

# Hermits Peak/Calf Canyon Claims Public Comment Transcript

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

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

Ned Pennock, Co-Facilitator

Susan Struve, Co-Facilitator

## Introduction

**Ned Pennock:** Welcome to this the third Public Meeting for the Hermit's Peak/Calf Canyon Fire Regulations Public Comment Period. My name is Ned Pennock.

**Susana Struve:** *Provided introduction in Spanish.*

**Ned Pennock:** And we are going to be your co-facilitators for this evening's meeting. Before we get started, I do want to thank Teresa and Cynthia who are going to be providing our American Sign Language interpretation this evening. And again, we want to thank you all for hosting us here in your community.

This is, as we've said at the other meetings, a necessary step for us to take in this Public Comment Period to gather input on the Interim Final Regulations, making sure they are clear, they can be effectively implemented, and that they work for you.

I do want to take a brief moment and just point out the emergency exit in the back and then, if there is a situation, to enter the door through which you came and down the hall. If anyone needs to use the restrooms, they are over to the right here around the corner and I think that does it for our emergency procedures here.

**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 formal public record. Providing a comment here tonight constitutes your consent for your name to appear on the official transcript for the public record. And those of you



# FEMA

who have attended any of our other meetings, you will hear much of the same content, although we have updated some of the information. However, even though that sounds duplicative we need to go over all of that information during this meeting as well. The primary focus of this meeting is to bring visibility to the program, providing an overview of the approach to program development, and an overview of program requirements as outlined in the Regulations. This includes clarification to the Interim Regulations based on some concerns that have been expressed in previous public meetings.

Second, is to ask for your comments on the Interim Regulations, and as a reminder you'll have until January 13 to provide any comments in writing.

Finally, let me just spend a couple of minutes on what this meeting is not intended to do. This is a public comment forum rather than a discussion forum. The comments 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 to you as you leave tonight. We will also have a team of folks who are going to be available after the meeting to talk to you and answer some general questions about the program.

One final word about the public comment process, you can view all written comments on Regulations.gov. Once the public comments period ends, we will publicly respond to all comments relevant to the Rule before finalizing the Rule. And then once we have a better understanding of the magnitude of the comments, we can provide a timeline of what to expect thereafter.

**Susana Struve:** *Provided remarks in Spanish*

**Ned Pennock:** Those of you who indicated an interest in providing verbal comments by signing up before the meeting will be offered the opportunity to speak first. Each person will be given up to 3 minutes to speak, and if time allows, if there are additional people who would like to provide a comment we'll do so as well. As a reminder, the final rule will provide responses to all comments that we receive. We also have answers to frequently asked questions on [fema.gov/hermits-peak](https://fema.gov/hermits-peak).

**Susana Struve:** *Provided remarks in Spanish*

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

**Susana Struve:** *Provided remarks in Spanish*

## Presentation

**Angela Gladwell:** Thank you, Susana. Hello. Good evening! My name is Angela Gladwell. I am Director of the Hermit's Peak/Calf Canyon Claims Office and have been in that role since a few days after the legislation was signed. Thank you very much for joining this public meeting tonight. I want to echo Ned in expressing my appreciation for you in taking time out of your very busy schedules to be here tonight. Some of you, multiple times over the course of the public meetings. I also want to acknowledge up front how challenging the last many months have been for you and for your community. And, how challenging it has 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 deal with a wide range of losses and a tremendous amount of suffering. And I know how frustrated you are, 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 also understand this situation – as I came into the role of Director of the Claims Office, again, days after the legislation passed on September 30<sup>th</sup>. But I'm here because I care about your recovery, and we have an opportunity to build and design a program that meets your needs.

I'm in this role because I have a couple decades worth of experience building and managing federal programs. And I know that I don't know you or your unique culture and all of the issues we will need to address 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 am going to continue to do so, and I don't plan to do this alone. I have started and will continue to build a team, with a priority on hiring local, bringing in the right expertise, and putting offices right here in Las Vegas, Mora County, and Santa Fe. We expect these offices will open in February.

We conducted two very successful local hiring events this week. I will be including a couple of key roles in the office. First, we will be hiring local Navigators who will be engaging with you directly to walk you through the process. The Deputy Director and the Claims Chief will be hired locally. In addition, I will be establishing a Hermit's Peak Advocate role, hired locally, who will report directly to me and 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:** Now, let me tell you about the new legislation. The Hermit's Peak Fire Assistance Act provided \$2.5 billion to compensate individuals, businesses and communities impacted by the Hermit's Peak/Calf Canyon Fire and flooding after the fires.

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 independent 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 this 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's your decision, and we will provide experts or assistance with any third-party assessments that 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 starting to implement this program, the regulation is based heavily on the regulations from the Cerro Grande Fire, since the law is also very similar. I want to emphasize we published those as a starting point. We published the Regulations as what's called an Interim Final rule on November 14<sup>th</sup>. What this really means is that we can begin implementing the program, but we also opened the 60-day public comment period. This is the opportunity right now 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 3-4 months. During this time, we'll be hiring staff to support the claims office across a range of duties. As more information on the local hiring job opportunities are available, we'll share them with the community. Identifying and opening facilities to provide one-on-one assistance at fixed and mobile offices, including locations in San Miguel and Mora counties. Designing the claims process from the beginning to end. This includes incorporating any input provided during the open comment period, and through engaging with locals, State, and community leaders. We're committed to delivering funds as quickly as we possibly can 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 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 the details behind each of 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 form signals your interest in starting the claims process. The Notice of Loss should include a brief description of each loss or injury. 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 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 in early 2023. 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, or 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 underinsured, an uninsured or 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 like to first 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 also directly address the perception 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 land, 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 also 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're 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 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, barren, and unable to absorb water having a flood insurance policy is vital. Until vegetation is restored, which can take up to several years or more after a wildfire, flood insurance will protect your homes when flooding occurs and if you'd like more information on flood insurance and how to purchase, you can visit this website and we will be happy to help you with that once the office opens.

**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. We will soon recognize 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 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 the 150-day period will be sent via direct mail in the new year. 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 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 damage through whatever documentation is reasonably available to support their claim, including photographs and video, to demonstrate the nature, extent, and value of their injuries or losses. We know that sometimes documentation may not be reasonably available, if for example, it burned in the fire. If that is 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 a 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 2-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 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 we receive 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 to FEMA 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 any other avenues for those 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'd like to just tell you briefly about the Advocate role. The Advocate will work with claimants to help resolve conflicts and concerns that they do not feel are being addressed by their Navigator or the Claims Branch. This individual will help identify challenges that Claimants are having and work to develop solutions to simplify the process.

Again, the Advocate will report directly to me as the director to ensure 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 and primary local official to make the final determination. More specifically, the arbitrators, again, will be independent and impartial. This is a basic rule for arbitrations 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. If you'll give us a few minutes we're going to get set up for the public comment portion of our meeting so bear with us.

**Susana Struve:** *Provided remarks in Spanish*

## Public Comments

**Ned Pennock:** Thank you. We are now going to begin the public comment part of this meeting. If you signed up before the meeting, we will call your name and bring the microphone to you. When it's your turn to provide the comment, please identify yourself and speak directly into the microphone. We'll also be using the timer to stay on track. As a reminder FEMA will not be responding to comments during the meeting. We request you keep your comments to no more than 3 minutes and, if time allows, we will provide the opportunity for others to speak once all who signed up are finished.

**Susana Struve:** *Provided remarks in Spanish*

**Susana Struve:** So now we are going to start with Mr. Floyd Griego. No comment yet. Mr. Joe Tomasik. No comment. Ms. Kathy Varela.



**Kathy Varela:** Thank you. My name is Kathy Varela and my comments in regard to Section 295.30, the Burden of Proof of Claimants, if the burden of proof falls on us, then we should be allowed to choose the adjusters that we wish to work with, and then FEMA would reimburse us as part of the settlement. Thank you.

**Susana Struve:** Mr. Rey Herrera.

**Rey Herrera:** We talked, I'm sorry, Rey Herrera, Maestas Canyon, we talked a lot about some of these things last meeting and we talked about doing the right thing. I will stress that one more time. You want to gain confidence—do the right thing for the right reasons. You take the opposite path—it's going to be like rolling a grease boulder uphill.

Several things are still occurring that trouble me greatly. There are people, government entities or various other entities, they're still pointing the finger at each other. No, we don't do that. No, we don't do this. Somebody else does. Who sent you here? They did? Why did they send you here? That's going to go on for quite a while and somebody somewhere needs to answer the questions definitively.

We had a mountain up behind our house and it's right on the border between my boundary and my neighbor. The mountain was looked at by the Corp of Engineers. They said, oh you gotta put [unclear], you gotta do this, you gotta do that, and it won't move anymore. You're in good shape. We did all those things at our expense. They were going to give us a geological report. Two days after they left, the mountain moved 16 feet and it's still moving. So that right there is the impediment to us getting a green light to rebuild up there. You can't build on shifting sand, but nobody and I stress nobody can tell me that entity is going to give you the green light because they are all pointing at each other. Crews are rotated out on a very rapid basis. You never know who's in charge. I have gone all the way to the top of the Corp of Engineers. They can't find their butt with both hands in a phone booth. So, doing the right thing. If we can send \$300 billion to the Ukraine, d\*\*\* it, we can make us whole. And nobody has ever put a mathematical number on what being made whole looks like. Show me that. Mathematics does not lie. I am sure some of you know that here. So, somebody's got to say, you know what, oh that mountain is still moving. You can't build there anymore, but you can in five or seven years at which point the cost per square foot to rebuild has gone up seven-fold. Nobody's talking about that. The cost of materials is up 136%. Nobody's talking about that. Give me a mathematical figure for the future because I don't have a green light, and I'm not expected to get one in the next five to seven years.

**Susana Struve:** Thank you. Mr. Elauterio Vigil.

**Elauterio Vigil:** My name is Elauterio Vigil. My comment today is on what you guys were saying that you are not paying for attorney fees. You are not paying for professionals to come on our property and assess the damage. Prior to these fires, we didn't require attorneys. We didn't need attorneys. We didn't really need professional on our properties to assess damages. The government created this fire, the government should pay for it. And it should be professionals of our choosing, not from FEMA.

Another thing that I was going to mention earlier this week, I got a call from USDA here in Vegas, I think it was from Vegas, and that's because I signed up for help. I've been trying to get help for the flood damages, for fire damages throughout the community and no one has been able to help yet and this lady called me and she said that they were willing to help and, of course, I was kind of happy about it. You know what the first questions was? She asked me, "What is your annual income?". And I said, what does this have to do with anything? The fire did not discriminate

from the poor to the rich. The damages are still the same. You should not have anything to do with your income. I was not asking for food stamps or welfare. I was asking them to help to pay or fix all the damages created by the fire and the floods. Thank you.

**Susana Struve:** Thank you. Mr. Frank D'Angelico.

**Frank D'Angelico:** Hello, my name is Frank D'Angelico. We have a cabin in Gallinas Canyon, cabin number [X]. And we were notified by the National Forest Service that we are not allowed to get to our cabin probably for at least another year, maybe year and a half. And I don't even know if that's real because there's 11 bridges that go to our cabin and since the rains came down and flooded they compromised all of the bridges. And they are not allowing any vehicles up into that area. That's what I was told. And I want to know what do you think that might cause if I can't get anyone up there to assess damage for a year, year and a half and that's what they say. And we don't even know if that's going to be true and you are giving us two years and I can't even get to the cabin. That's my comment.

**Susana Struve:** Thank you. Ms. Julie Kincheloe.

**Julie Kincheloe:** My name is Julie Kincheloe and I'm from the San Geronimo area. My comment is being that the fire is so widespread and there is so much devastation, the cleanup part of the reimbursement is going to fall mainly on the landowner because there is not enough contractors or help out there to do this much cleanup. And so, in order to do that, the landowners are going to need to pay themselves for their time and equipment that they use and need to cleanup a massive amount of trees. And so, I would hope that part of the compensation for the debris removal and reforestation is, would include wages for the landowners or their friends or whoever to pay to get it done.

And also, another comment I have I also spoke with the Department of Agriculture. They came out and looked at our property to help us with the debris removal and we were told that they would pay us \$900 per acre to clean it up ourselves. We're talking about 200 trees in one acre. That is not even close to enough to take care of that kind of a problem. So, I would hope that FEMA would include money to either pay someone or for the equipment to get it done. Thank you.

**Susana Struve:** Thank you. Ms. Hayley Del Rio. No comment. Tyler White.

**Tyler White:** Hi, I'm Tyler. We lost our home and our farm in San Ignacio. Sounds like a lot of people already said this but I am going to add my voice to the chorus here. We need an independent local claims administrator. It is obvious from the way the regulations were written that FEMA doesn't understand how we live. You cannot use the Cerro Grande Fire as a template for our community and to do that illustrates exactly why FEMA should not be the claims administrator. And again, why we need an independent local claims administrator. Los Alamos had a 25 percent cap on landscaping recoverable damages. We don't landscape. We farm. We ranch. We live with our land. To illegally cap our land damages at 25 percent, makes us ask, "How do we heat our homes when our timber is gone?", "How will we water our fields when our acequias are filled in?", "Where will we graze our cattle when our fences are down and our fields can't be planted?", "How will we eat?", "Do we go into debt or deeper into debt because the government won't pay the actual total cost of the damages they caused?". FEMA told us they are not trying to make us whole. They are us only here to help survive—that isn't good enough. We're victims of the government and we deserve justice. Any 25 percent caps on damages doesn't make us whole. Anyone but ourselves defining what is a reasonable amount for damages does not make us whole. Denying flood damages and compensable damages does

not make us whole. Do not promise us recovery and then make sure that we continue to struggle. Please give us an independent local claims administrator. No regulation caps on recoverable damages including from flooding and the autonomy to define reasonable for ourselves. Thank you.

**Susana Struve:** Thank you. Mr. Ron Ortega.

**Ron Ortega:** Thank you. Ron Ortega is my name. My comments address the slides starting with slide number 11, What Type of Costs Will Be Covered? Bullet number or the final bullet cost to reforestation or revegetation not covered by any other federal programs. A couple of people tonight have already alluded to the fact that the USDA United States Agricultural Farm Service Agency or NRCS, Natural Resource Conservation Services reaching out to them in some type of form of assistance. The first question is, I am not seeing any place that there is a working relationship between FEMA and any other federal programs concerned with statements like this leads a person to believe, "Are we going to get the run around?" In other words, "Are we going to put in our claim and then be told well go talk to USDA on their programs?" Right now locally, the Farm Service Agency is marketing two programs emergency conservation programs, emergency forest restoration program. Attending their county committee meeting this morning come to find out they don't have any money allocated for any of these programs. They're bragging that they've got 500 applicants who have signed up, but they are not telling the people the full story there. So, the comment more so is, "What is the working relationship between FEMA and other federal programs and what are we going to be challenged with there?"

The next comment I has deals with slide 15 Proof of Loss, How do I document my losses? It basically states that once we file the Notice of Loss beginning early 2023, we have 150 days to submit proof of loss. Well, it's already been mentioned that we cannot get our independent appraisers unless requested by FEMA. Well, on 150 days if I walk in and say I need an appraiser that is not going to be enough time to get appraisers out to the [X] Ranch which we own and try to get an assessment on the amount of damage that was done to the timber and we are a lumber business. What was done there. So that has to be I think looked at as far as a timeframe. One hundred and fifty days you are cutting it awfully close if you are saying file a Notice of Loss, you have 150 days proof of loss and somehow the burden of proof is on us to prove that we did lose that so that you'll accept it. Thank you.

**Susana Struve:** Thank you. Mr. Jerry Gomez.

**Jerry Gomez:** Yes, I'm Jerry Gomez. Hopefully this thing is working. There you go. Yes, we have a bit of concern of how we are going see this all this curriculum here that is set in place. It looks like, I don't see any fencing, any in other words, we are having a big, big problem with the understanding between DOT and FEMA. They're doing some clean up that somewhat doesn't quite make sense to us. We have the trees that they have removed for right of way so people won't run into them. The stumps are way too high, dangerous. I mean we have a lack of inspections, a lack of progress that is supposed to be done and finished so things will look better. So, they'll, you know just on the parts that are getting done plus between all the safety situations that's part of the fencing. I don't see anything in here and I don't know if it even pertains to this, but it does create a humongous problem for commuters and hopefully this can get addressed in this one way or the other and soon because we have animals on the roads. We have neighbors having problems with neighbors. Somewhere this thing it has to be resolved in a very timely manner so things can move forward. Thank you!

**Susan Struve:** Thank you. Dana Jarvis.

**Dana Jarvis:** Here and Director, thanks for bringing the crew down here and listening to us and I appreciate that and I think that everybody else does to get you here for a moment. And I own 77 acres up in Mora County, in Cleveland and Encinal Canyon. It's way back in the canyon. It borders on a national forest. And I purchased the property this summer was the 50<sup>th</sup> anniversary. I purchased it July 22, 1972, so I am still kind of a newcomer around here, but it burned, and my little cabin burned. And I have been working with FEMA on rebuilding the cabin and received some funds from them and I appreciate that.

My main concern is the value of the property and at this point this is like my life's savings. I'm just on social security and this is my retirement home and a place to go. I've been thinking about for a long time 50 years. And my neighbor's property just sold is 140 acres, belonged to [X] which if you're not familiar with [X] it's a Lebanese family that settled here a long time ago. One of the few non-Spanish or Mexican families that came to the area. And he sold it to one of my neighbor's for about \$1,100 an acre, 140 acres and he sold it for \$160,000. My property I figured at \$4,000 an acre prior to the fire would have been about 77 acres works out to about \$308,000. Now based on the property value of the sale of the adjacent property that price it works out that my property would be worth about \$88,000. So, from \$308,000 down to \$88,000 is about a difference of \$220,000 of value in the property. Not talking about the trees or the road damage or the well damage or the destruction of the house that I planned to live the rest of my life in and, oh so sorry, did you hear all that, yeah, anyway I guess my time is up. But the idea here is that hopefully that my asset, my lifetime savings and my one and only major asset that I own will have some value that I can pass on to my kids.

**Susana Struve:** Thank you.

**Dana Jarvis:** Thank you.

**Susana Struve:** Mr. Max Garcia.

**Max Garcia:** Thank you FEMA for being here to help us out and I know you are doing your utmost best to help us. My name is Max Garcia and I own property in [X] Rociada and also which all of the vegetation and the trees burnt and most of my barns and also in [X] Mora County La Cebollita and all 300 acres there burnt including vegetation and all my farm equipment and everything. So, I appreciate everything that you are trying to help us out with.

First of all, we talked previously about the 25 percent limit on trees and vegetation. We need the 25 percent quantified and qualified. Twenty-five percent of what? What is the starting point? But I think I got some definition now it says, correct me if I am wrong, it says 25 percent of the value of the land. I am not sure if that was right or not. But let's be fair because from the standpoint of my land it was the trees were pristine, beautiful fir, ponderosa pine, oaks so we want to be sure that it's fair.

As far as making it mandatory to apply for other resources before FEMA Hermit's Peak/Calf Canyon Act applies, I have applied and heard absolutely nothing from Farm Services Agency and other federal programs. I feel it should not be a condition to qualify for compensation from the FEMA Calf Canyon Act. And I'm - others have confirmed the fact that they have also applied and have gotten absolutely nothing.

Also, we need transparency, if there are any costs or reimbursements scheduled developed, we would appreciate this in advance so we can comment within the next comment period. We also need transparency and full and open involvement and level playing field and consistency in award compensation, regardless, whether we hire legal

counsel or not and that is all that I have. And I thank you and I appreciate the fact that you guys are providing translation for us because what we don't catch in English, we'll reinforce it in Español. Muchas gracias.

**Susana Struve:** Gracias. Nate Safford.

**Nate Stafford:** Hi, my name is Nate Stafford and I'm from [X] Camp up on the top by Hermit's Peak. So, my concerns, the timelines seem tight. So even, even the two-year window seems tight. I'm wondering if that, that will be enough. We lost access to our property when the bridge burned on the forest service land similar to the gentleman here. We lost the ability to drive across the river when the waters up. So, they are saying 3-5 years for a new bridge which probably means our ministry, our organization will be closed for a significant period of time. So, I am concerned about the loss of revenue coverage. How long will that extent? How long can we be closed for? And will this program still. . .how do we apply for loss that we haven't received or quantified even two years from now?

Also, concerned about how to assess the quality of the things that we lost. Obviously, we used the outdoor as a recreation and experience for our campers. You know we lost all the trees. We lost probably trout habitat. We lost access to trails that may be closed for who knows how long. Also, opportunity costs. Our whole ministry model is based on momentum. We have groups that come back year after year and now following the COVID19 pandemic we lost so much momentum from that. We had a full year schedule this year and had to cancel everything again. So, it's going to take a number of years just to rebuild that partnership with all of the groups that we've served for so many years.

And then lastly, you know with this forest service bridge, we lost buildings, we lost infrastructure, we lost a lot of things, but losing the access has been the most difficult thing. And I don't see that the forest service has much incentive to rebuild that bridge and redo our road, because they just as soon keep it closed. We'd take control of that situation if we had funding and the forest service would enter into an agreement where we could do that. This is like our way to get funding to do that. So, I am really, I don't haven't memorized the document read through exactly how we would apply to rebuild the bridge and rebuild the road that is actually on forest service land, but that is our only way in and out. So, I'd be curious how we'll be able to do that. Thank you.

**Susana Struve:** Thank you. Donato Serna. No comment. Mark Jursick.

**Mark Jursick:** My name is Mark Jursick and I live up in San Ignacio. Sixty percent of my land burned and what didn't burn was taken out by the flood. That's another 25 percent or so. So, my first comment is with respect to the 25 percent cap on the value of trees. Even if reforested those trees will not grow back in my lifetime. They will not grow back in my children's lifetime. Maybe my grandchildren will start to recognize what I used to see before the fire. So to us, to myself and my wife, those trees were 100 percent of the value of the land.

My second comment is with respect to the arbitrators. I seriously question the independence of an arbitrator who is both hired by and paid by FEMA. Hyman G. Rickover used to like to quote who[se] bread I eat, his song I sing, and I see the same situation happening here. The one time in the past when I had to go to binding arbitration, the arbitrators were chosen from a board of independent arbitrators, not someone who was hired by the plaintiff or the defendant I should say in this case. I'm sorry. So, I really question how independent they can be when they are being paid by FEMA. Thank you.

**Susana Struve:** Thank you. Joseph Griego.

**Joseph Griego:** Thank you and my name is Joseph Griego. I am from the Mora, well Lupita, Chacon area that is where we are at. One of the comments, but the lady that's in charge. I forgot your name. But I know it's hard at the top and it's lonely at the top so if we can help you down the road let us know as our community. But first of all, I want to tell you, I'm a veteran and we were here for this country and now we are given three minutes to talk in our country, you know what I mean by the people that burned us out. We had the Commander-in-Chief come to Santa Fe and tell us that we are gonna be made whole. What are we talking about here? Twenty-five percent? You know my youngest grandfather lived out of the land. He was 94. My oldest grandfather was 101. We plan to be here for a while folks. So don't tell us that you know FEMA we were at the Buena Vista Fire Department. They would not let us in. You had a rent a cop there. He would not let us in. There was a federal building. That's what we have been through with FEMA in the past. I hope you are not the same.

But you know, look at the land, look at what we had, the trees, the water, the wildlife that we depend on for meat. Without that you know, these are things that you need to look at and not get an arbitrator that tells me well you know this is what your land is worth. My father had some meals that we used there for those trees for years and years. All the communities survived that way. They are not there anymore. I don't see nobody here, maybe one or two, that's going to be alive when these trees come back. So, in other words, when you look at the dollar bill you know that they are trying to you know that they are trying to replace or help us out what are you gonna do in the future. Next year when after the snows and rains comes. Please look at that because that is what these people in these counties have lived and still live out of it you know.

We have taken care of the land for years and years and we have not polluted the area. We have taken care of it. But now the land took care of us. But now we don't have nothing and for FEMA or anybody come, you know, to give us 800 numbers all the time, call here call, there I hope ma'am that you can take control of that and help these people, you know, to move ahead, you know. We looking now for this winter, how are we going care for our cattle? Because the state government couldn't even give us a bale of 60-pound bale of hay, you know. It was a political year so they visited us a lot, but we didn't get that and that. Thank you.

**Susan Struve:** Thank you. Mr. Jerry Martinez.

**Jerry Martinez:** Jerry Martinez and I'm here on behalf of the Water Association in Chacon and I am the water operator there. I'm a little confused of what's going on here because we applied with FEMA in June and so far. First of all, our watershed got completely destroyed, completely. And we've been told to hire an engineer which we hired an engineer. He went up there and he surveyed it and his conclusion was that because of the heat of the fire it destroyed our watershed, not only the watershed but the Ojito where we get water from the spring that we get water from is completely gone. We used to get 50 gallons a minute and now we are getting six gallons a minute. It diverted a spring because of the heat of the water. So far, we've spent on engineering fees and trying to clean up and putting in a new water system a little over \$200,000 and we've gotten zero from FEMA, not one red cent. The lady we were working with wouldn't answer our calls and we find out that she's in Florida helping the people in Florida. Are there, is FEMA so short-handed that they can't stick to one disaster at a time? Guess not.

The point is where do we go from here? Do we forget what FEMA told us and apply again? That's what I am saying. I'm a little confused here. I'm not sure. Do we continue going to Jorge who is our lead person with FEMA? Do we continue dealing with him and seeing no money coming in or do we just forget it and apply here?

The other issue is not paying for the professionals that are going to tell us. We don't know what it's going to cost a drill a well. The only thing that we can figure out is that we are going to have to drill a well in order to put us back at 50 gallons a minute. I don't know what it costs to drill a well. So, if I come and tell you we need \$150,000 to drill a well and you give us that and then it turns out to be \$700,000 then what? I understand that you can get one bite of the apple and that's it. So, if you are wrong on your estimate, we can't give those estimates so FEMA should definitely pay for the estimates of a professional to tell us what it's going to cost to make us whole again. Without a doubt.

On the personal basis, we were evacuated. I live up in Chacon and had to evacuate out of there. We tried to go back home to see after the fire. State police wouldn't let us go by. It's kind of strange that they allowed the looters to go by because when I got home, they looted the house. They took whatever they felt like taking. Several rifles and other things. Who is going to pay for those? I was told first I was told to go in and put a claim. I did. Then two days later I get a phone call from FEMA saying I make too much money. They are not going to help me. Thank you.

**Susana Struve:** Thank you. Mr. Brett Phelps.

**Brett Phelps:** Hi my name is Brett Phelps. I am a Mora resident, was evacuated during the fire and also, I am an attorney representing many, many people that have filed claims and my comment is more general that applies to things that everyone has said. There are two things in the Act that says are not going to be covered. That's punitive damages and interest. Anything else that you are saying you are not going to cover that's a decision that FEMA's making that's not in accordance with the law. These caps, these expenses, these lawyer fees. There is nothing in the Act that says those are not covered. That's a decision that you're making so we're here asking you to do better to help our people and to follow the law. Thank you.

**Susana Struve:** Thank you. Richard Ruster.

**Richard Ruster:** Hi. I'm Rich Ruster and I live in Mora, in Cleveland and I'm going speak from a little different perspective which is my professional background in organizational design and culture. First of all, I totally appreciate every comment that's made and the need for addressing all those comments to be changed. My biggest concern for you, Angela, and sitting in the difficult seat is that as you said FEMA has lost trust. Now why has FEMA lost trust? Because from my point of view, for my professional background, FEMA has demonstrated to me repeatedly and to others all these stories. They are designed to deny. They are designed to whittle down and pay as little as possible and to discourage people to drop out. That's by design. That's an organizational design. You're inside that system and the regulations that you started with, and I appreciate a lot of what you said and I was a little heartened by what you said in the beginning, but you sit in a difficult seat and try to transform the culture to a service oriented culture that can adequately bridge a law that really got a great intention and well written and people with deep needs that actually have to be taken care of. You're the bridge between those two. A functional organization would meet those needs well. FEMA is designed tremendously difunctionally. So, if your culture replicates here, you'll end up with a lot more angry people, a lot more people being what we call sometime retraumatized the victim and a lot of lawsuits. And so, if you can't find the way or have the empowerment in your position to truly transform the intention from the top down and the ability to design the process to meet needs in a service commitment to a 100 percent way, you're you are not going to get the job done so set up for failure. I wish you well. I hope that you can have that power and the foresight and the resources to design an internally different system very quickly. May the force be with you.

**Susana Struve:** Thank you. Carlos Arellano.

**Carlos Arellano:** My name is Carlos Arellano. I am County Clerk Mora County. I got a couple of things that I would like to pass on to FEMA. I've been going around and around since [the] fire came around and now the cleanup process is starting up and some of these contractors that are from out of state are getting paid for a six-inch tree to remove a six-inch tree and bigger from state highway right of way are getting a thousand dollars a tree. Ok, so that's quite an extensive amount of money to pay. I understand. It's in state highway right of way. It could fall on a car or kill somebody. All these things, but we own property like 50 or 100 feet away from the center line. USDA wants to give us approximately like some of these people have been stating. We have a property that has like roughly 500 trees per acre. So, if you do the math, it's about two dollars a tree to remove it. Add a thousand dollars and that's to cut it down. Excuse me just to cut it down not move it. That's to drop it on the ground, leave it there so it won't be a hazard to us. So, I know, I know we're talking about apples and oranges. There are two differences. But you know it doesn't balance, it doesn't balance what is going on. You have guys working on here from out of state that are getting \$500 a day per diem, and they are standing around watching ten other people, persons, watch five other people work. It's a bit out of whack, it's out of whack.

Another question, a lot of people are asking in Mora County, we got families that let's say there's five people that have one track of land and those people don't want to go through FEMA, they want to sue so can they sue? And if you are one of them five, can you go through the bill also or if you sue, are you only allowed to sue or how is that going to work? A lot of people are wondering what kind of package are gonna be built or designed so these people can give you FEMA when they file their claims. Is there anything gonna be farmers? It's just all digitalized all computerized because 60-70% of the people up in Mora are Hispanic and a lot of people don't even have access to computers, so just and in that perspective trying to ask who you know what's gonna happen with those people. I know there's a lot of things being mentioned that you're gonna be going home to home. I think that's good but just let me know you know ahead of time. Try to get somebody who can speak Spanish to go with these people because that's what we need. Let's go forward. Thank you.

**Susana Struve:** Thank you. Steve Kuckelman.

**Steve Kuckelman:** I'm Steve Kuckelman. We have property between South Carmen and La Dukes. Seventy-five percent of our property burned up, our shop and barn. So, I understand that complaints about the way this has been handled in the past are not really part this immediate issue here. These are comments about the compensation fund, but for us that have for the last seven, it's been seven and a half months since our placed burned, I'm not impressed anything the Federal Government did from starting the fire through FEMA and the Corps of Engineers. Incredibly expensive and inefficient, blundering around. Now the contractors work has been fine. I can only judge what may happen by what has happened. The inefficiencies are enormous. I wonder what the administrative costs are if they are going to come out of this \$2.5 billion of it is gone before any money goes to anybody in this room and maybe that's necessary.

We saw the President and Representative Theresa Leger-Fernandez make promises. We are going to be all fixed up. We are going to get compensated. I have no confidence any more than when I have to think we are going to be, even with the Navigators that we are going to be in an adversarial relationship with FEMA. So, what I would, what I hope for I don't see a leopard changing its spots, but I would love to see much better communication than FEMA and the Corps of Engineers and USDA and the Forest Service have provided so far. And that is prompt return of phone calls,



promptly returned emails which anybody here getting any real quick response, anybody answer the phone when you call, [inaudible]. Yeah, thanks. Yeah. Sorry it's already two o'clock on Friday. I went home yesterday. So, that's my perspective. Thank you.

**Susana Struve:** Thank you. Gerald Singleton.

**Gerald Singleton:** Hello. Hi, my name is Gerald Singleton. I'm an attorney with Singleton Schrieber and I specialize in representing people who've been damaged in fires. We represent over 1,000 people who have been affected by either the fires or the floods and so I wanted to address some of the issues that a lot of our clients raise. A lot of them have been addressed here today. I think Carlos and Tyler both addressed two key issues with respect to what Carlos said one of the concerns that a lot of our clients' have is that a lot of this money is going to contractors that are coming in from the outside. And while it's absolutely commendable that you are trying to hire local people to process things, they would like to see more local contractors hired.

In terms of the caps and I think this is something addressed by Mr. Phelps, this is a huge concern and I want to compliment you on the fact that for the first time you've stated that there may be a different approach than the 25 percent cap on the trees, but that, in and of itself, is a huge problem. The fact that these were put in in the first place because that cap is contrary to New Mexico law. Just like the fact that non-economic damages are not being awarded is contrary to New Mexico law and while Tyler, I think was the person that said it earlier, and it's been said many times the number one thing that our clients would like is to get someone who is from New Mexico, preferably a retired Supreme Court Justice, retired judge in the Court of Appeals, someone who is respected in the community and most importantly knows New Mexico law to administer this process. The problem when you have people who are not familiar with the law is that they don't apply the law correctly and when you look at what's happened with these regulations there've been a number of times when that is the case. The two most glaring are the 25 percent cap and the lack of compensation for non-economic damages. Both of those violate the law and need to be changed.

One of the things that I would like to do just so we are not here complaining but we offer positive solutions. I represented about 6,000 people who were involved in the fire victims trust which was set up following the Pacific Gas and Electric bankruptcy. That was administered by a Trustee and it was a \$13.5 billion trust that passed out money to approximately 60,000 people. The trustee's name is Cathy Yanni. I have spoken with her a number of times. She is available to meet with you and your team and to have the group, it'd called Brown Greer, that administrated that process. So, they were involved in evaluating each of the claims, meet with you and go over the process. I know you said earlier that it was difficult to setup the process in a short period of time. These people can help you do it. They are willing to meet with you. They are waiting for your call. I'll come up afterwards and give you the number, but I really encourage you to reach out to them. Thank you.

**Susana Struve:** Thank you. Leticia Chavez-Paulette.

**Leticia Chavez-Paulette:** Good evening. I've talked to you some already. My name is Leticia Chavez-Paulette. I am a crisis counselor with Life Link Training Institute out of Santa Fe and we have been charged to come out and offer our services to those of you affected by the fires and the floods. We offer our services for free. We are not with the government at all and so if you need help just navigating other resources, we're here to help to be a listening ear or a helping hand and again there's a team of us of about 12. So, if you would like for us to call you, I'll be here in this chair if you'd like to give me your name and number and I'd be happy to take your name and then we'll give you a

call and see how we can help you navigate other resources that you may need to just survive through the winter or next year. Thank you.

**Susana Struve:** Thank you.

**Ned Pennock:** I think we have few minutes that we can take a couple of more comments. If anyone. So, we have one. Let's go in the back and then we'll go up here. And please state your name first and then your comment.

**Shane Flores:** So, I took notes so I won't go on too long. My name is Shane Flores. I live here in Las Vegas, and I just want to add some things that I'm kind of not hearing in your process that I think you need to start thinking about and some have actually been mentioned tonight and those are worth repeating. One thing that I am really not hearing a lot that you have to take into account in this specific region are resources and losses that are collectively managed. I mean your system is set up to handle individual claims and individual landowners, families, etc., but there are things like acequias and land grants and other collectively managed resources or entities that have suffered loss and I don't really hear that as a big part of your you know situation. There is a gentleman here that him and his neighbor, you know, share a mountaintop. This is an ambiguity that needs to be addressed. To kind of build on that and this is a thing that you know that I'm hearing in this room and I have been talking to people, but while the fires were still burning and continuing to talk to people I can tell you right now that the reimbursement model leaves out at least half of the people that you need to be helping and these are the people that are the most vulnerable in these communities. Over and over in the area I hear again, I don't have the money to do this to get reimbursed so I'm just gonna give up on FEMA. I'm just gonna give up on the whole process. I'm just gonna give up and move to my kids' house in Idaho or something like that right so. So, the reimbursement thing isn't going to work, it will never work and you are leaving out the most vulnerable that we need to help with the reimbursement model.

You have heard this before, from this gentleman and Mr. Arellano, and this one bears repeating is your system set up benefit carpet baggers and disaster capitalists. Your money that you are going to put in this community is going to run like water off of you know dry land that's too dry to absorb the water. It's already happening. That's already as Mr. Arellano pointed out. This is the way that this will happen unless you rectify that.

So, to that end I want to offer you a macro idea that you need to address and you heard it a little bit in pieces here. Unless you put \$2.5 million in this community in a way that the money is going to cycle through this community four or five times before it leaves for Texas or California or New Hampshire then you did it wrong. So you need [to] re-evaluate and you heard pieces of it, local contractors and I think you need to go further than that and invest in other ways for people who have the local knowledge and have the local expertise that can become those contractors and this is one way that you can build so that the people who do not have resources but have the expertise but also need to develop specialized skills can do that and then that way you will succeed if you cycle your money through these communities four times before it leaves.

**Susana Struve:** Thank you.

**Joseph Griego:** My name is Joesph Griego from Mora. I wasn't affected by the fires, in regards to losing property or home. But in looking at the Act and looking at what is taking place with FEMA and where we are currently at, so to go back and to Carlos Arellano, Mr. Arellano's comment, you know when you pay a contractor from out of state a thousand dollars to throw trees and then you come to the landowner and offer him two or three dollars a tree,

discriminatory. It's disgusting. You can pay somebody from out of state to come and do this but the local people you are gonna downgrade them to two or three dollars to throw trees. And yes, there might be a safety issue, but there's still a safety issue on that private land.

On the comment of the arbitrator, I negotiate for Administration, and I have never seen where the arbitrators brought in and both sides don't get to eliminate based on how that arbitrator rules his rulings. And to give it to one side because I am sure that when we get into the arbitration if you disagree with FEMA, FEMA will have their legal counsel there and the person who went through the process now has to perform before an arbitrator and legal counsel on FEMA's end in order to get a fair outcome that's really unfair. So, when we look at this and yes we move forward with the you know you look at the 25 percent that were discussions earlier where you had the President came out said we're going to make you whole. You had a Congresswoman come out and say we will make you whole to 100 percent. We've had senators come out and say you will be made whole to 100 percent and yet here we come with FEMA saying we'll make you whole to 25 percent. It's you know you're talking one standard to another standard, to one statement to a different statement and we're the ones who are paying for the people who got impacted by the fires, the flooding, on something that the government said they were taking 100 percent responsibility. So, if you are taking 100 percent responsibility and then taking it to the people at 25 percent or getting arbitrators that they don't have a right to look at how they arbitrate, when they arbitrate and what their decision have been in the past. It's a one-sided deal.

In addition, you know, you have farmers and ranchers that lost their ability to put their animals up for the summer this year. FEMA still hasn't stepped in, the State government still hasn't stepped in to make any type of compensation. The compensation that they did was bring in a few bales of hay and they expected that to suffice and yet they had to still buy hay for the summer. They had to buy hay for the winter because they didn't have any place to put their cattle or they sold out completely. And so, in order to make people whole, to say well we're working at it but you are still doing, you're not doing anything to help. When you look at 25 percent, when you look at our one-sided arbitration, when you look at all the loop, all the stuff they have to jump through and then at the very end say well we are going to give you 180 days to decide if you want to take this, this settlement that's in place it's really unfair.

**Susana Struve:** Thank you.

**Ned Pennock:** We are going to take one more comment from somebody who hasn't spoken yet.

**Jonathon Ortiz:** Thank you very much. My name is Jonathon Ortiz. We have property in the [X] in Cleveland, Mora County and I have a couple of comments regarding flood insurance. The first one is on section 296.21(e)2 where it states that it appears to cover insurance for only two years and it's for premiums that are paid on or before May 31, 2024 and it's for those individuals who that are now required to purchase insurance, flood insurance. I believe that it should be covered for anyone and everyone who desires to get flood insurance at this point particularly for those many of us who live in flood prone areas now because of the fire and I think that at a minimum we should be reimbursed for flood insurance for a minimum of eight to ten years to try and protect our properties and have some sort of a recourse with flood insurance. As you know it's quite expensive. It ranges anywhere from \$4,000 to \$5,000 per year on top of our regular home insurance and I just believe that's a minimum that can be done to further protect individuals.

The other area is on Section 296.31(b) and in my opinion, it appears to state that claimants who's only HPCC-related loss is flood insurance premiums is not eligible. We do have to remember that there are many individuals throughout the burn area that were not directly impacted by the fire but may subsequently be impacted due to being in flood-prone areas. And for someone to want to want to buy insurance for the next five years, ten years and be told that you're not going to be eligible for reimbursement is to me kind of crazy. Many residents are living in harm's way and we're going to be in harms and many individuals are going to be in harm's way for years to come. And it's another avenue and another mechanism for many individuals throughout Mora and San Miguel counties to further protect themselves. Thank you.

**Ned Pennock:** Thank you. We are going to start to close down our public comment period right now and I do want to remind everybody that if you have additional thoughts to please provide those comments in writing as some of the information that we've presented tonight shows you.

**Susan Struve:** *Provided remarks in Spanish.*

**Angela Gladwell:** Thank you. Thank you for being here tonight, taking the time. Thank you for your comments. Every meeting that we've had there is definitely themes that we hear and, at the same time, there's all of this great information that you are providing to us in every meeting. So, thank you very much for that. I just want to remind you again for as part of the process and for us to also be transparent how we're adjudicating these comments will be publicly available to you so that you see how we are addressing them and why. And so just I won't want you to be aware of that and to note that and otherwise I won't take any more of your time. I really appreciate you. Thank you.

(Whereupon the Public Meeting concluded at 7:30 p.m.)

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