Delete two-year limitation on flood insurance. Determine date five years on subsistence resources. Determine date that survivors need help is longer than September 2022. Delete FEMA's input on insurance companies. Delete reference - references to FEMA's Public Assistance program, the Stafford Act as the deadlines have passed and delete that FEMA needs to request appraisal. We also want to see a local claims administrator that's local to our northern New Mexico.

**Elizabeth Guevara:** Thank you.

**Tina Clayton:** Hello, my name is Tina Clayton and I'm here on behalf of my father regarding his land. One of my questions, I would also like to comment regarding the 25 percent of restoration on trees, I also want that removed 100. It should be, we should be compensated 100 percent of what was burned on the property. I mean trees have life. They have value. Not only in providing wood, but they also clean our air. And we haven't charged the government for that.

Second, regarding reimbursement for travel. I would also like to see it in there, reimbursement for travel for any documents that needs to be replaced. Because we live in a rural area, sometimes we need to travel to Santa Fe, Albuquerque, and as far as Denver to get certain documents replaced. To include, if anybody needs to stay, in order to wait for their documents that should also be reimbursed.

And a question about the slide where it says that once you are compensated if you don't agree you have the right to appeal. I guess there is confusion, at least for me, as if you, if you appeal and chose to go the legal route, does that mean that the individual is allowed to choose their own attorney to file the appeal?

**Elizabeth Guevara:** Thank you. Another comment.

**Frank Rodriguez:** Yes, my name is Frank Rodriguez and I was checking in to see where I stood my application with FEMA and I was told more or less in limbo because the SBA has not identified that I didn't apply for an SBA loan. Is this going to be necessary?

**Elizabeth Guevara:** Ok.

**Kayt Peck:** I know I've spoken once, but I want to clarify what I was trying to say earlier. I think in general and whoever made the comment earlier, my house was lost. My property was damaged as is frequent in here. I have not felt, I have not witnessed, a sense of FEMA being accountable to the community. And these specific funds that were approved, requested by, approved by Legislature, approved by the President, are intended to serve the people in this room and in these communities to I believe the phrase is make whole. So, what I am saying is please those of you in FEMA who are administering this, can we see the numbers? Can we have participation at a decision-making level

and what is done in the administration of these funds? We are not stupid people. We may be rural, but don't underestimate us. And our, our communities have been severely damaged by a fire that never needed to happen. And that should be made right. And we need to be a part of the decision-making process.

**Elizabeth Guevara:** Thank you Kayt. Are there any other comments?

**Elizabeth Guevara:** We have one gentleman in the back.

**Shane Flores:** Hi, I wasn't going to comment today but I kinda want to say something that is echoing with a lot of people are saying here, but I don't think it can be said enough. Oh sorry, my name is Shane Flores. The way that you guys are setup and the value system that I see underline how you're approaching this is going to set you up for failure. There is a cultural value system that values things differently than how you value things, whether they are building, whether they are trees, whether they are anything else. I want to hammer home what a lot of people are saying to you here. You need to actually sit down and listen and follow the lead of the people in this region for what they value and how they value it because it is different than how you are valuing things and I see that in your slide show right. You are not valuing buildings the same way. You are not valuing the land, or the trees, or the water in the same way. You are kinda of valuing them under very actually quite frankly in the system in a way will encourage disaster capitalist to come in and scoop up the resources that will make the people whole here. And so, you need to listen, and you need to talk to people and hear what they say about how they value the things that they lost and make those things whole like all of these other people are saying. So, this is about values and a value system. It will behoove you to listen before you start making determinations about how and what you are going to compensate things. So that is all I have to say.

**Elizabeth Guevara:** Thank you Shane. We have one more comment.

**Ron Ortega:** Thank you. Ron Ortega is my name. The comment that I have regards the \$2.5 billion. That's not going to cover the damages that we were done here and different people tonight expressed costs. One of the things that needs to be looked at seriously is that amount. It needs to be bumped ten-fold plus if you really going to make this situation whole here. \$2.5 billion is, is going to fall very, very short when you see individuals, you are seeing the city of Las Vegas, you are seeing the state of New Mexico, you are seeing counties of Mora, San Miguel. Need more money. That is not enough.

**Harold Garcia:** Good Evening. My name is Harold Garcia, and I am San Miguel County Commission Chair. One comment that I'd like to make is there's land grants that exist within the burn scar. Those land grants are not government. They are not identified as government agencies within the state. The county, for example, can apply for grants, can apply for whatever funding resources there are. The city can do the same thing, but the land grants can't. There's quite a few land grants within the burn scar that have been affected and I'd like to have some authority within the \$2.5 billion that allows for the land grants to be compensated for their loss. Right now, they are having to look at hiring attorneys, hiring equipment to fix their roads and stuff like that, and they don't even have a strong enough budget to do that. So, they're, they're pretty much left behind and I think that it would be, it would be important that the bill have representation towards the land grants. Thank you.

**Jacob Payne:** My name is Jacob Payne. I am an attorney with Singleton and Schreiber who represents a lot of clients in this area. The rule or the bill that was passed allows for us to follow New Mexico law and under New Mexico law,

non-economic damages are permissible. For example, under nuisance and common law trespass whereas your rules don't allow for those non-economic damages, and so that needs to be changed. Furthermore, the bill allows for someone else to be appointed to run the fund, and I think most people here agree and has been commented on several times that someone from New Mexico needs to be able to run this, whether it be a former judge, whether it be a someone from the community, but someone else needs to run this fund here. You'll get more buy in from the community and more trust in the process if you do so. Thank you.

**Danette Lucero:** My name is Danette Lucero. I was Chief of Sapello Fire when these fires started, and I really thought about not commenting because I am sure you don't want to know half of what I have to tell you. A lot - I have seen a lot of my neighbors, friends, community people, they're so frustrated. Some have threatened suicide. There are generations and generations back that have donated family homesteads down the line. Generations back, there were no papers. It was from father to grandfather to father to son, grandson down. There is a lot of people in this rural community, and I am sure a lot of people here, that know of people in this situation that cannot even prove they own their homestead, and they had that generations for 6, 10, 12 - since New Mexico started, but can't prove they own a penny of that. I would like to see more consideration to the families that can't prove they've been here for 10, 15, 20 generations from the very beginning, who may have settled this community and really there are so many of us that are so frustrated. Our house - we bought our house April the 7th and it burnt down the 22nd of April. We barely had time to get insurance.

There are so many of us that are so frustrated. When we hear FEMA, you don't want to know what we think. You don't want to know what we are telling our neighbor and what our neighbor is telling us. Try to be more considerate to the people because there are so many of us right now that are ready to just to wipe our hands of FEMA.

Don't mention FEMA to me because it's gonna become a four-letter word. We want to know that you guys are behind us as much as the fire fighters were behind us when all of this was here. And I just really hope that maybe a few of you have been affected by the fire, your family members, your neighbors, maybe somebody in your group who knows exactly where, were standing today. Thank you.

**Elizabeth Guevara:** Thank you.

**Elizabeth Guevara:** We have one more comment.

**Ane Romero:** Hi. My name is Ane Romero and I am the State Director for Senator Ben Ray Lujan. We have Stephen Salas here from our offices as well from our Las Vegas Office, and I saw Teresa Leger Fernandez's Office with Jennifer Sanchez in the back. I just wanted to just acknowledge one I am also a member of this community. I was raised here. This is my home. I grew up just up the road. We are a long Dons fan so being here in this school I'm on enemy territory and nobody tell my dad that I was here.

But I just wanted to acknowledge the hurt and the pain of the community and on behalf of the Senator, I just want to say that we know what everyone has gone through, and I don't want that to not be acknowledged tonight because it is, it is important. What this community and what you have all have gone through and suffered through and witnessed is unbearable. And the 2.5 billion, the Senator recognizes that there no monetary value that you can put on what's been lost. It's generational. There is just no way that you can do that.

But I just wanted to speak up today to just say that we know this and that we have been here since the first start of the Fire. We will continue to be here. The Senator will continue to be here. I know the Congresswomen will continue to be here. So please never feel like you have to walk alone in this process. It's not going to be an easy process, but the Senator, the Congresswoman, the delegation staff - we have full teams that are committed to this day and night. Many of you we have worked with you. But just know that our office is available to you all hours. You have our phone numbers. Our staff - we're going to stay here until the end of the meeting. We will be the last ones to leave. So, if you do have questions, if you do need clarification, we have our cards. Email us, call us. Just know that we're gonna to be here through this process every step of the way with you as well. And just on behalf of the Senator, just wanted to thank the community because you all had to turn into first responders as well when the fires started.

And I am so proud to be from this community because it's you all that were feeding each other, taking each other in, try to figure out the process, donating items when I know that many of you were also struggling financially. But that's who we are as a community. And so, I just I don't want that to be unacknowledged because you are the warriors, and you are the reason why the 2.5 billion legislations got passed. It's - it wasn't an easy task, but the Senator put everything on the line and said I will not, I will be every no vote in the Senate if this legislation does not get passed because it's that important. And I get the 2.5 billion is not enough, but we are here to continue to support each and every one of you. We will be here until the end of the meeting. We will be here throughout every single listening session as well. Thank you.

**Elizabeth Guevara:** Thank you. Are there any other comments? That concludes the comment period. Thank you so much for sharing your comments with us. Now I'm going to turn it over back to Angela.

**Angela Gladwell:** First I just want to say thank you very much for your comments, for being here tonight, and helping us make the program the best that we can. As we, as we move forward, I appreciate every single one of you that have commented and what you said. We've heard you, we captured that, and we'll be addressing each comment as we go forward as part of our regulation process.

And I really appreciate the comments that were just made. I also just want to acknowledge all the loss that you've had in this community. And what you have gone through and how hard it is been for us as a federal family to bring a set of programs to you that were not at all designed for what you've been through. We acknowledge that and we know that they were just not meant for what your loss is. And so, I just want to say again we are building this from the ground up. Help us make this as best as we can to meet your needs. And we will also have a team here, that here on the front row. We are going to be here, for a little while if you have some follow-up questions for us please come and chat with us and we will be happy to talk with you. So, again just a reminder that this is not your last opportunity. We will be back here again in your community. We have a number of public meetings. We will be back here again on December 15th and then again you have until January 13<sup>th</sup>, thank you, to submit your, your public comments. So, again thank you very much for your time.

(Whereupon the Public Meeting concluded at 6:45 p.m.)