

Congress of the United States
Washington, DC 20515

February 1, 2018

The Honorable William B. Long
Administrator
Federal Emergency Management Agency
500 C Street, SW, Room 8 SW
Washington, D.C. 20472

Dear Administrator Long,

On January 24, 2018 you responded to a letter from multiple Members of Congress regarding FEMA's ongoing recovery operation in Puerto Rico and the U.S. Virgin Islands (FEMA letter attached). In your response you noted several points that raise critical questions in the context of the Oroville Dam Spillway incident (EM-3381) recovery.

As you are aware, the State of California has requested FEMA funding for repairs to the Oroville Dam service spillway and the emergency spillway. Recent media reports indicate that the State expects the cost of these repairs to total \$870 million and that the State also expects FEMA to reimburse 75% of these costs.

In your January 24th letter, you stated "FEMA does not have the authority to fund the repair of damage that may have been pre-existing due to a lack of maintenance or the age of the facility or component." This is a critically important statement, particularly because of the final report issued by the Independent Forensic Team (IFT) which was made public on January 5, 2018. Section 5.1.3 of the report discusses chute repairs to the service spillway and notes "The repairs have addressed spalling, delamination, and cracking. In the IFT's opinion, the repairs have generally been limited in scope, and have lacked sufficient robustness to be long lasting."

Given the statement in your January 24th letter and the information included in the IFT's report, we would greatly appreciate responses to the following questions:

1. Will FEMA rely on the IFT's report to determine whether there was a lack of maintenance at the Oroville Dam and its facilities or will FEMA conduct its own review?
2. If FEMA determines that there was in fact a lack of maintenance, does that mean that the State of California will not receive any reimbursement for repairs or is there a possibility that FEMA would reimburse an amount less than 75%?
3. Your January 24th letter also notes "FEMA provides Public Assistance funding to restore facilities on the basis of pre-disaster design and function..." Can you confirm that this means FEMA funding could not be used to upgrade Oroville Dam or its facilities?

4. As mentioned above, your January 24th letter clearly states that FEMA can only provide reimbursements for work to bring facilities back to their pre-disaster design. Does this restriction apply if it is determined that the pre-disaster design was one of the causes of the disaster in the first place, or does such a finding allow for FEMA to restore a structure to a state that will avoid future disasters?

Thank you for your attention to these questions and we look forward to your timely response.

Sincerely,



JOHN GARAMENDI
Member of Congress



DOUG LAMALFA
Member of Congress

Cc: Kevin J McIntyre, *Chairman, Federal Energy Regulatory Commission*
Karla Nemeth, *Director, California Department of Water Resources*
Mark Ghilarducci, *Director, California Office of Emergency Services*