

Congress of the United States

Washington, DC 20510

May 10th, 2023

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528

Ms. Deanne Criswell
Administrator
Federal Emergency Management Agency
500 C Street SW
Washington, D.C. 20472

Dear Secretary Mayorkas and Administrator Criswell,

We are writing to express our deep concern over the prolonged delay in finalizing the regulations for the Hermit's Peak Calf Canyon Fire Assistance Act. As you know, we introduced and Congress passed this legislation to quickly and fully compensate victims of the largest wildfire in New Mexico history. In the absence of the final regulations, we support the Hermit's Peak/Calf Canyon Claims Office (Claims Office) decision to actively work with claimants and to adjudicate their claims in the interim. However, the failure to finalize the regulations is causing confusion and uncertainty among fire victims, leading to delays in providing justice to our communities.

The Claims Office has told our offices that the delay in finalizing regulations is due to reconsidering the interim final rule's (IFR) provisions to cap tree loss and flood and wildfire risk reduction compensation. We have previously relayed that the cap on landscape trees and risk reduction efforts is arbitrary and has no basis in the law we wrote. It is a holdover from a different catastrophe impacting suburban homes, not an economy based on forest. We reiterate the importance of removing these caps. It is vitally important that our communities are able to begin restoring their lands and begin mitigation efforts to protect their homes and properties from future flooding or fire. Further delay in finalizing the regulations surrounding these provisions will result in a significant setback in efforts to rebuild and recover.

While FEMA established an aggressive timeline for setting up the Claims Office, it has missed a number of self-imposed deadlines that has deepened mistrust with the community. In order for the Claims Office to be successful, FEMA must partner with the community and understand that failing to publish the final regulations in a timely manner only exacerbates concerns with FEMA and allows rumors and misinformation to spread. We, therefore, request that your offices provide us with an update on the status of these regulations and when New Mexicans can expect them to be finalized. This must be a priority for a disaster of this magnitude. Our communities cannot wait any longer. Every day that passes without compensation to the victims delays their ability to begin rebuilding after losing so much. We ask that you put yourself into the shoes of those who've waited more than a year after the fire started. The victims don't have

permanent homes, their economic livelihood is destroyed and the floods will begin making matters worse.

Thank you for your attention to this matter and your ongoing efforts to assist communities in need.

Sincerely,

A black handwritten signature of Martin Heinrich, consisting of a large, stylized 'M' followed by a series of loops and a horizontal line at the bottom.

Martin Heinrich
United States Senator

A blue handwritten signature of Ben Ray Luján, written in a cursive style with a prominent 'B' and 'L'.

Ben Ray Luján
United States Senator

A black handwritten signature of Teresa Leger Fernández, written in a cursive style with a large 'T' and 'F'.

Teresa Leger Fernández
United States Representative