

# UNITED STATES DEPARTMENT OF JUSTICE

*Environment and Natural Resources Division*



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Ranked #2 among federal agency subcomponents in the 2017 federal government's best places to work.

## Who We Are

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ENRD is the nation's largest environmental law firm with approximately 620 employees, including 440 attorneys.

## What We Do

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ENRD handles environmental and natural resources litigation on behalf of the United States. The work of the Division arises under approximately 150 federal civil and criminal statutes, including the Clean Air Act, Clean Water Act, CERCLA, Safe Drinking Water Act, Endangered Species Act, Marine Mammal Protection Act, National Environmental Policy Act, Surface Mining Control and Reclamation Act, and Tucker Act.

## Organization

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The Division is organized into nine litigating sections and one Executive Office. The Executive Office provides administrative support to ENRD including financial management, human resources, security, technology and litigation support. ENRD has offices in Washington, D.C., Anchorage, Boston, Denver, Sacramento, San Francisco and Seattle. It currently has over 7,000 active cases and matters, and has represented virtually every federal agency in courts in all fifty states, territories and possessions.

## History

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The richness and complexity of the Division's history is inseparable from the larger story of the growth and maturation of American society in the 20th Century. In 1909, the "The Public Lands Division" of the DOJ was created to step into the breach and address the critical litigation concerning "enforcement of the Public Land Law." As the nation grew and developed, so did the responsibilities of the Division, and its name changed to the "Environment and Natural Resources Division" (ENRD) to better reflect those responsibilities.

Each new generation of ENRD attorneys builds on the work of those who have come before. As we work, we are mindful of the strong legacy that we have inherited and the future opportunities that stretch before us.

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### Appellate Section

- \* The Appellate Section handles around 250 cases a year, including several Supreme Court merit cases.
- \* APP's work appeals from district court cases under ENRD's purview, encompassing more than 200 statutes and petitions for review for clients such as DOE, FERC, and the FAA.

*Major Cases: Hawkes Company v. U.S. Army Corps of Engineers (8<sup>th</sup> Cir.); Alaska Oil and Gas Association v. Salazar (9<sup>th</sup> Cir.)*

### Natural Resources Section

- \* NRS defends suits relating to federal land management decisions, tribal trust, takings, NEPA, water rights and water compacts, offshore and subsurface mineral rights, and international boundary disputes.
- \* It protects lands under the Trail Acts and defends DOI in its management of oil and gas development and its land management decisions.

*Major Case: St. Bernard Parish v. United States (Fed. Cl.)*

### Wildlife and Marine Resources Section

- \* WMRS defends cases brought under federal wildlife and marine species conservation laws, including the Endangered Species Act, the Migratory Bird Treaty Act and the Marine Mammal Protection Act.
- \* 99% of WMR work is defending agency actions under these statutes

*Major Cases: Conservation Council for Hawaii v. National Marine Fisheries Services; Natural Resources Defense Council v. National Marine Fisheries Service (D. Hawaii)*

### Land Acquisition Section

- \* LAS is responsible for:
  - ◆ Affirmative condemnation cases, appraisal reviews and title work. LAS is responsible for drafting the *Uniform Appraisal Standards for Federal Land Acquisitions* ("Yellow Book") and Attorney General's Title Regulations
  - ◆ Docket impacts: border security, military preparedness, flood protection, natural resources conservation, federal buildings and infrastructure

*Major Case: U.S. v. 275.81 Acres of Land (Flight 93 Memorial)*

### Environmental Defense Section

- \* EDS defends challenges to agency conduct under the pollution control laws (including CERCLA), and brings Clean Water Act enforcement cases to protect wetlands.
- \* EDS has an extensive petition for review practice, defending EPA rulemaking that is challenged directly in the courts of appeals.

*Major Case: ARCO v. U.S. (D.N.M.) (defending claims for unwarranted CERCLA clean-up costs)*

### Environmental Crimes Section

- \* ECS prosecutes individuals and corporations who violate environmental protection laws, including the Clean Water Act, Clear Air Act, and other pollution laws.
- \* ECS also brings criminal actions to protect wildlife and marine species under the Endangered Species and the Lacey Act.
- \* Worker safety protection and animal welfare are new practice areas for ECS and often involves multi-district and transnational prosecutions.

*Major Cases: U.S. v. Wood Group (CWA violation concerning illegal discharge of oil and explosion that killed 3 workers); Lumber Liquidators*

### Environmental Enforcement Section

- \* EES brings civil enforcement actions under the federal environmental protection laws, for the following:
  - ◆ Civil penalties and injunctive relief for violations of the Clean Air Act, Clean Water Act, Safe Drinking Water Act, and other pollution laws
  - ◆ Cleanup and cost recovery for hazardous waste sites and oil spills under CERCLA (the Superfund law) and the Oil Pollution Act
  - ◆ Damages for injury to natural resources under the trusteeship of federal agencies

*Major Cases: In re: Oil Rig "Deepwater Horizon" in the Gulf of Mexico, 2010 (E.D. La.); U.S. v. Volkswagen AG et al.*

### Indian Resources Section

- \* IRS represents the US in litigation to protect tribal lands, resources, jurisdiction, and treaty rights.
- \* Affirmative work includes safeguarding water rights, promoting hunting and fishing rights, collecting damages for trespass on Indian lands, and establishing reservation boundaries and rights to land.
- \* Defensive work includes protection of federal statutes, regulations, programs, and actions benefitting Indian tribes and their members.

*Major Case: Nebraska v. Parker (affirms Omaha Indian Reservation Boundary from 1882 Act of Congress)*

### Law and Policy Section

- \* LPS handles a broad variety of environmental legal and policy matters, including:
  - ◆ Reviewing pending regulations and legislation affecting ENRD related matters
  - ◆ Coordinating the Division's international work
  - ◆ Amicus practice in District Courts where US participation may protect or advance US interests

*Major Matter: Indian Child Welfare Act*