



## GENERAL LEGAL ACTIVITIES Environment & Natural Resources Division (ENRD)

FY 2019 Budget Request At A Glance	
FY 2018 Continuing Resolution:	\$109.8 million (517 positions; 358 attorneys)
Current Services Adjustments:	-\$3.7 million
Program Changes:	+\$0
FY 2019 Budget Request:	\$106.0 million (509 positions; 356 attorneys)
Change From FY 2018 Continuing Resolution:	-\$3.7 million (-3.4%) (-8 positions; -2 attorneys)

### Mission:

ENRD's mission is to enforce civil and criminal environmental laws and programs protecting the public and environment of the United States and to defend suits challenging environmental programs and activities. ENRD oversees all federal environmental and natural resources litigation arising under more than 150 federal statutes. These statutes include the Clean Air Act; Clean Water Act; Comprehensive Environmental Response, Compensation and Liability Act (Superfund law); Endangered Species Act; National Environmental Policy Act; and many others. The Division's work entails bringing civil and criminal enforcement actions to stop polluters and recover clean-up costs, defending federal agencies in their administration of federal programs including management of federal lands and other natural resources, defending federal regulatory agencies that issue environmental regulations, resolving disputes related to Indian tribes and their lands, and acquiring real property by eminent domain for Congressionally authorized purposes.

### Resources:

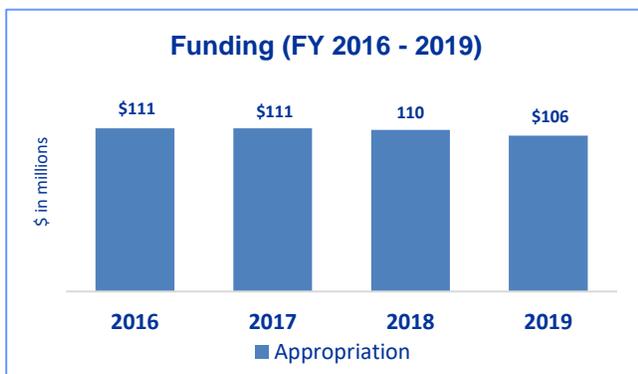
The FY 2019 budget request for ENRD totals \$106.0 million, which is a 3.4% decrease from the FY 2018 Continuing Resolution.

### Organization:

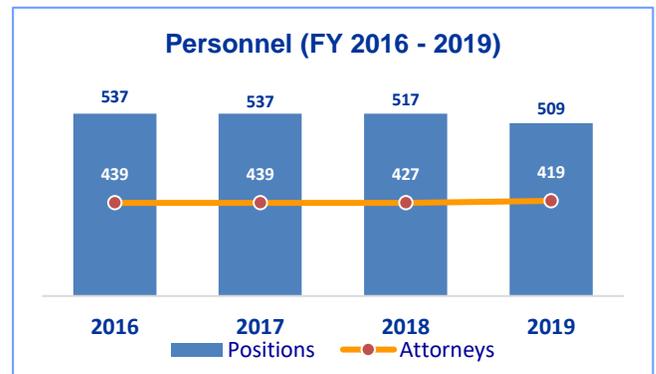
ENRD is headed by an Assistant Attorney General (AAG), who is appointed by the President and confirmed by the Senate. The AAG is assisted by five Deputy Assistant Attorneys General. The AAG oversees a Division that is organized into several practice areas dedicated to the enforcement of the nation's civil and criminal environmental laws and programs as well as the defense of the United States in matters concerning stewardship of the nation's natural resources and public lands. With several small field locations across the United States, the Division is "the nation's environmental lawyer," and the largest environmental law firm in the country.

### Personnel:

ENRD's direct positions for FY 2019 total 509 positions. ENRD's FY 2019 request includes a decrease of -8 positions from the FY 2018 Continuing Resolution level of 517 direct positions.



\* FY 2018 annualized CR



\* Includes Reimbursable Attorneys.

## **FY 2019 Strategy:**

ENRD handles both civil and criminal litigation concerning the enforcement and defense of environmental laws and regulations. The Division serves as the nation's environmental litigator and represents many federal agencies including the Environmental Protection Agency, Department of the Interior, Department of Defense, Department of Agriculture, and Department of Homeland Security.

As the nation's chief environmental litigator, ENRD strives to obtain full compliance with environmental and conservation statutes. To this end, ENRD seeks to redress past violations that have harmed the environment, establish credible deterrence against future violations, recoup federal funds spent to abate environmental contamination, and obtain funds to restore or replace natural resources damaged through oil spills or the release of other hazardous substances. ENRD ensures illegal emissions are eliminated, hazardous wastes are cleaned up, and drinking water is safe. ENRD's actions, in conjunction with the work of its client agencies, enhance the quality of the environment in the United States and the health and safety of its citizens.

In FY 2019, ENRD will continue to pursue legal action to enforce federal pollution abatement laws and obtain compliance with environmental protection and conservation statutes. In all matters concerning the protection, use, and development of the nation's natural resources and public lands, the Division will defend suits challenging all of the foregoing laws, and fulfill the federal government's responsibility to litigate on behalf of Indian tribes and individual Indians. ENRD will continue to protect the federal fisc, reduce harmful discharges into the air, water, and land, enable clean-up of contaminated waste sites, and ensure proper disposal of solid and hazardous waste.

In FY 2019, The Division will play a significant role in the implementation of the 2017 Executive Order (E.O.) on Border Security and Immigration Enforcement. As a result of actions required by the E.O., ENRD will guide the acquisition of land along the U.S.-Mexico border (along with developing associated title and appraisal work) and address defensive challenges under a host of environmental, wildlife, procedural and inverse takings statutes (i.e., Endangered Species Act (ESA), National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and Tucker Act). Also, as the federal government enhances the nation's infrastructure, ENRD will defend the federal government from challenges under the NEPA, ESA, and other statutes. Additionally, as the United States' military capacity is strengthened and expanded, ENRD will be at the forefront in defending relevant military actions and activities. Military infrastructure projects and training/readiness activities often give rise to litigation under NEPA, the ESA and the Marine Mammal Protection Act. Furthermore, the government's commitment to further development of federal fossil fuel resources will likely result in challenges to federal decisions to lease sites for exploration for oil, gas, and coal – both on and off shore. As a result, in FY 2019 and in future years, ENRD will respond to increased litigation under the Mineral Leasing Act, Outer Continental Shelf Lands Act, Surface Mining Control and Reclamation Act, Federal Land Policy and Management Act, National Forest Management Act, and NEPA.

## **FY 2019 Program Changes:**

ENRD's budget proposal provides for current services, which includes the FY 2018 President's Budget request of \$1.8 million and additional positions for the Land Acquisition Section. The FY 2018 program increase will allow ENRD to dedicate an additional 20 positions (12 attorneys) to meet litigation, acquisition, and appraisal demands during the construction along the border between Mexico and the United States.

No other program changes are requested in FY 2019.

**Environment & Natural Resources Division**

(Dollars in Thousands)

	Environment & Natural Resources Division		
	Pos	FTE	Amount
<b>2017 Appropriation</b>	<b>537</b>	<b>542</b>	<b>110,512</b>
<b>2018 Continuing Resolution</b>	<b>517</b>	<b>517</b>	<b>109,762</b>
<b>2019 Request</b>	<b>509</b>	<b>509</b>	<b>106,043</b>
<b>Change 2019 from 2018 Continuing Resolution</b>	<b>-8</b>	<b>-8</b>	<b>-3,719</b>
<b>Technical Adjustments</b>			
CR Base Adjustment	20	10	5,836
<b>Total Technical Adjustments</b>	<b>20</b>	<b>10</b>	<b>5,836</b>
<b>Base Adjustments</b>			
Pay & Benefits	0	10	1,963
Domestic Rent & Facilities	0	0	-7,005
Other Adjustments including Administrative Savings	-28	-28	-4,513
<b>Total Base Adjustments</b>	<b>-28</b>	<b>-18</b>	<b>-9,555</b>
<b>2019 Current Services</b>	<b>509</b>	<b>509</b>	<b>106,043</b>
<b>Program Changes</b>			
<b>Increases:</b>			
Subtotal, Program Increases	0	0	0
<b>Decreases:</b>			
Subtotal, Program Decreases	0	0	0
<b>Total Program Changes</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2019 Request</b>	<b>509</b>	<b>509</b>	<b>106,043</b>

**Environment & Natural Resources Division**

(Dollars in Thousands)

Comparison by activity and program	2018 Continuing Resolution			2019 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Environment and Natural Resources	517	517	109,762	509	509	106,043
<b>Total</b>	517	517	109,762	509	509	106,043
Reimbursable FTE	0	115	0	0	115	0
<b>Grand Total</b>	517	632	109,762	509	624	106,043

Comparison by activity and program	2019 Total Program Changes			2019 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Environment and Natural Resources	0	0	0	509	509	106,043
<b>Total</b>	0	0	0	509	509	106,043
Reimbursable FTE	0	0	0	0	115	0
<b>Grand Total</b>	0	0	0	509	624	106,043