



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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March 5, 2025

CBCA 8204-FEMA

In the Matter of GIRL SCOUTS OF CALIFORNIA'S CENTRAL COAST

Tammie Helmuth, Chief Executive Officer of Girl Scouts of California's Central Coast, Ventura, CA, appearing for Applicant.

Christiana Cooley and Jasmyn Allen, 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 **VERGILIO**, **GOODMAN**, and **O'ROURKE**.

**VERGILIO**, Board Judge, writing for the Panel.

The panel resolves a request for arbitration brought under 42 U.S.C. § 5189a(d) (2018) by the applicant, the Girl Scouts of California's Central Coast, a private non-profit (PNP) organization. The applicant seeks public assistance, denied by the Federal Emergency Management Agency (FEMA) initially and in a first appeal, for damages to its facility resulting from a disaster. The panel must determine if the PNP facility is an eligible facility for which the applicant may receive public assistance. The panel concludes that the facility primarily is used for purposes which make it ineligible for public assistance. Public assistance is denied.

Background

The President declared a disaster arising from severe winter storms, flooding, landslides, and mudslides in California with an incident period of December 27, 2022, through January 31, 2023. The applicant contends that its facility was damaged by the disaster and seeks public assistance of approximately \$4 million for debris removal and

infrastructure damage. The facility, known as Camp Arnaz, covers approximately thirty-six acres with various buildings, structures, and outdoor features, which are utilized by the Girl Scouts and others in the community. FEMA determined that the facility primarily is used for recreational and other ineligible community services and concluded that the camp is not an eligible facility to receive public assistance.

The facility includes a lodge, cabins, yurts, camp areas, a barbeque, an orchard, a pollinator garden, hiking trails, an astronomy area, equine facilities, a horseshoe pit, and an amphitheater, among other features. Various events utilize one or more of these features. The applicant-supplied data shows usage, including start and end dates and hours, of the lodge, cabins, yurts, and shelters. Health and/or safety training is part of, or the primary focus of, some events at the facility. The applicant categorizes the events as educational/health and safety; social; cultural/educational; specific group activities (which are almost exclusively overnight); and recreational (archery). The total days of each such use are 39, 156, 150, 142, and 8, respectively, for a total of 495 days of usage during the period October 1, 2022, through September 30, 2023. Clearly some days of usage overlap as different areas of the facility are utilized by different groups.

The events typically held at the facility include weddings, a food, wine, and beer festival, and winterfests, as well as cabin, yurt, and lodge usage. Many events include overnight usage. Based upon the record, the panel concludes that these are principally recreational events, although some first aid, safety, and other training may be imparted during events at the facility. A visit to the facility, particularly with the various features highlighted above, evinces a recreational aspect. Time spent on overnight stays, while educational to some extent, is principally recreational in the setting. The educational and training sessions are minimal for the facility as a whole and for any given aspect. The use of the equine facility to house horses during disasters reflects a minimal aspect of the usage and does not qualify that area as one for public assistance.

### Discussion

We assume, without deciding, that Camp Arnaz is a community center or a PNP facility as defined by statute and regulation. 42 U.S.C. § 5122(11)(B) (2018); 44 CFR 206.221(e), 206.222(b) (2024). That conclusion does not end the inquiry when public assistance is sought. The Public Assistance Program and Policy Guide (PAPPG) (June 2020) establishes procedures to be considered when making a determination if a facility is eligible for public assistance. PAPPG at 43-44. The PAPPG identifies PNP eligible noncritical, essential social services as community centers established and primarily used for various types of services available to the general public. Community center activities provided by an eligible PNP include those activities that serve the public, educational enrichment activities, arts programming, senior citizen projects, and social activities to pursue items of

mutual interest or concern such as community board meetings. PAPPG at 43, 46. “Facilities established or primarily used for political, athletic, recreational, vocational, or academic training, conferences, or similar activities are ineligible [for public assistance].” PAPPG at 44, 47 (Table 3 (PNP Ineligible Services)). The PAPPG specifies, among ineligible services, meetings or activities for only a brief period, or at irregular intervals, and recreation. PAPPG at 47 (Table 3).

The record reveals that the Camp Arnaz facility primarily is used for recreation with camping opportunities, hiking and riding trails, and equine facilities and for various other activities and experiences in nature. The instruction, guidance, and other activities provided at Camp Arnaz, although educational and beneficial to attendees, have not been shown to constitute a major aspect of the usage. Considering the record as a whole, the primary usage of the facility is for ineligible activities. The facility does not qualify for public assistance.

Decision

The facility is ineligible for public assistance.

Joseph A. Vergilio  
JOSEPH A. VERGILIO  
Board Judge

Allan H. Goodman  
ALLAN H. GOODMAN  
Board Judge

Kathleen J. O'Rourke  
KATHLEEN J. O'ROURKE  
Board Judge