



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

January 5, 2010

CBCA 1775-FEMA

In the Matter of WEST CAMERON PORT COMMISSION

Ernest Broussard, Jr. AICP/CEcD, Executive Director, Cameron Planning & Development, Cameron, LA, appearing for Applicant.

William J. Patrigo and Mark Riley, Deputy Director, Governor's Office of Homeland Security and Emergency Preparedness, Baton Rouge, LA, appearing for Grantee.

Chad T. Clifford, Office of Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, Washington, DC, counsel for Federal Emergency Management Agency.

Before the Arbitration Panel consisting of Board Judges **SOMERS**, **McCANN**, and **SHERIDAN**.

McCANN, Board Judge.

This case involves a request by the West Cameron Port Commission that the arbitration panel direct the Federal Emergency Management Agency (FEMA) to award it between \$12 and \$15 million in public assistance funds to dredge 1,700,000 cubic yards of sediment from the Cameron Loop and East Fork channels in or near Cameron, Louisiana. FEMA has denied West Cameron's request on the grounds that the alleged damage was not disaster related, and on other grounds that no longer pertain to this arbitration proceeding.

FEMA has asked the panel to affirm the agency's determination unless we find that it is arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law --

i.e., the standard set forth in the Administrative Procedure Act, 5 U.S.C. § 706 (2006). The applicant and the grantee both disagree with FEMA.

For the reasons explained by another arbitration panel in *Bay St. Louis - Waveland School District*, CBCA 1739 (Dec. 8, 2009), this panel denies FEMA's request. A copy of the decision of the other panel is attached. We will consider all evidence in the record created for this arbitration proceeding, and we will review that evidence *de novo*.

R. ANTHONY McCANN
Board Judge

JERI K. SOMERS
Board Judge

PATRICIA J. SHERIDAN
Board Judge