



ENVIRONMENT AND NATURAL RESOURCES DIVISION FY 2022 ACCOMPLISHMENTS REPORT



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Foreword

The Environment and Natural Resources Division of the U.S. Department of Justice is comprised of 600 employees focused on protecting the health and welfare of our Nation and managing its tremendous natural resources. I am honored to work with such a talented group of colleagues on matters of such great importance. Today, I have the distinct honor of presenting the Division's Accomplishments Report for fiscal year 2022.

As this report demonstrates, the Environment and Natural Resources Division is a key player in the Administration's efforts to secure environmental justice and respond to the climate crisis. Working closely with partners throughout the federal government, we enforce a myriad of federal laws and regulations, including ones that protect public health, wildlife and other natural resources, worker safety, and animal welfare. We also defend the Environmental Protection Agency, the Department of the Interior, and many other client federal agencies when their regulations, decisions, and other actions are challenged in court. Through litigation and otherwise, we work to preserve the rights and resources of federally recognized Indian tribes. We file condemnation actions to acquire land for federal agency programs, and defend federal agencies as they work to develop infrastructure and produce energy while meeting the requirements of the environmental laws.

By the numbers, last year was another remarkable success. In 2022, the Division's attorneys worked on roughly 4,500 matters. We obtained over \$820



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million in civil and criminal fines, penalties, and costs recovered. We secured federal injunctive relief valued at \$3.1 billion. And, through our defensive and condemnation litigation, we saved the United States more than \$2.1 billion. We achieved a favorable outcome in 100 percent of our civil enforcement cases, 91 percent of our civil defensive cases, 95 percent of our criminal cases, and 100 percent of our condemnation cases.

We built a stronger foundation to support our ambition on environmental justice—to ensure that every American, no matter where they live, has access to clean drinking water and a safe and healthy environment. Building on the Division’s work, the Department of Justice took three important steps to advance environmental justice on May 5, 2022:

- The Department established the Office of Environmental Justice within the Environment and Natural Resources Division to engage the entire Department in the collective pursuit of environmental justice, with the Office serving as a central hub and catalyst.
- The Department issued a comprehensive environmental justice strategy to guide the Department’s litigators and investigators nationwide to advance the cause of environmental justice through the enforcement of federal laws.
- The Department authorized the use of an important enforcement tool—settlements that include supplemental environmental projects—to further the goals of federal environmental laws and remedy harms suffered by communities most directly affected by violations.

We are better positioned than ever to engage with communities across the country that are disproportionately afflicted by environmental problems. Utilizing our new Office of Environmental Justice, applying our strategy, and including (where appropriate) supplemental environmental projects in settlements, we will strive to right the wrongs of environmental injustice. We

will do our best to ensure that all Americans—regardless of race, color, national origin, or income—are treated fairly and can have a meaningful say in the decisions that affect them.

Importantly, we are not just talking and writing about environmental justice. We have been engaging overburdened communities and obtaining meaningful remedies for their benefit. For example, we went to court to seek to correct conditions at the City of Jackson, Mississippi’s public drinking water system and to ensure a safe and reliable water supply in the future. The water system has suffered from a myriad of problems. Our work to date has included meeting with and soliciting input from affected communities. At our request, the court appointed an Interim Third Party Manager to stabilize the system and build public confidence in its ability to provide safe water.

The Division in 2022 also continued to prioritize efforts to combat climate change as part of the President’s whole-of-government approach to this crisis. First, in 2022, we used our existing civil and criminal enforcement authorities to directly or indirectly reduce emissions of the greenhouse gases that are accelerating climate change, while targeting pollution affecting air quality and public health. For instance:

- We built upon long-running efforts targeting illegal flaring of waste gases at chemical plants, obtaining settlements that secure relief at multiple facilities in Texas and Louisiana.
- Other notable settlements included one that will strengthen detection and repair practices at eight natural

gas processing plants in Colorado, and another that will secure relief at 40 scrap metal recycling facilities nationwide.

- We participated in a multi-agency enforcement and prosecution initiative focused on preventing the illegal trade, production, use, and sale of climate-damaging hydro-fluorocarbons (HFCs).

Second, the Division filed cases to protect natural resources and shield federally recognized Indian tribes from climate change and its effects:

- Water and many other resources relied upon by federal Indian tribes are particularly vulnerable to increasing temperatures and drought. In 2022, leading a federal-state-tribal coalition, we filed a settlement involving the water rights of the Confederated Salish and Kootenai Tribes; this initiated judicial review of the largest and most comprehensive tribal water rights settlement entered into to date.
- We continued to bring civil and criminal cases to enforce laws that protect forests, wetlands, and other critical carbon “sinks,” including specific actions related to wetlands in Erie County, Pennsylvania; Windsor Township, Ohio; Caldwell County, Missouri; upstate New York; and Poland Township, Ohio.

Third, the Division continued to handle the defense of climate-related regulations promulgated by federal agencies, including Clean Air Act regulations promulgated by EPA to limit

emissions of greenhouse gases from stationary and mobile sources.

- We initiated our defense of EPA regulations that set greenhouse gas emission standards for new light-duty vehicles, as well as our defense of EPA’s decision to restore the State of California’s authority to establish emission standards (though its Advanced Clean Cars Program) that are more stringent than EPA’s standards.
- We also defended challenges to EPA regulations that will reduce emissions of climate-damaging hydrofluorocarbons by phasing out the use of the chemicals in refrigeration and air conditioning equipment.

Fourth, the Division defended matters related to the Administration’s attempt to shift energy production into cleaner sources:

- We have a growing docket of litigation related to the permitting and siting of renewable energy infrastructure. For example, the Division continued to defend against lawsuits challenging approvals issued by federal agencies for wind energy projects, including the Vineyard Wind project offshore of Martha’s Vineyard and Nantucket, Massachusetts. This will be the country’s first utility-scale offshore wind project.
- We continued to defend the Department of the Interior in challenges related to Section 208 of Executive Order 14,008. Section 208 directed the agency to pause oil

and natural gas lease sales on public lands or in offshore waters to the extent consistent with applicable law, and to review existing leasing and permitting practices related to fossil fuel development on public lands and waters.

Of course, environmental justice and climate change are not the primary focus of all our work. Let me highlight some additional examples of our success, starting with our civil and criminal enforcement dockets.

We achieved a number of outstanding results through civil enforcement of the federal pollution control laws, such as the Clean Air Act, Clean Water Act, and Safe Drinking Water Act. Our civil actions served to protect the air we breathe and America's waters and wetlands. We also addressed improper handling of solid or hazardous waste and compelled responsible companies to clean up contaminated lands (and/or provide compensation for clean-ups completed by EPA or other federal agencies). And we obtained compensation for damages to natural resources. Through all of this civil enforcement work, we secured federal injunctive relief valued at \$3.1 billion dollars, \$232 million in civil and stipulated penalties, and roughly \$50 million in natural resource damages.

The Division also continued its important work—often with enforcement partners in U.S. Attorneys' Offices—in prosecuting environmental crimes. In one particularly notable result, we partnered with the Criminal Division and the U.S. Attorneys' Office for the Eastern District of Michigan in successfully prosecuting FCA US LLC, formerly known as Chrysler Group LLC, for the

company's conspiracy to defraud regulators and customers. The conspiracy involved false and misleading representations about the emission control systems on more than 100,000 vehicles, the vehicles' emissions of pollutants, fuel efficiency, and compliance with federal emission standards. A federal court sentenced the automaker to pay roughly \$300 million in criminal penalties.

Other Division prosecutions that achieved notable results included several tragic cases arising from willful violations of federal laws designed to ensure worker safety; knowing violations of federal pollution control laws, including violations related to asbestos removal; vessel pollution; pesticide smuggling; and international wildlife trafficking.

We also filed civil and criminal cases to enforce federal laws that provide for the humane treatment of animals. In a pioneering civil action, we secured emergency relief to restrain dozens of violations of law at a dog breeding facility. We secured a settlement under which the defendant company surrendered several thousand beagles and closed its facility. We also obtained excellent results in prosecuting knowing violations of animal cruelty laws, where we place special emphasis on addressing blood sports, like dogfighting and cockfighting. The criminal penalties imposed in several of these cases included incarceration (in two instances, for more than three years).

The Division also achieved excellent outcomes in connection with our handling of defensive litigation. In 2022, we defended against petitions for review filed in the federal courts of appeals to

challenge EPA's implementation of Clean Air Act programs designed to address air pollution and EPA's administration of the Federal Insecticide, Fungicide, and Rodenticide Act, a statute that governs the sale and use of pesticides in the United States. We secured favorable decisions on the merits in several Clean Air Act matters, and also obtained remands to allow opportunities for EPA to update and revise challenged decisions related to the registration of pesticides.

The Division successfully defended efforts by the State of Arizona and private landowners to use environmental laws to compel the United States to continue construction of the "border wall" at the United States-Mexico border. We additionally defended the military's compliance with environmental laws, including in connection with actions having important national security implications.

The Division likewise secured victories defending federal agencies' implementation of federal laws governing the protection and stewardship of our wildlife and marine resources. For instance, a district court upheld U.S. Fish and Wildlife Service decisions related to critical habitat designations for the northern spotted owl, a threatened species under the Endangered Species Act. We successfully defended federal agency evaluations of the impacts of a grazing project on fish and grizzly bears. The Division also prevailed in a challenge to a forest management decision concerning timber sales in the Klamath Falls Resource Area.

In another important subject area, we represented the interests of the United States and federally recognized Indian tribes in complex water rights

adjudications across the western United States. For example, in a general stream adjudication of all 90 basins in Montana, the Division handled (at any given time) between 100 and 150 cases on behalf of federal agencies. In 2022, in addition to substantial work conducted for the benefit of Indian tribes, we litigated on behalf of federal agencies in general stream adjudications in state courts in Colorado, Utah, Nevada, California, Oregon, New Mexico, Idaho, and Arizona.

In addition, we secured favorable rulings in several lawsuits challenging the Bureau of Reclamation's operation of large-scale irrigation projects. We secured favorable outcomes in defending against challenges to federal agency decisions concerning how to manage and protect federal public lands under statutory mandates that potentially allow competing multiple uses of land, such as for timber harvest, wildlife protection, recreation, and mineral extraction. The Division also protected the federal taxpayer from unfair burdens, achieving notable successes in defending against claims that the federal government took property without providing just compensation (and similarly protecting the taxpayer in connection with actions filed to condemn land for federal agency programs).

The Environment and Natural Resources Division had remarkable results and made remarkable progress in 2022. I could not be more proud of what we have accomplished in collaboration with our many partners, including client federal agencies, state and local governments, tribes, and communities. The Division does not shrink from new or challenging problems, and we welcome our role in protecting the health of the

most vulnerable, safeguarding our Nation's natural resources, and advancing our other shared goals.

While environmental and other challenges lie ahead, I am confident that our exceptional and dedicated team of public servants will continue to rise to meet them.

Todd Kim
Assistant Attorney General
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April 21, 2023

Overview of the Environment and Natural Resources Division

The Environment and Natural Resources Division is a core litigating component of the U.S. Department of Justice. We go to court to enforce the Nation's civil and criminal environmental laws, including the Clean Air Act, Clean Water Act, and hazardous waste laws. We also protect the Nation's natural resources and wildlife, defend federal agencies' decision making, acquire land for federal infrastructure projects, and handle cases relating to tribal rights and resources. Our efforts directly and significantly promote the health and welfare of the American people.

Photo Credit: Wally Gobetz / Flickr

Overview of the Environment and Natural Resources Division

Founded more than a century ago, the Environment and Natural Resources Division has built a distinguished record of legal excellence on a wide range of issues, from the management of public lands to the implementation, enforcement, and defense of landmark environmental statutes. ENRD has offices in Washington, D.C., Denver, Sacramento, San Francisco, and Seattle, and has ten sections, plus the new Office of Environmental Justice. The ten sections are:

Appellate Section

- Handles appeals and petitions for review in the Division's cases in courts of appeals across the Nation.
- Assists the Office of the Solicitor General in U.S. Supreme Court matters.

Environmental Crimes Section

- Prosecutes individuals and corporations who violate federal environmental protection laws, including the Clean Water Act and the Clean Air Act.
- Brings criminal actions to protect wildlife and marine species under the Endangered Species Act and the Lacey Act, including wildlife trafficking and illegal logging cases.
- Prosecutes worker safety and animal cruelty cases.

Environmental Defense Section

- Litigates district court challenges to agency actions under federal pollution control laws, and federal facility and cleanup contribution claims against federal agencies.
- Handles the defense of U.S. Environmental Protection Agency rules and other actions challenged directly in the courts of appeals.
- Brings Clean Water Act enforcement cases to protect wetlands.

Environmental Enforcement Section

- Brings civil enforcement actions under the federal pollution control laws such as the Clean Air Act, Clean Water Act, and Safe Drinking Water Act.
- Handles cases to secure cleanup, cost recovery, and damages for injury to natural resources resulting from hazardous waste sites and oil spills under the Comprehensive Environmental Response, Compensation, and

Liability Act (the Superfund law) and the Oil Pollution Act.

Executive Office

- Provides operational management and administrative support for the Division, including financial management, human resources, information technology, procurement, facilities, security, litigation support, and other important services.

Indian Resources Section

- Represents the United States in litigation to protect tribal lands, resources, jurisdiction, and treaty rights.
- Handles suits safeguarding water rights and hunting and fishing rights, and establishing reservation boundaries and rights to land.
- Defends federal statutes, regulations, programs, and actions benefitting Indian tribes and their members.

Land Acquisition Section

- Acquires real estate through eminent domain for congressionally authorized public uses.
- Enables development of flood protection projects, military training sites, park sites, and federal buildings such as courthouses.

Law and Policy Section

- Addresses cross-cutting issues, including by reviewing policies, regulations, legislation, and international matters affecting the Division.
- Assists with amicus filings and certain other litigation.

Natural Resources Section

- Defends suits relating to public lands and federal land management, as well as associated natural and cultural resources, under dozens of statutes such as the National Environmental Policy Act, the Outer Continental Shelf Lands Act, and the National Historic Preservation Act.
- Handles original actions in the U.S. Supreme Court to resolve boundary and water allocation disputes.
- Defends suits brought under the Just Compensation Clause of the Fifth Amendment regarding real property claims.
- Represents agencies ranging from the Forest Service and National Park Service to the Department of Transportation and Department of Defense.

Wildlife and Marine Resources Section

- Defends cases brought under federal wildlife and marine

species conservation laws, including the Endangered Species Act, Migratory Bird Treaty Act, Magnuson-Stevens Fishery Conservation and Management Act, and Marine Mammal Protection Act.

- Brings affirmative civil cases under these laws and laws relating to animal welfare.

Advancing Environmental Justice

On May 5, 2022, Attorney General Merrick Garland announced the establishment of the Office of Environmental Justice within the Environment and Natural Resources Division. That same day, Associate Attorney General Vanita Gupta signed the Department's Comprehensive Environmental Justice Enforcement Strategy. The Strategy provides a blueprint for advancing environmental justice as directed by President Biden's Executive Order 14,008, through the Justice Department's enforcement authorities and tools.

Photo Credit: DOJ/OPA

Advancing Environmental Justice

Under the Comprehensive Environmental Justice Enforcement Strategy, the Department has prioritized enforcement in overburdened and underserved communities. These groups often include low-income communities, communities of color, and tribal and Indigenous communities. The Strategy has also directed greater community outreach in our enforcement matters, and environmental justice training for the Department's lawyers and professional staff. While the Strategy applies to everyone at the Justice Department, ENRD's core mission has long intersected with environmental justice. We are working to advance this important priority in our own work, and to share our experience and expertise with other parts of the Department.

Implementation of the Environmental Justice Strategy

The Department of Justice's environmental justice strategy offers four principles to guide Department attorneys. First and foremost, we are called on to prioritize cases that will reduce public health and environmental harms to overburdened and underserved communities. Second, we must make strategic use of all available tools to address environmental justice concerns. Third, we need to ensure meaningful engagement with impacted communities, while fourth, being transparent to those communities and the broader public about our environmental justice efforts and results.

The newly created Office of Environmental Justice (OEJ) serves as the hub to implement the strategy and will engage the Justice Department in the collective pursuit of environmental justice. OEJ will also continue to build partnerships with community advocates and provide fair and equal treatment and involvement of all people in the environmental decisionmaking process.

ENRD serves proudly as the home base for OEJ, and several ENRD career staff have assumed permanent and temporary assignments with the Office. The Office has raised environmental justice literacy, and catalyzed related efforts, across the Department. For instance, OEJ partnered with the Executive Office for United States Attorneys and the United States Attorney for the Eastern District of Washington to host an intensive orientation for the new Environmental Justice Coordinators designated in every one of the nation's 94 U.S. Attorneys' Offices. OEJ has continued to co-host monthly trainings for this cohort, delivering environmental justice awareness to every corner of the country.

ENRD is dedicated to ensuring the fair and impartial administration of justice for all Americans, including communities of color and low-income communities. In the environmental context, that means doing our part, alongside our client agencies, to ensure that environmental laws are being enforced in overburdened communities. A person's zip code should not determine their health or quality of life.

Enforcement work is the most obvious way ENRD advances environmental justice. In 2022, ENRD resolved many enforcement actions that helped communities with environmental justice concerns. Examples include:

United States v. Alaska (D. Alaska). ENRD filed this lawsuit against the State of Alaska to reaffirm and protect the authority of the Federal Subsistence Board to provide for subsistence harvest of Kuskokwim River salmon by federally qualified users, who are typically Alaska Natives. Following the Board's issuance of orders allowing only federally qualified users to use certain high-yield fishing methods, ENRD protected the statutory subsistence use priority by obtaining a preliminary injunction prohibiting the State from extending the same authorization to the public at large.

United States v. Municipality of Toa Alta (D.P.R.). We filed this action under the Resource Conservation and Recovery Act alleging that the Municipality of Toa Alta, Puerto Rico, operated its municipal landfill in a manner that created an imminent and substantial endangerment. ENRD and the Environmental Protection Agency (EPA) engaged in extensive outreach to the affected community, issuing fact sheets in Spanish and English, soliciting written public comments, and organizing a large, in-person meeting in Toa Alta to solicit input on the terms of a proposed settlement order. Ultimately, the United States revised elements of the proposed injunctive relief based on concerns expressed by local residents. The United States thereafter filed an interim settlement order requiring Toa Alta to take a series of immediate actions to address urgent human health and environmental concerns at the landfill.

The order, which has been entered by a federal judge, required Toa Alta to stop receiving waste, cover exposed areas of the landfill, and put plans into place to manage stormwater and contaminated liquid flowing from the landfill.

United States v. City of Jackson (S.D. Miss.). In November 2022, we filed an action in federal court under the Safe Drinking Water Act and sought the appointment of a third party to manage and stabilize the City of Jackson, Mississippi's public drinking water system. That appointment was pursuant to a deal we negotiated with state and local officials, and was focused on building confidence in the system's ability to supply safe drinking water to the system's customers. The order, which the court signed and entered the same day we filed, serves as an interim measure while the United States, the City, and the Mississippi State Department of Health (MSDH) attempt to negotiate a judicially enforceable consent decree to achieve long-term sustainability of the system and compliance with the Safe Drinking Water Act. EPA and the Department of Justice have engaged in outreach to the community, organizing an in-person meeting at Jackson State University in late 2022 and planning for a sustained presence in the community in the new year.

United States v. Honeywell International Inc. (W.D.N.Y.). Under a settlement to resolve liability for natural resource damages, Honeywell International Inc. and others agreed to restore natural resources and preserve, in perpetuity, more than 70 acres of natural undeveloped habitat along the Buffalo River in Buffalo, New York. The settlement resolved an enforcement

action filed by ENRD on behalf of the Department of the Interior, the State of New York, and the Tuscarora Nation, as trustees for the natural resources that were harmed by the release of hazardous substances into the Buffalo River. The settlement will benefit the entire City of Buffalo community, including the Tuscarora Nation, an Indian tribe, and minority neighborhoods historically overburdened by environmental pollution. It will restore native species along the Buffalo River in an otherwise predominantly urban environment, and will provide public access to a portion of the City Ship Canal, allowing for recreational fishing from the shoreline. A portion of the recovery will be used to fund cultural and ecological restoration programs on behalf of Tuscarora Nation.

ENRD's commitment to environmental justice is also evident in other aspects of the Division's work. For example, as demonstrated by the next chapter, the Division may advance environmental justice when it brings cases to reduce emissions of the greenhouse gases that contribute to climate change.

Responding to the Climate Crisis

In 2022, the Division continued its critical work on the front lines of the climate crisis, supporting President Biden’s “whole-of-government” approach set forth in Executive Order 14,008. ENRD prioritized addressing greenhouse gas (GHG) emissions and the impacts of climate change in its civil and criminal actions and other matters. The Division is also working closely with client agencies to defend Administration programs and policies aimed at alleviating the causes and consequences of climate change.

Photo Credit: Wikimedia



Responding to the Climate Crisis

Civil and Criminal Enforcement to Reduce GHG Emissions and Address Climate Change Impacts

Many different kinds of industrial and commercial facilities and activities generate significant amounts of greenhouse gas (GHG) emissions and thereby contribute to climate change, including chemical plants, natural gas processing, users of refrigerants, oil and gas production, refineries, and landfills. In 2022, key Clean Air Act enforcement actions that reduced GHG emissions included the below cases.

Flaring cases. Flaring is the process by which certain industrial plants burn off waste gases. Over the last decade, the United States has targeted illegal flaring at chemical plants. This year, in a pair of Clean Air Act cases, *United States v. Chevron Phillips Chemical Co.* (S.D. Tex.) and *United States v. Westlake Chemical OPCO LP* (W.D. La.), district courts approved consent decrees addressing improperly operated flares at multiple facilities in Texas and Louisiana. Chevron Phillips agreed to implement \$118 million in injunctive relief and to pay \$3.4 million in civil penalties. The Westlake companies agreed to implement \$110 million in injunctive relief and pay \$1 million in civil penalties. The injunctive relief in both cases includes flare gas minimization, flaring efficiency measures, and emission monitoring at facility fence lines. The relief also includes reporting of monitoring results to surrounding communities, including communities with environmental justice

concerns. EPA estimates that the Chevron Phillips settlement will eliminate about 75,000 tons per year of GHG emissions and that the Westlake settlement will reduce GHG emissions by nearly 51,000 tons per year. The Westlake settlement marks the eighth settlement addressing flaring at an ethylene plant since 2013; the settlements collectively reduce GHG emissions by one million tons per year.

Leak detection. Together with the State of Colorado, ENRD entered into a settlement with DCP Operating Company LP and five other subsidiaries of DCP Midstream LP in *United States v. DCP Operating Co.* (D. Colo.). The consent decree, which the court approved in October, will strengthen leak detection and repair practices at eight natural gas processing plants in Colorado. Under the settlement, DCP agreed to pay a \$3.25 million civil penalty and implement comprehensive measures at all eight of its natural gas processing plants in an area of Colorado that is not in compliance with ambient air quality standards for ozone. The settlement will reduce emissions of methane from production areas near Colorado communities that are disproportionately impacted by pollution.

Stratospheric ozone. The Division reached a settlement in *United States v. Schnitzer Steel Industries* (D. Mass.) to resolve alleged violations of the Clean Air Act and regulations designed to protect the stratospheric ozone layer at 40 scrap metal recycling facilities nationwide. Schnitzer failed to recover refrigerant from small appliances and motor vehicle air conditioners before disposal or to

verify with the supplier that the refrigerant had been properly recovered prior to delivery to Schnitzer's facilities. The settlement required the company to pay a civil penalty of \$1.55 million and to implement compliance measures worth over \$1.7 million, including the destruction of R-12 refrigerant in scrapped appliances and automobiles. R-12 contains chlorofluorocarbons with 10,000 times the global warming potential of carbon dioxide.

ENRD is also committed to working with enforcement partners on a range of climate-change related initiatives. Among these:

Hydrofluorocarbons. ENRD continued its participation in a multi-agency enforcement and prosecution initiative to prevent the illegal trade, production, use, and sale of climate-damaging hydrofluorocarbons (HFCs). This effort complements EPA's work to phase down the use of potent HFCs in refrigeration and air conditioning equipment, as required by the 2020 American Innovation and Manufacturing Act.

Civil and Criminal Litigation to Protect Natural Resources and the Environment

The Division litigates to protect natural resources and the environment from climate change and its effects.

This work includes litigation on behalf of tribes to ensure safe, sustainable homelands through the protection of reserved water rights and treaty hunting, fishing, and gathering rights. Such resources are particularly vulnerable to increasing temperatures and drought. For example:

Tribal water rights. In 2022, ENRD began the second phase of the Little Colorado River Water Rights Adjudication, advocating on behalf of the Navajo Nation to help ensure the availability of water, a critical resource, to the Nation and thereby support the Nation's homeland. ENRD also filed post-trial briefs in the first phase of the litigation, where we assert claims for water needed for the Hopi Reservation.

ENRD's work also recognizes the importance of planning for the impacts of climate change when making long-term infrastructure improvements. As an illustration:

Navajo Gallup Water Supply. We filed multiple condemnation actions in New Mexico to acquire easements for construction of the Navajo Gallup Water Supply Project. This project will transport water from the San Juan River to the eastern section of the Navajo Nation, the southwestern portion of the Jicarilla Apache Nation, and the City of Gallup, New Mexico, via about 300 miles of pipeline, 19 pumping plants, and two water treatment plants. This reliable water service will replace a rapidly depleting groundwater source, which is of poor quality. The project will provide a more sustainable drinking water supply to indigenous communities, where approximately 40 percent of families haul water regularly to their homes.

The Division also enforces laws that protect critical carbon "sinks," such as forests, soils, prairies, and wetlands. These natural resources serve additional beneficial purposes as well; for instance, wetlands protect and improve water quality, provide fish and wildlife habitats, store rising floodwaters, and maintain surface water flow during dry

periods. Similarly, when the Division's prosecutors enforce laws designed to stop the illegal flow of timber imports, they are protecting carbon sinks, fighting deforestation, and supporting legal, sustainable forest crops in other parts of the world.

Wetlands protection. The Department routinely takes civil action against the unlawful filling of wetlands and files criminal enforcement actions in appropriate cases. In October 2021, a court sentenced James Philip Lucero to complete a one-year term of probation, with a special condition of six months of home confinement. Lucero pleaded guilty to a felony count of discharging fill material into a wetland without authorization, in violation of the Clean Water Act. During a drought in July and August 2014, Lucero organized and personally executed the dumping of fill material into wetlands in the San Francisco Bay area.

United States v. Quintana (S.D. Fla.). This is a timber trafficking case filed under the Lacey Act and other criminal statutes in April 2021. The case arose from fraud perpetrated to avoid tariffs on timber imports from China. Soon after a pre-indictment search of their premises, the defendants fled the United States, ultimately to Montenegro. In 2022, Department prosecutors and Office of International Affairs attorneys extradited the defendants from Montenegro; they remain detained pending trial.

Climate-Related Defensive Litigation and Counseling

ENRD defends agency regulations, resource management plans, and executive branch policy documents challenged in courts nationwide. Examples in 2022 related to climate change included:

Greenhouse gas emissions. The Division defended against challenges to Clean Air Act regulations and other EPA actions that limit emissions of GHGs, especially from new and existing stationary sources (such as power plants) and from new mobile sources (such as automobiles, trucks, and aircraft). Transportation is the largest source of greenhouse gas emissions in the United States. In 2022 ENRD initiated defense in the D.C. Circuit of EPA's GHG emission standards for model year 2023 and later light-duty vehicles in *Texas v. EPA*. In *Ohio v. EPA* (D.C. Cir.), we initiated defense of EPA's decision to restore California's authority to develop GHG emissions standards through its Advanced Clean Cars Program that are more stringent than EPA's standards.

Hydrofluorocarbons. The Division also completed merits briefing and participated in oral argument in defense of EPA's regulations that established an allowance allocation and trading program to phase out HFCs. *Heating, Air-Conditioning, & Refrigeration Distributors Int'l v. EPA* (D.C. Cir.). Likewise, a challenge to EPA's allocation of allowances for 2022 is fully briefed and argued. *RMS of Georgia, LLC d/b/a Choice Refrigerants v. EPA* (11th Cir.).

Oil and gas leasing pause. Section 208 of Executive Order 14,008 directed the Department of the Interior to pause oil and natural gas lease sales on public lands and in offshore waters to the extent consistent with applicable law, and to review existing leasing and permitting practices related to fossil fuel development. In 2022, ENRD continued to defend multiple challenges alleging that Section 208 and related actions by the Department of the Interior violate various federal laws, including in

Louisiana v. Biden (W.D. La.) and *Wyoming v. Interior* (D. Wyo.). As part of this work, we handled an appeal in which the Fifth Circuit vacated a nationwide preliminary injunction, allowing Interior to continue the review of leasing and permitting practices. Simultaneously, the Division also defended against several lawsuits challenging Interior's issuance of new oil and gas leases and related authorizations, including by defending the adequacy of Interior's analysis of climate impacts of project-related GHG emissions.

Wind energy. Section 207 of Executive Order 14,008 directs Interior to identify steps to double, consistent with applicable law, renewable energy production from offshore wind by 2030. The Division handles litigation relating to the permitting and siting of such renewable energy infrastructure. In 2022, ENRD continued to defend against several lawsuits challenging the approval of construction and operation of Vineyard Wind, the country's first utility-scale offshore wind project, located 12 nautical miles offshore of Martha's Vineyard and Nantucket, Massachusetts. ENRD also defended against several lawsuits challenging similar approvals for South Fork Wind, an offshore wind project located 30 nautical miles offshore of Long Island, New York. Also, in *Save Long Island Beach v. Interior* (D.D.C.), we defended a challenge to the Bureau of Ocean Energy Management's identification of areas in the New York Bight, located offshore of New Jersey and Long Island, for potential wind energy leasing.

Geothermal energy. In 2022, ENRD defended against challenges to the Dixie Meadows Geothermal Development Project, a geothermal energy production

facility located in northwestern Nevada. The project would assist western States in meeting renewable portfolio standards that require electricity providers to obtain a certain percentage of power from renewable energy resources.

International capacity building. The Division plays a variety of counseling and technical assistance roles in the international realm, including capacity-building to counter timber trafficking and other work on criminal justice in international fora, such as INTERPOL. In 2022, for example, ENRD staff supported the U.S.-Brazil bilateral enforcement working group to combat illegal deforestation in the Amazon (announced at the 2022 Summit of the Americas).

Civil Litigation to Protect Our Air, Land, Water, and Wildlife

The Division brings civil actions to enforce pollution control statutes, compel (and obtain costs for) cleanups of contaminated land and water, and recover damages for injuries to natural resources harmed by pollution. The Environmental Enforcement Section is responsible for most of ENRD's affirmative civil docket, and it primarily brings cases on behalf of the Environmental Protection Agency (EPA). The Environmental Defense Section also brings enforcement actions, primarily related to wetlands. In many cases, the Division partners with states, tribes, and non-governmental organizations, coordinates with criminal prosecutors handling related criminal proceedings, and works collaboratively with U.S. Attorneys' Offices.

Photo Credit: Tom Gill / Flickr

Civil Litigation to Protect Our Air, Land, Water, and Wildlife

Metrics

While dollar figures do not capture the emission reductions, environmental restoration, and deterrence value of our work, they do provide some measure of its magnitude and import. In 2022, ENRD secured:

- \$3.1 billion—in value of injunctive relief, in orders for environmental cleanup and for securing compliance with pollution control laws and mitigation of harm from past violations;
- \$232 million—in civil and stipulated penalty payments that will deter defendants and others similarly situated from committing similar violations and level the playing field for those that complied;
- \$158 million—in cost recovery of U.S. expenditures on environmental cleanups; and
- \$48 million—in recoveries for damages to natural resources.

Protecting the Air We Breathe

The Division enforces the Clean Air Act. Our actions reach all types of stationary facilities and mobile sources of air pollution, reducing emissions of conventional and hazardous pollutants that contribute to adverse health and environmental effects, including climate change.

The Clean Air Act generally regulates air pollution from categories of stationary facilities: for instance, power plants, chemical factories, and oil refineries. Some of these facilities produce, process, handle, or store extremely hazardous substances. ENRD pursues companies when they violate their obligation to operate these facilities safely and avoid accidental releases. In 2022, for example:

United States v. Packaging Corporation of America (W.D. La.). The Division brought an action against Packaging Corporation of America following an explosion and release of extremely hazardous substances that killed three workers and injured seven others at its production facility in Louisiana. We secured a settlement requiring the company to pay a \$2.5 million civil penalty.

United States v. WTG Gas Processing (N.D. Tex.). The Division pursued two natural gas processing facilities after a catastrophic fire in 2015 killed an employee at one of their Texas facilities, serious fires occurred at other company plants, and an August 2018 leak of toxic hydrogen sulfide resulted in the death of another company employee in Big Lake, Texas. Five of the subsidiaries of West Texas Gas Inc. must undertake measures costing an estimated \$5 million and pay more than \$3 million in civil penalties to resolve claims stemming from the chemical accidents and violations of an accident prevention program.

ENRD also targets companies that fail to adequately control certain air pollutants, such as particulate matter, sulfur dioxide, and ozone, or hazardous air emissions such as mercury and lead.

United States v. ALTIVIA Petrochemical (S.D. Ohio). ENRD obtained a settlement requiring ALTIVIA Petrochemicals LLC to pay a \$1.1 million civil penalty to resolve alleged violations at its petrochemical manufacturing facility in Haverhill, Ohio. The settlement requires ALTIVIA to implement more frequent leak monitoring and improve repair practices to reduce emissions of hazardous air pollutants from leaking equipment at the facility.

United States v. Louisville Gas & Electric (W.D. Ky.). The Division brought an action jointly with Louisville Metro Air Pollution District against Louisville Gas & Electric, alleging that the utility's coal combustion operations emitted high levels of sulfuric acid mist, affecting the surrounding community and violating provisions of Kentucky's federally approved air pollution control plan. To resolve the claims, the company agreed to permanent emission limits for the sulfuric acid mist. It also agreed to pay a \$750,000 civil penalty and to replace diesel trucks with battery-powered ones in its service fleet stationed in the community affected by its emissions.

ENRD also enforces the Clean Air Act to address pollution from mobile sources. In 2022, the Division concluded a number of cases against manufacturers and sellers of illegal aftermarket hardware parts and software (referred to as "defeat devices") that allow vehicle owners to remove or disable factory-installed emission controls, resulting in

excess emission of nitrogen oxides and other pollutants. The cases include:

United States v. Diesel Ops LLC (W.D. Mich.). The Division obtained a default judgment of \$10 million in civil penalties against two companies, a nearly \$1 million civil penalty to be paid by the individual owner, and a permanent injunction prohibiting all future sales of the prohibited products.

United States v. Red Deer Exhaust (W.D. Ark.). The Canadian company and its Arkansas distributor agreed to stop selling devices that bypass or disable vehicle emissions control systems and pay a \$1.6 million penalty.

Protecting Our Nation's Waters

In enforcing the Clean Water Act, the Division brings actions to address discharges of untreated sewage from municipal wastewater systems, uncontrolled stormwater runoff from municipal and commercial facilities, oil spills from pipelines and storage facilities, vessel discharges of oily bilge water, and discharges of harmful chemicals and other pollutants from many different types of facilities. The Division's 2022 accomplishments included:

United States v. City of Fort Smith (8th Cir.). The court of appeals agreed with our interpretation of a 2015 consent decree that addressed alleged violations of the Clean Water Act by the City of Fort Smith, Indiana. The court held that the settlement requires the City to repair, rather than just monitor, the most serious defects in its sanitary sewer system. This victory will ensure that the

City does the work necessary to stop recurrent sewer overflows.

United States v. Highland (N.D. Ind.); *United States v. Griffith* (N.D. Ind.). We secured agreements with two towns in Indiana that discharge into the Little Calumet River. The towns will implement construction projects and make capital investments to eliminate discharges of untreated sewage into the nearby water bodies. The agreement obtained jointly with the State of Indiana will require implementation of measures and improvements estimated to cost about \$100 million.

United States v. Bucks County Water and Sewer Authority (E.D. Pa.). Resolution of a lawsuit filed by the United States and Pennsylvania against Bucks County Water and Sewer Authority for discharges consisting mainly of sanitary sewer overflows—typically in the form of wastewater overflowing from manholes. Along with a civil penalty of \$450,000, the defendant agreed to devote substantial resources to evaluate and upgrade its sewer system.

United States v. Austin Powder Co. (S.D. Ohio). A consent decree with an explosives manufacturing plant in Ohio that required Austin Powder Company, at its Red Diamond plant, to implement significant upgrades to wastewater treatment operations at an estimated cost of \$3 million. It also was required to pay a civil penalty of \$2.3 million.

Blackstone Headwaters Coalition v. Gallo Builders, Inc. (1st Cir.). The en banc First Circuit overruled a prior case that had held that citizens could not seek any relief under the Clean Water Act if EPA was diligently prosecuting the same violations. The decision held that citizen

suits can still seek declaratory or injunctive relief in those circumstances, consistent with the approach recommended in an amicus brief filed by the Division.

Enforcing Solid and Hazardous Waste Handling Requirements

The Resource Conservation and Recovery Act (RCRA) establishes a cradle-to-grave system for management of solid and hazardous waste.

United States v. PCS Nitrogen Fertilizer L.P. (M.D. La). A settlement with PCS Nitrogen resolved alleged violations of RCRA at its former fertilizer manufacturing facility in Geismar, Louisiana. The company failed to properly identify and manage certain waste streams as hazardous wastes. The settlement requires treatment of all contaminated wastewater accumulated at the PCS Nitrogen facility, thus protecting sensitive wetlands and the Mississippi River. The settlement also requires the company to pay a civil penalty of \$1.5 million and additionally provide \$84 million in financial assurance for the costs of closing the facility.

United States v. North Slope Borough of Alaska (D. Alaska). The United States filed a complaint against the North Slope Borough of Alaska alleging that the Borough failed to properly manage and store thousands of drums of oil and hazardous waste, which led to oil spills. The Borough agreed to pay a civil penalty of \$6.5 million and make significant investments in its waste management and pollution prevention programs to help protect the residents of the North

Slope and the environment from exposure to oil spills and hazardous waste.

Cleaning Up Contaminated Sites for Reuse

Under the Comprehensive Environmental Response, Compensation, and Liability Act, the Division requires responsible parties to clean up hazardous substances and reimburse the government for cleanup costs it has incurred. This ensures that polluters, not taxpayers, pay for contamination and that abandoned sites can be put to productive use.

United States v. Alcoa (S.D. Ill.). Successors to Alcoa Incorporated and the City of East St. Louis, Illinois, agreed to resolve an action filed by the Division to compel cleanup of hazardous waste disposal sites surrounding Alcoa's former aluminum manufacturing plant in the City. The settlement will require the companies to clean up radium, arsenic, chromium, lead, and other hazardous substances detected in soils, at an estimated cost of \$4.1 million. The company also will reimburse all future costs incurred by the United States in overseeing the cleanup.

United States v. Solutia, Inc. (S.D. Ill.). Successors to Monsanto Company will complete the cleanup of four former landfills and waste lagoons in Sauget, Illinois, across the Mississippi River from St. Louis. The settlement will require the companies to clean up hazardous substances including PCBs, dioxin, lead, cadmium, benzene and chlorobenzene, reimburse EPA for past costs spent at the sites, and take responsibility for implementing EPA's cleanup plan estimated to cost \$17.9 million.

United States v. Chemical Waste Management (S.D. Ohio). The United States sued seven companies, including International Paper Co., Proctor & Gamble Co., and Chemical Waste Management Inc., that had either sent wastes to the Tremont City Barrel Fill landfill during the 1970s or formerly owned and operated the site. We secured an agreement that requires cleanup of the landfill at an estimated cost of \$27.7 million.

United States v. Puerto Rico Industrial and Development Corp. (1st Cir.). The court of appeals affirmed an award to the United States of approximately \$5.5 million to cover the costs incurred by EPA in responding to contamination at a Superfund site in Puerto Rico. The court concluded that EPA had shown the defendants were liable under the Act and that EPA's remedy for the site was reasonable.

Restoring Natural Resources

On behalf of federal natural resource trustees, such as the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration, the Division seeks to recover compensation for harm to natural resources, including wildlife and their habitat, caused by releases of oil and other substances.

United States v. Kirby Inland Marine LP (S.D. Tex.). The United States and the State of Texas brought an action against Kirby Inland Marine LP to recover damages for injuries to natural resources caused by the company's discharge of approximately 4,000 barrels (168,000 gallons) of oil from one of its barges. The barge discharged the oil into the Houston Ship Channel, and the spill flowed into

Galveston Bay and the Gulf of Mexico. The spill caused significant impacts and injuries to the Texas coastline, including to the wildlife refuge on Matagorda Island, aquatic and terrestrial habitats, and dolphins and migratory birds. The company agreed to pay \$15.3 million.

United States v. American Commercial Barge Line LLC. (E.D. La.). The United States and Louisiana sued American Commercial Barge Line LLC over injuries to natural resources resulting from the company's discharge of approximately 6,700 barrels (280,000 gallons) of fuel oil into the Mississippi River upriver from New Orleans. The oil spill spread more than 100 miles downriver and covered over 5,000 acres of shoreline habitat, causing significant impact and injuries to aquatic habitats, shoreline, birds, and other wildlife. The company agreed to acquire and preserve 649 acres of woodland wildlife habitat near New Orleans. It also agreed to pay over \$2 million in damages, in addition to \$1.3 million previously paid for assessment of the damage and restoration planning costs.

Wetlands Enforcement

The Environmental Defense Section brings civil enforcement actions under the Clean Water Act to respond to illegal filling of wetlands and other waters of the United States without required authorization. These cases often present difficult and fact-intensive questions regarding the nature of the illegal actions taken by the defendants, the presence of ecological indications of wetlands on the subject property, and the connection between those wetlands and adjacent and downstream waterways. Injunctive relief helps to restore the damage from

these illegal activities, and civil penalties serve to deter future violations.

During 2022, the Division secured numerous favorable settlements and court decisions in a wide variety of wetlands cases. Examples include:

United States v. Brace (W.D. Pa.). The United States filed this action to enforce a 1996 consent decree that resolved Clean Water Act violations on a property in Erie County, Pennsylvania. The defendants had initially complied with a consent decree and completed restoration work, but then reversed course and took steps to dry the 30-acre wetland area in 2012. We secured favorable outcomes in federal district court and, on appeal, in the Third Circuit.

United States v. Yuhasz Bros. (N.D. Ohio). The United States and co-plaintiff State of Ohio secured restoration of 5,000 feet of streams, and restoration and mitigation for impacts to approximately 162 acres of wetlands, in Windsor Township, Ohio.

United States v. Trager Limestone LLC (W.D. Mo.). The defendant agreed to restore a creek affected by illegal discharges in Caldwell County, Missouri and pay a \$210,000 civil penalty.

United States v. Acquest Transit (W.D.N.Y.). The United States reached an agreement that secured \$500,000 in environmental mitigation for the illegal filling of, and discharge of stormwater into, wetlands at a 97-acre site in upstate New York.

United States v. Polo Development (N.D. Ohio). The United States reached a settlement requiring the defendant to

pay a \$29,000 civil penalty and complete an environmental restoration and mitigation plan. The complaint alleged that the defendant illegally filled wetlands adjacent to the Burgess Run, a tributary of Yellow Creek and the Mahoning River, at a residential development site in Mahoning County, Ohio.

Enforcing the Nation's Criminal Pollution, Worker Safety, and Wildlife Laws



The prosecutors and specialized litigation support team in the Division's Environmental Crimes Section work closely with their counterparts at United States Attorneys' Offices and with federal, state, and local law enforcement officers. The work is diverse. It addresses willful, knowing, and criminally negligent violations of pollution, wildlife, and worker safety laws. This year, the Division addressed automobile emissions defeat device fraud, worker death cases, a milling explosion, timber trafficking, asbestos removal crime, COVID-19 preventive fraud, reptile smuggling, animal fighting venture conspiracies, and vessel pollution, among many other matters.

Photo Credit: Fiat Chrysler Automobiles / Flickr

Enforcing the Nation's Criminal Pollution, Worker Safety, and Wildlife Laws

Prosecuting Those Who Risk the Lives of American Workers

Nearly a decade ago, the Department placed primary responsibility for worker endangerment prosecutions with the Division. This move recognized that knowing pollution violations and willful failure to follow worker safety rules often go hand in hand. In 2022, ENRD achieved important results in several tragic cases:

United States v. Tampa Elec. Co. (M.D. Fla.). ENRD resolved a prosecution brought after an eruption of molten slag from a coal furnace killed five workers. The defendant company had teams of workers remove hardened material from a boiler component, using high-pressure water blasting. Since the unit was still running, loosening the material allowed water and extremely hot slag to pressurize and ultimately explode onto the workers. The willful failure to complete critical safety-related steps was a cause of the deadly accident. The company pled guilty and was sentenced to pay the statutory maximum penalty (a \$500,000 fine) and serve a three-year term of probation, during which time the company must implement a safety compliance plan.

United States v. ABC Polymer Industries (N.D. Ala.). An employee died when she was pulled into large spinning rollers used in the manufacture of plastic sheets. Employees had been trained to operate these machines with protective barriers lifted to avoid slowing production. The

company will pay a \$168,000 fine and \$243,000 in restitution to the victim's family. The company also must abide by a workplace safety compliance plan.

United States v. Didion Milling, Inc. (W.D. Wis.). The Division indicted and prepared to try a corn milling company and six of its employees for crimes related to worker safety, fraud, air pollution, and obstruction of justice. Clouds of combustible corn dust can explode in the presence of an ignition source. As alleged in the indictment, the defendants' failure to comply with health, safety, and environmental regulations caused an explosion that killed five.

Giving Teeth to Laws that Protect Americans

Many laws that protect the health and safety of Americans rely on permitting programs, self-monitoring, and self-reporting. Cheating—even when it does not lead directly to environmental damage—corrodes program integrity and puts law-abiding businesses at a disadvantage. The Division's work protects the integrity of regulatory programs that control pollution, protect wildlife, and protect workers, making life better for every American. Here are some key examples:

United States v. FCA US LLC (E.D. Mich.). The court sentenced FCA US LLC, formerly Chrysler Group LLC, to pay a \$96 million fine, forfeit \$200 million, and complete a three-year term of probation. The company purposely

calibrated the emissions control systems on more than 100,000 Jeep Grand Cherokee and Ram 1500 diesel vehicles so that nitrogen oxide emissions would comply with applicable standards during testing, but not during normal operation. On the road, the systems were designed to provide a performance boost while generating much more pollution. The company marketed these trucks as “clean EcoDiesel” vehicles with best-in-class fuel efficiency. FCA US pleaded guilty to conspiracy, fraud, and Clean Air Act violations. The Division and its partners at the U.S. Attorney’s Office for the Eastern District of Michigan and the Criminal Division charged three company employees as well.

United States v. Paul Andrecola (D.N.J.). During the pandemic, EPA maintained a list of registered products that it deemed to be effective in killing SARS-CoV-2, a coronavirus. Paul Andrecola used another company’s EPA Registration Numbers to claim that EPA had included his products on the list. This bolstered his marketing. Andrecola defrauded his victims of over \$2.7 million. He was sentenced to serve a 5-year term of incarceration and forfeited his fraudulent gains, leaving him unable to pay a fine.

United States v. DEM Technology (S.D. Ohio). The Division and its partners charged Evan Morgan and his company for packaging and marketing a spray disinfectant as a room sanitizing “fogger” after multiple warnings from EPA that its safety and efficacy were unknown and untested and that there could be no pesticide registration under those circumstances. Both Morgan and his company pleaded guilty and were sentenced.

United States v. DiAne Gordon (W.D. Tenn.). DiAne Gordon, who co-owned and ran a company called Environmental Compliance and Testing, created and submitted to the States of Mississippi and Tennessee around 400 falsified lab reports. The results purported to demonstrate Clean Water Act compliance. She then billed her clients for the sampling and analysis that was never performed. For these false statements, Gordon was sentenced to serve a 36-month term of incarceration and pay \$220,000 in restitution.

Stopping Environmental and Wildlife Crime at Our Borders

ENRD’s prosecution team protects our Nation’s borders by fighting ocean dumping, pesticide smuggling, and wildlife trafficking.

Every year, the U.S. Coast Guard and ENRD track down and punish those who illegally dump oil and other waste into the ocean and then falsify their records to cover up what they have done. Since 1989, the Division has brought criminal cases against nearly 400 defendants (corporate and individual) for vessel pollution crimes. As of 2022, the total monetary penalties exceeded three-quarters of a billion dollars. Between imprisonment and probation, defendants spent more than 800 years under court-ordered supervision. Here are two examples from this year:

United States v. Evridiki Navigation, Inc. (E.D. La.). The court required Evridiki Navigation and Liquimar Tankers Management Services, Inc., to pay a \$3 million fine. A jury convicted the

two companies and the Chief Engineer of the *M/T Evridiki* of “tricking” the vessel’s pollution control device. This enabled the ship to discharge oily wastewater directly into the ocean, without required treatment.

United States v. Kirill Kompaniets (E.D. La.). The court sentenced the chief engineer of an oceangoing vessel to serve a term of incarceration of one year and one day, followed by a six-month term of supervised release. The sentence also required payment of a \$5,000 fine and 300 hours of community service. The chief engineer dumped some 10,000 gallons of oily bilge water off the coast of New Orleans after a botched repair in his engine room. Then, he tried to obstruct the Coast Guard’s investigation of the spill.

In coordination with EPA, the Department of Homeland Security, and the U.S. Attorney’s Office for the Southern District of California, ENRD secured the conviction and sentencing of nineteen individuals for illegally smuggling pesticides at California’s border with Mexico. Such criminal activity generally involves smuggling dangerous, banned pesticides into the United States for use on illegal marijuana crops. These prosecutions enforce the Federal Insecticide, Fungicide, and Rodenticide Act, and have benefited in part from efforts to improve training and inspection procedures. For example:

United States v. Sofia Mancera Morales (S.D. Cal.). The court sentenced Sofia Mancera Morales, the ringleader of a pesticide smuggling organization, to serve an eight-month term of incarceration and pay \$7,500 in restitution (to cover the cost of disposal of illegal pesticides). The defendant recruited

individuals to deliver pesticides to a self-storage facility near the border in Calexico, California. One recruit delivered almost 1,000 bottles of pesticides during a one-month period. Upon delivery to Calexico, a husband-and-wife team retrieved the illegal pesticides from the storage units and sold them to others in the United States. In a related case, *United States v. Otilio Rodriguez Toledo* (S.D. Cal.), the Division charged that couple with conspiracy and smuggling.

In the United States, there is more importation than exportation of illegally trafficked wildlife. We addressed both types of border crime:

United States v. Ka Yeung Marvin Chan (S.D. Fla.). In 2022, ENRD closed the book on a seven-year scheme to traffic reptiles out of the United States, when Ka Yeung Marvin Chan received a 14-month prison sentence. Chan bought protected pythons, tegus, and iguanas in the United States with a conspirator, Daisuke Miyauchi. They then worked with another conspirator, Chun Ku, to smuggle the animals out of the United States using an array of fraudulent documents. Over the span of the conspiracy, more than 8,700 protected reptiles worth over \$5 million were smuggled.

United States v. Herdade Lokua (W.D. Wash.). The court sentenced Herdade Lokua and Jospin Mujangi to serve prison terms of twenty months and fourteen months, respectively, for trafficking ivory and rhino horn from the Democratic Republic of the Congo. Undercover agents, posing as buyers, built trust with the targets and got them to travel to Seattle to finalize a deal for contraband horn and pangolin scales

worth \$3.5 million. They were arrested, and later pleaded guilty to conspiracy and criminal violations. After the arrests, the Democratic Republic of the Congo seized over 2,000 pounds of ivory and 75 pounds of pangolin scales.

United States v. Kang Juntao (D.N.J.); *United States v. Kazmaier* (N.D. Tex.). Kang Juntao is serving a 38-month term of imprisonment for a box turtle smuggling scheme. And Dr. Richard Kazmaier will serve a six-month term of incarceration for an import scheme.

Ensuring Renewable Energy Lives Up to Its Potential

As the United States relies increasingly on renewable energy sources, the Division and its enforcement partners work to ensure that criminal violations of law in connection with this activity are investigated and addressed.

United States v. ESI Energy (E.D. Cal.; D. Wyo.). In 2022, the court sentenced ESI Energy, Inc., for killing eagles through the irresponsible use of wind turbines. Without careful siting, 170-foot wind turbine blades—spinning as fast as one revolution per second—often strike and kill eagles. ESI ignored the permitting process that would have required it to minimize the risk of eagle strikes. As a result of its plea to violations of the Migratory Bird Treaty Act, ESI must pay a \$1.9 million criminal fine, pay \$6.2 million in restitution, and complete a five-year term of probation while implementing an Eagle Management Plan. The plan requires implementation of up to \$27 million of measures intended to protect eagles and other birds.

Working with States to Protect Natural Resources from Illegal Harvest

The Division works with state and federal law enforcement to protect natural resources taken in violation of state law or the laws of foreign nations. The Lacey Act makes illegal trafficking in these wildlife resources a felony, and the statute can be a powerful tool when investigators collaborate to address cross-boundary violations. As criminals must hide illegal harvests from conservation officers and other law enforcement agents, prosecutors often bring obstruction and fraud charges.

United States v. Nathan Knox (S.D. Ohio). Natural resources can be protected by the conservation efforts of landowners. Nathan Knox nullified that protection by offering hunting leases for property that was not his. Using the Internet, he arranged for around seventy individual hunters to come to Ohio to harvest deer and other wildlife. A court sentenced the defendant for this crime of fraud to serve just over a year of imprisonment.

United States v. Ashtyn Rance (M.D. Ga.). The Division required a reptile dealer to answer for his longstanding practice of illegally collecting protected species in Georgia and then sending them to other states, often as a stopover on their way to buyers in other countries. The dealer had a prior felony conviction and was caught with prohibited firearms during the investigation. The court sentenced him to serve thirty-three months in prison.

United States v. Cuong Duc Bui (S.D. Ala.); *United States v. Joseph R. Schigur*

(S.D. Ohio). In these two cases, the Lacey Act served as the vehicle for reining in fisheries crimes, which can be difficult to police. The Division secured felony convictions of fish dealers that broke natural resource laws in one state and then sold product across state lines. One defendant sold illegally harvested blue crabs and red snapper, while the other sold illegally harvested paddlefish eggs, which are consumed as caviar.

Prosecuting Knowing and Willful Polluters

The Division's criminal program was built around pollution crimes: knowing violations of the Clean Air Act, the Resource Conservation and Recovery Act, and the Clean Water Act. The Division continued to prosecute these cases in 2022.

United States v. Nikolaos Vastardis (3d Cir.). The court of appeals affirmed the conviction of Nikolaos Vastardis, the chief engineer of a petroleum tanker, for four offenses relating to the falsification of oil record books. The court rejected the defendant's arguments that the United States lacked authority to prosecute him. The court held that while false entries were made while the tanker was in international waters, the tanker's entry into U.S. waters triggered the duty under Coast Guard regulations to "maintain" an accurate oil record book.

United States v. Bobby Khalili (D. Nev.). The dangers and risks arising from removal of asbestos from older buildings have been known for decades. As such, it is remarkable that individuals and companies continue to renovate buildings and otherwise remove asbestos without complying with federal law. Bobby Khalili was a landlord in Las Vegas

who hired co-defendant Gonzalo Doblado to renovate a sixteen-unit apartment building. Both knew that the building contained asbestos, and both had been warned about asbestos requirements at a previous work site. Nevertheless, they endangered others' health by using untrained workers to gut the structure, then tossing dry asbestos-containing material in a dumpster. When inspectors arrived, the landlord responded by attempting to have the dumpster company immediately remove the dumpster and hide evidence of the crimes. While on pretrial release, the landlord falsified a contract with an actual abatement contractor to try to shift blame onto him. The landlord later pled guilty, and the court sentenced him to serve over a year in prison. The court sentenced his co-defendant to serve over 4 months in prison.

United States v. EcoShield (S.D. Cal.). The pandemic highlighted the importance of the Federal Insecticide, Fungicide, and Rodenticide Act, which requires EPA to evaluate safety and efficacy in reviewing applications for the registration of pesticides. In this case, ENRD prosecuted Samir Haj and his company EcoShield for preying on people's fears of COVID-19. The individual defendant imported, sold, and mailed unregistered pesticides in the form of a card or badge that he claimed would emit a virus killing gas. The product contained sodium chlorite, which is illegal to mail because it can explode. For this fraud, the individual will serve an eight-month term of incarceration. He and his company will pay fines and forfeit over \$400,000 in proceeds.

Finally, ENRD continued to address criminal violations related to mobile

sources of air pollution. In addition to targeting companies that cheat to improve their ability to sell new vehicles, we also target companies that sell “aftermarket defeat devices” to vehicle owners.

United States v. Power Performance Enterprises (E.D. Cal.). Power Performance Enterprises and its president, Kory B. Willis, pled guilty to environmental crimes for their roles in a conspiracy that involved tampering with emissions control systems on diesel trucks. The defendants sold hardware and software that allowed users to “tune” their emission systems, including to trick the truck’s computers into operating as if emissions equipment were working when, in fact, the equipment had been completely removed.

Victims of Environmental Crime

During the 2022 National Crime Victims’ Rights Week, the Office for Victims of Crime presented the Federal Service Award to the Environmental Crime Victim Assistance Team, a collaboration of ENRD and the U.S. Environmental Protection Agency’s Office of Criminal Enforcement Forensics and Training. This award recognizes the extraordinary efforts of federal agency personnel who lead initiatives and make contributions that impact victims of federal, tribal, and military crimes nationally and internationally.

Created in 2017, the Environmental Crime Victim Assistance Program identifies and supports victims of

environmental crimes. Until creation of the program, there were no national protocols or dedicated federal resources to ensure that victims of environmental crimes were identified, notified, and treated consistently nationwide. The Environmental Crime Victim Assistance Team includes ENRD attorneys, Assistant U.S. Attorneys, a U.S. Attorney’s Office victim witness coordinator, the EPA National Victim Witness Coordinator, EPA special agents, and EPA criminal attorneys.

Enforcing the Nation's Animal Welfare Laws

A close-up photograph of a person with dark, wavy hair holding a beagle dog. The person is seen from the side, looking down at the dog. The dog is looking directly at the camera with large, dark eyes. They are in a clinical or veterinary setting, with metal cages visible in the background. The person is wearing a white lab coat.

ENRD is a critical part of the federal government's effort to see that animals are treated properly and with compassion. With U.S. Attorneys' Offices and law enforcement partners at the Department of Agriculture and U.S. Marshals Service, the Division uses civil and criminal enforcement tools to ensure the lawful, humane treatment of captive, farmed, and companion animals. ENRD's Wildlife and Marine Resources Section brings actions for civil enforcement of federal animal welfare laws. ENRD's Environmental Crimes Section prosecutes knowing violations of these laws, with special emphasis on blood sports, like dogfighting and cockfighting. ENRD's Appellate Section handles all related criminal and civil appeals.

Photo Credit: Meredith Lee

Enforcing the Nation's Animal Welfare Laws

Civil and Criminal Enforcement of Animal Welfare Laws

ENRD has responsibility for civil judicial enforcement of the Animal Welfare Act (AWA) and for civil forfeiture actions under the Animal Fighting Venture Prohibition Act. In 2022, ENRD again pursued civil forfeiture claims of dogs seized from criminal dogfighting ventures in violation of the AWA, as well as other AWA remedies. ENRD, working together with U.S. Attorneys' Offices, has prosecuted 89 defendants for animal welfare crimes since 2016, leading to more than 130 years of incarceration. The Division's efforts, in cooperation with non-governmental organizations, U.S. Attorneys, and the U.S. Marshals Service, have led to the rescue of more than 4500 dogs from brutal circumstances.

United States v. Gingerich (S.D. Iowa). ENRD successfully concluded the first-ever judicial civil enforcement action under the AWA against a puppy mill. The owner of the puppy mill had been placing the animals in serious danger, and through the civil action ENRD obtained a consent decree providing for the surrender of over 500 dogs and prohibiting the defendant from engaging in future activities under the AWA.

United States v. Envigo RMS (W.D. Va.). ENRD filed a judicial civil enforcement action against an AWA-licensed breeding facility following the execution of a multi-day criminal search warrant and the seizure of 446 dogs determined to be in acute distress. The defendant bred and

sold beagles to research facilities and had already been cited for dozens of violations of the standards for handling, housing, feeding, watering, sanitation, and veterinary care. ENRD attorneys obtained a temporary restraining order and a preliminary injunction that paved the path for a consent decree under which the defendant company agreed to surrender nearly 4,000 beagles and close its facility. The case garnered extended national attention from the media and Congress, thereby serving as an important message to the regulated community.

Civil forfeitures are often the first public notice of a criminal investigation into animal welfare crimes. The Division knows to expect large numbers of abused dogs and puppies when it seeks evidence of dogfighting. In 2022, the Division pursued criminal charges against organizers and participants in animal fighting ventures across the country. At sentencing, the Division advocates for prison sentences that deter anyone from participating in or facilitating these blood sports. Here are some examples from this year:

United States v. Shelly Johnson (M.D. Ga.). The sentencing of Shelley Johnson, a/k/a Gold Mouth, illustrates the scope of the problem the Division combats. The Division prosecuted the case in collaboration with the U.S. Attorney's Office for the Middle District of Georgia. In 2022, the *twelfth* member of a far-ranging conspiracy to gamble on the result of brutal dogfights was sentenced. Gold Mouth received a 37-month prison term for his role, which was proven by messages between him and others about

breeding, dogs mauled and killed during fights, and details like sharpening dogs' teeth to do more damage in a fight. During the investigation, some fifteen residential search warrants led to the seizure of more than 150 dogs, and more than a dozen individuals have been charged. Most have been sentenced, and received prison terms as long as or longer than Gold Mouth's.

United States v. Raymond Johnson (E.D. Va.). The potential risks associated with animal blood sports are illustrated by another case sentenced this year. Raymond Johnson received a 37-month prison term for his animal fighting venture crimes, which were part of a charged seven-person conspiracy. Johnson, a felon, hosted two dog fights at his residence, videos of which were recovered by law enforcement during a search that recovered an AK-47 style rifle. The mix of high-powered firearms, gambling, and blood sports is not uncommon, and is highly dangerous.

United States v. William C. Easterling (M.D. Ala.). The Division secured conviction of seven members of a family running a cockfighting operation that included a two-ring arena with stadium seating for 150 people, and a merchandise stand that sold knives and spurs to strap to roosters' legs during fights. The family also operated a massive fighting-bird breeding business that fed its animal fighting venture. On top of two-year prison terms for the ringleaders, the family was required to forfeit over a thousand fighting birds and demolish its arena.

United States v. Kizzy Solomon (11th Cir.). The court of appeals affirmed Solomon's sentence to serve 30 months in prison for her conviction by a jury of 15

counts of aiding and abetting possession and training of dogs to participate in an animal fighting venture.

Promoting Tribal Rights and Resources

The Indian Resources Section dates to 1974, when the Attorney General created the section and gave it primary “responsibility for trial court litigation of suits in which the United States is asserting rights to water, title to property, hunting and fishing rights and other natural resource interests of Indians and Indian Tribes.” Since then, the Indian Resources Section has litigated to fulfill and uphold the United States’ responsibilities to the Nation’s 574 federally recognized Indian tribes as well as defend the decisions of the Department of the Interior and other federal agencies in the furtherance of tribal interests. The section’s work is as diverse as the tribal interests it defends, encompassing issues of both regional and national importance.

Photo Credit: Bureau of Land Management

Promoting Tribal Rights and Resources

Affirmative Actions to Protect Tribal Sovereignty and Treaty Resources

The Division brings affirmative litigation to protect the almost 60 million acres of lands held in trust by the United States for Indian tribes and their members as well as the rights and resources associated with those lands. These cases are central to preserving sustainable tribal homelands, assuring cultural and economic hunting, fishing, and gathering, and defending tribal sovereignty as manifested through governance over resource management and land use. In 2022:

United States v. Washington (W.D. Wash.); *United States v. Oregon* (D. Or.). ENRD litigated to protect treaty fishing rights in the Pacific Northwest and elsewhere. In these two cases, the Division litigated alongside tribes to establish and quantify the tribal share of the fisheries. The Division has participated in annual negotiations to ensure adequate salmon harvests while implementing the requirements of the Endangered Species Act and working to ensure sustainability.

United States v. Michigan (W.D. Mich.). The Division also litigated (and continues to litigate) in conjunction with the Great Lakes Tribes in Michigan to preserve treaty fishing and hunting rights in the Tribes' aboriginal territory. Since the first case securing these rights in the 1970s, ENRD has been centrally involved in negotiating consent decrees between the Tribes and the State of Michigan to promote cooperative

management of the resources, quantify "take," and ensure the sustainability of the fish and game populations. In the past year, the Division has worked with the Tribes and the State of Michigan to negotiate a new consent decree concerning the Great Lakes fisheries.

Trespass on reservation land is a pervasive problem throughout Indian Country, manifesting through non-Indians living on, developing, and otherwise impinging upon trust land without the permission of the tribe or damaging such lands. Through trespass actions, the Division promotes tribal sovereignty over land and prevents unauthorized use of such lands, while guarding against adverse impacts. Many of these actions concern grants of rights-of-way across trust lands, such as for pipelines and roads, that have lapsed.

Mille Lacs Band of Chippewa Indians v. County of Mille Lacs (D. Minn.). Protecting the integrity of tribal reservation boundaries against opponents who would seek to diminish or disestablish such boundaries is a priority for the Division. In this case, the Division participated as amicus in support of the Band, arguing that the boundaries of the Mille Lacs Reservation had neither been diminished nor disestablished by Congress. The district court ruled in favor of the tribe, holding that the Reservation's boundaries remain intact.

Ysleta del Sur Pueblo v. Texas (S. Ct.). We seek to promote tribal sovereignty through means other than affirmative litigation. In this case, with support from ENRD, the Solicitor General filed an amicus brief supporting two tribes in a

dispute over whether the Ysleta del Sur Pueblo and Alabama-Coushatta Indian Tribes of Texas Restoration Act of 1987 subjected the tribes to all state gaming statutes and regulations or incorporated the prohibitory/regulatory distinction of the Supreme Court's 1987 decision in *California v. Cabazon Band of Mission Indians*. Our amicus brief endorsed the latter interpretation and explained that the Restoration Act allows the tribes to conduct gaming under the Indian Gaming Regulatory Act, subject to regulation by the National Indian Gaming Commission. The Supreme Court resolved the issue in favor of the tribes, consistent with our position.

Tribal Water Rights Adjudications and Settlements

Division attorneys have long been involved in water rights adjudications throughout the arid West, asserting federal reserved water rights held by the United States for the benefit of tribes to ensure that tribal reservations provide viable permanent homelands. The claims generally require expert testimony and involve unique scientific and economic questions. These include issues concerning riparian flow, lake levels, and water quality necessary for fish habitat; the projected reservation population and water use over the next century; the feasibility of future irrigation projects on arable Reservation land; and the economic viability and water use of projected on-reservation commercial ventures.

Little Colorado River Water Rights Adjudication (Super. Ct., Apache County, Ariz.). After more than 160 days of trial, the Division, working with the Hopi

Tribe, prevailed on most issues in a preliminary decision by a special master appointed by the trial court. We secured most water rights sought for the Tribe, including substantial rights for many tribal water uses, such as irrigation, municipal and commercial, livestock, and wetlands, and for various uses on allotted lands held by members of the Hopi Tribe.

Yakima River Basin Adjudication (Acquavella) (Dist. Ct., Yakima County, Wash.). After 45 years of litigation at all levels of the State of Washington court system, the Yakima River Basin Adjudication concluded after the Division's successful appeal to the Washington Supreme Court regarding an important issue affecting operation of the government's irrigation project. Since 1977, the Division, working with the Yakama Nation, secured extensive water rights to support fisheries that the tribe has relied on for millennia, irrigation for agriculture, and domestic, municipal, and commercial uses to make the tribe's reservation a livable homeland.

Division attorneys also routinely negotiate tribal water rights settlements and help develop legislation that ratifies settlements protecting the federal reserved water rights of Indian tribes. These settlements resolve longstanding water conflicts among parties, often turning bitter adversaries into partners with common interests, provide much needed certainty to the tribes and their neighbors, and secure water, infrastructure, and economic development that allow these tribes to maintain a viable homeland.

Hualapai Tribe. ENRD attorneys helped finalize federal legislation ratifying the Hualapai Tribe's settlement of its water

rights. This settlement provides the tribe with water to sustain its permanent homeland on the south rim of the Grand Canyon, protects the Tribe's groundwater from interference by neighboring users, and makes available \$315 million for the tribe to develop water-related infrastructure.

Navajo Nation and State of Utah. The Division also assisted as the parties conformed the settlement agreement between the Navajo Nation, the State of Utah, and the United States to recently enacted federal legislation. The Secretary of the Interior joined the Navajo Chairman and Utah's Governor in signing the settlement at a ceremony in Monument Valley.

Confederated Salish and Kootenai Tribes. ENRD attorneys led a federal-state-tribal coalition that jointly filed a settlement involving the water rights of the Confederated Salish and Kootenai Tribes in the Montana adjudication court, initiating judicial review of the largest and most comprehensive tribal water rights settlement to date.

Spokane Tribe. Finally, the Division prevailed in the Ninth Circuit on challenges to a water rights settlement between Washington, the Spokane Tribe, and the United States that provides water for fish habitat.

Defensive Actions to Support Pro-Tribal Agency Decisionmaking

The Indian Resources Section also carries an extensive docket of defensive cases, primarily filed under the Administrative Procedure Act, in which it defends decisions of the Department of the Interior that promote tribal interests.

The Division also defends against challenges to the constitutionality of statutes relating to tribes and tribal resources. In recent years, ENRD has undertaken extensive litigation defending the constitutionality of the Indian Child Welfare Act, the Indian Gaming Regulatory Act (IGRA), provisions of the Indian Reorganization Act (IRA), and various tribal water rights settlement acts.

No Casino in Plymouth v. National Indian Gaming Commission (E.D. Cal.). ENRD successfully defended Interior's decision to acquire land in trust for the Ione Band of Miwok Indians. Opponents of the acquisition sought to question the federally recognized status of the Tribe and its entitlement to the benefits of the IRA and IGRA.

Littlefield v. Dep't of Interior (D. Mass.). The Division successfully defended the Department of the Interior's decision to acquire land in trust for the Mashpee Tribe in Massachusetts.

The Division also defends Interior's decisions to allow gaming operations on trust lands under IGRA. These operations provide tribes with important financial resources that support tribal government programs, economic development, and reservation employment.

West Flagler v. Haaland (D.D.C.). The Division defended Interior's decision to allow a gaming compact to take effect. That compact, in conjunction with state law, allows the Seminole Tribe of Florida to offer mobile sports betting exclusively throughout the State of Florida.

Defending Pollution-Control Measures and Other Agency Actions

The Environmental Defense Section defends petitions for review of certain EPA actions brought in the courts of appeals pursuant to judicial review provisions of the environmental statutes, as well as claims filed in district court challenging a wide variety of other agency actions. The substance ranges from complex, multi-party challenges to major national EPA rules to site-specific wetlands permit decisions made by the U.S. Army Corps of Engineers.

Photo Credit: Robert S. Donovan

Defending Pollution-Control Measures and Other Agency Actions

Examples of the Division's work defending pollution-control measures and other agency actions against petitions for review filed in the federal courts of appeals include:

Renewable Fuels Program. Our defense of challenges to EPA's implementation of the Clean Air Act's renewable fuels program.

Pesticide registration. The Division's handling of challenges to EPA's pesticide registration decisions and related actions. The Division took many of these cases to decision, and in many other cases, secured favorable results that allowed the agency an opportunity to update and revise the challenged actions.

West Virginia v. EPA (S. Ct.). We provided support for the Office of the Solicitor General in connection with this major Clean Air Act case. The case challenged an EPA regulation focusing on greenhouse gas emissions from power plants (the case reached the Supreme Court after we defended against a petition for review filed in the D.C. Circuit).

The Environmental Defense Section also defended against a diverse array of challenges to important EPA regulatory actions filed in federal district court.

Waters of the United States. We continued to handle dozens of complex and hotly litigated district court cases involving challenges to a joint regulation

issued by EPA and the U.S. Army Corps of Engineers under the Clean Water Act that has now been superseded; the regulation (and the superseding regulation) define the term "waters of the United States" for purposes of identifying the reach of the Clean Water Act. In addition, following the publication of the new "waters of the United States" rule in January 2023, the Division defended the 2023 rule against state and industry challenges, and accompanying motions for preliminary injunction, filed in the Southern District of Texas; the Eastern District of Kentucky; and the District of North Dakota.

The Division also handled numerous "deadline suits," securing favorable settlements that provide the agency with adequate time to complete overdue actions required by various environmental statutes.

People of the State of California v. International Boundary and Water Commission (S.D. Cal.) and related cases. We reached a settlement that will allow the United States International Boundary and Water Commission to better address cross-border flows of polluted water from Tijuana, Mexico, into southwestern San Diego County, California.

Supporting Infrastructure Development and Strengthening National Security



ENRD strengthens America's national security in numerous important ways, ranging from defending challenges to alternative energy projects to acquiring land for federal infrastructure projects.

Photo Credit: Airman 1st Class Bryan Guthrie

Supporting Infrastructure Development and Strengthening National Security

Challenges to Alternative Energy Projects

The Division defends challenges to alternative energy projects, thus strengthening our Nation's energy security. Our work defending wind energy projects and the Dixie Meadows Geothermal Development Project is described in the chapter above entitled "*Responding to the Climate Crisis*."

Addressing Border Security

ENRD works closely with the Departments of Defense and Homeland Security in matters relating to border security, including with land acquisition decisions and in defending challenges to the agencies' compliance with environmental laws.

Arizona v. Mayorkas (D. Ariz.). Division attorneys successfully defeated an effort by the State of Arizona to use the environmental laws to force the United States to continue construction of a southern border wall.

Sierra Vista del Mar v. United States (D.D.C.). Division lawyers defeated an attempt by private landowners along the southern border to use environmental laws to force completion of the border wall adjacent to their homes.

Border wall. In 2022, the Division closed or otherwise resolved nearly 200 additional matters initiated during the prior Administration to acquire land near the U.S.-Mexico border for a border wall.

Assisting the U.S. Armed Forces

ENRD's broader national security work with the U.S. Armed Forces similarly involves both acquiring land and defending against claims that defense agencies did not comply with environmental laws before making their decisions. Below is an example of our work in 2022:

Fighter jet training. The Division defended against claims related to the Navy's changes in training operations involving the EA18 Growler Electronic Warfare Fighter Jets at Naval Air Station Whidbey Island in Washington.

Acquisition of Land for Federal Infrastructure Projects

The Division's Land Acquisition Section ("LAS") is a group of trial lawyers, paralegals, and appraisers who assist federal agencies to acquire real property in support of vital public missions. This work is carried out through condemnations for congressionally authorized public uses. These cases involve all facets of civil litigation including extensive expert discovery, complex motions practice and trials. The Division strives to balance its constitutional duty to pay just compensation that is fair to both the landowner from whom the land is being acquired and the taxpayers who bear the burden. Our focus on good governance resulted in several successful dispositive motions and many settlements in the

past year, involving property valued in the hundreds of millions of dollars.

LAS also conducts title review to support federal agencies' direct purchases of real estate. In addition, LAS conducts annual live trainings for hundreds of federal employees in other federal agencies on title review and condemnation matters. LAS's work saves the federal government many millions of dollars each year and additionally avoids delays in many federal projects and programs.

In 2022, the Division acquired land for federal infrastructure projects from coast to coast, including by filing numerous cases to acquire hundreds of acres for the Federal Aviation Administration (FAA) to ensure the continued operation of the national airspace system.

United States v. 102.389 Acres of Land (E.D. Wash.). The Division took possession of 102 acres of farmland along the Crab Creek watershed. This acquisition will further efforts to provide over 150,000 acre-feet of water for over 44,000 acres of farmland in eastern Washington. Farmers in this area face potential water shortages due in large part to persistent and severe drought-like conditions.

WMATA v. 119,593 Square Feet of Land (D. Md.) and other cases. The Division also assisted the Washington Metropolitan Area Transit Authority with acquisitions valued at approximately \$60 million. We resolved three cases for the construction of a consolidated Metrorail repair facility in Prince George's County, Maryland, and additional cases for the reconstruction of a Metrobus terminal in Northeast Washington, D.C. that will include electric bus infrastructure.

United States v. 94.594 Acres (D.N.M.). After almost four years of litigation, the court entered final judgment in an action filed by the Division at the request of FAA to acquire land for the VORTAC (Very High Frequency Omnidirectional Range Tactical) air navigation facility in Bernalillo, New Mexico. This facility is a critical component of the national airspace system and supports safe navigation and operation of military, commercial and private aviation activities in north-central New Mexico.

United States v. 0.905 Acres (E.D. Mo.). We filed this condemnation action to acquire multiple tracts of land near Kirksville, Missouri for a ground facility to support the safe navigation and operation of military, commercial, and private aviation activities in northern and eastern Iowa.

Defending Stewardship of Wildlife and Management of Public Lands

The Division handles litigation to defend federal agencies' stewardship of wildlife and marine resources and the United States' interests in managing public lands and implementing federal programs consistent with our client agencies' statutory mandates. This litigation is handled by the Division's Wildlife and Marine Resources Section and the Natural Resources Section.

Photo Credit: Treva Slaughter / USDA Forest Service

Defending Stewardship of Wildlife and Management of Public Lands

Promoting Responsible Stewardship of America's Wildlife and Marine Resources

ENRD represents federal agencies charged with implementing laws governing the protection and stewardship of the Nation's wildlife and marine resources. For example, under the Endangered Species Act (ESA), Congress authorized the Departments of the Interior and Commerce, acting through U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS), respectively, to list species as either endangered or threatened, designate critical habitat for listed species, and then apply the protections of the ESA. The Magnuson-Stevens Fishery Conservation and Management Act (MSA) charges NMFS with the difficult task of managing ocean commercial fishing to provide for sustainable fishing while, at the same time, optimizing fishing yield. ENRD attorneys achieved favorable results in several cases challenging various FWS and NMFS actions under these statutes, thereby allowing full and effective implementation of these laws.

American Forest Resource Council v. Williams (D.D.C.). Under the Endangered Species Act, FWS is required to designate specific areas within the geographical area occupied by species listed as endangered if FWS finds such areas contain features that are essential to the conservation of the species. In this case, timber industry plaintiffs and

counties challenged a series of decisions by FWS concerning the critical habitat designation for the northern spotted owl. ENRD attorneys defeated the challenge, with the court granting the government's motion to dismiss.

Friends of Animals v. FWS (9th Cir.). The court of appeals ruled in favor of FWS in a challenge to its long-running "barred owl removal experiment," which involves removing barred owls from certain areas to protect and conserve northern spotted owls. The court concluded that the agency did not violate the ESA or the National Environmental Policy Act (NEPA).

Northern New Mexico Stockman's Association v. FWS (10th Cir.). The court of appeals rejected challenges to FWS's designation of critical habitat for the endangered New Mexico meadow jumping mouse, ensuring that the designated habitat would be protected.

Alaska v. Haaland (9th Cir.); *Safari Club Int'l v. Haaland* (9th Cir.). The court of appeals upheld FWS's rule prohibiting certain state-sanctioned hunting practices in the Kenai National Wildlife Refuge in Alaska. Importantly, the panel held that the Alaska National Interest Lands Conservation Act (ANILCA) preserves the federal government's plenary power over federal lands in Alaska.

Center for Biological Diversity v. Haaland (D. Wyo.). ENRD attorneys successfully defended FWS's and the U.S. Forest Service's analyses evaluating the

impacts of a grazing project on fish and grizzly bears. The court found, among other things, that the agencies' conclusions were scientifically sound and sufficient to protect the ESA-listed species.

Klamath-Siskiyou Wildlands Center v. Bureau of Land Management (D. Or.). ENRD attorneys turned back a challenge under the ESA and NEPA to a forest management decision concerning timber sales in the Klamath Falls Resource Area. The court held that the federal agencies appropriately evaluated the impacts of the project on Northern spotted owls and their habitat.

Oceana v. Coggins (N.D. Cal.). We successfully defended a NMFS rule against a challenge raised under the MSA regarding the management of the anchovy fishery off the California coast.

Sierra County v. Dep't of Interior (D.N.M.). The Division successfully defended a challenge to FWS's translocation and release of a pair of Mexican wolves to Ladder Ranch outside the Gila National Forest in New Mexico. The relocation of the wolves is part of the Service's effort to reestablish the population of the species.

Defending Federal Regulatory Authority

The Division successfully defended federal regulations issued by federal agencies concerning natural resources. Examples include:

Foster v. U.S. Dep't of Agriculture (D.S.D.). Division attorneys successfully defended a wide-ranging constitutional

challenge to the Natural Resource Conservation Service's regulations that help preserve wetlands in agricultural areas.

NEPA regulations. Following the Council on Environmental Quality's 2020 wholesale revision of its regulations implementing NEPA, plaintiffs challenged the new regulations in five separate lawsuits. During this Administration, the Council has been reevaluating these changes. ENRD attorneys have furthered this work by obtaining stays in the pending litigation, thereby ensuring that the Council's limited resources can be focused on this reevaluation work, rather than litigation.

Protecting Federal Water Rights and the Operation of Reclamation and Flood Control Projects

ENRD represents the United States in numerous water rights adjudications across the West, and also defends water-related decisions of the Bureau of Reclamation (Reclamation). Examples of our efforts in waters rights adjudications include:

Montana General Water Rights Adjudication. This is a statewide general stream adjudication for all 90 basins in Montana. Our work includes asserting the United States' water rights and litigating objections levied to competing private water rights claims that have the potential to adversely impact federal water rights and interests. At any given time, the Division is handling between 100 and 150 cases within this adjudication on behalf of the Bureau of Land Management, U.S. Fish and Wildlife Service, National Park Service, Reclamation, and the Forest Service.

The Division is also representing federal agencies in other state court general stream adjudications in Colorado, Utah, Nevada, California, Oregon, New Mexico, Idaho, and Arizona.

Gila River Adjudication. This adjudication illustrates the breadth of our work. Commenced in the 1970s, this matter is complex and contentious; roughly 20,000 parties have asserted approximately 100,000 water rights claims.

Utah Lake and Jordan River Adjudication. In Utah, the United States has likewise been joined to the Utah Lake and Jordan River Adjudication, in which it filed thousands of claims on behalf of federal agencies in the late 1980s. In a recent success in that adjudication, the court issued a favorable order awarding the United States water rights sufficient to meet the present and future water needs at Camp Williams, a training facility for United States Army and Utah National Guard troops. The order was the product of years of collaborative discussions between the United States, the Utah National Guard, and the State of Utah.

In addition to this water rights litigation, ENRD secured favorable rulings in defending lawsuits filed against Reclamation, which operates large-scale irrigation projects throughout the western and mid-western United States. Some examples include the following successful outcomes:

Save the Colorado v. Dep't of Interior (D. Ariz.). We defended this challenge to Reclamation's long term management plan for Glen Canyon Dam. The Division prevailed in the lawsuit, with the court

finding that Reclamation's environmental analysis focusing on climate change complied with NEPA.

City of Fernley v. Reclamation (D. Nev.). In this case, the Division ensured continued operation of the Newlands Project in northern Nevada, the first and oldest Reclamation project. The project provides irrigation water for about 57,000 acres of cropland. The City of Fernley challenged Reclamation's decision to line portions of the 30-mile Truckee Canal for public safety reasons (to prevent a Canal breach). It argued that Reclamation failed to consider the effect on their groundwater supply and sought an injunction against any modification of the Canal that would reduce seepage into their groundwater aquifer. The court dismissed the case, including based on a finding that the City could not assert NEPA claims given the nature of its interests in the project.

Green Mountain Reservoir Protocol. ENRD successfully defended a challenge to the Green Mountain Reservoir Administrative Protocol, which was the product of years of negotiations among the United States, the State of Colorado, and water users on both sides of the continental divide. The Protocol provides much-needed clarity and promotes full and efficient use of water from the Colorado River drainage while ensuring that Reclamation's project purposes and other interests are fully protected.

Yurok Tribe v. U.S. Bureau of Reclamation (N.D. Cal.). The Oregon Water Resources Department had issued an order prohibiting the Klamath Project, a federal irrigation project in southern Oregon and northern California, from releasing "stored" water for any purposes

other than satisfying state-law water rights held for irrigation. The Division challenged the order as preempted under the Supremacy Clause because it prohibits the Project from releasing water to meet obligations under the Endangered Species Act relative to salmon.

Management of Public Lands by the Forest Service and BLM

Federal land management agencies, including the Forest Service and the Bureau of Land Management (BLM), manage public lands under statutory mandates to enable often competing multiple uses, including timber harvest, mineral resource extraction, wildlife protection, recreation, and grazing. This mandate has become increasingly challenging as climate change and catastrophic wildfires alter ecosystems across the West. ENRD plays a key role in defending efforts by these agencies to carry out their statutory mandates to manage and protect federal lands. Some examples of favorable outcomes include:

Earth Island Institute v. U.S. Forest Service (E.D. Cal.). The Forest Service proposed an important tree thinning project on the Inyo National Forest to promote healthier and more resilient forest conditions and reduce the risk of catastrophic wildfire. ENRD attorneys successfully defended the project.

New Mexico Cattle Growers Association v. Vilsack (D.N.M.). ENRD prevailed in a challenge to a Forest Service decision to remove a herd of feral cattle from the Gila Wilderness in New Mexico, where they were destroying riparian habitat and interfering with native wildlife.

Oil, gas, and coal development. In various challenges to federal actions relating to oil, gas, and coal development on federal lands, ENRD attorneys coordinated federal litigation efforts to provide agencies with opportunities to reevaluate anticipated environmental impacts and NEPA compliance in light of new federal policies and evolving case law.

Management of National Parks

ENRD plays a key role in assisting the National Park Service in protecting the Nation's most iconic public lands. Some examples of favorable outcomes include:

Earth Island Institute v. Muldoon (E.D. Cal.). ENRD attorneys successfully opposed a motion for a preliminary injunction, thereby allowing the Park Service to implement two thinning projects along roads within Yosemite National Park and in the Yosemite Valley. The projects will enable the Park Service to better fight wildfire and reduce the risk of a catastrophic wildfire impacting the Park's resources, including its iconic sequoia groves.

Protecting the United States' Interests in Federal Land

The Division defends the United States from efforts to claim title in, or control over, federal lands. These cases include situations where plaintiffs dispute the United States' ownership and ask the court to rule that they own the property in question, as well as scenarios where the plaintiffs are trespassing on federal land. For example, the Division manages a large docket of Quiet Title Cases in Alaska where the State claims it owns the

lands under lakes and rivers within National Park units, national monuments, congressionally designated wild and scenic rivers, and other federal lands. In Utah, the Division manages an even larger docket defending against that State's claims to over 12,000 rights of way in highways over federal lands. In addition:

Anniversary Mining Claims v. United States (D. Nev.). An individual claimed title over a road that runs across lands managed by the Bureau of Land Management and the National Park Service to the property owner's private land. The property owner sought title so that he could make improvements to the road to allow him to use his land for commercial purposes. ENRD attorneys successfully defended the lawsuit, ensuring development of the road would not damage adjacent federal lands.

Owyhee County v. United States (D. Idaho). Division attorneys successfully obtained the dismissal of a case in which the plaintiff sought ownership of more than 93 roads on federal land.

United States v. Ducey (D. Ariz.). ENRD brought a trespass action against the State of Arizona after the State began building a make-shift border wall by stacking empty shipping containers on federal lands along the international border with Mexico without federal authorization. The State's construction damaged federal land, blocked waterways, and disturbed wildlife habitat. As a result of our lawsuit, the State agreed to remove the containers from federal land.

North Dakota v. United States (8th Cir.). ENRD secured a favorable result in this long-running litigation. North Dakota

and four of its counties sought to quiet title to rights-of-way over portions of National Forest System lands within the Dakota Prairie Grasslands. The court of appeals agreed that the claims were time-barred, reasoning that in light of certain Forest Service plans and activities in the 1970s and 1980s, the plaintiffs knew or should have known of the federal government's claims.

Preserving the Federal Fisc

The Division protects the federal fisc by defending against unwarranted monetary claims, including in Fifth Amendment takings cases and tribal trust cases.

Photo Credit: Davené Walker

Preserving the Federal Fisc

Fifth Amendment Takings Cases

The Natural Resources Section defends a wide variety of constitutional claims brought under the Just Compensation Clause of the Fifth Amendment. That clause requires the payment of “just compensation” when private property is taken for a public purpose. Claims for inverse condemnation under the Fifth Amendment—commonly called “takings” claims—can be brought against almost any federal agency based on either regulatory action or a claimed physical intrusion by the government. The amount at issue in takings cases often reaches into billions of dollars.

Takings claims are among the most complex actions litigated by ENRD. Division attorneys have long been proficient at defending these cases, making use of electronic discovery tools, developing highly technical and scientific evidence, and presenting the government’s cases at trial. ENRD has had notable successes in traditional takings litigation, including in cases related to rails-to-trails conversions and flooding. Examples include:

Lemon Bay Cove v. United States (Fed. Cl.). A case brought by a real estate developer who alleged that the U.S. Army Corps of Engineers took property without providing just compensation when it denied a permit application. The developer needed the permit in connection with plans to construct a 12-unit housing development on a barrier island consisting of submerged land and

pristine mangroves. The permit application denial prevented the developer from pursuing a large project that would have destroyed important wetlands. The court held that the developer’s taking claims were not ripe for adjudication and found in the alternative that there was no regulatory taking because the developer had no objectively reasonable expectation that it could develop the wetlands.

Rails-to-trails cases. The Division continues to defend in the Court of Federal Claims a significant docket of Fifth Amendment takings cases related to “rails-to-trails” conversions that occur across the country. The Division has been successful in narrowing the scope of these cases. The Division also continues to explore early settlement options in cases involving viable claims to reduce the burdens and costs of litigation. In the process, the Division is protecting the conversion of former railroad rights of way into important public transportation and recreational infrastructure.

Tribal Trust Cases

The Division continues to represent the United States’ interests in litigation involving tribal claims for money damages associated with alleged breaches of trust or treaty responsibilities, helping to preserve the federal fisc against unwarranted monetary claims.

White Mountain Apache Tribe v. United States (Fed. Cl.). The Tribe alleged, among other things, breaches of trust related to management of on-reservation

natural resources and infrastructure. Division attorneys successfully secured the dismissal of certain claims.

Hopi Tribe v. United States (Fed. Cl.). The Hopi Tribe alleged, among other things, breaches of trust related to management of the Tribe's natural resources. After years of settlement discussions and mediation, the Division and the Tribe successfully reached a negotiated resolution of the Tribe's claims.

Training, Diversity, and Operations

ENRD has a robust program of professional development and mentoring, and prioritizes diversity, equity, inclusion, and accessibility in its operations. As ENRD's workforce transitions from working remotely during the COVID-19 pandemic, to working in a hybrid work environment—remotely and in our common office spaces—ENRD is rising to the challenges and opportunities presented through outstanding training and programming that meets the needs of our important mission.

Photo Credit: Kadeem Scott

Training, Diversity, and Operations

Professional Development. ENRD knows how critical it is to invest in the professional development of its lawyers and professional staff. In 2022, we continued our comprehensive approach to professional development programming by offering online, hybrid, and in-person learning.

On substance, we focused first on job skills. For our newest attorneys entering the Division through the Attorney General's Honors Program, in 2022 (as in previous years), ENRD delivered a multi-week training program featuring more than two dozen orientation lectures and interactive sessions to give our Honors Attorneys and new lateral attorneys a welcoming introduction to the Division's work and the resources available to support their success. Highlights included sessions on working with client agencies, principles of discovery, handling expert witnesses, effective delegation to professional staff, negotiations, and legal writing, and two practicums on oral advocacy and taking and defending depositions. As the legal obligations of electronic discovery expand across the Division's litigation practices, the Division's E-Litigation Group similarly expanded its highly responsive curriculum of over two dozen courses on discovery strategies and meeting discovery obligations.

ENRD attorneys have access to several high quality in-house and outside resources for their training. Operated by the Department's Office of Legal Education, the National Advocacy Center (NAC) in Columbia, South Carolina, is a world-class residential and virtual training center that frequently offers

multi-day seminars on Civil and Criminal Trial Advocacy, Evidence, Pre-Trial Preparation, and other courses.

In December 2022, ENRD was privileged to co-sponsor with the NAC a two-week Basic Civil Trial Advocacy Seminar for over three dozen new ENRD attorneys and featuring faculty comprised almost entirely of experienced ENRD trial lawyers. In 2023, ENRD continues to partner with the NAC to find similar opportunities. Trainings are also offered by ENRD's Office of Professional Development & Diversity, ENRD's E-Litigation Group, and ENRD's Office of Litigation Support, and through collaborations with other litigating components in the Department.

ENRD also understands that exceptional lawyering requires developing "soft skills"—like how to manage work flow, solve problems, and interact with colleagues—to complement job skills. All attorneys and professional staff have free, on-demand access to soft skills training courses—as well as job skills and ethics courses—through the Department of Justice's learning management system, LearnDOJ.

In 2022, to build the pipeline of future leaders, ENRD partnered with the Office of Personnel Management to offer leadership potential assessments and leadership personality assessments, providing 75 current and aspiring leaders an opportunity to evaluate their management style through anonymous feedback from colleagues and meaningful self-reflection. For those newer in their careers, or those looking for new challenges, a panel of attorneys offered

their career advice in a Roadmap to Making Your Mark program.

Diversity, Equity, Inclusion, and Accessibility. Advancing diversity, equity, inclusion, and accessibility (or DEIA) is another cornerstone of ENRD's approach to developing its attorneys and professional staff to fulfill its mission. In 2022, ENRD featured four interactive sessions on implicit bias awareness and implicit bias mitigation strategies in organizations taught by Dr. Bryant Marks of the National Training Institute on Race & Equity at Morehouse College. And, along with agencies across the federal government, ENRD also celebrated various heritage months—Black History Month, Women's History Month, Asian/Pacific American Heritage Month, PRIDE, Hispanic Heritage Month, and Native American Heritage Month. And eight ENRD employees were selected to participate in the Department's popular Diversity and Inclusion Dialogue Program; four employees served as facilitators for the Program. This six-month program allows small groups of Department of Justice employees to come together to discuss commonalities and differences based on the many dimensions of diversity that are represented in the workforce. Finally, ENRD's Diversity Committee—chaired by our Assistant Attorney General and guided by all ten of the section leaders—assessed DEIA priorities across the Division and directed the Committee and its Working Group to develop a more robust recruitment program in 2023 to increase diversity across the Division's workforce.

Mentoring. The Department and ENRD are committed to ensuring that all employees know how to build a network of peers and others who can serve as

formal and informal mentors and advisors throughout their career. With the support of the Department's Office of Attorney Recruitment and Management, ENRD pairs new attorneys who have fewer than five years of experience with a more seasoned ENRD attorney to serve as a formal mentor. And in 2022, several ENRD employees were accepted to be mentees in the Department's coveted Mentor Program, where each mentee is paired with a mentor from a different Department component for a six-month, structured program. Two ENRD attorneys also were chosen to serve as a mentor in this Program.

Wellness. Like state bars across the country, ENRD also recognizes that lawyer well-being is part of a lawyer's ethical duty of competence. And wellness, mindfulness, and meditation programs can support efforts to balance work and life obligations, manage stress, and foster overall better mental health for employees. For many years, ENRD has offered Mindful Wednesdays, a half-hour respite each Wednesday for employees to participate in a guided meditation. We continued to do this virtually each week throughout 2022. And in May 2022, ENRD's Well-Being Week in Law offered employees one hour each day to learn about mindfulness techniques, the benefits of mindfulness, and a brief guided meditation to focus inward and rejuvenate. We also raised awareness about the free monthly programs that the Department's Employee Assistance Program offered. Finally, ENRD offered a "Happiness Challenge" in January, with a self-guided workbook with 30 days of mindfulness activities and self-reflections to kick-start wellness in 2022, as well as a discussion and workbook of activities in July on "Resilience."

As ENRD's workforce pivoted from working entirely remotely for more than two years, to working in a hybrid work environment—both remotely and in our shared office spaces—ENRD is rising to the challenges and opportunities presented. Through collaboration and creative solutions, we are delivering training, leadership development, and programming to meet the needs of a new generation of ENRD attorneys and professional staff.

Career Opportunities



Working for ENRD provides opportunities to make a difference, take on challenges from day one, and grow professionally, all while serving the public.

Photo Credit: Michael Vacca

Career Opportunities

The Environment and Natural Resources Division of the U.S. Department of Justice handles environmental and natural resources litigation on behalf of the United States. Working for ENRD has enormous benefits, including:

Reasons to Work at ENRD

Impact—Make a difference! The Division is the largest environmental law firm in the country, and we work on issues of nationwide importance every day. Our attorneys have cases in all 50 States and the U.S. Territories.

Challenging Experiences from Day One—New attorneys are given responsibility for their own cases, and many will have an opportunity to make court appearances within a few months of their arrival.

Growth—Learn something new. ENRD offers professional development opportunities for attorneys, paralegals, and professional staff, including hands-on learning with excellent training opportunities in advocacy, federal practice, litigation, legal support, information technology, management, and leadership.

Great Coworkers—Our employees come from diverse backgrounds but have a common goal—working in a collegial environment to help promote a healthier and cleaner environment for our Nation and preserve its abundant natural resources.

Service to America—Representing the United States in court is fulfilling and meaningful. The rewards of public service have led to uncommonly high job satisfaction in our Division.

Meaningful Benefits—Federal service offers many outstanding [benefits](#). More information is available here:

https://www.justice.gov/enrd/100th-Files/LIBRARY/Employee_Benefits.pdf

Types of Employment

Attorney Employment. The Attorney General's Honors Program is the Nation's premier entry-level federal attorney recruitment program. The application process opens in late July and closes in early September; details are available at:

<https://www.justice.gov/legal-careers/entry-level-attorneys>

Individual sections within the Division also advertise for lateral attorneys (attorneys of varying experience levels) to join us. Details are available at:

<https://www.justice.gov/enrd/attorney-employment>

Volunteer Legal and Non-Legal Internships. The Division hires volunteer law students and undergraduates both in the summer and during the school year for its various litigating sections. Information and vacancy announcements are available at:

<https://www.justice.gov/enrd/internships>

Pathways for Students and Recent Graduates to Federal Careers.

Through the Pathways Program, the Division offers paid positions for students and recent graduates, including legal assistant and paralegal positions. More information is available here:

<https://www.justice.gov/enrd/pathways-students-recent-graduates-federal-careers-0>

Paralegals, Legal Assistants, and Administrative and Technical Staff.

The Division has opportunities for paralegals and legal assistants, as well as for technical and administrative staff. More information is available here:

<https://www.justice.gov/enrd/administrative-technical-and-paralegal-employment>