



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

December 12, 2011

CBCA 2241-FEMA

In the Matter of STATE OF LOUISIANA,
DEPARTMENT OF NATURAL RESOURCES,
OFFICE OF COASTAL RESTORATION AND PROTECTION

Richard F. Zimmerman, Jr., and Randal J. Robert of Kantrow, Spaht, Weaver & Blitzer, Baton Rouge, LA, counsel for Applicant.

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

George Cotton, Office of Chief Counsel, Federal Emergency Management Agency (FEMA), Department of Homeland Security, Baton Rouge, LA; and Charles B. Barksdale, Office of Chief Counsel, Department of Homeland Security/FEMA, Washington, DC, counsel for FEMA.

Before the Arbitration Panel consisting of Board Judges **DANIELS** (Chairman), **VERGILIO**, and **GOODMAN**.

This arbitration matter is brought pursuant to the authority of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, § 601, 123 Stat. 115, 164 (2009), and regulation, 44 CFR 206.209 (2010). The parties are the State of Louisiana, Department of Natural Resources, Office of Coastal Restoration and Protection (applicant); the Louisiana Governor's Office of Homeland Security and Emergency Preparedness (grantee); and the Federal Emergency Management Agency (FEMA). The applicant seeks funds (under two project worksheets) for the permanent repair to the Cameron-Creole Watershed Project levee for damage done by Hurricane Rita. FEMA has denied recovery on the basis that it lacks authority to pay for the work because the Department of Agriculture, Natural Resources Conservation Service (NRCS) has the specific authority over such repairs.

The parties have resolved this dispute by a consent order filed with the Board on March 22, 2011. In accordance with the consent order, FEMA now has reported to the Board the outcome of its discussions with NRCS and the funding method to be used to pay the claim. Further, the parties have entered into a settlement agreement resolving this dispute. The matter hereby is dismissed.

JOSEPH A. VERGILIO
Board Judge

STEPHEN M. DANIELS
Board Judge

ALLAN H. GOODMAN
Board Judge