



BUDGET The United States
Department of the Interior
JUSTIFICATIONS

and Performance Information
Fiscal Year 2008

**OFFICE OF
THE SOLICITOR**

NOTICE: These budget justifications are prepared for the Interior, Environment and Related Agencies Appropriations Subcommittees. Approval for release of the justifications prior to their printing in the public record of the Subcommittee hearings may be obtained through the Office of Budget of the Department of the Interior.

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
FISCAL YEAR 2008 BUDGET JUSTIFICATION**

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Explanatory Note:

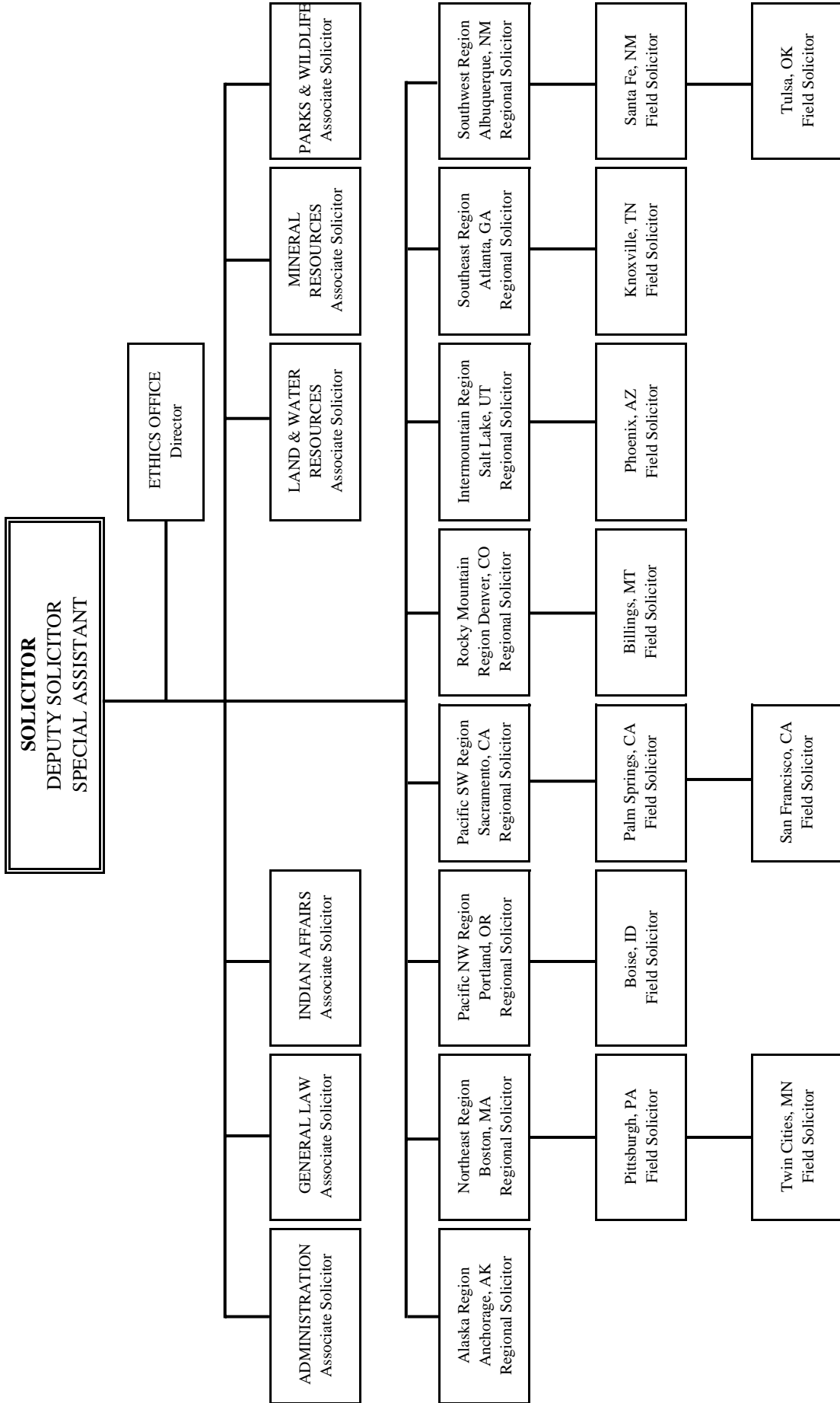
At the completion of this 2008 budget justification, a 2007 appropriation had not yet been enacted and substantial uncertainty existed regarding the ultimate level that would be appropriated for 2007. Unless otherwise noted, 2007 information is reported as follows in this budget justification.

“2007 CR” Column in Tables.

Budget Authority. At the Bureau-level and Account-level, these amounts equal the annual rate provided under the authority of the third fiscal year 2007 Continuing Resolution, P.L. 109-383 effective through February 15, 2007. At the lower levels of the budget structure (Activity, Subactivity, Budget Element, Budget Sub-element), line items are presented at the 2007 President’s budget level, with non-add amounts presented at the Activity level conveying the impact of the continuing resolution. These non-adds have been allocated pro-rata upon the 2007 President’s budget.

FTE. Full-time equivalents are presented similar to Budget Authority, but in addition have been updated to reflect adjustments for 2006 usage at all levels of the budget structure.

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
ORGANIZATIONAL CHART**



GENERAL STATEMENT

With an emphasis on high ethical standards, excellence in public service and the delivery of quality legal counsel, and advice and representation to fulfill the United States Department of the Interior's wide-ranging mission, the Solicitor's Office performs the legal work for the Department, manages the Department's Ethics Office and resolves Freedom of Information Act Appeals.

The Office of the Solicitor provides advice, counsel and legal representation to the Immediate Office of the Secretary, the Assistant Secretaries, and all other bureaus and offices overseen by the Secretary. The advice provided by the Office impacts nearly every program within the Secretary's jurisdiction.

The Solicitor's Office is organized into the Immediate Office of the Solicitor, the Ethics Office, five legal divisions, an administrative division, and eighteen regional and field offices located throughout the United States.

The Solicitor is the chief attorney for the United States Department of the Interior. The Solicitor is assisted by a Deputy Solicitor, Special Assistant, Ethics Director, Senior Counsel for Collaborative Action and Dispute Resolution, six Associate Solicitors, eight Regional Solicitors, and a staff of more than three hundred attorneys and four hundred total employees.

More than half of the attorneys are assigned to regional and field offices located as far west as Anchorage, Alaska and as far east as Boston, Massachusetts. The other attorneys are assigned to divisions located at headquarters in Washington DC.

The FY 2008 request allows the Office to continue to move forward to meet the challenges of today and ensure that this Office is better able to meet the challenges of tomorrow. During FY 2006 and 2007, the Office embarked on initiatives to improve the Office. The FY 2008 request will allow the Office better meet the Department's needs.

Management's Challenges:

The Office of the Solicitor's FY 2008 budget request is designed to allow the Office to significantly improve management practices and morale of employees. This request is directed at improving automation tools to allow employees to be more efficient and effective. This will allow us to keep pace with increasing workload requirements without increasing the size of the staff.

Longstanding high priority management challenges include an absence of an updated records management system and not being able to connect to the Internet.

There are also significant challenges with new filings and increasing litigation relating to important issues such as oil and gas royalties and trust issues. The Legal Services Activity (page SOL-19) presents this information.

Internet Access

The Office has not been able to utilize the Internet since December 5, 2001. This has made client communication extremely difficult and electronic filings to courts practically unavailable to the Office.

Recommendations From 2005

An independent review was performed in 2005 by Linda Brughelli and Chris Greene, both from the California State Attorney General's Office, and Robert Moll, a retired SOL attorney. The following assessment of the Office's operations was provided:

"The Office is not presently equipped with the methods and tools with which it hopes to achieve 21st century excellence as a law office... indeed, without additional resources brought to bear on these issues, it will be very difficult for the Office in the foreseeable future to overcome its knowledge management challenges, comply with the expectations of Federal electronic information management standards, or meet the objectives of the President's Management Agenda initiative calling for the adoption of knowledge management systems."

Management's Strategies:

The Solicitor's Office faces many longstanding challenges. The Office initiated efforts to address a number of these challenges in FY 2006 and in FY 2007. The FY 2008 request will continue to address some of these challenges.

Reconnecting to the Internet

Since December 5, 2001, the Solicitor's Office has been disconnected from the Internet due to a court order in the case of *Cobell v. Kempthorne*. In 2006, the Office developed and implemented a strategy focused on prioritizing and improving IT security deficiencies to ensure that adequate security systems are in place to reconnect to the Internet once the approval to reconnect is obtained from the court.

Investing in Records Management

The Solicitor's Office has not had a centralized docket section to manage records by way of a conventional or modernized filing system for more than a decade. In FY 2006 resources were used to create a new docket system. To overhaul the records management practices of the Office, the Office of the Secretary Records Officer and the National Archives and Records

Administration were contracted to assist the Office. In FY 2007, we will make progress on developing filing systems and protocols.

Putting a Priority on Professional Training

In FY 2006 and 2007, the Office made training a priority. Creative training initiatives were launched, a training officer was designated, and a low-cost training program was developed. The Office secured free legal training through the DOJ Professional Responsibility Advisory Office and certified DOJ video training. Development of an in-house training program for supervisors and electronic discovery training has also been initiated in FY 2007. In 2008, these efforts will continue.

Placing a Premium on Ethical Conduct

Since September 2006, a new Director and Deputy Director for our Ethics program have been brought on board, and a staff attorney has been dedicated for FY 2007. And, to further bolster the program, the Solicitor clarified that only ethics personnel and attorneys in the ethics office may provide ethics advice to departmental employees.

Emphasizing Legal Professionalism

In 2006, guidance on several matters of importance have been issued including (1) reporting fraud, waste, and abuse to the Inspector General or other appropriate authorities; (2) surnaming documents; (3) serving the interests of conflicting clients; and (4) dealing with disagreements on policy. Also, the Acting Director for DOJ's Office of Professional Responsibility has spoken to our attorneys about the topic of professional responsibility.

The President's Management Agenda:

The Office of the Solicitor continues to support the President's Management Agenda (PMA), which outlines a strategy for a citizen-centered, results orientated, and market based government, in two very distinct ways. First, by providing legal counsel and support to the Department in implementing the PMA, and second, the Office of the Solicitor continues to improve the business practices with a focus on these initiatives.

Specific actions, which the Office of the Solicitor has undertaken include:

Improved Financial Performance - The Office is committed to improving overall financial performance and accountability. The administrative staff in the Office continues to review and improve business practices to ensure 1) timely payments to vendors are made to avoid interest and penalties, and 2) payments are error free. The Office has also made significant improvements in reporting contingent liabilities to meet the needs specified by the Department's financial auditors. This initiative contributed to the Department's improved audit report, and it will continue to improve the support this Office provides to the independent financial audit of the Department.

Strategic Management of Human Capital - The Office's strategic human capital management plan and a position management system, as part of the workforce plan, will provide guidance in achieving effective staffing levels to accomplish the work of the Office, and better utilization of the current staff through aligning the positions with the functions. The senior management of the Office continues to make stride in taking strategic approaches to develop 1) a succession plan to address the aging workforce and the loss of valuable institutional knowledge, and 2) a diversity plan that encourages and promotes a diverse workforce.

E-Government initiatives - The Office of the Solicitor continues to support the Department's e-government initiatives, which includes all four project portfolios: Government to Citizen, Government to Business, Government to Government, and Internal Efficiency and Effectiveness. The SOL contributes \$22,800 to support the President's e-government initiatives. This amount is paid into the Department's Working Capital Fund Account, and costs are distributed based upon relative benefits received by each bureau. The Department-Wide Programs budget justification includes amounts for each initiative and describes the benefits received from each e-government activity.

Budget and Performance Integration - The executive managers have made a commitment to implement the Department's activity-based cost management system (ABC/M) using QuickTime¹ to capture employee hours by activity. Also, operational costs will be tracked by activity. These efforts will provide management with data to better link budget and performance. The Office will consult with the Office of the Secretary's Budget Office and Performance Policy Office to develop more meaningful performance measurements and methods to link workload to budget usage and requirements.

¹ The Department's official time and attendance system.

Section 405 of the Interior and Related Agencies Appropriation Act

The 2006 Interior and Related Agencies Appropriation Act requires disclosure of overhead, administrative and other types of spending:

Section 405: Estimated overhead charges, deductions, reserves or hold backs from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

The administrative costs for this Office will be displayed in two components - **External Administrative Costs**, and **Bureau Billing for Client Support** for reimbursable attorney positions funded by clients.

➤ **External Administrative Costs** - the following table illustrates external administrative costs paid to the Department and other agencies to support Department-wide activities such as IT security, architecture, and capital planning; training through DOI University; telecommunications; finance and accounting services; building security; mail room; and enterprise licenses.

External Administrative Costs (in thousands of dollars)			
	FY2006 Actual	FY 2007 Estimate	FY 2008 Estimate
Department's Working Capital Fund			
Centralized Billings	2,404.8	2,974.5	2,980.5
Direct Billings	2,927.6	1,378.0	1,827.2
Total	5,332.4	4,352.5	4,807.7

➤ **Bureau Billing for Client Support** - A number of client bureaus and offices within the Department have brought the Office special requests for assistance that goes beyond the level of services this Office is generally able to provide. The client generally has identified a special project needing legal services of limited duration but some urgency. In these instances, the Office typically hires one or more attorneys on term appointments for the duration of the project, and the Office enters into a reimbursable support agreement with the client to cover the cost. Prior to FY 2001, this Office only billed clients for salary and benefits and absorbed the indirect

costs associated with the reimbursable support. In FY 2001, the Office of the Solicitor began to collect indirect overhead costs for reimbursable attorney positions funded by the Department's bureaus and offices.

The table below illustrates the indirect overhead costs for reimbursable attorney positions funded by clients. The indirect overhead costs reflects a pro rata portion of salary and benefit costs for administrative and support staff, operating costs which includes space, telecommunications, postage, courier services, supplies, printing, copying, computer equipment, law books, automated legal research services, and external administrative costs.

Bureau Billing for Client Support (in thousands of dollars)			
	FY2006 Actual	FY 2007 Estimate	FY 2008 Estimate
Attorney salaries and benefits	7,027.6	7,111.7	7,420.3
Reimbursable attorney overhead	1,860.4	2,062.3	2,150.7
Total	8,888.0	9,174.0	9,571.0

In addition to reimbursements for staff positions and some related expenses, client bureaus continue to fund a portion of the Office's travel. Consistent with the understanding developed with the Appropriations Committees, travel related to litigation and other core Office functions is paid out of our appropriation, but clients fund some travel for our attorneys to provide client training, attend meetings, and for other matters not involving core Office functions.

Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended (42 U.S.C. 9601, et seq), the Federal Water Pollution Control Act (Clean Water Act), and the Oil Pollution Act (OPA) of 1990, (U.S.C. 101-380), the Office will receive funding, funding level yet to be determined, from the Natural Resource Damage Assessment and Restoration (NRDAR) Fund for NRDAR-related travel and work.

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR**

FISCAL YEAR 2008 BUDGET REQUEST OVERVIEW

The Office of the Solicitor's FY 2008 Budget request is \$58,949,000, an increase of \$4.3 million above the 2007 continuing resolution (CR). The request includes: \$1,951,000 for fixed cost increases and \$243,000 for a modest program increase. The 2008 request also includes an increase of \$2.1 million for the impact of the continuing resolution. The 2008 budget restores the priorities of the 2007 President's budget by funding 2007 programmed fixed cost increases included in the 2007 President's budget.

With the FY 2008 request, the Solicitor will effectively 1) manage the on-going and increasing legal workload with existing resources, 2) fund critical IT initiatives, 3) implement an office-wide files and records tracking system, and 4) sustain a highly skilled legal workforce.

The Office's management is focusing on a strategic approach to address the increasing workload requirements and expanding employee capacities and productivity by providing IT tools, central records management systems, and employee training. Management's strategy in FY 2006 was to more effectively utilize cost savings from vacant positions to fund high priority initiatives. The table below illustrates that strategy. The actual direct FTE utilization in FY 2006 is 20 FTEs less than the FY 2007 President's budget estimate.

**FY 2008 Budget Request
(in thousands of dollars)**

	2006 Actual	2007 President's Budget	2007 CR	2008 Request	2008 Request Change from 2007 CR
Appropriation total	54,624	56,755	54,624	58,949	+4,325
FTE direct	354	374	354	354	0
FTE reimbursable	42	42	48	48	0
FTE total	396	416	402	402	0

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR**

APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$58,949,000.

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR**

APPROPRIATION LANGUAGE CITATION

Appropriation: Salaries and Expenses

For necessary expenses of the Office of the Solicitor.

43 U.S.C. § 1455

43 U.S.C. § 1455 provides that, on and after June 26, 1946, the legal work of the Department of the Interior shall be performed under the supervision and direction of the Solicitor of the Department of the Interior, who shall be appointed by the President with the advice and consent of the Senate.

DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
SUMMARY OF REQUIREMENTS
(in thousands of dollars)

Appropriation: Salaries and Expenses	FTE	Amount	FTE	Amount
FY 2007 Continuing Resolution				
Impact of Continuing Resolution			354	54,624
FY 2007 President's Budget				+2,131
				<u>56,755</u>
Fixed Costs changes:				
Additional cost in 2007 for January 2007 pay raise	0	+230		
Additional cost in 2008 for January 2008 pay raise	0	+1,014		
2 additional pay days	0	+350		
GSA Space/non-GSA rent	0	+248		
Departmental Working Capital Fund	0	+15		
Worker's Compensation	0	-45		
Unemployment Compensation	0	4		
Health Costs	0	+135		
Total uncontrollable changes			0	+1,951
Program changes:				
IT - new requirements	0	+145		
Program Change - FBMS	0	+98		
Total program changes			<u>0</u>	<u>+243</u>
Total requirements FY 2008 request			354	58,949

Comparison by activity / program element:

	2006		2007		Fixed Costs Changes (+/-)		Program Changes (+/-)		2008		Inc. (+) / Dec (-)	
	FTE	Actual	FTE	CR	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Legal Services	323.0	41,847.0	323.0	43,532.0	0.0	+1,522.0	0.0	0.0	323.0	45,054.0	0.0	+1,522.0
Impact of CR [non-add]				[-1,635]				[+1,635]				
General Administration	25.0	11,726.0	25.0	12,126.0	0.0	+397.0	0.0	243.0	25.0	12,766.0	0.0	+640.0
Impact of CR [non-add]				[-455]				[+455]				
Ethics Office	6.0	1,051.0	6.0	1,097.0	0.0	+32.0	0.0	0.0	6.0	1,129.0	0.0	+32.0
Impact of CR [non-add]				[-41]				[+41]				
Subtotal	354.0	54,624.0	354.0	56,755.0	0.0	+1,951.0	0.0	243.0	354.0	58,949.0	0.0	+2,194.0
Impact of CR				-2,131.0				+2,131				
Total Account	354.0	54,624.0	354.0	54,624.0	0.0	+1,951.0	0.0	+2,374.0	354.0	58,949.0	0.0	+4,325.0

OFFICE OF THE SOLICITOR
Justification of Fixed Costs and Related Changes

(in thousands of dollars)

(*Since no 2007 appropriation has been enacted, 2007 Revised estimates assume enactment of the 2007 President's budget. Other revisions have been made for changes in estimates.)

	2007 Budget	2007 Revised*	2008 Fixed Costs Change
Additional Operational Costs from 2007 and 2008 January Pay Raises			
1. 2007 Pay Raise, 3 Quarters in 2007 Budget	+720	+720	NA
<i>Amount of pay raise absorbed (assuming enactment at 2.2%)</i>	[0]	[0]	NA
2. 2007 Pay Raise, 1 Quarter (Assumed 2.2%)	NA	NA	+\$230
3. 2008 Pay Raise (Assumed 3.0%)	NA	NA	+\$1,014
<p>These adjustments are for an additional amount needed to fund estimated pay raises for Federal employees. Line 1 is an update of 2007 budget estimates based upon the currently estimated enacted amount of 2.2% Line 2 is the amount needed in 2008 to fund the estimated 2.2% January 2007 pay raise from October through December 2007. Line 3 is the amount needed in 2008 to fund the estimated 3.0% January 2008 pay raise from January through September 2008.</p>			
Other Fixed Cost Changes:			
Two More Pay Days			+\$350
Adjustment reflects the increased costs resulting from the fact that there is two more pay days in 2008 than in 2007			
Employer Share of Federal Health Benefit Plans	+\$255	+\$255	+\$135
<i>Amount of health benefits absorbed</i>	[0]	[0]	[0]
The adjustment is for changes in the Federal government's share of the cost of health insurance coverage for Federal employees. The increase is estimated at 6%, the average increase for the past few years.			
Workers Compensation Payments	\$0	\$0	-\$45
<i>Amount of workers compensation absorbed</i>	[0]	[0]	[0]
Adjustment is for actual charges through June 2005 in the costs of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs for 2007 will reimburse the Department of Labor, Federal Employees Compensation Fund, pursuant to 5 U.S.C. 8147(b) as amended by Public Law 94-273.			
Unemployment Compensation Payments	-\$7	-\$7	+\$4
<i>Amount of unemployment compensation absorbed</i>	[0]	[0]	[0]
The adjustment is for estimated changes in the costs of unemployment compensation claims to be paid to the Department of Labor, Federal Employees Compensation Account, in the Unemployment Trust Fund, pursuant to Public Law 96-499.			
Rental Payments	+\$596	+\$596	+\$248
<i>Amount of rental payments absorbed</i>	[0]	[0]	[0]
The adjustment is for changes in the costs payable to General Services Administration and others resulting from changes in rates for office and non-office space as estimated by GSA, as well as the rental costs of other currently occupied space. These costs include building security; in the case of GSA space, these are paid to DHS. Costs of mandatory office relocations, i.e., relocations in cases where due to external events there is not alternative but to vacate the currently occupied space, are also included.			
Departmental Working Capital Fund	+\$460	+\$460	+15
<i>Amount of WCF payments absorbed</i>	[0]	[0]	[0]
The change reflects expected changes in the charges for Department services and other services through the Working Capital Fund. These charges are displayed in the Budget Justification for Department Management.			

GENERAL ADMINISTRATION ACTIVITY

Activity: General Administration

(dollars in thousands)

	2006 Actual	2007 CR	Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	2008 Budget Request	Change From 2007 CR (+/-)
General Administration	11,726	12,126	+397	+243	12,766	+640
Impact of CR [non-add]		[-455]		[+455]		
Total FTE	25	25	0	0	25	0

The additional \$640,000 for General Administration includes an increase of \$397,000 for fixed costs, and \$243,000 for a program increase. The program increase includes \$145,000 for IT and \$98,000 for the Department's Financial and Business Management System.

Summary of FY 2008 Program Changes:

Information Services (+\$145,000): The Solicitor's Office strategic approach to its FY 2008 budget request continues to be increasing employee capacities by improving the automated tools and practices of the Office. Rather than seek additional staffing to address workload increases, the Office seeks to make employees more efficient and effective by improving IT resources.

Being disconnected from the Internet is the most serious management challenge the Office faces. The Office cannot conduct business electronically with our client, the Secretary of the Interior, and client representatives such as assistant secretaries, and employees in the bureaus and offices. Solicitor attorneys cannot file electronic pleadings with courts. This Office is constrained from easily sharing electronic documents with our colleagues at the Department of Justice or other Federal agencies such as the Departments of Agriculture and Commerce, or EPA. SOL cannot communicate electronically with the Congress or the public, including law firms seeking to interact with the Department. Being unable to communicate electronically with client-representatives is especially limiting because the Office is frequently excluded from the early stages of internal discussions since so much of that takes place by email. This limits our ability to provide effective legal services. The Office operates at a disadvantage as litigants and others in the public sector have Internet access which is a standard industry resource.

Since being disconnected from the Internet is the highest priority management challenge facing the Office, in 2006, the Solicitor developed and implemented a strategy focused on prioritizing and improving IT security deficiencies to ensure we have adequate security systems to reconnect as soon as possible. Disconnection from the Internet is not the only automation challenge facing the Office, however.

The Office does not have a case matter-tracking system. This is a basic management tool that is commonly used throughout the legal community. The inability of the Office to track cases and matters creates management challenges of understanding the Office's workload. Attorney-managers have no simple tool to track the flow of work into and out of the Office. This hampers the ability to prioritize the work of the Office, to assign matters equitably, to hold employees accountable for timeliness of matters, and to shift resources to address shifts in the workload.

As suggested by the President's management agenda, the Office also needs to invest in a knowledge management (KM) system. A KM system will provide a means by which the Office can create and store documents that contribute to the Office's body of knowledge and conduct plain-text searches on documents and metadata. Currently, without a KM system, the Office is unable to realize its full potential for achieving efficiencies in the daily execution of its mission. Work is constantly reinvented because attorneys are unfamiliar with what issues have been addressed in the past or to quickly acquire a complete picture of how issues were managed. This problem is on the verge of intensifying due to the impending retirement of the Office's greatest assets, its senior attorneys. In the next five years, 52% of supervisors and 37% of all attorneys are eligible to retire.

Also, the KM system would be a valuable succession-planning tool because it would help the Office to organize and to retain the knowledge of the staff, especially supervisory and senior attorneys. This, too, is an automated tool that is common to the practice of law in the private legal community.

The Office requests a modest increase in the FY 2008 budget to begin to invest in these basic automation tools.

Financial and Business Management System (+98,000): The 2008 budget request includes an increase of \$98,000 for implementation of a Department-wide Financial and Business Management System (FBMS) to support the Office's share of the 2008 charge from the Centralized Billing Working Capital fund. Department-wide, the 2008 budget request includes \$40.4 million in appropriated funding for implementation of FBMS. The 2008 request supports implementation of new modules for property and initial budget formulation. Core financials and eGrants were implemented in the first bureaus in 2006, and the acquisition module is scheduled for 2007. The Department is implementing the system in phases by Bureau, with all the bureaus scheduled to be implemented by the end of 2011. The FBMS is expected to be implemented in the SOL in 2009. The 2007 budget requests represents the peak funding year for the project, as it involves the implementation of the remaining modules, and would allow the Department to retire eleven additional legacy systems.

The Department-wide Programs budget justification includes additional materials supporting this Department-wide request for FBMS under the Working Capital Fund.

Impact of CR (non-add) [+\$455,000]: The 2008 budget restores the priorities of the 2007 President's budget by funding 2007 programmed fixed cost increases included in the 2007 President's budget.

Program Overview:

General Administration includes Executive Direction and the Division of Administration. The Division of Administration includes the FOIA appeals program, IT planning, Training program, and central services functions that centrally funds office-wide costs for information technology, telecommunications, postage, workers compensation, personnel services, and administrative and consolidated services.

Executive Direction: Executive direction includes the Immediate Office of the Solicitor and the Associate Solicitors for Parks and Wildlife, General Law, Indian Affairs, Land and Water Resources, Mineral Resources, and Administration. The Immediate Office of the Solicitor includes the Solicitor, Deputy Solicitor, Special Assistant, Counselor, and supporting secretarial staff.

Division of Administration: Under the direction of an Associate Solicitor, the Division of Administration is responsible for providing and coordinating all management and administrative support services needed by the Office in an efficient manner. Responsibilities in the Division of Administration include organizational, strategic, and performance planning; program evaluation; budget and accounting; human resources management; training and employee development; space and property management; procurement services; IT planning and services; records management; and FOIA appeals. The Division consists of four branches, each headed by a Branch Chief who has responsibility for particular subject matters.

- (1) Budget and Finance – Responsible for budget formulation, presentation, justification, and execution. Along with managing the budgetary resources, this branch is also responsible for reviewing business practices to ensure efficient usage of resources, and provide senior management with the tools necessary to make prudent financial decisions.
- (2) Administrative Services – Responsible for administrative and management support services in the areas of personnel management, including position classification, recruitment, pay and benefits, and employee relations; procurement of office space, supplies, furniture, and equipment; facility management; telecommunications; employee development, training, and competencies initiatives.
- (3) Information Services – Responsible for administrative and management support services in the areas of controlled correspondence; records management; and information technology, including acquisition, installation, and administration of computer hardware, software, and networks. Also, this branch ensures the Office is in compliance with all Federal and Departmental requirements.

(4) FOIA Appeals – Program description listed below.

FOIA Appeals Program Description: The Office has had an increasing role in providing advice on the Privacy Act, as issues relating to maintenance and protection of personal information continue to intensify. FOIA creates a statutory duty to respond to inquiries from interested citizens. In FY 2004, the Department reorganized its FOIA and Privacy Act appeals function, and as a result, transferred the FOIA appeals processing function from the Office of the Chief Information Officer (OCIO) to the Office of the Solicitor, Division of Administration. The Department's reorganization of this function to improve efficiencies along with the slight readjustment in staffing levels demonstrates the seriousness of this important mission to answer to the citizens.

Formerly, through the Division of General Law, the Office only performed legal review of certain appeals to determine the legal sufficiency of potential final agency decisions, while the OCIO managed the overall administration of the appeals program. With the transfer of the FOIA appeals processing function, the Office is now fully responsible for this extensive program. This requires the Division of Administration to review incoming appeals to determine the issues that require review and to develop the Department's response. Resolution of the appeals often requires significant staff time reviewing documents, coordinating with the bureau or office that had been responsible for the FOIA request at issue, and drafting the Department's decision. These decisions frequently involve complex issues that may only be resolved through an in-depth analysis of controlling authorities, causing the staff to devote significant time to researching and drafting the decisions. The FOIA Appeals Officer directly issues appeal decisions for matters involving procedural issues not requiring legal review. An example of the type of such an appeal would be one alleging that a bureau did not conduct an adequate search of its files.

LEGAL SERVICES ACTIVITY

Activity: Legal Services

	2006 Actual	2007 CR	Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	2008 Budget Request	Change From 2007 CR (+/-)
Legal Services	41,847	43,532	+1,522	0	45,054	+1,522
Impact of CR [non-add]		[-1,635]		[+1,635]		
Total FTE	323	323	0	0	323	0

The 2008 request for legal services is \$45,054,000, an increase of \$1,522,000 for fixed costs only.

Summary of FY 2008 Program Changes:

Impact of CR (non-add) [+1,635,000]: The 2008 budget restores the priorities of the 2007 President's budget by funding 2007 programmed fixed cost increases included in the 2007 President's budget.

Program Overview:

The challenge of the Legal Services divisions is to effectively manage the legal work to support the top priorities of the Secretary and the client-representative bureaus. The Solicitor's Office request for legal services includes an increase for fixed costs only. The Office has developed a strategy to improve efficiencies through automation as explained in the Information Services Overview on SOL-15.

Legal Workload Drivers: Although the Office has not had the resources to develop automated tools common to the legal profession that tracks the legal program activities, executive managers and staff continue to report a significant increase in the workload of the Office over the last decade.

The priorities, regulations, and workload changes related to the administration of the Department and the performance of its missions is continually in flux. The changing nature of the workload requires a continuous assessment by this Office's senior managers of the distribution of Office resources, particularly the human resources, to meet the ever changing legal needs of the Secretary and the client-representative bureaus. Significant examples of workload drivers include the *Energy Policy Act of 2005*, implementation of the *Northwest Forest Plan*, and the *Secretary's Water 2025 Plan*. Another significant workload driver also includes working with the Minerals Management Service to resolve oil and gas royalty issues and negotiations with industry on lease related issues.

- ***Energy Policy Act of 2005:*** The nation's energy and minerals managed by the Department were highlighted by Congress for special attention in the Energy Policy Act, enacted in August 2005. This Act contains multiple initiatives requiring a number of DOI bureaus (including MMS and BLM) to engage in many new rulemakings, to conduct studies, to enter into memoranda of understanding with other agencies, to start pilot projects, and to develop new policies. These have and will continue to require the Solicitor's Office to provide intensive legal support in the development and implementation stages, and in defending DOI actions against possible legal challenges. Much of the legal advice involves interpreting complex provisions of the new law, advising the DOI bureaus of the range of policy options, and assisting the bureaus with drafting regulations and other documents by the dates prescribed in the Act. This work is currently ongoing and is expected to continue in FY 2008 and beyond.

The Energy Policy Act (EPAct) provides new regulatory authority to MMS to manage development and implementation of alternative energy projects on the OCS, including wind, wave and solar projects, and to regulate transportation of oil and gas. Because these are entirely new authorities for the Department, the Office has devoted and will continue to devote considerable effort in assisting with development of these new regulatory programs, including legal interpretation of the scope of the new authority, rulemaking, and defense of litigation.

Another example of substantially increased workload requirements will result from Section 241 of the EPAct which provides that with respect to FERC hydropower projects, any license applicant or other party to the proceeding is entitled to a determination on the record, after opportunity for a trial-type hearing of no more than 90 days, of any disputed issue of material fact pertaining to any section 4(e) condition or section 18 fishway prescription filed by Interior in the license proceeding. This trial-type hearing process is expedited, so all processes, including motions to dismiss, discovery, the actual hearing, post-hearing briefing and final decisions, must be completed in no more than 90 days. Interior must initiate a 30-day period for license parties to request a trial-type hearing in any licensee proceeding in which Interior files one or more section 4(e) conditions or section 18 prescriptions. Two of these recent proceedings are illustrative where teams of regional and/or headquarters attorneys totaling as many as ten attorneys at a time, worked evenings and weekends to meet the statutorily imposed deadlines. This workload is likely to further increase with the filing for FERC approval of tidal and wave energy projects. These are new technologies for which FERC is expecting to process numerous permit and license applications in the next year which we can expect will expand DOI and SOL responsibilities, particularly with the requirements for trial-type hearings.

- ***Wildland Fire Management, The President's Healthy Forests Initiative and the Northwest Forest Plan:*** Our attorneys provide assistance in implementing direction

from the President and Congress associated with the Healthy Forests Initiative (HFI), which calls for improvements to regulatory and administrative processes to ensure more timely decisions, greater efficiency, and better results in reducing the risk of catastrophic wildfires by restoring forest health. In general, efforts are focused on hazardous fuels reduction.

Legal counsel and review is necessary for a variety of activities carried out under the auspices of the HFI, including efforts to streamline compliance with the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Federal Land Policy and Management Act (FLPMA), and state laws concerning prescribed fire. For example, the Office was involved in the development of two new categorical exclusions for the Department's NEPA procedures. The categorical exclusions address hazardous fuels reduction activities and activities for rehabilitating and stabilizing lands and infrastructure impacted by wildland fires or fire suppression. The Office was also involved in amending Bureau of Land Management and Office of Hearings and Appeals regulations addressing wildfire management decisions. With respect to streamlining ESA compliance, the Office was involved in developing counterpart regulations for consultation under section 7 of the ESA for projects supporting the National Fire Plan. Further, after Congress passed the Healthy Forests Restoration Act in 2003, attorneys in this Office assisted BLM in developing guidance for implementing projects authorized under that statute. This Office has also been actively advising BLM in its efforts to implement the stewardship contracting authority recently provided by Congress. Our Office has also been active in helping to defend the Department in litigation challenging the categorical exclusions, counterpart regulations, and individual HFI projects.

As a more general matter, the Office is actively involved in the review, development and implementation of direction associated with procurement contracts, grants, and cooperative agreements associated with wildfire and the HFI. The Office also reviews authority for, and legal aspects of, memoranda of agreement with state, local and foreign governments providing firefighting assistance.

With respect to the Northwest Forest Plan, this Office plays a key role in advising the BLM on the many legal issues involving the management of timber in the Pacific Northwest, including issues related to land use planning; NEPA, ESA, and FLPMA compliance; and implementation of, and contracting for, timber and salvage sales under the Plan. The Office also plays a key role in advising the BLM and assisting DOJ in litigation related to the Plan, which has significantly impacted BLM's ability to offer timber for harvest in compliance with the Plan.

- **Water 2025:** In 2003, the Water 2025 initiative was announced to address emerging water conflicts in the West before they become a crisis. In particular, the initiative seeks to find solutions to conflicts that arise from the interplay of water shortages, explosive population growth, aging water supply facilities, and conflicting demands among users. Implementation of the initiative will include, among other actions,

various agreements with State and local entities, which we expect to involve legal review by this Office.

The following is a non-exhaustive list of other legislative, executive, and judicial workload drivers since 1994:

➤ **Legislative Workload Drivers:**

1994 - Indian Self-Determination and Education Assistance Act Amendments; Indian Dam Safety Act; Indian Lands Open Dump Cleanup Act; American Indian Trust Fund Management Reform Act; Statutory Mineral Patent Moratorium.

1995 - Alaska Native Claims Settlement Act Amendments; Unfunded Mandates Reform Act; DOD Revitalizing Base Closure Communities and Community Assistance Act; Deep Water Royalty Relief Act; Paperwork Reduction Act.

1996 - Omnibus Parks and Public Lands Management Act; Small Business Regulatory Enforcement Act; Electronic FOIA Amendments; Federal Oil and Gas Royalty Simplification and Fairness Act; Park System Resource Protection Act amendments; Federal Agriculture Improvement and Reform Act; Debt Collection Improvement Act.

1997 - DOI and Related Agencies App. Act, P.L. 96-514, Title I § 100; National Wildlife Refuge Administration Act Amendments.

1998 - Southern Nevada Public Management Act; Alaska Native Allotment; National Park Service Concessions Management Act; National Park Service Leasing and Cooperative Management Act.

2000 - Federal Land Transaction Facilitation Act; Lincoln Co. Land Act; National Historic Lighthouse Preservation Act; Animas LaPlata Reauthorization Act; Indian Tribal Justice Technical and Legal Assistance Act; Indian Land Consolidation Act Amendments; Indian Self-Determination and Education Assistance Act Amendments; Indian Tribal Justice and Legal Assistance Act; Indian Employment, Training, and Related Services Act Amendment; Information Quality Act; Civil Asset Forfeiture Reform Act; Energy Policy Act; Hydroelectric Process Improvement Act.

2001 - No Child Left Behind Act; Native American Education Improvement Act.

2002 - Small Business Liability Relief and Brownfields Redevelopment Act; Clark County Conservation of Public Land and Natural Resources Act; No Fear Act; Cherokee, Choctaw, and Chickasaw Nations Claims Settlement Act; Tribal Controlled School Grants Amendments; Deep Water Ports Act amendments.

2004 - Coast Guard Authorization Act.

2005 - Energy Policy Act of 2005; Equal Opportunity Act Amendments.

2006 - The Surface Mining Control and Reclamation Act (SMCRA).

➤ **Executive Workload Drivers:**

1994 - Northwest Forest Plan.

1996 - E.O. 13016: CERCLA; E.O. 12988: Civil Justice Reform.

1998 - MMS Federal gas royalty valuation rule amendments.

1999 - MMS Indian gas valuation rule amendments; E.O. 13132: Federalism; MMS amendments to its royalty and offshore appeal rules.

2000 - E.O. 13148: Greening the Government Through Environmental Management; E.O. 13175: Government-to-Government Relationships with Tribes; DOI and DOC Joint Proposed New Fishway Policy; NOAA Coastal Zone Management “consistency” regulations; MMS Crude oil royalty valuation regulations.

2001 - withdrawal of DOD rule addressing the Clean-up of Munitions on Closed, Transferred, and Transferring Military Reservations; Mandatory Conditions Review Process; FERC Alternative Licensing Process; Hardrock mining regulations;

2002 - MMS Deep water royalty relief regulations.

2003 - Integrated Licensing Process Regulations; Recordable Disclaimers of Interests in Land regulation amendments;

2004 - Healthy Forests-related regulations (BLM, OHA, ESA).

2006 - Northwestern Hawaiian Islands Marine National Monument.

➤ **Judicial Workload Drivers:**

Cobell v. Kempthorne, an on-going class action suit in which individual Indians are alleging mismanagement of individual Indian trust assets.

Increased Tribal Trust litigation: The Department is defending 106 tribal trust cases, 76 of which were filed at the end of 2006.

E-discovery initiative generally: The recently amended Federal Rules of Civil Procedure create significant obligations on litigants to be conversant in the capabilities, policies, practices, and limitations of their information technology systems as they relate to production of "electronically stored information" in discovery. For the Department, this requires ensuring that the Department's attorneys, IT professionals, and records officers understand their roles and responsibilities regarding e-discovery.

Gifford Pinchot Task Force v. USFWS, 2004 U.S. App. LEXIS 16215 (9th Cir. June 7, 2004) invalidating the regulatory definition of "destruction or adverse modification" as inconsistent with the ESA.

South Florida Water Management District v. Miccosukee Tribe of Indians, 280 F.3d 1364 (11th Cir. 2002), vacated and remanded, 124 S. Ct. 1537 (2004), in which the 11th Circuit Court of Appeals held that the transfer of polluted water from one water body to another required a Clean Water Act permit. The Supreme Court remanded for a determination of whether the transfers were between two distinct water bodies. In addition to significant work of several branches of the Office on the case, the issue has required and will continue to require significant counseling with the Bureau of Reclamation, and EPA is considering a rulemaking that would require additional legal work for BOR.

ASARCO Inc. v. U.S., (No. 02-CV-520-H (N.D. Okla. July 11, 2003)) the district court denied a motion of the United States to dismiss the complaint on the basis of the discretionary function exemption of the Federal Torts Claims Act, spawning tort cases.

League of Wilderness Defenders v. Forsgren, 309 F.3d 1181 (9th Cir. 2002) held that the Forest Service had violated the Clean Water Act by conducting aerial spraying of pesticides over trees and navigable rivers without a Clean Water Act permit. SOL has been working with EPA on permits on regulations and guidance and advises the bureaus on a continuing basis on the application and legal effect of the decision and EPA's guidance.

Solid Waste Agency of Northern Cook County v. Corps of Engineers, 531 U.S. 159 (2001) limited federal jurisdiction under the Clean Water Act to "navigable waters", concluding that the statute was not intended to apply to "non-navigable, isolated, intrastate waters". SOL has spent a considerable amount of time applying the decision to a variety of fact situations involving the bureaus, commenting on draft rulemaking, and tracking subsequent court decisions.

Avista Corporation, 90 FERC 61,167 (February 23, 2000) changed the requirements for enforcing the terms of settlement agreements, which in turn

required the redrafting of all settlements in process and changed the settlements were drafted to be much more complicated and detailed for all future settlements.

Bangor Hydro v. FERC, ... (D.C. Cir. 1996), requires that bureaus such as FWS and BIA exercising mandatory authority under Sections 4(e) and 18 of the FPA provide substantial evidence in support of condition at the time filed with FERC. Agencies had not previously distinguished their individual administrative records from FERC's administrative record. We must now do so and SOL attorneys are heavily involved in that process.

In Re: ASARCO LLC, No. 05-21207 (Chap.11, S.D. Tex.), a bankruptcy action for which the Department has hundreds of millions of dollars in claims against the estate.

Despite the relatively stable staffing of the Office since 1999, workload drivers discussed above have increased the workload of the legal work of the Department since 1994. With its emphasis on improving automation, the SOL FY 2008 budget is designed to allow the Office to effectively manage this increased work through improved efficiency and effectiveness of the staff rather than by increasing staff.

Program and Organizational Overview – Legal Services

The Office of the Solicitor consists of a headquarters organization in Washington, D.C., and regional and field offices in 18 locations throughout the United States. The Solicitor is the chief attorney for the Department and the principal legal adviser to the Secretary. The Solicitor directs the Office's professional staff and is responsible for the legal work provided to the Department.

The Washington, D.C. office is organized into the Immediate Office of the Solicitor, the Ethic's Office, five major legal divisions, and an administrative division as detailed below. Each division is headed by an Associate Solicitor who is directly responsible to the Solicitor and Deputy Solicitor. Attorneys under the supervision of Associate Solicitors render legal services for the Department's programs. The field organization of the Solicitor's Office is divided into eight regions, as detailed below. Each region is headed by a Regional Solicitor who is directly responsible to the Solicitor and Deputy Solicitor.

Headquarters

Immediate Office of the Solicitor

Office of Ethics

Division of Parks and Wildlife

Division of General Law

Division of Indian Affairs

Division of Land and Water Resources

Division of Mineral Resources

Division of Administration

<u>Region</u>	<u>Regional Offices</u>	<u>Field Offices</u>
Alaska	Anchorage, Alaska	----
Southeast	Atlanta, Georgia	Knoxville, Tennessee
Northeast	Boston, Massachusetts	Pittsburgh, Pennsylvania Twin Cities, Minnesota
Inter-mountain	Salt Lake City, Utah	Phoenix, Arizona
Rocky Mountain	Denver, Colorado	Billings, Montana
Pacific Northwest	Portland, Oregon	Boise, Idaho
Pacific Southwest	Sacramento, California	Palm Springs, California San Francisco, California
Southwest	Albuquerque, New Mexico	Santa Fe, New Mexico Tulsa, Oklahoma

Program and Organization Descriptions

The majority of the Office's resources are devoted to the defense of a wide range of litigation against the United States, both administrative and judicial, and to other "nuts-and-bolts" legal services, ensuring that the Department's agencies carry out their responsibilities in accordance with the law. In most judicial litigation, attorneys actively assist or are co-counsel with attorneys from the Department of Justice (DOJ). In some judicial litigation and all administrative litigation, attorneys represent the Department without assistance from DOJ.

The Office also provides everyday legal service assistance in drafting and reviewing legislation, proposed and final regulations, contracts, memoranda of agreement, decisions, agreements, leases, rights-of-way, title documents, and other legal instruments, as well as providing both written and oral legal advice on a constant flow of legal questions. Some of these questions arise from such generic statutes as the Administrative Procedure Act (APA), Freedom of Information Act, Privacy Act, Federal Advisory Committee Act (FACA), Federal Tort Claims Act (FTCA), Civil Service Reform Act, the Civil Rights Acts, and the Rehabilitation Act, while other questions arise from the many specific statutes applicable to the Department's program areas, statutes on which the Office's attorneys and paralegals have developed significant expertise.

In addition to this essential baseline of legal work, the Office engages in a significant number of special legal projects, providing critical legal support for the Department's key initiatives. The legal staff assists the bureaus in responding to congressional direction in appropriations and substantive legislation. The Office advises the bureaus on legal options for streamlining processes and improving program management and implementing plans to carry out

departmental goals. Finally, the Office assists the bureaus in responding to Inspector General, congressional, judicial, and public FOIA requests, as well as subpoenas for documents.

In addition to the immediate Office of the Secretary and the offices of the Assistant Secretaries, client-representatives include the following bureaus and offices within the Department:

- Fish and Wildlife Service (FWS)
- National Park Service (NPS)
- Bureau of Indian Affairs (BIA)
- Bureau of Land Management (BLM)
- Bureau of Reclamation (BOR)
- Minerals Management Service (MMS)
- Office of Chief Information Officer (OCIO)
- Office of Historical Trust Accounting (OHTA)
- Office of Indian Trust Transition (OITT)
- Office of Surface Mining Reclamation and Enforcement (OSM)
- United States Geological Survey (USGS)
- Policy, Management and Budget (PMB)
- Office of Environmental Policy and Compliance (OEPC)
- Office of Civil Rights (PCR)
- Office of Insular Affairs (OIA)
- Office of the Special Trustee (OST)
- Indian Arts and Crafts Board (IACB)

Client-representative specific narratives are omitted for those bureaus and offices where the legal services provided are predominantly generic, that is, relating to personnel, procurement, FOIA, and other statutes of general applicability to all bureaus and offices.

Organizational Descriptions

The **Division of General Law** is responsible for legal matters related to procurement, patents, and tort claims; Insular areas; equal employment opportunity, labor law, and other personnel matters; and administrative and other general legal issues, including legislative and appropriations issues not assigned to another division. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Policy, Management and Budget and to the Endangered Species Committee. The Division has an Associate Solicitor and three branches, each headed by an Assistant Solicitor.

- (1) The Branch of Acquisitions and Intellectual Property has responsibility for legal matters related to Department procurement functions, the Federal Tort Claims Act, the Military Personnel and Civilian Employees Claims Act, patents, copyrights, trademarks, rights in data, and other forms of intellectual property.
- (2) The Branch of General Legal Services has responsibility for legal matters related to budget, finance, personnel policy, conflicts of interest, FOIA, the Federal

Advisory Committee Act, the Privacy Act, rule making, and all other related and general matters not specifically the responsibility of any other branch. The Branch also has responsibility for providing legal services to the Endangered Species Committee and the Department's Designated Agency Ethics Official.

- (3) The Branch of Personnel Litigation and Civil Rights has responsibility for legal matters related to the areas administered by the Office for Equal Opportunity, including internal complaints, Title VI matters, and minority business enterprise matters; personnel and equal employment opportunity litigation; and labor relations.

The **Division of Indian Affairs** is responsible for legal matters related to the programs and activities of the Bureau of Indian affairs. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Indian Affairs. The Division has an Associate Solicitor, Deputy Associate Solicitor, and four branches, each headed by an Assistant Solicitor.

- (1) The Branch of Water and Power has responsibility for legal matters related to BIA programs and activities with respect to water rights and hydroelectric power.
- (2) The Branch of Trust Responsibility has responsibility for advising the Secretary in the Secretary's capacity as trustee over lands and minerals owned by Indian Tribes and individual Indians. The Branch is responsible for legal matters related to the acquisition and management of lands held in trust for the benefit of Indian Tribes and individual Indians, including the use, leasing, sale, and conservation of these trust assets as well as breach of trust litigation; management of trust funds held by Indian Tribes and individuals, including accountings and litigation concerning accountings; environmental issues arising in connection with trust lands, and protecting and preserving tribal cultural resources.
- (3) The Branch of Tribal Government and Alaska has responsibility for legal matters related to BIA tribal governmental programs and activities. In addition, the Branch is responsible for boundary, zoning, and taxation disputes; issues concerning Federal, State, and tribal jurisdiction; and implementation of the Indian Civil Rights Act and the Rancheria Termination Act.
- (4) The Branch of General Indian Legal Activities has responsibility for legal matters related to BIA programs and activities other than those assigned to other branches. These matters include gaming, self-determination and self-government, education, social services, and economic development.

The **Division of Land and Water Resources** is responsible for legal matters related to the programs and activities of the Bureau of Reclamation and the Bureau of Land Management (BLM), other than legal matters concerning BLM's mineral programs. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Water and Science; the Assistant Secretary - Land and Minerals Management; and with respect to matters concerning

federal facilities compliance and operation of the Central Hazardous Materials Fund, the Assistant Secretary - Policy, Management and Budget. The Division has a Deputy Solicitor and three branches, each headed by an Assistant Solicitor.

- (1) The Branch of Public Lands has responsibility for legal matters related to BLM land management functions, including land acquisitions, disposals, surveys, boundaries, withdrawals, classification, rights-of-way, trespass, land titles, grazing, forest management, law enforcement, and wilderness.
- (2) The Branch of Water and Power has responsibility for legal matters related to BOR programs and activities, including contracting for water delivery, repayment, and operation and maintenance; hydropower development; water research and technology; water policy; and water rights.
- (3) The Branch of Federal Facilities Compliance has responsibility for legal matters related to cost recovery involving the Central Hazardous Materials Fund and environmental compliance and cleanup activities at federal facilities administered by the Department, including coordination with the Environmental Protection Agency and with the Department's Natural Resource Damage Assessment and Restoration program.

The **Division of Mineral Resources** is responsible for legal matters related to the programs and activities of the Geological Survey, other than those related to its Biological Research Division, the Minerals Management Service, and the Office of Surface Mining Reclamation and Enforcement, as well as legal matters concerning BLM's mineral programs. The Division is also responsible for legal services pertaining to programs and activities of the Department related to the Law of the Sea and international law affecting marine minerals, pollution, and related matters. The Division provides legal assistance and counsel to the Assistant Secretary - Water and Science and the Assistant Secretary - Land and Minerals Management. The Division has an Associate Solicitor, Deputy Associate Solicitor, and three branches, each headed by an Assistant Solicitor.

- (1) The Branch of Royalty and Offshore Minerals has responsibility for legal matters related to MMS programs and activities. The Branch is also responsible for legal matters related to international marine minerals, international and national boundaries, international pollution matters, and other Law of the Sea, Outer Continental Shelf, and international matters; enforcement of federal and Indian mineral lease royalty and other financial obligations; and mineral leasing laws and the Federal Oil and Gas Royalty Management Act of 1982.
- (2) The Branch of Onshore Minerals has responsibility for legal matters related to the mineral programs of BLM and USGS, except matters pertaining to international marine minerals and the Outer Continental Shelf.

- (3) The Branch of Surface Mining has responsibility for legal matters related to OSM programs and activities, including regulatory programs, enforcement and collections, and abandoned mine land reclamation.

The **Division of Parks and Wildlife** is responsible for legal matters related to the programs and activities of the National Park Service, the Fish and Wildlife Service, and the Biological Research Division of the USGS. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Fish, Wildlife and Parks and the Assistant Secretary - Water and Science. The Division has an Associate Solicitor, Deputy Associate Solicitor, and three branches, each headed by an Assistant Solicitor.

- (1) The Branch of Parks and Recreation has responsibility for legal matters related to NPS programs and activities and for legal matters related to the programs and activities of NPS's National Capital Region and the United States Park Police.
- (2) The Branch of Fish and Wildlife has responsibility for legal issues related to the programs, activities, and policies of the Department and the Department's Fish and Wildlife Service concerning conservation, the preservation of migratory birds, fish, other kinds of endangered species, game and marine mammals, and their habitats throughout the United States, its possessions and territorial waters; the protection, management, and use of natural and cultural resources within the National Wildlife Refuge System; and interaction and liaison between the Department and other Federal and state agencies, foreign countries and international organizations.
- (3) The Branch of Environmental Restoration has responsibility for the resolution of legal problems which involve the programs, activities, and policies of the Department and the various agencies within the Department when related to natural resource restoration.

The **Division of Administration**²

The **Office of Ethics**³, which is part of the Immediate Office of the Solicitor, is responsible for Department-wide implementation of the Ethics in Government Act and other applicable ethics statutes, Executive Orders, and regulations. The Office oversees the Department's nationwide ethics program, providing advice on ethics issues, developing and disseminating Departmental policy and guidance on ethics and conflict of interest matters, and serving as the Department's liaison with the Office of Government Ethics.

Regions and Field Offices. The following paragraphs describe the field organization and client assignments of the Office of the Solicitor. To the extent practicable, legal services are provided based on bureau regional boundaries, rather than Office of the Solicitor regional boundaries. Because regional boundaries vary from bureau to bureau, the actual areas served by the

² In-depth description of the Division of Administration is on pages SOL15 – SOL18.

³ More in-depth description of the Ethics Office is on pages SOL34 – SOL38.

Solicitor's Regional and Field Offices overlap to a considerable extent, with the result that more than one Regional or Field Solicitor's Office may handle legal matters for different bureaus within a single state. In addition, Regional and Field offices are responsible for legal matters arising in Departmental offices within their jurisdiction, including all elements of the Office of the Secretary, the Assistant Secretary-Policy, Management, and Budget, and organizations affiliated with the Department.

A. The **Alaska Region** is responsible for legal matters involving all bureaus except OSM in Alaska. The Regional Office is located in Anchorage, Alaska.

B. The **Northeast Region** is responsible for legal matters involving all bureaus except BIA in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; legal matters involving all bureaus except NPS in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin; and legal matters involving specific bureaus in Iowa (BIA, FWS, and USGS), Kentucky (OSM), Missouri (FWS), Nebraska (BIA), North Dakota (BIA), South Dakota (BIA), and Tennessee (OSM). The Regional Office is located in Newton Corner, Massachusetts, and Field Offices are located in Fort Snelling, Minnesota, and Pittsburgh, Pennsylvania.

C. The **Pacific Northwest Region** is responsible for legal matters involving all bureaus in Idaho, Oregon, and Washington; and legal matters involving the BIA in southern Alaska (Metlakatla) and northwestern Montana (Flathead Indian Reservation). The Region also handles legal matters for the PNW Region of BOR extending into northwestern Montana, and for Region I of the FWS, it handles legal matters in Hawaii and the Pacific Islands. The Regional Office is located in Portland, Oregon, and a Field Office is located in Boise, Idaho.

D. The **Pacific Southwest Region** is responsible for legal matters involving all bureaus in California and Nevada; and legal matters involving specific bureaus in Alaska (OSM and USGS), Hawaii (NPS and USGS), Idaho (OSM), Oregon-Klamath Basin (BOR), Pacific Islands (NPS and USGS), Washington (OSM and USGS). The Regional Office is located in Sacramento, California, and Field Offices are located in Palm Springs, California, and San Francisco, California.

E. The **Intermountain Region** is responsible for legal matters involving all bureaus except FWS and OSM in Utah; legal matters involving all bureaus except FWS, NPS, and OSM in Arizona; legal matters for BOR in Nevada and California (BOR Lower Colorado Region) and Colorado, New Mexico, and Texas (BOR Upper Colorado Region); legal matters for BIA in Nevada (BIA Eastern Nevada Field Office and Western Nevada Agency) and New Mexico (BIA Navajo Regional Office); and legal matters for BLM in Nevada (shared with the Pacific Southwest Region). The Regional Office is located in Salt Lake City, Utah, and a Field Office is located in Phoenix, Arizona.

F. The **Rocky Mountain Region** is responsible for all legal matters involving the BLM in Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, and Wyoming; all legal matters involving the Bureau of Reclamation Great Plains Region (located east of the

Continental Divide in Colorado, Wyoming, and Montana, and in Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, Texas); all legal matters involving FWS Region VI (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming); legal matters involving the NPS in Colorado, Iowa, Illinois, Kansas, Michigan, Minnesota, Missouri, Montana (with the exception of Big Hole Battlefield—Nez Perce), Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming, and NPS concessions contract matters in Arizona, New Mexico, Oklahoma, Texas, and Utah, and legal matters involving subject matter oversight and coordination of the various Solicitor's Office services to the Regional Director, Intermountain Region, NPS; all legal matters involving the BIA in Montana (with the exception of the Flathead Indian Reservation) and Wyoming; all legal matters involving the Central Region of the USGS; and all legal matters coordinated through OSM Western Regional Coordinating Center. The Regional Office is located in Lakewood, Colorado and a Field Office is located in Billings, Montana.

G. The **Southeast Region** is responsible for legal matters involving all bureaus in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands; legal matters involving all bureaus except MMS in Louisiana; and legal matters for specific bureaus in Arkansas (FWS and OSM), Connecticut (BIA), Illinois (OSM), Indiana (OSM), Iowa (OSM), Kansas (OSM), Maine (BIA), Massachusetts (BIA), Missouri (OSM), New York (BIA), Oklahoma (OSM), Rhode Island (BIA), Texas (OSM), and Virginia (BIA, BLM, and OSM). The Regional Office is located in Atlanta, Georgia, and a Field Office is located in Knoxville, Tennessee.

H. The **Southwest Region** is responsible for legal matters involving all bureaus in New Mexico, Oklahoma, and Texas and on the Navajo Reservation, and legal matters involving specific bureaus in Arizona (FWS, NPS, and OSM), Colorado (BIA), Illinois (OSM), Kansas (BIA and BLM), Louisiana (MMS), and Missouri (BIA). The Regional Office is located in Albuquerque, New Mexico, and Field Offices are located in Santa Fe, New Mexico, and Tulsa, Oklahoma.

ETHICS OFFICE ACTIVITY

Activity: Ethics Office

	2006 Actual	2007 CR	Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	2008 Budget Request	Change From 2007 CR (+/-)
Ethics Office	1,051	1,097	+32	0	1,129	+32
Impact of CR [non-add]		[-41]		[+41]		
Total FTE	6	6	0	0	6	0

The 2008 budget request for the Ethics program is \$1,097,000, an increase of \$32,000 for fixed costs.

Summary of 2008 Program Changes:

Impact of CR (non-add) [+\$41,000]: The 2008 budget restores the priorities of the 2007 President’s budget by funding 2007 programmed fixed cost increases included in the 2007 President’s budget.

Justification of FY 2008 Program Changes: The Ethics staff is responsible for overseeing the Department’s statutorily mandated ethics program. The staff is responsible for implementing the laws, executive orders, regulations and departmental policies concerning conflicts of interest and employee responsibilities and conduct.

Program Overview:

The Departmental Ethics Office strives to provide every Interior employee the proper counseling and technical assistance to help them with the ethics and conduct issues they may face as entrusted public servants. The ethics office seeks to integrate leadership and ethical concepts into everyday decision making in order to foster and maintain high ethical standards for Interior employees.

The Departmental Ethics Office (DEO) is located within the Office of the Solicitor. The DEO is responsible for overseeing the Department’s statutorily mandated ethics program, and derives its authority directly from the Secretary, who by regulation, is the head of the agency’s ethics program. The DEO is responsible for implementing the laws, executive orders, regulations and departmental policies concerning conflicts of interest and employee responsibilities and conduct (5 C.F.R. § 2638.201-202). The DEO is unique within the Office of the Solicitor, as it has programmatic responsibilities, as well as the rendering of legal advice.

The DEO is headed by a Director, who is also the Designated Agency Ethics Official (DAEO). The DAEO is delegated the responsibility to manage and coordinate the Department’s Ethics program. The DEO develops departmental ethics policy to ensure that employees incorporate an awareness of the ethics rules and regulations that apply to Interior employees into their day-to-

day management practices. The DEO also ensures the implementation of and compliance with the Ethics in Government Act of 1989, other statutes with ethics provisions, E.O. 12674, government-wide ethics regulations, and the Department's supplemental ethics regulations and policies governing employee conduct (5 C.F.R. § 2638.202-203).

The DEO provides direct services to all employees within the Immediate Office of the Secretary, Policy, Management and Budget, and the Office of the Solicitor. Along with this program requirement, the DEO is responsible for providing oversight and technical assistance to the Department's eight bureaus to ensure that each of the bureaus' ethics programs are in compliance with all applicable ethics laws, executive orders, and regulations. 5 C.F.R. § 2638.202.

The DEO performs a number of tasks that are required to be performed by law or regulation. Additionally, the DEO provides other, broader assistance in a variety of Departmental initiatives to ensure that attention is paid to whether a particular course of action is prudent and in concert with ethics laws and regulations writ large. The DEO's responsibilities may therefore be categorized as required or as necessary. Comprehensive attention to both types of responsibilities is critical to maintaining a robust ethics program throughout the Department.

At the request of the Secretary of the Interior and with the support of the Solicitor, the Director of the Departmental Ethics Office reviewed the Office of Government Ethics (OGE) Ethics Program Model Practices to determine what additional practices could or should be implemented at Interior. Of the eighty Ethics Program Model Practices, the Department of the Interior implemented sixty of the model practices. In some cases the Interior practices that were implemented could be enhanced by establishing or improving systems that are already in place.

Based on this review the Director developed a strategic action plan on how to implement the remaining twenty Ethics Program Model Practices. While incorporating new Model Practices into the Department of the Interior ethics program and enhancing other practices it is essential to continue the technical competence of the ethics program. In addition to the existing action plan, the Director continues to develop new initiatives to foster a stronger ethical climate with partners, industry and other non-federal entities. Some of the Model Practices that have been incorporated over the past three months include:

A letter prepared to employees outlining the responsibilities of management to fulfill their ethics requirements including linking these responsibilities to salary increases and bonuses.

The Deputy Secretary chaired a senior level task group to develop the core values of the Department of the Interior. The core values are to be integrated into the organization including placing them on employee's badges.

The Secretary of Interior signed a welcome letter to new employees emphasizing the need to understand the ethics laws and regulations and to understand the commitment to an ethical culture. This is a responsibility of all Department of Interior employees.

The Departmental Ethics Office has increased its liaison efforts with the Office of Government Ethics (OGE) and has been invited to serve on a new OGE Leadership initiative focus group.

The Secretary filmed a Senior Leader video emphasizing an ethical culture. This video was used in the latest ethics training satellite broadcast to employees throughout the United States.

The Departmental Ethics Office as part of its efforts to increase training initiatives has become part of a new Interagency Ethics Council task force on training. The Office will be speaking at the upcoming OGE conference, the SES conference and several other planned conferences. The Office will focus on several training initiatives based on the Departmental Ethics Training Plan including:

- Personal appearances by Senior Leaders at training.
- Preparing effective decision making modules for training to enhance the ethics culture.
- Enhance ethics training by having leaders and managers discuss ethics related issues with their staff at staff meetings and other work settings.
- Identify trends of ethics violations and publicize what happens with ethical lapses.
- Use media accounts to showcase what happens to those who violate the laws.
- Focus on training the 14 guiding principles of ethics.
- Solicit feedback on training from employees.
- Train the ethics officials, branching out their training into effective decision making and an ethical culture.

In order to continue to enhance the Department of the Interior Ethics Culture, the Solicitor has worked closely with the Departmental Ethics Office and reallocated resources in order to achieve these initial efforts. In addition to backfilling two ethics counselors in July 2006, the new Director hired two very experienced ethics attorneys in the past three months.

One of the first projects of this new ethics team was to conduct a self assessment of the Department of the Interior ethics program similar to an Office of Government Ethics Program review. The results of this self assessment will assist in determining additional processes and systems that should be implemented into the ethics program.

➤ **Required Functions:**

- Oversight and Technical Assistance to Bureaus: Not only is the DEO responsible for performing ethics functions for a broad spectrum of employees, but it is also responsible for ensuring that the Department's bureaus are properly administering their ethics programs. The regulations require that the DAEO administer a program for periodic evaluation of the ethics program and its components. Currently, the DEO meets this responsibility by convening monthly meetings with the bureaus' headquarters ethics contacts to ensure consistency in the management of the program. Additionally, the DEO secured contract services to perform a program review for one bureau and plans to replicate this in other bureaus.

The DEO also provides, from time to time, live workshop training on topics important to the consistent management of the bureaus' ethics programs.

- Presidential Appointments: The DEO plays a critical role in the clearance process of nominees to Senate-confirmed Presidential appointee positions. The DEO reviews financial documents, consults with the nominees, and recommends appropriate recusals or authorizations to allow the nominees to perform their duties without actual or apparent conflicts of interest. Key in this process is the coordination with the White House Counsel's Office, and the Office of Government Ethics (OGE). In a Presidential transition year, additional time is spent coordinating and ensuring compliance with the financial disclosure requirements for all political appointees, training these employees, and providing individual counseling on a range of ethics topics essential to the appropriate performance of their official duties.
- Financial Disclosure: The DEO is responsible for ensuring that the public and confidential financial disclosure reporting requirements are met by the requisite employees. Both levels of financial disclosure require the administration of tracking systems for the collection, review, and certification of the forms in accordance with the time frames set out by regulation (5 C.F.R. § 2634.601-607; § 2634.901-909). Additionally, any remedial action required as a result of review and certification of these forms must be administered by the DEO or respective bureau ethics program. Such remedial actions include divestiture, recusals, or authorization, all of which require a determination in accordance with criminal statutes and administrative regulations. Department-wide, there are approximately 13,000 filers of some level of financial disclosure. All forms require technical as well as more stringent financial conflict of interest review and certification.
- Training: The DEO is responsible for providing new employee ethics training as well as annual training for all filers of the confidential and public financial disclosures. The administration of the ethics training program is in accordance with 5 C.F.R. § 2638.701-708.
- Counseling: As required by 5 C.F.R. § 2638.203, the DEO is responsible for maintaining a system for counseling employees on all ethics matters, including interpretations of the criminal financial conflict of interest statutes, the post-employment statute, as well as all standards of conduct regulations (both government-wide and agency-specific). Such system must include adequate documentation of questions raised and advice rendered to provide employees with written advice, but also for purposes of audit and evaluation by the OGE, or in support of an investigation of alleged violations by the Office of Inspector General.

- Liaison Role: The DAEO is required to be the agency's liaison with the OGE for all matters relating to the management of the ethics program (5 C.F.R. § 2638.203(b)). Additionally, the DAEO and ethics staff performs this role with the White House Counsel's Office, as well as with the Office of Special Counsel.
- **Necessary Functions:** As stated earlier, there are a number of necessary functions performed by the DEO in order to meet its required responsibilities and also for the purpose of furthering the goal of administering a robust and proactive ethics program, which includes prevention, education, identification of violations, and coordination of enforcement actions. Among these necessary functions are:
- Act as liaison and technical advisor to the Office of Inspector General.
 - Participate in the work of the Deputy Chief Human Capital Officer workgroup, to ensure that other aspects of the agency's human resources responsibilities include attention to ethics, i.e., working to include ethics management performance standards in supervisors and ethics counselors' position descriptions.
 - Serve as a co-lead on several Departmental initiatives, such as donations of gifts policy; appropriate identification of ethics considerations for volunteers and special government employees.
 - Work with the Division of General Law on the Federal Advisory Committee Act issues that raise ethics questions, such as the proper designation of members as either representatives or special government employees, and ensuring the administration of financial disclosure requirements for those designated as special government employees.
- Ensure an adequate system for responding to Freedom of Information Act requests as well as requests for documents or other technical assistance from Congressional Committees.

DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
SUMMARY OF REQUIREMENTS BY OBJECT CLASS
(in thousands of dollars)

<u>Object Class</u>	<u>2007 Estimates</u>		<u>Fixed Costs & Related Changes (+/-)</u>		<u>Program Changes (+/-)</u>		<u>2008 Request</u>	
	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>
11.1 Permanent positions	354	35,431	0	1,594	0	0	354	37,025
12.1 Personnel benefits: civilian	0	9,259	0	94	0	0	0	9,353
21.0 Travel & transportation of persons	0	550	0	0	0	0	0	550
23.1 Rental payments to GSA	0	3,796	0	248	0	0	0	4,044
23.2 Rental payments to others	0	2,000	0	0	0	0	0	2,000
23.3 Communications, utilities, and miscellaneous charges	0	1,180	0	0	0	0	0	1,180
25.2 Other services	0	3,860	0	15	0	243	0	4,118
26.0 Supplies and materials	0	533	0	0	0	0	0	533
31.0 Equipment	0	146	0	0	0	0	0	146
Total Appropriations	354	56,755	0	1,951	0	243	354	58,949

DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
PROGRAM AND FINANCING
(in millions of dollars)

Identification Code 14-0107-0-1-306	2006 Actual	2007 Estimate	2008 Estimate
Obligations by program activity:			
00.01 Direct program	53	55	59
09.00 Reimbursable program	9	9	9
10.00 Total new obligations	62	64	68
Budgetary resources available for obligation:			
22.00 New budget authority (gross)	65	64	68
23.95 Total new obligations	-62	-64	-68
23.98 Unobligated balance expiring or withdrawn	-3	.....	.....
New budget authority (gross) detail:			
Discretionary:			
40.00 Appropriation	55	55	59
40.35 Appropriation permanently reduced	-1	.....	.....
43.00 Appropriation (total discretionary)	54	55	59
Spending authority from offsetting collections:			
58.00 Offsetting collection (cash)	7	9	9
58.10 Change in uncollected customer payments from Federal sources (unexpired)	4	.....	.....
58.90 Spending authority from offsetting collections (total discretionary)	11	9	9
70.00 Total new budget authority (gross)	65	64	68
Change in obligated balances:			
72.40 Obligated balance, start of year	-5	-2	-2
73.10 Total new obligations	62	64	68
73.20 Total outlays (gross)	-61	-64	-68
74.00 Change in uncollected customer payments from Federal sources (unexpired)	-4	.....	.....
74.10 Change in uncollected customer payments from Federal sources (expired)	6	.....	.....
74.40 Obligated balance, end of year	-2	-2	-2
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority	58	60	64
86.93 Outlays from discretionary balances	3	4	4
87.00 Total outlays (gross)	61	64	68
Offsets:			
Against gross budget authority and outlays:			
88.00 Offsetting collections (cash) from: Federal sources	-12	-9	-9
Against gross budget authority only:			
88.95 Change in uncollected customer payments from Federal sources (unexpired)	-4	.....	.....
88.96 Portion of offsetting collections (cash) credited to expired accounts	5	.....	.....
Net budget authority and outlays:			
89.00 Budget authority	54	55	59
90.00 Outlays	49	55	59

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR**

**OBJECT CLASSIFICATION
(in million of dollars)**

Identification Code 14-0107-0-1-306	2006 Actual	2007 Estimate	2008 Estimate
Direct Obligations			
11.1 Full-time permanent	34	35	35
12.1 Civilian personnel benefits	8	8	8
23.1 Rental payments to GSA	5	5	7
23.3 Communications, utilities, and miscellaneous charges	1	1	1
25.2 Other services	4	6	8
31.0 Equipment	<u>.....</u>	<u>.....</u>	<u>.....</u>
99.0 Direct obligations	52	55	59
99.0 Reimbursable obligations	9	9	9
99.5 Below reporting threshold	<u>1</u>	<u>.....</u>	<u>.....</u>
99.9 Total new obligations	62	64	68

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR**

PERSONNEL SUMMARY

Identification Code	2006	2007	2008
	Actual	Estimate	Estimate
<hr/>			
14-0107-0-1-306			
Direct:			
1001 Civilian full-time equivalent employment	354	354	354
Reimbursable:			
2001 Civilian full-time equivalent employment	<u>42</u>	<u>48</u>	<u>48</u>
	396	402	402

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
EMPLOYEE COUNT BY GRADE**

	FY 2006	FY 2007	FY 2008
	<u>Actual</u>	<u>Estimate</u>	<u>Estimate</u>
Executive Level IV	<u>1</u>	<u>1</u>	<u>1</u>
Subtotal	1	1	1
SES	19	19	19
GS-15	78	78	79
GS-14	192	193	193
GS-13	27	26	26
GS-12	15	14	15
GS-11	8	9	7
GS-10	0	0	0
GS-9	12	11	12
GS-8	6	7	7
GS-7	33	32	31
GS-6	12	12	12
GS-5	2	2	2
GS-4	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal	385	384	384
Total employment (actual/projected) at end of fiscal year	405	404	404

DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
Reimbursable Positions
(in thousands of dollars)

	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>
Bureau of Indian Affairs			
Legal support, Office of Economic Development	138	83	0
Legal support, licensing of FERC projects	161	168	174
Legal support, San Carlos Irrigation Project	163	0	0
Legal support, realty matters	28	31	32
Legal support, Indian trust funds	139	153	0
Legal support, Departmental policies for Indian Affairs issues	0	74	0
Legal support, Departmental policies for Indian Affairs issues	0	81	0
Legal support, restoration of land	27	39	44
Legal support, review and examine land titles	28	40	46
Legal support, Stockbridge-Munsee Reservation issues	20	22	0
Legal support, land and water resources issues	345	372	387
Subtotal	1,049	1,063	683
Bureau of Land Management			
Legal support, implementation of rangeland reform and related litigation	181	190	197
Legal support, water rights issues	78	84	86
Legal support, Trans Alaska Pipeline System	173	178	187
Legal support, processing tort claims	54	60	64
Legal support, Southern Nevada Public Land Management Act implementation	166	177	182
Legal support	110	156	159
Legal support	0	283	359
Legal support	0	0	600
Subtotal	762	1,128	1,834

DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
Reimbursable Positions
(in thousands of dollars)

	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>
Bureau of Reclamation			
Legal support, water law issues	225	239	86
Legal support, stream adjudications, contracts, and water rights issues	103	117	125
Legal support, Reclamation issues	461	459	206
Legal support, Central Valley Project water service contracts, Central Valley Improvement Act implementation, and water quality standards for the Sacramento-San Joaquin Delta Estuary and CalFed process	174	175	181
Legal support, Reclamation law, NEPA, and ESA	156	170	177
Legal support, Gila River Indian Community distribution system for the Central Arizona Project and development of Colorado River management criteria and compliance activity	123	141	158
Legal support, Boulder Canyon Project Act	0	195	202
Legal support, Boulder Canyon Project Act	0	150	155
Subtotal	<u>1,242</u>	<u>1,646</u>	<u>1,290</u>
Fish and Wildlife Service			
Legal support, FWS environmental law issues	88	75	83
Legal support, ESA/habitat conservation plans	175	0	0
Legal support, natural resource damages	89	0	0
Legal support, water rights issues	169	178	0
Legal support, realty matters	84	94	96
Legal support, Alaska subsistence	171	183	190
Legal support, refuge mgt and land acquisition matters	0	89	99
Subtotal	<u>776</u>	<u>619</u>	<u>468</u>
Mineral Management Service			
Legal support, royalty management issues	180	57	0
Legal support	0	20	135
Legal support	0	0	134
Legal support	0	59	196
Subtotal	<u>180</u>	<u>136</u>	<u>465</u>
National Business Center			
Legal support, NBC issues	145	150	153

DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
Reimbursable Positions
(in thousands of dollars)

	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>
National Park Service			
Legal support, Presidio	181	0	0
Legal support, water rights issues	185	192	170
Legal support, legal research	45	15	48
Legal support, issues related to use of water from Cape Cod National Seashore and Assateague Island	88	75	82
Legal support, Mojave National Preserve and Golden Gate National Recreation Area issue	107	113	116
Legal support, park system resource damages	118	0	0
Legal support, Yosemite National Park issues	22	89	99
Legal support, NPS issues	148	160	162
Subtotal	<u>894</u>	<u>644</u>	<u>677</u>
Office of Surface Mining			
Legal support, OSM issues	175	0	0
Office of the Secretary			
Employees detailed to Working Group on Indian Water Rights Settlements	70	77	80
Legal support, Everglades restoration	275	186	153
Legal support, Office of Special Trustee for American Indians	2,353	2,618	2,618
Legal support, HAZMAT compliance	688	700	753
Subtotal	<u>3,386</u>	<u>3,581</u>	<u>3,604</u>
TOTAL REIMBURSEMENTS	8,609	8,888	9,174