

B & D Law Offices, P.C.



Attorneys & Counselors at Law



September 7, 2023

Via Certified Mail, Return Receipt Requested

Federal Emergency Management Agency

FOIA Officer
500 C Street, S.W., Room 840
Washington, D.C. 20472

Re: FOIA Request
FEMA Hermits Peak/Calf Canyon Claims Office

Dear FEMA:

We emailed this FOIA request on 8/31/23 to: fema-foia@fema.dhs.gov. We do not know if FEMA ever received it, so we emailed it again to FEMA on 9/7/23. And we are now also mailing it to FEMA by certified mail.

This letter is a request for certain specific information relating to the **Hermit's Peak/Calf Canyon Fire** in New Mexico, the **HP/CC Fire Assistance Act**, and the **HP/CC Claims Office**. The HP/CC Fire started on April 22, 2022, and was fully contained on June 15, 2022. This request is made pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(a)(3)(A), which requires the agency to "promptly" make reasonably described records available to the requesting person. FOIA requires the agency to respond with a determination of the request within **20 days of receipt** of a request. 5 U.S.C. § 552(a)(6)(A). We request the following records be promptly made available, and we will pay all reasonable costs and expenses resulting from the production of the requested documents to the extent required by law.

- 1. Provide the "quarterly reports [submitted every 90 days] to the Committees on Appropriations of the Senate and the House of Representatives on the obligations and expenditures of the funds made available" under the HP/CC Act. (See below.)**
- 2. Provide records showing how much FEMA has spent so far getting the HP/CC Claims Office up and running, since operating costs come out of the total amount set aside for the Fire victims.**
- 3. Provide annual budgets for total administrative costs for the HP/CC Claims Office – including but not limited to salaries, rent, etc. -- to be deducted from the total amount set aside to pay Fire victims.**
- 4. Provide all projections of the expenditures and cost estimates to administer the HP/CC Claims.**

FEMA
September 7, 2023
Page 2

Pursuant to the HP/CC Act, PUBLIC LAW 117–180—SEPT. 30, 2022 136 STAT. 2123:

SEC. 136. Notwithstanding sections 101, 104, and 106, to carry out the Hermit’s Peak/Calf Canyon Fire Assistance Act, there is appropriated \$2,500,000,000, to remain available until expended, to the Department of Homeland Security for “Federal Emergency Management Agency—Hermit’s Peak/Calf Canyon Fire Assistance Account”, which shall be derived by transfer from amounts made available under the heading “Federal Emergency Management Agency—Disaster Relief Fund” in title VI of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), of which \$1,000,000 shall be transferred to “Office of the Inspector General—Operations and Support” for oversight of activities authorized by the Hermit’s Peak/Calf Canyon Fire Assistance Act: Provided, That no amounts may be derived from amounts made available for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided further, That amounts provided by this section shall be subject to the same authorities and conditions as if such amounts were provided by title III of the Department of Homeland Security Appropriations Act, 2022 (division F of Public Law 117–103): Provided further, That not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until all funds provided by this section have been expended, the Administrator of the Federal Emergency Management Agency shall provide, in an appropriate format, quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the obligations and expenditures of the funds made available by this section:

Provided further, That amounts transferred by this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget are designated as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

If any part or all of the materials are withheld under a FOIA exemption, please provide a list of the information withheld and mark any deleted sections. Please list the specific exemptions that form the basis for any deletion from a document or the complete withholding of a document.

Please provide an itemized statement of the applicable fees. We will pay all reasonable costs and expenses to produce the requested documents.

As provided for by § 552(a)(6)(A)(i) of the FOIA, please provide your reply within 20 business days. Thank you.

FEMA
September 7, 2023
Page 3

Sincerely,
B & D LAW OFFICES, P.C.
/s/ Mark C. Dow, Esq.
Mark C. Dow, mcd@bdsfirm.com
Cynthia L. Weisman, Esq., cw@bdsfirm.com