

May 1, 2025

Mr. Robert J. Fenton, Jr., Regional Administrator  
Federal Emergency Management Agency, Region IX  
U.S. Department of Homeland Security  
1111 Broadway, Suite 1200  
Oakland, California 94607-4052

Subject: First Appeal – Project Numbers 753361, 753364, 754842, 754843, 754845, and 754846  
FEMA-4769-DR-CA, California Severe Winter Storms, Tornadoes, Flooding, Landslides, and Mudslides  
Cal OES ID: 037-59514 FEMA ID: 037-59514-00  
Subrecipient: City of Rancho Palos Verdes (Los Angeles County)  
Cal OES Log: Multiple FEMA Log: Multiple  
Grants Portal Appeal No: Multiple

Dear Mr. Fenton:

The California Governor's Office of Emergency Services (Cal OES) would like to thank the Federal Emergency Management Agency (FEMA) for its ongoing partnership in serving California communities.

On March 17, 2025, Cal OES received the enclosed six letters of the same date from the City of Rancho Palos Verdes (Subrecipient) (Enclosure 1). The letters appeal FEMA's Determination Memos (DM) to deny Public Assistance (PA) funding for the following Project Numbers (PNs) 753361, 753364, 754842, 754843, 754845, and 754846, identified in the table on the following page (Enclosure 2). The total amount of funding at issue for the Subrecipient's six appealed projects is \$32,441,000.00.

Cal OES is unable to support the Subrecipient's appeal because evidence demonstrates the facilities were unstable prior to disaster, and therefore the work claimed is not required as a direct result of the declared disaster.



<b>Appeal Project Numbers and Associated Log Numbers/Costs</b>				
<b>PN</b>	<b>Cal OES Log</b>	<b>Grants Portal Appeal</b>	<b>FEMA Log # / DM</b>	<b>AmountAppealed</b>
753361	COR-006445	Appeal-1676	DM-PRJ-34243	\$5,375,000.00
753364	COR-006444	Appeal-1675	DM-PRJ-34244	\$9,000,000.00
754842	COR-006446	Appeal-1677	DM-PRJ-34214	\$3,231,000.00
754843	COR-006449	Appeal-1680	DM-PRJ-34153	\$11,635,000.00
754845	COR-006448	Appeal-1679	DM-PRJ-34155	\$200,000.00
754846	COR-006447	Appeal-1678	DM-PRJ-34156	\$3,000,000.00

FEMA's DMs were signed and uploaded to Grants Portal on January 17, 2025. In accordance with Title 44 of the Code of Federal Regulations (44 CFR) § 206.206(b)(1)(ii)(A), the Subrecipient's first appeals for PNs 753361, 753364, 754842, 754843, 754845, and 754846 were submitted within 60 calendar days of the upload date in Grants Portal (Enclosure 2).

### **Background**

In response to FEMA-4769-DR-CA, California Severe Winter Storms, Tornadoes, Flooding, Landslides, and Mudslides (DR-4769), the Subrecipient claimed work to repair damage to fissures, canyons, roadways, trails, and parks. Also, work was claimed for the installation of de-watering wells, and damage to drainage and sewer lines (Enclosures 3) (Enclosure 4).

FEMA denied the eligibility of the Subrecipient's projects, citing various combinations of the following four reasons:

1. The work claimed is not required as a result of the declared disaster, and the Applicant cannot demonstrate the damage was directly caused by DR-4769.
2. The facilities were unstable based on pre-disaster evidence making the ground and facility restoration ineligible.
3. The facility is an ineligible unimproved natural feature.
4. The Federal Highway Administration (FHWA), another Federal Agency is legally responsible for the maintenance and repair of the roads.

FEMA's reasons for denying the Subrecipient's projects have been summarized in the table on the following page.

FEMA Denial Reasons per Project Number					
PN	Work Category	Not a Result of DR-4769	Unstable Prior to DR-4769	Unimproved Natural Feature	FHWA Responsible for the road
753361	B	X	X		X
753364	B	X	X	X	
754842	G	X	X		
754843	C	X	X		
754845	D	X	X		
754846	F	X	X		

### Analysis

FEMA's DMs detail that pre-existing conditions of landslide and earth movement are well documented by consulting engineers and geologists, Cotton, Shires and Associates, Inc. (CSA), for the City of Rancho Palos Verdes in a September 29, 2023, report. FEMA points out that the report discusses landslide activity in the Landslide Complex dating back to 2018 (Enclosure 1, Attachment A, page 6).

In its response to FEMA's DMs, the Subrecipient describes that the claimed damage is unprecedented because a much deeper landslide, now known as the Altamira Landslide, has been activated by FEMA-4699-DR-CA, 2023 February-April Storms (DR-4699) and DR-4769 (subject disaster of the appeals). Previously considered dormant, the Altamira Landslide is hundreds of feet below and encompasses the historically active Landslide Complex. To support its stance, the Subrecipient supplies updated reports from CSA dated November 8, 2024, and March 16, 2025 (Enclosure 1, Attachments B and C).

From page 3 of the March 16, 2025, report, CSA states,

[t]he Altamira Landslide is not just a simple expansion [emphasis] of an existing group of landslides, it is an entirely different, larger, and deeper landslide with much broader boundaries (including the new coastline offshore), nearly twice as deep as the depth of historic landslide movement in some areas and with unprecedented rate of movement.

Cal OES observes that although the most recent CSA reports describe the developing understanding of the Altamira Landslide, CSA also continues to detail that the landslide has accelerated from a previous rate of slide. In the report dated March 16, 2025, CSA provides a graphical representation of GPS monitoring points within the Altamira Landslide that began with minimal creep and then accelerated its movement in 2018, as the first of three inflection points.

The report states,

Between the October 2018 and October 2019 GPS readings (first inflection point), an acceleration of creep movement is evident....The graph includes GPS monitoring point AB-59, which has been the fastest moving point and is not surprisingly in the center of the entire Altamira Landslide mass" (Enclosure 1, Attachment C, pages 6-7).

Additional evidence of pre-disaster landslide activity is demonstrated in a February 24, 2025, report from the California Department of Conservation, California Geological Survey (CGS). Cal OES mission tasked CGS to provide technical assistance to the City of Rancho Palos Verdes in response to the active and destructive landslide activity of 2024, referred to in the report as the Portuguese Bend Landslide Complex (PBLC). The report utilized remote sensing data in conjunction with GPS survey station data from the City of Rancho Palos Verdes to provide additional information and situational awareness of evolving slide activity. The report summary states,

The [National Aeronautics and Space Administration, Jet Propulsion Laboratory (NASA-JPL)] assessment summarized average slide movement data on a monthly basis between 2017 to 2022. From the NASA-JPL and CGS data, we find that the extent of slide involvement varies through time. The SAR [Synthetic Aperture Radar] data show that renewed movement of the slide complex started in November 2022 (Enclosure 5, page 8).

Cal OES agrees with the Subrecipient that the winter storms of DR-4699 and DR-4769 may have greatly accelerated the sliding of the Altamira Landslide. However, the work claimed is specific to DR-4769, and the pre-existing instability dating back to 2018 makes that work ineligible per FEMA policy. Cal OES concurs with FEMA's conclusions that the work claimed is not the result of the declared incident in accordance with 44 CFR § 206.223(a)(1).

Furthermore, the demonstrated pre-existing instability of the slope would make stabilization efforts ineligible as described in the Public Assistance Program and Policy Guide (PAPPG), Version 4 (2020) regarding Landslides and Slope stabilization at pages 181 and 182.

If the site is unstable and there is evidence of pre-disaster instability after the facility was constructed, restoration of the facility's integral ground is ineligible.

Additionally, the PAPPG states that a facility may be eligible upon the Subrecipient's stabilization of the site and restoring the integral ground. Given the well-established history of landslide activity that is unique to this area, these landslide conditions can only be managed and as a result, not permanently repaired.

FEMA's DMs also identify other reasons why the Subrecipient's claimed work is ineligible. Cal OES has not provided additional analysis on every item, because there is first and foremost insufficient evidence to prove that damage claimed by the Subrecipient is a result of the declared disaster.

**Recommendation**

Based on careful analysis, documentation review, and in accordance with relevant laws, regulations, and policies, Cal OES does not support the Subrecipient's appeal. In accordance with 44 CFR § 206.206(b)(1)(ii)(C), Cal OES respectfully requests a response to this appeal within 90 days from receipt of this letter.

If you require additional information regarding this correspondence, please contact Mr. Robert Larsen, State Public Assistance Officer, at (916) 600-3126.

Sincerely,

Signed by:

Eli Owen

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ELI OWEN  
Assistant Director, Recovery Operations  
Alternate Governor's Authorized Representative

Enclosures:

1. Subrecipient's Six (6) 1<sup>st</sup> Appeal Letters for Denied Projects under DR-4769  
Attachment A – Cotton, Shires, and Assoc. Report dated 9.29.2023  
Attachment B – Cotton, Shires, and Assoc. Report dated 11.8.2024  
Attachment C – Cotton, Shires, and Assoc. Report dated 3.16.2025  
Attachment D – State of Emergency Request to Governor 2.20.2024
2. FEMA Determination Memos (6)
3. Project Reports from Grants Portal (6)
4. Summary Table of Projects with Associated Damage Inventories
5. CGS Mission Task Report – Assessment of Recent Landslide Movement (PBLC)

cc: Ara Micheal Mihranian, City Manager, City of Rancho Palos Verdes

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