

Hermits Peak/Calf Canyon Claims Public Comment Transcript

Release Date: Jan. 6, 2023

Peñasco, NM

Wednesday, Jan. 4, 2023

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Ned Pennock, Co-Facilitator

Susan Struve, Co-Facilitator

Introduction

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

Susana Struve: My name is Susana Struve.

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

I do want to just briefly point out, it's a small facility, but the emergency exits [are] over here behind to the left and right and restrooms are in the back.

Susana Struve: *Provided remarks in Spanish*

Ned Pennock: This meeting will be recorded and later transcribed. The transcript will become part of the official public record. Providing a comment here tonight constitutes your consent for your name to appear on the official transcript for the public record. Those of you who attended any of the previous public meetings, will see much of the same content as before. However, it is important that we provide the information for those attendees who have not seen or heard this material before. The primary purpose of this meeting is two-fold, first we want to bring visibility of the program to you by providing an overview of our approach to the program development and an overview of



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program requirements as outlined in the published Interim Final Regulations. This includes clarification to the Interim Final Regulations based on some concerns expressed in the first of the public meetings.

Second, we want to ask for your comments on the Regulations and as a reminder you'll have until January 13th to submit comments.

Finally let me spend a minute on what this meeting is not intended to do. This is a public comment forum rather than a discussion forum. The comments that you provide tonight are part of the regulatory process to gather your input to help improve the Interim Final Regulations. This is why we structure the meeting the way we do, rather than providing an open forum to answer questions that you ask. 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 here who will be available after the meeting to talk with you and answer general questions that you might have about the program.

One final word about the public comment process, you can view all written public comments on the website [Regulations.gov](https://www.regulations.gov). Once the public comments period ends, we will publicly respond to all comments relevant to the Rule before finalizing the Rule, and we will update you on the expected timeline once we have a better sense of the scope of the comments we received.

Susana Struve: *Provided remarks in Spanish*

Ned Pennock: Those of you who indicated an interest in providing verbal comments by signing up before entering 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 other participants who have not yet spoken will also have a chance to speak. And 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://www.fema.gov/hermits-peak).

Susana Struve: *Provided remarks in Spanish*

Ned Pennock: So, let's take a quick look at our agenda for tonight's meeting. First, we will provide a brief update on efforts to build out the Claims Office. Second, we will describe the background of this regulation and to 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 time on today's meeting is reserved for verbal comments for you to record on the Hermit's Peak/Calf Canyon Fire Assistance Interim Final Rule. We will conclude the meeting with a few closing remarks from the Hermit's Peak/Calf Canyon Claims Office leadership.

Susana Struve: *Provided remarks in Spanish*

1. Presentation

Angela Gladwell: Thank you, Susana. Hello. Good evening! Thank you all for joining us this evening. I want to join Reverend Jill and Ned just in thanking you for spending your evening coming out to hear more about this program. I also want to acknowledge up front how challenging the last many months have been for you, for your community, and the surrounding counties. And how challenging it's been for you all to get what you need to recover. FEMA and the Federal Government have brought a range of programs to folks impacted by this fire, many of which have been

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

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

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

We conducted two very successful local hiring events in December, and we are conducting another in Mora on Tuesday, January 10th. I will be including a couple of key roles in the office who will all be hired locally. It is important to me that we tap into the local experience and expertise. First, we will be hiring Navigators who will be engaging with you to directly walk you through the process. The Deputy Director and the Claims Chief will be hired locally. In addition, I have established a Hermit's Peak Advocate role who will report directly to me, 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 and now as of last Thursday, the recently signed Omnibus Spending Bill provided a total of \$3.95 billion to compensate individuals, businesses and communities impacted by the Hermit's Peak/Calf Canyon Fire and flooding after the fires. I just want to pause a moment because the Omnibus Spending Bill and the additional \$1.45 billion is a recent addition again as of last Thursday to the pot of funding that is available for this program.

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

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

If you don't agree with the amount, you can appeal and ultimately go through an arbitration process. Arbitration is where we bring in an independent person who is officially responsible for making the final decision. And it is not until

the end of the process that you need to decide to take the compensation through 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 is 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 this 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. It describes claims evaluation criteria, and it provides additional guidance on pursuing an appeal or arbitration of a claims 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 delivering the program, we initially based the regulation on those from the Cerro Grande Fire, since the law is also very similar. We published the regulations as an Interim Final rule on November 14th and what this means is that we can begin implementing the program, but we also opened a 60-day public comment period. This is the opportunity to get comments from you to ensure that the regulations meet your needs.

During this time, we're also working to build out this office and the claims process, which will continue to occur over the next several months. During this time, we will be hiring staff to support the claims office across a range of duties; identifying and opening facilities to provide one-on-one assistance at fixed and mobile offices, including locations in San Miguel and Mora counties; 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're committed to delivering funds as quickly as possible and ensuring a simplified claims process.

Susana Struve: *Provided remarks in Spanish*

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

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

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

Susana Struve: *Provided remarks in Spanish*

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

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: So, 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, personal injury, including reasonable out-of-pocket treatment costs for mental health conditions resulting from the fire.

Susana Struve: *Provided remarks in Spanish*

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

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

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

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

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: Business loss. Compensation may be awarded for damages to tangible assets or inventory, including timber, crops, and other natural resources; business interruption losses; overhead costs; employee wages

for work not performed; loss of business net income; and any other loss determined to be appropriate for inclusion as a business loss.

Susana Struve: *Provided remarks in Spanish*

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

On flood insurance, given the increased flood risk with the ground charred and barren and unable to absorb water, having a flood insurance policy is vital. Until the vegetation is restored, which can take up to five years or more after a wildfire, flood insurance will help protect your homes when flooding occurs. And for more information on flood insurance and how to purchase it, visit [floodsmart.gov](https://www.floodsmart.gov) and as our office is up and operating, we will also help you with that.

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, and
- 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 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 then officially acknowledged, each claimant will then have 150 days to submit a final Proof of Loss Form. We are starting to recognize the receipt of 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 for proof of loss submission, 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 damages through whatever documentation is reasonably available to support the

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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 not be sufficient. Will be sufficient. I'm sorry. Let me rephrase that. We know that sometimes documentation may not be reasonably available, if for example it burned in the fire. If that's the case, we may determine that the Claimant's statement alone **will** be sufficient. Sorry, that is an important point.

Susana Struve: *Provided remarks in Spanish*

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

Susana Struve: *Provided remarks in Spanish*

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

Susana Struve: *Provided remarks in Spanish*

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

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: The Claimant must accept the determination by submitting a Release and Certification Form 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 a partial payment), the election is final, and the Claimant may no longer seek other legal avenues for those specific losses. However, within the two-year window, the Claimant may request to reopen the claim to seek compensation for new losses or an injury not previously reported.

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: What if you disagree with the decision? First, I would like to emphasize the Advocate's role that I talked about earlier. We 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. 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 independent binding arbitration within 60 days of the Appeal decision. Through Arbitration, we will bring in outside officials to serve as an independent official to make the final determination. More specifically, the arbitrators will be independent and impartial, and this is a basic rule for arbitrators generally. They will not be employees of FEMA. And 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 just give us a few minutes so we can get set up for the public comment part of tonight's program. I would appreciate it.

Susana Struve: *Provided remarks in Spanish*

2. Verbal Comments

Ned Pennock: We are going to begin the public comment part of the meeting now. If you signed up previously to speak, to provide a comment, we are going to call your name and bring a microphone to you. When it is your turn to provide the comment, please identify yourself and speak directly into the microphone. And we'll be using a timer to stay on track. As a reminder, FEMA will not be responding to comments during the meeting. We request that you limit your comments to no more than 3 minutes and, again, if time allows, we will provide the opportunity for others to speak once everyone who has already signed up has spoken.

Susana Struve: *Provided remarks in Spanish*

Susana Struve: Diego Rivera

Diego Rivera: My name is Diego Rivera with *[inaudible phrase]* in Cordova. Just a couple of comments. I feel like FEMA should pay for all appraisals and evaluations needed for a Claimant to submit their claim and their packet. It is on the Claimant to substantiate their claim and not FEMA to tell them how. So, FEMA needs to reimburse that cost when it is submitted. The other thing, too, is to remove any wording of reasonable cost because who gets to determine what is reasonable. You know people's property is worth what it is to them and not to some person that is not even from here. Remove any type of 25 percent reimbursement because in New Mexico it is required to be made whole not quarter when you are talking about being reimbursed. There is a lot of people that have been affected by this fire in this whole region and not just where the flames met. I mean people rely on this region for lumber, for wood, for building stuff, for burning, to keep warm in the winter. Right now, people are having a hard time doing that because they weren't allowed to get enough firewood for the winter to stay warm. So, we have

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different entities and different organizations trying to meet that gap and that need, and it's not being met. A lot of people are very angry and aren't aware that, that bill is a 60 plus or minus page of a legal document. It is a legal document and if they mess up in filing their claim, are they allowed to file again? These are questions that many people have that they don't know whether or not to get an attorney. I mean it's not fair to the public to misguide them and not let them know the entirety of the consequence of messing up their claims. And that's about all I have.

Susana Struve: Thank you. Mr. Jacob Payne.

Jacob Payne: My name is Jacob Payne. I'm an attorney with Singleton and Schreiber. We represent hundreds of folks up here, as well as several entities. With no disrespect to you Ms. Gladwell, I understand that you are in a difficult position. However, the bill allows for someone from New Mexico to be appointed to be the Director of this. And I understand you're trying to speed up and understand the cultural significance and how the way of life is up here but by the time you do that we are going to be months into a process that is already moving forward with people already submitting claims that others don't understand. And, so I think it is imperative that someone from New Mexico is appointed to run that program and it's supposed to be done under New Mexico law. So, hopefully someone who understands New Mexico law a retired judge, Supreme Court justice, etc., would be able to run that program so that it does follow New Mexico law. Some of the examples of why that is important and, I appreciate that you mentioned that you are looking to change the 25 percent rule like you mentioned today in the last meeting, but how you change that under New Mexico law it's 100 percent compensation. They should be paid for the loss of trees 100 percent for what the value of those trees on their properties is. The fact that the 25 percent made it into the Bill at all is an example of how people from out of state don't understand the way of life here in these communities.

Pay costs for the experts, to not do so is like the fox guarding the hen house. The experts are needed to value what people have. People pay for experts all the time, whether it be realtors, whether it be you get an expert to look at your plumbing and so people don't have in their back pocket what the value of their property, what the value of their business, what the value of lost income due to the loss of trees, or loss opportunities that they had for their properties and so experts are required to get those costs and so people are required to prove those costs on their own, they need those experts to do so and so compensating them by allowing them to hire experts to show the true value of what their property is will further allow them to be compensated.

Prohibition of non-economic damages is not supported by the bill under Section 104(c)(3)(b) 1 and 2, the only limits on recoverable damages are that interest is not allowed and punitive damages is not allowed. And so, non-economic damages should be allowed because it is permissible under New Mexico law.

The prohibition against the assignment of rights should be removed. A lot of people have family dynamic and situations or elderly parents that don't have the energy to take these lawsuits on their own. The grandparents, the elderly should be allowed to sign their rights to their children or other relatives or someone else to take those claims on their behalf.

Furthermore, the appellate process needs to be flushed out more so that it is clear as to what standards are for the appellate process in the district court. What the record will be. Will there be a de novo or will there be or are they just reviewing what the lower courts have done? So, with those changes we would appreciate you taking a look at that. Thank you.

Susana Struve: Thank you. Mr. Carlos Arellano

Carlos Arellano: Good evening, everybody. My name is Carlos Arellano. County Clerk in Mora. And I am going to repeat myself again. Two of our greatest resources that are being lost thoroughly with what happened with the fires right now my family has been in Mora County since we are talking late 1700s, early 1800s over 300 years. As far back as I can remember my grandfather, he logged in the 20s, in the 40s, my father started a little bit of logging in the 60s and the 80s and now it's my turn and my family's turn and it's all gone. It's been a business in the family forever. I am trying to get at is that I was treating the land, that I had 13 contracts since my father passed away in 2007 with NRCS and I was preparing all the land for our future, for my sons and that to do the logging and stuff that we had on the property. I lost over 600 acres completely burned. What I am getting at is when I was doing these thinning contracts, I was getting – I was – our property was gaining value 'cause we are cleaning up all the junk on the property. I was keeping the better trees for logging for later on in the future. The value of the properties is quite extensive now, but it's all gone, all that's gone. So, everything that I – all those contracts I got to mitigate and make the property better it was burned and I am a landscaper before I was a county clerk I was a landscaper for probably 30 years so what I did was I would get people from Taos my customers there to come to the property and I would dig out boulders, rocks and trees off the land and that is how I did my business and I made quite a bit of money back in the day doing that. All that is gone. Understanding what we are trying to say is that you can judge a three-inch tree and it has as much value as a much mature log, depending on what you cut it down for and what you use it for or whatever you tend to make of what your land is. I guess what I am getting at we lost all our trees, now the erosion that is coming in we are losing our greatest resource which is water. It is getting lost and we can't control it. All our acequias are destroyed. Everything agriculture the fields of alfalfa and stuff that we also irrigate that is all gone. I don't know how you are going to measure all these things and how you are going to particularly select people just to go out there and judge what we've lost, but it's quite a process and like I said I am one of the families been in Mora County for over 300 years, but if you, when you drive even to San Miguel, Taos County, Mora County what do you see? All you see is trees and fresh water and most of that is still it's just lost. What I am going to do is I am going to do a full report and I will break it down to and I am just one family is what I am saying, and I am just one family, and I am speaking for thousands of people in San Miguel and Mora who are in the same place I am. So, it's pretty much we are going to see what it will all come down to I guess and thank you for your time.

Susana Struve: Thank you. Mr. Gene Sacoman

Gene Sacoman: Thank you. My name is Gene Sacoman thank you for the opportunity to comment. This is kind of more of a personal thing that we went through from the fire. We live here in Peñasco. I have three dates to point out. May 8th we were placed on set status. We began trimming trees and clearing brush. On May 16th we were changed to ready status at that point we transported the animals and started loading our storage trailer off the hill. Then on May 20th late evening we were evacuated by the New Mexico State Police to go immediately. We incurred unforeseen financial costs and we had to leave our home. This experience was pretty stressful and exhausting and, again, I thank you guys for the opportunity to comment and I just want to say thank you to the firefighters.

Another thing, too, is here the Peñasco hills they are cleaning up fire lines and it's a big concern because you know they are still working on it but this could happen again and that is what I am afraid of. So, that's all I really want to say and hopefully you can get through this with FEMA will help us out. Thank you.

Susana Struve: Thank you. Ms. Jill Cline

Jill Cline: Hi, I am Reverend Jill Cline and I work with churches and people in Taos, Colfax, Mora, and San Miguel Counties. I want to thank this gentleman right here for bringing up what he went through from being within the evacuation area that ultimately not within the fire border because I do think that there is some clarification we need in the public, and one of the questions that has been asked is "Is there a geography boundary for who is eligible?" and the answer is "no," any eligible individual that believes that they suffered damages as a result you know regardless whether the effective property or business is within the area declared as federal disaster. Please, please, please clarify – because we had, we had the Cook's Peak Fire happening in Colfax County and the Hermit's Peak/Calf Canyon happening in San Miguel and Mora Counties, but we had evacuations from Hermit's Peak/Calf Canyon happening in southwest Colfax County all the way up to Angel Fire, Black Lake, Hidden Lake and we had, I mean, h*** everybody in Taos County up to Highway 64 was in some level of evacuation mode. Whether it was ready, set or go. So, I just want to bring up and remind and see if you can get clarification out there, there is a lot of people who had trauma and expense due to that evacuation status when they ended up, thank God, not being affected by the fire in terms of their homes and down here in south Taos County we have a lot of people that were affected from forestation lost on their properties and not homes. And I am not sure it is completely clear to everyone that if they were in Taos County when or Colfax County when we were not declared as a federal disaster area, but we were within the evacuation area, and the fire borders – those people qualify for help from this Act, too, and please clarify that.

This is going to sound, I don't mean this to sound the way it's going to come out, but when you are talking about assigning rights, and I have heard that brought up at a couple of other meetings, I don't disagree that we should be able to have people assign rights to family members or friends or whatever, I want to make sure those rights get signed - assigned, that it is not the benefit of the business that is representing them. I have a real concern, and I am sorry if I make it sound like I am blaming you, but I have a real concern that those assigned rights could be to the benefit of somebody sneaky, who is just trying to walk away with money as opposed to actually helping the individuals who lost their a** in this. I probably shouldn't say a** when I am wearing my collar, but oh well. I want the people protected. And I think that is what this gentleman is trying to say but I want it clarified how that assignment of rights cannot be to the detriment of the individual signing it away or to the benefit of the person who is trying to get it. What else do I need to say Rita? Ok, and there is time to spare.

Susana Struve: Thank you. Ms. Carmela. Oh, okay, no comment, then. We don't have more comments for anybody. Does anybody want to have additional comments. Please make sure you say your name. Thank you.

Patricia Sacoman: My name is Patricia Sacoman. Gene's wife and my comment is that here in this part and I have been here since I was a child. I left for a short while but at any rate. The acequias are our life and they were affected and so was gardening, produce, the vast majority live off the land in one form or another. So personally, I just wanted to mention that so that it is not forgotten because it is different than Cerro Grande because those are residential homes. Where we also lived at one time in Los Alamos. I am very familiar with that area. It is completely different here. This is agricultural. This is culture. The Santa Barbara Land Grant is doing everything to provide excess wood to the community which has been very difficult. It's a long process. There's so many elderly here and disabled that it is just a completely different scenario so I just wanted to mention that. Thank you.

Susana Struve: Thank you.

Ned Pennock: Would anyone who has not yet spoken care to provide a comment?

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Orlando Marquez: Yes, my name is Orlando Marquez, and I did speak in the Mora session at that time and I just to let you know that we lost, I am a resident of the Peñasco area; however, we had two ranches below Hermit's Peak and Murrell Hill that we lost during the fire, and I also lost my sister because she was asked to move in the middle of the night, got a heart attack, ended up at the heart hospital and ended up dying. But irrespective of that I think we spoke quite a bit about it at the Mora thing about the 25 percent cap. That's to me that's very arbitrary. I worked in Washington DC, and we used to use percentages and they were always for some reason or another arbitrary. We were even told by our secretary and our undersecretary "don't worry we are serving an illiterate clientele. Don't worry about percentages," you know. But we were told by the President, we were told by our Senators that we would be made whole again and that 25 percent doesn't make us whole. We have been processing our claims through the Farm Farmers Services Bureau, USDA, out of Vegas and they said they were going to clean up and do this and that and I said that is not going to replace the trees and they said yeah we are going to give you some seedlings and I told them you can give me some seedlings and I will get a chair, plant the seedlings and wait there 100 years, I guess, for it to grow. It's just the way I feel that we got to be made whole again. That is all I got to say. Thank you.

Ned Pennock: Again, anybody else who hasn't had a chance to speak and would like to provide a comment?

Ned Pennock: Thank you everyone for providing those comments. In addition to tonight's verbal comments, to reiterate you can still, until the end of next week, provide written comments on the website that we have been providing throughout the evening.

Susana Struve: *Provided remarks in Spanish*

Angela Gladwell: I just want to say thank you all for being here tonight. I know a number of you are coming to multiple public meetings and I appreciate you and all the comments you are adding for those and some of you are new tonight and I thank you so for coming and providing your stories and your comments and your perspective all of these are going to help us build a program that's going to serve your needs and I just want to emphasize that is our intention. I also just want to emphasize again that all of these comments that we're receiving through the public meetings and that are submitted online they are all available online for others to view so if you want to see what people are saying, what they are commenting on, that's all available to you. The transcripts of these meetings will also be published as well and our responsibility as in running a federal program is that we are adjudicating these comments and letting you know how we are addressing them as we work through that process to finalize the Regulation. So, that will be also available to you, but we really appreciate everything that you are all sharing with us and again thanks so much for your time tonight. I know it's very valuable. Have a good evening!

(Whereupon the Public Meeting concluded at 6:50 p.m.)

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