



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

<b>FY 2018 Budget Request At A Glance</b>	
FY 2017 Continuing Resolution:	\$110.3 million (537 positions; 370 attorneys)
Current Services Adjustments:	+\$3.5 million
Program Changes:	+\$1.8 million
FY 2018 Budget Request:	\$115.6 million (537 positions; 362 attorneys)
Change From FY 2017 Continuing Resolution:	+\$5.3 million (+4.8%) (-8 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 2018 budget request for ENRD totals \$115.6 million, which is a 4.8% increase over the FY 2017 Continuing Resolution.

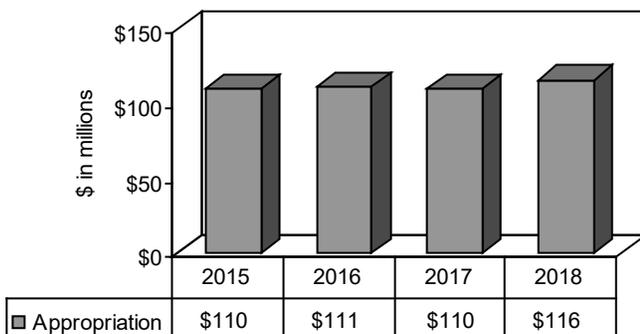
### Organization:

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 four Deputy Assistant Attorneys General. The AAG oversees a Division that is organized into nine 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.

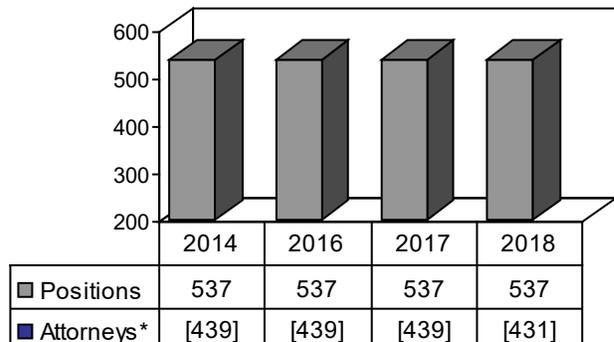
### Personnel:

The ENRD's direct positions for FY 2018 total 537 positions and are the same as FY 2017 Continuing Resolution.

**Funding (FY 2015 - 2018)**



**Personnel (FY 2015 - 2018)**



\* Includes Reimbursable Attorneys.

## **FY 2018 Strategy:**

ENRD handles both civil and criminal litigation concerning the defense and enforcement 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. ENRD's work is front-and-center in many of the President's policy priorities. As part of the Administration's "America First Energy Plan," the White House has declared: "Protecting clean air and clean water, conserving our natural habitats, and preserving our natural reserves and resources will remain a high priority."

The Division will play a significant role in the implementation of the 2017 Executive Order (EO) on Border Security and Immigration Enforcement. As a result of actions required by the EO, 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 NEPA, the 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 oil, gas, and coal – both on and off shore. As a result, in FY 2018 and in future years, ENRD will respond to increased litigation under the Mineral Leasing Act, Outer Continental Shelf Lands Act (OCSLA), Surface Mining Control and Reclamation Act (SMCRA), Federal Land Policy Management Act of 1976 (FLPMA), and NEPA.

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 2018, 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 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.

## **FY 2018 Program Changes:**

**Land Acquisition Section (20 Attorneys and Support Staff):** \$1.8 million and 20 positions (12 attorneys) Land Acquisition Section.

This increase will allow ENRD to dedicate an additional 20 positions to meet litigation, acquisition, and appraisal demands during the construction along the border between Mexico and the United States. Current services for this initiative are 2 positions (2 attorneys) and \$329 thousand.

**Environment & Natural Resources Division**  
(Dollars in Thousands)

	Environment & Natural Resources Division		
	Pos	FTE	Amount
<b>2016 Appropriation</b>	<b>537</b>	<b>542</b>	<b>110,512</b>
<b>2017 Continuing Resolution</b>	<b>537</b>	<b>526</b>	<b>110,512</b>
2017 Rescission - 0.1901%	0	0	-210
<b>2017 Continuing Resolution</b>	<b>537</b>	<b>526</b>	<b>110,302</b>
<b>2018 Request</b>	<b>537</b>	<b>527</b>	<b>115,598</b>
<b>Change 2018 from 2017 Continuing Resolution</b>	<b>0</b>	<b>1</b>	<b>5,296</b>
<b>Technical Adjustments</b>			
<b>Total Technical Adjustments</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Base Adjustments</b>			
Pay & Benefits	-20	-9	-4,425
Domestic Rent & Facilities	0	0	7,905
Other Adjustments	0	0	18
<b>Total Base Adjustments</b>	<b>-20</b>	<b>-9</b>	<b>3,498</b>
<b>2018 Current Services</b>	<b>517</b>	<b>517</b>	<b>113,800</b>
<b>Program Changes</b>			
<b>Increases:</b>			
Land Acquisition Section (20 Attorneys and Support Staff)	20	10	1,798
<b>Subtotal, Program Increases</b>	<b>20</b>	<b>10</b>	<b>1,798</b>
<b>Decreases:</b>			
<b>Subtotal, Program Decreases</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Program Changes</b>	<b>20</b>	<b>10</b>	<b>1,798</b>
<b>2018 Request</b>	<b>537</b>	<b>527</b>	<b>115,598</b>

**Environment & Natural Resources Division**  
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Environment and Natural Resources	537	526	110,302	517	517	113,800
<b>Total</b>	537	526	110,302	517	517	113,800
Reimbursable FTE	0	115	0	0	115	0
<b>Grand Total</b>	537	641	110,302	517	632	113,800

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Environment and Natural Resources	20	10	1,798	537	527	115,598
<b>Total</b>	20	10	1,798	537	527	115,598
Reimbursable FTE	0	0	0	0	115	0
<b>Grand Total</b>	20	10	1,798	537	642	115,598