

Byrne, Michael

From: Breslin, Thomas
Sent: Thu 11/01/2018 2:02 AM (GMT-00:00)
To: Byrne, Michael; Miller, Thomas; Hernandez, Justo; Yee, Lai Sun; Cuartas, Jesus (JB); Haile, Daniel
Cc: Morales, Ana
Bcc:
Subject: Re: COBRA and PREPA

More than sufficient. Many thanks.

Happy Halloween,
Tom

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From: Byrne, Michael
Sent: Wednesday, October 31, 2018 7:36:18 PM
To: Miller, Thomas; Hernandez, Justo; Yee, Lai Sun; Cuartas, Jesus (JB); Haile, Daniel; Breslin, Thomas
Cc: Morales, Ana
Subject: Re: COBRA and PREPA

Tom M
Well done thanks!

Tom B is this sufficient?

Michael Byrne
FEMA
347 404 0955

From: Miller, Thomas
Sent: Wednesday, October 31, 2018 4:30:32 PM
To: Byrne, Michael; Hernandez, Justo; Yee, Lai Sun; Cuartas, Jesus (JB); Haile, Daniel
Cc: Morales, Ana
Subject: RE: COBRA and PREPA

Mike,

Here is the requested data to include some historical narrative to answer the questions in regards to the follow on questions.

We are available for any follow up questions and/or comments. Thank you.

We have two PWs for Cobra (PW00251 - \$945M, PW00466 - \$250M). PW00251 was obligated on Dec/29/2017 and PW00466 was obligated on Aug/6/2018.

The following disbursement from each PW as of today.

- PW00251 - \$747.6M
- PW00466 - \$0

Based on the information we have, Cobra submits the invoice to PREPA for work completed. PREPA reviews, process and approves the invoice prior submittal to COR3. The COR3 performs their review and then forwards it to FEMA. The amount of disbursement is based on the amount of invoices FEMA receives and reviews. As of this date, FEMA has no invoices pending to evaluate. Cobra stated that there is a lack of payment from PREPA because they have submitted more invoices than what PREPA has paid.

With regards of EHP, it is PREPA's responsibility to comply with environmental regulations during emergency work. We are experiencing a lack of progress in this area. For PW00251, there are many environmental reports to be completed. Each individual report can be done quickly. The preparation of all the reports required can take months depending on the resources assigned. Also final archaeological and environmental reports, including a summary of the individual undertaking during the emergency works has to be sent to State Historic Preservation Office (SHPO) and United State Fish and Wildlife Services (USFWS)

Since the beginning of the disaster PREPA/ USACE/FEMA has been in agreement on the Environmental Review Process. On January 3, 2018, a meeting was held at PREPA between FEMA, USACE, PREPA, and FWS, regarding environmental and historic preservation compliance for the power grid restoration project. The meeting's objective was to standardize the compliance procedure used by USACE, PREPA and sub-contractors. After this meeting, PREPA/FEMA/USACE Environmental personnel meet almost every week to clarify environmental requirements and attend environmental issues that arise during the process. Many communications, letters and emails, has been sent to PREPA about the EHP requirements that applies to the Emergency Works.

As a general note for all restoration work at PREPA: FEMA has allocated about \$2.8B on emergency work for emergency power restoration. This amount includes local contractors, Cobra and PREPA's Force Account Labor, within others. At the moment, no funds have been allocated for permanent work even though the development of one permanent project (Section 428) is in place.

In regards to expediting the mentioned Environmental Review Process, it is somewhat of an expedited process for Emergency Work in that the restrictions and process take the type of work(Emergency) into consideration. The Environmental Review in question is being expedited in every way possible at this time while still adhering to the requirements necessary. The biggest roadblock at this time that is now in COR3's hands is to get the necessary information for Navigant to know exactly where to start and stop the Reviews. FEMA has identified "What" exactly needs to take place and the next step is for COR3/Navigant to "where" to go...literally the location where each review needs to take place. That information has to come from PREPA/Cobra.

FEMA Energy Sector staff are working at developing an alternate way to identify those locations with data we do have, but it in itself may not be accurate enough to dispatch the Navigant Crews thru COR3.

This is where we are to this very minute. I hope this helps put some numbers to the answers and also tells the story behind it all. Let us know what else we can provide. Thanks.

From: Byrne, Michael
Sent: Wednesday, October 31, 2018 2:42 PM
To: Miller, Thomas <thomas.miller@fema.dhs.gov>; Hernandez, Justo <Justo.Hernandez@fema.dhs.gov>; Yee, Lai Sun <laisun.yee@fema.dhs.gov>; Cuartas, Jesus (JB) <jb.cuartas@fema.dhs.gov>; Haile, Daniel <Daniel.Haile@fema.dhs.gov>
Cc: Morales, Ana <Ana.Morales@fema.dhs.gov>
Subject: Re: COBRA and PREPA

Awesome thanks

Michael Byrne
FEMA
347 404 0955

From: Miller, Thomas
Sent: Wednesday, October 31, 2018 1:27:40 PM
To: Byrne, Michael; Hernandez, Justo; Yee, Lai Sun; Cuartas, Jesus (JB); Haile, Daniel
Cc: Morales, Ana
Subject: RE: COBRA and PREPA

We have PA Ops working on that very thing and will include the added items.

From: Byrne, Michael
Sent: Wednesday, October 31, 2018 1:23 PM
To: Miller, Thomas <thomas.miller@fema.dhs.gov>; Hernandez, Justo <Justo.Hernandez@fema.dhs.gov>; Yee, Lai Sun <laisun.yee@fema.dhs.gov>; Cuartas, Jesus (JB) <jb.cuartas@fema.dhs.gov>; Haile, Daniel <Daniel.Haile@fema.dhs.gov>
Cc: Morales, Ana <Ana.Morales@fema.dhs.gov>
Subject: RE: COBRA and PREPA

Please engage someone from PA ops that can provide a chronology of funds that have been paid already to PREPA for Cobra and a list of what is in the pipeline. I will need a little more detail on your response as to the current PW as well.

When was the PW written?
When did the need for an Environmental review arise?
How much is it for?
Is there any portion of it that can be expedited?
What does EHP say about the review and the time involved?

Thanks
Mike

Michael Byrne
Acting CAD Director
347-404-0955

From: Miller, Thomas
Sent: Wednesday, October 31, 2018 1:00 PM
To: Hernandez, Justo <Justo.Hernandez@fema.dhs.gov>; Byrne, Michael <michael.byrne@fema.dhs.gov>; Yee, Lai Sun <laisun.yee@fema.dhs.gov>; Cuartas, Jesus (JB) <jb.cuartas@fema.dhs.gov>
Subject: Re: COBRA and PREPA

I can give a quick brief on the current status on the steps and progress being made to get close out to Cobra PW251.

FEMA has advanced the reimbursement process as far as can be made and is pending Environmental Review as required for the Emergency Work in question.

Delayed and lack of information/response has led to FEMA Energy cosponsoring along with COR3 and Navigant to perform those reviews and remove the logjam preventing progress.

Current state has COR3 in the lead of assigning resources and FEMA Energy/EHP taking the lead to specifically identify exactly what the COR3 resources will need to adequately perform those reviews.

We have the requirements from the archaeological reviews and are finalizing the environmental requirements.

I have folks working on some more detail in regards to the PREPA/Cobra invoices and will share immediately upon receiving them.

I will follow up shortly.

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From: Hernandez, Justo
Sent: Wednesday, October 31, 2018 12:45:34 PM
To: Byrne, Michael; Yee, Lai Sun; Miller, Thomas; Cuartas, Jesus (JB)
Subject: RE: COBRA and PREPA

Sir,

Tom is working on the answers to these questions and should be with you shortly.

Tito

Justo "Tito" Hernández

Deputy Director, Community Services Sectors DR-4336-4339-PR
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FEMA

From: Byrne, Michael
Sent: Wednesday, October 31, 2018 12:05 PM
To: Yee, Lai Sun <laisun.yee@fema.dhs.gov>; Hernandez, Justo <Justo.Hernandez@fema.dhs.gov>; Miller, Thomas <thomas.miller@fema.dhs.gov>; Cuartas, Jesus (JB) <jb.cuartas@fema.dhs.gov>
Subject: RE: COBRA and PREPA

Need an answer as soon as possible.

Michael Byrne
Acting CAD Director
347-404-0955

From: Yee, Lai Sun
Sent: Wednesday, October 31, 2018 11:14 AM
To: Byrne, Michael <michael.byrne@fema.dhs.gov>; Hernandez, Justo <Justo.Hernandez@fema.dhs.gov>; Miller, Thomas <thomas.miller@fema.dhs.gov>; Cuartas, Jesus (JB) <jb.cuartas@fema.dhs.gov>
Subject: RE: COBRA and PREPA

Mike,
Will take it for action.

Lai Sun

From: Byrne, Michael
Sent: Wednesday, October 31, 2018 11:02 AM
To: Hernandez, Justo <Justo.Hernandez@fema.dhs.gov>; Yee, Lai Sun <laisun.yee@fema.dhs.gov>; Miller, Thomas <thomas.miller@fema.dhs.gov>; Cuartas, Jesus (JB) <jb.cuartas@fema.dhs.gov>
Subject: FW: COBRA and PREPA

Please take for action and provide a response. Please let me know what is going on

Michael Byrne
Acting CAD Director
347-404-0955

From: Byard, Jeffrey
Sent: Wednesday, October 31, 2018 10:48 AM
To: Armeni, Damon T. EOP/NSC <damon.t.armeni@nsc.eop.gov>
Cc: Heighberger, Eric <eric.heighberger@fema.dhs.gov>; Byrne, Michael

<michael.byrne@fema.dhs.gov>; Harvey, Mark <Mark.P.Harvey@nsc.eop.gov>; Ferris, John <John.P.Ferris@nsc.eop.gov>; Cavanaugh, Brian J. EOP/NSC <brian.j.cavanaugh@nsc.eop.gov>; Turi, Keith <Keith.Turi@fema.dhs.gov>; Breslin, Thomas <Thomas.Breslin@fema.dhs.gov>

Subject: Re: COBRA and PREPA

Will get you the info.

Jeff

Jeff Byard

FEMA

From: Armeni, Damon T. EOP/NSC <Damon.T.Armeni@nsc.eop.gov>

Sent: Wednesday, October 31, 2018 10:47:00 AM

To: Byard, Jeffrey

Cc: Heighberger, Eric; Byrne, Michael; Harvey, Mark; Ferris, John; Cavanaugh, Brian J. EOP/NSC; Turi, Keith; Breslin, Thomas

Subject: COBRA and PREPA

Sir –

We are hearing complaints that COBRA hasn't been paid by PREPA, that they will soon halt work, and that their subcontractors are going "under". We've heard anecdotal complaints about this for a couple of months, but this is the first time we've seen some teeth to the assertions or more accurately, this is the first time we've heard from multiple sources simultaneously about the issue.

Can we get some understanding on what is going on and to what extent the complaints are credible? Specifically:

How much is COBRA owed?

What are the reasons PREPA has articulated for not paying?

What has been allocated by FEMA to PREPA to pay for power restoration?

Of that amount, how much has been obligated to PREPA?

Is there anything we can do to remove or reduce obstacles towards getting this resolved?

I appreciate it,

Damon

Damon T. Armeni

Director, Response Policy

National Security Council Staff

202-456-1226