



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 19, 2018

5878-FEMA, 5879-FEMA, 5881-FEMA, 5882-FEMA,
5883-FEMA, 5884-FEMA, 5885-FEMA, 5886-FEMA

In the Matter of LOUISIANA DEPARTMENT OF NATURAL RESOURCES, through
the COASTAL PROTECTION AND RESTORATION AUTHORITY

John B. Dunlap III, Jennifer A. Fiore, and Hunter B. Bertrand of Dunlap Fiore, LLC, Baton Rouge, LA; and David Peterson and Richelle N. Moore of State of Louisiana, Coastal Protection and Restoration Authority, Baton Rouge, LA, counsel for Applicant.

Lynne Browning, Assistant Deputy Director, Carla Richard, Executive Officer, Danielle Aymond, Executive Counsel, and Jaron Herd, Appeals Manager of Governor's Office of Homeland Security and Emergency Preparedness, Baton Rouge, LA, appearing for Grantee.

Charles Schexnaildre, Office of Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, Baton Rouge, LA; and Brock Pierson, 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 **BEARDSLEY**, **VERGILIO**, and **CHADWICK**.

The Board consolidated these eight arbitration matters by agreement of the parties on March 13, 2018, "for the purpose of deciding the pending motions to dismiss" filed by the Federal Emergency Management Agency (FEMA). FEMA's motions are denied for substantially the reasons stated in the applicant's briefs opposing the motions. The governing procedural regulation provides for a "hearing" on "the substance of the applicant's claim," 44 CFR 206.209(h)(1) (2016), and does not contemplate prehearing dismissal for lack of merit. The applicant will have the opportunity to present at one or more hearings its argument that each of these arbitrations is distinguishable from CBCA 4984-FEMA on the

grounds that “[t]he State’s current public assistance request is based on the eligibility of an individual island as a natural feature.”

The Board’s Chair and Vice Chair will contact the parties to schedule a conference regarding further proceedings.

Erica S. Beardsley

ERICA S. BEARDSLEY
Board Judge

Joseph A. Vergilio

JOSEPH A. VERGILIO
Board Judge

Kyle Chadwick

KYLE CHADWICK
Board Judge