

BUDGET The United States Department of the Interior **JUSTIFICATIONS**

and Performance Information
Fiscal Year 2014

**OFFICE OF
THE SOLICITOR**

NOTICE: These budget justifications are prepared for the Interior, Environment and Related Agencies Appropriations Subcommittees. Approval for release of the justifications prior to their printing in the public record of the Subcommittee hearings may be obtained through the Office of Budget of the Department of the Interior.

References to the 2013 Full Yr. CR signify annualized amounts appropriated in P.L. 112-175, the Continuing Appropriations Act. These amounts are the 2012 enacted numbers annualized through the end of FY 2013 with a 0.612 percent across-the-board increase for discretionary programs. Exceptions to this include Wildland Fire Management, which received an anomaly in the 2013 CR to fund annual operations at \$726.5 million. The 2013 Full Yr. CR does not incorporate reductions associated with the Presidential sequestration order issued in accordance with section 251A of the Balanced Budget and Emergency Deficit Control Act, as amended (BBEDCA), 2 U.S.C. 109a. This column is provided for reference only.

DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
FISCAL YEAR 2014 BUDGET JUSTIFICATION

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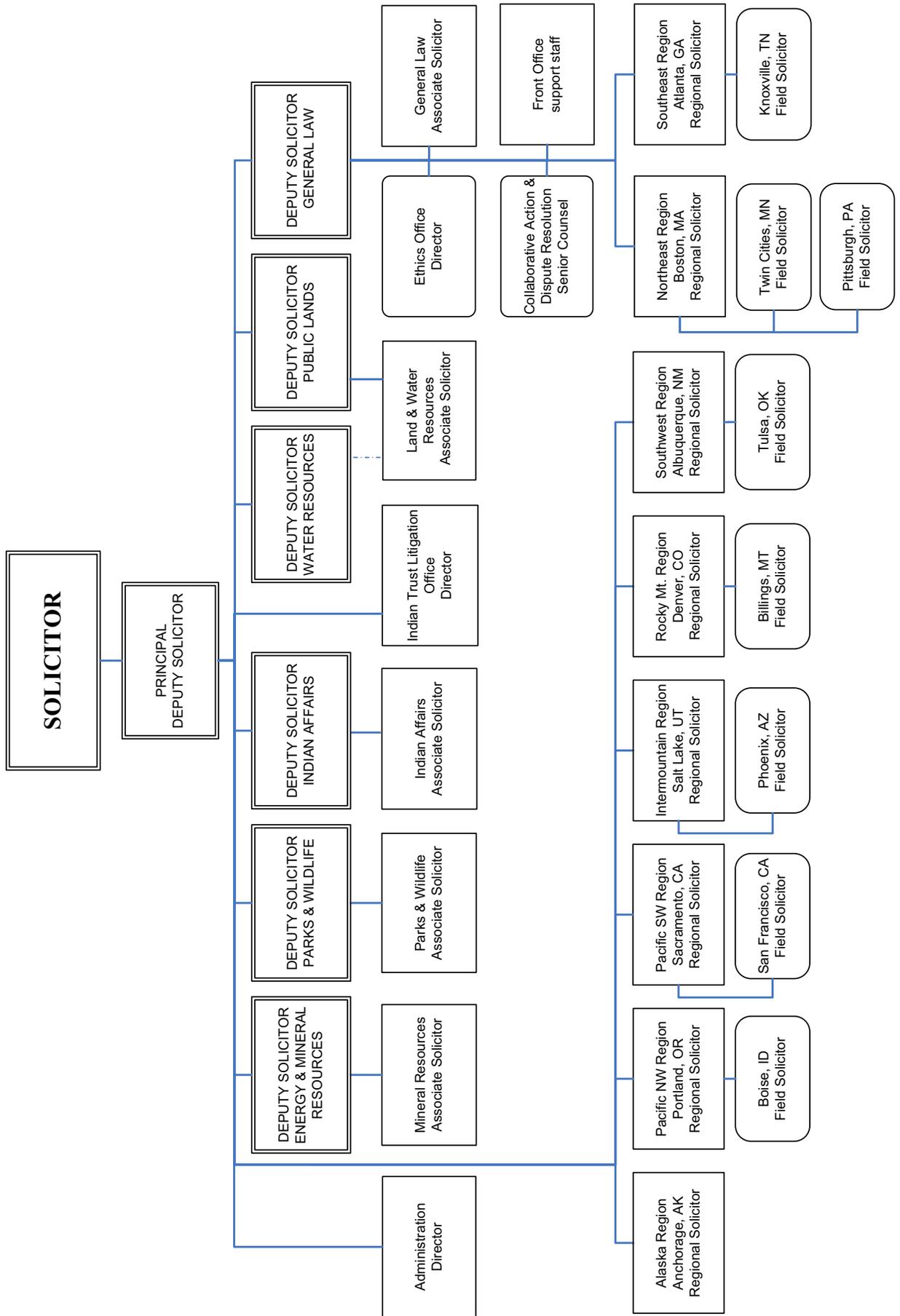
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Organizational Chart

OFFICE OF THE SOLICITOR

ORGANIZATIONAL CHART



General Statement

GENERAL STATEMENT

The Office of the Solicitor (SOL, Office) maintains the focal mission of inspiring high ethical standards and providing quality legal counsel and advice. The Office supports the Department of the Interior's broad mission by performing the legal work of the Department, managing Interior's Ethics Office and resolving Freedom of Information Act (FOIA) Appeals.

The Office provides advice, counsel, and legal representation to the Immediate Office of the Secretary, the Assistant Secretaries, and all other bureaus and offices overseen by the Secretary. The advice provided by the Office impacts nearly every program within the Secretary's jurisdiction. The Office coordinates with the Department of Justice to address issues before Federal courts.

The Office is organized into the Immediate Office of the Solicitor, the Ethics Office, five legal divisions, an administrative division, and sixteen regional and field offices located throughout the United States.

The Solicitor is the chief attorney for Interior. The Solicitor is assisted by seven Deputy Solicitors, Senior Counselors including one for Collaborative Action and Dispute Resolution, an Ethics Director, six Associate Solicitors, eight Regional Solicitors, and a staff of more than three hundred attorneys and four hundred total employees.

More than half of the attorneys are assigned to regional and field offices located as far west as Anchorage, Alaska and as far east as Boston, Massachusetts. The other attorneys are assigned to divisions located at headquarters in Washington, D.C.

The Office of the Solicitor's FY 2014 budget focuses on supporting the Department of the Interior's efforts to improve efficiency and effectiveness. The FY 2014 budget allows the Office to continue to improve management practices and manage the Ethics Office for maximum effectiveness.

Pursuant to Division E, Title I of the Consolidated Appropriations Act of 2012 (Public Law 112-74) Conference Report 112-331 and House Report 112-151, the 2014 budget request includes the report on the amounts paid in attorney fees and court costs related to the Equal Access to Justice Act (EAJA) and the Endangered Species Act (ESA) during fiscal years 2011 and 2012. A similar report has been filed with the Administrative Conference of the United States.

GOVERNMENT-WIDE INITIATIVES:

Information Technology Transformation

The FY 2014 President's Budget Request includes \$27,000 for the Office of the Solicitor participation in the Department's IT Transformation efforts through the Department's Working Capital Fund. These funds will support IT Transformation project-level planning and coordination and the implementation of enterprise IT services.

Enterprise Reforms

The Department of the Interior supports the President's Management Agenda to cut waste and implement a government that is more responsive and open. The Office's budget supports the Department's plan to build upon the Accountable Government Initiative through a set of integrated enterprise reforms designed to support collaborative, evidence-based resource management decisions; efficient Information Technology (IT) Transformation; optimized programs, business processes, and facilities; and a network of innovative cost controlling measures that leverage strategic workforce alignment to realize an effective 21st Century Interior organization.

Campaign to Cut Waste

Over the last three years, the Administration has implemented a series of management reforms to curb uncontrolled growth in contract spending, terminate poorly performing information technology projects, deploy state of the art fraud detection tools, focus agency leaders on achieving ambitious improvements in high-priority areas, and open government up to the public to increase accountability and accelerate innovation.

In November 2011, President Obama issued an Executive Order reinforcing these performance and management reforms and the achievement of efficiencies and cost-cutting across the government. This Executive Order identifies specific savings as part of the Administration's Campaign to Cut Waste to achieve a 20 percent reduction in administrative spending from 2010 to 2013 and sustain these savings in 2014. Each agency is directed to establish a plan to reduce the combined costs associated with travel, employee information technology devices, printing, executive fleet services, and extraneous promotional items and other areas.

The Department of the Interior is on target to reduce administrative spending by \$217 million from 2010 levels by the end of 2013, and to sustain these savings in 2014. To meet this goal, the Department is leading efforts to reduce waste and create efficiencies by reviewing projected and actual administrative spending to allocate efficiency targets for Bureaus and Departmental Offices to achieve the 20 percent target. Additional details on the Campaign to Cut Waste can be found at <http://www.whitehouse.gov/the-press-office/2011/11/09/executive-order-promoting-efficient-spending>.

Real Property

In support of the Administration's real property cost savings efforts, the Department issued a policy restricting the maximum amount of Bureau/Office-leased and GSA-provided space to FY 2010 levels and reducing the target utilization rate (sq. ft. per person) for office space by 10%. The Office is actively seeking viable approaches to reduce the space utilization rate as leases expire.

Data Center Consolidation

As part of the Administration's Management Priorities, the Department has initiated a plan for Information Technology (IT) Transformation designed to reduce spending by the consolidation of IT infrastructure and services under a single Chief Information Officer (CIO). The new IT shared services organization will transform the way that IT is delivered to over 70,000 DOI employees, using advances in technology to provide better services for less. The Office supports the Department's initiative to reduce 95 data centers by FY 2015 without disruption to mission.

MANAGEMENT'S CHALLENGES:

The Office of the Solicitor's FY 2014 budget request was formulated with full consideration of the tight limits on discretionary spending. The request will allow the Office to continue to promote an ethical culture throughout the Department and enhance management practices. The Office has undergone continual and significant management reform over the past several years. Management reforms have been primarily driven by: (1) the need to provide early and continuous legal counsel on the development of new programs in priority areas such as energy, climate, water infrastructure, treasured landscapes, restoring relationships with and improving services to Indian Tribes, and open government while maintaining the Office's established level of service to the rest of the Department; (2) the Office's ranking on the 2012 Best Places to Work in the Federal Government survey; and (3) the need to manage and capture information and knowledge.

The Office must provide early and continuous guidance in new priority areas to ensure that developing programs are grounded in established legal principles and precedents. The Office must be able to focus on priority areas such as energy independence, renewable energy, improved management of Federal oil and gas resources, restoring relationships with and improving services to Indian Tribes, rebuilding America's water infrastructure, water conservation, America's Great Outdoors, Urban Parks and Greenspace Initiatives, Youth in the Great Outdoors, Information Technology Transformation, enforcement of civil pollution-control laws, climate change adaptation, refocused implementation of the Endangered Species Act, protecting America's Treasured Landscapes, and implementing the Open Government Directive, all without diminishing the level of service provided to existing and established Departmental programs.

MANAGEMENT'S STRATEGIES:

The Solicitor's Office has made significant strides addressing its challenges and the 2014 budget will continue this effort.

Placing a Premium on Ethical Conduct

In September 2012, the Ethics Office hosted a nation-wide Deputy Ethics Counselor conference, the culmination of a year-long effort to raise the knowledge level of the Department's ethics counselors and to foster the delivery of more thorough ethics advice and counsel to the Department's employees. Ethics counselors from all of DOI's bureaus attended the conference and received training from the Office of Government Ethics, the Institute for Global Ethics, and ethics officials from other Federal agencies. While the Ethics Office is a compliance office, it is not an enforcement or investigatory office. In addition to compliance and oversight, its mission is prospective: helping employees think through potential conflicts of interest before they take action. The Deputy Ethics Counselor conference is an example of the Office's commitment to cultivating an ethical culture at the Department of the Interior.

Addressing Emerging Priorities

The Office of the Solicitor will face many new, complex, and wide-ranging demands for legal services as a result of the Cobell settlement implementation, numerous Tribal Trust matters, Climate Change policy, and the Department's actions relating to the protection, use, and development of the nation's public lands and natural resources.

The Federal Government has settled over 60 Tribal Trust cases in the last year. The Office anticipates numerous Tribal Trust cases will continue to mature into more advanced stages of litigation, requiring significant resources to acquire, review and produce documents, and to respond to the discovery demands of the 60 remaining tribes with pending claims. The Federal Government is continuing its efforts to resolve the trust accounting and trust management claims of the remaining tribes.

The Office expects a growing workload in a wide variety of natural resource areas, including the management of public lands and natural resources, endangered species and sensitive habitats, and land acquisition and exchanges.

The Office also expects more Climate Change legal service demands from the Department in FY 2014 related to agency decisions under the Clean Air Act, the Endangered Species Act, and the National Environmental Policy Act.

Budget Request Overview

FISCAL YEAR 2014 BUDGET REQUEST OVERVIEW

The FY 2014 President's Budget request for the Office of the Solicitor is \$65,800,000, representing a decrease of \$390,000 from the Office's FY 2012 Enacted budget. The request includes an increase of \$2,739,000 for fixed costs. The request also includes decreases of \$200,000 in travel cost reductions; \$320,000 for space reduction; \$1,023,000 in the Ethics Office for the up-front investment costs for an ethics case matter tracking system; and \$1,586,000 for workforce planning for a total decrease of \$3,129,000. The 2014 budget request also includes internal transfers of \$12,053,000 from the Ethics and General Administration activities to the Legal Services activity.

The internal transfer re-distributes the costs of the Office between its three activities to better align placement of positions and distribution of office-wide costs with the operations of the Office. As a result, costs for the Immediate Office of the Solicitor, senior managers responsible for legal work, and all legal support staff will shift from Administration to the Legal Services activity. The remaining costs for Administrative positions, such as Human Resources, Finance and Administrative Services, Budget Formulation and Execution, Records Management, and Information Technology will remain in the Administration activity. The internal realignment is exclusively an accounting change that will not impact employee function or geography. Shared operational costs including rental space, information technology, and Working Capital Fund assessments that are currently funded from the Administration activity will move from Administration to a proportional allocation across the Office's three activities. After this transfer, each activity will fund: 1) direct labor costs related to the activity (i.e., Legal Services will fund all legal staff in the divisions and regions, Administration will fund staff in the Division of Administration, and Ethics will fund staff in the Ethics Office); 2) other direct expenses including travel, supplies, training, etc.; and 3) a proportionate share of office-wide expenses. This realignment will allow the program areas of the Office to realize the benefits of cost savings in office-wide operational costs.

The Office developed a 2014 budget that focuses on supporting the Department of the Interior's efforts to improve the efficiency and effectiveness of Department-wide programs by delivering the highest quality legal services to Interior. The Office's 2014 budget reflects a realignment of resources to provide essential legal services to the Department at a reduced cost.

The following table illustrates the 2013 Full Year CR (PL 112-175), the 2012 Enacted, and the 2014 Budget Request.

TOTAL 2014 BUDGET REQUEST

(Dollars in Thousands)

Budget Authority	2013 Full Yr. CR (PL 112-175)	2012 Enacted	2014 President's Budget
Appropriation Total	66,595	66,190	65,800
FTE Direct	356	350	339
FTE Reimbursable	65	68	69
FTE Allocation	18	19	20
FTE Total	439	437	428

2012 FTE amounts reflect actual usage, not 2012 enacted formulation estimates.

Budget at a Glance
(Dollars in Thousands)

	<i>2013 Full Yr. CR (PL 112- 175)</i>	2012 Enacted	Fixed Costs	Internal Transfers	Program Changes	2014 President's Budget
Appropriation: Salaries & Expenses						
Legal Services	48,399	47,434	2,218	12,112	-2,106	59,658
Travel Reduction					[-200]	
Space Reduction					[-320]	
Workforce Planning					[-1,586]	
General Administration	16,681	16,218	482	(12,053)	0	4,647
Ethics Office	1,515	2,538	39	(59)	-1,023	1,495
Reduction in One-time Costs					[-1,023]	
TOTAL, SOL	66,595	66,190	2,739	0	-3,129	65,800

Summary of Requirements
(Dollars in Thousands)

	2012 Enacted		2014 President's Budget				Change from PY FTE Amount				
	Amount	Total FTE	Fixed Costs & Related	Internal Transfers	Program Changes (+/-)	FTE		Amount			
Salaries & Expenses											
Legal Services	48,399	277	+2,218	+39	+12,112	-11	-2,106	305	59,658	+28	12,224
General Administration	16,681	65	+482	-39	-12,053	+0	+0	26	4,647	-39	-11,571
Ethics	1,515	8	+39	+0	-59	+0	-1,023	8	1,495	+0	-1,043
TOTAL, SOL	66,595	350	+2,739	+0	+0	-11	-3,129	339	65,800	-11	-390

2012 FTE amounts reflect actual usage, not 2012 enacted formulation estimates.
 Estimated changes in FTEs compare against actual 2012 FTE usage, not 2012 enacted formulation estimates.

SUMMARY OF CHANGES

(Dollars in Thousands)

Appropriation: Salaries and Expenses	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>
FY 2012 Enacted			359	66,190
Fixed Costs and related changes:				
Calendar Year 2013 & 2014 Pay Raise	0	+ 558		
Change in Number of Paid Days	0	+ 190		
Employer Share of Federal Health Benefit Plans	0	+ 201		
Departmental Working Capital Fund	0	+ 278		
Worker's Compensation Payments	0	+ 66		
Unemployment Compensation	0	+ 12		
GSA Rental Payments	0	+ 1,434		
Program changes:				
Reduction in One-time Costs	0	- 1,023		
Travel Reduction	0	- 200		
Space Reduction	0	- 320		
Workforce Planning	- 11	- 1,586		
Total program changes			- 11	- 390
FY 2014 President's Budget Request			348	65,800

Estimated changes in FTEs compare against actual 2012 FTE usage, not 2012 enacted formulation estimates.

Office of the Solicitor
Justification of Fixed Costs and Internal Realignments
(Dollars In Thousands)

Other Fixed Cost Changes and Projections	2012 Total	2012 to 2014 Change
Change in Number of Paid Days		+190
The combined fixed cost estimate includes an adjustment for one additional paid day between FY2012 and FY2013. The number of paid days do not change between FY2013 and FY2014.		
Pay Raise		+558
The PY column reflects the total pay raise changes as reflected in the the PY President's Budget. The BY Change column reflects the total pay raise changes between FY2012-FY2014.		
Employer Share of Federal Health Benefit Plans	2,640	+201
The change reflects expected increases in employer's share of Federal Health Benefit Plans.		
Departmental Working Capital Fund	3,650	+278
The change reflects expected changes in the charges for centrally billed Department services and other services through the Working Capital Fund. These charges are displayed in the Budget Justification for Department Management.		
Worker's Compensation Payments	175	+66
The adjustment is for changes in the costs of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs for the BY will reimburse the Department of Labor, Federal Employees Compensation Fund, pursuant to 5 U.S.C. 8147(b) as amended by Public Law 94-273.		
Unemployment Compensation Payments	10	+12
The adjustment is for projected changes in the costs of unemployment compensation claims to be paid to the Department of Labor, Federal Employees Compensation Account, in the Unemployment Trust Fund, pursuant to Public Law 96-499.		
Rental Payments	7,987	+1,434
The adjustment is for changes in the costs payable to General Services Administration (GSA) and others resulting from changes in rates for office and non-office space as estimated by GSA, as well as the rental costs of other currently occupied space. These costs include building security; in the case of GSA space, these are paid to Department of Homeland Security (DHS). Costs of mandatory office relocations, i.e. relocations in cases where due to external events there is no alternative but to vacate the currently occupied space, are also included.		

Internal Realignments and Non-Policy/Program Changes (Net-Zero)	2014 (+/-)
Realignment of positions and distribution of office-wide costs	12,112
This internal transfer re-distributes the costs of the Office between its three activities to better align placement of positions and distribution of office-wide costs with the operations of the Office.	

APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$65,800,000.

Note. - A full-year 2013 appropriation for this account was not enacted at the time the budget was prepared; therefore the budget assumes this account is operating under the Continuing Appropriations Resolution, 2013 (P.L. 112-175). The amounts included for 2013 reflect the annualized level provided by the continuing resolution.

APPROPRIATION LANGUAGE CITATION

Appropriation: Salaries and Expenses

For necessary expenses of the Office of the Solicitor.

43 U.S.C. § 1455

43 U.S.C. § 1455 provides that, on and after June 26, 1946, the legal work of the Department of the Interior shall be performed under the supervision and direction of the Solicitor of the Department of the Interior, who shall be appointed by the President with the advice and consent of the Senate.

Program Changes

GENERAL ADMINISTRATION ACTIVITY

Activity: General Administration

(Dollars in Thousands)

	2013 Full Yr. CR (PL 112-175)	2012 Enacted	2014				Change from 2012 (+/-)
			Fixed Costs & Related Changes (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	Budget Request	
General Administration	16,681	16,218	+ 482	- 12,053	0	4,647	- 11,571
FTE	65	65	0	- 39	0	26	- 39

The 2014 budget request for General Administration is \$4,647,000 and 26 FTE, a net change of -\$11,571,000 and -39 FTEs from the 2012 Enacted level. The request includes an internal transfer to the Legal Services activity of \$12,053,000 and -39 FTEs from the 2012 Enacted level. The internal transfer re-distributes the costs of the Office between its three activities to better align placement of positions and distribution of office-wide costs with the operations of the Office as described in the Budget Request Overview section.

GENERAL ADMINISTRATION PROGRAM OVERVIEW:

Division of Administration: Under the direction of a Director, the Division of Administration is responsible for providing and coordinating all management and administrative services needed by the Office. Responsibilities in the Division of Administration include: organizational, strategic, and performance planning; program evaluation; budget and accounting; human resources management; employee development and training; space and property management; procurement services; IT planning and services; and records management.

LEGAL SERVICES ACTIVITY

Activity: Legal Services

(Dollars in Thousands)

	2013 Full Yr. CR (PL 112-175)	2012 Enacted	2014				Change from 2012 (+/-)
			Fixed Costs & Related Changes (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	Budget Request	
Legal Services	48,399	47,434	+ 2,218	+ 12,112	- 2,106	59,658	+ 12,224
FTE	283	277	0	+ 39	- 11	305	+ 28

Summary of 2014 Program Changes for Legal Services

Request Component	(\$000)	FTE
<u>Program Changes:</u>		
• Travel Reduction	-200	0
• Space Reduction	-320	0
• Workforce Planning	-1,586	-11
TOTAL Program Changes	-2,106	-11

The 2014 budget request for Legal Services is \$59,658,000 and 305 FTE, a net program decrease of -\$2,106,000 and -11 FTEs. The request includes an internal transfer from the General Administration and Ethics activities of +\$12,112,000 and +39 FTEs from the 2012 Enacted level. The internal transfer re-distributes the costs of the Office between its three activities to better align placement of positions and distribution of office-wide costs with the operations of the Office as described in the Budget Request Overview section.

Travel Reduction (-\$200,000/ 0 FTE) – The Office of the Solicitor requests a reduction of \$200,000 for travel. The Office will utilize teleconferencing, videoconferencing, and other technologies that will allow real-time communications and shared access to documents enabling more meetings to be conducted remotely and electronically.

Space Reduction (-\$320,000/ 0 FTE) - The Office of the Solicitor requests a reduction of \$320,000 for decreased space. Reductions in space will be realized through office consolidations for non-supervisory attorneys in offices where currently only one attorney works. Vacated space will be returned to the Department for reallocation to other tenants. Savings will also be realized through increased utilization of telework by eligible employees.

Workforce Planning (-\$1,586,000/ -11 FTEs) – The Office of the Solicitor requests a reduction of \$1,586,000 for FTEs. The Office will realize an 11 FTE reduction in FY 2014 through workforce planning and position management. While the legal work for the Department is increasing, the Office

recognizes the need for tighter limits on discretionary spending. The Office will coordinate with client-bureaus and offices to balance legal work demands and prioritize their requests for attorney involvement.

LEGAL SERVICES PROGRAM OVERVIEW

The responsibility of the Legal Services division is to effectively manage the legal work to support the top priorities of the Secretary and the bureaus. Among these legal services are representation in litigation, both administrative and judicial; preparation of legal opinions; legal review of legislation, regulations, contracts, and other documents; and informal legal counsel to clients on a continual basis in a wide variety of circumstances.

The Office of the Solicitor consists of a headquarters organization in Washington, D.C., and regional and field offices in 16 locations throughout the United States. The Solicitor is the chief attorney for Interior and the principal legal adviser to the Secretary. The Solicitor directs the Office's professional staff and is responsible for the legal work provided to Interior.

The Washington, D.C. office is organized into the Immediate Office of the Solicitor, which includes six Deputy Solicitors with subject matter oversight, the Ethics Office, five major legal divisions, and an administrative division as detailed below. Each legal division is headed by an Associate Solicitor who is directly responsible to the Solicitor and Deputy Solicitor. Attorneys under the supervision of Associate Solicitors render legal services for Interior's programs. The field organization of the Solicitor's Office is divided into eight regions, as detailed below. Each region is headed by a Regional Solicitor who is directly responsible to the Solicitor and Principal Deputy Solicitor.

HEADQUARTERS

Immediate Office of the Solicitor

Ethics Office

Division of Parks and Wildlife

Division of General Law

Division of Indian Affairs

Division of Land and Water Resources

Division of Mineral Resources

Division of Administration

<u>REGION</u>	<u>REGIONAL OFFICES</u>	<u>FIELD OFFICES</u>
Alaska	Anchorage, Alaska	----
Southeast	Atlanta, Georgia	Knoxville, Tennessee
Northeast	Boston, Massachusetts	Pittsburgh, Pennsylvania Twin Cities, Minnesota
Intermountain	Salt Lake City, Utah	Phoenix, Arizona
Rocky Mountain	Denver, Colorado	Billings, Montana
Pacific Northwest	Portland, Oregon	Boise, Idaho
Pacific Southwest	Sacramento, California	San Francisco, California
Southwest	Albuquerque, New Mexico	Tulsa, Oklahoma

PROGRAM AND ORGANIZATION DESCRIPTIONS

The majority of the Office's resources are devoted to the defense of a wide range of litigation against the United States, both administrative and judicial, and to other "nuts-and-bolts" legal services, ensuring that Interior's agencies carry out their responsibilities in accordance with the law. In most judicial litigation, SOL attorneys actively assist or are co-counsel with attorneys from DOJ. In some judicial litigation and all administrative litigation, Office attorneys represent Interior without assistance from DOJ.

The Office also provides everyday legal service assistance in drafting and reviewing legislation, proposed and final regulations, contracts, memoranda of agreement, decisions, agreements, leases, rights-of-way, title documents, and other legal instruments, as well as providing both written and oral legal advice on a constant flow of legal questions. Some of these questions arise from such generic statutes as the Administrative Procedure Act, Freedom of Information Act, Privacy Act, Federal Advisory Committee Act (FACA), Federal Tort Claims Act, Civil Service Reform Act, the Civil Rights Acts, and the Rehabilitation Act, while other questions arise from the many specific statutes applicable to Interior's program areas in which the Office's attorneys and paralegals have developed significant expertise.

In addition to this essential baseline of legal work, the Office engages in a significant number of special legal projects, providing critical legal support for Interior's key initiatives. The legal staff assists the bureaus in responding to congressional direction in appropriations and substantive legislation. The Office advises the bureaus on legal options for streamlining processes and improving program management and implementing plans to carry out departmental goals. Finally, the Office assists the bureaus in responding to Inspector General, congressional, judicial, and public FOIA requests, as well as subpoenas for documents.

In addition to the Immediate Office of the Secretary and the offices of the Assistant Secretaries, client-representatives include the following bureaus and offices within Interior:

- Bureau of Indian Affairs (BIA)
- Bureau of Indian Education (BIE)
- Bureau of Land Management (BLM)
- Bureau of Reclamation (BOR)
- Fish and Wildlife Service (FWS)
- Bureau of Ocean Energy Management (BOEM)
- Bureau of Safety and Environmental Enforcement (BSEE)
- National Park Service (NPS)
- National Resource Damage Assessment and Restoration Program (NRDAR)
- Office of Surface Mining Reclamation and Enforcement (OSM)
- United States Geological Survey (USGS)
- Policy, Management and Budget (PMB)
- Office of Chief Information Officer (OCIO)
- Office of Civil Rights (PCR)
- Office of Environmental Policy and Compliance (OEPC)
- Office of Historical Trust Accounting (OHTA)
- Office of Indian Trust Transition (OITT)
- Office of Insular Affairs (OIA)
- Office of the Special Trustee (OST)
- Indian Arts and Crafts Board (IACB)
- Federal Subsistence Board (FSB)
- Exxon Valdez Trustee Council

Client-representative specific narratives are omitted for those bureaus and offices where the legal services provided are predominantly generic, that is, relating to personnel, procurement, FOIA, and other statutes of general applicability to all bureaus and offices.

ORGANIZATIONAL DESCRIPTIONS

The **Immediate Office of the Solicitor** includes the Solicitor, Principle Deputy Solicitor, six Deputy Solicitors, Special Assistants, Senior Counselors, and supporting secretarial staff. The Immediate Office is responsible for managing and directing all the legal work in the Office.

The **Division of General Law** is responsible for legal matters related to procurement, patents, and tort claims; insular areas; equal employment opportunity, labor law, and other personnel matters; and administrative and other general legal issues, including legislative and appropriations issues not assigned to another division. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Policy, Management and Budget and to the Endangered Species Committee. The Division also manages the Department's FOIA and Privacy Act (PA) appeals program. The Division has an

Associate Solicitor, three branches, each headed by an Assistant Solicitor, and one office headed by a branch chief.

- (1) The Branch of Personnel Litigation and Civil Rights has responsibility for defensive employment litigation before the Merit Systems Protection Board, Equal Employment Opportunity Commission, Federal Labor Relations Authority, and in assisting the Department of Justice in employment cases in Federal court. The litigation practice involves, among other things, Chapters 43 and 75 of Title 5 of the U.S. Code, Title VII of the Equal Employment Opportunity Act, Rehabilitation Act, Age Discrimination in Employment Act, Veteran's Employment Opportunity Act, Uniformed Services Employment and Reemployment Rights Act, Veterans Employment Opportunities Act, Whistleblower Protection Act, the Family Medical Leave Act, and the Fair Labor Standards Act. A substantial portion of the practice of the Branch is devoted to providing counseling and review on employment matters to the Office of the Secretary and the Bureau Offices located in Washington, D.C., providing legal engagement in personnel policy and Title VI policy matters, and ensuring consistency in legal services throughout the Office of the Solicitor.
- (2) The Branch of Acquisitions and Intellectual Property has responsibility for: legal matters related to Interior acquisition and procurement functions including all related litigation; use of revolving and franchise funds; interagency agreements, grants and cooperative agreements; claims based on the Federal Tort Claims Act, the Military Personnel and Civilian Employees Claims Act; patents, copyrights, trademarks, rights in data, and other forms of intellectual property; legal support of fast-track contracting and assistance under the American Recovery and Reinvestment Act; claims relating to agreements; and contracts under the Indian Self Governance and Self Determination Acts. A portion of the practice of the Branch is devoted to providing early legal engagement, counseling and review for diverse clients; while ensuring consistency in general legal services throughout the Office of the Solicitor.
- (3) The Branch of General Legal Services has responsibility for legal matters and litigation related to budget, financial management, legal ethics, FOIA, records management, electronic data management, partnerships, the FACA, the PA, rulemaking, and other administrative law matters, internal delegations of authority, departmental law enforcement policies, insular areas, and all other related and general matters not specifically the responsibility of any other branch or division. A portion of the practice of the Branch is devoted to providing early legal engagement, counseling and review for diverse clients; while ensuring consistency in general legal services throughout the Office of the Solicitor.
- (4) The Freedom of Information Act and Privacy Act Appeals Office has responsibility for FOIA and PA appeals and coordinates and manages the Department's FOIA and PA appeals program. The Office is headed by the Departmental FOIA/PA Appeals Officer

who has authority to directly issue appeal decisions for matters involving procedural issues not requiring legal review. An example of the type of such an appeal would be one alleging that a bureau did not conduct an adequate search of its files.

The **Division of Indian Affairs** is responsible for legal matters related to the programs and activities of the Bureau of Indian Affairs and the Bureau of Indian Education. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Indian Affairs. The Division has an Associate Solicitor and four branches, each headed by an Assistant Solicitor.

- (1) The Branch of Water and Power has responsibility for legal matters related to BIA programs and activities with respect to water rights held in trust by the United States for Indian Tribes and allottees, including adjudications and Congressional settlements of Indian water rights; license applications before the Federal Energy Regulatory Commission and hydroelectric power projects that affect Indian reservations and resources; and the operation and maintenance of BIA irrigation projects.
- (2) The Branch of Trust Responsibility has responsibility for advising the Secretary in the Secretary's capacity as trustee over lands and minerals owned by Indian Tribes and individual Indians. The Branch is responsible for legal matters related to the acquisition and management of lands held in trust for the benefit of Indian Tribes and individual Indians; the management of the trust assets, including probate, and the use, leasing, sale, and conservation of trust assets such as forest and range lands; breach of trust and land claim litigation; environmental issues arising in connection with trust lands, and the protection and preservation of tribal cultural resources.
- (3) The Branch of Tribal Government and Alaska has responsibility for legal matters related to BIA tribal governmental programs and activities. In addition, the Branch is responsible for tribal status, treaty rights, reservation boundary, zoning, and taxation disputes; issues concerning Federal, State, and tribal jurisdiction; tribal courts and law enforcement and implementation of the Indian Civil Rights Act.
- (4) The Branch of General Indian Legal Activities has responsibility for legal matters related to BIA and BIE programs and activities other than those assigned to other branches. These matters include gaming, self-determination and self-governance, education, roads, social services, and economic development.

The **Division of Land and Water Resources** is responsible for legal matters related to the programs and activities of BOR and BLM, other than legal matters concerning BLM's mineral programs. The Division is also responsible for asserting, on behalf of all of Interior's bureaus, affirmative claims seeking reimbursement under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) for costs incurred by those bureaus in remediating contamination on bureau lands. The Division also defends the bureaus in contribution actions asserted against them under CERCLA and other laws. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Water

and Science; the Assistant Secretary - Land and Minerals Management; and, with respect to matters concerning operation of the Department's Central Hazardous Materials Fund, the Assistant Secretary - Policy, Management and Budget. The Division has an Associate Solicitor and three branches, each headed by an Assistant Solicitor.

- (1) The Branch of Public Lands has responsibility for legal matters related to BLM land management functions, including land acquisitions, disposals, surveys, boundaries, withdrawals, classification, rights-of-way, trespass, land titles, land use planning, grazing, forest management, wildland fire issues, law enforcement, and wilderness.
- (2) The Branch of Water and Power has responsibility for legal matters related to BOR programs and activities, including contracting for water delivery; repayment, and operation and maintenance; hydropower development; water research and technology; water policy; and water rights.
- (3) The Branch of Environmental Compliance Response has responsibility for legal matters related to cost-recovery and cost-avoidance involving cases funded from Interior's Central Hazardous Materials Fund. The Branch also has responsibility for legal assistance and counsel with respect to issues of environmental compliance that arise under numerous state and federal laws at Interior's facilities, as well as environmental liabilities that arise during real property transactions. The Branch also works closely with U.S. Environmental Protection Agency and other agencies in promoting the redevelopment of Brownfield sites; encouraging the cleanup of mixed ownership sites (private and public lands); and facilitating the remediation of formerly used defense sites. The Branch also coordinates its response activities with Interior's Natural Resources Damage Assessment and Restoration Program.

The **Division of Mineral Resources** is responsible for legal matters related to the programs and activities of the USGS, other than those related to its Biological Research Division; BOEM; BSEE; OSM; as well as legal matters concerning BLM's mineral programs. The Division is also responsible for legal services pertaining to programs and activities of the Department related to the Law of the Sea and international law affecting marine minerals, pollution, and related matters. The Division provides legal assistance and counsel to the Assistant Secretary - Water and Science and the Assistant Secretary - Land and Minerals Management. The Division has an Associate Solicitor and three branches, each headed by an Assistant Solicitor.

- (1) The Branch of Petroleum Resources has responsibility for legal matters related to BOEM and BSEE programs and activities, those of the BLM fluid minerals program (with the exception of geothermal resources), and BLM matters associated with oil shale and tar sands. The Branch is also responsible for legal matters related to international marine minerals, international and national boundaries, international pollution matters, and other Law of the Sea, Outer Continental Shelf, and international matters. While the principal focus is on Federal mineral lease obligations of a nonfinancial nature, and operations on

Indian mineral leases, it also provides advice on royalty matters related to those minerals upon request.

- (2) The Branch of Onshore Mining and Reclamation has responsibility for legal matters related to the minerals programs (including geothermal resources) of BLM and USGS, other programs of BLM and USGS, including development and extraction, environmental regulation and protection, reclamation, remediation, and issues arising from both active and abandoned mining activities, but excepting matters pertaining to oil, gas, helium, oil shale, and tar sands.
- (3) The Branch of Surface Mining has responsibility for legal matters related to OSM programs and activities, including regulatory programs, enforcement and collections, and abandoned mine land reclamation.

The **Division of Parks and Wildlife** is responsible for legal matters related to the programs and activities of NPS, FWS, and the Biological Research Division of the USGS. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Fish, Wildlife and Parks and the Assistant Secretary – Water and Science. The Division has an Associate Solicitor and three branches, each headed by an Assistant Solicitor.

- (1) The Branch of National Parks has responsibility for legal matters related to NPS's programs and activities and for legal matters related to the programs and activities of NPS's National Capital Region and the United States Park Police.
- (2) The Branch of Fish and Wildlife has responsibility for legal issues related to the programs, activities, and policies of Interior and FWS concerning conservation, the preservation of migratory birds, fish, other kinds of endangered species, game and marine mammals, and their habitats throughout the United States, its possessions and territorial waters; the protection, management, and use of natural and cultural resources within the National Wildlife Refuge System; and interaction and liaison between Interior and other Federal and state agencies, foreign countries and international organizations.
- (3) The Branch of Environmental Restoration has responsibility for the resolution of legal problems which involve the programs, activities, and policies of Interior and its various agencies, when related to natural resource restoration.

The Office of Indian Trust Litigation, which is part of the Immediate Office of the Solicitor, is responsible for defending litigation brought by Indian Tribes and individual Indians that allege that Interior has breached its fiduciary duties relating to the accounting, administration, or management of funds, lands, or non-monetary natural resource assets held in trust for their benefit. Currently there are approximately 60 such cases pending in various federal courts.

Over the years, the overwhelming majority of these cases have been grouped together and termed "Tribal Trust" because the cases had been brought by federally-recognized tribes and asserted nearly identical

broad claims related to a general accounting and mismanagement of trust funds and assets. By early 2007 there were over 100 Tribal Trust cases pending involving approximately 115 tribes. These cases were marked by extensive document and data discovery at significant cost to the Government.

In 2009, the Government and the Tribes initiated global settlement discussions referred to as SPOA (“Settlement Proposal to the Obama Administration”). The SPOA settlement effort started in September of 2009 when attorneys representing 96 Tribes wrote to President Obama requesting meetings with the Administration to discuss the possibility of a negotiated settlement to resolve their tribal trust cases. Thereafter, officials from the Departments of the Interior, Justice, and the Treasury engaged in discussions with the Tribes to seek to resolve the Tribal Trust matters through compromise settlement. As a result of months-long negotiations, on April 11, 2012, the United States announced that it had executed individual settlement agreements with 41 Tribes totaling more than \$1 billion. Since that time, the Government has executed settlement agreements with about two dozen additional Tribes. Although these settlement efforts continue, not all of the pending claims will be resolved through compromise settlement and new matters alleging various other breaches of fiduciary duties have been filed by individuals and Tribes in the past 24 months. The ITLO presently handles approximately 50 cases involving about 60 tribes Tribes.

Regions and Field Offices. To the extent practicable, legal services are provided based on bureau regional boundaries, rather than SOL regional boundaries. Because regional boundaries vary from bureau to bureau, the actual areas served by the Solicitor's Regional and Field Offices overlap to a considerable extent, with the result that more than one Regional or Field Solicitor's Office may handle legal matters for different bureaus within a single state. In addition, Regional and Field offices are responsible for legal matters arising in Interior's offices within their jurisdiction, including all elements of the Office of the Secretary, the Assistant Secretary – Policy, Management, and Budget, and organizations affiliated with Interior.

A. The **Alaska Region** is responsible for legal matters involving all bureaus except OSM, BOEM, and BSEE in Alaska. The Regional Office is located in Anchorage, Alaska.

B. The **Northeast Region** is responsible for legal matters involving all bureaus except BIA in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; legal matters involving all bureaus except NPS in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin; and legal matters involving specific bureaus in Iowa (BIA, FWS, and USGS), Kentucky (OSM), Missouri (FWS), Nebraska (BIA), North Dakota (BIA), South Dakota (BIA), and Tennessee (OSM). The Regional Office is located in Newton Corner, Massachusetts, and Field Offices are located in Fort Snelling, Minnesota, and Pittsburgh, Pennsylvania.

C. The **Pacific Northwest Region** is responsible for legal matters involving all bureaus in Idaho, Oregon, and Washington; and legal matters involving the BIA in southern Alaska (Metlakatla) and northwestern Montana (Flathead Indian Reservation). The Region also handles legal matters for the Pacific Northwest Region of BOR extending into northwestern Montana, and for Region I of the FWS, it

handles legal matters in Hawaii and the Pacific Islands. The Regional Office is located in Portland, Oregon, and a Field Office is located in Boise, Idaho.

D. The **Pacific Southwest Region** is responsible for legal matters involving all bureaus in California and Nevada; and legal matters involving specific bureaus in Alaska (OSM and USGS), Hawaii (NPS and USGS), Idaho (OSM), Oregon-Klamath Basin (BOR), Pacific Islands (NPS and USGS), and Washington (OSM and USGS). The Regional Office is located in Sacramento, California, and a Field Office is located in San Francisco, California.

E. The **Intermountain Region** is responsible for legal matters involving all bureaus except FWS and OSM in Utah; legal matters involving all bureaus except FWS, NPS, and OSM in Arizona; legal matters for BOR in Nevada and California (BOR Lower Colorado Region) and Colorado, New Mexico, and Texas (BOR Upper Colorado Region); legal matters for BIA in Nevada (BIA Eastern Nevada Field Office and Western Nevada Agency) and New Mexico (BIA Navajo Regional Office shared with the Southwest Region); and legal matters for BLM in Nevada (shared with the Pacific Southwest Region). The Regional Office is located in Salt Lake City, Utah, and a Field Office is located in Phoenix, Arizona.

F. The **Rocky Mountain Region** is responsible for legal matters involving the BLM National Operations Center (NOC) nationwide and all legal matters involving the BLM in Colorado, Montana, Nebraska, North Dakota, South Dakota, and Wyoming; all legal matters involving the BOR Denver Office and the BOR Great Plains Region (located east of the Continental Divide in Colorado, Wyoming, and Montana, and in Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, Texas); all legal matters involving FWS Region IX in Colorado and FWS Region VI (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming); legal matters involving the Office of Natural Resources Revenue (ONRR) and legal matters involving BOEM and BSEE in Colorado; legal matters involving the Interior Business Center (IBC) in Colorado; legal matters involving the NPS Denver Service Center, NPS WASO in Colorado, the NPS Midwest Region in Arkansas, Iowa, Indiana, Illinois, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, NPS concessions contract matters for the Midwest and Intermountain Regions; and all other legal matters involving the NPS Intermountain Region in Colorado, Montana (with the exception of Big Hole Battlefield—Nez Perce), and Wyoming; all legal matters involving the BIA in Montana (with the exception of the Flathead Indian Reservation) and Wyoming; all legal matters involving the Central Region of the USGS; and all legal matters coordinated through OSM Western Region. The Regional Office is located in Lakewood, Colorado and a Field Office is located in Billings, Montana.

G. The **Southeast Region** is responsible for legal matters involving all bureaus in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands; legal matters involving all bureaus except BOEM and BSEE in Louisiana; legal matters for specific bureaus in Arkansas (FWS and OSM), Connecticut (BIA), Illinois (OSM), Indiana (OSM), Iowa (OSM), Kansas (OSM), Maine (BIA), Massachusetts (BIA), Missouri (OSM), New York (BIA), Oklahoma (OSM), Rhode Island (BIA), Texas (OSM), and Virginia (BIA, BLM, and OSM); and legal matters for specific NPS programs in select states in the Region. The Regional Office is located in Atlanta, Georgia, and a Field Office is located in Knoxville, Tennessee.

H. The **Southwest Region** is responsible for legal matters involving all bureaus in New Mexico, Oklahoma, Texas, and on the Navajo Reservation; and legal matters involving specific bureaus in Arizona (FWS, and OSM), Colorado (BIA), Illinois (OSM), Kansas (BIA, BLM, BOEM, and BSEE), Louisiana (BOEM and BSEE), and Missouri (BIA). The Southwest Region also is responsible for legal matters involving the BIA's Office of Law Enforcement and the Office of Facilities Management and Construction, the BIE, and the Office of the Principal Deputy Special Trustee. The Regional Office is located in Albuquerque, New Mexico, with a unit in Santa Fe, New Mexico, and a Field Office located in Tulsa, Oklahoma.

ETHICS OFFICE ACTIVITY

Activity: Ethics Office

(Dollars in Thousands)

	2013 Full Yr. CR (PL 112-175)	2012 Enacted	2014				Change from 2012 (+/-)
			Fixed Costs & Related Changes (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	Budget Request	
Ethics Office	1,515	2,538	+ 39	- 59	- 1,023	1,495	- 1,043
FTE	8	8	0	0	0	8	0

Summary of 2014 Program Changes for Ethics Office

<u>Request Component</u>	<u>(\$000)</u>	<u>FTE</u>
<u>Program Changes:</u>		
• Reduction in One-time Costs	-1,023	0
TOTAL Program Changes	-1,023	0

The 2014 budget request for the Ethics Office is \$1,495,000 and 8 FTE, a program decrease of \$1,023,000 for one-time costs and an internal transfer to the Legal Services activity of \$59,000 from the 2012 Enacted level. The internal transfer re-distributes the costs of the Office between its three activities to better align placement of positions and distribution of office-wide costs with the operations of the Office as described in the Budget Request Overview section.

Reduction in One-time Costs (-\$1,023,000/ 0 FTE) – The Office of Solicitor requests a decrease of \$1,023,000 for the Ethics Office. The Ethics Office made significant improvements in its leveraging of technology to meet its mission. For example, a matter tracking system was created in FY 2012 and will be implemented in FY 2013 and only the maintenance of this system above the FY 2011 level will be required in FY 2014 and beyond. The Ethics Office also updated its website that will be available in FY 2013 with no costs associated with ongoing maintenance due to the implementation of a new content management system.

PROGRAM OVERVIEW

The Departmental Ethics Office (DEO) is responsible for overseeing Interior’s statutorily mandated ethics program, and derives its authority directly from the Secretary, who by regulation, is the head of the agency’s ethics program. The DEO is responsible for implementing the laws, executive orders, regulations and departmental policies concerning conflicts of interest and employee responsibilities and conduct (5 C.F.R. § 2638.201-202). The DEO is unique within the Office, as it has programmatic responsibilities, as well as the rendering of legal advice.

The DEO is headed by a Director, who is also the Designated Agency Ethics Official (DAEO). The DAEO is delegated the responsibility to manage and coordinate Interior’s Ethics program (5 C.F.R. § 2638.202-203). The DEO also ensures the implementation of and compliance with the Ethics in

Government Act of 1989, other statutes with ethics provisions, Executive Order 12674: *Principles of Ethical Conduct for Government Officers and Employees*, government-wide ethics regulations, and Interior's supplemental ethics regulations and policies governing employee conduct.

The DEO develops departmental ethics policy and strives to provide every Interior employee the proper counseling and technical assistance to help them with the ethics and conduct issues they may face as entrusted public servants. The Office seeks to integrate leadership and ethical concepts into everyday decision making in order to foster and maintain high ethical standards for Interior employees and to ensure that employees incorporate an awareness of the ethics rules and regulations into their day-to-day management practices.

The DEO provides direct services to all employees: within the Immediate Office of the Secretary, under the Assistant Secretary for Policy, Management and Budget, employees within the SOL as well as all political employees. Along with this program requirement, the DEO is responsible for providing oversight and technical assistance to Interior's eight bureaus to ensure that each of the bureaus' ethics programs are in compliance with all applicable ethics laws, executive orders, and regulations (5 C.F.R. § 2638.202).

The DEO performs a number of tasks required by law or regulation. Additionally, the DEO provides other, broader assistance in a variety of Interior initiatives to ensure that attention is paid to whether a particular course of action is prudent and in concert with ethics laws and regulations at large. Comprehensive attention to both types of responsibilities is critical to maintaining a robust ethics program throughout Interior.

At the request of the Secretary of the Interior and with the support and direction of the Solicitor, the Director of DEO reviewed the Office of Government Ethics (OGE) Ethics Program Model Practices to determine what practices Interior already utilized and to determine which additional model practices Interior could or should implement. Of the eighty Ethics Program Model Practices, Interior was already utilizing sixty, although some enhancements and improvements are needed.

Based on this review, the Director developed a strategic action plan on how to implement the remaining twenty Ethics Program Model Practices. While incorporating new Model Practices into Interior's ethics program and enhancing other practices it is essential to continue the technical competence of the ethics program. In addition to that initial action plan, and in implementing the Secretary's Secretarial Order directing the enhancement of the Department's Ethics Program, the Director has updated the action plan and continues to develop new initiatives to foster a stronger ethical climate with partners, industry and other non-federal entities. Some of the Model Practices that have been incorporated include:

- The DEO has increased its liaison efforts with the OGE and has served as a member of the OGE Leadership initiative focus group. Additionally, the DEO is a member of the Ethics Resource Center and the Ethics Compliance Officers Association.
- The DEO, as part of its efforts to increase training initiatives, is a member of the Interagency Ethics Council task force on training. The DAEO and Alternate Agency Ethics Official and other

ethics officials from the DEO presented ethics sessions at the Solicitor's Management Conference, at politicals' meetings, and several other conferences. The DEO will focus on several training initiatives based on the Departmental Ethics Training Plan including:

- Personal appearances by Senior Leaders at training;
- Preparing effective decision making modules for training to enhance the ethics culture;
- Asking managers to discuss ethics related issues with their staff at staff meetings and other work settings;
- Identifying trends of ethics violations and publicizing consequences from ethical lapses;
- Use media accounts to showcase what happens to those who violate the laws;
- Focusing on training the 14 guiding principles of ethics;
- Soliciting feedback on training from employees; and
- Training ethics officials, branching out their training into effective decision making and an ethical culture.

The DEO was trained in program reviews and conducted an assessment of the BIA ethics program, similar to an OGE program review. The results of this assessment assisted in determining additional processes and systems to be implemented and incorporated into the BIA ethics program. There will continue to be assessments of the bureau ethics programs by the DEO. Bureaus Ethics Counselors will also receive program review training to properly execute their oversight role.

To improve the financial disclosure process, the DEO procured and is in the process of implementing an electronic system of employee filing and DEO review. The DEO is participating in multi-agency initiatives overseen by the Office of Government Ethics, such as the Ethics Counselor Certification Program and the Benchmarking Project to develop ethics program assessment tools. The DEO is reviewing DOI supplemental ethics regulations to determine appropriate revisions to further assure the highest level of ethical culture at DOI.

REQUIRED FUNCTIONS

- Oversight and Technical Assistance to Bureaus: Not only is the DEO responsible for performing ethics functions for a broad spectrum of employees, it is also responsible for ensuring that Interior's bureaus are properly administering their ethics programs. The regulations require that the DAEO administer a program for periodic evaluation of the ethics program and its components. Currently, the DEO meets this responsibility by convening monthly meetings with the bureaus' headquarters ethics contacts to ensure consistency in the management of the program. Additionally, the DEO has utilized contract services to perform program reviews of the bureaus. The DEO provides, live workshop training on topics important to the consistent management of the bureaus' ethics programs. The DEO will conduct a program review as part of the oversight responsibility of the office.

- Presidential Appointments: The DEO plays a critical role in the clearance process of nominees to Presidentially Appointed-Senate Confirmed (PAS) positions. The DEO reviews financial documents, consults with the nominees, and recommends and drafts appropriate recusals or authorizations to allow the nominees to perform their duties without actual or apparent conflicts of interest. Key in this process is the coordination with the White House Counsel's Office, and the OGE. Additionally, the DEO works with Interior's Office of Congressional and Legislative Affairs to prepare nominees for their committee hearings and assists in the drafting of responses to any questions committee members may have. In a Presidential transition year, additional time is spent coordinating and ensuring compliance with the financial disclosure requirements for all political appointees, training these employees, and providing individual counseling on a range of ethics topics essential to the appropriate performance of their official duties.

- Financial Disclosure: The DEO is responsible for ensuring that the public and confidential financial disclosure reporting requirements are met. Both levels of financial disclosure require the administration of tracking systems for the collection, review, and certification of the forms in accordance with the time frames set out by regulation (5 C.F.R. § 2634.601-607; § 2634.901-909). Additionally, any remedial action required as a result of review and certification of these forms must be administered by the DEO or respective bureau ethics program. Such remedial actions include divestiture, recusals, or authorization, all of which require a determination in accordance with criminal statutes and administrative regulations. Department-wide, there are approximately 13,000 filers of financial disclosure forms. All forms require technical as well as more stringent financial conflict of interest review and certification. The DEO is responsible for certifying all financial disclosure forms of employees in the Immediate Office of the Secretary, under the Assistant Secretary for Policy, Management and Budget, employees in the Office of the Solicitor and all Interior political employees. PAS employees' financial disclosure forms are certified by the DAEO and forwarded to OGE for final certification.

- Training: The DEO is responsible for providing new employee ethics training as well as annual training for all filers of the confidential and public financial disclosures. All report filers are required to receive annual training. The administration of the ethics training program is in accordance with 5 C.F.R. § 2638.701-708. The DEO is responsible for providing guidance and training for all bureau ethics counselors to ensure consistency in the advice and counseling provided to employees.

- Counseling: As required by 5 C.F.R. § 2638.203, the DEO is responsible for maintaining a system for counseling employees on all ethics matters, including interpretations of the criminal financial conflict of interest statutes, the post-employment statute, as well as all standards of conduct regulations (both government-wide and agency-specific). Such systems must include adequate documentation of

questions raised and advice rendered to provide employees with advice, but also for purposes of audit and evaluation by the OGE, or in support of an investigation of alleged violations by the Office of Inspector General. The DEO is responsible for providing guidance and counseling to ethics counselors and general employees on any changes to the ethics rules and regulations.

- Liaison Role: The DAEO is required to be Interior's liaison with the OGE for all matters relating to the management of the ethics program (5 C.F.R. § 2638.203(b)). The DAEO and ethics staff performs this role with the White House Counsel's Office, as well as with the Office of Special Counsel.

NECESSARY FUNCTIONS

There are a number of necessary functions performed by the DEO to meet its responsibilities and to ensure a robust and proactive ethics program, which includes prevention, education, identification of violations, and coordination of enforcement actions. Among these necessary functions are:

- Act as liaison and technical advisor to the Office of Inspector General (OIG).
- Compile Department-wide annual reports to be submitted to the OGE.
- Participate in the work of the Deputy Chief Human Capital Officer workgroup, to ensure that Interior's human resources responsibilities include attention to ethics, i.e., working to include ethics management performance standards in supervisors and ethics counselors' position descriptions.
- Serve on several Department-wide initiatives, such as donations of gifts policy; appropriate identification of ethics considerations for volunteers and special government employees; and the Agency Emergency Preparedness Team.
- Work with the Division of General Law on the Federal Advisory Committee Act issues that raise ethics questions, such as the proper designation of members as either representatives or special government employees, and ensuring the administration of financial disclosure requirements for those designated as special government employees.
- Ensure an adequate system for responding to FOIA requests as well as requests for documents or other technical assistance from Congressional Committees.

Appendix

SECTION 405 OF THE INTERIOR, ENVIRONMENT AND RELATED AGENCIES APPROPRIATION ACT

The 2006 Interior, Environment and Related Agencies Appropriation Act requires disclosure of overhead, administrative and other types of spending:

Section 405: Estimated overhead charges, deductions, reserves or hold backs from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

The administrative costs for this Office will be displayed in two components – **External Administrative Costs**, and **Bureau Billing for Client Support** for reimbursable attorney positions funded by clients.

External Administrative Costs – the following table illustrates external administrative costs paid to Interior and other agencies to support Department-wide activities such as IT security, architecture, and capital planning; training through DOI University; telecommunications; finance and accounting services; building security; mail room; and enterprise licenses.

External Administrative Costs			
(Dollars in Thousands)			
	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate
Interior's Working Capital Fund			
Centralized Billings	3,649.8	3,654.6	3,927.5
Direct Billings	1,213.0	1,264.2	1,217.0
Total	5,044.9	5,065.1	5,121.7

➤ **Bureau Billing for Client Support** - A number of client bureaus and offices within Interior have requested assistance beyond the level of services this Office is generally able to provide. The client generally has identified a special project needing legal services of limited duration but some urgency. In these instances, the Office typically hires one or more attorneys on term appointments for the duration of the project, and the Office enters into a reimbursable support agreement with the client to cover the cost. Prior to FY 2001, this Office only billed clients for salary and benefits and absorbed the indirect costs associated with the reimbursable support. In FY 2001, the Office began to collect indirect overhead costs for reimbursable attorney positions funded by Interior’s bureaus and offices.

The table below illustrates the indirect overhead costs for reimbursable attorney positions funded by clients. The indirect overhead costs reflects a pro rata portion of operating costs which includes space,

telecommunications, postage, courier services, supplies, printing, copying, computer equipment, law books, IT services, automated legal research services, and external administrative costs.

Bureau Billing for Client Support			
(Dollars in Thousands)			
	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate
Attorney salaries and benefits	12,530.6	13,218.6	13,618.6
Reimbursable attorney overhead	3,236.2	2,944.7	3,044.7
Total	15,766.9	16,163.3	16,663.3

In addition to reimbursements for staff positions and some related expenses, client bureaus continue to fund a portion of the Office's travel. Consistent with the understanding developed with the Appropriations Committees, travel related to litigation and other core Office functions is paid out of the SOL appropriation, but clients fund some travel for our attorneys to provide client training, attend meetings, and for other matters not involving core Office functions.

Pursuant to CERCLA, as amended (42 U.S.C. 9601, et seq), the Federal Water Pollution Control Act (Clean Water Act), and the Oil Pollution Act (OPA) of 1990, (U.S.C. 101-380), the Office will receive funding, funding level yet to be determined, from the Natural Resource Damage Assessment and Restoration (NRDAR) Fund for NRDAR-related travel and work.

OFFICE OF THE SOLICITOR
PROGRAM AND FINANCING
(Dollars in Millions)

Identification Code 14-0107-0	2012 Actual	2013 Estimate	2014 Estimate
Obligations by program activity:			
0001 Direct program	65	67	66
0801 Reimbursable program activity	12	13	13
0802 Allocation program activity	.....	5	6
0899 Total reimbursable obligations	<u>12</u>	<u>18</u>	<u>19</u>
0900 Total new obligations	<u>77</u>	<u>85</u>	<u>85</u>
Budgetary resources:			
Budget authority:			
Appropriations, discretionary:			
1100 Appropriation	<u>66</u>	<u>67</u>	<u>66</u>
1160 Appropriation, discretionary (total)	66	67	66
Spending authority from offsetting collections, discretionary:			
1700 Collected	10	18	19
1701 Change in uncollected payments, Federal Sources	<u>2</u>	.....	.....
1750 Spending auth from offsetting collections, disc (total)	<u>12</u>	<u>18</u>	<u>19</u>
1900 Budget Authority (total)	<u>78</u>	<u>85</u>	<u>85</u>
1930 Total budgetary resources available	78	85	85
Memorandum (non-add) entries			
1940 Unobligated balance expiring	-1	.....	.....
Change in obligated balances:			
Obligated balance, start of year (net):			
3000 Unpaid obligations, brought forward, Oct 1 (gross)	4	5	5
3010 Obligations incurred, unexpired accounts	77	85	85
3011 Obligations incurred, expired accounts	1	.....	.....
3020 Outlays (gross)	<u>-77</u>	<u>-85</u>	<u>-85</u>
3050 Unpaid Obligations, end of year	5	5	5
3060 Uncollected pymts, Fed sources, brought forward, Oct 1	-4	-2	-2
3070 Change in uncollected pymts, Fed sources, unexpired	-2	.....	.....
3071 Change in uncollected pymts, Fed sources, expired	<u>4</u>	.....	.....
3090 Uncollected pymts, Fed sources, end of year	<u>-2</u>	<u>-2</u>	<u>-2</u>
Memorandum (non-add) entries:			
3100 Obligated balance, start of year	.....	3	3
3200 Obligated balance, end of year	3	3	3
Budget authority and outlays, net:			
Discretionary:			
4000 Budget authority, gross	<u>78</u>	<u>85</u>	<u>85</u>
Outlays, gross:			
4010 Outlays from new discretionary authority	72	80	80
4011 Outlays from discretionary balances	5	5	5
4020 Outlays, gross (total)	<u>77</u>	<u>85</u>	<u>85</u>

**OFFICE OF THE SOLICITOR
PROGRAM AND FINANCING
(Dollars in Millions)**

Identification Code 14-0107-0	2012 Actual	2013 Estimate	2014 Estimate
Offsets against gross budget authority and outlays:			
Offsetting collections (collected) from:			
4030 Federal sources	-11	-18	-19
Additional offsets against gross budget authority only:			
4050 Change in uncollected pymts, Fed sources, unexpired	-2	.....	.....
4052 Offsetting collections credited to expired accounts	1	.....	.....
4060 Additional offsets against budget authority only (total)	<u>-1</u>	<u>.....</u>	<u>.....</u>
4070 Budget authority, net (discretionary)	<u>66</u>	<u>67</u>	<u>66</u>
4080 Outlays, net (discretionary)	66	67	66
4180 Budget authority, net (total)	<u>66</u>	<u>67</u>	<u>66</u>
4190 Outlays net (total)	<u>66</u>	<u>67</u>	<u>66</u>

OFFICE OF THE SOLICITOR
OBJECT CLASSIFICATION
(Dollars in Millions)

Identification Code 14-0107-0	2012 Actual	2013 Estimate	2014 Estimate
Direct obligations			
1111 Personnel compensation: Full-time permanent	41	41	41
1121 Civilian personnel benefits	11	11	11
1231 Rental payments to GSA	8	9	9
1252 Other services from non-Federal sources	1	1	1
1253 Other goods and services from Federal sources	4	5	4
1990 Subtotal, obligations, Direct obligations	65	67	66
Reimbursable obligations			
2111 Personnel compensation: Full-time permanent	7	8	8
2121 Civilian personnel benefits	2	2	2
2210 Travel and transportation of persons	1	1	1
2253 Other goods and services from Federal sources	2	2	2
2990 Subtotal, obligations, Reimbursable obligations	12	13	13
Allocation Account - reimbursable:			
4111 Personnel compensation: Full-time permanent	.....	2	3
4121 Civilian personnel benefits	.....	1	1
4252 Other services from non-Federal sources	.....	1	1
4253 Other goods and services from Federal sources	.....	1	1
3990 Subtotal, obligations, Allocation Account - direct	0	5	6
9999 Total new obligations	77	85	85

**OFFICE OF THE SOLICITOR
PERSONNEL SUMMARY**

Identification Code 14-0107-0	2012 Actual	2013 Estimate	2014 Estimate
<hr/>			
Direct:			
1001 Civilian full-time equivalent employment	350	356	339
Reimbursable:			
2001 Civilian full-time equivalent employment	68	65	69
Allocation account:			
3001 Civilian full-time equivalent employment	19	18	20
	<hr/> 437	<hr/> 439	<hr/> 428

**OFFICE OF THE SOLICITOR
EMPLOYEE COUNT BY GRADE**

	FY 2012	FY 2013	FY 2014
	Actual	Estimate	Estimate
Executive Level IV	1	1	1
SES	19	21	21
Subtotal	20	22	22
SL	1	1	1
GS/GM-15	102	103	103
GS-14	205	216	216
GS-13	29	31	31
GS-12	16	15	15
GS-11	15	21	21
GS-10	1	1	1
GS-9	12	10	10
GS-8	7	7	7
GS-7	22	21	21
GS-6	5	4	4
GS-5	0	0	0
GS-4	2	2	2
GS-3	0	0	0
Subtotal	416	431	431
Total employment (actual & estimates)	437	454	454

OFFICE OF THE SOLICITOR
REIMBURSABLE POSITIONS
(Dollars in Thousands)

	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>
Bureau of Indian Affairs			
Legal support, licensing of FERC projects	195	188	195
Legal support, restoration of land	48	0	0
Legal support, probate and AIPRA issues	195	182	60
Legal support, tribal status issues	70	0	0
Legal support, BIE priority matters	0	22	228
Legal support, BIA ASIA matters	0	90	39
Legal support, BIA OJS matters	0	91	39
Legal support, BIA matters	130	99	97
Legal support, BIA Navajo Region	0	11	177
Subtotal	<u>639</u>	<u>683</u>	<u>836</u>
Bureau of Land Management			
Legal support, mining, rights-of-way, NEPA, CERCLA, FLPMA, NHPA, grazing, forest fire cost recovery, title issues, and recreational use of public lands	79	76	75
Legal support, SNPLMA, other special assignments on behalf of BLM	187	189	192
Legal support, public land, environmental oil & gas, and energy law	113	124	125
Legal support, NEPA relating to the EPAct of 2005	156	162	162
Legal support, land use planning; work related to FLPMA and BLM's regulations implementing FLPMA, NEPA, ESA, NHPA, and other statutes, regulations, and policies	343	316	181
Legal support, all issues related to land and mineral resources	542	473	446
Legal support, special assignments on behalf of BLM	188	187	207
Legal support, natural resources in Idaho	366	374	375
Legal support, including Employment Law, and other duties as assigned	281	293	0
Legal support, admin. assistant detail	0	0	10
Legal support, resources, personnel, and wildlife	0	39	70
Legal support, geothermal matters	77	0	0
Legal support, related to renewable energy	336	386	387
Legal support, renewable energy, other special assignments on behalf of BLM	423	530	261
Legal support, natural resources and minerals in New Mexico	44	75	75
Subtotal	<u>3,132</u>	<u>3,224</u>	<u>2,567</u>
Bureau of Ocean Energy Management			
Legal support, relating to Energy Policy Act of 2005, with attention on the Coastal Impact Assistance Program	181	0	0
Legal support, offshore minerals and renewable energy issues	144	311	349
Legal support, relating to offshore minerals	0	583	591
Legal support, relating to Alaska issues	170	50	123
Legal support, relating to offshore renewable energy issues	0	153	172
Subtotal	<u>495</u>	<u>1,097</u>	<u>1,236</u>

OFFICE OF THE SOLICITOR
REIMBURSABLE POSITIONS
(Dollars in Thousands)

	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>
Bureau of Reclamation			
Legal support, stream adjudication and water rights issues	162	143	177
Legal support, water contracts, water rights issues, Klamath Project issues, NEPA, and NHPA	150	159	154
Legal support for Lower Colorado Region to include Colorado River management and regulations, drafting and review of water contracts, water accounting issues, Indian water settlements	208	209	241
Legal support, Reclamation law, Indian water rights settlements, NEPA, CWA and ESA	56	109	0
Legal Support, Central Utah Project – Title II construction and Title III mitigation programs	180	183	181
Legal support, Boulder Canyon Project Act	178	152	167
Legal support, Bay Delta Conservation Plan (BDCP), Central Valley Project Improvement Act implementation, ESA, NEPA, CVP operations, San Joaquin River Restoration Program	205	206	203
Legal support, land management, contract reviews, water issues ESA & NEPA, BBDCP, and San Joaquin River Settlement	211	203	12
Legal support, water rights, water quality, and contracts for the CVP, non-CVP projects in California and others in Nevada	208	208	217
Legal support, special assignments or other BOR related projects	152	0	0
Legal support, Great Plains Region water service contracts, land title, NEPA, Indian water rights settlements, and general water rights	144	159	151
Legal support, water rights	0	96	97
Legal support, general law, realty, procurement and EEO/MSPB	0	0	90
Legal support, Yakima water projects	0	24	111
Legal support, BOR contract actions	0	20	0
Legal support, water and Klamath project issues	80	67	81
Legal support, including procurement, employment law, agreements, and any and all other legal support as necessary	135	70	395
Subtotal	2,068	2,008	2,275
Bureau of Safety and Environmental Enforcement			
Legal support, relating to the regulation of offshore mineral operations and enforcement of BSEE regulations	0	468	1176
Legal support, project management relating to document discovery for Deepwater Horizon	0	187	0
Subtotal	0	655	1,176

OFFICE OF THE SOLICITOR
REIMBURSABLE POSITIONS
(Dollars in Thousands)

	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>
Fish and Wildlife Service			
Legal support, civil service law, EEO, labor law, natural resource damage assessment, civil penalty, and environmental law issues	93	95	0
Legal support, FOIA, refuge management, and land acquisition matters	96	99	100
Legal support, Region 4 legal matters	0	43	36
Legal support, high priority refuge and ESA issues	0	187	188
Legal support, high priority realty issues	0	49	45
Legal support, including procurement, employment law, agreements, and any and all other legal support as necessary	0	0	0
Legal support, fisheries and ecological services	74	0	0
Subtotal	<u>262</u>	<u>473</u>	<u>369</u>
Interior Business Center			
Legal support, IBC contractual & acquisition services	715	1036	793
Legal support, including procurement, employment law, agreements, and any and all other legal support as necessary	145	151	156
Subtotal	<u>860</u>	<u>1,187</u>	<u>949</u>
National Park Service			
Legal support, water rights issues	185	171	89
Legal support, civil service law, EEO, labor law, and tort law issues	93	95	191
Legal support, FOIA, Partnership Agreements, Cultural and natural resources	96	99	100
Legal support, southeast region legal matters	0	119	141
Legal support, Elwha River Ecosystem and Fisheries Recreation Act	0	0	58
Legal support, NPS legal issues	0	58	208
Legal support, paralegal services	0	6	0
Legal support, concessions and leasing	0	192	223
Legal support, Everglades restoration	225	219	243
Legal support, including procurement, employment law, agreements, and any and all other legal support as necessary	521	251	186
Legal support, for acquisition related transactions	59	0	0
Subtotal	<u>1,179</u>	<u>1,210</u>	<u>1,439</u>
Office of the Special Trustee for American Indians			
Legal support, Office of Special Trustee for American Indians	119	171	169
Legal support, trust policy and procedure projects	356	365	224
Legal support, Office of Special Trustee for American Indians *	[2,759]	2,325	2,115
Subtotal	<u>475</u>	<u>2,861</u>	<u>2,508</u>
Office of Surface Mining Reclamation and Enforcement			
Legal support, OSM issues	202	214	205
Subtotal	<u>202</u>	<u>214</u>	<u>205</u>

OFFICE OF THE SOLICITOR
REIMBURSABLE POSITIONS
(Dollars in Thousands)

	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>
Other Offices and Programs			
Legal support, NIGC legal issues	0	26	0
Legal support, ONRR Royalty In Kind Program	400	433	198
Legal support, ONRR related matters	92	0	393
Legal support, ASIA CADR issues	0	9	97
Legal support, PMB Budget issues	0	0	55
Legal support, FOIA Appeals	0	193	206
Legal support, WCF issues	0	9	186
Legal support, WCF issues reflecting cross-cutting matters arising from all DOI bureaus	0	0	150
Legal support, NRDAR	35	352	290
Legal support, HAZMAT compliance	896	1043	890
Legal support, DOJ assignment	122	89	139
Subtotal	<u>1,545</u>	<u>2,154</u>	<u>2,605</u>
TOTAL REIMBURSEMENTS	10,858	15,766	16,163

* The Office received an allocation of 14 FTEs in FY 2011 for Office of the Secretary Indian Trust litigation issues.

FY 2011 Endangered Species Act (ESA) Payments - Department of the Interior

Case	Judicial District	Court #	Attorney Fees	Court costs	Payee	Payment date
Alliance for the Wild Rockies v. Jane Lyder	D. Mont.	09-73	\$221,787.00		Huber, Eric	5/6/11
Center for Biological Diversity v. FWS	C.D. Cal.	09-90	\$36,405.00	\$642.36	Buse, John	5/6/11
Center for Biological Diversity v. Salazar	N.D. Cal.	09-5370	\$17,530.00	\$350.00	Lopez, Jaclyn	2/15/11
NRDC v. Norton	E.D. Cal.	05-1207 05-690	\$1,906,500.00		Orr, Trent	2/22/11
Pacific Coast Federation of Fisherman's Assn v. Gutierrez	E.D. Cal.	06-245	\$2,117,219.00	\$76,281.00	Sherwood, Michael	3/3/11
Preserve our Islands v. Corps of Engineers	W.D. Wash.	08-1353	\$81,017.90	\$481.10	Mann, David	10/20/10
Rio Grande Silvery Minnow v. Eluid Martinez	D.N.M.	99-1320	\$790,985.00	\$31,018.74	Lucas, Laurence	5/23/11
Western Watersheds Project v. David Rosenkrance	D. Idaho	09-532	\$64,512.69	\$487.31	Rule, Lauren	3/8/11
Western Watersheds Project v. David Rosenkrance	D. Idaho	09-611	\$27,923.76	\$576.24	Rule, Lauren	2/14/11
Western Watersheds Project v. FWS	E.D. Cal.	10-54	\$5,000.00		Tucci, Todd	10/18/10
WildEarth Guardians v. Kempthorne	D.D.C.	08-1596	\$60,000.00	\$3,368.75	Ukeiley, Robert and Tutchtou, Jay	12/8/10
WildEarth Guardians v. Salazar	D. Ariz.	09-574	\$47,160.00	\$370.00	Tutchtou, James J.	8/12/11
WildEarth Guardians v. Salazar	S.D. Tex.	09-1893	\$61,389.28	\$510.72	Ewegen, Misty	12/20/10
WildEarth Guardians v. Salazar	D. Ariz.	10-74	\$10,050.00	\$369.47	Tutchtou, James J.	12/22/10
Wyoming State Snowmobile Assn v. FWS	D. Wyo.	09-95	\$253,336.45	\$11,663.55	Ginsberg, Beth	6/17/11
Total ESA Payments			\$5,700,816.08	\$126,119.24		

FY 2012 Endangered Species Act (ESA) Payments - Department of the Interior

Case	Judicial District	Court #	Attorney Fees	Court costs	Payee	Payment date
Biodiversity Conservation Alliance, et al. v. Norton, et al	D.D.C.	04-2026	\$ 193,738.22	\$ 1,261.78	Glitzenstein, Eric	12/12/11
Center for Biological Diversity v. Ken Salazar	N.D. Cal.	10-1501	\$47,460.00	\$540.00	Torgun, George	2/23/12
Center for Biological Diversity, et al. v. FWS	N.D. Cal.	08-1278	\$ 170,000.00		Fink, Mark	
Center for Biological Diversity v. Dirk Kempthorne, et al.	D. Ariz.	07-484	\$ 159,044.00	\$3,285.96	Kay, Melanie	2/9/12
Center for Biological Diversity, et al. v. Ken Salazar, et al.	D. Ariz.	10-2130	\$12,607.00	\$350.00	Sommerville, Thane	9/11/12
Center for Biological Diversity, et al. v. Ken Salazar, et al.	D. Ariz.	10-2130	\$80,705.00		Augustine, Justin	9/19/12
Center for Native Ecosystems v. Ken Salazar	D. Colo.	09-1463	\$120,000.00		Glitzenstein, Eric	2/27/12
Center for Native Ecosystems v. Ken Salazar	D. Colo.	11-444	\$14,612.60	\$387.40	Sandler, Matthew	2/7/12
Center for Native Ecosystems v. FWS	D. Colo.	08-2744	\$144,250.00		Cooley, Robin L.	4/3/12
Coalition for a Sustainable Delta v. FWS	E.D. Cal.	09-2024	\$200,000.00		Weiland, Paul	4/2/12
Coalition of Labor, Agriculture, and Business, et al. v. DOI	S.D. Cal.	11-2136	\$6,100.00		Coalition of Labor, A	3/2/12
Conservation Force, et al. v. Ken Salazar	D.D.C.	11-2008	\$22,500.00		Jackson, John J.	6/6/12
Exotic Wildlife Association, et al. v. DOI	D.D.C.	12-194	\$23,643.31	\$1,356.69	Marzulla, Nancie G.	8/2/12
Greater Yellowstone Coalition, Inc. v. Christopher Servheen	D. Mont.	07-134	\$286,393.94	\$4,868.36	Honnold, Douglas L.	3/23/12
In Re Endangered Species Act Section 4 Deadline Litigation	D.D.C.	10-377	\$122,871.00	\$5,287.00	Center for Biological Diversity	3/2/12
In Re Endangered Species Act Section 4 Deadline Litigation	D.D.C.	10-377	\$167,602.00		Wilmes, Ashley D.	3/5/12
North Sacramento Land Company, et al. v. FWS, et al.	E.D. Cal.	12-618	\$1,000.00		Middleton, Brandon	7/25/12
North Sacramento Land Company, et al. v. FWS, et al.	E.D. Cal.	11-943	\$12,000.00		Middleton, Brandon	11/2/11
Safari Club International v. Ken Salazar	D.D.C.	11-1564	\$10,930.00	\$70.00	Seidman, Anna M.	8/2/12
Washington Cattleman's Association v. Ken Salazar, et al.	E.D. Wash.	11-3019	\$4,861.12		Himebaugh, Daniel A.	10/26/11
Wild Equity Institute v. Ken Salazar	N.D. Cal.	11-2904	\$11,050.00		Plater, Brent	10/24/11
Wildearth Guardians v. Ken Salazar	D. Colo.	10-2129	\$6,534.00	\$370.49	Tutcheon, James J.	1/11/12
Wildearth Guardians v. Kenneth Salazar	D. Ariz.	10-420	\$7,287.75		Hailey, Melissa A.	11/2/11
Wildearth Guardians v. Steve Guertin	D. Colo.	10-1959	\$26,072.87	\$425.64	Hickcox, Geoff	10/28/11
Total ESA Payments			\$1,851,262.81	\$18,203.32		

FY 2011 Equal Access to Justice Act (EAJA) Payments - Department of the Interior

Case Name	Bur	Judge	Type	Amount	Hourly Rates	Venue	Citation	Appeal Status	Payment Date	Payee/Plaintiff's Attorney
Center for Biological Diversity, et al. v. US DOI	BLM	Mediator Margaret Corrigan (9th Cir.); Judge Roslyn Silver (D. Az.)	Settlement	\$180,000.00	\$275-\$475	9th Cir.	No. 07-16423 (9th Cir.); No. CV-01-1758 (D. Az.)		6/28/11	Western Mining Action Project
Center for Biological Diversity	BLM	Not Available	Settlement	\$2,000.00	Not Available	D.C. Cir.	No. 1:10-cv-00952-PLF (D.C. Cir.)	Defendant-Intervenor appealed court's approval of merits settlement	3/18/11	Center for Biological Diversity (grazing fee litigation)
Conservation Northwest, et al. v. Sherman	BLM	Judge Coughenour	Settlement	\$51,851.57	\$275-\$350	W.D. Wash.	No. 08-CV-1067-JCC		7/19/11	Western Environmental Law Center
Jeanette Bertolino, et al. (residential neighborhood members)	BLM	Judge Llyod George	Settlement	\$30,000.00	\$100-\$400	D. Nev.	No. 2:08-cv-1131-LDG-RJJ		10/27/10	Callister & Associates
New Mexico Wilderness Alliance; State of New Mexico v BLM	BLM	Judge Bruce Black	Decision	\$271,825.72	\$149.93-\$169.38	D.N.M.	No. 06-2352, 06-2353, 06-2354 (10th Cir); No. 05-0460 (D.N.M.)		8/19/11	EarthJustice
Oregon Natural Desert Association (ONDA)	BLM	Judge Anna J. Brown	Settlement	\$216,899.18	\$160-\$350	D. Or.	05-35931 (9th Cir.); No. 03-CV-1017-JE (D. Or.)		12/1/10	Oregon Natural Desert Association (ONDA)
Oregon Natural Desert Association (ONDA)	BLM	Judge Michael R. Hogan	Settlement	\$44,057.52	\$160-\$350	D. Or.	05-35931 (9th Cir.); No. 06-CV-523-HO (D. Or.)		12/1/10	Oregon Natural Desert Association (ONDA)
Te-Moak Tribe et al. vs DOI	BLM	Panel	Settlement	\$110,000.00	\$300-\$475	9th Cir.	CV-05-00279ILRH; 07-16336		4/25/11	Western Mining Action Project
Biodiversity Conservation Alliance	BLM	Judge Jack Shansstrom	Settlement	\$55,000.00	\$185-\$300	D. Mont.; 9 th Cir.	No 03-71-JDS and 10-35112	Appealed to 9th Cir.; settled and dismissed on appeal	10/29/10	Western Environmental Law Center
Western Watersheds Project (WWP) v. Rosenkrance	BLM	Judge B. Lynn Winnmill	Settlement	\$38,000.00	\$185-\$300	D. Idaho	09-CV-365-BLW		2/9/11	Advocates for the West
Delaware Audubon Society, PEER, and Center for Food Safety	FWS	Judge Gregory Sleet	Settlement	\$5,000.00	Not Available	D. Del.	No. 1:06-cv-223		1/14/11	Delaware Audubon Society, PEER, and Center for Food Safety
Forest Service Employees of Environmental Ethics	FWS	Judge Molloy	Settlement	\$15,833.00	\$250	D. Mont.	9:2008cv00043		5/2/11	Forest Service Employees of Environmental Ethics
The Otter Project and Environmental Defense Center	FWS	Judge James Ware	Settlement	\$55,000.00	\$325-\$425	N.D. Cal.	5:09-cv-04610-JW		2/14/11	The Otter Project and Environmental Defense Center
Bluewater Network	NPS	Judge Kessler	Settlement	\$60,000.00	\$190	D.D.C.	EO-0013-M-0002		4/26/11	Meyer Glitzenstein & Crystal
Brady Campaign to Prevent Gun Violence	NPS	Judge Colleen Kollar-Kotelly	Settlement	\$140,000.00	\$184-\$425	D.D.C.	EO-0013-M-0001		1/14/11	Ropes & Gary LLP
Total				\$1,275,467						

FY 2012 Equal Access to Justice Act (EAJA) Payments - Department of the Interior

Case Name	Bur	Judge	Type	Amount	Hourly Rates	Venue	Citation	Appeal Status	Payment Date	Payee/Plaintiff's Attorney
O'Bryan v. BIA	BIA	Wiese	Settlement	\$6,000.00	\$145-\$250	Fed. Claims	No. 08-664C		1/5/12	Terry Pechota
Advocates for the West	BLM	Mary Schroeder	Court Decision	\$80,765.65	\$250-\$400	9th Cir.	No. 10-35836	Decision	5/22/12	Advocates for the West [Lucas]
Advocates for the West	BLM	Edward Lodge	Settlement	\$32,000.00	\$200-\$250	D. Idaho	CV-09-02928-E-EJL		6/12/12	Advocates for the West (K. Ruether & L. Rule)
Advocates for the West	BLM	Mary Schroeder	Denial of Award		\$185-\$300	9th Cir.	11-35464	Decision		Advocates for the West
Alliance for Responsible Recreation, The Wilderness Society, Friends of Juniper Flats, Western San	BLM	Susan Illston	Court Decision	\$1,003,155.87	\$295-\$675	N.D. Cal.	3:06 CV 04884 SI	protective appeal dismissed	8/30/12	Farella Braun + Martel (\$769,351.89), Walzter & Wiygul (\$179,630), Keyes & Fox (\$54,173.98)
Center for Biological Diversity, Public Employees for Environmental Responsibility, and Desert Surv	BLM	Susan Illston	Settlement	\$180,000.00	\$250-\$650	N.D. Cal.	3:06 CV-04884 SI		12/20/11	Client Trust Account of the Center for Biological Diversity and the Client Trust Account of the Mills Legal Clinic of Stanford Law School
Davy Lee Waters and Samarraha Waters	BLM	Harvey Sweitzer	Denial of Award		\$200-\$250 Expert \$90-\$90	DOI Agency	IBLA 2008-121			James Dole
Maughan, et al. v BLM: 4:05-cv00297-BLW	BLM	B. Lynn Wimmill	Settlement	\$140,000.00	\$200-\$300	D. Idaho	4:05-cv00297-BLW // Nos 06-275-E-BLW and 05-297-E-BLW (D. Id 4/2/2012)		5/9/12	National Wildlife Federation \$64,000; Arizona State University \$56,000; Brad M. Purdy \$11,000; Natural Resources Defense Council \$9,000.
Oregon Natural Desert Association	BLM	Garr King	Settlement	\$45,000.00	\$210-\$335	D. Or.	3:08-cv-1271-KI		4/24/12	Oregon Natural Desert Assoc./Mac Lacy
Oregon Natural Desert Association & Western Watersheds Project	BLM	Anna Brown	Court Decision	\$27,323.57	\$175-\$325	D. Or.	Civ. No. 08-576-BR		11/28/11	Mac Lacy, Dave Becker, Kristin Ruether
Oregon Natural Desert Association vs Shuford	BLM	Ann Aiken	Court Decision	\$70,762.50	\$170-\$335 Expert \$100-\$300	D. Or.	06-cv-242-AA	Affirmed	1/11/12	Oregon Natural Desert Association (ONDA) / Mac Lacy
Ronald W. Byrd	BLM	Andrew Pearlstein	Denial of Award		\$100-\$225 Expert \$80-\$125	DOI Agency	OR 45916A/EAJA	IBLA affirmed award denial on Nov. 30, 2012		James Dole
Western Energy Alliance v. Salazar	BLM	Nancy D. Freudenthal	Settlement	\$61,000.00	\$250-\$420	D. Wyo.	1:10-cv-237 F		1/25/12	Ducker, Montgomery, Lewis & Bess, P.C.
WildEarth Guardians	BLM	John L. Kane	Settlement	\$7,928.96	\$200-\$400	D. Colo.	No. 1:11-cv-00128-JLK		2/8/12	WildEarth Guardians
Scott MClellan	BOR	Dee Benson	Settlement	\$85,000.00	\$178-\$178	D. Utah	Civil No. 2:06 CV 00634 DB		12/6/11	Wade Budge
Old Dominion Boat Club	NPS	David S. Tatel	Settlement	\$720,000.00	\$75-\$125	D.C. Cir.	09-5363 & 09-5369		5/24/12	Old Dominion Boat Club
Dine C.A.R.E., San Juan Citizens Alliance	OSM	John Kane	Settlement	\$169,000.00	\$325-\$475	D. Colo.	07-cv-01475-JLK		4/5/12	Western Energy Justice Project
Total				\$2,627,937						