

Congress of the United States
Washington, DC 20515

November 6, 2025

Mr. Gerald Stolar
Acting Regional Administrator
Region 6
Federal Emergency Management Agency
800 N. Loop 288
Denton, TX 76209

Mr. Jay Mitchell
Director of Operations
New Mexico Joint Recovery Office
Federal Emergency Management Agency
PO Box 1329
Santa Fe, NM 87504

Dear Acting Regional Administrator Stolar and Director Mitchell:

Three years ago, Congress passed legislation to create the Hermit's Peak Claims Office and pay New Mexicans who suffered from the Hermit's Peak/Calf Canyon fire started by the U.S. Forest Service. We are glad that our constituents have received more than \$3 billion for recovery. But we remain concerned that so many New Mexicans, including those who suffered total losses, still await compensation and that the Claims Office has rejected attempts to compensate for cascading event impacts. We worked hard to secure additional appropriations for claimants and expect that the Claims Office compensate New Mexicans to the fullest extent possible.

We urge the Claims Office to immediately finalize letters of determination and pay claimants who suffered total losses. Previously, the Claims Office committed that all total loss claims would be paid out by March 31, 2025. Nearly seven months later, several total loss claimants still await payment. We understand that many of these cases are complex and require detailed review by the office. But it is unacceptable that these people who have suffered so much haven't been paid three and a half years after the catastrophe.

In addition, we request that the Claims Office reopen claims in cases in which a constituent has experienced a cascading event and requested compensation for those impacts. This is particularly important given the severity of flooding events that have occurred in the burn scar since the fire. As you know, the Hermit's Peak/Calf Canyon Fire Assistance Act clearly allows the Director of the Claims Office to reopen cases to provide compensation for cascading events. Indeed, on August 20, 2024, you responded to our letter about small businesses affected by Las Vegas flooding and wrote, "We will work to communicate that assistance and compensation are available for businesses affected by cascading events from the Hermit's Peak/Calf Canyon Fire." We are alarmed that many community members have reported that the Claims Office has refused to reopen their claims to account for cascading events. That is inexplicable.

The Claims Office must improve its communication with constituents and our offices. We continue to hear from New Mexicans who feel that the Claims Office has failed to communicate

clearly and work in their best interest. For example, many claimants report that the Claims Office shifts them from one navigator to another and requires them to constantly start over. Others feel that the Office has put up arbitrary barriers to compensation. Moreover, the Claims Office has failed to comply with statutory requirements to report to Congress on its activities, which undermines our oversight responsibilities. Indeed, the Department of Homeland Security Office of Inspector General (OIG) report definitively stated, “the Claims Office did not prioritize reporting to Congress,” and that “it was not a priority of [Claims Office] leadership,” despite clear congressional direction. The Federal Emergency Management Agency and the Claims Office must do better to serve New Mexicans.

Last, we request answers to the following questions:

1. How many total loss claims remain outstanding?
 - a. Why are these claims still outstanding?
 - b. By when will all total loss claims be paid?
2. How many requests has the Claims Office received to reopen a claim to compensate for a cascading event?
 - a. How many requests did the Claims Office accept?
 - b. How many requests did the Claims Office deny?
3. Given the impacts on water quality from the fire, what is the process for claimants to reopen claims to address water quality or receive compensation for having to purchase bottled water or water filtration systems? When the Director has the authority to determine when a claim can be reopened or a deadline extended, we urge you to decide in the claimant’s best interest.
4. Do claimants receive payment for administrative handling of their claims?
 - a. If so, how is that amount calculated and do all claimants receive it?
5. How many claims are currently in appeals?
 - a. How many appeals have been accepted?
 - b. How many appeals have been denied?
 - c. What are the average times of review completion for appeals?
6. To date, how much funding has the Claims Office spent on administrative costs, including contracts?
 - a. How much funding does the Claims Office anticipate will be paid for administrative costs, including contracts?
7. By when does the Claims Office estimate that it will exhaust its funding?

8. According to the OIG report published in February 2024, the Claims Office was 351 days late submitting the statutorily mandated annual report to Congress and 425 days late for the mandated quarterly reports. Why were the reports not submitted timely and as mandated?
- a. In addition, the OIG report recommendation, with which the Claims Office concurred, is that the next report be completed by August 29, 2025. Has the Claims Office met this deadline? When will you share this report?

Thank you for your attention to this matter.

Sincerely,



Martin Heinrich
United States Senator



Ben Ray Luján
United States Senator



Teresa Leger Fernández
Member of Congress