



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

and Performance Information
Fiscal Year 2018

**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.



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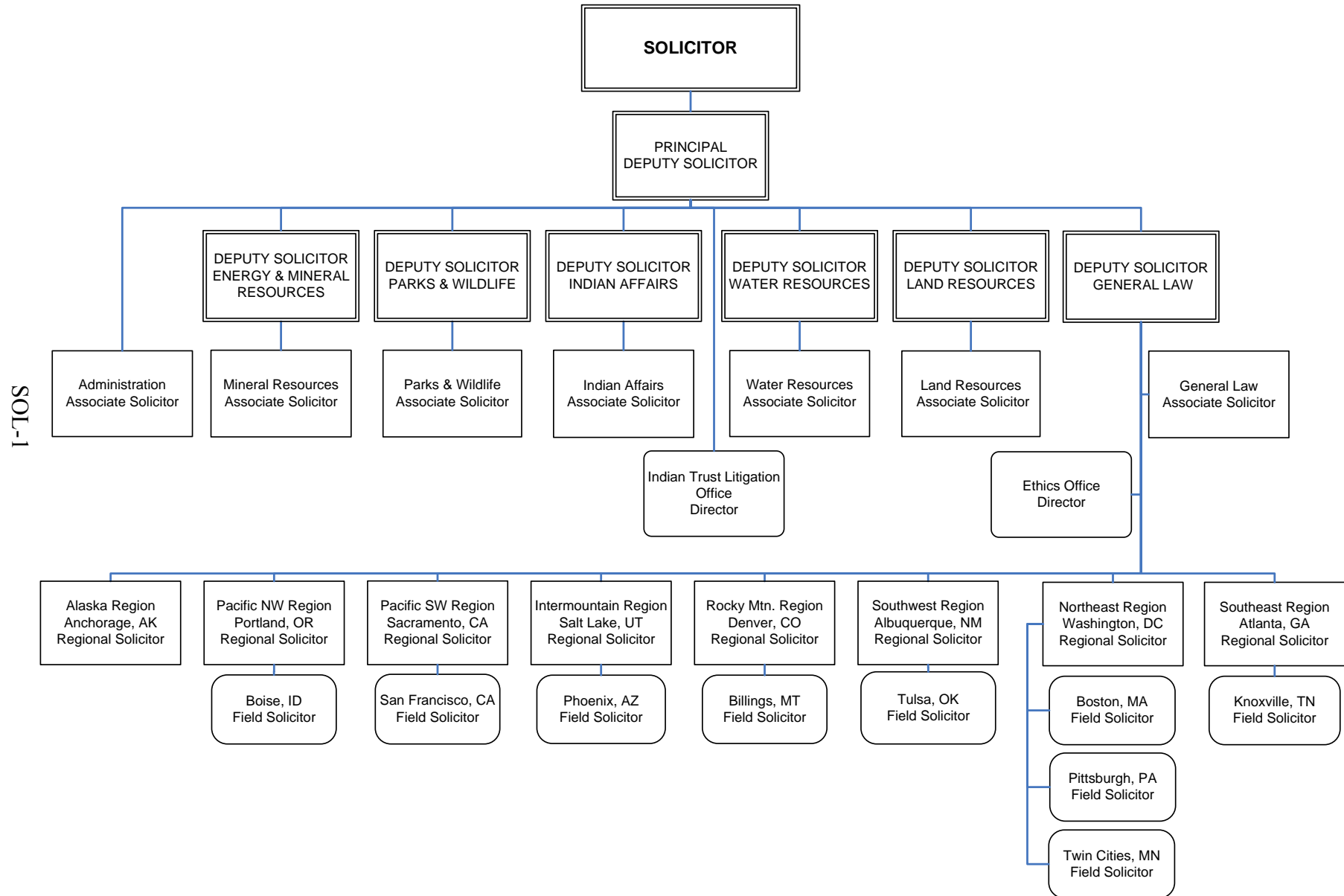
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DEPARTMENT OF THE INTERIOR

OFFICE OF THE SOLICITOR



GENERAL STATEMENT

The Office of the Solicitor (SOL, Office) maintains the focal mission of providing quality legal counsel and advice to the Department and inspiring high ethical standards. The Office provides advice, counsel, and legal representation to the Immediate Office of the Secretary, the Assistant Secretaries, and all bureaus and offices overseen by the Secretary, ensuring that the Department's bureaus components carry out their responsibilities in accordance with the law. SOL provides legal representation across the entire spectrum of the Department's broad mission, requiring detailed knowledge of laws relating to a host of natural resource and conservation laws, administrative law, Indian law, as well as contract, tort, personnel and appropriations law. In the litigation arena, SOL attorneys represent the Department in administrative hearings and work in conjunction with the Department of Justice in representing the Department in judicial proceedings. SOL also provides legal assistance in drafting and reviewing regulations, contracts, memoranda of agreement, decisions, agreements, leases, rights-of-way, title documents, other legal instruments, and legislation. In addition, SOL manages Interior's Ethics Office and resolves Freedom of Information Act (FOIA) Appeals.

The work of the Office impacts every program within the Secretary's jurisdiction. SOL attorneys actively engage in client counseling to ensure sound decision-making, including strategies that may decrease the likelihood of litigation and implement corrective strategies post-litigation. SOL attorneys assist the Secretary, through the Departmental bureaus and offices, in responding to congressional direction in appropriations and substantive legislation, advising the bureaus and offices on legal options for streamlining processes and improving program management, and implementing plans to carry out departmental goals. The Office also assists the bureaus in responding to requests from the Inspector General, the Office of Special Counsel, the Congress, the courts, and the public.

The Office expects the counseling and litigation workload to increase over the next few years as the Department implements the President's Executive Orders, works to increase energy production on federal lands, undergoes reorganization, and revises or rescinds regulations to streamline permitting and other administrative actions. Having sufficient attorney resources to handle filed litigation, thwart potential litigation, and to provide timely counseling is critical to ensuring that litigation risks are minimized. With proactive counseling, decision-makers are provided the opportunity to weigh litigation risks and damages to program management by pursuing one decision over another. Front-end counseling is critical to realizing cost savings by either preventing litigation or narrowing the issues that might be challenged in litigation. But without sufficient attorneys, the Office is forced to focus its limited staff resources on defending against filed litigation at the expense of providing legal counseling to the Department's leadership team at a time when the Department is shifting priorities.

The Office of the Solicitor's FY 2018 budget request allows for the continuation of existing services with sufficient resources to provide the Secretary and the Department the necessary legal services for the advancement of priority goals and other mission areas. The FY 2018 budget allows the Office to continue to improve management practices and manage the Ethics Office for maximum effectiveness. It is

important for the Office to have sufficient resources that enable delivery of timely and thorough legal services for the highly specialized and diverse mission of the Department.

STRUCTURE

As depicted in the preceeding chart, the Office is organized into the Immediate Office of the Solicitor, the Ethics Office, six legal divisions, an administrative division, and sixteen regional and field offices located throughout the United States. The Solicitor is the chief attorney for Interior and is the third-ranking official under the Departmental succession framework. The Solicitor is assisted by a Principal Deputy, six Deputy Solicitors, Senior Counselors, an Ethics Director, seven Associate Solicitors, eight Regional Solicitors, and a staff of more than four hundred total employees, including approximately three hundred attorneys. About 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.

LEGAL SERVICES WORKLOAD

The Office of the Solicitor plays a highly specialized and multi-faceted role in the Department. The Office provides expertise in natural resources and Indian law, as well as a considerable number of other substantive legal issues, including administrative, tort, procurement and employment law. Office personnel develop expertise over decades of practice in highly technical statutory and regulatory schemes. As more fully described below, the Solicitor's Office spends a substantial portion of its time on the counseling needed for agency program managers to plan for and reach defensible decisions that are closely analyzed by various interested, and often litigious, constituencies. Some of the work the Office performs includes: reviewing proposed regulations and proposed regulatory revisions, reviewing permits, reviewing land use planning documents, advising on all administrative functions, law enforcement, security, preparing Secretarial Orders, and participating in government-to-government relations with Indian tribes. The Office advises the Secretary and his designees through the bureau and office component structure. It is the work of the Solicitor's Office that forms the legal foundation for program decisions, risk analysis on a particular course of action, and the development and review of the administrative records and evidence to support the program decision. In litigation, the Department of Justice relies on the expertise of SOL lawyers to prepare the administrative record, identify and prepare fact and expert witnesses for testimony, conduct extensive document productions (including privilege reviews), draft legal arguments, develop litigation strategy, and prepare a comprehensive defense of the agency's actions.

As noted above, the Office expects the litigation workload to increase over the next few years as the Department reviews its existing regulations, implements regulatory reforms, and finalizes agency actions to further Administration priorities, including: minerals management; fulfilling the trust responsibility to Indian tribes; ensuring sound management of our public lands, waters, and wildlife; energy production; infrastructure, land and water stewardship; recreation and sporting; and management and efficiencies. Having sufficient attorney resources is a prerequisite to handling filed litigation and to providing the timely and effective counseling to enable the Department to make and implement defensible decisions.

Counseling

The Office's legal counseling services support every facet of the Department's wide ranging mission, as indicated by the breadth of the counseling areas described above. Ensuring that high priority Secretarial Initiatives receive sufficient and thorough legal counsel is critical to decreasing the likelihood of future litigation.

For example, the Department is playing a critical role in advancing national policy to promote clean and safe development of our nation's vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. Nine of the Department's ten bureaus have significant energy programs, operations, and responsibilities. The Department's energy portfolio includes oil, gas, coal, hydroelectric, wind, solar, geothermal, and biomass. The development of energy resources on public lands will increase domestic energy production, provide alternatives to overseas energy resources, create jobs, and enhance the energy security of the United States.

The Office's legal counseling services provides integral support across the spectrum of the Department's initiatives in furtherance of this important policy. The Office is and will be providing counseling both on a strategic level (reviewing old and proposed regulations and policy initiatives) and a project level (reviewing energy exploration, development, production, and transportation for NEPA compliance and other legal considerations on a project by project basis.

The Office provides legal services across the broad spectrum of the Department's programs. This perspective allows the Office to provide legal support that ensures matters align to all the Administration's priorities and legal obligations. It also helps to minimize legal risk and to enhance litigation success. Client counseling is essential to reaching sound and defensible program decisions and ensuring Departmental compliance with a broad array of legal requirements. Office attorneys provide a wide breadth of services, from providing advice to the review and drafting of key Departmental decisions, rulemakings, and planning documents in a broad spectrum of disciplines based on the diversity of the bureaus and offices. Our attorneys also help prepare and review massive administrative records that are the basis of our defense in litigation over Departmental decisions. For example, land use planning and other decisions may require analysis under the National Environmental Policy Act (NEPA) to identify and analyze a variety of alternatives that will eventually form the basis of a final agency decision. Legal counseling from the beginning of a NEPA process is critical to ensuring cost effective management of the process and potentially narrows the issues that might arise as challenges to the bureau's proposed action. Various trusted private sector analyses urge law departments, particularly in-house law departments (such as a government law office), to plan their counseling and risk assessment so as to minimize risk of loss and other costs associated with implementing a program decision.¹

To provide meaningful counseling, adequate staffing is critical. When the SOL attorneys' availability to perform thoughtful and complete counseling to bureaus is eliminated or diminished because of competing

^{1/} Randall Kiser, *Beyond Right and Wrong: The Power of Effective Decision Making for Attorneys and Clients* (2010).

demands, such as court ordered litigation deadlines, the Department and the Administration are increasing the risk of a loss. Similarly, in areas such as employment law, regular, effective counseling with management officials leads to better and more defensible personnel decisions, lowers the risks of employee complaints and litigation, and thus saves the agency time and money. Continuing to ensure established Departmental programs receive quality legal services is essential to providing comprehensive and robust legal representation for the Department.

The Office will continue to have wide-ranging demands for legal services in FY 2018 in established practice areas, such as the development of the offshore oil and gas five-year plan, continued permitting of energy projects, administration of tribal and individual Indian resources, the *Cobell* land buy-back program, statutorily required decision-making under the Endangered Species Act, and a host of other land management programs. In addition, the Office will face many new and complex demands for legal services as the Department ramps up efforts in a variety of important programs.

Litigation

The Office's litigation workload is driven by (1) defensive litigation in which SOL attorneys work with the Department of Justice (DOJ) to defend Department actions; (2) affirmative litigation in which SOL attorneys develop referrals and work with DOJ in prosecuting primarily civil legal actions to enforce and/or obtain compliance related to environmental, natural resource, and Indian laws overseen by the Department of the Interior; (3) challenges to bureau decisions before administrative boards of appeals, such as the Interior Board of Land Appeals, the Interior Board of Indian Appeals, and the Civilian Board of Contract Appeals; and (4) employment disputes such as those filed with the Merit System Protection Board and the Equal Employment Opportunity Commission. Three of the four litigation areas are defensive in nature, which means that SOL has no discretion but to handle the matters. In the course of this work, SOL attorneys work with DOJ at all judicial levels, including state and federal trial courts, appellate courts, and the United States Supreme Court. The Office also internally handles administrative litigation matters.

As mentioned above, having sufficient attorney resources to handle both the filed litigation and to provide timely counseling is critical to ensuring that litigation risks are minimized. With proactive counseling, decision-makers are provided the opportunity to weigh litigation risks and damages to program management by pursuing one decision over another. Front-end counseling is critical to realizing cost savings by either preventing litigation or narrowing the issues that might be challenged in litigation. Insufficient staffing leads to the increase in a triage approach to managing our workload and much needed preventive assistance is lost to the demands of non-discretionary litigation that we must handle.

Defensive Litigation

The Office has virtually no control over defensive cases being filed against the Secretary and the Department, which make up almost one-third of the workload. These matters are non-discretionary, meaning that the Solicitor's Office must participate in preparing for and working with the Department of Justice to defend the cases. Failure to do so could result in the courts issuing default judgments against

the Secretary and the Department, as well as contempt of court citations. Court schedules and deadlines drive the pace of the work and attorney time devoted to these cases.

These defensive suits arise from all aspects of agency decision-making. The suits include challenges to land management decisions, water use and operations, breach of contract claims, tort allegations, alleged breaches of trust in dealing with Indian lands and monies, and personnel and employment related matters. For example, the Intermountain Region in Salt Lake City, Utah, currently faces a significant workload in addressing litigation under a 19th Century Federal statute known as “R.S. 2477,” which recognized “right[s] of way for the construction of highways over public lands, not reserved for public uses.” The State of Utah and its counties in Utah have initiated over 20 lawsuits seeking to quiet title to more than 12,000 roads under this statute. A number of parallel proceedings are underway or have recently been initiated to deal with these suits, including the taking of hundreds of preservation depositions of witnesses as to the creation and use of these roads and pre-trial preparation and discovery for an expedited court-initiated "bellwether" process designed to litigate key issues to streamline the overall litigation and stimulate negotiation. The first of these lawsuits to come to some resolution for just nine roads required thousands of hours of attorney time, culminating in ten days of trial. As a result of a subsequent appellate review, further trial court litigation is required for three of the nine roads. Just to handle this litigation in Utah, we need to devote at least four attorneys full-time to adequately defend the Department. If negotiations are to occur as a result of the "bellwether" process or independently, significant additional attorney time will be required. Past experience has shown that successful settlement negotiations require significant, fact-intensive work by the attorneys.

In the area of water resource conflicts, the Office continues to experience increasing litigation over water rights in almost every western state, with many of these cases focused on protecting water rights on public lands and tribal reservations. Handling these cases is very resource intensive, involving a multitude of claimants, and the cases take years to resolve, either through litigation, or through settlement negotiations. For example, the recent unprecedented drought in California has triggered a significant amount of defensive litigation; we participate in over a dozen lawsuits at any given time. Agricultural and environmental interests concerned about the operation of the Bureau of Reclamation's Central Valley Project filed several requests for temporary restraining orders (TROs) in the last year challenging Reclamation's water management decisions; these emergency court actions continue. The Department prevailed only by devoting hundreds of hours by SOL lawyers preparing witnesses and declarations, reviewing documents and formulating arguments to inform and support DOJ counsel. In addition, the Office provides nearly daily client counseling on how to make legally defensible water supply decisions. This client counseling supports decisions that may avoid litigation or, at least, are optimally postured should they be challenged in court. The Office anticipates seeing additional lawsuits from water stakeholders into FY 2018 and beyond as the scarcity of water resources continues as one of the major issues throughout the west.

Defensive litigation in the area of Indian water rights is also a priority for which increased staffing is needed. The United States holds reserved water rights for Tribes in trust and is responsible for protecting Indian reserved water rights. Indian water rights attorneys are heavily engaged in water rights litigation on behalf of Indian tribes across the country. These attorneys also play an integral role in complex

settlement negotiations. Litigation and negotiations are extremely complex, involve multiple parties, and may last years before a final result is achieved. The Solicitor's Office has seen an increase in requests from Tribes for participation by the Department in water rights litigation or settlement negotiations.

The Office also anticipates increased defensive litigation with respect to energy development. For example, on the very day that the Secretary lifted the BLM's coal moratorium, a case was filed challenging the action. As the Department revises or rescinds regulations to promote energy development, we can expect litigation to be filed challenging the decisions being made. We can also expect litigation on virtually every major permitting decision authorizing energy development on federal lands. To ensure that the Administration's objectives are reached, we will need to devote substantial attorney resources to handle this influx of cases.

Affirmative Litigation

In affirmative litigation, the Office's goals are straightforward and critically important: ensure that federal laws are followed through civil enforcement actions that provide credible deterrents against future violations; ensure that violators of criminal statutes are appropriately punished; collect debts owed to the government; ensure that those responsible for contamination pay for or conduct needed remediation; and obtain money to restore or replace natural resources injured or destroyed by oil spills or releases of hazardous substances into the environment.

In affirmative litigation, the Office has an opportunity to recover costs incurred performing environmental cleanups on Departmental lands and economic damages for injuries to natural resources and to use those recovered funds and damages, without further action by Congress, to conduct additional environmental cleanups and directly address harm to public resources. In the environmental cleanup area, the Office recovered \$8.2 million in FY 2015 and \$11.8 million in FY 2016, and more than \$70.8 million since FY 2010. These funds are returned to the Department's Central Hazardous Materials Fund, and used for cleanups at other sites on Departmental lands. In addition, since 2010, the SOL has negotiated settlement agreements under which liable parties have performed over \$171.6 million worth of remediation on Departmental lands. The Office also recovers settlement funds for natural resource restoration and recovery of past costs. As of FY 2016, the Department's Restoration Fund had a current balance of over \$580 million to be used, in partnership with States and Tribes, to restore injured public resources. Moreover, money already expended on restoration from the Department's Fund has resulted in hundreds of thousands of acres of restored and enhanced wetland and upland habitat.

FISCAL YEAR 2018 BUDGET REQUEST OVERVIEW

The FY 2018 President's Budget request for the Office of the Solicitor is \$65,675,000, level with the Office's FY 2017 CR baseline. The request includes a decrease of \$271,000 in legal services for workforce planning to fund \$271,000 for fixed costs increases.

The Office developed a 2018 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 following table illustrates the 2016 Actual, the 2017 CR Baseline, and the 2018 Budget Request.

TOTAL 2018 BUDGET REQUEST

(Dollars in Thousands)

| Budget Authority | 2016 Actual | 2017 CR Baseline | 2018 President's Budget |
|---------------------|-------------|------------------|-------------------------|
| Appropriation Total | 65,800 | 65,675 | 65,675 |
| FTE Direct | 319 | 307 | 305 |
| FTE Reimbursable | 80 | 86 | 86 |
| FTE Allocation | 22 | 23 | 28 |
| FTE Total | 421 | 416 | 419 |

Budget at a Glance
(Dollars in Thousands)

| | 2016 Actual | 2017 CR Baseline | Fixed Costs | Program Changes | 2018 President's Budget |
|---|---------------|---------------------|-------------|--------------------|-------------------------------|
| Appropriation: Salaries & Expenses | | | | | |
| Legal Services | 59,091 | 58,979 | 243 | -271 | 58,951 |
| Workforce Planning | | | | [-271] | |
| General Administration | 4,971 | 4,961 | 21 | 0 | 4,982 |
| Ethics Office | 1,738 | 1,735 | 7 | 0 | 1,742 |
| TOTAL, SOL | 65,800 | 65,675 | 271 | -271 | 65,675 |

Summary of Requirements for the Office of the Solicitor

(Dollars in Thousands)

| (Dollars in Thousands) | | | | | | | | | | |
|------------------------|-------------|------------------|--------|-----------------------|-----------------------|--------|-------------------------|--------|------------------------|--------|
| Salaries & Expenses | 2016 Actual | 2017 CR Baseline | | | Program Changes (+/-) | | 2018 President's Budget | | Change from 2017 (+/-) | |
| | | | | | | | | | | |
| | Amount | Total FTE | Amount | Fixed Costs & Related | FTE | Amount | FTE | Amount | FTE | Amount |
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Summary of Changes
(Dollars in Thousands)

Appropriation: Salaries and Expenses

| | <u>FTE</u> | <u>Amount</u> | <u>FTE</u> | <u>Amount</u> |
|---|------------|---------------|------------|---------------|
| FY 2017 CR Baseline | | | 307 | 65,675 |
| Fixed Costs and related changes: | | | | |
| Calendar Year 2017 & 2018 Pay Raise | 0 | + 958 | | |
| Departmental Working Capital Fund | 0 | - 266 | | |
| Worker's Compensation Payments | 0 | + 50 | | |
| Unemployment Compensation Payments | 0 | + 1 | | |
| GSA Rental Payments | 0 | - 472 | | |
| Program changes: | | | | |
| Workforce Planning | - 2 | - 271 | | |
| Total program changes | | | - 2 | 0 |
| FY 2018 President's Budget Request | | | 305 | 65,675 |

SOL-11

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

| Fixed Cost Changes and Projections | 2017 Total or Change | 2017 to 2018 Change |
|--|---------------------------------|--------------------------------|
| Change in Number of Paid Days This column reflects changes in pay associated with the change in the number of paid days between 2017 and 2018. | -383 | +0 |
| Pay Raise The change reflects the salary impact of the 2.1% pay raise for 2017 as signed by the President in December 2016, and the estimated 1.9% pay raise for 2018. | +972 | +958 |
| Departmental Working Capital Fund The change reflects expected changes in the charges for centrally billed Department services and other services through the Working Capital Fund. These charges are detailed in the Budget Justification for Departmental Management. | +3,327 | -266 |
| Worker's Compensation Payments The amounts reflect projected changes in the costs of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs 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. | +343 | +50 |
| Unemployment Compensation Payments The amounts reflect 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. | +18 | +1 |
| Rental Payments The amounts reflect changes in the costs payable to the General Services Administration (GSA) and others 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 the 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. | +7,310 | -472 |

APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$65,675,000.

Note.—A full-year 2017 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Further Continuing Appropriations Act, 2017 (P.L. 114–254). The amounts included for 2017 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.

GENERAL ADMINISTRATION ACTIVITY

Activity: General Administration

(Dollars in Thousands)

| | 2016 Actual | 2017 CR Baseline | Fixed Costs & Related Changes (+/-) | Internal Transfers (+/-) | Program Changes (+/-) | 2018 Budget Request | Change from CY (+/-) |
|-----------------------------------|----------------|------------------------|--|--------------------------------|-----------------------------|---------------------------|----------------------------|
| General Administration | 4,971 | 4,961 | + 21 | 0 | 0 | 4,982 | + 21 |
| <i>FTE</i> | <i>21</i> | <i>23</i> | <i>0</i> | <i>0</i> | <i>0</i> | <i>23</i> | <i>0</i> |

The 2018 budget request for General Administration is \$4,982,000 and 23 FTE.

GENERAL ADMINISTRATION PROGRAM OVERVIEW:

Division of Administration: Under the direction of an Associate Solicitor, 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. The Division is comprised of two branches, each of which is supervised by a Deputy Director: the Branch of Administrative Operations and Planning, and the Branch of Information Resources Management.

LEGAL SERVICES ACTIVITY

Activity: Legal Services

(Dollars in Thousands)

| | 2016 Actual | 2017 CR Baseline | Fixed Costs & Related Changes (+/-) | Internal Transfers (+/-) | Program Changes (+/-) | 2018 Budget Request | Change from CY (+/-) |
|----------------|----------------|------------------------|--|--------------------------------|-----------------------------|---------------------------|----------------------------|
| Legal Services | 59,091 | 58,979 | + 243 | 0 | - 271 | 58,951 | - 28 |
| FTE | 291 | 277 | 0 | 0 | -2 | 275 | -2 |

Summary of 2018 Program Changes for Legal Services

| Request Component | (\$000) | FTE |
|------------------------------|-------------|-----------|
| <u>Program Changes:</u> | | |
| Workforce Planning | -271 | -2 |
| TOTAL Program Changes | -271 | -2 |

The 2018 budget request for Legal Services is \$58,951,000 and 275 FTE, a program change of -\$271,000 and -2 FTE from the 2017 C.R. Baseline level.

Workforce Planning (-\$271,000/ -2 FTE) – The Office of the Solicitor requests a reduction of \$271,000 for -2 FTEs. The Office will realize a 2 FTE reduction in FY 2018 through workforce planning and position management. While the legal work for the Department is increasing, 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 program 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 a

Principal Deputy Solicitor, six Deputy Solicitors with subject matter oversight, the Ethics Office, six 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 respective 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 Deputy Solicitor of General Law.

HEADQUARTERS

Immediate Office of the Solicitor

Ethics Office

Division of Parks and Wildlife

Division of General Law

Division of Indian Affairs

Division of Land Resources

Division of 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 | Washington, DC | 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)

Office of Policy, Management and Budget (PMB)
Office of Aviation Services (OAS)
Office of Chief Information Officer (OCIO)
Office of Civil Rights (OCR)
Office of Collaborative Action and Dispute Resolution (CADR)
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)
Secretary's Indian Water Rights Office (SIWRO)

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, Principal Deputy Solicitor, six Deputy Solicitors, Special Assistants, Senior Counselors, the FOIA Appeals Office, and supporting secretarial staff. The Immediate Office is responsible for managing and directing all the legal work in the Office.

The Freedom of Information Act (FOIA) and Privacy Act (PA) 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.

The Immediate Office of the Solicitor removed the Collaborative Action and Dispute Resolution Senior Counsel unit and the Front Office Support Staff unit from the organizational chart. Reporting these units as entities on the organizational chart is not necessary. The Office also retitled the organizational unit for the Deputy Solicitor Public Lands to Deputy Solicitor Land Resources.

The **Division of General Law** is responsible for administrative and general legal matters related including but not limited to acquisition, information law, tort claims, insular areas, employment and labor law, legislative and appropriations issues and intellectual property. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Policy, Management and Budget, the Chief Information Officer, and to the Endangered Species Committee. The Division consists of an Associate Solicitor, an Assistant Solicitor for General Legal Services Branch and Assistant Solicitor for the Acquisitions and Intellectual Property Branch; and the Director of the Employment and Labor Law Unit (ELLU).

- 1) The Branch of General Legal Services has responsibility for legal matters and litigation related to Federal administrative law including budget and appropriations, financial management, the Freedom of Information Act, records management, electronic data management/e-discovery,

partnerships, the Federal Advisory Committee Act, the Privacy Act, the Administrative Procedure Act, and employee travel and similar matters. It addresses internal delegations of authority, departmental law enforcement policies, insular areas, information technology, scientific integrity, rulemaking, congressional oversight, 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 clients from across all Departmental bureaus and offices, while ensuring consistency in federal administrative law throughout the Office of the Solicitor.

- 2) The Branch of Acquisitions and Intellectual Property has responsibility for legal matters related to Interior acquisition functions, including all related claims, litigation, and bid protests; use of revolving and franchise funds; interagency agreements, grants and cooperative agreements; claims based on the Federal Tort Claims Act and the Military Personnel and Civilian Employees Claims Act; patents, copyrights, trademarks, rights in data, and other forms of intellectual property; legal support of high-priority contracting and assistance actions, such as information technology and supporting secretarial priorities; and support of Indian education and law enforcement programs and priorities. 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 Employment and Labor Law Unit (ELLU), headed by a Director and Deputy Director, provides legal review of disciplinary and performance-based actions under Chapters 43 and 75 of Title 5 of the U.S. Code, and defends the agency against claims brought under 75 of Title 5 of the U.S. Code, Title VII and Title VI of the Equal Employment Opportunity Act, Rehabilitation Act, Age Discrimination in Employment Act (ADEA), Veteran's Employment Opportunity Act (VEOA), Uniformed Services Employment and Reemployment Rights Act (USERRA), Whistleblower Protection Act (WPA), the Family Medical Leave Act (FMLA), and the Fair Labor Standards Act (FLSA).

The **Division of Indian Affairs** is responsible for legal matters related to the programs and activities of the Bureau of Indian Affairs, Bureau of Indian Education, Land Buy Back Program for Tribal Nations, and the Office of Special Trustee. 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 Environment and Lands advises the Department in carrying out its responsibilities toward federally recognized Indian tribes and individual Indians related to the acquisition, management, and protection of land, reservation boundary issues, and the protection of the environment, including natural and cultural resources.
- (2) The Branch of Self-Governance and Economic Development has responsibility for legal matters related to tribal economic development, gaming, and a wide range of Indian Affairs program activities including housing, transportation, judicial services, tribal contracting and compacting and consultation.

- (3) The Branch of Tribal Government Services provides legal advice on matters concerning tribal status; the reorganization and functioning of indigenous and tribal governments; and the scope, extent and exercise of tribal governmental authority in internal and external relations. This subject matter includes questions of membership, the adoption and modification, under federal statute, of tribal constitutions and corporate charters, leadership disputes, tribe-specific and Indian preference, the reorganization of the Native Hawaiian Community, the respective jurisdiction of federal, tribal and state governments, Indian Child Welfare Act matters, hunting and fishing rights, international issues and Bad Man claims. The Branch also provides legal services to BIE leadership in operating federal schools for Indians and in providing contracts and grants to tribal schools.
- (4) The Branch of Trust Services has responsibility for advising the Secretary in the Secretary's capacity as trustee over trust assets generated from the use of trust resources including the leasing and sale of such land and minerals. The Branch is responsible for legal matters related to the management of the trust assets, including Tribal and individual Indian money accounts, probate issues, the land title and records office, and the Land Buy Back Program for Tribal Nations.

The **Division of Land Resources** is responsible for legal matters related to the programs and activities of BLM, other than legal matters concerning 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 - 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 two 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 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 Water Resources** is responsible for water rights legal matters for BOR, BLM, NPS, FWS, BIA, and the USGS. In addition, the Division provides legal assistance and counsel to the Assistant Secretary – Water and Science and the Secretary's Indian Water Rights Office. The Division has an Associate Solicitor and two branches, each headed by an Assistant Solicitor.

- 1) The Branch of Water and Power has responsibility for legal matters related to the assertion and administration of water rights by all Bureaus within the Department other than water rights asserted on behalf of Tribes and individual Indians. The Branch provides legal advice on Reclamation law, including contracting for water delivery; repayment, and operation and maintenance; hydropower development; water research and technology; water policy and water rights. The Branch coordinates assertion and defense of all Bureau, state law-based and federal reserved water rights. The Branch helps Bureaus resolve issues concerning major water resources such as the Colorado River and the Central Valley Project in California, as well as matters related to interstate compacts.
- 2) The Branch of Indian Water Rights 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. The Branch also provides legal support to the Secretary's Indian Water Rights Office.

The **Division of Mineral Resources** is responsible for legal matters related to the programs and activities of BOEM, BSEE, OSM, USGS (other than those related to its Biological Research Division), and 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 - Land and Minerals Management and the Assistant Secretary - Water and Science.

- 1) The Branch of Offshore Resources provides legal services to BOEM and BSEE. It is responsible for legal matters related to Outer Continental Shelf mineral and energy leasing and the regulation of operations on such leases; establishing financial terms in leases and the grant of relief therefrom, and the requirement of bonds for the performance of lease obligations; oil spill response planning and oil spill financial responsibility for offshore facilities; and international issues relating to OCS mineral extraction, including establishment of maritime boundaries.
- 2) The Branch of Onshore Minerals provides legal services to the minerals programs of BLM and USGS. It is responsible for legal matters related to hardrock and fluid mineral disposition, development and extraction, environmental regulation and protection, and reclamation and remediation.

- 3) The Branch of Surface Mining provides legal services to the OSM. It is responsible 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 **Indian Trust Litigation Office** (ITLO) within the Immediate Office of the Solicitor provides legal counsel and defends litigation filed in federal courts throughout the country against the Department by individual Indians and Indian tribes that implicates the Secretary's trust duties with respect to trust fund accounting, trust fund management, and management of non-monetary natural resource trust assets. ITLO has primary responsibility for matters filed in the United States Court of Federal Claims seeking money damages under 28 U.S.C. § 1505 for alleged breaches of fiduciary trust.

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. The Office updated the reporting structure for the Alaska Region, Pacific Northwest Region,

Intermountain Region, Rocky Mountain Region, and the Southwest Region. These regions now report to the Deputy Solicitor of General Law instead of the Principal Deputy Solicitor.

A. The **Alaska Region** is responsible for legal matters involving all bureaus except OSM and BOR 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 Region consists of three field offices located in Newton Corner (Boston), Massachusetts, Bloomington (Twin Cities), Minnesota, and Pittsburgh, Pennsylvania. The Regional Solicitor sits in Washington, D.C.

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 (Denver), 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, and a Field Office located in Tulsa, Oklahoma.

ETHICS OFFICE

Activity: Ethics Office

(Dollars in Thousands)

| | 2016 Actual | 2017 CR Baseline | Fixed Costs & Related Changes (+/-) | Internal Transfers (+/-) | Program Changes (+/-) | 2018 Budget Request | Change from CY (+/-) |
|----------------------|----------------|------------------------|--|--------------------------------|-----------------------------|---------------------------|----------------------------|
| Ethics Office | 1,738 | 1,735 | + 7 | 0 | 0 | 1,742 | + 7 |
| <i>FTE</i> | <i>7</i> | <i>7</i> | <i>0</i> | <i>0</i> | <i>0</i> | <i>7</i> | <i>0</i> |

The 2018 budget request for the Ethics Office is \$1,742,000 and 7 FTE.

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 also manages a Hatch Act compliance program.

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.

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.
- 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.

SECTION 403 COMPLIANCE

Public Law 114-113, the 2016 Consolidated Appropriations Act requires disclosure of program assessments used to support Government-wide, departmental, or agency initiatives or general operations.

SEC. 403. The amount and basis of estimated overhead charges, deductions, reserves or holdbacks, including working capital fund and cost pool charges, from programs, projects, activities, and subactivities to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations of the House of Representatives and the Senate. Changes to such estimates shall be presented to the Committee 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 2016 Actual | FY 2017 Estimate | FY 2018 Estimate |
| Interior's Working Capital Fund | | | |
| Centralized Billings | 3,230 | 3,335 | 3,304 |
| Direct Billings | 1,775 | 1,666 | 1,825 |
| Total | 5,005 | 5,002 | 5,129 |

➤ **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 temporary appointments for the duration of the project, and the Office enters into a reimbursable support agreement with the client to cover the cost.

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 2016 Actual | FY 2017 Estimate | FY 2018 Estimate |
| Attorney salaries and benefits | 11,991 | 13,626 | 13,626 |
| Reimbursable attorney overhead | 2,512 | 3,112 | 3,112 |
| Total | 14,503 | 16,738 | 16,738 |

In addition to reimbursements for staff positions and some related expenses, client bureaus 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. The Office also receives budget allocations from Departmental Offices like the Natural Resource and Damage Assessment and Restoration Program, the Office of the Secretary's Working Capital Fund, and the Office of the Special Trustee for American Indians for attorney salaries, benefits, and overhead.

**Office of the Solicitor
Employee Count By Grade**

| | FY 2016 | FY 2017 | FY 2018 |
|--|----------------|-----------------|-----------------|
| | Actual | Estimate | Estimate |
| Executive Level IV | 1 | 1 | 1 |
| SES | 21 | 22 | 22 |
| SL - 00 | 2 | 2 | 2 |
| Subtotal | 24 | 25 | 25 |
| GS-15 | 80 | 77 | 77 |
| GS-14 | 224 | 231 | 234 |
| GS-13 | 32 | 34 | 34 |
| GS-12 | 16 | 18 | 18 |
| GS-11 | 15 | 14 | 14 |
| GS-9 | 4 | 4 | 4 |
| GS-8 | 14 | 13 | 13 |
| GS-7 | 11 | 10 | 10 |
| GS-6 | 3 | 2 | 2 |
| GS-4 | 0 | 1 | 1 |
| Subtotal | 399 | 404 | 407 |
| Total employment (actual & estimates) | 423 | 429 | 432 |

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

| Identification Code 14-0107-0 | | 2016 Actual | 2017 Estimate | 2018 Estimate |
|--|---|----------------|------------------|------------------|
| Obligations by program activity: | | | | |
| 0001 | Direct program | 65 | 66 | 66 |
| 0801 | Reimbursable program activity | 16 | 17 | 17 |
| 0900 | Total new obligations | 81 | 83 | 83 |
| Budgetary resources: | | | | |
| Unobligated balance: | | | | |
| 10000 | Appropriation | ..... | 1 | 1 |
| Budget authority: | | | | |
| Appropriations, discretionary: | | | | |
| 1100 | Appropriation | 66 | 66 | 66 |
| 1160 | Appropriation, discretionary (total) | 66 | 66 | 66 |
| Spending authority from offsetting collections, discretionary: | | | | |
| 1700 | Collected | 15 | 17 | 17 |
| 1701 | Change in uncollected payments, Federal Sources | 1 | ..... | ..... |
| 1750 | Spending auth from offsetting collections, disc (total) | 16 | 17 | 17 |
| 1900 | Budget Authority (total) | 82 | 83 | 83 |
| 1930 | Total budgetary resources available | 82 | 84 | 84 |
| 1941 | Unexpired unobligated balance, end of year | 1 | 1 | 1 |
| Change in obligated balances: | | | | |
| Obligated balance, start of year (net): | | | | |
| 3000 | Unpaid obligations, brought forward, Oct 1 (gross) | 7 | 5 | 5 |
| 3010 | Obligations incurred, unexpired accounts | 81 | 83 | 83 |
| 3020 | Outlays (gross) | -83 | -83 | -83 |
| 3050 | Unpaid Obligations, end of year | 5 | 5 | 5 |
| 3060 | Uncollected pymts, Fed sources, brought forward, Oct 1 | -1 | -1 | -1 |
| 3070 | Change in uncollected pymts, Fed sources, unexpired | -1 | ..... | ..... |
| 3071 | Change in uncollected pymts, Fed sources, expired | 1 | ..... | ..... |
| 3090 | Uncollected pymts, Fed sources, end of year | -1 | -1 | -1 |
| Memorandum (non-add) entries: | | | | |
| 3100 | Obligated balance, start of year | 6 | 4 | 4 |
| 3200 | Obligated balance, end of year | 4 | 4 | 4 |
| Budget authority and outlays, net: | | | | |
| Discretionary: | | | | |
| 4000 | Budget authority, gross | 82 | 83 | 83 |
| Outlays, gross: | | | | |
| 4010 | Outlays from new discretionary authority | 76 | 78 | 78 |
| 4011 | Outlays from discretionary balances | 7 | 5 | 5 |
| 4020 | Outlays, gross (total) | 83 | 83 | 83 |

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

| | | 2016 | 2017 | 2018 |
|---|--|--------|----------|----------|
| Identification Code 14-0107-0 | | Actual | Estimate | Estimate |
| Offsets against gross budget authority and outlays: | | | | |
| Offsetting collections (collected) from: | | | | |
| 4030 | Federal sources | -15 | -17 | -17 |
| Additional offsets against gross budget authority only: | | | | |
| 4050 | Change in uncollected pymts, Fed sources, unexpired | -1 | ..... | ..... |
| 4060 | Additional offsets against budget authority only (total) | -1 | ..... | ..... |
| 4070 | Budget authority, net (discretionary) | 66 | 66 | 66 |
| 4080 | Outlays, net (discretionary) | 68 | 66 | 66 |
| 4180 | Budget authority, net (total) | 66 | 66 | 66 |
| 4190 | Outlays net (total) | 68 | 66 | 66 |

OFFICE OF THE SOLICITOR
OBJECT CLASSIFICATION
(Dollars in Millions)

| Identification Code 14-0107-0 | 2016 Actual | 2017 Estimate | 2018 Estimate |
|--|----------------|------------------|------------------|
| Direct obligations | | | |
| 1111 Personnel compensation: Full-time permanent | 40 | 39 | 39 |
| 1121 Civilian personnel benefits | 12 | 12 | 12 |
| 1210 Travel and transportation of persons | 1 | ..... | ..... |
| 1231 Rental payments to GSA | 4 | 4 | 4 |
| 1252 Other services from non-Federal sources | 1 | 2 | 2 |
| 1253 Other goods and services from Federal sources | <u>8</u> | <u>9</u> | <u>9</u> |
| 1990 Subtotal, obligations, Direct obligations | 66 | 66 | 66 |
| Reimbursable obligations | | | |
| 2111 Personnel compensation: Full-time permanent | 9 | 10 | 10 |
| 2121 Civilian personnel benefits | 3 | 3 | 3 |
| 2210 Travel and transportation of persons | ..... | 1 | 1 |
| 2253 Other goods and services from Federal sources | <u>3</u> | <u>3</u> | <u>3</u> |
| 2990 Subtotal, obligations, Reimbursable obligations | 15 | 17 | 17 |
| 9999 Total new obligations | <u>81</u> | <u>83</u> | <u>83</u> |

REIMBURSABLE POSITIONS
(Dollars in Thousands)

| | FY 2015 | FY 2016 | FY 2017 |
|---|----------------|----------------|----------------|
| Bureau of Indian Affairs | | | |
| Legal support, BIA OJS matters | 183 | 391 | 414 |
| Legal support, employment issues | 0 | 0 | 50 |
| Legal support, trust services | 299 | 195 | 205 |
| Legal support, irrigation and general Indian water rights | 0 | 0 | 67 |
| Legal support, probate and AIPRA issues | 123 | 130 | 148 |
| Legal support, BIE priority matters | 220 | 228 | 139 |
| Legal support, title and fee-to-trust | 0 | 82 | 125 |
| Legal support, trust and general Indian matters | 102 | 86 | 49 |
| Legal support, BIA Navajo Region | 94 | 168 | 178 |
| Legal support, BIA CADR issues | 108 | 110 | 108 |
| Legal support, related to legislation, policy, and operations | 95 | 120 | 153 |
| Legal support, related to BIA water resources | 37 | 0 | 41 |
| Legal support, enforcement and Carcieri opinions | 35 | 116 | 135 |
| Legal support, related to trust land, Tribal relations, fee-to-trust activities, and other BIA activities | 88 | 148 | 154 |
| Legal support, BIE contracting and labor relations | 8 | 177 | 188 |
| Legal support, Twin Cities paralegal | 0 | 84 | 127 |
| Legal support, Utah and Nevada BIA issues | 0 | 0 | 42 |
| Legal support, special needs claims, Indian education, and other BIE legal issues | 0 | 80 | 166 |
| Legal support, HR detail | 0 | 0 | 14 |
| Legal support, Osage matters | 0 | 15 | 0 |
| Legal support, land and IBIA matters | 0 | 43 | 128 |
| Subtotal | 1,392 | 2,173 | 2,631 |
| Bureau of Land Management | | | |
| Legal support, renewable energy, resources, minerals, and grazing issues | 325 | 361 | 412 |
| Legal support, SNPLMA and other assignments | 166 | 186 | 39 |
| Legal support, minerals, oil and gas, transmission line permitting, natural resources, water rights, and personnel | 364 | 165 | 158 |
| Legal support, energy sector bankruptcies, water rights, grazing, permit renewals, mineral and fire trespasses, sage grouse, NEPA matters | 0 | 67 | 81 |
| Legal support, employment issues | 0 | 0 | 106 |
| Legal support, land and mineral resources | 533 | 416 | 436 |
| Legal support, public land, environmental oil & gas, and energy law | 89 | 119 | 90 |

REIMBURSABLE POSITIONS
(Dollars in Thousands)

| | FY 2015 | FY 2016 | FY 2017 |
|---|----------------|----------------|----------------|
| Bureau of Land Management (continued) | | | |
| Legal support, land use planning; work related to FLPMA and BLM's regulations implementing FLPMA, NEPA, ESA, NHPA, and other statutes, regulations, and policies | 179 | 0 | 0 |
| Legal support, Renewable energy, recordable disclaimers of interest, R.S. 2477, navigability, and land use planning | 161 | 163 | 168 |
| Legal support, renewable energy, cultural resources, recordable disclaimers of interest, R.S. 2477, and transmission lines | 161 | 210 | 217 |
| Legal support, SNPLMA, lands, and resources | 197 | 216 | 202 |
| Legal support, special assignments on behalf of BLM | 94 | 0 | 48 |
| Legal support, R.S. 2477, land, and mineral issues | 200 | 260 | 297 |
| Legal support, including procurement, employment law, agreements, and any and all other legal support as necessary | 0 | 77 | 239 |
| Subtotal | 2,469 | 2,240 | 2,493 |
| Bureau of Ocean Energy Management | | | |
| Legal support, relating to offshore minerals | 401 | 419 | 572 |
| Legal support, offshore minerals and renewable energy issues | 121 | 361 | 428 |
| Legal support, rulemaking, renewable leases, seismic permits, marine mineral agreements, OCSLA, OPA, and FOIA | 0 | 24 | 250 |
| Legal support, relating to offshore renewable energy issues | 325 | 200 | 214 |
| Legal support, relating to Alaska issues | 0 | 210 | 206 |
| Subtotal | 847 | 1,214 | 1,670 |
| Bureau of Reclamation | | | |
| Legal support, Upper and Lower Colorado issues | 0 | 0 | 148 |
| Legal Support, Central Utah Project – Title II construction and Title III mitigation programs | 186 | 195 | 200 |
| Legal support, employment issues | 0 | 0 | 34 |
| Legal support, water rights | 98 | 116 | 49 |
| Legal support, intellectual property | 0 | 0 | 24 |
| Legal support, land management, contract reviews, water issues, ESA, NEPA, BBDCP, and San Joaquin River Settlement | 131 | 0 | 0 |
| Legal support, water contracts, water rights issues, Klamath project issues, NEPA, and NHPA | 162 | 168 | 190 |
| Legal support, lower Colorado River basin | 0 | 0 | 155 |
| Legal support, water and Klamath project issues | 200 | 236 | 47 |
| Legal support, Lower Colorado Region to include Colorado River management and regulations, water contracts, water accounting issues, and Indian water settlements | 230 | 89 | 0 |

REIMBURSABLE POSITIONS
(Dollars in Thousands)

| | <u>FY 2015</u> | <u>FY 2016</u> | <u>FY 2017</u> |
|---|----------------|----------------|----------------|
| Bureau of Reclamation (cont.) | | | |
| Legal support, Bay Delta Conservation Plan (BDCP), Central Valley Project Improvement Act implementation, ESA, and San Joaquin River Restoration Program | 210 | 27 | 0 |
| Legal support, Boulder Canyon Project Act | 154 | 125 | 163 |
| Legal support, water rights, water quality, and contracts for the CVP, non-CVP projects in California and Nevada | 217 | 229 | 235 |
| Legal support, Great Plains Region water service contracts, land title, NEPA, Indian water rights settlements, and general water rights | 157 | 188 | 193 |
| Legal support, stream adjudication and water rights issues | 148 | 159 | 162 |
| Legal support, Yakima water projects | 16 | 0 | 0 |
| Legal support, general law, realty, and EEO/MSPB | 169 | 184 | 180 |
| Legal support, realty, land management, cultural resources, NEPA, ESA, CWA, and Washington BOR projects | 67 | 104 | 110 |
| Legal support, including procurement, employment law, agreements, and any and all other legal support as necessary | 300 | 300 | 302 |
| Legal support, New Mexico water project and operations | 166 | 159 | 176 |
| Legal support, Federal Columbia River Power System, federal power issues, and irrigation diversion rate settings | 85 | 174 | 280 |
| Legal support, contracting, repayment issues, water supply issues in the western United, and the Central Valley Project | 13 | 235 | 228 |
| Legal support, Indian water rights settlement implementation matters and agreements, contracts, and other legal document reviews related to CAP, Navajo project, and NGS extensions | 0 | 109 | 203 |
| Subtotal | <u>2,709</u> | <u>2,797</u> | <u>3,079</u> |
| Bureau of Safety and Environmental Enforcement | | | |
| Legal support, rulemaking initiatives, oversight of offshore operations, regulation under OCSLA and OPA, and FOIA | 0 | 863 | 978 |
| Legal support, employment law | 0 | 202 | 228 |
| Legal support, relating to the regulation of offshore mineral operations and enforcement of BSEE and DOI regulations | 1,094 | 207 | 162 |
| Subtotal | <u>1,094</u> | <u>1,272</u> | <u>1,368</u> |

REIMBURSABLE POSITIONS
(Dollars in Thousands)

| | FY 2015 | FY 2016 | FY 2017 |
|--|----------------|----------------|----------------|
| Fish and Wildlife Service | | | |
| Legal support, high priority refuge and ESA issues | 68 | 216 | 68 |
| Legal support, Region 4 legal matters | 46 | 0 | 0 |
| Detail to Branch of Environmental Response and Restoration | 0 | 11 | 0 |
| Legal support, employment issues | 0 | 0 | 106 |
| Legal support, high priority realty issues | 54 | 15 | 36 |
| Legal support, Office of Law Enforcement issues | 19 | 290 | 317 |
| Subtotal | 187 | 532 | 527 |
| Interior Business Center | | | |
| Legal support, IBC contractual & acquisition services | 632 | 709 | 619 |
| Legal support, including procurement, employment law, agreements, and any and all other legal support as necessary | 123 | 270 | 185 |
| Subtotal | 755 | 979 | 804 |
| National Park Service | | | |
| Legal support, employment, property, and realty | 74 | 78 | 87 |
| Legal support, FOIA, partnership agreements, cultural resources, environmental remediation, water, and intellectual property | 205 | 226 | 245 |
| Legal support, Everglades restoration | 225 | 254 | 0 |
| Legal support, employment law | 0 | 0 | 386 |
| Legal support, intellectual property | 0 | 0 | 36 |
| Legal support, including procurement, employment law, agreements, and any and all other legal support as necessary | 329 | 470 | 379 |
| Legal support, concessions, leasing, and commercial services | 217 | 223 | 237 |
| Legal support, procurement, concessions, agreements, and employment law | 85 | 60 | 144 |
| Legal support, related to Organic Act, NEPA, and FOIA | 219 | 226 | 233 |
| Legal support, Elwha River Ecosystem and Fisheries | 48 | 0 | 0 |
| Legal support, related to wildlife issues | 6 | 0 | 0 |
| Subtotal | 1,408 | 1,537 | 1,747 |
| Office of the Special Trustee for American Indians | | | |
| Legal support, Office of Special Trustee for American Indians | 168 | 183 | 194 |
| Legal support, trust policy and procedure projects | 173 | 185 | 201 |
| Legal support, Office of Special Trustee for American Indians | [2,066] | [2,490] | [2,301] |
| Subtotal | 341 | 368 | 395 |

REIMBURSABLE POSITIONS
(Dollars in Thousands)

| | FY 2015 | FY 2016 | FY 2017 |
|---|----------------|----------------|----------------|
| Office of Surface Mining Reclamation and Enforcement | | | |
| Legal support, OSM issues | 210 | 199 | 211 |
| Legal support, coal, employment issues | 0 | 0 | 6 |
| Legal support, coal, regulatory, and reclamation operations | 0 | 88 | 114 |
| Subtotal | 210 | 287 | 331 |
| United States Geological Survey | | | |
| Legal support, intellectual property | 0 | 0 | 36 |
| Legal support, employment issues | 0 | 0 | 22 |
| Subtotal | 0 | 0 | 58 |
| Other Offices and Programs | | | |
| Legal support, ONRR ethics program administration | 148 | 141 | 135 |
| Legal support, ONRR royalty matters | 84 | 145 | 149 |
| Legal support, ONRR related matters | 288 | 300 | 329 |
| Legal support, Land Buy-Back Program for Tribal nations | 155 | 96 | 256 |
| Legal support, employment issues | 0 | 0 | 12 |
| Legal support, DOJ assignment | 135 | 142 | 0 |
| Legal support, Inter-American Foundation legal issues | 0 | 42 | 0 |
| Legal support, EPA detail | 0 | 38 | 59 |
| Legal support, FOIA Appeals | [164] | [302] | [236] |
| Legal support, Indian Water Rights Office detail | 0 | 0 | 219 |
| Legal support, Departmental management | 0 | 0 | 263 |
| Legal support, WCF issues | [144] | [198] | [207] |
| Legal support, WCF issues reflecting cross-cutting matters arising from all DOI bureaus | 196 | 200 | 213 |
| Legal support, NRDAR | [218] | [359] | [387] |
| Legal support, HAZMAT compliance | [1,103] | [1,335] | [1,560] |
| Subtotal | 1,006 | 1,104 | 1,635 |
| TOTAL REIMBURSEMENTS | 12,418 | 14,503 | 16,738 |

FY 2016 Endangered Species Act (ESA) Payments - Department of the Interior

| Case | Bur | Judicial District | Court # | Attorney Fees | Court costs | Payee | Payment date |
|--|-----|----------------------------|---------|---------------|-------------|--------------------------|--------------|
| Native Ecosystems Council, et al. v. Faye Krueger, et al. | FWS | Montana | 13-64 | 5,500 | 0 | Smith, Rebecca | 11/2/15 |
| Western Watersheds Project, et al. v. U.S. Bureau of Land Management | BLM | Utah | 15-90 | 5,600 | 400 | Meyer, John | 12/11/15 |
| Friends of the Wild Swan v. Salazar (griz/bull trout) | FWS | D. Mont. | 13-61 | 87,000 | 812 | Tim Preso | 3/3/2016 |
| Cal Trout v. Bureau of Rec (Cachuma Project) | BOR | C.D. Cal. | 14-7744 | 120,000 | 0 | Brian Segee | 2/5/2016 |
| Center for Biological Diversity v. Jewell (10 species) | FWS | D.D.C. | 15-229 | 5,692 | 431 | Amy Atwood | 3/2/2016 |
| Defenders v. Jewell (giant garter snake) | FWS | N.D. Cal. | 15-4351 | 15,000 | 424 | Jay Tutchton | 3/11/2016 |
| Save Crystal River, Inc. v. Jewell | FWS | Middle District of Florida | 15-491 | 0 | 522 | Pacific Legal Foundation | 3/14/16 |
| Total ESA Payments | | | | 238,792 | 2,590 | | |

FY 2016 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 |
|---|-----|---------------------------------------|------------|-----------|--------------|------------|-----------------------|--|--------------|----------------------------------|
| Osage Minerals Council | BIA | Gregory K. Frizzell | Settlement | \$65,000 | \$196-\$300 | N.D. Okla. | 15-cv-367-GKF-PJC | | 9/23/16 | Fredericks Peebles & Morgan LLP |
| Osage Producers' Association | BIA | Gregory K. Frizzell | Settlement | \$48,000 | \$125-\$125 | N.D. Okla. | 15-cv-367-GKF-PJC | | 7/28/16 | Levinson, Smith & Huffman P.C. |
| Borba Land and Cattle LLC | BLM | Judge Harvey Sweitzer | Settlement | \$9,265 | \$105-\$125 | DOI Agency | NV-L01-2014-01/EAJA | Appeals to IBLA dismissed following settlement | 6/10/16 | Borba Land and Cattle LLC |
| Friends of Animals, Protect Mustangs v. BLM | BLM | Larry Hicks | Settlement | \$17,352 | \$190-\$190 | D. Nev. | 3:15-cv-00057-LRH-WGC | | 10/29/15 | Friends of Animals, Inc. |
| Gifford Pinchot Task Force | BLM | Hernandez | Settlement | \$155,000 | \$360-\$475 | D. Or. | 3:13-cv-00810 | | 11/17/15 | Earthrise Law Center |
| National Trust for Historic Preservation | BLM | David Campbell | Settlement | \$182,852 | \$200-\$335 | D. Ariz. | 13-CV-1973-DGC | | 2/17/16 | Western Environmental Law Center |
| Soda Mtn. Wilderness (Sampson Cove) | BLM | Magistrate Judge Clarke; Judge Panner | Settlement | \$25,000 | \$235-\$335 | D. Or. | 1:12-cv-434-CL | 9th Circuit ruled against BLM on one count | 8/31/16 | Marianne Dugan |

FY 2016 Equal Access to Justice Act (EAJA) Payments (continued)

| Case Name | Bur | Judge | Type | Amount | Hourly Rates | Venue | Citation | Appeal Status | Payment Date | Payee/Plaintiff's Attorney |
|--|---------------|-----------------------------------|------------|-----------|--------------|-----------|--|---|--------------|---|
| Alaska Wilderness League, Center for Biological Diversity, Defenders of Wildlife, NRDC, et al. | BOEM | Fernandez, W. Fletcher, Rawlinson | Settlement | \$336,136 | \$172-\$325 | 9th Cir. | Native Village of Point Hope v. Jewell, No. 12-35287 | Remanded to Alaska District Court - Beistline | 8/1/16 | Earthjustice/Erik Grafe |
| San Luis and Delta Mendota Water Authority | BOR FWS 50/50 | Lawerence O'Neil | Settlement | \$210,000 | \$181-\$190 | E.D. Cal. | No. 1:11-cv-00952 | | 8/24/16 | San Luis and Delta Mendota Water Authority |
| Center for Biological Diversity | BSEE | J. Philip S. Gutierrez | Settlement | \$8,827 | \$300-\$650 | C.D. Cal. | No. 2:15-cv-01189-PSG | | 8/11/16 | Center for Biological Diversity / Miyoko Sakashita & Brendan Cummings |
| Environmental Defense Center | BSEE | J. Philip S. Gutierrez | Settlement | \$75,000 | \$245-\$500 | C.D. Cal. | No. 2:14-cv-9281-PSG | | 8/10/16 | Environmental Defense Center / Brian Segee & Maggie Hall |
| Audubon Society of Portland, et al. v FWS | FWS | Owen Panner | Settlement | \$54,469 | \$195-\$415 | D. Or. | 1:14-cv-675-CL | | 12/11/15 | Crag Law Center |
| Center for Biological Diversity | FWS | Joseph Spero | Settlement | \$44,000 | \$165-\$583 | N.D. Cal. | Case 3:15-cv-00658-JCS | | 4/20/16 | Collette Adkins |

FY 2016 Equal Access to Justice Act (EAJA) Payments (continued)

| Case Name | Bur | Judge | Type | Amount | Hourly Rates | Venue | Citation | Appeal Status | Payment Date | Payee/Plaintiff's Attorney |
|--------------------------|-----|---------------------|------------|-------------|--------------|-----------|-----------------------------|---------------|--------------|-------------------------------|
| Gulf Restoration Network | OS | Charles Butler, Jr. | Settlement | \$32,659 | \$250-\$450 | S.D. Ala. | Case No.: 1:15-cv-0191-CB-C | | 6/16/16 | Waltzer, Wiygul & Garside LLC |
| Total | | | | \$1,263,560 | | | | | | |