

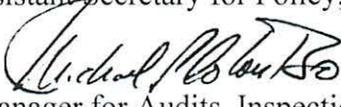


OFFICE OF  
**INSPECTOR GENERAL**  
U.S. DEPARTMENT OF THE INTERIOR

AUG 25 2016

Memorandum

To: Kristen J. Sarri  
Principal Deputy Assistant Secretary for Policy, Management and Budget

From: Michael P. Colombo   
Western Regional Manager for Audits, Inspections, and Evaluations

Subject: Verification Review – Recommendations for the Report, “Bureau of Land Management, National Park Service, and Office of Surface Mining Reclamation and Enforcement’s Safety of Dams: Emergency Preparedness” (WR-EV-MOA-0015-2011)  
Report No. 2016-WR-053

The Office of Inspector General (OIG) has completed a verification review of 10 recommendations presented in the subject evaluation report. Our objective was to determine whether the Bureau of Land Management (BLM) and the National Park Service (NPS) implemented the recommendations as reported to the Office of Financial Management (PFM), Office of Policy, Management and Budget. PFM reported to OIG that it has closed the recommendations. We concur that all 10 of the recommendations have been resolved and implemented.

**Background**

Our December 2012 evaluation report titled “Bureau of Land Management, National Park Service, and Office of Surface Mining Reclamation and Enforcement’s Safety of Dams: Emergency Preparedness” contained 11 recommendations, but two of the recommendations, 7 and 10, applied to more than one bureau and were divided in OIG’s referral to PFM, making a total of 14 recommendations. Our objective was to determine whether BLM implemented Recommendations 3, 4, 5, 7a, 8, and 10a and whether NPS implemented Recommendations 6, 7b, 9, and 10b as reported to PFM. PFM has not closed Recommendations 1, 2, and 7c belonging to the Office of Surface Mining Reclamation and Enforcement (OSM) or Recommendation 11 belonging to the U.S. Bureau of Reclamation.

On November 9, 2012, the Office of Policy, Management and Budget responded to OIG’s draft report on behalf of the bureaus and concurred with our recommendations. OIG considered the recommendations resolved but not implemented and referred them to PFM for tracking and implementation. In memoranda dated May 8, 2013; July 8, 2013; July 9, 2013; August 1, 2013; and July 28, 2014, PFM reported to OIG that it considered Recommendations 3, 4, 5, 6, 7a, 7b, 8, 9, 10a, and 10b implemented and closed.

## Scope and Methodology

The scope of this review was limited to determining whether BLM and NPS implemented the 10 recommendations listed above. Recommendations 1, 2, 7c, and 11 were resolved but not implemented and therefore not included in the scope of this review.

To accomplish our objective, we reviewed PFM's documentation supporting its closure of the 10 recommendations and discussed the actions taken with BLM and NPS officials. We did not perform internal control testing, visit sites, or conduct fieldwork to determine whether the underlying deficiencies that were initially identified have been corrected. As a result, this review was not conducted in accordance with the Generally Accepted Government Auditing Standards issued by the Comptroller General of the United States or the Quality Standards for Inspection and Evaluation as put forth by the Council of the Inspectors General on Integrity and Efficiency.

## Results of Review

### *BLM Recommendations*

Our current review found that BLM implemented Recommendations 3, 4, 5, 7a, 8, and 10a.

**Recommendation 3:** BLM ensure that EAPs [emergency action plans] are exercised within 3 years of development, in accordance with the BLM Manual.

**Action Taken:** BLM Instruction Memorandum (IM) No. 2013-086, "Procedures for Exercise and Review of Dam Emergency Action Plans," requires dam safety staff to exercise plans no less than every 3 years. We reviewed a sample of EAP exercise reports, which all occurred within 3 years after the EAPs were finalized.

Based on the information provided, we concluded that BLM has ensured that EAPs are exercised within 3 years of development, in compliance with the BLM Manual. We consider the recommendation to be resolved and implemented.

**Recommendation 4:** BLM correct Little Robber Dam's EAP and ensure that EAPs are prepared in accordance with FGDS ["Federal Guidelines for Dam Safety"].

**Action Taken:** BLM updated Little Robber Dam's EAP, which complies with the Federal Emergency Management Agency's FGDS and contains all of the required elements.

Based on the information provided, we concluded that BLM has corrected Little Robber Dam's EAP to comply with FGDS. We consider the recommendation to be resolved and implemented.

**Recommendation 5:** BLM ensure that the entire EAP document is reviewed annually for accuracy and updated accordingly.

**Action Taken:** BLM IM No. 2013-086, “Procedures for Exercise and Review of Dam Emergency Action Plans,” requires engineers to certify annual reviews of plans. BLM provided its annual EAP review checklist template and an example of a completed checklist for Rock Creek Dam.

Based on the information provided, we concluded that BLM has ensured that the EAP document is reviewed annually for accuracy and updated accordingly. We consider the recommendation to be resolved and implemented.

**Recommendation 7a:** BLM, NPS, and OSM require the preparation and issuance of an AAR [After Action Report] after each incident or exercise and require the inclusion of a planned course of action to implement and track the recommended corrective actions in the AAR.

**Action Taken:** BLM IM No. 2013-086, “Procedures for Exercise and Review of Dam Emergency Action Plans,” requires established deadlines for dam safety staff to submit Incident and After Action Reports to the Dam Safety Officer. We reviewed exercised AARs for a number of dams along with an Incident Report. All of the AARs and the Incident Report were completed in compliance with IM No. 2013-086, with the exception of the AAR for Little Robber Dam, which did not contain signatures.

BLM provided a list of issued AARs to demonstrate that it is tracking and implementing the recommended corrective actions in AARs. BLM uses the BLM Dam Safety SharePoint site to track AARs and Incident Reports. BLM stated that corrective actions are identified in the AAR or Incident Report and, if not resolved within the report, are tracked by the Dam Safety Officer for the State where the dam is located.

Based on the information provided, BLM has demonstrated that it has prepared and issued AARs after each incident or exercise, including a planned course of action to implement and track the recommended corrective actions in the AARs. We consider the recommendation to be resolved and implemented.

**Recommendation 8:** To the extent practicable, as BLM ROW [right-of-way] agreements or permits that allow for dam operations are reviewed for renewal, amend them to include the FGDS requirements or appropriate dam safety and emergency preparedness terms and conditions.

**Action Taken:** BLM IM No. 2013-124, “Right-of-Way Dam Authorizations and New Applications,” requires field offices to ensure all new authorizations contain the dam safety and emergency preparedness terms and conditions. BLM stated in its November 9, 2012 response to the OIG report that it will identify high hazard

dams authorized by ROW agreements and will issue an instruction memorandum to require field offices to add the terms and conditions to ROW agreements as they are renewed. As appropriate, BLM will examine these ROW agreements to determine whether modifying them prior to expiration is feasible and warranted.

BLM provided us with amended ROW agreements that demonstrate the implementation of the FGDS requirements and the inclusion of appropriate dam safety and emergency preparedness terms and conditions in those agreements in compliance with BLM IM No. 2013-124. We consider the recommendation to be resolved and implemented.

**Recommendation 10a:** Continue BLM and NPS' efforts in addressing the inventory of non-BLM and non-NPS owned dams located on BLM or NPS lands, including determining the agreements in place that allow for the existence and operation of these dams and determining if these dams are being inspected and have EAPs in place.

**Action Taken:** BLM IM No. 2012-099, "Identification of Privately Owned Dams on Bureau of Land Management (BLM) Lands," requires field offices to update their inventory of privately owned, hazard classified dams that are located on BLM lands. Although not complete, the current inventory list contains 552 non-BLM owned dams and includes data on the owner, location, hazard class, last inspection date, inspection agency, and whether an EAP is in place. BLM also encourages partnerships between States and Federal agencies when managing non-BLM owned dams on BLM land. BLM provided evidence that it is working with States to manage non-BLM owned dams on BLM land.

Based on the information provided, we conclude that BLM has made efforts to address the inventory of non-BLM owned dams located on BLM lands, including determining the agreements in place that allow for the existence and operation of these dams and determining whether these dams are being inspected and have EAPs in place. We consider the recommendation to be resolved and implemented.

### *NPS Recommendations*

Our current review found that NPS implemented Recommendations 6, 7b, 9, and 10b.

**Recommendation 6:** NPS adhere to a timeline and deadline for the completion and exercise of formal EAP documents.

**Action Taken:** NPS developed formal EAPs for all 14 of its high hazard dams and stated that the EAPs will be exercised within the guidelines established in Chapter 10 of the NPS "Reference Manual 40." NPS provided OIG a sample of AARs that were conducted after the EAPs were finalized. NPS stated that it is considering whether to conduct an orientation exercise between the tabletop exercises, especially when there are new park personnel. NPS explained that the

parks are encouraged to use a dam incident exercise as part of their overall all-hazards park emergency management exercise program.

Based on the information provided, we concluded that NPS completed EAPs for high hazard dams and exercised the EAPs according to a timeline. We consider the recommendation to be resolved and implemented.

**Recommendation 7b:** BLM, NPS, and OSM require the preparation and issuance of an AAR after each incident or exercise and require the inclusion of a planned course of action to implement and track the recommended corrective actions in the AAR.

**Action Taken:** NPS provided OIG with examples of AARs completed at Bear Gulch and Lily Lake Dams, updated Chapter 10 of the NPS “Reference Manual 40” to address the preparation and issuance of AARs, and provided evidence that it is actively tracking the AAR recommendations.

Based on the information provided, we concluded that NPS has prepared and issued AARs and has required the inclusion of a planned course of action to implement and track the recommended corrective actions from AARs. We consider the recommendation to be resolved and implemented.

**Recommendation 9:** Ensure that NPS Regional Directors and Superintendents are requesting observer status during inspections and in the preparation and review of EAPs at non-NPS dams that could significantly affect park areas, in accordance with NPS “Reference Manual 40.”

**Action Taken:** NPS did not produce evidence that Regional Directors or Superintendents have observed or have requested observer status for an inspection of a non-NPS dam or review of an EAP for a non-NPS dam that could significantly affect park areas in accordance with “Reference Manual 40.”

We verified, however, that NPS has developed an inventory of dams owned by others upstream from NPS lands whose failure could put park visitors, staff, and resources at risk. On June 15, 2016, NPS issued a memorandum titled “Developing or Updating Risk Management Plans for Non-Owned Dams” to the Regional Directors requesting that they transmit the inventory of non-owned dams to the affected parks. The memorandum directed the parks to take action to manage the risk of non-owned dams and to report back to the Dam and Levee Safety Program. NPS provided evidence on meeting these requirements in its Dam Safety Program Annual Reports. We verified that NPS created Chapter 20 of “Reference Manual 40” and developed inundation maps, which reflect the exact location of each dam and detail the estimated flood level downstream from the dam if the dam were to fail. NPS also provided examples where the strategies for protecting parks from failure of non-NPS dams have been implemented.

PFM stated that it may need to attend a dam exam if there is a specific issue, but NPS does not foresee a significant benefit to parks attending all dam exams for upstream dams. NPS stated that while this activity is a strategy for addressing the risks of dams it does not own, "Reference Manual 40," Chapter 20 gives parks many strategies for managing the risks of these dams. There are hundreds of dams upstream from some parks, so participating on exams of all of these dams (some of which pose little risk to the parks) is sometimes not practicable.

Based on the evidence NPS provided, we agree with PFM's statement that NPS has strategies and measures in place to ensure NPS is effectively managing and aware of the risks to the park areas associated with non-NPS dams. We consider the recommendation to be resolved and implemented.

**Recommendation 10b:** Continue BLM and NPS' efforts in addressing the inventory of non-BLM and non-NPS owned dams located on BLM or NPS lands, including determining the agreements in place that allow for the existence and operation of these dams and determining if these dams are being inspected and have EAPs in place.

**Action Taken:** NPS provided OIG with a comprehensive inventory of non-NPS owned dams that separates the dams by regions throughout the United States. The inventory of non-NPS owned dams lists for each dam (1) whether it has an EAP, (2) the level of risk the dam poses to the parks, (3) the name of all dam owners, (4) the existence of any maps with the exact coordinates, and (5) whether it is inside or outside of park boundaries. NPS is not aware of the inspection status or whether there is an EAP for all of the non-NPS owned dams; however, NPS provided us with a few EAPs to review. NPS also created Chapter 20 of the "Reference Manual 40," which outlines the policy for the inventory of non-NPS owned dams, ownership and regulation, and strategies for managing risks from non-NPS owned dams.

Based on the evidence NPS provided, we concur with PFM that NPS has shown that it has put forth the effort and has met the intent in addressing the inventory of non-NPS owned dams located on NPS lands. NPS is working to determine whether agreements are in place that allow for the existence and operation of these dams and whether these dams are being inspected and have EAPs in place. We consider the recommendation to be resolved and implemented.

## **Conclusion**

We informed BLM officials of the results of this review at an exit conference on August 2, 2016. NPS declined the offer to have an exit conference. BLM and NPS officials concurred with our findings.

If you have any questions about this report, please contact me at 916-978-5653.

cc: Olivia Ferriter, Deputy Assistant Secretary for Policy, Management and Budget  
Douglas Glenn, Director, Office of Financial Management  
Allen Lawrence, Division Chief, Internal Control and Audit Follow-up, Office of  
Financial Management  
Sharon J. Blake, Audit Liaison Officer, Office of Financial Management  
Patrick McHugh, Audit Liaison Officer, Office of Financial Management  
Nancy Thomas, Audit Liaison Officer, Office of Financial Management  
Tiya D. Samuels, Division Chief, Bureau of Land Management  
LaVanna Stevenson, Audit Liaison Officer, Bureau of Land Management  
Vera Washington, Audit Liaison Officer, National Park Service  
Mark E. Baker, Dam and Safety Officer, National Park Service  
Marjorie Chiles, Civil Engineer, Bureau of Land Management