

HPFAA Proof of Loss – Summers/Future

A MULTIGENERATIONAL REFUGE

More than twenty years were required to build my homestead from the ground up on an ideal parcel of entirely unimproved, very scenic, easily accessible land which provided more than ample natural resources I needed and desired to happily and comfortably survive living entirely off grid there to the end of my days. But as time passed and my brothers saw what I was able to accomplish there, we decided to expand the project to construct a multigenerational refuge to be held in family trust for use as retirement homes.

We decided to build three log homes spread out over the 30+/- acres of the parcel utilizing our own timber resource, and then convert the steel home/studio I had been living and working in into a fully dedicated workshop and gallery for manufacture and presentation of our products for show and for sale.

The largest portion of labor applied to build my homestead was DIY work, and everyone in the family eventually got involved in the project one way or another over the years. So we decided to do as much of the log home construction projects as we possibly could as well. The most recently completed project was a new roadway constructed up the south slope of the property into higher reaches of that larger stretch of dense private forestland to gain access for harvesting its abundant products for use. That project was completed in 2019 and the next phase of our expanded buildout project was to harvest several hundred of our best trees of 10-inch to 12-inch diameter for building log homes for myself and my two brothers. The log homes would be spread out fairly even distance apart across both tracts of the parcel with two homes on the south tract and one on the north tract. This arrangement would provide levels of independence and quiet seclusion we all desired in our dream retirement homes.



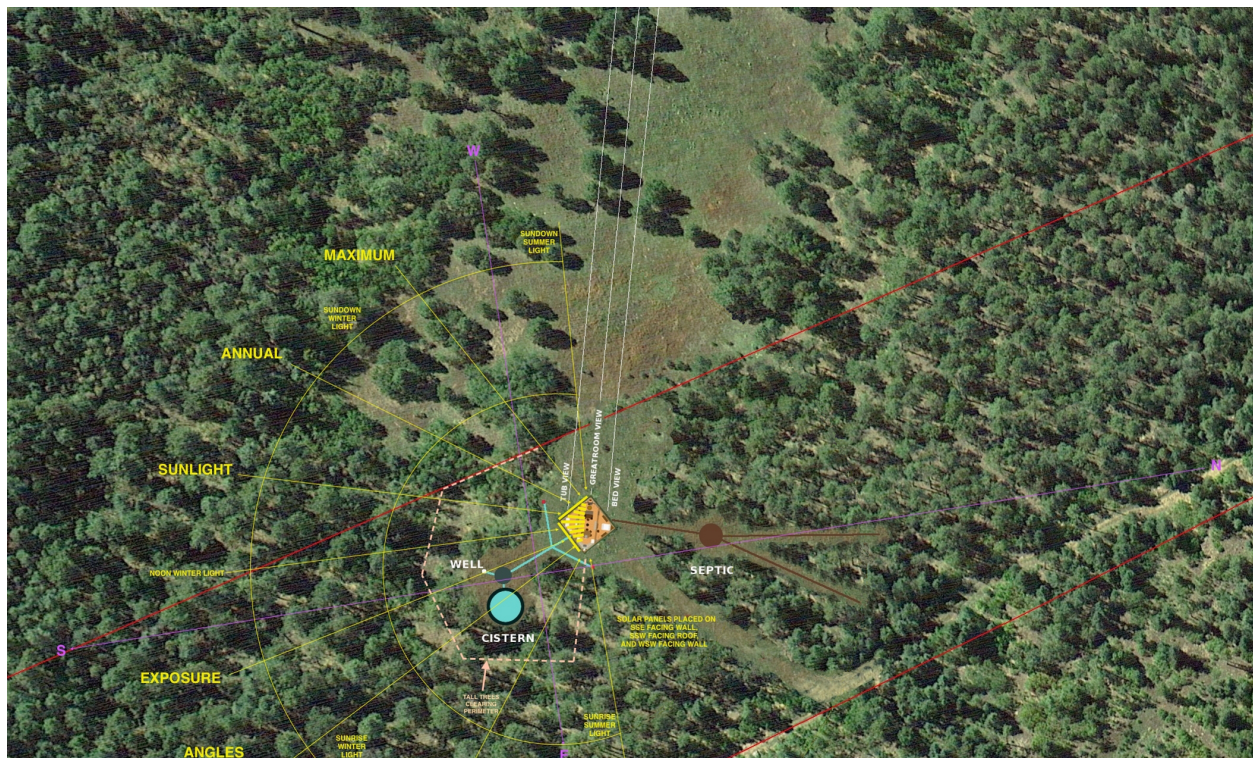
I planned to fell trees for the first log home during the summer of 2022 so I could begin construction of its shell no later than spring of 2024. The log home was to have interior dimensions of 40 ft x 60 ft to produce a 2400 sq ft shell which I could then begin interior construction of beginning in spring of 2025 and complete by fall of 2026. By then I would be 70 years old and ready to begin taking it easy living in my dream retirement home on the most ideal parcel of property I've ever owned. The log homes would not be luxurious, just comfortable and large enough to entertain family and friends in with lots of windows for taking in warm sunlight and vast wilderness views.



The log homes would all be designed and constructed to be green homes operating entirely off grid just as the original steel home/studio had operated during its two decades of use.

Each log home would be constructed on a site which would be exposed to ample sunlight for PV array generation of more than enough electricity to power its lights, appliances and devices throughout the year. Each log home would have its own buried infrastructure just as was constructed for the home/studio, including water well if the New Mexico Office of the State Engineer authorized drilling of three more wells. However, if that authorization was not granted then additional freshwater delivery infrastructure would be constructed to supply each log home with at least 1 acre foot of water per year.

Each log home site had been verified to be positioned for more than adequate two-way broadband communications signal reception between it and the cell towers near Ledoux. These homes were to be constructed to last generations so that when my brothers and I were done living in them, younger family members who wanted to move in to enjoy them in their retirement years could do so, possibly keeping the family after-retirement business enterprises operating in the home/studio as well.



By utilizing timber resources from the 25+ acres of private forest on the parcel we would save a substantial amount on top of savings our DIY work would realize as we designed and constructed each log home ourselves, all to be green homes operating entirely off grid just as the original steel home/studio had successfully operated during its two decades of use.

But these expanded buildout projects have all been permanently, irreversibly spoiled, and halted indefinitely by the Hermit's Peak/Calf Canyon Fire since May 5, 2022. The projects cannot be resumed on the Los Veranos parcel within my remaining lifetime or within remaining lifetime of my brothers, either. Our private forestland is decimated and the parcel is now too hazardous for human habitation.

REQUIRED COMPENSATION

I require full compensation beyond the insured coverage I have already received and beyond the underinsured amount declared by my insurer for dwelling and contents loss. And I need a significant amount of additional compensation beyond that for other material losses as well.

I need compensation to cover total loss of an ideal land parcel with an area of approximately thirty acres and of highly scenic character with at least twenty-five acres of healthy, live mixed conifer forestland, excellent groundwater table for tapping clean, fresh water with a pair of high-producing water wells. Title to the new property must be clear and its title fully searched and insured. The property must be completely unencumbered by any liens or covenants. It must, in all respects absolutely possible, be identical to my homestead property destroyed by the Hermit's Peak Fire.

I must be compensated in today-dollars an amount combined with insurance coverage payment already received and under insured coverage amount not yet received which totals enough to place me into a living situation as comparable as possible to that I was enjoying before the Hermit's Peak Fire wiped me out and made me homeless.

I cannot rebuild from scratch in the DIY manner I did while building Los Veranos from scratch. Therefore, I need to be compensated enough to either purchase a ready-built homestead comparable to that lost in the Hermit's Peak Fire or must receive compensation enough to employ sufficient contract labor forces with appropriate experience and skill sets to build it from the ground up for me within a reasonable amount of time. Such ground-up reconstruction of my homestead will require compensation enough to purchase all materials, services, tools, and devices to recreate my new homestead in a state comparable to that which I built before the Hermit's Peak Fire completely and irreversibly destroyed it. Specifically, I need compensation for these things:

THE HOMESTEAD PROPERTY

The homestead property must consist of at least thirty acres (give or take a few tenths) of scenic property situated in mountain foothills with a seasonally-flowing watercourse running across it. This property must be adjacent and connected to national forestland. It must have at least twenty-five (25) acres of unspoiled, healthy standing mixed conifer forestland on it.

The property must have a clear, fully searched and insured title.

The property must have no liens against it and must not be governed by any covenants or by any like property owner associations imposing such regulatory influence or action on it.

The property boundary must be fully surveyed and its boundary clearly marked by certified surveyor-place markers of durable quality.

The property must have gated access adjacent to a public roadway. No portion of the property should be disconnected or isolated from the rest of the property by any private or public tracts of land, fencing, private driveways or roadways. Its acreage must be contiguous.

The property must be easily accessible throughout via private path and roadways contained and traversable entirely within the boundaries of the property. If no such paths and roadways exist, then they must be constructed as part of compensation.

The property area within the boundary must be clear and free of waste material including discarded fencing wire or posts, unused or discarded building materials, dumped household waste and most definitely devoid of all human-manufactured waste and toxic materials.

The property must be fenced in comparable fashion as the original homestead property to deter trespassing.

There must be no ongoing boundary disputes for any portion of the perimeter of the property.

The property must not be situated within or close to any pollution-generating (gas, vapor, water, dust, sound, odor etc.) facility, any waste dump or any toxic materials storage facility of any kind.

The property must be situated in a remote location comparable to that of my original homestead in all terms of its qualities including solitude, silence, air and water cleanliness, etc.

The property must not have any public or private materials or communications signal conveyances such as pipelines or transmission cables within its boundaries—buried or otherwise.

THE INFRASTRUCTURE

Septic System: The septic system infrastructure must consist of a professionally engineered and constructed septic system which is installed on a considerable slope with tank and **tile field** at least 80 feet downhill of the home/studio. It must have a **grease trap** incorporated upstream of the blackwater tank, with each tank having separate maintenance access ports.

Water System: There must be two water wells tapping into unpolluted (by human or natural sources), undiminished aquifers each equipped with heavy-duty submersible pumps capable of delivering fresh water to the surface at rates comparable to the water wells at the original homestead for metering and flow control within a sunken culvert pit for storage in a buried fresh-water cistern of at least 500 gallon capacity. The well control pit must be equipped with a 30 gallon pressure tank for pressurized storage of potable water for delivery by separate conveyance pumps to the home/studio and to a yard spigot equipped with a freeze proof valve.

All buried portions of the infrastructure's tanks and fluids-conveying pipelines must be set below frost line depth to prevent freezing in winter months.

Electrical System: Buried conduit for electrical cables must be provided from the off-grid power plant relocated to the new property to the home/studio and to the water well control pit for delivery of both AC and DC powering separate circuits of those systems.\

Data Communications System: Buried conduit for digital networking cables must be provided for delivery of data and control signals to and from the home/studio and the off-grid power plant. Because the homestead property had line-of-sight access to cell service, comparable access must also be available at the new homestead location.

THE HOME/STUDIO

The home/studio must provide at least 1,700 square feet of usable floor space. It does not have to be a two-story structure as the original one was but it must have comparable floor space and storage space, two bathrooms, a full-size kitchen area, a dining area, living area, at least three bedrooms including at least one bathroom and a walk-in closet of at least 84 square feet accessible directly from the master bedroom.

The home/studio must be wired with both DC and AC circuits, as the original was to allow use of solar and wind-generated electrical power delivery to each circuit separately. This allows me to operate low-wattage devices like LED lighting without having to suffer loss of efficiency due to power conversion from DC to AC or vice versa. It must be piped for use of LPG gas for purposes of water heating, gas cook range fueling and multiple gas heaters located at various key places inside. Water delivery will come into the house via buried pipe set below the frost line depth for the region and have adequate risers located inside the house where water will be used.

The home/studio must be positioned on its construction site with the front of the house facing south to utilize full benefit of winter sunlight for passive heating effect.

I prefer to be involved in design of the home/studio if it is determined that compensation allows for construction of it from the ground up.

THE OFF-GRID POWER PLANT

The off-grid power plant must be capable of collecting, storing and delivering electricity at a rate of at least 3kwh per 24-hour period during average sunny weather days comparable to that enjoyed at the original homestead site to power all systems, appliances, and devices requiring electrical energy to operate.

This system will require at least a 1KW photovoltaic panel array and a 400W wind turbine mounted on a mast at an appropriate height for wind conditions at the homestead site with properly sized charge controllers to store energy they generate in a deep-cycle wet-cell battery bank consisting of at least eight 6-volt Rolls Surrette S-550 batteries or their equivalent in other reputable brand and battery type. The PV array, battery bank and wind turbine must all be connected using industry-standard, IEEE-compliant breaker boxes equipped with appropriately sized DC and AC breakers to insure safe and solid, uninterrupted electrical power delivery to all DC and AC load breaker boxes between the off-grid power plant and circuits connected to devices being energized by it.

THE FORESTLAND & ITS SUBSISTENCE RESOURCES

There were at least twenty-five (25) acres of healthy, unspoiled mixed conifer and hardwood forestland contained entirely within the bounds of the homestead property. That forestland provided no less than five (5) cords of firewood essential for survival through winter months for myself alone. I was also using timber from this private forest for finishing out the interior of my home/studio, and planned to use more of it to build furniture for myself and later on for sale to supplement my modest retirement income.

Long-term buildout plans to construct three (3) more log homes utilizing our private forest products are now irreversibly halted by destruction of the entire forestland by the Hermit's Peak/Calf Canyon Fire. ***By New Mexico law in place and applied for more than 100 years, our destroyed private forest timber resources must be compensated for at double their market value.***

We can no longer depend on using the forestland at Los Veranos for any of the originally implemented and future-planned purposes because the private forest across the entire area of my property is now standing dead timber which is rotting fast. Salvage logging was not possible because the U.S. Government dragged its feet for more than six months before the Hermit's Peak Fire Assistance Act was signed into law. The timber is too far gone now after the monsoon season has passed and the dead forestland has been soaked several times since monsoon rains began in June 2022. Mold and bacteria have been busily eating the now standing dead private forestland across its entire 25+ acres.

OTHER LOSSES

This homestead property parcel abutted the Santa Fe National forest, providing unimpeded access to that natural recreational attraction without having to leave the property bounds. There must be compensation to provide the new property with such unimpeded access to national forest lands.

The new property must also provide comparable access to regional outdoor recreational attractions which have been enjoyed from Los Veranos. This was a key reason the parcel was purchased.

Ready access to urban centers no more than a two-hour drive from the new parcel location must be comparably provided.

The five cords of firewood lost must be compensated for, since it was not included as part of the insurance coverage received.

My 1997 4x4 2-Door Chevrolet Tahoe damaged by the fire must be repaired or replaced.

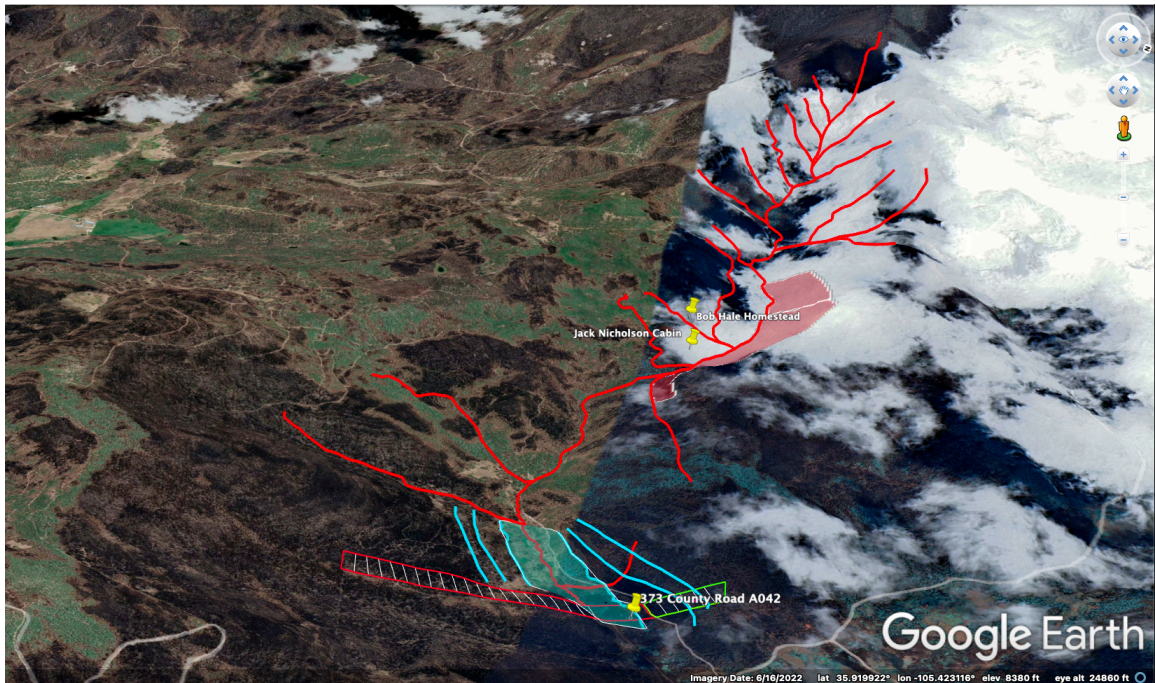
If the New Mexico Department of Environment does not finish debris removal or if they charge me for the service to remove all remaining debris, including the contaminated concrete slab, then full compensation for that will be required.

Excessive property taxes were charged by the Mora County Assessor to the amount of \$517.68 after the Hermit's Peak Fire burned the homestead property completely only

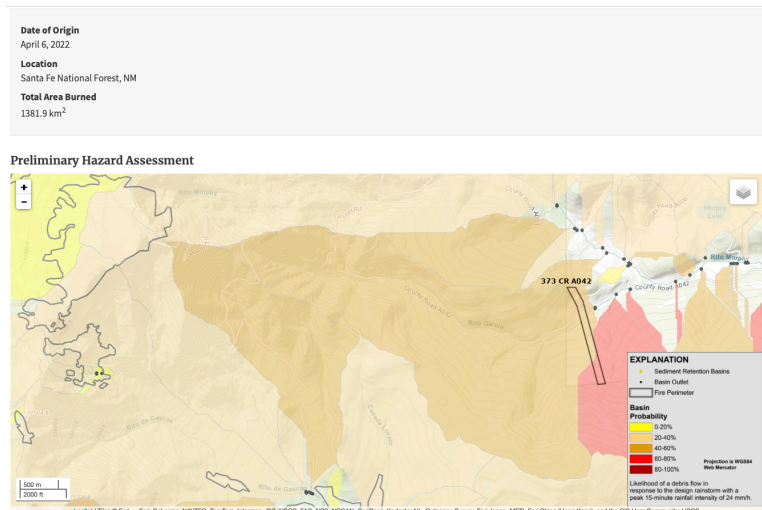
four months into the year during the first week of May, 2022. And since the fire has now rendered the entire property too hazardous for human habitation it is essentially worthless for decades to come. Compensation for future property taxes levied on the homestead parcel is required as well.

FUTURE FLOOD INSURANCE COSTS

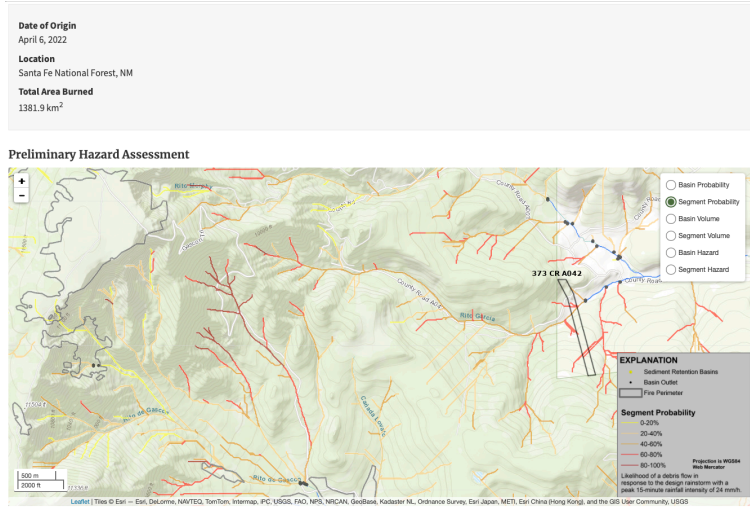
If I am forced to rebuild my homestead on my fire-ruined property or if I am provided replacement property within downstream range of any portion of the Hermit's Peak/Calf Canyon Fire burn scars located at any point along the upstream drainage, I will have to purchase flood insurance to cover the property for future flood incidents which cannot be predicted, such coverage spanning decades into the future.



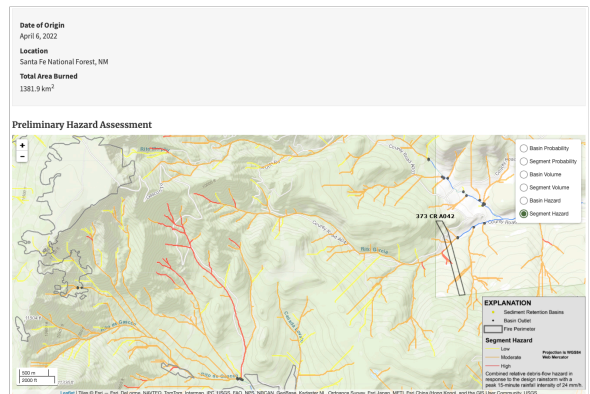
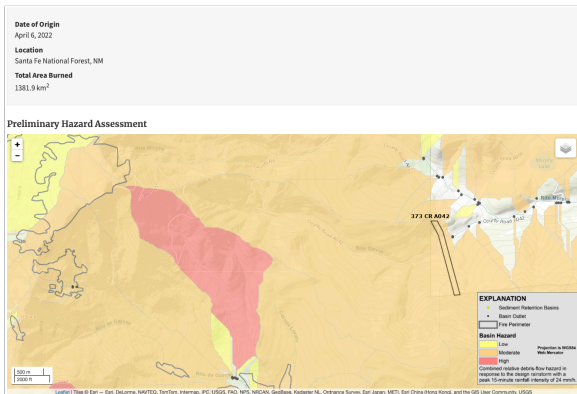
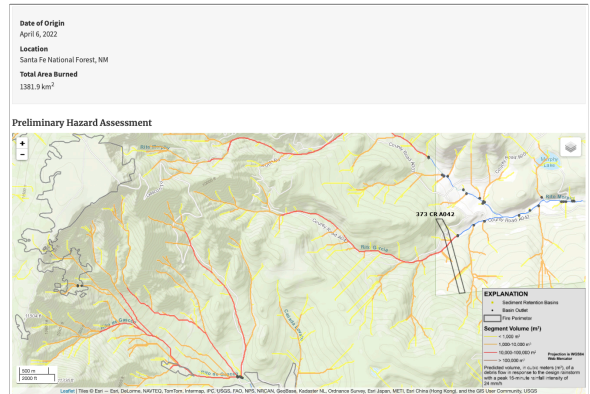
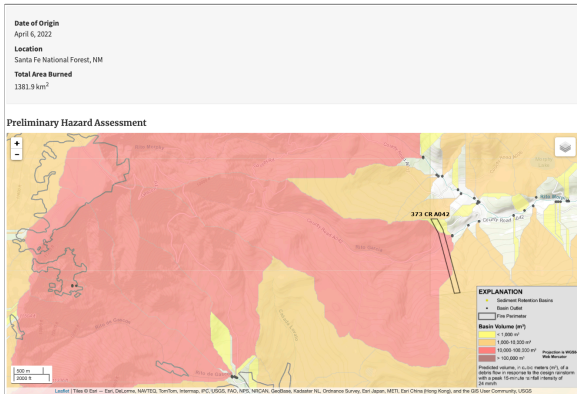
The USGS Landslides Hazard Program reports the **Basin Hazard Probability** for my parcel at 373 CR A042 being between 40% to 80% after the fire.



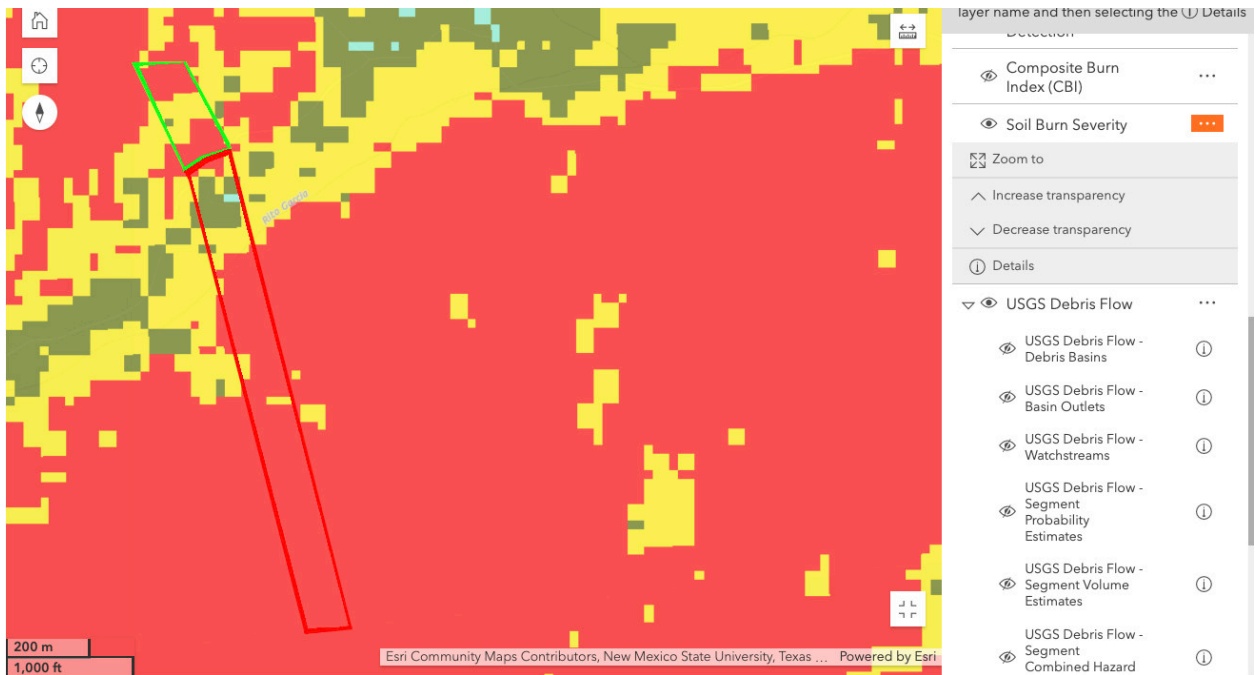
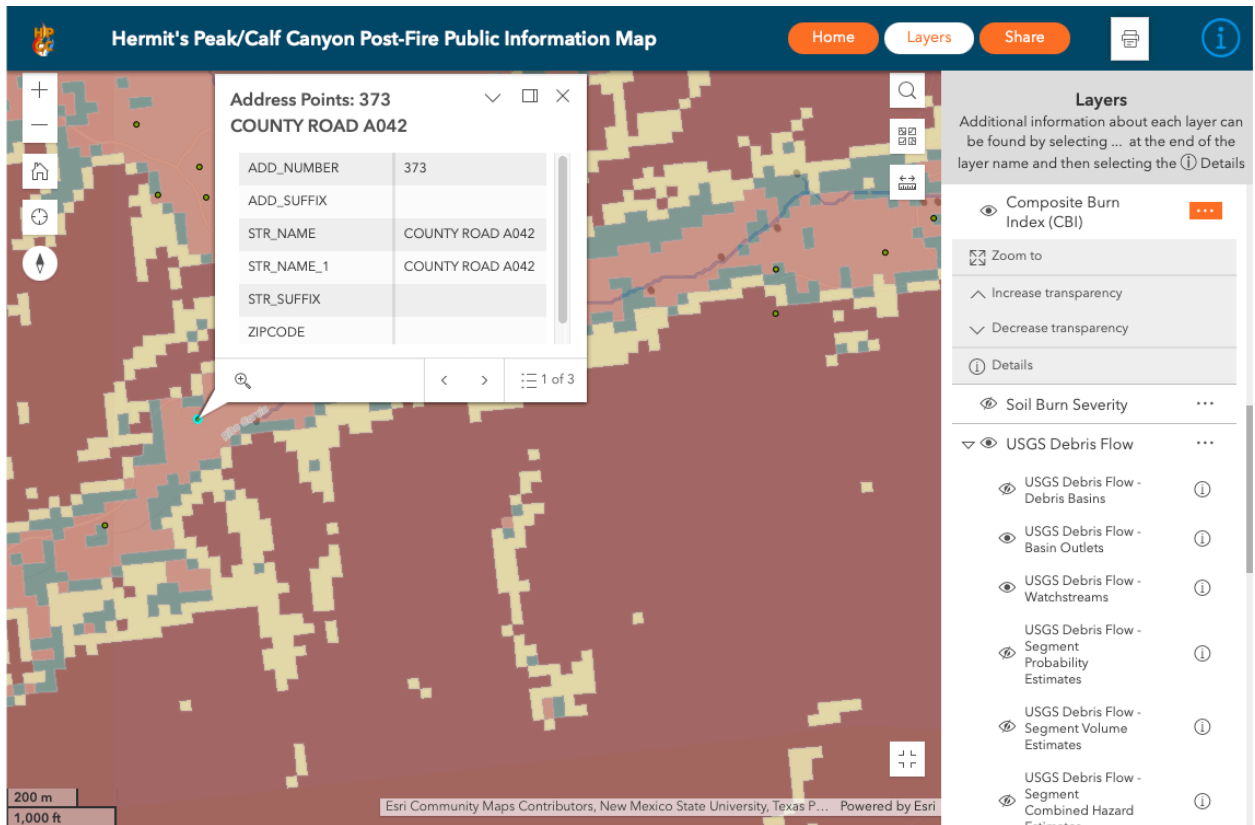
The USGS LHP also reports elevated **Segment Hazard Probabilities** for the entire Rito Garcia drainage now being between 40% to 80% after the fire.



The USGS LHP volume and hazard reports further indicate long-term instability of terrain on and surrounding the parcel at 373 County Road A042 spanning decades.



The USGS Composite Burn Index and Soil Burn Severity reports indicate long-term damage to terrain on and surrounding the parcel at 373 County Road A042 which will negatively impact forestland recovery for decades.



IRREPLACEABLE SENTIMENTAL ITEMS

Five personal photo albums spanning more than forty (40) years, six family photo albums spanning 1968 through 1986, and thousands of 35mm photo negatives were lost in the fire. Some kind of compensation beyond mere cost of film and processing must be provided for these lost, entirely irreplaceable items.

Irreplaceable Musical Instruments, Art pieces, and gifts of sentimental value lost in the fire:

- Rare Larrivée L19 Concert Guitar (a gift from my parents, no longer being made)
- Rare Lowden Cedar 12 String Guitar (created in Ireland, no longer being made)
- Rare Copeland Brass D Whistle (created by Michael Copeland, no longer being made)
- Rare music books and printed sheet music dating from 1970s through 1990s
- More than 70 hours raw footage of the Harley & Annabelle documentary
- One-of-a-kind, large antique, handmade pewter/copper/brass art tray depicting polymath Omar Khayyam and angelic figures with glass-covered walnut table frame purchased in Tehran, Iran
- Fluted, handblown art glass bowl purchased in Utah
- Six Hand-carved Zuni Pueblo Fetishes
- Six Handmade native flutes purchased in Texas, New Mexico, Utah and Arizona
- Full set of handblown champagne flutes received as a wedding gift
- Full set of antique ruby glass serving dishes (plates, goblets, bowls, snifters, and serving bowls received as a gift from a friend)

MY TIME & EFFORT

I understand from the HPFAA Rule that victims will not be compensated for time, expense, and effort expended preparing their Proof of Loss claims. I am formally protesting this part of the HPFAA Rule as unreasonably detrimental due to the extent of my losses as well as length and complexity of the HPFAA Rule. A lot of time spent reading and rereading that monstrosity as well as hundreds of hours researching, compiling and organizing information supporting my proof of loss is significant, and is an inconvenience IMPOSED UPON ME BY THE U.S. GOVERNMENT when the USFS irresponsibly burned me out of house and home through gross negligence.

There must be fair compensation provided for the considerable time and effort I have expended determining losses incurred due to the Hermit's Peak Fire and to bring that information together in an organized manner for presentation in this Proof of Loss documentation. The compensation must be at a level at least equal to a top-rated

insurance industry disaster adjuster's hourly income for performing similar work, as I have been required to bring to bear considerable technical knowledge and skills to produce this end product.

To date of submitting this Proof of Loss information to the HPFAA Administrator, no less than **240 hours of focused, intense work** have been spent putting together these complex details of losses in a coherent, easily accessible and easily revisable form as well as for all other claims of injury detailed in this Proof of Loss statement.

MENTAL & EMOTIONAL STRESS

I understand my thrashing, surging emotional and mental stresses may not be quantifiable in any form or fashion to receive appropriate measure of meaningful compensation for, but there can be no doubt or argument made to the contrary that these factors have had a significant negative impact on my state of mind and general wellbeing. They will continue to have negative impact far into the future, possibly until the day I die.

And even though my brothers had not yet built homes they had planned to someday have on the property, they also have been negatively impacted by the loss of their investment in it, their long-term dreams dashed by the ruinous destruction of the Hermit's Peak Fire. Their stress and emotional turmoil caused by this catastrophe is no less significant and damaging than mine.

The USFS has messed us all up more than any compensatory measures will ever come close to fully addressing. We must be compensated fairly for all injuries, and we expect our emotions, anguish, and stress levels to be considered as a major factor in determination of compensation for our losses.

HPFAA CLAIMS IN-PROCESS TIME & EXPENSES

I must be reimbursed for all time and expenses incurred during the Hermit's Peak Fire Assistance Act claims process from start to finish, including post-claim information preparation and submittals, travel, lodging and meals expenses incurred for meetings I am required to attend at FEMA field offices in New Mexico (since I no longer have a residence to stay at there), and all communications expenses in excess of those I would normally have on a day-to-day basis.

Without this all-encompassing level of compensation, delivered without exception in a timely manner, We have no prospect for use of our property to any meaningfully measurable value and no future to look forward to there at all.