

U.S. Department of Justice

Environment and Natural Resources Division



ENRD



ENRD

FY 2016

PERFORMANCE BUDGET

CONGRESSIONAL SUBMISSION

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Cover photo of Shavers Fork of the Cheat River, West Virginia, from the Fish and Wildlife Service website
<http://digitalmedia.fws.gov>

Text boxes and photos are from various websites of the National Wildlife Refuge System
<http://www.fws.gov/refuges>

I. Overview of the Environment and Natural Resources Division

A. Introduction:

Environment and Natural Resources Division (ENRD) Mission: The Environment and Natural Resources Division is a core litigating component of the U.S. Department of Justice. Founded more than a century ago, it has built a distinguished record of legal excellence. The Division functions as the Nation's environmental and natural resources lawyer, representing virtually every federal agency in the United States, and its territories and possessions, in civil and criminal cases that arise under more than 150 federal statutes. Key client agencies of the Division include the U.S. Environmental Protection Agency (EPA), the U.S. Department of the Interior, the U.S. Army Corps of Engineers, the U.S. Department of Commerce, the U.S. Department of Agriculture, the U.S. Department of Homeland Security, the U.S. Department of Energy and the U.S. Department of Defense, among others. The Division's litigation docket is comprised of nearly 7,000 active cases and matters.

The Division is currently organized into nine litigating sections (Appellate; Environmental Crimes; Environmental Defense; Environmental Enforcement; Indian Resources; Land Acquisition; Law and Policy; Natural Resources; and Wildlife and Marine Resources), and an Executive Office that provides administrative support. ENRD has a staff of approximately 600, more than 400 of whom are attorneys.

The Division is guided by its core mission, which has four key elements:

- Strong enforcement of civil and criminal environmental laws to ensure clean air, clean water, and clean land for all Americans;
- Vigorous defense of environmental, wildlife and natural resources laws and agency actions;
- Effective representation of the United States in matters concerning the stewardship of our public lands and natural resources; and
- Vigilant protection of tribal sovereignty, tribal lands and resources, and tribal treaty rights.

To accomplish this mission **in FY 2016, the Division is requesting a total of \$127,497,000 including 543 positions (376 attorneys), and 529 Full-Time Equivalent (FTE).** ENRD also has 115 reimbursable FTE.

All communities deserve clean air, water and land in the places where they live, work, play and learn. The Division strives to ensure that all communities are protected from environmental harms, including those low-income, minority and tribal communities that too frequently live in areas overburdened by pollution. ENRD pursues the goals of Environmental Justice by ensuring that everyone enjoys the benefit of a fair and even-handed application of the nation's environmental laws, and affected communities have a meaningful opportunity for input in the consideration of appropriate remedies for violations of the law.

ENRD also litigates to protect the Nation's public lands and resources, ensuring that that these lands are protected and the Treasury collects the royalties and payments owed to the United

States. The Division also litigates to protect almost 60 million acres of land, and accompanying natural resources, that the United States holds in trust for tribes and their members.

ENRD's work furthers the Department's strategic goals to prevent crime and enforce federal laws, defend the interests of the United States, promote national security, and ensure the fair administration of justice at the federal, state, local, and tribal levels. Most importantly, the Division's efforts result in significant public health and other direct benefits to the American people through the reduction of pollution across the Nation and the protection of important natural resources.

Every day, the Division works with client agencies, U.S. Attorneys' Offices, and state, local and tribal governments, to enforce federal environmental, natural resources, and wildlife laws. It also defends federal agency actions and rules when they are challenged in the courts, working to keep the Nation's air, water and land free of pollution, advancing military preparedness and national security, promoting the nation's energy independence, and supporting other important missions of our agency clients. The Division acquires land for purposes ranging from national parks to national security, protects tribal lands and natural resources, and works to fulfill the United States' trust obligations to Indian tribes and their members.

ENRD performs its work with the constant understanding that our operations are funded by limited taxpayer dollars. Over the past few years, as described below, we have taken deliberate steps to reduce costs and limit resource expenditures. We take our role as responsible custodians of the public fisc very seriously; and we are proud of the short and long-term cost saving measures and efficiencies we have implemented to date.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.



Clean water. Clean air. Unusual and abundant wildlife, and world-class recreation. The Refuge System provides and protects it all on 150 million acres of land and water from the Caribbean to the Pacific, Maine to Alaska. There is at least one national wildlife refuge in every state. The System includes 180 refuges that protect ocean, coastal or Great Lakes habitats. Spanning from above the Arctic Circle to south of the Equator, the Refuge System protects an incredible diversity of marine and coastal ecosystems including salt marshes, rocky shorelines, tide pools, sandy beaches, kelp forests, mangroves, seagrass meadows, barrier islands, estuaries, lagoons, tidal creeks, tropical coral atolls, as well as open ocean. Great blue heron, Blackwater National Wildlife Refuge, Maryland. Photo by Matt Poole USFWS.

B. Issues, Outcomes, and Strategies:

As the Nation's chief environmental and public lands litigator, ENRD primarily supports the Justice Department's Strategic Goal Two: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law.

The Division initiates and pursues legal action to enforce federal pollution abatement laws and obtain compliance with environmental protection and conservation statutes. ENRD also represents the United States in all matters concerning protection, use, and development of the nation's natural resources and public lands. The Division defends suits challenging all of the foregoing laws, and fulfills the federal government's responsibility to litigate on behalf of Indian tribes and individual Indians. ENRD's legal efforts 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 affirmative litigation, ENRD obtains redress for past violations harming the environment, ensures that violators of criminal statutes are appropriately punished, establishes credible deterrents against future violations of these laws, recoups federal funds spent to abate environmental contamination, and obtains money to restore or replace natural resources damaged by oil spills or the release of other hazardous substances into the environment. ENRD also ensures that the federal government receives appropriate royalties and income from activities on public lands and waters.

By prosecuting environmental criminals, ENRD spurs improvements in industry practice and greater environmental compliance. Additionally, the Division obtains penalties and fines against violators, thereby removing the economic benefits of non-compliance and leveling the playing field so that companies complying with environmental laws do not suffer competitive disadvantages.

In defensive litigation, ENRD represents the United States in challenges to federal environmental and conservation programs and all matters concerning the protection, use, and development of the nation's public lands and natural resources. ENRD faces a growing workload in a wide variety of natural resource areas, including litigation over water quality and watersheds, the management of public lands and natural resources, endangered species and sensitive habitats, and land acquisition and exchanges. The Division is increasingly called upon to defend Department of Defense training and operations necessary to military readiness and national defense.



A hundred years in the making, the National Wildlife Refuge system is a network of habitats that benefits wildlife, provides unparalleled outdoor experiences for all Americans, and protects a healthy environment. Today, there are more than 560 national wildlife refuges and 38 wetland management districts, including one within an hour's drive of most major metropolitan areas. Established in 1936 by executive order of President Franklin D. Roosevelt, the Patuxent Research Refuge, in Maryland near Washington, D.C., is the nation's only national wildlife refuge established to support wildlife research. The scarlet tanager (*Piranga olivacea*) is a medium sized song bird native to the northeast upland forest. They frequent the highest reaches of the tree canopy, and seek out insects during the summer months and fruits during migration back to their wintering grounds in the tropics.

C. Performance Challenges:

External Challenges

The Division has limited control over the filing of defensive cases, which make up nearly half of our workload. Court schedules and deadlines drive the pace of work and attorney time devoted to these cases. ENRD's defensive caseload is expected to continue to increase in FY 2015 and FY 2016 as a result of numerous external factors.

- The Division faces a huge influx of litigation under a 19th Century federal statute, commonly known as "**R.S. 2477**," which "recognized" the "right of way for the construction of highways over public lands, not reserved for public uses." The largest component of this docket is defensive litigation under the Quiet Title Act, 28 U.S.C. § 2409a, in which ENRD defends against claims, mostly by western states and counties, to R.S. 2477 rights-of-way on lands owned by the United States and managed by federal agencies. Since 2011, our R.S. 2477 case load has grown from 12 cases covering 114 roads, to more than 40 cases – most of which are in Utah, but also involving Alaska, California, Idaho, Nevada and North Dakota – covering over 12,000 roads. Our local federal partners have indicated that they do not have resources available to help us litigate these important and time-consuming cases. This caseload involves extensive discovery, 'ancient' historical facts, significant motion practice, and *de novo* trials.
- **Flooding Takings Litigation:** The Division is currently defending a large number of suits brought by property owners who contend that actions by the United States have caused flooding of their properties for which they are entitled to just compensation under the Fifth Amendment including a 75,000 member putative class action seeking \$50 billion due to flooding in the aftermath of Hurricane Katrina, and four putative class actions involving thousands of landowners along the Mississippi and Missouri whose properties were flooded in 2011 and seek billions of dollars in compensation. The cases are tremendously complex, requiring extensive use of expert witnesses to determine the cause, extent and damages resulting from such flooding. As a result of recent adverse Supreme Court precedent and changes in climactic conditions, we can anticipate a significant increase in such cases over the next several years.
- The Division currently represents the United States or the Departments of the Interior and the Treasury in 19 pending **Tribal Trust cases** in various federal district courts and the United States Court of Federal Claims, in which cases 39 tribes demand “full and complete” historical trust accountings and damages for financial injury resulting from alleged management of the tribes’ trust funds and non-monetary assets. The tribes’ damage claims exceed \$4 billion. In FY 2015, for example, the Division expects to face trial in at least two cases. These cases will require substantial resources in order to conduct extensive discovery related to claims for alleged mismanagement of not only innumerable tribal trust accounts but also extensive non-monetary tribal trust resources between 1946 and the present, or in the case of two tribes between 1910 and the present. The damages sought by the tribes in the cases on the trial track exceed \$4 billion.

- ENRD supports the defense and security missions of the Department of Defense and the Department of Homeland Security. From defending environmental challenges to critical training programs that ensure military preparedness, to acquiring strategic lands needed to fulfill the government's military and homeland security missions, ENRD makes a unique and important contribution to defense and national security while ensuring compliance with the country's environmental laws. The Division expects its **Military Readiness Docket** – to include litigation to defend training missions and strategic initiatives, expand military infrastructure, and defend chemical weapons demilitarization – to continue into FY 2016.

- The Division continues to deal with a dramatic expansion of its **Rails-to-Trails litigation**, in which property owners along railroad corridors allege a taking of their property interests in violation of the Fifth Amendment as a result of the operation of the National Trails System Act ("Trails Act"). The courts have held that the Trails Act precludes abandonment of the corridors under state law, and results in the conversion of the railroad line into thousands of miles of recreational trails throughout the United States, which are also "railbanked" for possible future railroad reactivation. The Division presently defends approximately 90 such suits, involving many thousands of properties, with estimated aggregate claims in the hundreds of millions of dollars. These cases present considerable legal challenges, as recent court precedent has been generally unfavorable to the United States. These cases also present considerable resource challenges, since each property conveyance and each property valuation must be individually analyzed. The number of hours the Division devotes to these cases has more than tripled in the past few years and the portion of the Division's expert witness funds being applied to these cases has increased several-fold. Given the complexity of the cases and the ongoing conversions of railroad corridors into recreational trails, we expect to see a continued increase of this litigation for many years to come.

- The Division also handles several types of litigation over water allocation, including **water rights litigation** on behalf of every federal agency with water-dependent facilities, programs, or land management responsibilities. In the coming year, ENRD anticipates increasing demands on resources from a growing load of water rights cases. As the drought that has been afflicting most of the western United States for the past 13 years continues, we anticipate increased litigation over scarce water resources. In particular, we anticipate significant growth in the litigation of voluminous proceedings known as "general stream adjudications," in which courts – mostly state courts in the western United States – adjudicate the rights of all the water users in a river basin. The Division's staff within the Natural Resources Section dedicated to general stream adjudications across the West is generally smaller than the staff employed by each of the western states alone, and these cases – which often involve thousands of parties, tens of thousands of claims and objections, and take decades for discovery, pretrial litigation and trial – already place significant demands on our section resources. In the coming year, we anticipate significant growth in our workload in several states including Montana, where we currently have five section attorneys working primarily in six basins with an additional six basins scheduled to

activate this year, and Nevada, where we currently have three section attorneys working in three basins and an additional three basins scheduled to activate this year.



National Wildlife Refuges are also ideal destinations for birders. Many of the almost 40 million annual visits to refuges are from casual or avid birders. Refuges often host birding festivals, special events and educational programs for beginning and advanced birders. In 2008, the U.S. Fish and Wildlife Service signed a memorandum of understanding with the Cornell Laboratory of Ornithology to promote birding, habitat conservation and citizen science. Numerous refuges have also been designated Important Birding Areas by the Audubon Society. Kentucky Warbler photo by Michael Allen MacDowell.

The Division is also deeply engaged in a number of continuing and prospective affirmative cases and matters. While the Division's resources are already stretched, ENRD's affirmative enforcement caseload will likely continue to increase in FY 2015 and FY 2016 as a result of numerous external factors.

- The **Deepwater Horizon litigation** has reached a critical juncture and the stakes in the case are high. Even with two phases of trial (liability and discharge quantification) already complete, the tempo of our work continues to increase. The third phase and final phase of our penalty claim under the Clean Water Act began in January 2015. In that phase, the district court will take evidence on all remaining issues necessary to assess civil penalties, one against defendant BP and a separate one against defendant Anadarko. Penalties awarded here will be subject to the RESTORE Act, which is designed to spend about 80% of these penalty proceeds on ecological and economic restoration in the Gulf State region. At the same time, the increasing demands placed on our client agencies for document and data identification, collection and production in the natural resource damages (NRD) phase have accelerated NRD case development efforts in ENRD. We have already achieved notable success in parts of the litigation, most recently the district court's finding that the massive spill of oil into the Gulf of Mexico was the result BP's gross negligence and willful misconduct. Other success include the following: liability determinations against our main defendant (BP) for penalties and natural resource damages; a settlement with the owner and operator of the oil rig (Transocean) requiring it to pay \$1 billion in civil penalties and undertake measures to make its operations in U.S. waters safer. However, many additional successes have yet to be realized. Discovery and trial in the final NRD phase of the litigation, likely to occur in FY 2016, will impose an enormous burden on ENRD and its client agencies. The volume of information held by the U.S. government arising from the permitting of oil drilling in the Gulf, the overseeing of the response to the spill, and the assessment of NRD means that even tailored discovery will severely challenge the federal government.
- ENRD also expects to receive a number of new, unusually cumbersome and increasingly complex **civil and criminal environmental enforcement referrals from EPA** under the Clean Water Act and Clean Air Act in FY 2015 and FY 2016. For the past decade, the Division has invested significant resources in litigating civil enforcement actions under the Clean Air Act's New Source Review provisions against operators of coal fired power plants. These facilities are the largest stationary sources of air pollution in the

country, emitting millions of tons of sulfur dioxide, nitrogen oxides, and particulate matter each year – much of which is illegal. Bringing these plants into compliance with the Act continues to be one of EPA’s highest enforcement priorities. Work on these and other power plant cases will continue in earnest in FY 2015 and into 2016. In addition to the reduction of harmful emissions, these cases will continue to result in the imposition of sizeable civil penalties as well as requirements to install important corrective pollution controls.

Internal Challenges

With the introduction of new technologies and new requirements in the legal industry – such as e-filing, on-line document repositories, electronic trials, extranet docketing systems, etc. – we are in constant need of ensuring our workforce has the expertise and access to software, hardware and systems to keep pace.

ENRD expects to refresh aging hardware, develop and implement required tracking systems, and comply with Department security mandates in FY 2015. For example, in FY 2015, ENRD expects to replace its aging case management system (CMS) and our records management system (RMS). In addition, ENRD will begin using a number of new cloud-based network, office automation and application system by FY 2016.

D. Environmental Accountability

The Division maintains a “Greening the Government” initiative in response to Executive Order 13423 (January 24, 2007), which requires all federal agencies to meet benchmarks for reductions in energy usage, water consumption, paper usage, solid waste generation, and other areas. Among other things, through the Executive Order, government agencies have been directed to reduce energy consumption by 30 percent by 2015. Congress mandated compliance with this Executive Order in recent appropriations legislation (Omnibus Appropriations Act, P. L. 111-8, §748 [2009]).

Energy Use at ENRD

Through ENRD’s Greening the Government Committee, and through other management and staff efforts, ENRD continued to push *Best Practices* which help the Division to minimize energy use, encouraging employees to turn off lights, computer monitors, and other electronic devices when not needed.

In addition, ENRD’s Executive Office recently installed approximately 1,200 motion-activated lighting sensors in its primary government-leased office building. This improvement has helped reduce energy levels within the building to FY 2006 levels of less than 8,000 kWh in keeping with [Executive Order 13514](#), which focuses on Federal Leadership in Environmental, Energy, and Economic Performance.

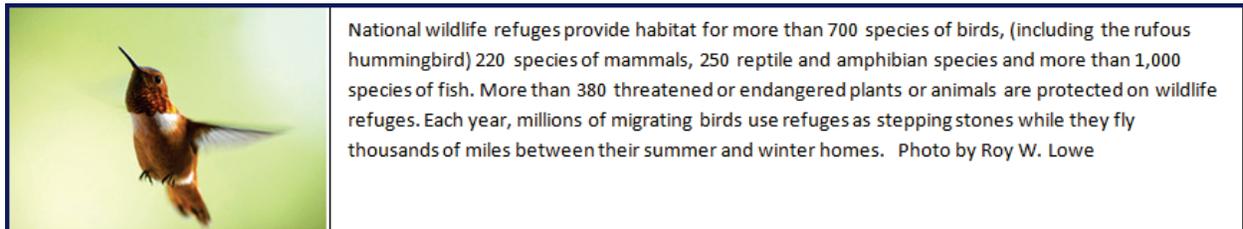
The Environment Division’s Information Technology (IT) staff is keenly aware of its environmental responsibilities, buying energy efficient hardware before Energy Star became a

Federal government mandate. To maximize energy efficiency, our virtual server infrastructure was recently expanded to our COOP site and field offices (reducing the count of physical servers by 37 percent). In addition, the Division purchased servers with an energy-saving technology that exceeds EPA’s Energy Star requirements. Together, these purchases have reduced the Division’s power requirements and heat output by 50 percent.

E. Achieving Cost Savings and Efficiencies

The Division has demonstrated a commitment to achieve cost savings and has attained impressive measurable results. In the area of litigation support, ENRD has been innovative and forward-thinking with its cost-effective, in-house litigation support computer lab, which provides a wide range of services, such as scanning, OCR-processing, e-Discovery/data processing, email threading, and database creation and Web hosting. In FY 2014, the Division recognized savings of over \$11 million, compared to what the in-house services provided would have cost, if outsourced to a contractor/vendor. We have also implemented a number of IT and telecom cost reductions as well as reductions in subscriptions and publications.

As a leader in employing technological solutions, ENRD continues to employ cost-effective alternatives such as videoconferencing and web-based applications for meetings. We continue to push the use of on-line travel reservations, as opposed to using agent assisted booking services, leading to additional cost savings.



II. Summary of Program Changes

	Description				Page
		Pos.	FTE	Dollars (\$000)	
Indian Country Initiative	Improving environmental enforcement in Indian Country	4	2	3,000	32
Wildlife Trafficking Initiative	Strengthening wildlife trafficking enforcement and capacity building efforts	2	1	2,000	36

III. Appropriations Language and Analysis of Appropriations Language

Please refer to the General Legal Activities Consolidated Justifications.

IV. Decision Unit Justification

Environment and Natural Resources Division -	Direct Pos.	Estimate FTE	Amount
2014 Enacted	537	510	107,643
2015 Enacted	537	526	110,077
Adjustments to Base and Technical Adjustments	0	0	12,420
2016 Current Services	537	526	122,497
2016 Program Increases	6	3	5,000
2016 Request	543	529	127,497
Total Change 2015-2016	6	3	17,420



With the addition of the Mariana Trench and the Arc of Fire National Wildlife Refuges in 2009, the Refuge System includes deep-sea hydrothermal vent communities to this list of protected habitats. The Refuge System also includes 107 sites that are members of the National System of Marine Protected Areas. These marine resources are facing a number of mounting threats including a warming ocean, ocean acidification, increased pollution, coastal development, diseases, overfishing and illegal fishing, and marine debris. Midway Atoll is one such area.

1. Program Description

As stated in the Department of Justice Strategic Plan, ENRD works to:

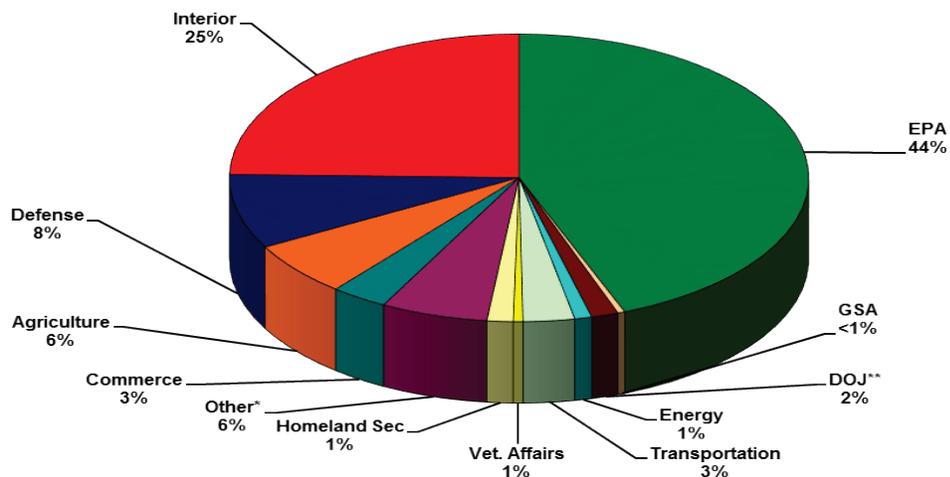
- Pursue cases against those who violate laws that protect public health, the environment, and natural resources;
- Investigate and prosecute environmental crimes, including both pollution and wildlife violations;
- Defend against suits challenging federal statutes, regulations, and agency actions;
- Develop constructive partnerships with other federal agencies, state and local governments, and interested parties to maximize environmental compliance and stewardship of natural resources;

- Act in accordance with United States trust responsibilities to Indian tribes and individual Indians in litigation involving the interests of Indians. The United States holds close to 60 million acres of land and associated natural resources in trust for tribes and has a duty to litigate to protect this land and resources.

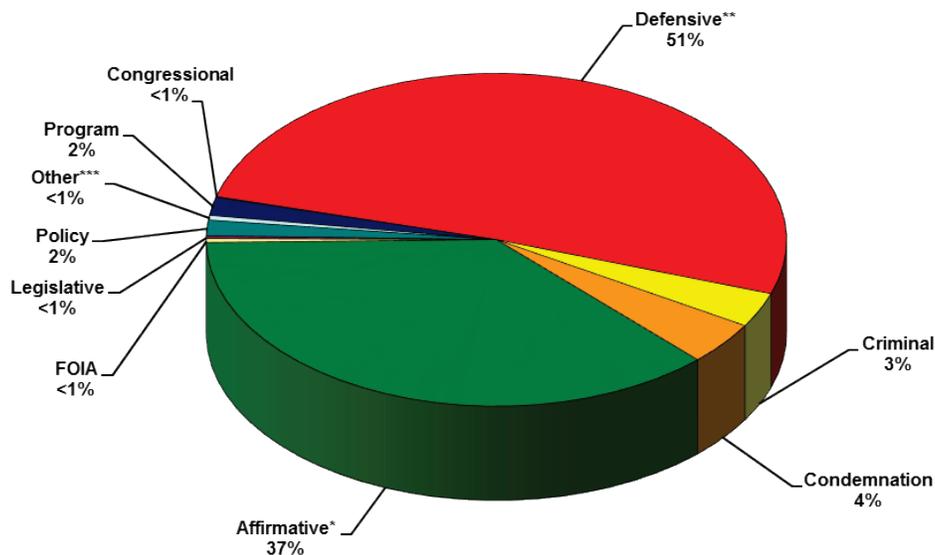
The Division focuses on both civil and criminal litigation regarding the defense and enforcement of environmental and natural resources laws and regulations, and represents many federal agencies in litigation (e.g., the Environmental Protection Agency, Department of Agriculture, Department of the Interior, Department of Defense, and Department of Homeland Security).

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

ENRD’s Cases/Matters Pending by Client Agency (FY 2014)



ENRD's Cases/Matters Pending by Case Type (FY 2014)



Civil litigating activities include cases where ENRD defends the United States in a broad range of litigation and enforces the nation's environmental and natural resources laws. Nearly one-half of the Division's cases are defensive or non-discretionary in nature. They include claims alleging noncompliance with federal, state and local pollution control and natural resources laws. Civil litigating activities also involve the defense and enforcement of environmental statutes such as the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Clean Air Act (CAA), the Clean Water Act (CWA), the National Environmental Policy Act (NEPA), and the Endangered Species Act (ESA).

The Division defends Fifth Amendment taking claims brought against the United States alleging that federal actions have resulted in the taking of private property without payment of just compensation, thereby requiring the United States to strike a balance between the interests of property owners, the needs of society, and the public fisc. ENRD also brings eminent domain cases to acquire land for congressionally authorized purposes ranging from national defense to conservation and preservation. Furthermore, the Division assists in fulfillment of the United States trust responsibilities to Indian Tribes. ENRD is heavily involved in defending lawsuits alleging the United States has breached trust responsibilities to Tribes by mismanaging Tribal resources and failing to properly administer accounts that receive revenues from economic activity on Tribal lands. The effectiveness of our defensive litigation is measured by the percentage of cases successfully resolved and savings to the federal fisc.

Criminal litigating activities focus on identifying and prosecuting violators of laws protecting wildlife, the environment, and public health. These cases involve issues such as fraud in the environmental testing industry, smuggling of protected species, exploitation and abuse of marine resources through illegal commercial fishing, and related criminal activity. ENRD enforces criminal statutes designed to punish those who pollute the nation's air and water; illegally store, transport and dispose of hazardous wastes; illegally transport hazardous materials; unlawfully

deal in ozone-depleting substances; and lie to officials to cover up illegal conduct. The effectiveness of criminal litigation is measured by the percentage of cases successfully resolved. ENRD's case outcome performance results are included in the Performance and Resources Table contained in this submission.



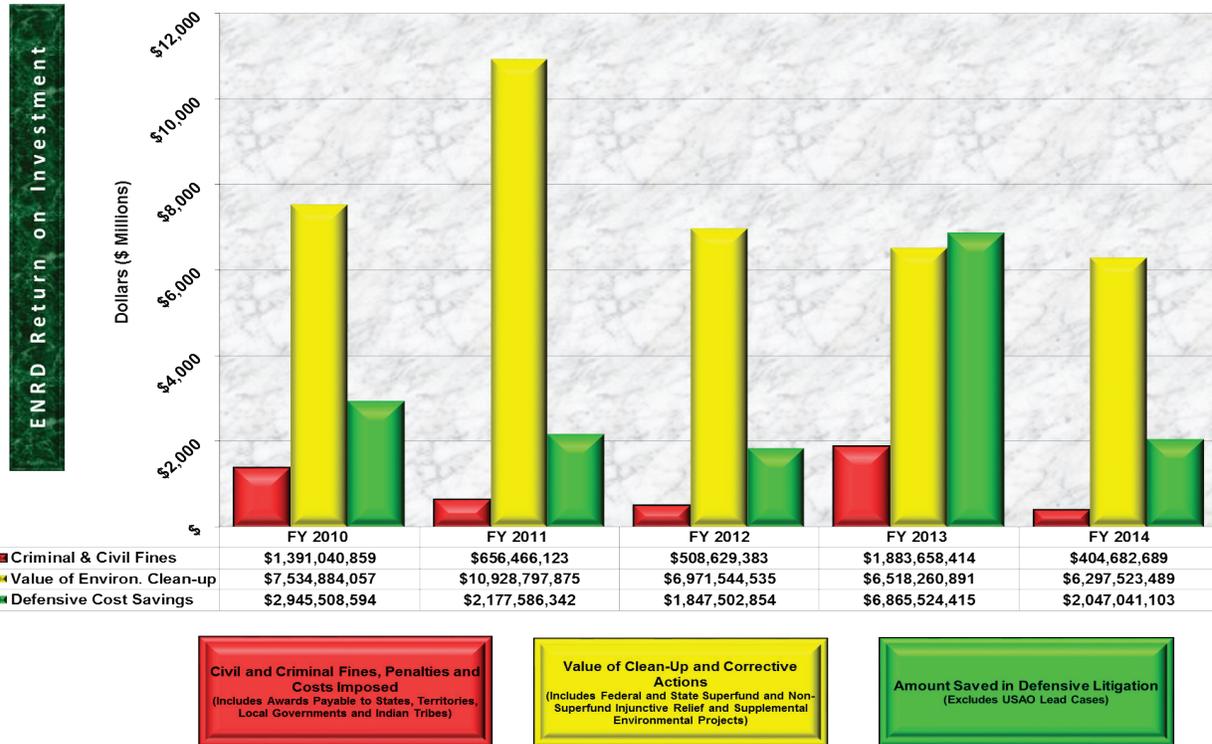
Located on the far northern end of the Hawaiian archipelago, Midway Atoll is located within the country's largest conservation area, the Papahānaumokuākea Marine National Monument. It is one of the oldest atoll formations in the world and thanks to U.S. Fish and Wildlife Service recovery efforts, it provides nesting habitat for 21 seabird species - nearly 3 million individual birds (including the Laysan albatross) nest on nearly every square foot of available habitat and a place where humans can remember one of the most significant international naval battles in history. The Laysan albatross can live for 60 + years. The oldest bird called Wisdom is approximately 61 years old and visits the Refuge. Seventy-one percent of this bird's world population nests on Midway. An adult may grow to be two feet tall with a six-foot wingspan.

ACCOMPLISHMENTS

In FY 2014, the Division successfully litigated 926 cases while working on a total of 6,588 cases, matters, and appeals. We recorded more than \$404 million in civil and criminal fines, penalties, and costs recovered. The estimated value of federal injunctive relief (i.e., clean-up work and pollution prevention actions by private parties) obtained in FY 2014 exceeded \$6.2 billion. ENRD's defensive litigation efforts avoided costs (claims) of over \$2.0 billion in FY 2014. The Division achieved a favorable outcome in 93 percent of cases resolved in FY 2014. In sum, ENRD continues to be a valuable investment of taxpayer dollars as the number of dollars returned to the Treasury exceeds ENRD's annual appropriation many times over.



Nowhere in the Refuge System are the lives of wildlife and human residents so intertwined. It is, in many respects, a little city, with all the structures, utilities, and types of equipment that are needed to function in support of the resident human community. At one time, the facilities at Midway supported more than 5,000 people. While the current resident population is approximately 60, much of the original infrastructure remains in place. Other residents include Hawaiian monk seals that pup and rear their young on Midway's beaches and nearshore waters. The seals can live 25-30 years, and adults can reach seven feet in length, and weigh over 400 pounds.



Below are some notable successes from the Division’s civil and criminal litigation dockets during FY 2014.

Civil Cases (Both Affirmative and Defensive)

- **Deepwater Horizon Oil Spill –**

The Department has tried the first two phases of our claim for civil penalties, covering who was at fault and what amount of oil was actually discharged. In November 2014, the district court ruled on issues addressed in the first trial, holding BP grossly negligent and having acted with willful misconduct – all resulting in the spill of oil into the Gulf of Mexico. The court has not yet ruled on the second phase. The third phase and final phase of our penalty claim is set for trial beginning on January 20, 2015. In that phase, the district court will take evidence on all remaining issues necessary to assess civil penalties, against BP and against Anadarko. Penalties awarded will be subject to the RESTORE Act, which is designed to spend about 80% of these penalty proceeds on ecological and economic restoration in the Gulf State region.

In February 2013, the U.S. District Court for the Eastern District of Louisiana approved settlements fashioned by the Department and federal agency partners to punish various Transocean companies involved in the Deepwater Horizon oil spill. The total civil penalty, criminal fine, and related criminal payments total \$1.4 billion, comprised of a civil penalty of \$1.0 billion, the largest civil penalty ever secured under any federal environmental law, and another \$400 million to be paid under a cooperation-and-guilty-plea agreement with the Transocean company known as Transocean Deepwater, Inc.

Under the civil settlement, the \$1 billion civil penalty will be paid under the Clean Water Act and the Resources and Ecosystems Sustainability, Tourist Opportunities and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act). The RESTORE Act provides that 80 percent of the civil penalty collected will be used to fund projects in the five Gulf States, to benefit environmental and economic benefit in that Region. Also under the civil enforcement settlement, which is embodied in a court order, the Transocean Defendants must implement measures to improve the operational safety and emergency response capability of all their drilling rigs working in the waters of the United States. The Transocean Defendants will be required to conduct these operational measures under court order for at least five years and possibly longer, depending on quality of performance.

The \$400 million, criminal-side payment includes: (1) a criminal fine; (2) funds to improve environmental resources in the five Gulf States (Alabama, Florida, Louisiana, Mississippi, and Texas); and (3) a fund that will be used by the National Academy of Sciences to select and support research, development, education, and training calculated to reduce the chance of oil spills and to improve capacities for responding to such spills.

On June 18, 2012, the court entered a consent decree between the United States and MOEX Offshore 2007 LLC, BP's former partner and former 10 percent owner of the Macondo well, resolving MOEX's liability under the Clean Water Act associated with the BP Deepwater Horizon oil spill. As part of the settlement, MOEX agreed to pay \$70 million in civil penalties and up to \$20 million for land acquisition projects in several Gulf States that will preserve and protect in perpetuity habitat and resources important to water quality and other environmental features of the Gulf of Mexico region. MOEX continues to carry out its obligations under this agreement

- ***Tribal Trust Cases***

The extraordinarily complex and multifaceted Tribal Trust cases command a large portion of ENRD's time and resources. The Division represents the United States in 19 pending cases in which 39 tribes demand "full and complete" historical trust accountings, monetary compensation for various breaches and mismanagement of trust, and trust reform measures relating to the United States' management of the tribes' trust funds and trust lands, as well as the non-monetary resources (such as timber, oil, gas, coal, agricultural, range, easements, and rights of way) on those lands. Many of the currently pending cases are in settlement negotiations, while others are in varying stages of trial preparation. The Division has enjoyed success in the past two fiscal years by negotiating and reaching settlements with 78 tribes in 53 cases, while also conducting active litigation, including a full-blown trial, in several other cases. It has done so by balancing its duties to defend client programs with a commitment to make whole any tribe that has suffered financial injury as a result of any trust fund or trust resource management practices.

- ***Advancing Environmental Justice***

ENRD and EPA reached an agreement with Flint Hills Resources for the company to implement innovative technologies to control harmful air pollution from industrial flares and leaking equipment at its chemical plant in Port Arthur, Texas. The plant manufactures chemicals that are used in a variety of products, including medical devices, automotive parts and appliance components. The settlement is part of EPA's national effort to advance environmental justice by protecting communities such as Port Arthur that have been disproportionately impacted by pollution. Flint Hills is required to operate state-of-the-art equipment to recover and recycle waste gases and to ensure that gases sent to flares are burned with 98 percent efficiency. The company has spent approximately \$16 million to implement these required controls on industrial flares. When the agreement is fully implemented, the company estimates it will spend \$28 million to reduce "fugitive" pollutant emissions that may leak from valves, pumps, and other equipment. The company must monitor leaks more frequently, implement more aggressive repair practices, adopt innovative new practices designed to prevent leaks and replace valves with new "low emissions" valves or use packing material to reduce leaks. The company will spend \$2 million on a diesel retrofit or replacement project that is estimated to reduce nitrogen oxides and particulate matter by a combined 85 tons, in addition to 39 tons of carbon monoxide, over the next 15 years. The company will also spend \$350,000 to purchase and install technologies to reduce energy demand in low income homes. The measures will cut emissions of pollutants that can cause significant harm to public health, including smog or ground-level ozone, a pollutant that irritates the lungs, exacerbates diseases such as asthma, and can increase susceptibility to respiratory illnesses, such as pneumonia and bronchitis.

- ***Clean Air Act Litigation***

LSB Industries Inc. (LSB), the largest merchant manufacturer of concentrated nitric acid in North America, and four of its subsidiaries agreed to reduce harmful emissions of nitrogen oxides (NOx) by meeting emission limits that are among the lowest for the industry in the nation at plants in Alabama, Arkansas, Oklahoma and Texas. Headquartered in Oklahoma City, Okla., LSB is a major producer of nitrogen-based fertilizers, including anhydrous ammonia, urea and ammonium nitrate. The company owns and operates the largest fleet of concentrated nitric acid rail cars in the United States. LSB and its subsidiaries produce nitric acid for use in products that include herbicides, metal treatment, explosives and pharmaceuticals. EPA estimates that the settlement measures will reduce NOx emissions by more than 800 tons per year, directly benefitting surrounding communities, which include low-income and minority populations living near the Arkansas and Texas plants. The companies estimate that it will cost between \$6.3 and \$11.7 million to implement the measures required by the settlement. LSB and its four nitric acid producing subsidiaries will also pay a total penalty of \$725,000 to resolve alleged violations of the Clean Air Act and applicable Oklahoma state law. In addition to paying the penalty, the companies must continuously monitor emissions and make any necessary operational improvements such as installing new pollution controls or upgrading current controls to meet the new NOx limits.

The companies have also agreed to spend \$150,000 to remediate and reforest ten acres of land with acidified soils located near El Dorado, Ark. NOx emissions, such as those from nitric acid

plants, can contribute to soil acidification. The project will help to minimize erosion, reduce stormwater runoff, improve habitat for wildlife and capture carbon dioxide, a greenhouse gas.

- ***Clean Water Act Litigation***

Alpha Natural Resources, Inc. (Alpha), one of the nation's largest coal companies, Alpha Appalachian Holdings (formerly Massey Energy), and 66 subsidiaries agreed to spend an estimated \$200 million to install and operate wastewater treatment systems and to implement comprehensive, system-wide upgrades to reduce discharges of pollution into hundreds of rivers and streams from coal mines in Kentucky, Pennsylvania, Tennessee, Virginia and West Virginia. Overall, the settlement covers approximately 79 active mines and 25 processing plants in these five states. EPA estimates that the upgrades and advanced treatment required by the settlement will reduce discharges of total dissolved solids by over 36 million pounds each year, and will cut metals and other pollutants by approximately nine million pounds per year. The companies will also pay a civil penalty of \$27.5 million for thousands of permit violations, which is the largest penalty in history under Section 402 of the Clean Water Act (CWA). The settlement also requires the companies to build and operate treatment systems and to implement comprehensive, system-wide improvements to ensure future compliance with the CWA. These improvements, which apply to all of Alpha's operations in Appalachia, include developing and implementing an environmental management system and periodic internal and third-party environmental compliance audits. In the event of future violations, the companies will be required to pay stipulated penalties, which may be increased and, in some cases, doubled for continuing violations.

- ***ENRD's Bankruptcy Docket***

W.R. Grace & Co, based in Columbia, Maryland agreed to pay over \$63 million to the U.S. government under its bankruptcy plan of reorganization to resolve claims for environmental cleanups at approximately 39 sites in 21 states. The company, a global supplier of specialty chemicals, and 61 affiliated companies filed for bankruptcy in April 2001. In 2003, EPA filed claims against the company to recover past and future cleanup costs at sites contaminated by asbestos and other hazardous substances. Numerous agreements to resolve the agency's environmental liability claims against the company and its affiliates were negotiated as part of the company's bankruptcy proceedings between April 2008 and February 2013. The payment includes approximately \$54 million to reimburse EPA for cleanup costs at multiple Superfund sites. The company agreed to pay another \$9 million to other federal agencies, including the U.S. Department of the Interior and the U.S. Army. The company continues to be responsible for all of the sites it owns or operates and for any additional sites that were not known or resolved under the earlier settlements. W.R. Grace's liability for asbestos contamination in the town of Libby, Montana was addressed in a separate June 2008 settlement that resulted in a payment of \$250 million to EPA. W.R. Grace continues to be responsible for addressing cleanup at the Libby Mine.

- ***Wetlands Protection***

ENRD and EPA reached an agreement with Chesapeake Appalachia LLC, a subsidiary of Chesapeake Energy, the nation's second largest natural gas producer, for the company to spend an EPA-estimated \$6.5 million to restore 27 sites damaged by unauthorized discharges of fill material into streams and wetlands. The company agreed to implement a comprehensive plan to comply with federal and state water protection laws at the company's natural gas extraction sites in West Virginia, many of which involve hydraulic fracturing operations. The company will also pay a civil penalty of \$3.2 million, one of the largest ever levied by the federal government for violations of Section 404 of the Clean Water Act (CWA), which prohibits the filling or damming of wetlands, rivers, streams, and other waters of the United States without a federal permit. The settlement also resolves alleged violations of state law brought by the West Virginia Department of Environmental Protection. The state of West Virginia is a co-plaintiff in the settlement and will receive half of the civil penalty.

Streams, rivers, and wetlands benefit the environment by reducing flood risks, filtering pollutants, recharging groundwater and drinking water supplies, and providing food and habitat for aquatic species. Chesapeake Appalachia LLC is required to fully restore the damaged wetlands and streams wherever feasible, monitor the restored sites for up to 10 years to assure the success of the restoration, and implement a comprehensive compliance program to ensure future compliance with the CWA and applicable state law. To offset the impacts to sites that cannot be restored, the company will perform compensatory mitigation, which will likely involve purchasing credits from a wetland mitigation bank located in a local watershed.

- ***Safe Construction Practices***

Lowe's Home Centers, one of the nation's largest home improvement retailers, agreed to implement a comprehensive, corporate-wide compliance program at its more than 1,700 stores nationwide to ensure its contractors minimize lead dust from home renovation activities, as required by the federal Lead Renovation, Repair and Painting (RRP) Rule. The company will also pay a \$500,000 civil penalty, which is the largest ever for violations of the RRP Rule. The settlement stems from violations, discovered by EPA inspectors, of the RRP Rule's recordkeeping and work practice standards at private homes that had been renovated by Lowe's contractors. Lowe's is alleged to have failed to provide documentation showing that its contractors had been certified by EPA, had been properly trained, had used lead-safe work practices, or had correctly used EPA-approved lead test kits at renovation sites. Lead-based paint was banned in 1978 but still remains in many homes and apartments across the country. Lead dust hazards can occur when lead paint deteriorates or is disrupted during home renovation and remodeling activities. Lead exposure can cause a range of health problems, from behavioral disorders and learning disabilities to seizures and death, putting young children at the greatest risk because their nervous systems are still developing. In February 2014, EPA announced enforcement actions that require 35 home renovation contractors and training providers to take additional steps to protect communities by minimizing harmful lead dust from home renovation activities, as required by the RRP Rule. Those settlements generated a total of \$274,000 in civil penalties.

- ***Enforcement of the Clean Water Act Through Publicly Owned Sewer Cases***

The Division continues to reach agreements with municipalities to upgrade their sewage treatment plants. EPA’s Clean Water Act initiative focuses on reducing discharges from sewer overflows by obtaining cities’ commitments to implement timely, affordable solutions, including the increased use of green infrastructure and other innovative approaches. Raw sewage contains pathogens that threaten public health, leading to beach closures and public advisories against fishing and swimming. This problem particularly affects older urban areas, where minority and low-income communities are often located. The United States has reached similar agreements in the past with numerous municipal entities across the country including Mobile and Jefferson County, Alabama (Birmingham); Atlanta and Dekalb County, Georgia; Knoxville and Nashville, Tennessee; Miami-Dade County, Florida; New Orleans, Louisiana; Hamilton County (Cincinnati), Ohio; Northern Kentucky Sanitation District #1; and Louisville, Kentucky.

In an agreement reached with ENRD and EPA, the city of Shreveport, La., agreed to make significant upgrades to reduce overflows from its sanitary sewer system and pay a \$650,000 civil penalty to resolve Clean Water Act (CWA) violations stemming from illegal discharges of raw sewage. The state of Louisiana, a co-plaintiff in this case, will receive half of the civil penalty. When wastewater systems overflow, they can release raw sewage and other pollutants, threatening water quality and potentially contributing to disease outbreaks. To come into compliance with the CWA, the city estimates it will spend approximately \$342 million over the next 12 years in order to improve the sewer system’s condition, and it will also implement a program for capacity management, operation, and maintenance to help reduce sanitary sewer overflows.



The Fish and Wildlife Service is the lead federal agency for managing and conserving migratory birds in the United States. Conservation of migratory birds is often considered the central connecting theme of the National Wildlife Refuge System. More than 200 National Wildlife Refuges have been established specifically to provide breeding or wintering habitat for migratory birds. More than one million acres of wetlands on 356 refuges and more than 3,000 waterfowl production areas are actively managed for the benefit of waterfowl and other birds. Bald Eagle photo by Dave Menke.

Criminal Cases

- ***Enforcing the Laws Against Wildlife Trafficking***

Michael Slattery Jr., an Irish national, was sentenced to serve 14 months in prison to be followed by three years of supervised release, for conspiracy to violate the Lacey Act in relation to illegal rhinoceros horn trafficking. Slattery was also sentenced to pay a \$10,000 fine and forfeit \$50,000 of proceeds from his illegal trade in rhino horns. Slattery was arrested in September 2013 as part of “Operation Crash,” a continuing investigation being conducted by the Department of the Interior’s Fish and Wildlife Service (FWS) in coordination with other federal and local law enforcement agencies. A “crash” is the term for a herd of rhinoceros. Operation Crash is an ongoing effort to detect, deter and prosecute those engaged in the illegal killing of

rhinoceros and the unlawful trafficking of rhinoceros horns. In China and Vietnam, rhinoceros horns are highly prized because they are believed to have medicinal value. The escalating value of the horns has resulted in an increased demand that has helped fuel a thriving black market. In pleading guilty, the defendant admitted to participating in a conspiracy to travel to and within the United States to purchase rhinoceros horns, which he, along with others, then resold to private individuals or consigned to auction houses in the United States, knowing that the interstate purchase and sale of the horns was illegal.

- ***Enforcing the Laws Against Over Fishing***

The operator of the F/V Norseman and an associated fish dealer, C&C Ocean Fishery Ltd., were sentenced for criminal violations stemming from their role in systematically underreporting fluke (summer flounder) harvested as part of the federal Research Set-Aside Program. On multiple occasions the vessel exceeded its relevant federal and New York State quotas for fluke, and the operators of the vessel and the fish dealer knowingly submitted falsified reports to NOAA. The defendants were aware that the reports were utilized by NOAA as part of the administration of its statutory-mandated fisheries management program. The defendants pleaded guilty to wire fraud and falsification of federal records. Charles Wertz, Jr., a commercial fisherman from East Meadow, N.Y., was sentenced to serve one year and a day in prison to be followed by three years of supervised release, 100 hours of community service, a \$5,000 fine, \$99,800 in restitution and a \$300 special assessment. The fish dealer, C&C Ocean Fishery Ltd., was sentenced to pay a \$275,000 fine, \$99,800 in restitution, and a \$1,600 special assessment. The court also sentenced the defendants to comply with multiple sentence conditions, including relinquishment of federal fishing permits, a ban on participation in the Research Set-Aside Program, divestiture of any interest in the F/V Norseman, and winding down and dissolving the company, C&C Ocean Fishery Ltd.

- ***Vessel pollution cases***

Singapore-based ODFJELL ASIA II PTE LTD (ODFJELL) and one of its senior crew members pleaded guilty to violating the Act to Prevent Pollution from Ships (APPS). An inspection and subsequent criminal investigation revealed that three times between October 2011 and October 2012, while in international waters, the M/T Bow Lind, a petroleum/ chemical tanker ship, discharged machinery space bilge water directly into the sea. At the direction of senior engineer Ramil Leuterio, crew members bypassed pollution prevention equipment that was in place to ensure that any discharged bilge water contain less than 15 parts per million of oil. The crew then concealed the illegal discharges by making misleading entries and omissions in the vessel's oil record book. Under the terms of a binding plea agreement, if accepted by the court, ODFJELL will be placed on probation for a period of three years and pay a criminal penalty totaling \$1.2 million, including \$300,000 that will be directed to The National Fish and Wildlife Foundation to fund projects aimed at the preservation and restoration of the marine environment of Long Island Sound. As a condition of probation, ODFJELL will implement an environmental management plan which will ensure that any ship operated by ODFJELL calling on a port of the United States complies with all maritime environmental requirements established under applicable international, flag state, and port state laws. Leuterio, a citizen of the Philippines, faces a maximum term of imprisonment of six years and a fine of up to \$250,000 for his role in

directing lower ranking crewmembers to make the illegal discharges and for failing to accurately maintain the vessel's oil record book.

- ***Ensuring Industry Focuses on the Safety of the Public and Protection of the Environment***

The former president of Port Arthur Chemical and Environmental Services LLC (PACES) was sentenced for occupational safety crimes which resulted in the death of an employee. Matthew Lawrence Bowman, 41, of Houston, pleaded guilty on May 9, 2013, to violating the Occupational Safety and Health Act (OSH Act) and making a false statement and was sentenced to pay fines and to serve 12 months in federal prison. The defendant admitted to not properly protecting PACES employees from exposure to hydrogen sulfide, a poisonous gas resulting in two employee deaths in 2008 and 2009. In addition, Bowman admitted to directing employees to falsify transportation documents to conceal that the wastewater was coming from PACES after a disposal facility put a moratorium on all shipments from PACES after it received loads containing hydrogen sulfide. According to the National Institute for Occupational Safety and Health, hydrogen sulfide is an acute toxic substance that is the leading cause of sudden death in the workplace. Employers are required by OSHA to implement engineering and safety controls to prevent employees from exposure above harmful limits of hydrogen sulfide.



Federal Migratory Bird Hunting and Conservation Stamps, commonly known as "Duck Stamps," are pictorial stamps produced by the U.S. Fish and Wildlife Service. They are not valid for postage. Originally created in 1934 as federal licenses required for hunting migratory waterfowl, today Duck Stamps are vital tools for wetland conservation. Ninety-eight cents out of every dollar generated by the sale of Federal Duck Stamps goes directly to purchase or lease wetland habitat for protection in the Refuge System. The first Federal Duck Stamp design by J.N. "Ding" Darling.

2. Performance and Resources Table

Performance and Resources Table

Decision Unit/Program: Environment & Natural Resources Division
 Strategic Goal 2. Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law - Objectives 2.4 Investigate and prosecute corruption, economic crimes, and transnational organized crime, and Objective 2.6 Protect the federal fisc and defend the interests of the United States
 Strategic Goal 3. Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels - Objective 3.8 Strengthen the government to government relationship between tribes and the United States, improve public safety in Indian Country, and honor treaty and trust responsibilities through consistent, coordinated policies, activities, and litigation.

		Target FY 2014		Actual FY 2014		FY 2015		Current Services Adjustments and FY 16 Program Changes		Requested (Total) FY 2016	
WORKLOAD/RESOURCES 1/											
DIVISION TOTAL WORKLOAD	# of Cases & Matters (Active & Closed)	5,399		5,740		5,400				5,400	
	# of Cases Successfully Resolved/Success Rate	83%		926 94%		83%				83%	
CIVIL	1. Number of cases (active & closed)	4,864		5,138		4,865				4,865	
	2. Number of matters (active & closed)	220		290		220				220	
CRIMINAL	3. Number of cases (active & closed)	280		265		280				280	
	4. Number of matters (active & closed)	35		47		35				35	
DIVISION RESOURCES - Total Year Costs & FTE's (Appropriated only)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		526 [115]	\$ 107,643	510 [84]	\$ 107,410	526 [115]	\$ 110,077	3 [0]	\$ 17,420	529 [115]	\$ 127,497

Program Activity	PERFORMANCE/RESOURCES	FY 2014 Enacted		Actual FY 2014		FY 2015		Current Services Adjustments and FY 16 Program Changes		Requested (Total) FY 2016	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
CIVIL	TOTAL COSTS & FTE	473	\$ 96,879	459	\$ 96,669	459	\$ 99,069	2	\$ 14,178	461	\$ 113,247
	OUTPUT 1/	Active	Closed	Active	Closed	Active	Closed			Active	Closed
	1. Number of cases active/closed	3,234	1,630	3,702	1,436	3,235	1,630			3,235	1,630
	2. Number of matters active/closed	140	80	205	85	140	80			140	80
	OUTCOME*	# Resolved	Success Rate	# Resolved	Success Rate	# Resolved	Success Rate			# Resolved	Success Rate
	1. Affirmative cases successfully resolved	no estimate	85%	351	99%	no estimate	85%			no estimate	85%
	2. Defensive cases successfully resolved	no estimate	75%	495	91%	no estimate	75%			no estimate	75%
	3. Penalties Awarded 2/*	Superfund	Non-Superfund	Superfund	Non-Superfund	Superfund	Non-Superfund			Superfund	Non-Superfund
	- Federal	no estimate	no estimate	\$ 3,805,978	\$ 99,040,914	no estimate	no estimate			no estimate	no estimate
	- State	no estimate	no estimate	\$ -	\$ 14,287,841	no estimate	no estimate			no estimate	no estimate
	4. Clean-up Costs Awarded 4/			\$ -	\$ -						
	- CERCLA Federal Cost Recovery 3/ 5/	no estimate	no estimate	\$ 158,818,644	\$ 8,917,376	no estimate	no estimate			no estimate	no estimate
	- Federal Injunctive Relief	no estimate	no estimate	\$ 48,970,000	\$ 6,187,464,749	no estimate	no estimate			no estimate	no estimate
	- CERCLA State Cost Recovery	no estimate	no estimate	\$ 55,938,025	\$ -	no estimate	no estimate			no estimate	no estimate
	- State Injunctive Relief	no estimate	no estimate	\$ 23,142,065	\$ -	no estimate	no estimate			no estimate	no estimate
	5. Supplemental Environmental Projects (SEP's) 6/			\$ -	\$ -						
	- Value of Federal SEP's	no estimate	no estimate	\$ -	\$ 9,285,200	no estimate	no estimate			no estimate	no estimate
	- Value of State SEP's	no estimate	no estimate	\$ -	\$ 8,371,475	no estimate	no estimate			no estimate	no estimate
	6. Environmental Mitigation Projects 7/	no estimate	no estimate		\$ 20,290,000	no estimate	no estimate			no estimate	no estimate
	7. Costs Avoided (Saved the U.S. in Defense Cases) 8/	no estimate	no estimate	\$ -	\$ 2,047,041,103	no estimate	no estimate			no estimate	no estimate

Performance and Resources Table (Cont.)

CRIMINAL		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
	TOTAL COSTS & FTE	53	\$ 10,764	51	\$ 10,741	51	\$ 11,008	1	\$ 3,242	52	\$ 14,250
	OUTPUT 1/	Active	Closed	Active	Closed	Active	Closed			Active	Closed
	1. Number of cases active/closed	200	80	173	92	200	80			200	80
	2. Number of matters active/closed	27	8	40	7	27	8			27	8
	OUTCOME*	# Resolved	Success Rate	# Resolved	Success Rate	# Resolved	Success Rate			# Resolved	Success Rate
	1. Number of criminal cases successfully resolved	no estimate	90%	80	91%	no estimate	90%			no estimate	90%
	2. Dollars Awarded	Superfund	Non-Superfund	Superfund	Non-Superfund	Superfund	Non-Superfund			Superfund	Non-Superfund
	- Fines 9/	no estimate	no estimate	\$ -	\$ 24,658,785	no estimate	no estimate			no estimate	no estimate
	- Restitution	no estimate	no estimate	-	25,525,126	no estimate	no estimate			no estimate	no estimate
	- Community Service Funds 10/			-	13,690,000						
	3. Criminal Environmental Compliance Plan 11/	no estimate	no estimate	\$ -	\$ -	no estimate	no estimate			no estimate	no estimate
Additional Explanation for Targets, Program Changes, and Program Requests											
* In accordance with Department guidance, estimates of performance are not projected for the noted categories.											
Data Definition, Validation, Verification, and Limitations:											
1/ A matter is defined as "an issue requiring attorney time (i.e. congressional & legislative inquiries, Freedom of Information Act (FOIA) inquiries, notice of intent to sue, or policy issues)." Active cases/matters are those currently being worked on as of the reporting date for the current fiscal year. Closed cases/matters are fiscal year-to-date for the reporting date. Cases and matters reported here are those that had time reported.											
2/ Penalties Awarded includes: Civil & Stipulated Penalties, Natural Resource and other damages, Court Costs, Interest on dollars awarded, Attorneys' Fees, and Royalties paid in cases involving the use of U.S. mineral lands.											
3/ CERCLA is the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Funds from the Environmental Protection Agency (EPA) used to enforce this statute are called "Superfund". Monies in the "Superfund" category replenish this fund.											
4/ Cost recovery is awarded to federal & state governments for reimbursement of the clean-up of sites contaminated with hazardous substances. Injunctive relief is estimated clean-up costs for contaminated sites which are court ordered to be completed by the defendant.											
5/ Includes monies paid by the Federal Government for its share of clean-up costs of Superfund sites.											
6/ Supplemental Environmental Projects (SEP) are environmentally beneficial projects that defendants are ordered to perform by the court (i.e. a factory installing a device to reduce the release of pollutants into the environment)											
7/ A mitigation project is actions a defendant agrees to take to remedy the harm caused by its past non-compliance.											
8/ Costs Avoided is the difference between the amount for which the government is sued, and the amount actually paid to plaintiffs.											
9/ Includes Special Assessments, Reimbursement of Court Costs and Attorneys' Fees, and Asset Forfeitures.											
10/ Community Service Funds represents actions which benefit the environment and local community that defendants are ordered to complete in addition to any other sentence.											
11/ Criminal Environmental Compliance Plans are plans that may vary in detail, usually imposed on organizational defendants as conditions of probation at sentencing, that set out various actions that defendants must undertake in an effort to bring them into and keep them in compliance.											
Data Collection & Storage: The majority of the performance data submitted by ENRD are generated from the Division's Case Management System (CMS).											
Data Validation and Verification: The division has instituted a formal data quality assurance program to ensure a quarterly review of the Division's docket. The case systems data are monitored by the division to maintain accuracy.											
Data Limitations: Timeliness of notification by the courts.											
Data does not include United States Attorney (USA) exclusive cases											

Performance Measure Table

PERFORMANCE MEASURE TABLE										
Decision Unit: Environment and Natural Resources Division										
Strategic Objectives	Performance Report and Performance Plan Targets		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014		FY 2015	FY 2016
			Actual	Actual	Actual	Actual	Target	Actual	Target	Target
	2.6, 3.8	EFFICIENCY Measure	Total dollar value awarded per \$1 of expenditures (Affirmative)	\$125	\$174	\$109	\$117	\$81	\$95	\$81
2.6, 3.8	EFFICIENCY Measure	Total dollars saved the government per \$1 of expenditures (Defensive)	\$43	\$30	\$26	\$107	\$22	\$30	\$22	\$22
2.6, 3.8	OUTCOME Measure	Civil affirmative cases successfully resolved	96%	98%	98%	98%	85%	99%	85%	85%
2.6, 3.8	OUTCOME Measure	Civil defensive cases successfully resolved	88%	92%	92%	87%	75%	90%	75%	75%
2.6, 3.8	OUTCOME Measure	Criminal cases successfully resolved	86%	98%	98%	95%	90%	91%	90%	90%
2.6, 3.8	OUTCOME Measure	Cases and Matters (Active & Closed) 1/	6,589	6,363	5,782	6,702	5,399	5,740	5,400	5,400

1/ Measure includes cases and matters with time reported.

3. Performance, Resources, and Strategies

The Environment and Natural Resources Division contributes to the Justice Department’s Strategic Goal Two: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law. The Division focuses on both civil and criminal litigation within this strategic objective. ENRD also contributes to Strategic Goal Three: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels. An explanation by litigating activity follows.

Criminal Litigating Activities

a. Performance Plan and Report for Outcomes

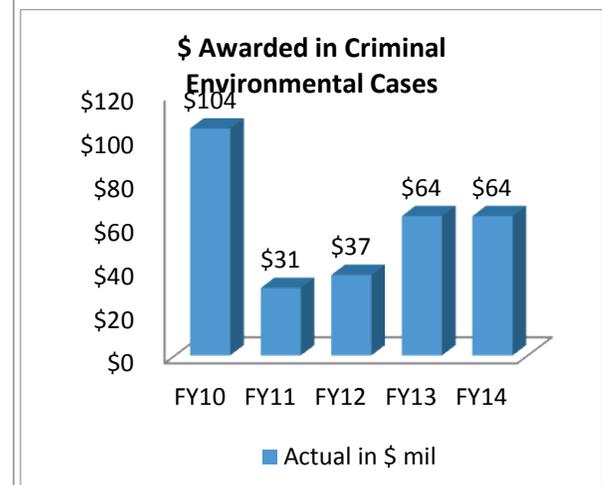
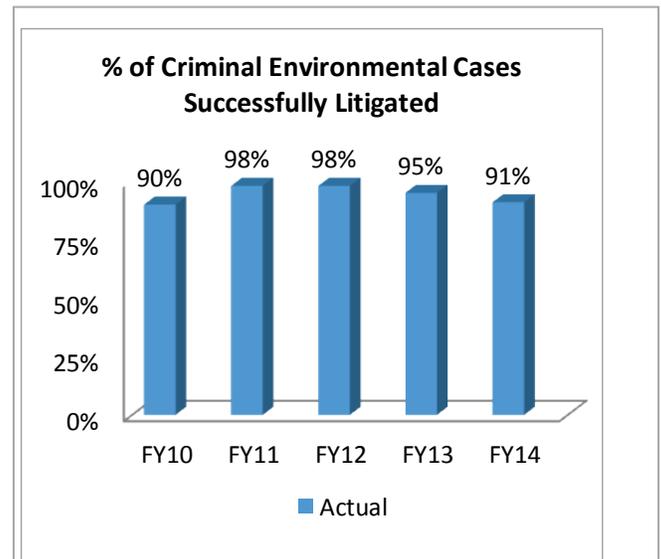
Vigorous prosecution remains the cornerstone of the Department’s integrated approach to ensuring broad-based environmental compliance. It is the goal of investigators and prosecutors to discover and prosecute criminals before they have done substantial damage to the environment (including protected species), seriously affected public health, or inflicted economic damage on consumers or law-abiding competitors. The Department’s environmental protection efforts depend on a strong and credible criminal program to prosecute and deter future wrongdoing. Highly publicized prosecutions and tougher sentencing for environmental criminals are spurring improvements in industry practice and greater environmental compliance. Working together with federal, state and local law enforcement, the Department is meeting the challenges of increased referrals and more complex criminal cases through training of agents, officers and prosecutors, outreach programs, and domestic and international cooperation.

I. Performance Measure - Percent of Criminal Environmental Cases Successfully Resolved

❖ *FY 2014 Target: 90%*

❖ *FY 2014 Actual: 91%*

Discussion: In FY 2014, ENRD’s Environmental Crimes Section successfully prosecuted 79 defendants, including Zhifei Li,



Data Collection and Storage: A majority of the performance data submitted by ENRD are generated from the Division’s Case Management System (CMS).

Data Validation and Verification: ENRD performs a quarterly quality assurance review of the Division’s docket. CMS data is constantly monitored by the Division to maintain accuracy.

Data Limitations: Timeliness of notification by the courts.

the owner of an antique business in China, who pleaded guilty to being the organizer of an illegal wildlife smuggling conspiracy in which 30 rhinoceros horns and numerous objects made from rhino horn and elephant ivory worth more than \$4.5 million were smuggled from the United States to China. In December 2013, Li admitted that he was the “boss” of three antique dealers in the United States whom he paid to help obtain wildlife items and smuggle them to him via Hong Kong. One of those individuals was Qiang Wang, aka “Jeffrey Wang,” who was sentenced to serve 37 months in prison on Dec. 5, 2013, in the Southern District of New York 37 months for conspiracy to smuggle Asian artifacts made from rhinoceros horns and ivory and violate wildlife trafficking laws.

Also this year, Jordan-based Arab Ship Management Ltd. pleaded guilty in federal court in Wilmington, Delaware, to one count of violating the Act to Prevent Pollution from Ships. In accordance with the terms of the plea agreement, Arab Ship Management Ltd. was sentenced to pay a criminal penalty totaling \$500,000 and be placed on probation for two years, during which time ships operated by the company will be banned from calling on ports of the United States.

FY 2015/2016 Performance Plan: We have set our target at 90 percent of cases successfully litigated for FY 2015 and FY 2016. ENRD targets are generally set at an attainable performance level so that there is no incentive to ramp up prosecutions or lawsuits against insignificant targets for “easy” wins solely to meet higher targets. Such an approach would do a disservice to the public by steering litigation away from more complicated problems facing the country’s environment and natural resources.

Public Benefit: The Division continues to produce successful criminal prosecutions relating to environmental statutes. These successes ensure compliance with the law and lead to specific improvements in the quality of the environment of the United States, and the health and safety of its citizens. Additionally, ENRD has had numerous successes in prosecuting vessels for illegally disposing of hazardous materials into United States waterways. These successes have improved the quality of our waterways and promoted compliance with proper disposition of hazardous materials. Also, the Division has successfully prosecuted numerous companies for violations of environmental laws which endangered their workers. Our successes lead to safer workplaces and fewer lives lost to hazardous conditions.

II. Performance Measure - \$ Awarded in Criminal Environmental Cases

❖ ***FY 2014 Target: In accordance with Department guidance, targeted levels of performance are not projected for this indicator.***

❖ ***FY 2014 Actual: \$64 million***

Discussion: The Environmental Crimes Section pursued other cases including that of two Tilghman Island, MD fisherman for conspiring to violate the Lacey Act and to defraud the United States through their illegal harvest, false labeling and sale of striped bass from at least 2007 to 2011. The investigation in this case started in February 2011 when the Maryland Department of Natural Resources found tens of thousands of pounds of striped bass snagged in illegal, anchored nets before the season officially reopened. The subsequent investigation

unveiled a wider criminal enterprise. One defendant has already been sentenced to one year in prison and has agreed to pay restitution to the state of Maryland in the amount of the fraudulently sold fish, or \$498,293. The defendants agreed to forfeit the monetary equivalent of 80 percent of the value of the vessel primarily used during the conspiracy.

FY 2015/2016 Performance Plan: Not Applicable. In accordance with Department guidance, levels of performance for FY 2015 and FY 2016 are not projected for this indicator. Many factors affect our overall performance, such as proposed legislation, judicial calendars, etc. The performance of the Division tends to reflect peaks and valleys when large cases are decided. Therefore, we do not project targets for this metric annually.

Public Benefit: The Division continues to obtain criminal fines from violators, thereby removing economic benefits of non-compliance and leveling the playing field for law-abiding companies. Our prosecutorial efforts deter others from committing crimes and promote adherence to environmental and natural resources laws and regulations. These efforts result in the reduction of hazardous materials and wildlife violations and improve the quality of the United States' waterways, airways, land, and wildlife, thereby enhancing public health and safety.

B. Strategies to Accomplish Outcomes

The Division will continue efforts to obtain convictions and to deter environmental crimes through initiatives focused on vessel pollution, illegal timber harvesting, laboratory fraud, chlorofluorocarbon (CFC) smuggling, wildlife smuggling, transportation of hazardous materials, and worker safety. ENRD will also continue to prosecute international trafficking of protected species of fish, wildlife, and plants with a host of international treaty partners.

Illegal international trade in wildlife is second in size only to the illegal drug trade, and our criminal prosecutors work directly on these cases, as well as assist United States Attorneys Offices and share ENRD expertise nationwide with state and federal prosecutors and investigators. We will focus on interstate trafficking and poaching cases on federal lands, and seek to ensure that wildlife conservation laws are applied uniformly and enforced across the country, seeking consistency in these criminal prosecutions and a vigorous enforcement program that serves as an international role model.

ENRD has partnered with other federal agencies, such as EPA, to pursue litigation against criminal violators of our nation's environmental policies. Egregious offenders are being brought to justice daily. The Division has worked collaboratively to identify violators who pose a significant threat to public health. By prosecuting criminal violations of regulations, ENRD is forcing compliance and discouraging continued disregard for public health.



There are many reasons to buy Duck Stamps. Hunters over the age of 16 must purchase a \$15 stamp each year if they want to hunt migratory waterfowl. Birders and other visitors to national wildlife refuges gain free admission to refuges with the purchase of a stamp. Conservationists know that the stamps are one of the best investments one can make in the future of America's wetlands. Collectors know that the beautiful stamps can gain value over the years and are an important part of America's outdoor culture. Finally, educators, conservationists, hunters, parents and students buy \$5 Junior Duck Stamps to support conservation education programs. South Dakota Artist Adam Grimm Won the 2013 Federal Duck Stamp Contest with his oil painting of a pair of canvasbacks.

Civil Litigating Activities

A. Performance Plan and Report for Outcomes

The Department enforces environmental laws to protect the health and environment of the United States and its citizens, defends environmental challenges to government programs and activities, and represents the United States in all matters concerning the protection, use, and development of the nation's natural resources and public lands, wildlife protection, Indian rights and claims, and the acquisition of federal property.

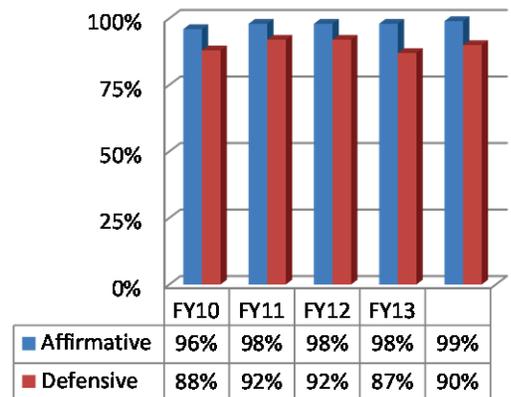
Performance Results

I. Performance Measure - Percent of Civil Environmental Cases Successfully Resolved

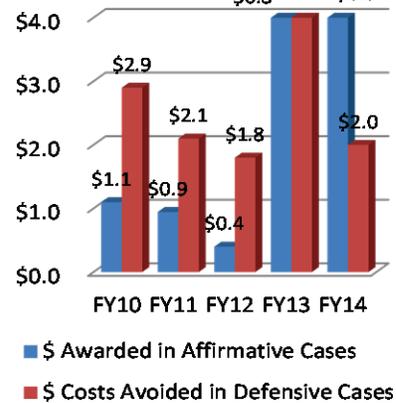
- ❖ **FY 2014 Target:**
85% Affirmative; 75% Defensive
- ❖ **FY 2014 Actual:** *99% Affirmative; 90% Defensive*

Discussion: In FY 2014, ENRD successfully litigated a number of civil cases including a major Clean Air Act case we settled with Houston-based CITGO Petroleum Corp. (CITGO), in which the company agreed to pay a \$737,000 civil penalty and to implement projects to reduce harmful air pollution. In addition to the penalty, the CITGO settlement, requires the company to implement projects that are expected to reduce emissions of volatile organic compounds (VOCs), including toxics, by more than 100 tons over the next five years.

% of Civil Environmental Cases Successfully Resolved



Cost Avoided and \$ Awarded (\$Bil) in Civil Environmental Cases



Data Collection and Storage: A majority of the performance data submitted by ENRD is generated from the Division's Case Management System (CMS).

Data Validation and Verification: ENRD performs a quarterly quality assurance review of the Division's docket. CMS data is constantly monitored by the Division to maintain accuracy.

Data Limitations: Timeliness of notification by the courts

In November 2013, we also settled a major (CWA) municipal sewer overflow case with the city of Shreveport, La., which agreed to make significant upgrades to reduce overflows from its sanitary sewer system and pay a \$650,000 civil penalty to resolve violations stemming from illegal discharges of raw sewage. To come into compliance with the CWA, the city estimates it will spend approximately \$342 million over the next 12 years in order to improve the sewer system's condition. While the city upgrades the system, it will also implement a program for capacity management, operation, and maintenance to help reduce sanitary sewer overflows.

In FY 2014, ENRD ensured that harmful sediments are removed from rivers, state-of-the-art pollution control devices are added to factories to provide cleaner air, sewage discharges are eliminated, and damaged land and water aquifers are restored. ENRD also worked successfully to ensure the integrity of municipal wastewater treatment systems. Each year, hundreds of billions of gallons of untreated sewage are discharged into the nation's waters from municipal wastewater treatment systems that are overwhelmed by weather conditions they are not designed to handle.

FY 2015/2016 Performance Plan: Considering our past performance, we aim to achieve litigation success rates of 85 percent Affirmative and 75 percent Defensive (average of 80 percent) for FY 2015 and FY 2016. ENRD's targets are set lower than the actual performance so that there is no incentive to ramp up prosecutions or lawsuits against easy targets solely to meet an "ambitious" goal. This sort of easy approach would do a disservice to the public by steering litigation away from more difficult problems facing the country's environment and natural resources. Several years of data demonstrate that our targets are set at achievable levels and do not deter high performance.

Public Benefit: The success of the Department ensures the correction of pollution control deficiencies, reduction of harmful discharges into the air, water, and land, clean-up of chemical releases, abandoned waste, and proper disposal of solid and hazardous waste. In addition, the Department's enforcement efforts help ensure military preparedness, safeguard the quality of the environment in the United States, and protect the health and safety of its citizens.

II. Performance Measure - Costs Avoided and \$ Awarded in Civil Environmental Cases

- ❖ ***FY 2014 Target: In accordance with Department guidance, targeted levels of performance are not projected for this indicator.***
- ❖ ***FY 2014 Actual: \$2.0 billion avoided; \$6.3 billion awarded***

Discussion: In April 2014, ENRD achieved a settlement with the Kerr-McGee Corporation and certain of its affiliates, and their parent Andarko Petroleum Corporation, in a fraudulent conveyance case brought by the United States and co-plaintiff Anadarko Litigation Trust in the bankruptcy of Tronox Inc. and its subsidiaries. The settlement resulted in the largest payment ever for the clean-up of environmental contamination. The bankruptcy court had previously found, in December 2013, that the historic Kerr-McGee Corporation fraudulently conveyed assets to New Kerr-McGee to evade its debts, including its liability for environmental clean-up at contaminated sites around the country. Pursuant to the settlement agreement, the defendants

agreed to pay \$5.15 billion to settle the case, of which approximately \$4.4 billion will be paid to fund environmental clean-up and for environmental claims.

FY 2015/2016 Performance Plan: Not Applicable. In accordance with Department guidance, levels of performance are not projected for this indicator. There are many factors that affect our overall performance, including proposed legislation and judicial calendars. The overall performance of the Division can be affected when large cases are decided, so we do not project annually, but our goal is to improve overall performance in a 5-year span.

III. Efficiency Measures

1) Total Dollar Value Awarded per \$1 Expenditures [Affirmative]

2) Total Dollars Saved the Government per \$1 Expenditures [Defensive]

❖ *FY 2014 Target: \$81 awarded; \$22 saved*

❖ *FY 2014 Actual: \$95 awarded; \$30 saved*

Discussion: In FY 2014, ENRD achieved a number of affirmative and defensive litigation successes. For example Total Petrochemical USA Inc. agreed to pay an \$8.75 million penalty for failing to comply with the terms of a 2007 settlement with the United States that resolved alleged violations of the Clean Air Act at its Port Arthur, Texas, refinery. Between 2007 and 2011, Total violated numerous requirements of the 2007 settlement, including failing to comply with emissions limits for benzene, a harmful air pollutant. The company also failed to perform corrective actions or to analyze the cause of over 70 incidents involving emissions of hazardous gases through flaring.

FY 2015/2016 Performance Plan: The Division has an exemplary record in protecting the environment, Indian rights, and the nation's natural resources, wildlife, and public lands. ENRD anticipates continued success through vigorous enforcement efforts which generally will produce settlements and significant gains for the public and the public fisc.

Public Benefit: The Division's efforts to defend federal programs, ensure compliance with environmental and natural resource statutes, win civil penalties, recoup federal funds spent to abate environmental contamination, ensure military preparedness, and ensure the safety and security of our water supply, demonstrate that the United States' environmental laws and regulations are being vigorously enforced. Polluters who violate these laws are not allowed to gain an unfair economic advantage over law-abiding companies. The deterrent effect of the Division's work encourages voluntary compliance with environmental and natural resources laws, thereby improving the environment, the quality of our natural resources, and the safety and health of U.S. citizens.

B. Strategies to Accomplish Outcomes

As our environment changes, so do the actions we take to preserve the health and life of those residing within the borders of the United States. Environmental groups and other interested

parties challenge Administration policies every year. ENRD is responsible for defending federal agencies carrying out Administration policies every day. The Division has realized some remarkable successes to date. In an effort to continue our successful record of litigation, the Division has sought new and creative ways to utilize our limited resources. For example, ENRD has adopted a policy of “porosity,” whereby cases involving the responsibilities of different sections within ENRD can be litigated by a single attorney, rather than two or three attorneys from different sections. As such, ENRD’s porosity policy allows us to litigate case in a manner that conserves resources, without regard to bureaucratic distinctions within the Division. This policy has also resulted in more flexibility to shift workloads between attorneys when they become overburdened. Although cross-training staff grows our workforce’s skills and abilities, it does not address long-term caseload issues.

The Division works collaboratively with client agencies towards adjudications, mediations, alternative dispute resolution (ADR), and settlements. These alternative methods of resolution are less contentious and save the government expenses associated with full-blown litigation. Water rights adjudications, reclamations, and inverse takings cases are typically handled in settlement mode versus litigation mode. Settlements often result in the most favorable outcome, and reach the largest number of people.



The Junior Duck Stamp Conservation and Design Program is a dynamic art and science program designed to teach wetlands habitat and waterfowl conservation to students in kindergarten through high school and help reconnect youth with the outdoors. The program guides students, using scientific and wildlife observation principles, to communicate visually what they have learned through an entry into the Junior Duck Stamp art contest. This non-traditional pairing of subjects brings new interest to both the sciences and the arts. It crosses cultural, ethnic, social and geographic boundaries to teach greater awareness of our nation’s natural resources. Si youn Kim, 16, of Tenafly, N.J., won the 2014 National Junior Duck Stamp Contest with an acrylic painting of a king eider.

V. Program Increases by Item

A. Improving Environmental Enforcement in Indian Country Initiative

Item Name:	Improving Environmental Enforcement in Indian Country
AG Targeted Priority Options:	Protecting the most vulnerable members of society
Strategic Goal:	<u>Strategic Goal III</u> : Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels.
Strategic Objective:	<u>Strategic Objective 3.8</u> : Strengthen the government-to-government relationship between tribes and the United States, improve public safety in Indian Country, and honor treaty and trust responsibilities through consistent, coordinated policies, activities, and litigation.
Budget Decision Unit(s):	Environment and Natural Resources Division
Organizational Program:	<i>Environmental Enforcement (EES)</i> <i>Indian Resources Section (IRS)</i> <i>Environmental Crimes Section (ECS)</i>
Program Increase:	Positions <u>4</u> , Atty <u>4</u> , FTE <u>2</u> , Dollars <u>\$3,000,000</u>

Description of the Item

ENRD is requesting \$3,000,000, including 4 attorney positions and 2 FTEs, to expand the Division's efforts to enforce environmental statutes to protect human health and the environment in Indian Country.

Energy and other natural-resource development on Indian lands has increased substantially in the past decade and is projected to continue to grow. With this boom have come air and water pollution and threats to human health and the environment, as well as threats to cultural resources vital to the preservation of traditional life-ways. Air-quality degradation, surface and drinking water contamination, and other strains on water resources are increasingly becoming major problems in Indian Country.

The federal environmental regulatory scheme generally relies on a dual enforcement structure with states. In most cases, a state agency is charged with policing air and water quality

within the state. Our entire environmental regulatory structure contemplates a robust state enforcement authority. In Indian Country, most tribal governments have yet to achieve comparable enforcement capability. Thus, there is a gap in the United States' enforcement of environmental laws in Indian Country. The rapid expansion of energy development on Indian lands in the last decade has strained the enforcement capacity of the federal and tribal agencies charged with protecting human health and the environment in Indian Country.

Areas of Indian Country that have seen rapid changes as a result of increased energy exploration and extraction often lack the road and pipeline infrastructure of other areas of the country. As a result, crushing loads are hauled by truck over roads that were not designed for heavy-load traffic. Disposal facilities for hazardous and non-hazardous waste are located far from production facilities. Pollutants such as benzene, toluene, ethylbenzene, and Volatile Organic Compounds ("VOC") are emitted into the atmosphere, and fugitive emissions of methane can be a major source of Greenhouse Gases ("GHG"). In the short term, exposure to benzene can cause short term irritation of the skin and upper respiratory tract. Long-term exposure may lead to cancer and developmental disorders. VOCs can form ground-level ozone which can cause breathing difficulties such as asthma – particularly in the elderly and children. Residents have expressed serious concerns about thousands of flares that not only release GHGs and VOCs, but also disrupt and disperse wildlife due to the sheer number of fires burning on the open prairie.

Tribal communities are also concerned about surface and drinking water quality, with the contamination of water sources used for drinking water, agriculture, fishing, recreation, and religious ceremonies. Tanker trucks frequently leak contents on roads, and, in some cases, drive to remote areas to dump their contents rather than taking them to a distant disposal facility. Radioactive filters have been illegally dumped along roadsides, in fields, and in warehouses. In some cases, the serial numbers have been scratched off, presumably to keep the filters from being traced back to the generator or transporter. The filters present a particularly attractive danger to children because they look like nets that can be used to fish or build play forts.

Energy exploration and extraction operations can require millions of gallons of water, sometimes in locales where water resources are precious. Tribal members have raised concerns that aquifers are being illegally tapped to supply water for some operators. If that is the case, the United States has an obligation to defend the tribes' water rights from illegal depletion.

Civil and criminal enforcement efforts have been hampered by a lack of resources and the remote nature of these areas of Indian Country. The nearest federal investigators are often hours away, tribal police forces are severely understaffed, and state governments typically lack the authority to regulate environmental violations on the reservation.

Justification

As the United States continues to develop its natural resources, Indian Country will continue to occupy a unique intersection of the nation's energy, climate change, and environmental justice policies. Federal and tribal agencies alike will face serious enforcement challenges. Development of energy and other natural resources will continue to have a significant impact on tribes, tribal land, and tribal people for the foreseeable future. The current

lack of fiscal resources to properly develop enforcement actions on tribal lands may ultimately lead to environmental justice questions as tribal communities bear a disproportionately negative impact of the nation's energy policy. Tribal communities may see their land and natural resources degraded and destroyed because the tribal governments lack the capacity to create and implement effective environmental regulatory structures, and the federal government lacks the resources to enforce the federal environmental regulations already in place.

By working with EPA and other federal agencies, ENRD will provide legal and technical expertise to develop and litigate cases to address environmental violations in Indian Country. To effectively accomplish this objective, the Division estimates that it will require in FY 2016 the services of 4 new attorneys, plus approximately \$2.6 million in funding for contract litigation support and expert consultant services. We will need to retain the services of expert consultants to assist in collecting and/or interpreting air-emission and water-quality data to develop civil and criminal cases for potential violations of the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Resource Conservation and Recovery Act. Specifically, we expect to hire hydrologic experts to assess the impact of water depletion and water quality degradation, to fulfill the United States' trust obligation to protect tribal water rights. And we will require extensive analytical as well as data and document management services to effectively track and manage relevant environmental violations in Indian Country.

Impact on Performance

Successful ENRD enforcement of environmental laws is a critical step in achieving the Justice Department's Strategic Goal Three: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels; and, more specifically, Strategic Objective 3.8: Strengthen the government-to-government relationship between tribes and the United States, improve public safety in Indian Country, and honor treaty and trust responsibilities through consistent coordinated policies, activities, and litigation. The Improving Environmental Enforcement in Indian Country initiative enhances a critical aspect of the Department's long-standing role in enforcing and upholding the federal laws that preserve the environment. This enhancement will further environmental law enforcement and prosecutions, addressing the threats to human health on tribal lands and leading to safer and more secure native communities. Existing performance measures will track progress for the proposed increase and will likely include a revision of targets. The requested budget enhancement supports the Attorney General's priority goal to protect the most vulnerable members of society by addressing air and water pollution and threats to human health and the environment in Indian Country.

Funding

Base Funding

FY 2014 Enacted				FY 2015 President's Budget				FY 2016 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
0	0	0	0	0	0	0	\$0	0	0	0	\$0

Personnel Increase Cost Summary

Type of Position/Series	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2016 Request (\$000)	FY 2017 Net Annualization (change from 2016) (\$000)
Attorneys (0905)	167	4	\$367	\$337
Total Personnel	167	4	\$367	\$337

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2016 Request (\$000)	FY 2017 Net Annualization (change from 2016) (\$000)
Automated Litigation Support and Contractor Support			\$2,633	\$0
Total Non- Personnel			\$2,633	\$0

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2017 Net Annualization (change from 2016) (\$000)
Current Services	0	0	0	\$0	\$0	\$0	
Increases	4	4	2	\$367	\$2,633	\$3,000	\$337
Grand Total	4	4	2	\$367	\$2,633	\$3,000	\$337

B. Wildlife Trafficking Initiative

Item Name:	Wildlife Trafficking Initiative
AG Targeted Priority Options:	Protecting Americans from national security threats
Strategic Goal:	<u>Strategic Goal II:</u> Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law.
Strategic Objectives:	<u>Strategic Objective 2.4:</u> Investigate and prosecute corruption, economic crimes, and transnational organized crime.
Budget Decision Unit(s):	Environment and Natural Resources Division
Organizational Program:	<i>Environmental Crimes Section (ECS)</i> <i>Law and Policy Section (LPS)</i>
Program Increase:	Positions <u>2</u> , Atty <u>2</u> , FTE 1, Dollars <u>\$2,000,000</u>

Description of the Item

ENRD is requesting 2 attorney positions, 1 FTE, and a total of \$2,000,000 to expand and further develop the Division's efforts to address wildlife trafficking and to build capacity in overseas countries.

The Department of Justice has taken a leadership role in the recently invigorated high-profile, world-wide, multinational efforts to combat wildlife trafficking and related transnational organized crime activities. On February 11, 2014, the President released the *National Strategy for Combating Wildlife Trafficking*, demonstrating the United States' deep commitment to ending this pernicious trade that threatens security, sustainable economic development, and the very survival of the world's most iconic and endangered species. ENRD was a principal author of the *National Strategy*. The *National Strategy* is an outcome of the July 1, 2013, Executive Order No. 13648, which established a Presidential Task Force on Wildlife Trafficking and charged it to develop a means to enhance coordination of U.S. Government efforts. The Task Force is co-chaired by the Secretaries of State and the Interior and the Attorney General, or their designees, and includes senior-level representatives from 14 additional federal departments and agencies. The *National Strategy* identifies three key priorities: strengthening domestic and global enforcement, including assessing the related laws, regulations, and enforcement tools; reducing demand for illegally traded wildlife; and building international cooperation and public-private partnerships. ENRD seeks a budget enhancement to fund required personnel, critical

expert consultant support, and essential logistical and litigation support for the implementation of the *National Strategy* and to sustain related Wildlife Trafficking investigations, prosecutions, training and enforcement capacity building efforts (from investigators and prosecutors to judges).

Justification

Wildlife trafficking is a multi-billion dollar criminal activity that not only raises critical conservation concerns, but has evolved into an acute security threat in some regions. Record high demand for fish and wildlife products, coupled with inadequate preventative measures and weak institutions, has resulted in an explosion of illicit trade in fish and wildlife in recent years, with the increasing involvement of organized transnational criminal syndicates. This trade undermines security, fuels corruption and is decimating iconic animal populations. Facilitating the poaching and illegal trade is widespread illegal logging. For several years combating illegal logging has been a priority for ENRD under the Lacey Act. This connection to illegal wildlife trafficking provides a strong new imperative for combating illegal logging since it opens up previously inaccessible areas to poaching and facilitates the transportation of fish and wildlife on logging roads thereafter. The increasing involvement of transnational organized crime in wildlife trafficking and illegal logging promotes corruption, threatens the peace and security of fragile regions, strengthens illicit trade routes, and destabilizes economies and communities that depend on wildlife and forests for biodiversity and tourism revenues.

Strong enforcement is critical to stopping this pernicious trade. After working over the past year with partner nations on fish and wildlife and timber interdiction efforts, specific work has been identified that can move enforcement efforts forward in the face of complex international schemes. For example, the U.S. Fish and Wildlife Service (USFWS) has identified the domestic ivory market as a driver of illegal ivory trafficking (and thus of poaching to supply that trade) and is taking steps to increase enforcement in the domestic ivory trade in the U.S. In addition, the USFWS noted a recent increase in illegal harvest and export of U.S. domestic species of wildlife for consumption in foreign markets. Federal and state agencies have started to work on coordinated investigations aimed at shutting down the complex schemes involved in this export trade. Finally, cooperative efforts on combating illegal timber trafficking, particularly originating from forest habitats for tigers and orangutans, are already underway with several international meetings and now regular conference calls for coordination of personnel tasked with implementing and enforcing relatively new, and complementary, timber laws in the U.S., European Union and Australia. Initial work in each of these areas (ivory, domestic poaching for international markets, and habitats) has set the stage for significant joint or targeted enforcement operations in the near future. We are also seeking to increase cooperative efforts on combating illegal wildlife trafficking through training programs for U.S. border agents, as well as international enforcement partners.

To support these efforts, ENRD's budget enhancement, estimated to cost \$2,000,000 in total, serves three purposes. First, ENRD seeks two attorney positions, one in the Law and Policy Section and one in the Environmental Crimes Section, to support the additional case and capacity building work that is developing. Second, the Division has an urgent need to retain two consulting experts to handle analysis and identification of trafficking and finances, subjects and products related to international wildlife, particularly ivory, and timber. These consultants will help create a blueprint and foundation for future enforcement actions, particularly coordinated

complex investigations into the operations of multinational corporations involved in the global trade in illegal wildlife and wild-harvested timber and the tracking of monies related thereto. We have an acute need to consult with an expert in the ivory trade who can help us conduct a detailed analysis of the domestic ivory markets and supply chain. This analysis will help identify subjects and targets in this area and prioritize enforcement resources.

As a result of the increase in fish and wildlife poaching domestically intended for export activities, ENRD is seeing a significant increase in the number of such wildlife trafficking criminal referrals. We anticipate an increase in international cases, particularly with the posting of USFWS agents overseas as a result of the work of the trade and financial experts described above. These referrals require a significant amount of litigation support to assist with the collection of large volumes of documents and other evidence that must be organized, logged into automated image-enabled databases, and reviewed. While the consultants described above are needed to develop our cases, automated litigation support services are needed to successfully litigate our cases.

Finally, to support the Administration's commitments set forth in the National Strategy, ENRD seeks to fund extensive training, capacity building, coordination, and information sharing efforts with the United States' international partners in source, transit, and destination countries for illegal trade in protected wildlife. Our capacity building efforts will be focused on key range and consumer nation states in Africa, Asia, and possibly South America. Over the next three years, the Department will work in close collaboration with U.S. enforcement partners and various international organizations to promote more proactive international law enforcement operations, including through efforts to train investigators, prosecutors, and judges. ENRD prosecutors and other Division attorneys will work closely with our foreign government partners to build their capacity to develop and effectively enforce their wildlife trafficking laws, better enabling them to combat local poaching and the attendant illegal wildlife trade. We seek to help our partners craft strong laws, strengthen their investigation and evidence gathering capabilities, and improve their judicial and prosecutorial effectiveness. Developing and providing training on internationally recognized forensic standards will improve our ability to use evidence developed abroad in enforcement cases here in the U.S.; and broadening the pool of qualified forensic scientists worldwide will help foster development of additional and effective enforcement cases. A web portal that can be accessed by our partners will be developed to provide information on wildlife trafficking laws and international wildlife trafficking agreements; contact information and links for various national, intergovernmental and multinational enforcement groups; tool kits; global criminal history information; and forums for discussions among professionals of questions, concerns and issues.

Our experience has shown that such training, capacity building, coordination, and information sharing efforts develop more effective partners to investigate and prosecute transnational environmental crimes, increases our ability to enforce U.S. criminal statutes that have extraterritorial dimensions while also helping law enforcement officials in the U.S. and other countries meet their enforcement obligations under international environmental and free trade agreements. These training and capacity building initiatives also foster positive relationships with prosecutors in other countries in a way that better enables us to share information and assist in prosecuting transnational crimes. Capacity building may be conducted bilaterally (in the United States or a partner nation) or in multilateral fora, and our programs may

span a range of environmental crimes. In addition to costs directly related to travel and training, developing and implementing these program may require additional ENRD staff or outside consultants to assist with logistical and/or technical matters.

Impact on Performance

Successful execution of ENRD enforcement of Wildlife protection laws is a critical step in achieving the Justice Department's Strategic Goal Two: Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People; and, more specifically, Strategic Objective 2.4: Investigate and prosecute corruption, economic crimes, and transnational organized crime. The Wildlife Trafficking initiative enhances a critical aspect of the Department's long-standing role in enforcing and upholding the federal laws that preserve the environment. This proposal focuses Division efforts on the disruption of transnational organized criminal activity in wildlife trafficking as well as the corruption that enables it to prosper. In line with the Administration's *Strategy to Combat Transnational Organized Crime*, the Division will work with our foreign partners to combat this lucrative and pernicious criminal activity. Performance measures that are developed will track progress for the proposed increase against established targets. The requested budget enhancement supports the Attorney General's priority goal to protect Americans from other threats to national security by taking aim at criminal acts that threaten the peace and security of often already fragile regions, destabilizing economies and communities abroad.

Funding

Base Funding

FY 2014 Enacted				FY 2015 President's Budget				FY 2016 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
0	0	0	0	0	0	0	0	0	0	0	0

Personnel Increase Cost Summary

Type of Position/Series	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2016 Request (\$000)	FY 2017 Net Annualization (change from 2016) (\$000)
Attorneys (0905)	\$167	2	\$183	\$168
Total Personnel	\$167	2	\$183	\$168

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2016 Request (\$000)	FY 2017 Net Annualization (change from 2016) (\$000)
Automated Litigation Support and Contractor Support			\$1,817	\$0
Total Non- Personnel			\$1,817	\$0

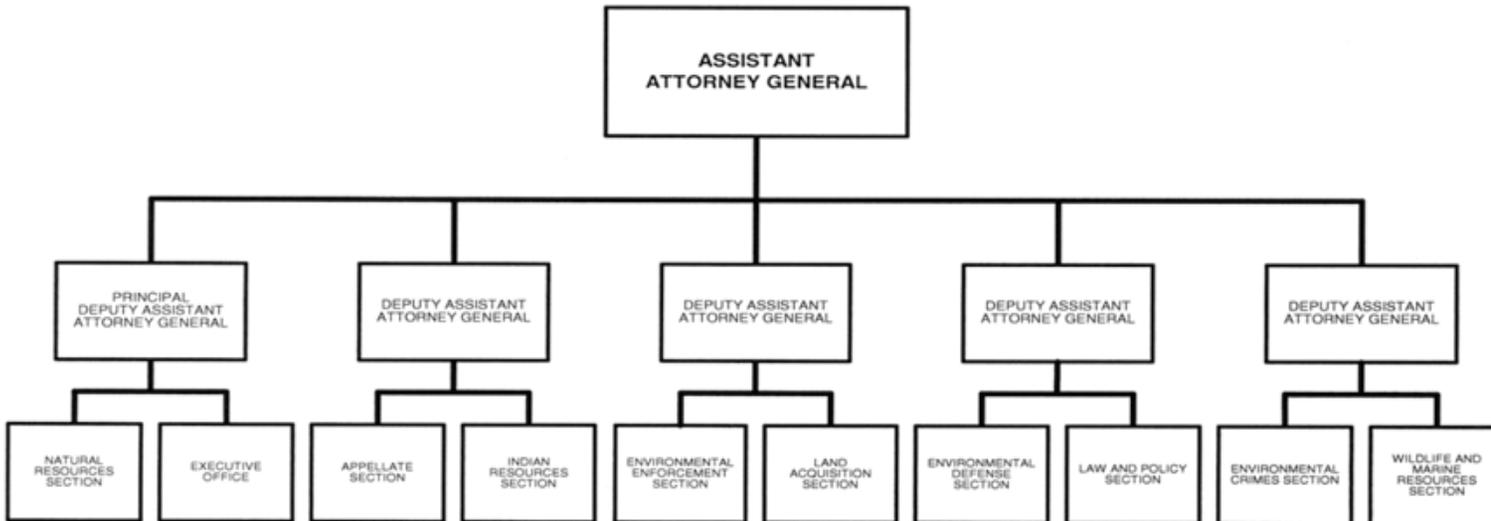
Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2017 Net Annualization (change from 2016) (\$000)
Current Services	0	0	0	\$0	\$0	\$0	
Increases	2	2	1	\$183	\$1,817	\$2,000	\$168
Grand Total	2	2	1	\$183	\$1,817	\$2,000	\$168

VII. Exhibits

A. Organization Chart

ENVIRONMENT AND NATURAL RESOURCES DIVISION



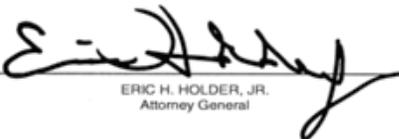
Approved by:  Date April 26, 2010
ERIC H. HOLDER, JR.
Attorney General

Exhibit A

B. Summary of Requirements

Summary of Requirements			
Environment and Natural Resources Division			
Salaries and Expenses			
(Dollars in Thousands)			
	FY 2016 Request		
	Direct Positions	Estimate FTE	Amount
2014 Enacted	537	510	107,643
Total 2014 Enacted (with Balance Rescission)	537	510	107,643
2015 Enacted	537	526	110,077
Technical and Base Adjustments			
Pay and Benefits	0	0	1,739
Domestic Rent and Facilities	0	0	10,671
Other Adjustments	0	0	10
Total Base Adjustments	0	0	12,420
Total Technical and Base Adjustments	0	0	12,420
2016 Current Services	537	526	122,497
Program Changes			
Increases:			
Improving Environmental Enforcement in Indian Country	4	2	3,000
Wildlife Trafficking Initiative	2	1	2,000
Subtotal, Increases	6	3	5,000
Total Program Changes	6	3	5,000
2016 Total Request	543	529	127,497
2016 Total Request	543	529	127,497
2015 - 2016 Total Change	543	529	127,497

Note: The FTE for FY 2014 is actual and for FY 2015 and FY 2016 is estimated.

Exhibit B

B. Summary of Requirements - Continued

Summary of Requirements												
Environment and Natural Resources Division												
Salaries and Expenses												
(Dollars in Thousands)												
Program Activity	2014 Enacted			2015 Enacted			2016 Technical and Base Adjustments			2016 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Environment and Natural Resources	537	510	107,643	537	526	110,077	0	0	12,420	537	526	122,497
Total Direct	537	510	107,643	537	526	110,077	0	0	12,420	537	526	122,497
Balance Rescission			0			0			0			0
Total Direct with Rescission			107,643			110,077			12,420			122,497
Reimbursable FTE		84			115			0			115	
Total Direct and Reimb. FTE		594			641			0			641	
Other FTE:												
LEAP		0			0			0			0	
Overtime		0			0			0			0	
Grand Total, FTE		594			641			0			641	
Program Activity	2016 Increases			2016 Offsets			2016 Request					
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount			
Environment and Natural Resources	6	3	5,000	0	0	0	543	529	127,497			
Total Direct	6	3	5,000	0	0	0	543	529	127,497			
Balance Rescission			0			0			0			0
Total Direct with Rescission			5,000			0			0			127,497
Reimbursable FTE		0			0			115				
Total Direct and Reimb. FTE		3			0			644				
Other FTE:												
LEAP		0			0			0				
Overtime		0			0			0				
Grand Total, FTE		3			0			644				

Exhibit B

C. FY 2016 Program Changes by Decision Unit

FY 2016 Program Increases by Decision Unit									
Environment and Natural Resources Division									
Salaries and Expenses									
(Dollars in Thousands)									
Program Increases	Location of Description in Narrative	Environment and Natural Resources				Total Increases			
		Direct Pos.	Agt./ Atty.	Est. FTE	Amount	Direct Pos.	Agt./ Atty.	Est. FTE	Amount
Improving Environmental Enforcement in Indian Country	p. 32	4	4	2	3,000	4	4	2	3,000
Wildlife Trafficking Initiative	p. 36	2	2	1	2,000	2	2	1	2,000
Total Program Increases		6	6	3	5,000	6	6	3	5,000

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective													
Environment and Natural Resources Division													
Salaries and Expenses													
(Dollars in Thousands)													
Strategic Goal and Strategic Objective		2014 Enacted		2015 Enacted		2016 Current Services		2016 Increases		2016 Offsets		2016 Total Request	
		Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount
Goal 2	Prevent Crime, Protect the Rights of the American People, and enforce Federal Law												
	2.4 Investigate and Prosecute corruption, economic crimes, and transnational organized crime							1	2,000			1	2,000
	2.6 Protect the federal fisc and defend the interests of the United States												
	Subtotal, Goal 2	537	97,230	601	99,429	601	110,647	1	2,000	0	0	601	110,647
Goal 3	Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels.												
	3.8 Strengthen the government-to-government relationship between tribes and the United States, improve public safety in Indian Country, and honor treaty and trust responsibilities through consistent, coordinated policies, activities, and litigation												
	Subtotal, Goal 3	57	10,413	40	10,648	40	11,850	2	3,000	0	0	42	14,850
TOTAL		594	107,643	641	110,077	641	122,497	3	5,000	0	0	644	127,497

Exhibit D

E. Justification for Base Adjustments

Justifications for Technical and Base Adjustments						
Environment and Natural Resources Division						
Salaries and Expenses						
(Dollars in Thousands)						
				Direct Pos.	Estimate FTE	Amount
Pay and Benefits						
1	2016 Pay Raise:					
	This request provides for a proposed 1.3 percent pay raise to be effective in January of 2016. The amount requested, \$732,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits.					732
2	Annualization of 2015 Pay Raise:					
	This pay annualization represents first quarter amounts (October through December) of the 2015 pay increase of 1.0 percent included in the 2015 President's Budget. The amount requested, \$171,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits.					171
3	FERS Regular/Law Enforcement Retirement Contribution:					
	Effective October 1, 2015 (FY 2016), the new agency contribution rates of 13.2% (up from the current 11.9%, or an increase of 1.3%) and 28.8% for law enforcement personnel (up from the current 26.3%, or an increase of 2.5%). The amount requested, \$341,000, represents the funds needed to cover this increase.					341
4	Employee Compensation Fund:					
	The request reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.					25
5	Health Insurance:					
	Effective January 2016, the component's contribution to Federal employees' health insurance increases by 2.8 percent. Applied against the 2015 estimate, the amount is \$129,000.					129
6	Retirement: CSRS					
	Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year, for both LEO and Non-LEO, based on the past 5 years of DOJ retirement data. The requested increase of \$47,000 is necessary to meet our increased retirement obligations as a result of this conversion.					47
7	Change in Compensable Days:					
	The increased cost for one compensable day in FY 2016 compared to FY 2015 is calculated by dividing the FY 2015 estimated personnel compensation and applicable benefits by 261 compensable days. The cost of one additional compensable day in FY 2016 is \$294,000.					294
Subtotal, Pay and Benefits				0	0	1,739
Domestic Rent and Facilities						
				Direct Pos.	Estimate FTE	Amount
1	General Services Administration (GSA) Rent:					
	GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$1,777,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of an automated system, which uses the latest inventory data, including rate increases to be effective FY 2016 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied.					1,777
2	Guard Services:					
	This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country.					66
3	Moves (Lease Expirations):					
	GSA requires all agencies to pay relocation costs associated with lease expirations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2016.					8,828
Subtotal, Domestic Rent and Facilities				0	0	10,671
Other Adjustments						
1	Security Investigations - OPM has increased the rates for some types of personnel investigations (some rates have declined.) The estimated net increase for this costs is \$10,000.					10
Subtotal, Other Adjustments				0	0	10
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS				0	0	12,420

Exhibit E

F. Crosswalk of 2014 Availability

Crosswalk of 2014 Availability Environment and Natural Resources Division Salaries and Expenses (Dollars in Thousands)														
Program Activity	2014 Enacted			Balance Rescission			Reprogramming/Transfers			Carryover	Recoveries/Refunds	2014 Availability		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount	Amount	Amount	Direct Pos.	Estim. FTE	Amount
Environment and Natural Resources	537	510	107,643	0	0	0	0	0	2,200	2,004	867	537	510	112,714
Total Direct	537	510	107,643	0	0	0	0	0	2,200	2,004	867	537	510	112,714
Reimbursable FTE		84			0			0					84	
Total Direct and Reimb. FTE		594			0			0					594	
Other FTE:														
LEAP		0			0			0					0	
Overtime		0			0			0					0	
Grand Total, FTE		594			0			0					594	
Reprogramming/Transfers														
Funding of \$2,200,000 was distributed from GLA's ALS account to ENRD.														
Carryover:														
Funds were carried over into 2014 from GLA's 2013 no-year account (\$2,004k)														
Recoveries/Refunds:														
Direct recoveries from GLA's no-year ALS accounts total \$867k.														

Exhibit F

G. Crosswalk of 2015 Availability

Crosswalk of 2015 Availability											
Environment and Natural Resources Division											
Salaries and Expenses											
(Dollars in Thousands)											
Program Activity	FY 2015 Enacted			Reprogramming/Transfers			Carryover	Rescission	2015 Availability		
	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount	Amount	Amount	Direct Pos.	Estim. FTE	Amount
Environment and Natural Resources	537	526	110,077	0	0	0	2,391	(142)	537	526	112,326
Total Direct	537	526	110,077	0	0	0	2,391	(142)	537	526	112,326
Balance Rescission			0								0
Total Direct with Rescission			110,077								110,077
Reimbursable FTE		115			0		0			115	
Total Direct and Reimb. FTE		641			0		0			641	
Other FTE:											
LEAP		0			0		0			0	
Overtime		0			0		0			0	
Grand Total, FTE		641			0		0			641	
Carryover:											
Funds were carried over into FY 2015 from GLA's 2014 no-year account.											
Rescission:											
A \$10m unobligated balance rescission was spread among the GLA components' carryover funding.											

Exhibit G

H. Reimbursable Resources

Summary of Reimbursable Resources												
Environment and Natural Resources Division												
Salaries and Expenses												
(Dollars in Thousands)												
Collections by Source	2014 Actual			2015 Planned			2016 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Department of Agriculture			27			118			118			0
Department of Commerce			0			14			14			0
Department of Defense			246			1,873			1,873			0
Department of Energy			53			315			315			0
Department of Health and Human Services			3,257			3,100			3,100			0
Department of Homeland Security			174			600			600			0
Department of the Interior			2,941			5,730			5,730			0
Department of Justice			25,015			28,000			28,000			0
Department of State			128			500			500			0
Department of the Treasury			0			10			10			0
Environmental Protection Agency	115	84	23,462	115	115	25,970	115	115	25,970	0	0	0
Federal Trade Commission			1,250			1,200			1,200			0
Securities and Exchange Commission			15,198			17,070			17,070			0
Others			401			500			500			0
Budgetary Resources	115	84	72,152	115	115	85,000	115	115	85,000	0	0	0
Obligations by Program Activity	2014 Actual			2015 Planned			2016 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Environment and Natural Resources	115	84	72,152	115	115	85,000	115	115	85,000	0	0	0
Budgetary Resources	115	84	72,152	115	115	85,000	115	115	85,000	0	0	0

Exhibit H

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category									
Environment and Natural Resources Division									
Salaries and Expenses									
(Dollars in Thousands)									
Category	2014 Enacted		2015 Enacted		2016 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Security Specialists (080)	1	0	1	0	0	0	0	1	0
Personnel Management (200-299)	5	2	5	2	0	0	0	5	2
Clerical and Office Services (300-399)	52	20	52	20	0	0	0	52	20
Accounting and Budget (500-599)	4	1	4	1	0	0	0	4	1
Attorneys (905)	370	69	370	69	0	6	0	376	69
Paralegals / Other Law (900-998)	88	19	88	19	0	0	0	88	19
Business & Industry (1100-1199)	3	1	3	1	0	0	0	3	1
Information Technology Mgmt (2210)	14	3	14	3	0	0	0	14	3
Total	537	115	537	115	0	6	0	543	115
Headquarters (Washington, D.C.)	460	99	460	99	0	6	0	466	99
U.S. Field	77	16	77	16	0	0	0	77	16
Total	537	115	537	115	0	6	0	543	115

Exhibit I

J. Financial Analysis of Program Changes

Financial Analysis of Program Changes								
Environment and Natural Resources Division								
Salaries and Expenses								
(Dollars in Thousands)								
Grades	Environment and Natural Resources						Total Program Changes	
	Improving Environmental Enforcement in Indian Country		Wildlife Trafficking Initiative		Program Offsets		Direct Pos.	Amount
	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount		
SES	0	0	0	0	0	0	0	0
GS-15	0	0	0	0	0	0	0	0
GS-14	4	432	2	216	0	0	6	648
GS-13	0	0	0	0	0	0	0	0
GS-12	0	0	0	0	0	0	0	0
GS-11	0	0	0	0	0	0	0	0
GS-10	0	0	0	0	0	0	0	0
GS-9	0	0	0	0	0	0	0	0
GS-8	0	0	0	0	0	0	0	0
GS-7	0	0	0	0	0	0	0	0
GS-6	0	0	0	0	0	0	0	0
GS-5	0	0	0	0	0	0	0	0
Total Positions and Annual Amount	4	432	2	216	0	0	6	648
Lapse (-)	-2	-216	-1	-108	0	0	-3	-324
11.5 Other Personnel Compensation		0		0		0	0	0
Total FTEs and Personnel Compensation	2	216	1	108	0	0	3	324
12.0 Benefits		92		62		0	0	154
13.0 Benefits for former personnel		0		0		0	0	0
21.0 Travel and Transportation of Persons		18		12		0	0	30
22.0 Transportation of Things		1		1		0	0	2
23.1 Rental Payments to GSA		6		4		0	0	10
23.3 Communications, Utilities, and Miscellaneous Charges		0		0		0	0	0
24.0 Printing and Reproduction		0		0		0	0	0
25.1 Advisory and Assistance Services		0		0		0	0	0
25.2 Other Services from Non-Federal Sources		2,593		1,764		0	0	4,357
25.3 Other Goods and Services from Federal Sources		0		0		0	0	0
25.5 Research and Development Contracts		0		0		0	0	0
25.7 Operation and Maintenance of Equipment		0		0		0	0	0
26.0 Supplies and Materials		2		1		0	0	3
31.0 Equipment		72		48		0	0	120
Total Program Change Requests	2	3,000	1	2,000	0	0	3	5,000

Exhibit J

K. Summary of Requirements by Object Class

Summary of Requirements by Object Class									
Environment and Natural Resources Division									
Salaries and Expenses									
(Dollars in Thousands)									
Object Class	2014 Actual		2015 Enacted		2016 Request		Increase/Decrease		
	Direct	Amount	Direct	Amount	Direct	Amount	Direct	Amount	
11.1 Full-Time Permanent	466	54,016	480	56,241	483	58,086	3		1,845
11.3 Other than Full-Time Permanent	44	3,942	46	4,058	46	4,058	0		0
11.5 Other Personnel Compensation	0	657	0	744	0	744	0		0
<i>Overtime</i>	0	0	0	0	0	0	0		0
<i>Other Compensation</i>	0	0	0	0	0	0	0		0
11.8 Special Personal Services Payments	0	133	0	281	0	281	0		0
Total	510	58,748	526	61,324	529	63,169	3		1,845
Other Object Classes									
12.0 Personnel Benefits		18,552		21,692		22,388			696
13.0 Benefits for former personnel		3		0		0			0
21.0 Travel and Transportation of Persons		1,943		2,268		2,298			30
22.0 Transportation of Things		312		316		318			2
23.1 Rental Payments to GSA		12,313		12,398		14,185			1,787
23.3 Communications, Utilities, and Miscellaneous Charges		1,141		1,220		1,220			0
24.0 Printing and Reproduction		51		92		92			0
25.1 Advisory and Assistance Services		581		527		527			0
25.2 Other Services from Non-Federal Sources		12,429		5,926		7,714			1,788
25.3 Other Goods and Services from Federal Sources		2,751		4,762		13,666			8,904
26.0 Supplies and Materials		323		352		352			0
31.0 Equipment		943		1,352		1,352			0
42.0 Insurance Claims and Indemnities		0		97		216			119
Total Obligations		110,090		112,326		127,497			15,171
Subtract - Unobligated Balance, Start-of-Year		-2,004		-2,391		0			2,391
Subtract - Transfers/Reprogramming		-2,200		0		0			0
Subtract - Recoveries/Refunds		-867		0		0			0
Add - Rescission		0		142		0			0
Add - Unobligated End-of-Year, Available		2,391		0		0			0
Add - Unobligated End-of-Year, Expiring		233		0		0			0
Total Direct Requirements		107,643	0	110,077	0	127,497	0		17,562
Reimbursable FTE									
Full-Time Permanent	84		115		115				
23.1 Rental Payments to GSA (Reimbursable)		2,354		2,354		2,354			0
25.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)		35		35		35			0

Exhibit K