

Hermit's Peak/Calf Canyon Claims Public Comment Transcript

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Introduction

Ned Pennock: Good evening, everyone. Welcome to this public meeting of the Hermits Peak/Calf Canyon fire regulations. My name is Ned Pennock, and I am Susana Struve and we're going to be your co-facilitators for tonight's meeting.

Before we get started, we first want to thank you for inviting us into your community and hosting us this evening. And for taking the time out of your busy days to come here and learn more about the program. This meeting is a necessary step for us to gather your input on the draft regulations making sure that they are clear, can be effectively implemented and that they work for you.

Briefly, I want to thank our American Sign Language interpreter, Teresa, and I also want to point out the emergency exits, one to our back and then also the door in which you came this evening. Lastly, the restrooms if you need to, we'll have somebody outside if you need to use the restrooms during the meeting and they can direct you to where they are.

Susana Struve: *Provided same remarks in Spanish*

Ned: As we get going, here are a couple of important things to keep in mind. First of all, we are recording this meeting and later that recording will be transcribed. The transcription will become part of the official public record.

Also, participation in this meeting constitutes your consent that your name may appear in the official transcript, the official public record transcript. The primary purpose of this meeting is two-fold.



FEMA

- First, we want to bring visibility to the program to you by providing an overview of the program, the approach and the program development and an overview of the program requirements as outlined in the published regulations.
- Second, we asked for your comment on the regulations. We understand that the regulations were just published a few weeks ago and that you may not have had the chance to read them in their entirety or even at all. That is ok because you'll have until January 13th to provide comments online and there will also be another meeting right here in four weeks on January 5th.

Finally, let me spend a minute on what this meeting is not intended to do.

- This is a public comment forum rather than a discussion forum. The comments that you provide tonight are part of the regulatory process to gather your input to help improve the interim regulations so that they work for you. This is why we structured the meeting the way we have, rather than providing an open forum to answer questions. However, we will have the FEMA folks here afterwards who can answer some of your questions and talk about the program in more detail. Individuals cannot apply for assistance or receive information regarding a pending assistance request as part of this meeting; however, we will have Notice of Loss Forms available at the table on your way out.

Susana Struve: *Provided same remarks in Spanish*

Ned Pennock: For those who indicated an interest in providing verbal comments this evening by signing up before you came into the meeting will be offered, first offered the opportunity to provide your comments. Each person will be limited to three minutes to provide your comments and, if time allows, we'll have additional comments for others who may not have signed up ahead of time.

Susana Struve: *Provided same remarks in Spanish*

Ned Pennock: And now to review our meeting agenda. First, we will provide an update on the Claims Office, to build out the Claims Office.

Second, we'll describe the background of the regulation and review its purpose.

After that we'll provide an overview explaining the instructions for providing your written comments on the rule during the public comment period.

And then the majority of the remaining time this evening will be to provide your verbal comments for the record on the Hermit's Peak/Calf Canyon Fire Assistance Interim Final Rule.

We'll conclude with some closing remarks from Claims Office leadership. Now over to you.

Susana Struve: *Provided same remarks in Spanish.*

Presentation

Angela Gladwell: Thank you very much Susana. Hello. Good evening, thank you all for joining us for this public meeting. I want to echo Ned in expressing my appreciation to you for taking the time out tonight of your busy schedules for you to be here. I also want to acknowledge upfront how challenging the last many months have been for you and or your community and how challenging it has been to you 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 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 work, I will have to work very hard to earn it. I understood this situation as I came into the role of Director of the Hermit's Peak/Calf Canyon Claims Office 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 decades worth of experience building and managing federal programs. And I know that I don't know you individually, your unique culture and all the issues that we will need to address that are unique to this area. What I have done though is spent most of my time in this role so far, listening and learning and will continue to do so. And I don't plan to do this alone.

I have started and I will continue to build a team with a priority on hiring local, bringing in the right expertise and putting offices right here in Mora County, Las Vegas, and Santa Fe and we expect these offices will be open in February.

We have local hiring events the week after next. In addition, 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. In addition, I will be establishing a Hermit's Peak Advocate role hired locally 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 same remarks in Spanish

Angela Gladwell: So now let me tell you about the new legislation.

The Hermit's Peak Fire Assurances Act provided \$2.5 billion dollars to compensate individuals, businesses and communities impacted by the Hermit's Peak/Calf Canyon fire and flooding after the fires. We know that \$2.5 billion falls short of the recovery need, so our goal will be to work with other federal agencies to determine the best path for funding specific needs. The navigators we are hiring will help with these needs.

This program is very different than other FEMA programs. Those programs, especially the Individual Assistance and Household Programs, were designed to give people assistance on getting back on their feet after a disaster not compensating them for the full range of their losses. We will tailor this new program, however, to meet your needs with our primary focus on providing a simple and straight forward process. To achieve this, we're conducting focus

groups and listening sessions, several of which occurred this week, with community members, businesses 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 long range of losses with no overall cap on payments. We come to agreement on amount to provide, consistent with New Mexico law, you would 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 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 for assistance with any third-party assessments you may need.

The development of the regulations is the very first step in the process to build this office and program. If we can 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 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 same remarks in Spanish*

Angela Gladwell: The legislation required us to develop the regulations within 45 days of the day of the law was signed. This is an extremely fast time frame for federal agencies to develop regulations. So, to meet this time frame, the regulation is based heavily on the regulations from the Cerro Grande Fire since the law is also very similar. We published the regulations as an interim final rule on November 14th. 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 are also working to build out the office and the claims process which will continue to occur over the next three to four months.

During this time, we will be hiring staff to support the Claims Office across a range of duties. This will include hiring local members of the community. As more information on those job opportunities are available, we will share them with the community. We'll be identifying and opening facilities to provide one-on-one assistance at fixed and mobile offices including locations in Mora and San Miguel Counties. And we will be designing the claims process from beginning to end. This includes incorporating any input provided during the open comment period and through engaging with local, state and community leaders. We are committed to delivering the funds as quickly as we possibly can and ensuring a simplified claims process.

Susana Struve: *Provided same remarks in Spanish*

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

- Notifying the claims office that you have a loss related to the fire or subsequent flooding,
- Submitting to the Claims Office the proof of loss or the documentation, and
- Receiving payment from the Claims Office for the loss.

We are here today to get your inputs, 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 time frames that are required by the regulations. We will discuss each of these general steps in a little bit more details in the following slides.

Susana Struve: *Provided same 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 the following address <http://www.fema.gov/hermits-peak> which is also in your handouts.

It's important to emphasize that while we are beginning to accept the Notice of Loss Forms, it will take us sometime to build up the operation and the claims process to their full capacity. Hermit's Peak/Calf Canyon Claims Office is expected to be fully operational in early 2023.

And don't worry, there is no rush to complete this form. You will have until November 14, 2024, to file a Notice of Loss Form.

Susana Struve: *Provided same 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 same 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.

The public comments we're receiving online and in these forums are important. For example, we've already received numerous public comments related to how the Claims Office will be compensating landscaping vegetation as opposed to business and subsistence vegetation. So, we'll be considering that as part of our review of all public comments as we design the final program.

Susana Struve: *Provided same 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 same 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 the vegetation is restored, which can take up to 5 years or more after a wildfire, flood insurance will protect your homes when flooding occurs. For more information on flood insurance and how to purchase it, you can visit floodsmart.gov and we'll also help you with that once our offices open.

Susana Struve: *Provided same 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.
- Appraisals or other third-party opinions not requested by the Claims Office or
- Any legal fees incurred in prosecuting a claim under the Act or an insurance policy.

Susana Struve: *Provided same remarks in Spanish*

Angela Gladwell: 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 to complete the Proof of Loss Form.

The Claims Office will work with the claimant to determine what level of documentation will be required, offering as much flexibility as possible. We recognize there are a number of circumstances where those impacted by the fire do not have property or other important records. However, it is up to the Claimant to prove injuries and 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 same 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 same remarks in Spanish*

Angela Gladwell: 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 be able to reimburse Claimants for the cost of appraisals or other third-party opinions that we don't request. We will not reimburse Claimants for any legal fees incurred in prosecuting a claim under the Act or an insurance policy.

Susana Struve: *Provided same remarks in Spanish*

Angela Gladwell: Now the important slide. How do I get payment? The Claims Reviewer will submit a report for review to determine whether compensation is due to the Claimant. We'll 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 same 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 through the Act, the election is final, and the Claimant may no longer seek other legal avenues for these specific losses. However, in specific cases, the Claimant may request to reopen the claim to seek compensation for an injury not previously reported.

Susana Struve: *Provided same remarks in Spanish*

Angela Gladwell: Ok, so what if you disagree with the decision? If the Claimant is dissatisfied with the decision, they may request that we review the determination through an Appeal Process. 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 (local) official to make the final determination.

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 same remarks in Spanish*

Ned Pennock: Ok, thank you Angie for your comments. We're going to take just a minute or two to get set up for our public comments period of the meeting. So just bear with us for a couple of minutes.

Susana Struve: *Provided same remarks in Spanish*

1. Verbal Comments

Ned Pennock: We're going to get rolling. So just as a reminder, if you signed up before the meeting to provide verbal comments, we'll call your name and then we will bring a microphone to you, and you can speak from your seat. When it's your turn to comment, please speak clearly, provide your name into the microphone, and speak clearly. And again, as a reminder, FEMA will not be responding to any questions during the comment period. And finally, we do request that you keep your comments to three minutes. We'll have a timer up on the screen which will chime and let everyone know that your three minutes is up. We please ask that you adhere to that.

Susana Struve: *Provided same remarks in Spanish*

Ned Pennock: Max Garcia

Max Garcia: Thank you FEMA for welcoming us here and to state position and comment on any damage we have all incurred. First comment is there has been reference to a 25% cap that we expect to be reimbursed for and I feel that that cap needs to be 100% for because that was the intent of the Act, and we were told that we were going to be made whole. Other question is, loss of subsistence resources, as a farmer and rancher we tend to practice self-sustainability. We, I think this needs to be further defined on how that is going to be calculated. And I take that to mean, as you know since we have our own garden and greenhouse and farm.

Next point is, how will heightened risk reduction loss be calculated. Will payment be paid for processes made and for anticipated processes? And I take that as flood mitigation. Next one is, long term damage award. I'm not clear on how this is going to be determined.

Next one is, heightened loss/risk reduction must be completed for which to receive compensation. Do we need to complete the work before we can receive compensation, or can we pay for anticipated work that we plan on doing to our farm and our ranches? And I also request consistency in awards for resource damage.

Just if a person determines that they're going to represent themselves and someone else hires an attorney, I think there should be consistency in the award determination. And do we have to spend to receive and I'm hoping that is not the case that we demonstrate the loss and then we get paid for it. And then do we have to apply for any other Federal Programs that will be detrimental to making us whole. So, I am hoping that is not the case. In reference to FEMA, I know that is a program available. Those programs I have found out are detrimental to making us whole. That is all I have and thank you very much.

Susana Struve: Thank you.

Susana Struve: Mr. Rey Herrera

Rey Herrera: I want to thank you very much for this time. Vietnam Vet, 911 survivor been through this on a number of different footings. I apologize I didn't make the first meeting. I see a lot of my friends and neighbors here. It's good to see this kind of turn out. I am concerned about several things. Government programs having spent 37 years doing it, in DC and other places always string attached. My challenge to the Director, no matter how you do this and what the rules say and the oxymoron of interim rules or whatever it was, interim final rules, whoever came up with that one, but anyways to you madam the one thing that I would offer is do the right thing. Max Garcia said it all for me with exception of a couple of things.

Ok, now we lost everything. A lot of us in here lost everything. We were left, and she can translate if she wants, los dejaron con un genio y las medias. They left us with a frown on our face and a pair of socks. You had twenty minutes to get your stuff and get out. In the meantime, the roads are closed. That's not the right thing. You do the right things for the right reasons; you'll get our trust. You'll get our trust, however, there are a lot of things and I'll use this example for all of us to take home with us I heard the only thing I heard from the other meeting was the 25% cap as Max alluded to. Ok and that tightened my jaw like you wouldn't believe.

So here is the deal, you guys are getting compensated. Ben Ray and Company all the way from the top down are getting compensated, but you are asking for us with that 25% cap is a 75% pay cut. You take the 75% pay cut, Ben Ray and Company take the 75% see how you like it. That's nonsense. I know I have 45 seconds.

So, the other thing is, and you really need to look at this from various angles, it takes us five years to rebuild. The costs are going up. It's a five-to-seven-year backlog right now. Our closest contractors is in Santa Fe. So, you come in here at \$145 a square foot that's a joke. It's going to be a helluva lot more than that because by the time we get a green light, a green light to rebuild, the costs are up, the interest are up, everything is up. You go try and buy a sheet of plywood. Everybody here knows it. Materials up 136%. Do the right thing. Because if you don't, this is my final thing, 75% let's all go out and take three tires off our cars and see how we are going to get home, including you and everybody here that is facilitating this. Cause that is where it comes down to. We are a simple people and that is the way we see it. Of course, I have no opinion on the matter.

Susana Struve: Thank you.

Ned Pennock: And I just want to remind everybody, if you feel that you can't get your complete thought out in three minutes, just remember you can submit, finish your thoughts in your written comments online.

Susana Struve: *Provided same remarks in Spanish*

Susana Struve: El señor Joe Lovell

Joe Lovell: Thank you, good evening. My name is Joe Lovell. I am an attorney. I represent over 130 people who suffered from this fire, and I am here speaking on their behalf. I want to speak to two areas; one you've already heard about and that is going to be your Sections 296.2.1 and 296.3.1. First 296.2.1.(C.2) and 296.2 (E.5) and that addresses the 25% caps that you are attempting to impose on the value of trees, as well as risk reduction costs. Note that the 25% cap is measured by the value of the structure and locked. Ok. So, first those words, those caps are not provided for in the law. It's nowhere in the law. And so, you are acting arbitrarily, FEMA is acting arbitrarily to set up a cap that you're pulling out of the clear blue sky of 25%. There is nothing in the Act that limits that recovery. There is nothing in the Act that authorizes FEMA to limit that recovery. This is an arbitrary Act that is not supported

by New Mexico law, I'm sorry, not support by New Mexico law and I would refer you to the McNeal v Burlington Resources Case of 2008 case out of the New Mexico Supreme Court. Note also that the effect of your cap would be for example, if you had a property owner who had a small lot with trees but a very large and expensive home that was not damaged, that person could get fully compensated under your formula. Whereas someone with a large tract of land, but a not very valuable structure would get capped. And so that's arbitrary capricious and we believe it's unenforceable. And we believe that by not fixing these problems you are setting yourself up to have these restrictions challenged in court which are going to create problems and doesn't do anybody any good.

And then second, reimbursement of cost for experts. You tie, you say you will only pay, you will only reimburse those if you ask for them. Yet you've got many people who have been very diligent already getting these kinds of opinions and you know that you will have to have expert opinions. You tie your own cap to the value of the real property and the level of damage to the structure. That will require expert opinions. You know it. People have already been diligent to fix all of that and yet you put that you take that away from Claimants, yet you put on the Claimants the burden of proof as well as the burden to make the record and you make your decision strictly on the record. That is what your rules say. And so, by doing this, you're putting people in a really bad spot.

Susana Struve: Mr. Lovell, I'm going to ask you if you can stop there. We are going to get somebody else and I'm going to give you the microphone later on so we can get everybody on it.

Joe Lovell: Thank you.

Susana Struve: Thank you. El Senior Elanuterio Vigil o Antonio Vigil

Elanuterio Vigil: I have a lot of questions, actually not questions, but comments. One is we spent all summer with all the actually most of the Spring and Summer just chasing fires and, and then floods. All this time, all this time we asked FEMA, and I do not trust FEMA, we asked FEMA for help. There were all kinds of agencies that came out to our place. We have a mile and a quarter of road. We have 363 acres. I want to say that 65% to 70% burned. Everything that we worked all of our lives for was, I mean totally damaged.

We had, I betcha ya, 100 people came from different agencies, including FEMA, they come and look, and the answer is we don't help the private. I don't know. Everybody, everybody told us that. We do not help the private and that's one reason I do not trust FEMA.

The same thing with the percentages that we were talking about right now. Where in the world did they come up with that? They should pay trees, all the damages at full value. We did not create this fire, the government did. They are the ones responsible not us. We should not be running around all the time begging people to help us. They should have come right in. I'm still have not, never had any help yet.

I see all these idiots, that's what I call them, cleaning the roads on the side of the highways. Dump truck after dump trucks. Spending all kinds of money cleaning on that debris. That is really not necessary right now. What is necessary is to stop the dam floods from coming next Spring, but no one nobody is paying any attention to that at all. I know on our side they are not.

We have had no help whatsoever. We had to go buy our own dump truck, our own backhoe. To do the work ourselves to start doing just so we can make the road passable. My wife has a medical condition, and I could not stay in there and just leave the road the way it was. We, I had to go in there and make it pass I mean passable not fixable like it was. We had asked for a road to our house which is a mile and a quarter that all got destroyed. The water went on the road and created a river off the road, but no nobody would help us, and I still don't think you guys are going to help us at all. Thank you.

Susana Struve: Thank you. I apologize for mispronouncing the name of Mr. Szpakowski.

Vior Szpakowski (*spelling not clear on sign-in*): No comment

Susana Struve: Ok, good. Oh, I did because he took it. (*There was a slight mix up and the next person took a microphone to speak*).

Antonia Vigil: I'm Antonia Vigil and first of all, I'd like to say is that I do not like the comment that they won't, they don't want to pay for third-party or for legal help. First of all, we didn't create the fire, but if we need legal help, I think it should be paid for. I didn't create the fire. I didn't go start the fire and if we need third-party help, guess what, we should be provided and they should pay for it and if I need a lawyer, doggone it, you know what you better pay for it. I didn't light the match. I didn't set the forest on fire. And you know what, it's caused a lot of stress. I don't need the stress. I already have cancer. I'm fighting it every day. I don't need to be fighting FEMA for every penny. We sat at our house and watched it burn all the way around us. We see it flooding. You know what, if I need a lawyer, you know what, you guys should pay for it. I shouldn't have to, you guys should. Why not? You started the fire, I didn't. And if a third party needs to come in, I'm not an expert on the trees and on the land and what the erosion cost. You know. You guys should pay for it not me. That's all I have to say.

Susana Struve: Thank you. Mr. Ruben Lopez.

Ruben Lopez: No comment.

Susana Struve: No comment. Mr. Jacob Payne.

Jacob Payne: My name is Jacob Payne, and I am an attorney with Singleton Schreiber. We also represent hundreds of victims in this area and I'm speaking on their behalf. FEMA needs to appoint a New Mexico person to run the fund. Under the Act that is permissible. We need whether it be a retired Supreme Court Justice or a retired Court of Appeals Justice but someone from New Mexico needs to be the one that administers this fund and hires people in order to run that. The people of Northern New Mexico do not trust the government based on history. Based on what's happened here. Based on their experience with FEMA after the fire came in and if you want to buy in from the locals like you say you do, you need to get someone else to administer this fund that has experience in doing this and is local, that can say the word *acequia* that knows what it is and can and can do understand and talk to people from Northern New Mexico.

Economic damages, non-economic damages are permissible under New Mexico law. The Act does not prohibit non-economic damages and so those need to be allowed because the Act says that you are supposed to follow New Mexico law and as such that needs to be permissible for people to recover as part of their damages. Assignment of rights needs to be allowed. New Mexico allows Assignment of the Rights. There are many instances where there are

elderly people who do not want to go through the process. That don't have the energy, the time or the know-how and want to have either a son or a daughter or a nephew or a niece or someone else who they are going to give the property to take these damages on their behalf and so the Assignment of Rights needs to be allowed under the Rules and so that's another change that needs to happen to allow people to assign their rights to other family members so that they can take the claims on their behalf and still recover. Typically, those rights go with the land and so to prohibit them from an Assignment of Rights is against New Mexico Law.

The burden is on the people to say what the value of their damages are and by not allowing expert costs, unless you say so, prohibits them from fully recovering the damages they receive. Whether the cost be from what's the cost going to be to fix a road, to fix their driveway, to fix their drainage ditches, to replant forests, to prevent future flooding. They need experts in order to come up with those costs and so those costs should be fully reimbursable without having to get FEMA's position or FEMA's permission to do so at the outset. And so that is another change that needs to happen in these Rules to allow people to fully be able to demonstrate what their damages are by having experts in the field come up with those and not somebody in an office who says what the value of their property is when they have never been there, and they do not have to hire somebody to do that. Thank you.

Susana Struve: Thank you. Mr. Diego Rivera.

Diego Rivera: Hello, Diego Rivera, resident here Mora County. So, should delete the 25% cap on reforestation that has already been said. This was taken from the Cerro Grande Fire. It was a cheap, easy way to fill the regulations. That was a subdivision type of fire where, like they had said, there were million-dollar homes, very few trees that were valued higher than the homes. It is opposite in this case. Delete the 25% cap on risk reduction. This regulation is against public policy. You cannot tell people that they will have a dangerous condition on their property, and they cannot fix it because they will not be compensated for that. Delete the requirement that damages is permanent. This is against New Mexico law. Add flood damage to compensatory damages. Delete damages must be reasonable in amount. Delete any language of permanently diminished. Delete two-year limitation on flood insurance. Floods will last a long time in this area. Just a moment, I have to get back to my list. Delete two-year limitation on flood insurance. Determine a date of five years on subsistence resources to determine date and survivors' assistance needed to help longer than September 20, 2022. People are still can't get to their homes due to flooding and debris. Delete FEMA's input on insurance companies. For example, FEMA will examine the policy and determine what the agency reasonably expects the insurance company to pay. FEMA can award the difference of what is expected the insurance to pay in damages. This needs to be based on the actual payments received not expectation. Delete references to FEMA's Public Assistance Program, i.e., Stafford Act as the deadlines have passed. Delete that FEMA needs to request appraisals. This conflicts with the 180-day deadline. Last but not least, you guys are offering a Notice of Loss forms out at the front door and doing this without knowing what the Claimant's situation is, as far as providing the burden of proof within the 150 days. I don't agree with that. That's it.

Susana Struve: Thank you. Ms. Deena Buchanan.

Deena Buchanan: Hi, my name is Deena Buchanan. I'm an attorney in Albuquerque. Been licensed in New Mexico since 1998 and I'm very happy to see some of my clients here in the room. I have a few comments. First, the Act allows for recovery for personal injury, but it's not defined as an allowable damage. That has to change. One thing that I have seen with many of my clients is that they were caught in the fire while they were evacuating. They suffered smoke inhalation. Some were hospitalized. Some are on oxygen. We don't know the long-term effects that

that smoke inhalation has caused them physically. It is an injury, and I would like to see it listed in the Act. And I'd like to see compensation for that injury so that we can also pursue claims for mental and emotional stress related to that situation which the Act does not cover. I mean I can tell you that I even have clients who are who are young children who are in therapy because of the trauma of being caught in the smoke running from the fire.

I also want to talk about the cost of Section 296.30 says the Claimants have to submit documentation evidencing their damages. Yet 296.31(a) then takes that back and says, as Mr. Lovell said, well we are only going to pay for your expert costs and your expert fees if we ask for it, but some of my clients have put extensive money out of pocket getting appraisals, getting paperwork, getting titles fixed so that they can make a claim. They need to be able to add that to their damages and it shouldn't just be if FEMA says we need an expert report we are using a FEMA expert. There is a lack of trust with the Federal Government and having FEMA be the investigator, the judge, the jury, and the appeal arbitrator that is not asking to get trust in this community.

We're looking forward to working with FEMA through this process and we want full compensation for our clients, but we really need to see expert reports and costs be compensated. Rule 54 of the Rules of Civil Procedures of the New Mexico Rules of Civil Procedures allows for recovery of costs for prevailing party. Everyone in this room is a prevailing party. They are entitled to their costs and that's just in civil procedure. We have multiple statues, multiple laws and common laws that allows for recovery of costs and attorney fees, and we really ask that the Government think about allowing that recovery in these regulations. Thank you.

Susana Struve: Thank you. Ms. Erlinda Fernandez. No presente. Mr. Charles Curtin.

Charles Curtin: Thank you. Appreciate you coming. So, what is conversation tonight focused on individual compensation. Yet so much of the threats the community faces are related to hundreds of years of culture, livelihoods, landscape. A lot more than individual loss but community loss, generational loss. So could you think much more broadly than just you know buildings, health. These are all incredibly important but there is more to that. The challenge is the restoring our landscape there is not capacity there to do that. We don't have the infrastructure in place to restore land, restore woods. So critical list is that the law leaves an opening for infrastructure. For thinking about other ways to have recovery and I encourage you more broadly about recovery individual damages think about for example other ways to restore our forest industry, restore other kinds of livelihoods that can improve the health for our land, our communities. Thank you.

Susana Struve: Thank you. Ms. Leticia Chavez Paulette. (inaudible) Sure. You'll be last. Mr. Ernest Lovato.

Mr. Ernest Lovato: Yes, my name is Ernest Lovato. My family is well rooted in this area as many know. The property that was damaged has been in my family for generations. And I know that everybody has been talking about the compensation of the 25%, which I think is ridiculous and it should be at 100%, but I think that we should be looking a little farther than that. Looking towards our heritage.

For generations, my family has been cutting Christmas trees for instance. We have been cutting latias, vigas, on my off time. Now during Christmas that was on source of revenue that I was hoping to pass on to my kids. They are little guys and I have been teaching them to work on the land and now that has been taken away from us. And they are talking about compensating at 25% of present value, well what about the value in the next 20-30 years? We've been working for several years now, thinning our forests trying to make a better stand of timber so that we can harvest it.

It might not be within the next 10 years, it might be 20 years, it might be 30 years down the road and all that work that we have been doing has gone out the window. So, I am asking FEMA to kind of look a little bit outside the box and look a little deeper. This is our heritage and many people, I'm not the only one that does, that does a lot of land work on their land. I got neighbors that do the same thing, and we were looking forward to being able to harvest something that later on down the road, maybe not even in my lifetime, maybe in my it was for my children and it's not only the forest, it's the grazing, the wildlife habitat.

Many folks here they sell their landowner tags. They take hunters out for compensation to be able to buy feed for their livestock. Now this year, for me, it's out the window. There ain't even any wildlife on my place anymore. Not including the damage that the flood has done to our hayfields. It has washed out all of our, all of our fences. Places that I have leased to move my cattle to, the fences have been washed out. I lost my cattle for shoot I think it was two months and I am still missing cattle. I tried to claim it through my insurance, and they won't compensate me for it because I need to find the animal and take pictures of the dead animal. Well shoot, I don't even know if it's dead. There's cattle running everywhere up and down the valleys. There ain't no fences. They want us to fix the fences. We fix the fences and now in the Spring they are going to be washed out again. They want us to fix our acequias. How long is that going to last til the next flood comes through? So how long is FEMA going to be around? How long are they going to be willing to compensate all these damages? Thank you.

Susana Struve: Thank you. Ms. Milly Bustos? (from audience M.L. Bustos) I'm sorry M.L. Bustos. Yes, is that you?

M.L. Bustos: Yes.

Susana Struve: Sorry for that.

M.L. Bustos: I know that you are only allowing us three minutes. Well, I am a little bit not on the not educated side. Ok. Now I would like somebody to read this for me because there are a lot of words that me and my sister got together with and put in here, I cannot give you three minutes' worth. It will take me 10-20 to read it. Can I get you to read it?

Federal Employee: I as a Federal Employee can't but if there is somebody else in the room

M.L. Bustos: (Asking if anyone can read on his behalf)

Susana Struve: Is reading the presentation for Mr. Bustos.

Participant Reading on Behalf of Mr. Bustos: (copy of letter obtained) Dear Sir and Madam: This notice is to inform your law firm of the concerns and disapproval of the Hermits Peak/Calf Canyon regulations which were presented to the claimants on November 22, 2022. As was reported to Theresa Bustos-Ortega and me, Michael Lorenzo Bustos, we are not in agreement with the stipulations set by the Federal Government representatives. We approve of your recommendations of deleting 25% cap on reforestation damages; deleting 25% cap on risk reduction; damages are recognized as "permanent"; replace "flood damages" to compensable damages; delete "damages must be reasonable in amount"; delete all language of "permanently diminished"; delete two-year limitation on flood insurance; determine a five-year (5) date on subsistence resources, and survivors' assistance to be determined past September 20, 2022.

In addition, Theresa and I would like to make public comment on the “intrinsic value” of our generational property, which was destroyed due to negligence of fire burns, which were initiated by United States Forest Service, on April 6, 2022, as a result of the Las Dispensas prescribed fire on the Pecos/Las Vegas Ranger district of the Santa Fe National Forest. Never in our lifetime or our grandchildren’s lifetime would we know the devastation of our ancestral land “La Canada de Carro” which was violently thrust upon us due to negligence of the United States Forest Service.

This ancestral property can never be replaced in our lifetime or our grandchildren’s generation. “La Canada” as it is known among the local community was the sustenance to previous generations and a lifeline for the William Melaquis Bustos future generations. In the past, herds, wildlife, forestry, and orchards sustained the Bustos family for multiple generations who settled “La Canada” during the 18th century. During the 1930’s Depression, our grandfather Luis Bustos could no longer make a sustainable provision for his family in the Mora community. He relocated to Santa Fe, New Mexico, to provide a future for his family. However, our father William Bustos stayed on the property with beloved “Tios” and “Tias” who raised him until he left at 16 years old. This property provided the sustenance of life for a small boy until his young, manhood along with his family. These are the facts which the devastation from the fire or the Federal Government will never know or may never appeal from the victims of this horrendous tragedy.

However, given a voice from the process of litigation we are demanding our ancestral property “La Canada” be compensated monetarily, physically, and tangibly. This property was sanctums to the town of Mora, the county of Mora County, the State of New Mexico, and the redeemer to the global community which is being terrorized by modern pollution. “La Canada” before the fire destruction was the future for William Bustos’ family. The land prior to the fire produced a livelihood for our future generations: wood to build homes, wildlife to sustain the body, and water to continue life. This was not just a parcel of land but a sanctuary for human life. Tragically, “La Canada, may never again be a refuge and sanctuary due to the heavy hand of man.

In closing, I Michael Bustos as heir of “La Canada” insist heirs are duly compensated for the reckless damages thrust upon and innocent family and our beloved land “La Canada” be redeemed as a “Sanctuary” for our future generations to survive a devastating loss from a “man-made” catastrophe. Signed, Michael L. Bustos.

Susana Struve: Thank you. Mr. Samuel Valdez.

Samuel Valdez: Según el Gobierno estamos aquí para aydarles. Buenas tardes como estamos todos. With much eloquence, I have heard attorneys and other individuals prior to me speak about their knowledge and how they kind of disagree with the Regulation as is being presented. Obviously, yes this is a time for public comment. I have always advocated for one thing, knowing well enough that the US Forest Service said that we are 100% responsible for what happened. The Governor of New Mexico said we are going to hold the Federal Government 100% responsible. Where about is it that Congress enacted some legislation, provided funds for compensating individuals but then an agency which is FEMA now sets certain limits. When they said they were going to hold or the Forest Service and Federal Government 100% responsible that meant that everybody would be compensated fully 100%. The fact that they are restricting or keeping expert witnesses to compliment, to support the proof of loss, I think really, really hinders on the fact that people will not ever get compensated 100%. And I know you folks are just the messengers. I am not here speaking to you adversely or anything, but take into account, take into account there is one thing there is equity. What is fair? If an attorney is a resource that I can use to prove that I lost a million dollars, then that resource should be also paid for. Thank you so much.

Susaa Struve: Thank you. Mr. Orlando Marquez.

Orlando Marquez: Can you hear me? Ok. My name is Orlando. I am a resident of Taos County. I live approximately 11 miles west of the Mora/Taos County line and was asked to evacuate on the day of the well, I was asked to evacuate. Anyway, I was born and raised in Las Vegas and just as a background I have about nine years before FEMA was organized, I was an urban intern in Washington DC. As an urban intern, I was part of a taskforce sent to Corpus Christi when Hurricane Celia hit. I am also a former civil rights housing investigator. I am also, I don't know whether to apologize I am a former Carson Volunteer Firefighter. Having served a number of years with the Carson Volunteer Fire District crew out of the Carson Forest and I am also a national certified real estate appraiser in New Mexico certified appraiser. Why am I here today?

First of all, I am a personal representative and administrator of my mother's estate which is composed of two ranches in the Mineral Hill area which were charred by the fire, as well as, flooded by the summer rains. I also lost my sister, Barbara Fernandez, to these fires. She had to evacuate her house in the **Los Fajitas** in the middle of the night resulting in a heart attack. She died at the Heart Hospital approximately one week after being evacuated.

I also have concerns for those people who lost their homes to the fires and having been provided with temporary long-term housing. Relative to the Rules, you know, I used, when I was in DC I used to have to look at the Federal Register every day, to look at things dealing with multi-family housing and there was one rule that I was looking at in the Federal Register, not all of us have computers or have access to the Federal Register, so that is something that maybe you guys can provide as far as the Rules in order for us to make comments.

And, but anyway I was looking at one rule which was Section 396.11 of the Rules of the Deadline to File a Notice of Loss is two years after the date the interim final rule is promulgated or November 14th. Really, which is it? You know? When the final rule is promulgated or November 14th? The final rule isn't promulgated. Promulgated is defined as put into effect until 60 days after you file in the Federal Register. Another thing about FEMA maybe that I have is I was a former federal civil rights investigator and on my name plate I used to have the initials GOYAKD, and excuse the language but it means, Get Off Your A** and Knock Doors and I haven't seen FEMA doing that you know. A lot of them maybe sit behind a desk I don't know. Long before FEMA, was when I was sent to Hurricane Celia in Corpus Christi. I set up a mobile home park within 30 days and I brought in 50 mobile homes, and I housed 50 people in long-term temporary housing. I don't know how many in the nine months that you people have housed you know as far as temporary long-term housing

Susana Struve: Mr. Marquez, if you don't mind, we are going to leave.

Orlando Marquez: Ok, I'm finished

Susana Struve: Somebody else and we'll continue. Thank you. Mr. Jon Givens.

Jon Givens: Thank you. My law firm represents 18,000 wildfire victims across America, including hundreds of them in this fire. I want to talk about emotional distress losses. The regulations as proposed would essentially award zero dollars and zero cents for everybody's emotional distress and that's wrong. The Regulations allow for the recovery of the medical bills for medical for emotional distress, but they do not allow for the recovery of the emotional distress itself that is internally inconsistent in the Regulations. You have the authority and discretion to award emotional distress. Two different reasons, one Federal Law.

Under Federal Law the definition of the Act itself is injured party that comes from the Federal Tort Claims Act and that definition of injured party includes personal injury which is emotional distress included in that. So, you have the authority under the Act itself to award emotional distress. Secondly, under New Mexico Law you have the authority to award emotional distress damages. And I can tell you from personal experience having dealt with thousands of wildfire victims over the years, every single one of them and every person in this room has some level of PTSD and emotional distress. Non-economic damages that New Mexico Law allows them to recover and should be paid. Under New Mexico Laws there are two different reasons why you can pay non-economic damages or emotional distress. First of nuisance, A nuisance cause of action in New Mexico the Padilla vs Lawrence case specifically says that disturbance and annoyance damages for the interference of real property is recoverable. That is a non-economic damage for disturbance and annoyance damages to the property. When the fires and floods hit these people's properties, they suffered a nuisance. That's a nuisance cause of action and you can pay non-economic damages for it.

Second reason you can pay non-economic damages or something like emotional distress is the Castello vs Las Vegas Case. In Castello the court said no emotional distress damages just in their own name, but you can pay emotional or sentimental damages. And so, if somebody's family bible burnt up and you gave them \$20 that may compensate them for the economic loss of the bible, but the sentimental loss is far greater. And so, you have the authority to pay sentimental loss under the Castello case and so you should make a presumptive award of \$25,000 for each adult that lost personal property.

Similarly, the same logic lies with real property. You heard the gentleman back here which is a compelling story about what the loss is like for damage to real property. You can pay somebody the money to rebuild their grandfather's home but that doesn't give them back their grandfather's home. That emotional distress damage should be recoverable, and it is under New Mexico Law under the Castello decision as sentimental value and that award should be \$100,000 presumptively. That is \$125,000 which is the same award that every single one of my clients on average in California got from the Fire Victims Trust for emotional distress. People in New Mexico deserve as much for their emotional distress as the people in California whether you want to call it non-economic or emotional distress that should be paid. Thank you.

Susana Struve: Thank you. Mr. Palmer or Mrs. Palmer? Mrs. Palmer

Cyn Palmer: The people in this room have so well expressed my thoughts and emotions on this. Like many of you I have been displaced from my home since April 10th and except for the two days that I was allowed to go back very briefly. I just want to say that I have been involved in volunteering to try to help people in this fires since the very beginning and have talked to hundreds and hundreds of people and the one thing that I want you to note, for you to hear is that repeatedly what I have heard is stories of people who have suffered because they fall through the cracks and I hear it again and again and again. And I have experience it myself. When you deal with an entity like FEMA, with very rigid and hard set rules, what happens is the human lives that are variables fall through the cracks and so I implore you to please remember that in the 531 square miles of this fire that the thousands of people represent people with pain, with suffering, with heart break, with anxiety, with fear, with turmoil and they are each individuals as is each person in this room with individual stories and you can't apply black and white, hard and fast simple rules. I think you have heard it over and over tonight, people to implore you to consider emotional suffering damages

because I have come in contact with so many people to which that applies. I implore you to consider that. And just know, that this is a huge swath of land. This is a historical culture and a rich culture, and I strongly encourage you to take each individual in consideration and to listen to people and truly listen to them and to their stories and not just look at their words in black and white on paper. Thank you.

Susana Struve: Thank you. Ms. Allissa Wells.

Allissa Wells: Hi. My name is Allissa and I am resident here in Mora. Many of the comments I wanted to make have been made by other people. So, I just want to reiterate some of those things. I've got two comments that I would like to make. One of them is about you hiring a local manager. It is mentioned in the Act that this position is available for you to appoint a local person to do that and that is what we are asking for. I ask that you don't appoint yourself to the position. It doesn't take you out of the director position and we're really just asking that we have someone here that is boots on the ground, that represents us, understands our culture and the community and as you've heard there is just a very low trust in FEMA. So, if we know that there is someone that does understand the laws and rules of New Mexico, also with the culture and the heritage that this area represents, and I would like to see somebody from Mora or San Miguel that fills that position. And someone who is here on the daily.

Your comment about the Ambassador position sort of concerns me. Is that a go-between? A secondhand information? Someone that's relaying the information back to you and your office on the East Coast? We want someone here. Boots on the ground. That we can talk to and share these stories with and not have secondhand information run to the East Coast.

My second is about the expenses for the Claimant. Whether you hire an attorney or not, and especially if you don't, the Rules says that Claimants will not be compensated for expenses for appraisals and evaluations unless FEMA asks for them. The Rules should be changed so that any and all costs of appraisals and evaluations should be covered by FEMA and not the Claimants without FEMA having to ask. Many people have already been working on those things. Claims are going to be more complete, more efficient and easier for you guys to process with that information in the appraisals. And claimants should not be responsible for the cost of putting together good claims. I am very concerned that people don't have the knowledge that they need, don't want to hire attorney which is fair, but they need to be compensated fully as well and be able to hire people that can help them. Thank you.

Susana Struve: Thank you. Reverend Jill Cline.

Rev Jill Cline: Hi I am Reverend Jill Cline. I am a pastor working in the Mora area and Ranchos de Taos and San Miguel. And I recognize people here because you were with us in the evacuation shelter up at Taos. I'm sorry I'm going to cry. I can't begin to express how moved I am by hearing everybody's comments and my questions are going to be kind of more administrative. I would like to know, and I know you can't answer me right now, but for all of the administration costs that it will take to implement this program, are those administration costs being paid by the Feds outside of the \$2.5 billion Act, cause I don't believe any part of that \$2.5 billion should to go anybody's salary to implement this. Should all come to everybody here that was damaged 100% of it and probably then some. I also would like to say that if attorney fees can't be paid out of the Act, then administration fees shouldn't either. And while I do think that the attorneys may have earned their hourly rates tonight, I'm not sure that any attorney fees should be paid as a percentage of compensation. I would love to see all of them calculate their hours and submit for their expert advice given to you in these public meetings and pay them for their services and the research on New

Mexico Law that was kind of skipped over in the presentation. I kinda would like to know where the New Mexico is. Where the calculation are based on. Cause that was kind of skipped over and it didn't make sense to me.

Notice of Loss was confusing to me cause it says that if you do a Notice of Loss today and the proof of loss has to be within 150 days, but you are not going to have offices up and running in another three or four months completely, that 150 days from right now seems kind of like not fair. So, I want to know what the extension process will be and then later you said payment is 180 days after Notice of Loss but that means you have 30 days to respond after the 150 days and I may have misunderstood something there but it seems like maybe there is a miscommunication on that line. Cause it seems like maybe that payment and examination is 180 days after the proof of loss rather than notice of loss. I would like to know what the location is to see all of the public comments that have come in from the meeting prior this one and the two that are coming that are publicly publicized and I would like to thank you. You may not realize it but there are two more public comment input meetings coming up one on Jan 4 for the Taos County folks South Taos County folks in Peñasco and one Colfax County Southwest Colfax for the Angel Fire and blacklight folks that were all in mandatory evacuation and have compensable losses from all of the reasons that were explained in the emotional damage and probably some other repairs. I think that is all I have. Thank you for being here. God bless all of you for all that you are going through.

Susana Struve: Thank you. Mr. Tom Hagamen. Oh, Tim Hagamen, sorry.

Tim Hagamen: No comment.

Susana Struve: No comment. Mr. Richard Ruster.

Richard Ruster: Thank you for being here. My name is Richard Ruster. I don't think anybody could be here tonight without their heart just bursting open with empathy for all that we've been through. And I want to offer some empathy to you. All of you who work for FEMA because I think you are in an untenable position. I am not going to speak to the specifics that everyone else has. You are caught between people who've had their lives destroyed by a Government act and the Act that was put together by Congress and you have to administer it and I think it is a setup for failure.

My work has been in organizational design and culture. My experience with FEMA is that I have had the same experience that pretty much everybody declares. I've been denied twice just to try to prove where I live and that I own my property and I have been in appeals twice. I called back to try to find out what do I have to supply to get more information to you so you'll would say I've passed the audition, and everybody tells me something different. And it went up to a third level of a person that was working in that process, and they added a piece that nobody else had told us we needed. And I said, she was reading off of a piece of paper and I said can you forward that piece of information to me so I could see what the score card is in terms of what I have to get to you? And she said no, that's an internal document. What I experienced is what one person that I know declared, the organization is fundamentally, intentionally obstructionist and I think you are caught in those positions.

I don't I know how you can administer when the intention of the organization is obviously based on results trying to find no's instead of yeses to meet needs. You started out with a comment that \$2.5 billion is just not going to be enough. Well, I understand that is probably true and so there is a mindset issue that starts to come up like how in

the world are we gonna try to meet needs and not have enough money to do it. So, you are going to start denying people.

Well, I think we all need to working together to get more money available but my request and intention is: 1. If I were you, I would try to get out of this position. I would pass it on to someone else. I would pass it on to someone else that's local and has their heart in the right place. Get out of the way. Cause, you're going to get burned, the courts are going to have to come in and it's not going to look good for you or the Government. If you want to rebuild trust, you have to change the culture. You have to not have obstacles that keep getting thrown to people to find them to get them exasperated and just say I'm throwing my hat and give up and get angry. Then you hear that people are saying. Ok.

Susana Struve: Thank you. Ms. Anita LaRan. I think she has left. Ok, there you are.

Anita LaRan: Good evening. Welcome to our community. I know it's hard job for you to do. It's extremely hard for our community to prove our losses. One of the things that I heard you your presentation is that you will compensate people that lost their land, whatever it is that they lost in their land of what other Federal Agencies don't pay. I think that's a huge burden for the people in our community because we go from one organization to another and another Federal Agency to another State Agency to another Federal Agency and people are totally confused. You know I deal with this every day on a daily basis just getting grants in our organization and trying to deal with all of the reporting and things that are required of us, and I couldn't see my parents doing it, if they were still alive. I see the elderly people that we work in our community totally confused. They want nothing to do with this anymore because they are, their peace of life, they live in a peaceful community, they live in a peaceful place, and they are tired the interruption that has happened not because of them but because of what someone else did and I totally encourage you to try to make it as fair as possible for the people in our community. To try to make it as easy as possible. Because you are dealing with a culture, we are very resilient and we when they say we are going through a recession, we don't know what that is because we lived in a recession for so many years. Our communities are cultures that are put to shame because other cultures are taken care of and ours aren't. I really recommend that if you want to build the trust of this community to be kind, to be helpful and then they will trust you.

Susana Struve: Ms. Leticia Chavez Paulette

Leticia Chavez Paulette: Hello, good evening. My name is Leticia and I am part of a crew of CPSW and we were commission to offer our services to everybody that was affected by the fires and floods. What we do is we take name and numbers of everybody that was affected, and we provide a listening ear and a helping hand. Just maneuver through the whole system of filling out applications. If you need help with the computer, you know we do it mostly virtually, but we want to offer our services to you totally free. And we also have resources for free counseling for those of you who are suffering from PTSD and depression and all those other issues that come with this fires. So that is what I am here for and if I could get your names and numbers of those of you that would like to be called, I mean we can offer help to sign you up for like heap, or New Mexico health whatever it is that you need especially those of you that are older or not computer illiterate or you know someone that needs this help we would love to be the hands and feet to help you. Thank you so much. I'll pass this around if you would like to sign up.

Ned Pennock: Ok, I want to thank everybody for all of those comments. Ok, we'll go ahead and take one more comment in the back. I know we had hoped to have sufficient time to open things back up, and if there are, please go ahead, please state your name and go-ahead sir.

Carlos Arellano: There are a lot of us here that work alongside each other doing thinning and federal contracts for the Federal Government and not one of us in here has ever done 25% of a job and gotten paid for it. Not one of us. So, we know what is going on.

The second thing is look we are talking about trees and stuff and people don't understand that. That's what 90% of Mora and San Miguel is made of. That is our full and foremost, that's where we make our money. This is where everything comes from. That's where the fresh air comes from, the fresh water comes from.

Now our watersheds have burned the whole nine yards. How many gallons of water are we using a day? Cause we can't use our acequias. The water is on hold and it's not sinking into the aquifer. I mean the wells are dried up today as we speak. Are people going to be compensated for the well loss? The water loss? I mean we are talking millions of gallons. How is FEMA going to pay us for that? When does that come in? Ok, some of these trees that burned are 200 years old. How are you going to put a 25% price on that? You know what I mean? I mean, when we do federal thinning contracts for the Government, I mean they pay us to do a job ok. It would be like asking you to take 75% of what you make and just throw it away. So why are you asking us to do that? Ok.

Another thing, I'm the County Clerk in this County of Mora and people don't know what they need to be denied by FEMA besides what you ask for. The same thing that has gone on here with a lot of people has happened to me. When they came to see my house for smoke damage, they found it. The guy who came to look at the damages at the home, but when I went to get compensated for the damages, I needed an address. Everybody knows where I live. But FEMA didn't. That is what I don't understand about what is going on with FEMA today.

Ok, the last thing is we are losing millions and millions of tons of dirt. How is that going to be compensated from this erosion, from this fire? Are we going to pick this dirt back up and chuck it back up the mountains? I have more flood damages than I have tree damage and we are talking millions of more feet on just our family alone. John Martin is three times more than me. Ernie same thing. A lot of those guys, that's our whole life. I mean 25% isn't going to cut it unless you want to bring us 25%, 75% of what you make. I don't understand what this is all about.

Ned Pennock: Thank you.

Carlos Arellano: Yes, sir.

Ned Pennock: I am going to take one more brief comment up front here and then we will cut it off. We will review the information on this last slide.

Bob Wesley: Thank you. I promise to be brief. I wanted to make one suggestion. The name is Bob Wesley from Las Despensas area near Las Vegas. A suggestion for building trust in the community, to start building trust and that suggestion is to show that FEMA is paying attention to this raft of public comments and, for example, you can publish a table that lists the comments and FEMA's response "we fixed paragraph 22", "we are not going to do that because the law says", whatever the response is. I think some demonstration that FEMA is paying attention to the comments would start in the trust building. Thank you. Brief enough?

Ned Pennock: That was great. Thank you. Ok, so what I want to just say here there may be some other comments or some people who spoke who want to add more to what you said. In the slides we have the places to go to do that and that is on this slide here.

Susana Struve: *Provided same remarks in Spanish*

Ned Pennock: With that we're going to end the Public Comment portion of the meeting here and just turn it over briefly to Angie for a few final remarks.

Angela Gladwell: Thank you. Thank you very much for your comments. For the context that you provided. For all of the information that you are providing and spending your valuable evening here with us to help us learn about what we need to do as we implement this program. And I really, sir, appreciate, your comments and that is exactly what we will be doing. This public record, this is for public record. It will be publicly available. All of the comments that we receive, as well as our adjudication and how we are addressing those comments will be publicly available to you. I am accountable to you. I am implementing this program. I know that and I very much appreciate the comment to do what's right. And I am going to be looking to you and this community for your advice, your perspective and that of your community leaders to help us as we go forward in that program so that we can do that. And if we are not, the advocate role is there for you to have a separate path to someone here in New Mexico to say this is not, I am not getting what I need. I need you all to do it differently. So, with that, thank you very much. We are here to answer any questions that you have following this meeting. Have a good evening!

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