

# Hermit's Peak/Calf Canyon Fire Assistance Act Final Rule Published

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**Release Date: Aug 28, 2023**

The Hermit's Peak/Calf Canyon Claims Office has published the final regulations for the Hermit's Peak/Calf Canyon Fire Assistance Act. This significant milestone comes as a result of the feedback received during the public comment period. It is important to emphasize that the Claims Office has heard the comments and is encouraging individuals impacted by the Hermit's Peak/ Calf Canyon Fire to submit a Notice of Loss in order to initiate the claims process.

## What has Changed?

- Removing the 25% cap on reforestation and revegetation costs.
- Removing the 25% cap on risk reduction practices.
- Allowing compensation for property values that have been substantially and enduringly reduced due to the fire's impact, acknowledging the prolonged recovery process.
- Expanding the compensation related to mental health treatment and mental health conditions resulting from, or worsened by, the fire.
- Extending the compensation period for donations to November 14, 2022.
- Expanding compensation for reimbursement of expert opinions, enabling claimants and the Claims Office to more accurately determine appropriate compensation amounts.
- Extending the timeframe for reopening claims, recognizing the ongoing nature of recovery and rebuilding efforts.

## What Remains the Same?

- While some areas were enhanced in the Final Rule, some items remained unchanged, primarily due to limitations in the Act.
  - The Claims Office cannot pay noneconomic damages because such damages are not available under the Act.



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- The claims process is intended to be simple and should not require paid legal assistance. FEMA will not reimburse Claimants for any legal fees incurred in pursuing a claim.
- The intent of the Act is to pay claimants directly for their losses associated with the fire. The Final Rule does not change this approach and the Claims Office can only compensate those with losses and will not make payments to third parties.
- Many of the deadlines in the Interim Final Rule were required by the Act and unable to be changed. However, where possible we extended deadlines in the final rule for areas such as mental health treatment and reimbursement for donations. Deadlines for submitting a Notice of Loss, Payment of Flood Insurance, and other parts of the Claims Process remain the same.
- The Claims Office has taken every effort to ensure an impartial and fair claims process for those impacted by the fires and flooding. FEMA appointed Director Angela Gladwell to lead the program and did not appoint an independent claims manager from New Mexico. However, more than half the Claims Office staff were hired locally, including the Deputy Director and Advocate.
- To maximize options available to the communities, expand mitigation resources and options, and to best coordinate with other federal partners, the Claims Office is working with FEMA's Public Assistance (PA) program and New Mexico State agencies to streamline eligibility determinations and the transition of projects from PA to the Claims Office, and expand available funding. Eligible claimants are still required to pursue funding through that program before submitting a claim to the Claims Office.
- The Claims Office has taken additional actions outside of the Final Rule to implement the changes requested by the community.
- In direct response to feedback, the Claims Office introduced a dedicated "Navigator" role to deliver consistent end-to-end customer support for each Claimant. Our locally hired Navigators, who often live in the same communities as Claimants, offer personalized assistance throughout the process.
- In addition, to address heightened flood risks resulting from the Hermit's Peak/Calf Canyon Fire, the Claims Office is offering five-year flood insurance policies at no cost to Claimants. This initiative ensures coverage without affecting any other entitled compensations.



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