

Congress of the United States
Washington, DC 20515

December 16, 2019

Mr. Robert Fenton, Jr.
Regional Administrator, Region IX
Federal Emergency Management Agency
1111 Broadway, Suite 200
Oakland, California 94607

Dear Mr. Fenton:

Thank you for your response, dated August 15, 2019, to our letter regarding the California Department of Water Resources' (DWR) appeal of the Federal Emergency Management Agency's (FEMA) initial partial denial of reimbursement for repairs of the spillways at Oroville Dam that has been submitted by the Governor's Office of Emergency Services.

It is our understanding the FEMA appeal review process may be concluding, and a decision could be made early next year on reimbursing the State of California for repair work to the Oroville Dam spillways. We are also aware that your staff requested additional information from DWR regarding this appeal and that State officials provided detailed responses to FEMA last month. We hope the State's responses fully address any remaining concerns or questions regarding the eligibility of the actions the DWR took to repair both the gated spillway and emergency spillway for Federal reimbursement under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

In light of these developments, we want to reiterate our view that the State of California should be provided reimbursement for costs of storm-related damage to the Oroville Dam spillways at the full 75% cost share allowed under the Stafford Act. To that end, we would like to highlight a few key issues State officials have raised with us in their appeal that support Federal reimbursement:

- The gated spillway chute is a single continuous structure, not a distinct upper section and lower section, and repairs made to this entire structure were required by the Federal Energy Regulatory Commission, the California Division of Safety of Dams, and multiple reports from the Independent Board of Consultants following the 2017 storm event;
- Damage to the gated and emergency spillways was the direct result of the 2017 storm event, not pre-disaster deferred maintenance of these structures;
- The emergency spillway is an improved and maintained structure with a discharge channel, access road, and drain system on the hillside below the overflow weir, and therefore the State can seek reimbursement for repair work to this structure under the Stafford Act;

- Repairs to the emergency spillway, such as the use of engineered fill materials on the hillside to replace eroded bedrock, were necessary and required to restore the facility to pre-disaster operational status to protect human life and property; and,
- The reconstruction of the gated and emergency spillways significantly reduced the potential for similar future disaster damages to the facility, as supported by DWR's benefit-cost analysis.

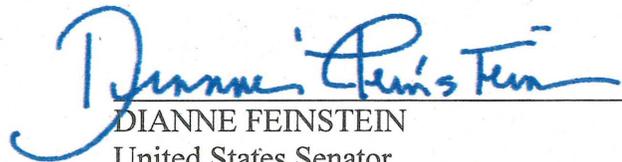
We hope that as you review the appeal, the responses provided to FEMA Region IX staff provide additional clarity on the actions the DWR took to repair the spillways at Oroville Dam, as well as the reasons why, making these actions eligible for Federal reimbursement under the Stafford Act. Accordingly, we respectfully request that you keep our offices informed as you carefully and thoroughly review the appeal and the additional new information provided to FEMA as you prepare to make a decision on this important issue.

Please do not hesitate to contact us if you need any additional information, or if we can be of assistance to you during your review of the eligibility appeal for the repair work conducted on the Oroville Dam spillways.

Sincerely,



KEVIN McCARTHY
House Republican Leader



DIANNE FEINSTEIN
United States Senator



KEN CALVERT
Member of Congress

cc: The Honorable Peter T. Gaynor
Acting Administrator
Federal Emergency Management Agency