



FEMA

October 3, 2025

Eli Owen
Assistant Director, Recovery Operations
Cal OES
3650 Schriever Ave.
Mather, CA 95655

Ara Mihranian
City Manager
City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

Re: First Appeal – City of Rancho Palos Verdes, PA ID: 037-59514-00, FEMA-4699-DR-CA,
FEMA Log: FA0078, Grants Manager Project (GMP) 730185, Result of Declared Incident;
Landslides and Slopes Stabilization

Dear Assistant Director Owen and Ara Mihranian:

This is in response to the May 8, 2025, letter from the California Governor's Office of Emergency Services (Cal OES/Recipient), which forwarded the referenced first appeal on behalf of City of Rancho Palos Verdes (Applicant). The Applicant is appealing the U.S. Department of Homeland Security's Federal Emergency Management Agency's (FEMA) denial of \$11,415.00 to repair public trails.

As explained in the enclosed analysis, I have determined that the Applicant did not demonstrate the claimed work was required as a result of the declared incident. Due to pre-existing instability, permanent repairs are not eligible. Accordingly, I am denying this appeal. This letter officially notifies the Applicant of this decision.

Under Section 423(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) and applicable regulations, the Applicant may appeal this decision.¹² If the Applicant submits a second appeal, the appeal must: 1) contain documented justification supporting the Applicant's position, 2) specify the amount in dispute, and 3) specify the provisions in federal law, regulation, or policy with which the Applicant believes the initial action was inconsistent.

The Applicant must submit the second appeal electronically to the California Governor's Office of Emergency Services within 60 calendar days from the date FEMA electronically transmits this first appeal decision. The Recipient must forward the Applicant's appeal, with its recommendation, to the Assistant Administrator for the Recovery Directorate via FEMA's Grants Portal system within 120 calendar days from the date FEMA electronically transmits this first appeal decision.

Alternatively, in lieu of a second appeal, an arbitration process is available to any Applicant meeting the statutory criteria pursuant to Section 423(d) of the Stafford Act. Please consult 44 C.F.R. § 206.206(b)(3) and 48 C.F.R. part 6106 for arbitration eligibility and procedural requirements.

¹ Robert T. Stafford Disaster Relief and Emergency Assistance Act § 423, Title 42, United States Code § 5189a; Title 44 of the Code of Federal Regulations § 206.206.

If the Applicant or Recipient does not submit a timely second appeal or request for arbitration, this decision is the final agency determination on the matter, and the Applicant will no longer be able to appeal or arbitrate the matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'RJF', is positioned above the printed name.

Robert J. Fenton
Regional Administrator
FEMA Region 9

Enclosures:

1. First Appeal Analysis
2. Administrative Record Index

FIRST APPEAL ANALYSIS
City of Rancho Palos Verdes
PA ID 037-59514-00 FEMA-4699-DR-CA
Grants Manager Project 730185
Result of Declared Incident; Landslides and Slopes Stabilization

Background

Between February 21, 2023, and July 10, 2023, severe storms caused damage in several California counties.³ The City of Rancho Palos Verdes (Applicant) requested the Federal Emergency Management Agency (FEMA) Public Assistance (PA) reimbursement totaling \$11,415.00 for the work the Applicant undertook to repair public trails (Facilities). FEMA initiated the following Grants Manager Project (GMP) 730185 to track, develop, and review the Applicant's requests and to exchange information with the California Governor's Office of Emergency Services (Cal OES/Recipient) and the Applicant.

On January 24, 2025, FEMA issued a Determination Memorandum (DM) denying the Applicant's request for reimbursement.⁴ FEMA determined the Applicant did not demonstrate the work was required as a result of the declared incident because documentation showed the damages were the result of pre-existing slope instability which has been ongoing for decades.

First Appeal

On May 8, 2025, the Recipient transmitted the Applicant's March 17, 2025, appeal along with a letter stating it could not support the Applicant's claim.⁵ The Recipient's letter explained that documentation showed well-established, pre-existing landslide and slope instability which established the damage and resulting work forming the basis of the Applicant's claim for reimbursement was not the direct result of the declared disaster.⁶

In its appeal letter, the Applicant claims the damage was not merely a result of pre-existing slope instability but was the result of a significant acceleration of land movement caused by the declared incident which triggered the massive, previously inactive Altamira Landslide to move.⁷ The Applicant claims that rainwater runoff from the declared incident caused the Portuguese Bend Landslide Complex to raft on top of the deeper Altamira Landslide, resulting in more land movement than ever before.⁸ To support this theory, the Applicant provided three (3) Geotechnical Assessment Memorandums dated September 29, 2023;⁹ November 8, 2024;¹⁰ and

³ The President issued a major disaster declaration (FEMA-4699-DR-CA) on April 3, 2023.

⁴ Determination Memorandum, *City of Rancho Palos Verdes*, FEMA-4669-DR-CA, at 1 (Jan. 24, 2025).

⁵ First Appeal Transmittal Package from Asst. Dir., Cal OES to Rec. Div. Dir., Region 9, at 4 (May 8, 2025) [hereinafter *First Appeal Transmittal Package*].

⁶ *Id.*

⁷ First Appeal Letter from City Manager, City of Rancho Palos Verdes, to State Public Assistance Officer, California Governor's Office of Emergency Services (Cal OES), at 9 (Mar. 17, 2025) [hereinafter *First Appeal Letter*].

⁸ *Id.*

⁹ Letter from Contract City Geologists and Contract City Geotechnical Eng'r, Cotton, Shires and Associates, Inc., to Open Space Manager, City of Rancho Palos Verdes, at 1 (Sept. 29, 2023) [hereinafter *Letter from Cotton, Shires and Assoc., 2023*].

¹⁰ Letter from Contract City Geologists and Contract City Geotechnical Eng'r, Cotton, Shires and Associates, Inc., to Open Space Manager, City of Rancho Palos Verdes, at 1 (Nov. 8, 2024) [hereinafter *Letter from Cotton, Shires and Assoc., 2024*].

March 16, 2025;¹¹ a California Department of Conservation, Geological Survey, Landslide Emergency Assessment;¹² and a Request for a State of Emergency for the Greater Portuguese Bend Landslide Complex.¹³ The Applicant contends these documents show the previously dormant Altamira Landslide was activated by record rainfall between 2022 and 2024 following decades of "weather whiplash" (hydroclimate volatility) induced by climate change.¹⁴

Discussion

Result of Declared Incident

FEMA provides grant funding to eligible applicants under two broad categories: Emergency Work and Permanent Work.¹⁵ To be eligible for reimbursement under either category, at a minimum, the work must be required as a result of the declared incident, be located within the designated area; and be the legal responsibility of an eligible Applicant.¹⁶ The applicant has the burden of demonstrating that the claimed damage was directly caused by the declared incident.¹⁷

Here, the Applicant's documentation does not show the work was necessitated by damage directly caused by the declared disaster. Publicly available information shows the damaged Facilities are located on the Portuguese Bend Landslide Complex, a complex known to be active since at least 1946. According to the California Department of Conservation's publication, *California Geology*:

On the southern coast of the Palos Verdes Peninsula is an infamous landslide complex that has been studied and monitored since 1946 when USGS geologist W.P. Woodring first examined it. CGS mapping from 1998 showed three active landslides named the Portuguese Bend, the Abalone Cove, and the Klondike landslides. These were inset into a larger dormant landslide known as the ancient Portuguese Bend landslide or the ancient complex. In 1956, the Portuguese Bend landslide began moving during the extension of Crenshaw Boulevard to Palos Verdes Drive due to placement of road fill. The Abalone Cove landslide began moving in 1974 and the Klondike Canyon slide began moving

¹¹ Letter from Contract City Geologists and Contract City Geotechnical Eng'r, Cotton, Shires and Associates, Inc., to Open Space Manager, City of Rancho Palos Verdes, at 1 (Mar. 16, 2025) [hereinafter *Letter from Cotton, Shires and Assoc.*, 2025].

¹² Letter from Sup. Engineering Geologist, Engineering Geologist, and Senior Engineering Geologist, Department of Conservation, State of California, to Engineering Geologist, Cal OES, at 1 (Feb. 24, 2025) [hereinafter *Letter from Dept. of Conservation*].

¹³ Letter from Mayor, City of Rancho Palos Verdes, to Disaster Analysis Unit, Cal OES, at 1 (Feb. 20, 2024).

¹⁴ *First Appeal Letters*, at 6.

¹⁵ Robert T. Stafford Disaster Relief and Emergency Assistance Act §§ 406(a)(1)(A), (e)(1), Title 42, United States Code (42 U.S.C.) §§ 5172(a)(1)(A), (e)(1) (2018); Title 44 of the Code of Federal Regulations (44 C.F.R.) § 206.226 (2018); *Public Assistance Program and Policy Guide*, FP 104-009-2, at 51 (June 1, 2020) [hereinafter *PAPPG*].

¹⁶ 44 C.F.R. § 206.223(a); *PAPPG*, at 51.

¹⁷ 44 C.F.R. § 206.223(a)(1); *PAPPG*, at 19.

around 1980. During a rainy period from 2022-2024, landslide activity increased, destroying properties and infrastructure.¹⁸

Included as part of this Landslide Complex are the Abalone Cove Landslide, the Klondike Canyon Landslide, the Beach Club Landslide, and the adjacent Flying Triangle Landslide.¹⁹ Collectively, these landslides constitute the Portuguese Bend Landslide Complex.²⁰

In a 2023 report documenting landslide activity going back to 2018, the Applicant's own geologists noted that manually repairing roads damaged by landslide movement had "become untenable and such measures [were] reportedly proving to be short-lived."²¹ Similarly, an analysis by Dr. Handwerger from the ARIA Team²² at the National Aeronautics and Space Administration's Jet Propulsion Laboratory at the California Institute of Technology shows that the steady landslide movement accelerated to an unresolvable rate in late 2022 and early 2023.²³

The Applicant asserts that DR-4699 triggered the acceleration of the landslides and all claimed work on appeal was caused by the declared incident, the documentation in the record does not substantiate that assertion.²⁴ Instead, the documentation establishes the presence of an ongoing landslide complex and land instability that began to accelerate before the declared incident.²⁵ As such, the Applicant has not demonstrated that the work was required as a result of the declared incident.²⁶ Accordingly, the Applicant's claimed work is eligible for PA funding.

Although the missing nexus between the work and the declared disaster precludes any eligibility for reimbursement, an additional hurdle to eligibility merits discussion and is analyzed below. This eligibility issue constitutes a separate reason FEMA cannot approve the reimbursement requested by the Applicant.

Landslides and Slopes Stabilization

If an eligible facility is located on a slope and is damaged as a result of a landslide or slope instability triggered by the incident, FEMA determines the stability of the slope that supports the facility before it approves PA funding to restore the facility.²⁷ Restoration of the integral ground

¹⁸ Geology News, California Department of Conservation, (last visited July 20, 2025), https://www.conservation.ca.gov/cgs/documents/publications/california-geology-magazine/CG_2024-GeologyNews.pdf.

¹⁹ *Letter from Dept. of Conservation*, at 3.

²⁰ *Id.*

²¹ *Letter from Cotton, Shires and Assoc.*, 2023, at 6.

²² ARIA is a collaboration between NASA's Jet Propulsion Laboratory and Caltech to exploit radar and optical remote sensing, GPS, and seismic observations for hazard science and response.

²³ Palos Verdes Landslides, ARIA Share, Jet Propulsion Laboratory California Institute of Technology, (Oct. 28, 2024), https://aria-share.jpl.nasa.gov/20241028-Palos_Verdes_Landslides/InSAR, (as referenced in *Letter from Dept. of Conservation*, at 7).

²⁴ *Letter from Dept. of Conservation*, at 7; *Letter from Cotton, Shires and Assoc.*, 2023, at 6.

²⁵ See FEMA Second Appeal Analysis, Boyd County, FEMA-4595-DR-KY, at 3 (Rain acted as a catalyst to ongoing creep, causing more significant damage to the slopes than would normally be expected. FEMA found this did not establish the disaster caused the claimed damages.), (June 7, 2023); *Letter from Dept. of Conservation*, at 9.

²⁶ See generally FEMA Second Appeal Analysis, Township of Pultney, FEMA-4424-DR-OH, at 3 (Apr. 24, 2024).

²⁷ *PAPPG*, at 181.

that supports the facility may also be eligible.²⁸ The impact of slope stability on eligibility is as follows: (1) if the site is stable, permanent restoration of the facility and its integral ground is eligible; (2) if the site is unstable and there is no evidence of predisaster instability after the facility was constructed, permanent restoration of the facility and its integral ground is eligible, including measures to stabilize the integral ground; and (3) if the site is unstable and there is evidence of predisaster instability after the facility was constructed, restoration of the facility's integral ground is ineligible.²⁹

Here, even if the Applicant could demonstrate the work claimed is a direct result of the declared incident, the documentation demonstrates that the sites were unstable based on predisaster evidence.³⁰ This predisaster site instability after the Facilities were constructed makes permanent work to the Facilities and restoration to their integral ground ineligible per FEMA policy. This predisaster slope instability constitutes a separate reason the Applicant's claim for PA funding is ineligible.

Conclusion

The Applicant did not demonstrate the claimed work was required as a result of the declared incident. Due to pre-existing instability, permanent repairs are not eligible. Accordingly, this appeal is denied.

²⁸ *Id.*

²⁹ *PAPPG*, at 181-182.

³⁰ See generally FEMA Second Appeal Analysis, [Town of Ossining](#), FEMA-4020-DR-NY, at 4 (noting a history of slope failure and instability), (Jan. 28, 2021); See generally FEMA Second Appeal Analysis, [Monroe Township \(Adams\)](#), FEMA-4424-DR-OH, at 3 (Apr. 25, 2022); *Letter from Cotton, Shires and Assoc.*, 2023, at 6; FEMA Second Appeal Analysis, [Clay County](#), FEMA-4663-DR-KY, at 3 (Nov. 12, 2024); [Geology News](#), California Department of Conservation, (last visited July 20, 2025), https://www.conservation.ca.gov/cgs/documents/publications/california-geology-magazine/CG_2024-GeologyNews.pdf; *Letter from Dept. of Conservation*, at 3.

ADMINISTRATIVE RECORD INDEX
City of Rancho Palos Verdes
PA ID 037-59514-00, FEMA-4699-DR-CA
Grants Manager Project 730185
Result of Declared Incident, Landslides and Slopes Stabilization

The following documents are contained within the Administrative Record and have been considered in the review and analysis of the referenced first appeal.

Document Number	Document Description/Subject	Document Date	Pages
1	First Appeal Package – Cal OES to FEMA	5/8/2025	TOTAL 150
	Enclosure 1: Applicant Appeal Letter	3/17/2025	64
	Attachment A: Cotton Shires and Assoc. Report 9/29/2023	9/29/2023	14
	Attachment B: Cotton Shires and Assoc. Report 11/8/2024	11/8/2024	11
	Attachment C: Cotton Shires and Assoc. Report 3/16/2025	3/16/2025	11
	Attachment D: SOE Request to Governor	2/20/2024	5
	Enclosure 2: FEMA Determination Memo	1/24/2025	9
	Enclosure 3: Project Report from GM	4/13/2025	9
	Enclosure 4: CGS Mission Task – Assessment of Recent Land Movement	2/24/2025	21
2	<u>Geology News</u> , California Geological Survey	2024	1
3	Email Review from USGS Geologist	7/11/2025	1
4	Grants Manager Project 730185	Source	Source
End Record			



FEMA

October 3, 2025

Eli Owen
Assistant Director, Recovery Operations
Cal OES
3650 Schriever Ave.
Mather, CA 95655

Ara Mihranian
City Manager
City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

Re: First Appeal – City of Rancho Palos Verdes, PA ID: 037-59514-00, FEMA-4769-DR-CA, FEMA Log: FA0039, Grants Manager Projects (GMPs): 753361, 753364, 754842, 754843, 754845, 754846, Result of Declared Incident; Landslides and Slopes Stabilization; Emergency Repair or Stabilization; Improved Property/Natural Feature; Other Federal Agency

Dear Assistant Director Owen and Ara Mihranian:

This is in response to the May 1, 2025, letter from the California Governor's Office of Emergency Services (Cal OES/Recipient), which forwarded the referenced first appeal on behalf of the City of Rancho Palos Verdes (Applicant). The Applicant is appealing the U.S. Department of Homeland Security's Federal Emergency Management Agency's (FEMA) denial of \$32,441,000.00 for emergency protective measures in canyons, hillsides, and slopes, and permanent repairs to trails, roads, drainage/water control structures, and sewers.

As explained in the enclosed analysis, I have determined that the Applicant did not demonstrate the claimed work was required as a result of the declared disaster. Additionally, due to pre-existing instability, permanent repairs are not eligible, and the Applicant did not demonstrate there was an immediate threat that required emergency protective measures. Finally, several facilities are ineligible for PA funding. Accordingly, I am denying this appeal. This letter officially notifies the Applicant of this decision.

Under Section 423(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) and applicable regulations, the Applicant may appeal this decision.¹ If the Applicant submits a second appeal, the appeal must: 1) contain documented justification supporting the Applicant's position, 2) specify the amount in dispute, and 3) specify the provisions in federal law, regulation, or policy with which the Applicant believes the initial action was inconsistent.

The Applicant must submit the second appeal electronically to the California Governor's Office of Emergency Services within 60 calendar days from the date FEMA electronically transmits this first appeal decision. The Recipient must forward the Applicant's appeal, with its recommendation, to the

¹ Robert T. Stafford Disaster Relief and Emergency Assistance Act § 423, Title 42, United States Code § 5189a; Title 44 of the Code of Federal Regulations § 206.206.

Assistant Administrator for the Recovery Directorate via FEMA's Grants Portal system within 120 calendar days from the date FEMA electronically transmits this first appeal decision.

Alternatively, in lieu of a second appeal, an arbitration process is available to any Applicant meeting the statutory criteria pursuant to Section 423(d) of the Stafford Act. Please consult 44 C.F.R. § 206.206(b)(3) and 48 C.F.R. part 6106 for arbitration eligibility and procedural requirements.

If the Applicant or Recipient does not submit a timely second appeal or request for arbitration, this decision is the final agency determination on the matter, and the Applicant will no longer be able to appeal or arbitrate the matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'RJF', is positioned above the typed name of the signatory.

Robert J. Fenton
Regional Administrator
FEMA Region 9

Enclosures:

1. First Appeal Analysis
2. Administrative Record Index

FIRST APPEAL ANALYSIS
City of Rancho Palos Verdes
PA ID: 037-59514-00, FEMA-4769-DR-CA
Grants Manager Projects: 753361, 753364, 754842, 754843, 754845, 754846
Result of Declared Incident; Landslides and Slopes Stabilization; Emergency Repair
or Stabilization; Improved Property/Natural Feature; Other Federal Agency

Background

Following severe winter storms, which occurred between January 31, 2024, and February 9, 2024,² the City of Rancho Palos Verdes (Applicant) requested Federal Emergency Management Agency (FEMA) Public Assistance (PA) reimbursement totaling \$32,441,000.00 for work the Applicant undertook to repair damage to roads, sewer systems, water control structures, and fissures in canyons, hillsides, slopes, trails, and parks (Facilities). The Applicant also requested reimbursement for the cost of increased monitoring and the installation of additional deep dewatering wells.

FEMA initiated the following Grants Manager Projects (GMPs) to track, develop, and review the Applicant's requests and to exchange information with the Recipient and the Applicant: GMP 753361 for temporary civil repairs to Palos Verdes Drive South (Facility); GMP 753364 for stabilization work, monitoring, and fissure repairs in canyons, hillsides, and slopes (Facilities); GMP 754842 for permanent work to repair hiking trails in parks and nature reserves (Facilities); GMP 754843 for permanent work to repair roads (Facilities) throughout the Applicant's jurisdiction; GMP 754845 for permanent work to repair water control structures (Facilities); and GMP 754846 for permanent work to repair sewer systems (Facilities).

On January 17, 2025, FEMA issued a Determination Memorandum (DM) denying the Applicant's requests for reimbursement.³ FEMA determined the Applicant did not demonstrate the work was required as a result of the declared incident because documentation showed the damages were the result of pre-existing slope instability which has been ongoing for decades.

First Appeal

On May 1, 2025, the California Governor's Office of Emergency Services (Cal OES/Recipient) transmitted the Applicant's March 17, 2025, appeal along with a letter stating it could not support the Applicant's claim.⁴ The Recipient's letter explained that documentation showed well-established, pre-existing landslide and slope instability which established the damage and resulting work forming the basis of the Applicant's claim for reimbursement was not the direct result of the declared disaster.⁵

In its appeal letters, the Applicant claims the damage was not merely the result of pre-existing slope instability but was the result of a significant acceleration of land movement caused by the storms necessitating the declaration of DR-4699⁶ and DR-4769 which triggered the massive,

² The President issued a major disaster declaration (FEMA-4769-DR-CA) on April 13, 2024.

³ Determination Memorandums, *City of Rancho Palos Verdes*, FEMA-4769-DR-CA, at 1 (Jan. 17, 2025).

⁴ First Appeal Transmittal Package from Asst. Dir., Cal OES to Rec. Div. Dir., Region 9, at 4 (May 1, 2025) [hereinafter *First Appeal Transmittal Package*].

⁵ *Id.*

⁶ The President issued a major disaster declaration (FEMA-4699-DR-CA) on April 3, 2023.

previously inactive Altamira Landslide to move.⁷ The Applicant claims that rainwater runoff from the DR-4769 event caused the Portuguese Bend Landslide Complex to raft on top of the deeper Altamira Landslide, resulting in more land movement than ever before.⁸ To support this theory, the Applicant provided three Geotechnical Assessment Memorandums (September 29, 2023;⁹ November 8, 2024;¹⁰ and March 16, 2025¹¹); a California Department of Conservation, Geological Survey, Landslide Emergency Assessment;¹² and a Request for a State of Emergency for the Greater Portuguese Bend Landslide Complex.¹³ The Applicant contends these documents show the previously dormant Altamira Landslide was activated by record rainfall between 2022 and 2024 following decades of "weather whiplash" (hydroclimate volatility) induced by climate change.¹⁴

Discussion

Result of Declared Incident

GMP 753361, GMP 753364, GMP 754842, GMP 754843, GMP 754845, GMP 754846

FEMA provides grant funding to eligible applicants under two broad categories: Emergency Work and Permanent Work.¹⁵ To be eligible for reimbursement under either category, at a minimum, the work must be required as a result of the declared incident, be located within the designated area, and be the legal responsibility of an eligible Applicant.¹⁶ The Applicant has the burden of demonstrating that the claimed damage was directly caused by the declared incident.¹⁷

Here, the Applicant's documentation does not show the work was necessitated by damage directly caused by the declared disaster. Publicly available information shows the damaged Facilities are located on the Portuguese Bend Landslide Complex, a complex known to be active

⁷ First Appeal Letters from City Manager, City of Rancho Palos Verdes, to State Public Assistance Officer, California Governor's Office of Emergency Services (Cal OES), at 4 (Mar. 17, 2025) [hereinafter *First Appeal Letters*].

⁸ *Id.*

⁹ Letter from Contract City Geologists and Contract City Geotechnical Eng'r, Cotton, Shires and Associates, Inc., to Open Space Manager, City of Rancho Palos Verdes, at 1 (Sept. 29, 2023) [hereinafter *Letter from Cotton, Shires and Assoc., 2023*].

¹⁰ Letter from Contract City Geologists and Contract City Geotechnical Eng'r, Cotton, Shires and Associates, Inc., to Open Space Manager, City of Rancho Palos Verdes, at 1 (Nov. 8, 2024) [hereinafter *Letter from Cotton, Shires and Assoc., 2024*].

¹¹ Letter from Contract City Geologists and Contract City Geotechnical Eng'r, Cotton, Shires and Associates, Inc., to Open Space Manager, City of Rancho Palos Verdes, at 1 (Mar. 16, 2025) [hereinafter *Letter from Cotton, Shires and Assoc., 2025*].

¹² Letter from Sup. Engineering Geologist, Engineering Geologist, and Senior Engineering Geologist, Department of Conservation, State of California, to Engineering Geologist, Cal OES, at 1 (Feb. 24, 2025) [hereinafter *Letter from Dept. of Conservation*].

¹³ Letter from Mayor, City of Rancho Palos Verdes, to Disaster Analysis Unit, Cal OES, at 1 (Feb. 20, 2024).

¹⁴ First Appeal Letters, at 6.

¹⁵ Robert T. Stafford Disaster Relief and Emergency Assistance Act §§ 406(a)(1)(A), (e)(1), Title 42, United States Code (42 U.S.C.) §§ 5172(a)(1)(A), (e)(1) (2018); Title 44 of the Code of Federal Regulations (44 C.F.R.) § 206.226 (2018); *Public Assistance Program and Policy Guide*, FP 104-009-2, at 51 (June 1, 2020) [hereinafter *PAPPG*].

¹⁶ 44 C.F.R. § 206.223(a); *PAPPG*, at 51.

¹⁷ 44 C.F.R. § 206.223(a)(1); *PAPPG*, at 19.

since at least 1946. According to the California Department of Conservation's publication, *California Geology*:

On the southern coast of the Palos Verdes Peninsula is an infamous landslide complex that has been studied and monitored since 1946 when USGS geologist W.P. Woodring first examined it. CGS mapping from 1998 showed three active landslides named the Portuguese Bend, the Abalone Cove, and the Klondike landslides. These were inset into a larger dormant landslide known as the ancient Portuguese Bend landslide or the ancient complex. In 1956, the Portuguese Bend landslide began moving during the extension of Crenshaw Boulevard to Palos Verdes Drive due to placement of road fill. The Abalone Cove landslide began moving in 1974 and the Klondike Canyon slide began moving around 1980. During a rainy period from 2022-2024, landslide activity increased, destroying properties and infrastructure.¹⁸

Included as part of this Landslide Complex are the Abalone Cove Landslide, the Klondike Canyon Landslide, the Beach Club Landslide, and the adjacent Flying Triangle Landslide.¹⁹ Collectively, these landslides constitute the Portuguese Bend Landslide Complex.²⁰

The year before DR-4769, in 2023, the Applicant created a working group to address ongoing damage caused by land movement in the landslide complex.²¹ According to the Applicant's webpage, stakeholders in the group include Abalone Cove Landslide Abatement District, Klondike Canyon Landslide Abatement District, board members, homeowners' associations, utility representatives, and members of the public. Discussion points from a November 1, 2023, meeting demonstrate land instability was a continuous and ongoing problem,²² and the website explains, "The costs to 'stop' the land from moving are incalculable, even if the technology existed to make that happen."²³

In a 2023 report documenting landslide activity going back to 2018, the Applicant's own geologists noted that manually repairing roads damaged by landslide movement had "become untenable and such measures [were] reportedly proving to be short-lived."²⁴ Similarly, an analysis by Dr. Handwerger from the ARIA Team²⁵ at the National Aeronautics and Space

¹⁸ *Geology News*, California Department of Conservation, (last visited July 20, 2025), https://www.conservation.ca.gov/cgs/documents/publications/california-geology-magazine/CG_2024-GeologyNews.pdf.

¹⁹ *Letter from Dept. of Conservation*, at 3.

²⁰ *Id.*

²¹ *RPV Landslide Complex Working Group*, Rancho Palos Verdes, California, (last visited July 21, 2025), <https://www.rpvca.gov/1723/RPV-Landslide-Complex-Working-Group>.

²² *RPV Landslide Complex Working Group Meeting Agenda, Notes, and Action Items*, Rancho Palos Verdes, California, (Nov. 1, 2023), <https://www.rpvca.gov/DocumentCenter/View/21392/November-1-2023-Meeting-Notes-PDF> (Items discussed included fissure filling protocol).

²³ *Landslide Management Program*, Rancho Palos Verdes California, (last visited July 20, 2025), <https://www.rpvca.gov/719/Landslide-Management-Program>.

²⁴ *Letter from Cotton, Shires and Assoc.*, 2023, at 6.

²⁵ ARIA is a collaboration between NASA's Jet Propulsion Laboratory and Caltech to exploit radar and optical remote sensing, GPS, and seismic observations for hazard science and response.

Administration's Jet Propulsion Laboratory at the California Institute of Technology shows that the steady landslide movement accelerated to an unresolvable rate in late 2022 and early 2023.²⁶

Although the Applicant asserts that DR-4769 triggered the acceleration of the landslides and all claimed work on appeal was caused by the declared incident, the documentation in the record does not substantiate that assertion.²⁷ Instead, the documentation establishes the presence of an ongoing landslide complex and land instability that began to accelerate before the declared incident and proceeded at a similar accelerated rate through 2024.²⁸ In fact, the Applicant acknowledges that storms associated with DR-4699 (declared some nine months before DR-4769) contributed to the damages for which it claims reimbursement under DR-4769.

As such, the Applicant has not demonstrated that the work was required as a result of the declared incident.²⁹ Accordingly, none of the Applicant's claimed work is eligible for PA funding.

Although the missing nexus between the work and the declared disaster precludes any eligibility for reimbursement, additional hurdles to eligibility merit discussion and are analyzed below. These eligibility issues constitute separate reasons FEMA cannot approve the reimbursement requested by the Applicant.

Landslides and Slopes Stabilization

GMP 754842, GMP 754843, GMP 754845, GMP 754846

If an eligible facility is located on a slope and is damaged as a result of a landslide or slope instability triggered by the incident, FEMA determines the stability of the slope that supports the facility before it approves PA funding to restore the facility.³⁰ Restoration of the integral ground that supports the facility may also be eligible.³¹ The impact of slope stability on eligibility is as follows: (1) if the site is stable, permanent restoration of the facility and its integral ground is eligible; (2) if the site is unstable and there is no evidence of predisaster instability after the facility was constructed, permanent restoration of the facility and its integral ground is eligible, including measures to stabilize the integral ground; and (3) if the site is unstable and there is evidence of predisaster instability after the facility was constructed, restoration of the facility's integral ground is ineligible.³²

Here, even if the Applicant could demonstrate the work claimed is a direct result of the declared incident, the documentation demonstrates that the sites were unstable based on predisaster

²⁶ Palos Verdes Landslides, ARIA Share, Jet Propulsion Laboratory California Institute of Technology, (Oct. 28, 2024), https://aria-share.jpl.nasa.gov/20241028-Palos_Verdes_Landslides/InSAR, (as referenced in *Letter from Dept. of Conservation*, at 7).

²⁷ *Letter from Dept. of Conservation*, at 7; *Letter from Cotton, Shires and Assoc.*, 2023, at 6.

²⁸ See FEMA Second Appeal Analysis, Boyd County, FEMA-4595-DR-KY, at 3 (Rain acted as a catalyst to ongoing creep, causing more significant damage to the slopes than would normally be expected. FEMA found this did not establish the disaster caused the claimed damages.), (June 7, 2023); *Letter from Dept. of Conservation*, at 9.

²⁹ See generally FEMA Second Appeal Analysis, Township of Pultney, FEMA-4424-DR-OH, at 3 (Apr. 24, 2024).

³⁰ *PAPPG*, at 181.

³¹ *Id.*

³² *PAPPG*, at 181-182.

evidence.³³ This predisaster site instability after the Facilities were constructed makes permanent work to the Facilities and restoration to their integral ground ineligible per FEMA policy.

For projects GMP 754842, GMP 754843, GMP 754845, GMP 754846, the predisaster slope instability constitutes a separate reason the Applicant's claim for PA funding is ineligible.

Emergency Repair or Stabilization / Improved Property/Natural Feature
GMP 753364

The Applicant requests PA funding for the installation of additional dewatering wells, increased monitoring, and fissure repairs in canyons, hillsides, and slopes as emergency protective measures to reduce land movement, "to the level experienced prior to the impact of climate whiplash."³⁴ Emergency repair or stabilization of an eligible facility is eligible as Emergency Work only if it eliminates or lessens an immediate threat.³⁵ If a landslide or other slope instability is triggered by a declared incident and poses an immediate threat to life, public health and safety, or improved public or private property, emergency protective measures to stabilize the slope may be eligible, but FEMA limits eligible stabilization measures to the area of the immediate threat, not the entire slope.³⁶ A long-term increased risk of erosion over time does not equate to an immediate threat.³⁷ Additionally, work performed under exigent circumstances to restore the predisaster design and function of a facility is Permanent Work,³⁸ not Emergency Work.

A facility must be eligible for work performed to repair or restore the facility to be eligible.³⁹ A facility is defined as "any publicly or privately owned building, works, system, or equipment, built or manufactured or an improved and maintained natural feature."⁴⁰ A natural feature is improved and maintained if it meets all of the following conditions per FEMA policy: (1) the natural feature has a designed and constructed improvement to its natural characteristics, such as a terraced slope or realigned channel; (2) the constructed improvement enhances the function of the unimproved natural feature; (3) the Applicant maintains the improvement on a regular schedule to ensure that the improvement performs as designed. Only the section of a natural

³³ See generally FEMA Second Appeal Analysis, [Town of Ossining](#), FEMA-4020-DR-NY, at 4 (noting a history of slope failure and instability), (Jan. 28, 2021); See generally FEMA Second Appeal Analysis, [Monroe Township \(Adams\)](#), FEMA-4424-DR-OH, at 3 (Apr. 25, 2022); *Letter from Cotton, Shires and Assoc.*, 2023, at 6; FEMA Second Appeal Analysis, [Clay County](#), FEMA-4663-DR-KY, at 3 (Nov. 12, 2024); [Geology News](#), California Department of Conservation, (last visited July 20, 2025), https://www.conservation.ca.gov/cgs/documents/publications/california-geology-magazine/CG_2024-GeologyNews.pdf; *Letter from Dept. of Conservation*, at 3.

³⁴ *First Appeal Letter*, at 15.

³⁵ 44 C.F.R. § 206.201(b).

³⁶ *PAPPG*, at 136.

³⁷ See FEMA Second Appeal Analysis, [Paintsville Utilities](#), FEMA-4595-DR-KY, at 5 (Mar. 11, 2024); see also FEMA Second Appeal Analysis, [City of Red Lake Falls](#), FEMA-4659-DR-MN, at 3 (Mar. 28, 2024); see also FEMA Second Appeal Analysis, [Kanawha County](#), FEMA-4605-DR-WV, at 3 (Feb. 27, 2024).

³⁸ 44 C.F.R. § 206.201(j).

³⁹ *PAPPG*, at 55.

⁴⁰ 44 C.F.R. § 206.201(c)

feature that meets the criteria above is eligible.⁴¹ Notably, unimproved property (e.g., a hillside or slope, forest, natural channel bank) is not an eligible facility.⁴²

Here, the Applicant has not provided documentation demonstrating that the declared incident caused the canyons, hillsides, and slopes to pose an immediate threat to life, public health and safety, or improved public or private property. As discussed above, to the extent there is a threat to structures in the landslide complex, it is long standing and not an immediate threat caused by DR-4769. Additionally, the request for reimbursement establishes that the claimed work is not designed to relieve an immediate threat. Rather the work is intended to restore the canyons, hillsides, and slopes to a previous condition and mitigate ongoing destruction caused by long-term land movement that likely cannot be stopped. FEMA does not provide PA Emergency Work funding for the work (or under the circumstances) described.

Additionally, the Applicant did not submit documentation to demonstrate the unimproved canyons, hillsides, and slopes are eligible facilities. Specifically, the Applicant did not provide design plans, as-built plans, or similar documents demonstrating that it designed or improved the canyons, hillsides, and slopes before the declared incident.⁴³ Because the features were unimproved, the Applicant was unable to provide documentation showing it maintained the canyons, hillsides, and slopes on a regular schedule to ensure they performed as designed.

The Applicant did not demonstrate with documentation that it performed emergency work to eliminate or lessen an immediate threat caused as a direct result of the declared disaster. And even if the Applicant's request was considered under the eligibility criteria applicable to permeant work, the Applicant has not demonstrated that the work is eligible for reimbursement because the facilities are unimproved natural features.

Other Federal Agency
GMP 753361

FEMA may provide funding for the repair of public facilities damaged or destroyed as a result of a major disaster.⁴⁴ A "public facility" includes "any non-Federal aid street, road, or highway" owned by a State or local government.⁴⁵ FEMA PA funding generally is not available when another federal agency has the specific authority to restore facilities damaged or destroyed by an event which is declared a major disaster.⁴⁶ Congress has authorized the Federal Highway Administration (FHWA) to repair, under the Emergency Relief (ER) Program, Federal-aid routes which include highways on the Federal-aid highway system and all other public roads not classified as local roads or rural minor collectors that suffer serious damage as a result of a

⁴¹ *PAPPG*, at 55.

⁴² 44 C.F.R. § 206.201(c); *PAPPG*, at 55.

⁴³ See FEMA Second Appeal Analysis, [Paintsville Utilities](#), FEMA-DR-4595-DR-KY, at 5 (June 14, 2024); FEMA Second Appeal Analysis, [Fresno County](#), FEMA-4569-DR-CA, at 4 (May 13, 2024).

⁴⁴ Stafford Act § 406(a)(1)(A), 42 U.S.C. § 5172(a)(1)(A) (2018).

⁴⁵ Stafford Act § 102(10)(B), 42 U.S.C. § 5122(10)(B); 44 C.F.R. § 206.221(h) (2020).

⁴⁶ 44 C.F.R. § 206.226(a)(1).

natural disaster.⁴⁷ Federal-aid routes are ineligible for PA funding even if the ER Program is not activated or if the program is activated but FHWA does not provide funding for the work.⁴⁸

The Applicant does not dispute that Palos Verdes Drive South (Facility) is part of the National Highway System.⁴⁹ The Facility is classified as a Principal Arterial Road under authority of the FHWA.⁵⁰ The Applicant states that the FHWA has conveyed to the Applicant that repairs to existing roadways are not covered by the FHWA.⁵¹ However, this statement contradicts policy and is not supported by documentation.⁵² Additionally, even if the FHWA did not provide funding for the work, this Facility is not eligible for PA funding since it is under the authority of another Federal agency.⁵³

For GMP 753361, the fact that the “Facility” is under the authority of another federal agency constitutes a separate reason the Applicant’s claim for PA funding is ineligible.

Conclusion

The Applicant did not demonstrate the claimed work was required as a result of the declared incident. Due to pre-existing instability, permanent repairs are not eligible, and the Applicant did not demonstrate there was an immediate threat that required emergency protective measures. Finally, several of the Facilities are ineligible for PA funding. Accordingly, this appeal is denied.

⁴⁷ Title 23 U.S.C. § 125(a); *PAPPG*, at 169.

⁴⁸ *PAPPG*, at 169.

⁴⁹ *First Appeal Letter*, at 16.

⁵⁰ California Road System – Functional Classification, Caltrans, (last visited July 23, 2025), <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=026e830c914c495797c969a3e5668538>.

⁵¹ *First Appeal Letter*, at 16.

⁵² Federal-aid Program Administration, Federal Highway Administration, at 48 (last visited July 23, 2025), <https://www.fhwa.dot.gov/federalaid/projects.pdf>, (explaining the ER Program).

⁵³ See FEMA Second Appeal Analysis, Gloucester County, FEMA-4574-DR-NJ, at 2 (Nov. 1, 2022).

ADMINISTRATIVE RECORD INDEX
City of Rancho Palos Verdes
PA ID: 037-59514-00, FEMA-4769-DR-CA
Grants Manager Projects: 753361, 753364, 754842, 754843, 754845, 754846

The following documents are contained within the Administrative Record and have been considered in the review and analysis of the referenced first appeal.

Document Number	Document Description/Subject	Document Date	Pages
1	First Appeal Package – Cal OES to FEMA	5/1/2025	TOTAL 312
	Enclosure 1: Applicant Appeal Letter	3/17/2025	157
	Attachment A: Cotton Shires and Assoc. Report 9/29/2023	9/29/2023	14
	Attachment B: Cotton Shires and Assoc. Report 11/8/2024	11/8/2024	11
	Attachment C: Cotton Shires and Assoc. Report 3/16/2025	3/16/2025	11
	Attachment D: SOE Request to Governor 2/20/2024	2/20/2024	5
	Enclosure 2: FEMA Determination Memos	1/17/2025	51
	Enclosure 3: Project Reports from GM	Multiple	31
	Enclosure 4: Summary Table	Unknown	2
	Enclosure 5: CGS Mission Task – Assessment of Recent Land Movement	2/24/2025	21
2	Grants Manager Project 753361	Source	Source
3	Grants Manager Project 753364	Source	Source
4	Grants Manager Project 754842	Source	Source
5	Grants Manager Project 754843	Source	Source
6	Grants Manager Project 754845	Source	Source
7	Grants Manager Project 754846	Source	Source
8	Applicant Infrastructure Committee Meeting Agenda and Minutes	5/16/2022	14
9	<u>Geology News</u> , California Geological Survey	2024	1
10	Email Review from USGS Geologist	7/11/2025	1
End Record			



FEMA

October 3, 2025

Eli Owen
Assistant Director, Recovery Operations
Cal OES
3650 Schriever Ave.
Mather, CA 95655

Ara Mihranian
City Manager
City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

Re: First Appeal – City of Rancho Palos Verdes, PA ID: 037-59514-00, FEMA-4769-DR-CA,
FEMA Log: FA0131, Grants Manager Project (GMP) 754844, Other Federal Agency;
Result of Declared Incident; Landslides and Slopes Stabilization

Dear Assistant Director Owen and Ara Mihranian:

This is in response to the June 12, 2025, letter from the California Governor's Office of Emergency Services (Cal OES/Recipient), which forwarded the referenced first appeal on behalf of City of Rancho Palos Verdes (Applicant). The Applicant is appealing the U.S. Department of Homeland Security's Federal Emergency Management Agency's (FEMA) denial of \$5,425,000.00 for work the Applicant undertook to repair damage to sinkholes in roadways and around storm drains at several locations.

As explained in the enclosed analysis, I have determined that Facilities 1, 2, and 3 are under the authority of another Federal agency and therefore are not eligible for PA reimbursement. However, Facility 4 is eligible for PA reimbursement and the Applicant demonstrated the claimed work is a result of the declared incident. Accordingly, I am partially approving this appeal in the amount of \$102,157.16. I am directing my staff to complete a version of GMP 754844 that identifies the eligible scope of work. This letter officially notifies the Applicant of this decision.

Under Section 423(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) and applicable regulations, the Applicant may appeal this decision.¹² If the Applicant submits a second appeal, the appeal must: 1) contain documented justification supporting the Applicant's position, 2) specify the amount in dispute, and 3) specify the provisions in federal law, regulation, or policy with which the Applicant believes the initial action was inconsistent.

The Applicant must submit the second appeal electronically to the California Governor's Office of Emergency Services within 60 calendar days from the date FEMA electronically transmits this first appeal decision. The Recipient must forward the Applicant's appeal, with its recommendation, to the

¹ Robert T. Stafford Disaster Relief and Emergency Assistance Act § 423, Title 42, United States Code § 5189a; Title 44 of the Code of Federal Regulations § 206.206.

Assistant Administrator for the Recovery Directorate via FEMA's Grants Portal system within 120 calendar days from the date FEMA electronically transmits this first appeal decision.

Alternatively, in lieu of a second appeal, an arbitration process is available to any Applicant meeting the statutory criteria pursuant to Section 423(d) of the Stafford Act. Please consult 44 C.F.R. § 206.206(b)(3) and 48 C.F.R. part 6106 for arbitration eligibility and procedural requirements.

If the Applicant or Recipient does not submit a timely second appeal or request for arbitration, this decision is the final agency determination on the matter, and the Applicant will no longer be able to appeal or arbitrate the matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'RJF', is positioned above the typed name.

Robert J. Fenton
Regional Administrator
FEMA Region 9

Enclosures:

1. First Appeal Analysis
2. Administrative Record Index

FIRST APPEAL ANALYSIS
City of Rancho Palos Verdes
PA ID: 037-59514-00, FEMA-4769-DR-CA
Grants Manager Project 754844

Other Federal Agency; Result of Declared Incident; Landslides and Slope Stabilization

Background

Following severe winter storms, which occurred between January 31, 2024, and February 9, 2024,³ the City of Rancho Palos Verdes (Applicant) requested Federal Emergency Management Agency (FEMA) Public Assistance (PA) reimbursement totaling \$5,425,000.00 for work the Applicant undertook to repair damage to sinkholes in roadways and around storm drains at several locations city wide, including, but not limited to Palos Verdes Drive South between approximately Schooner Drive and Seacove Drive (Facility 1); at two locations on Hawthorne Boulevard (Facilities 2 and 3); and at the intersection of Rue De La Fleur and Rue De La Pierre (Facility 4). FEMA initiated Grants Manager Project (GMP) 754844 to track, develop, and review the Applicant's requests and to exchange information with the California Governor's Office of Emergency Services (Cal OES/Recipient) and the Applicant.

On February 25, 2025, FEMA issued a Determination Memorandum (DM) denying the Applicant's requests for reimbursement.⁴ FEMA determined the Applicant did not demonstrate the work was required as a result of the declared incident because documentation showed the damages were the result of pre-existing slope instability which has been ongoing for decades. In addition, both Palos Verdes Drive South and Hawthorne Boulevard are classified as Other Principal Arterial Roads under jurisdiction of the Federal Highway Administration (FHWA) and are therefore not eligible for PA reimbursement.

First Appeal

On May 1, 2025, the Recipient transmitted the Applicant's March 17, 2025, appeal along with a letter stating it could not support the Applicant's claim in full.⁵ The Recipient agrees with FEMA that Facilities 1, 2, and 3 are under the authority of the FHWA and therefore, they are not eligible for PA reimbursement. However, the Recipient states that Facility 4 is not under the authority of the FHWA and the location is north of the historic landslide activity. Therefore, the Recipient supports reimbursement for Facility 4 in the amount of \$102,157.16.⁶

In its appeal letter, the Applicant claims that rainwater runoff from the DR-4769 event caused sinkholes at several locations. The Applicant provided images and videos of the damages as well as invoices and payment receipts for the work at Facility 4. Additionally, the Applicant provided three (3) Geotechnical Assessment Memorandums dated September 29, 2023;⁷ November 8,

³ The President issued a major disaster declaration (FEMA-4769-DR-CA) on April 13, 2024.

⁴ Determination Memorandum, *City of Rancho Palos Verdes*, FEMA-4769-DR-CA, at 1 (Jan. 17, 2025).

⁵ First Appeal Transmittal Package from Asst. Dir., Cal OES to Rec. Div. Dir., Region 9, at 4 (June 12, 2025) [hereinafter *First Appeal Transmittal Package*].

⁶ *Id.* at 3.

⁷ Letter from Contract City Geologists and Contract City Geotechnical Eng'r, Cotton, Shires and Associates, Inc., to Open Space Manager, City of Rancho Palos Verdes, at 1 (Sept. 29, 2023) [hereinafter *Letter from Cotton, Shires and Assoc., 2023*].

2024;⁸ and March 16, 2025;⁹ a California Department of Conservation, Geological Survey, Landslide Emergency Assessment;¹⁰ and a Request for a State of Emergency for the Greater Portuguese Bend Landslide Complex.¹¹

Discussion

Other Federal Agency

FEMA may provide funding for the repair of public facilities damaged or destroyed as a result of a major disaster.¹² A “public facility” includes “any non-Federal aid street, road, or highway” owned by a State or local government.¹³ FEMA PA funding generally is not available when another federal agency has the specific authority to restore facilities damaged or destroyed by an event which is declared a major disaster.¹⁴ Congress has authorized the FHWA to repair, under the Emergency Relief (ER) Program, Federal-aid routes which include highways on the Federal-aid highway system and all other public roads not classified as local roads or rural minor collectors that suffer serious damage as a result of a natural disaster.¹⁵ Federal-aid routes are ineligible for PA funding even if the ER Program is not activated or if the program is activated but FHWA does not provide funding for the work.¹⁶

Palos Verdes Drive South (where Facility 1 is located) and Hawthorne Boulevard (where Facilities 2 and 3 are located) are classified as Other Principal Arterial Roads which are under the authority of the FHWA.¹⁷ Accordingly, these three Facilities are not eligible for PA reimbursement since they are under the authority of another Federal agency.¹⁸

Result of Declared Incident / Landslides and Slopes Stabilization

FEMA provides grant funding to eligible applicants under two broad categories: Emergency Work and Permanent Work.¹⁹ To be eligible for reimbursement under either category, a

⁸ Letter from Contract City Geologists and Contract City Geotechnical Eng’r, Cotton, Shires and Associates, Inc., to Open Space Manager, City of Rancho Palos Verdes, at 1 (Nov. 8, 2024) [hereinafter *Letter from Cotton, Shires and Assoc., 2024*].

⁹ Letter from Contract City Geologists and Contract City Geotechnical Eng’r, Cotton, Shires and Associates, Inc., to Open Space Manager, City of Rancho Palos Verdes, at 1 (Mar. 16, 2025) [hereinafter *Letter from Cotton, Shires and Assoc., 2025*].

¹⁰ Letter from Sup. Engineering Geologist, Engineering Geologist, and Senior Engineering Geologist, Department of Conservation, State of California, to Engineering Geologist, Cal OES, at 1 (Feb. 24, 2025) [hereinafter *Letter from Dept. of Conservation*].

¹¹ Letter from Mayor, City of Rancho Palos Verdes, to Disaster Analysis Unit, Cal OES, at 1 (Feb. 20, 2024).

¹² Stafford Act § 406(a)(1)(A), 42 U.S.C. § 5172(a)(1)(A) (2018).

¹³ Stafford Act § 102(10)(B), 42 U.S.C. § 5122(10)(B); 44 C.F.R. § 206.221(h) (2020).

¹⁴ 44 C.F.R. § 206.226(a)(1).

¹⁵ Title 23 U.S.C. § 125(a); *PAPPG*, at 169.

¹⁶ *PAPPG*, at 169.

¹⁷ California Road System – Functional Classification, Caltrans, (last visited July 23, 2025), <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=026e830c914c495797c969a3e5668538>.

¹⁸ See FEMA Second Appeal Analysis, Gloucester County, FEMA-4574-DR-NJ, at 2 (Nov. 1, 2022).

¹⁹ Robert T. Stafford Disaster Relief and Emergency Assistance Act §§ 406(a)(1)(A), (e)(1), Title 42, United States Code (42 U.S.C.) §§ 5172(a)(1)(A), (e)(1) (2018); Title 44 of the Code of Federal Regulations (44 C.F.R.) §

minimum, the work must be required as a result of the declared incident, be located within the designated area; and be the legal responsibility of an eligible Applicant.²⁰ The applicant has the burden of demonstrating that the claimed damage was directly caused by the declared incident.²¹

If an eligible facility is located on a slope and is damaged as a result of a landslide or slope instability triggered by the incident, FEMA determines the stability of the slope that supports the facility before it approves PA funding to restore the facility.²² Restoration of the integral ground that supports the facility may also be eligible.²³ The applicant is responsible for providing documentation to support its claim as eligible and show that work is required to address damage caused by the disaster; and documentation supporting predisaster condition of the facility.²⁴ If the Applicant does not provide sufficient documentation to support its claim as eligible, FEMA cannot provide PA funding for the work.²⁵

Here, the Applicant has jurisdiction over a large Landslide Complex which has been extensively mapped and tracked since 1946. According to the California Department of Conservation's publication, *California Geology*:

On the southern coast of the Palos Verdes Peninsula is an infamous landslide complex that has been studied and monitored since 1946 when USGS geologist W.P. Woodring first examined it. CGS mapping from 1998 showed three active landslides named the Portuguese Bend, the Abalone Cove, and the Klondike landslides. These were inset into a larger dormant landslide known as the ancient Portuguese Bend landslide or the ancient complex. In 1956, the Portuguese Bend landslide began moving during the extension of Crenshaw Boulevard to Palos Verdes Drive due to placement of road fill. The Abalone Cove landslide began moving in 1974 and the Klondike Canyon slide began moving around 1980. During a rainy period from 2022-2024, landslide activity increased, destroying properties and infrastructure.²⁶

However, Facility 4 is located well outside of this historic Landslide Complex.²⁷ The Applicant demonstrated through documentation that rainwater from the declared incident created a sinkhole and collapsed a drainpipe, which created a 230 cubic foot cavern at the Facility. Since Facility 4 is not under the authority of another Federal agency; not located within the boundaries of the Landslide Complex; and the site was stable before the declared incident, the work claimed at Facility 4 is eligible for PA reimbursement.

206.226 (2018); *Public Assistance Program and Policy Guide*, FP 104-009-2, at 51 (June 1, 2020) [hereinafter *PAPPG*].

²⁰ 44 C.F.R. § 206.223(a); *PAPPG*, at 51.

²¹ 44 C.F.R. § 206.223(a)(1); *PAPPG*, at 19.

²² *PAPPG*, at 181.

²³ *Id.*

²⁴ *Id.* at 51-52.

²⁵ *Id.*

²⁶ *Geology News*, California Department of Conservation, (last visited July 20, 2025), https://www.conservation.ca.gov/cgs/documents/publications/california-geology-magazine/CG_2024-GeologyNews.pdf.

²⁷ *First Appeal Transmittal Package*, Enclosure 8: Google Earth Image of Rancho Palos Verdes (image shows the GPS location of Facility 4 "intersection" in relation to the location of the Landslide Complex), (May 28, 2025).

Conclusion

FEMA found that Facilities 1, 2, and 3 are under the authority of another Federal agency and therefore are not eligible for PA reimbursement. However, Facility 4 is eligible for PA reimbursement and the Applicant demonstrated the claimed work is a result of the declared incident. Accordingly, this appeal is partially granted in the amount of \$102,157.16.

ADMINISTRATIVE RECORD INDEX
City of Rancho Palos Verdes
PA ID: 037-59514-00, FEMA-4769-DR-CA
Grants Manager Project 754844

The following documents are contained within the Administrative Record and have been considered in the review and analysis of the referenced first appeal.

Document Number	Document Description/Subject	Document Date	Pages
1	First Appeal Package – Cal OES to FEMA	6/12/2025	TOTAL 95
	Enclosure 1: Applicant Appeal Letter	4/25/2025	7
	Enclosure 2: FEMA Determination Memos	2/25/2025	7
	Enclosure 3: Cotton Shires and Assoc. Report 9/29/2023	9/29/2023	14
	Enclosure 4: Cal OES Combined Appeal	5/1/2025	5
	Enclosure 5: Cotton Shires and Assoc. Report 11/8/2024	11/8/2024	11
	Enclosure 6: Cotton Shires and Assoc. Report 3/16/2025	3/16/2025	11
	Enclosure 7: CGS Mission Task – Assessment of Recent Land Movement	2/24/2025	21
	Enclosure 8: Google Earth Image	Unknown	1
	Enclosure 9: Functional Classification of Intersection	Unknown	2
	Enclosure 10: Intersection Location, Invoices, and Payments	Multiple	11
	Enclosures 11-16: Images and Videos of Damages	Unknown	NA
2	Grants Manager Project 754844	Source	Source
3	<u>Geology News</u> , California Geological Survey	2024	1
End Record			