

# **BUDGET** The United States **JUSTIFICATIONS** Department of the Interior

and Performance Information  
Fiscal Year 2026

**OFFICE OF  
THE SOLICITOR**

NOTICE: These budget  
justifications are prepared  
for the Interior, Environment  
and Related Agencies  
Appropriations  
Subcommittees.



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## Executive Summary



# **DEPARTMENT OF THE INTERIOR**

## **OFFICE OF THE SOLICITOR**

### **2026 PRESIDENT’S BUDGET**

#### **EXECUTIVE SUMMARY**

##### **General Statement**

The Office of the Solicitor (SOL, Office) provides legal representation to the Secretary of the Department of the Interior (DOI, Department, Interior) and all senior DOI leadership, as well as comprehensive legal services to all Interior bureaus and offices to ensure the Department’s programs and activities are conducted in accordance with applicable laws and regulations. SOL’s legal representation spans the entire spectrum of the Department’s broad mission, providing expertise on a host of natural resource law issues, as well as mineral law, water law, land use law, Indian law, contract law, tort law, employment law, administrative law, and appropriations law. The Office also provides legal assistance in drafting and reviewing regulations, contracts, memoranda of agreement, formal decisions, leases, rights-of-way, title documents, other legal instruments, and proposed legislation.

The major functions of the Office are to:

1. Provide high-quality legal counsel to the Secretary and the Department of the Interior’s bureaus and offices;
2. Represent the Department in administrative hearings before various tribunals;
3. Support the Department of Justice in representing the Secretary and Interior in Federal, State, and Tribal courts;
4. Help resolve legal issues for the bureaus and offices as they implement congressional direction on appropriations and substantive legislation;
5. Administer the Department’s ethics program and ensure ethical compliance throughout the Department; and
6. Provide governance over Interior’s Freedom of Information Act (FOIA) programs.

The Solicitor is Interior's chief attorney and the Secretary's principal legal adviser. The Solicitor also serves as the immediate supervisor of the Department’s Designated Agency Ethics Official and is designated as the Department’s Chief FOIA Officer.

The work of the Office impacts every major program within the Secretary’s jurisdiction. SOL attorneys actively engage in client counseling to ensure sound decision-making, including implementing strategies that will decrease the likelihood of litigation and corrective post-litigation requirements. SOL attorneys assist the Secretary, through the Departmental bureaus and offices, in responding to congressional direction in appropriations and substantive legislation, advising the bureaus and offices on legal options for streamlining processes and improving program management, and implementing plans to carry out Departmental goals. The Office also assists all Department components in responding to requests from

the Office of the Inspector General, the Office of Special Counsel, the Government Accountability Office (GAO), Congress, the courts, administrative tribunals, and the public.

## 2026 President’s Budget Submission

The budget request provides the Secretary and the Department the legal services needed to advance the Administration’s goals and other operational priorities. The Office’s 2026 budget advances key Administration priorities in energy dominance, multiple-use land management, and critical regulatory reform by delivering the highest quality legal, ethics, and FOIA governance services. The budget supports SOL capacity to provide the most expeditious and best defense of important Administration priorities, including Executive Orders, such as *Unleashing American Energy* and *Declaring a National Energy Emergency*. By coordinating closely with Departmental client-bureaus and offices, the Office of the Solicitor will proactively manage legal work demands, prioritizing requests for attorney involvement to enhance workflow efficiency and maintain high-quality legal support.

The 2026 budget reinforces the Administration’s commitment to streamlining government operations, with a strong focus on efficiency and effectiveness. The Office will support and drive efforts to optimize common administrative and support services across the Department and within the Office, ensuring that resources are utilized strategically to maximize productivity and cost savings. Also, the Office will evaluate space utilization and plan on reducing, consolidating, and optimizing office space at all locations.

### Total 2026 Budget Request

(Dollars in Thousands)

<b>Budget Authority</b>	<b>2024 Actual</b>	<b>2025 Notional<sup>1</sup></b>	<b>2026 Request</b>
Current	97,950	97,950	60,212
<b>Total Budget Authority</b>	<b>97,950</b>	<b>97,950</b>	<b>60,212</b>

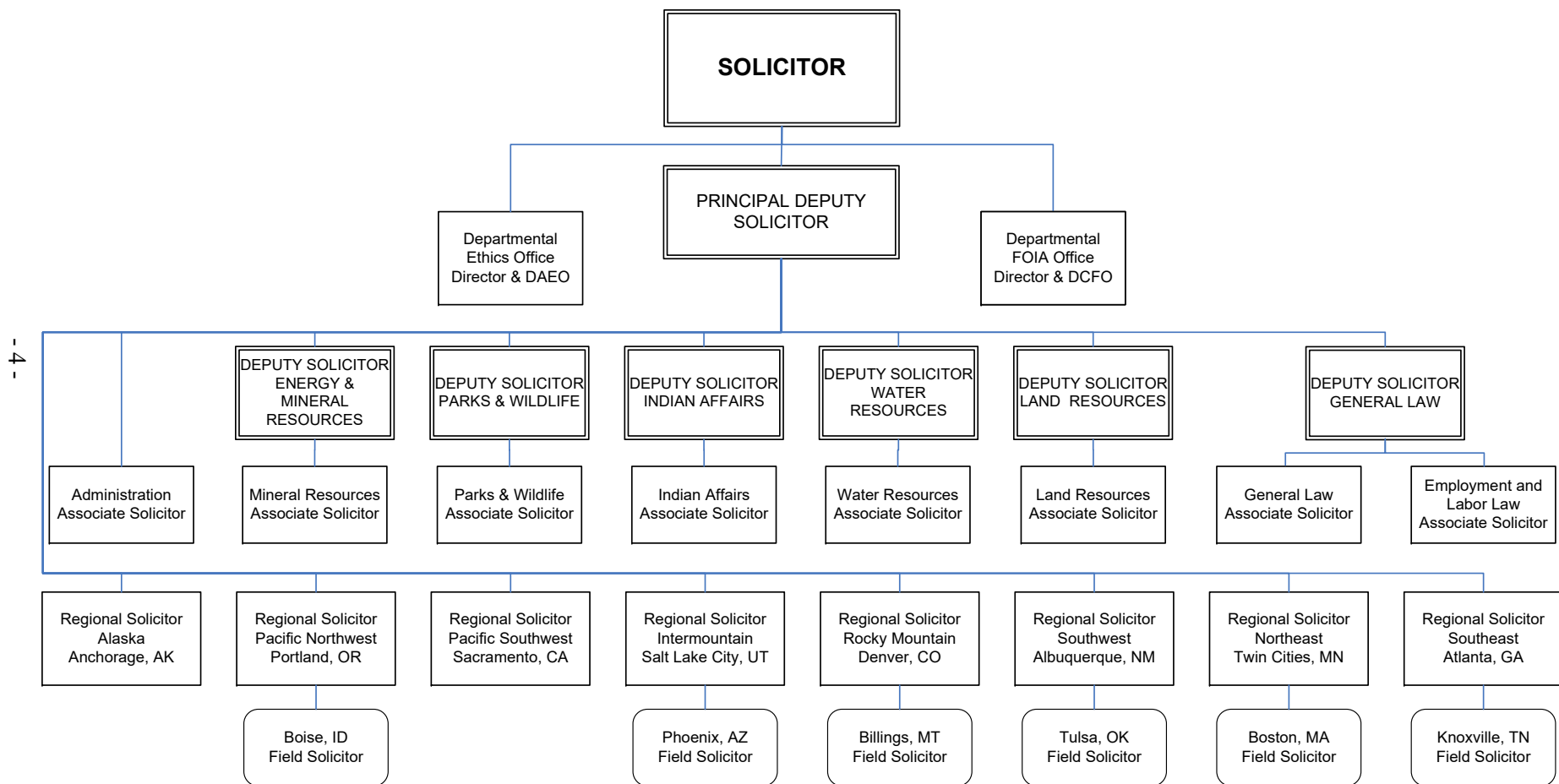
<sup>1/</sup> Resource levels included are estimates. The President reserves his authority under the "Full-Year Continuing Appropriations and Extensions Act, 2025" (P.L. 119-4) to revise spending within the amounts provided by Congress.



## Organizational Chart



DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SOLICITOR  
ORGANIZATIONAL CHART



## Organization Descriptions

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The Office of the Solicitor consists of a headquarters organization in Washington, D.C., and offices in 14 locations throughout the United States. The Solicitor is the Department's chief attorney and the Secretary's principal legal adviser. The Solicitor is responsible for the legal work conducted within the Department, including all litigation brought against the Secretary, other senior leaders, and the Department's bureaus and offices. Client-representatives include the following bureaus and offices within Interior:

BIA	Bureau of Indian Affairs	OSMRE	Office of Surface Mining Reclamation and Enforcement
BIE	Bureau of Indian Education	OAS	Office of Aviation Services
BLM	Bureau of Land Management	PMB	Office of Policy, Management and Budget
BOEM	Bureau of Ocean Energy Management	AVSO	Appraisal and Valuation Services Office
BOR	Bureau of Reclamation	NRDAR	National Resource Damage Assessment and Restoration Program
BSEE	Bureau of Safety and Environmental Enforcement	OCIO	Office of Chief Information Officer
BFTA	Bureau of Trust Funds Administration	CADR	Office of Collaborative Action and Dispute Resolution
FWS	U.S. Fish and Wildlife Service	OIA	Office of Insular Affairs
NPS	National Park Service	IBC	Interior Business Center
ONRR	Office of Natural Resources Revenue	SIWRO	Secretary's Indian Water Rights Office
USGS	United States Geological Survey	OEPC	Office of Environmental Policy and Compliance

The Washington, D.C. office is organized into the Immediate Office of the Solicitor; the Departmental Ethics Office; the Departmental FOIA Office; seven legal divisions; and an administrative division. Each legal division and the administrative division are managed by an Associate Solicitor who is directly responsible to the Solicitor and respective Deputy/Principal Deputy Solicitor. The Ethics, FOIA, and Indian Trust Litigation Offices are managed by a director directly responsible to the Solicitor and Principal Deputy Solicitor. Regional offices are managed by a Regional Solicitor, who reports to the Principal Deputy Solicitor; field offices are managed by a Field Solicitor, who reports to a Regional Solicitor.

Summaries of the responsibilities of the Immediate Office of the Solicitor, the seven legal divisions, and the eight regions immediately follow. Summaries of the responsibilities of the Ethics Office, FOIA Office, and Administration Division are provided in subsequent sections.

The **Immediate Office of the Solicitor** includes the Solicitor, Principal Deputy Solicitor, several Deputy Solicitors, Counselors/Advisors, the Indian Trust Litigation Office, and supporting staff. The Immediate Office is responsible for directing the legal work of the Office. The Solicitor directs the Office's professional staff and is responsible for the legal work conducted within the Department, including all litigation brought against the Secretary, other senior leaders, and the Department's bureaus and offices. The Solicitor is also designated as the Department's Chief FOIA Officer and serves as the immediate supervisor of the Department's Designated Agency Ethics Official.

The Indian Trust Litigation Office (ITLO) within the Immediate Office of the Solicitor provides legal counsel and defends litigation filed in Federal courts throughout the United States against the Department by individual Indians and Indian Tribes. This litigation typically addresses the Secretary's trust duties with respect to trust fund accounting, trust fund management, and management of non-monetary natural resource trust assets. ITLO has primary responsibility for matters filed in the United States Court of Federal Claims seeking money damages under the Tucker Act and Indian Tucker Act, 28 U.S.C. §1491 and 28 U.S.C. §1505, for alleged breaches of fiduciary trust, and actions for declaratory and injunctive relief in district courts seeking to enforce compliance with a fiduciary trust duty. ITLO as a standalone unit on SOL's organizational chart has been removed because it is a unit within the Immediate Office of the Solicitor.

The **Division of General Law** is responsible for administrative and general legal matters including, but not limited to, acquisition, information law, tort claims, insular areas, legislative and appropriations issues, and intellectual property. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Policy, Management and Budget, the Chief Information Officer, and the Endangered Species Committee. The Division consists of an Associate Solicitor, an Assistant Solicitor for the General Legal Services Branch, an Assistant Solicitor for the Acquisitions and Intellectual Property Branch, and an Assistant Solicitor for the Torts Practice Branch.

The **Branch of General Legal Services** has responsibility for legal matters and litigation related to Federal administrative law, including budget and appropriations, financial management, FOIA litigation, FOIA appeals, Privacy Act appeals, records management, electronic data management/e-discovery, partnerships, the Federal Advisory Committee Act, the Privacy Act, and the Administrative Procedure Act. It addresses internal delegations of authority, departmental law enforcement policies, insular areas, information technology, scientific integrity, rulemaking, congressional oversight, and all other related and general matters not specifically the responsibility of any other branch or division. A portion of the practice of the Branch is devoted to providing early legal engagement, counseling, and review for clients from across all Department bureaus and offices while ensuring consistency in Federal administrative law throughout the Office of the Solicitor.

The **Branch of Acquisitions and Intellectual Property** has responsibility for legal matters related to Interior acquisition functions, including all related claims, litigation, and bid protests; use of revolving and franchise funds; interagency agreements, grants and cooperative agreements; patents, copyrights, trademarks, rights in data, and other forms of intellectual property; legal support of high-priority contracting and assistance actions, such as information technology and supporting secretarial priorities; and support of Indian education and law enforcement programs and priorities. A portion of the practice of the Branch is devoted to providing early legal engagement, counseling, and review for diverse clients while ensuring consistency in legal advice throughout the Office of the Solicitor.

The **Torts Practice Branch** provides counseling and advice in handling all Federal Torts Claims Act (FTCA) matters, and Military Personnel and Civilian Employees Claims Act administrative matters filed against Department of the Interior and its agencies. It also supports the Department of Justice in all Federal judicial litigation involving tort claims against Interior components. The Branch also handles all lawsuits for money damages alleging negligent or wrongful acts, including law enforcement actions. In addition, Branch attorneys handle claims related to injury and damage to Government property.

The **Division of Employment and Labor Law** is responsible for providing legal counsel to the Department's bureaus and offices relevant to federal-sector employment and labor laws. The Division

also represents the Department in administrative litigation and arbitration proceedings filed pursuant to federal-sector employment and labor laws. Through review of Department policies and initiatives, training of bureau and office employees, client counseling, litigation and arbitration activities, and mediation efforts, the Division advances the Department's goals associated with safeguarding employees, holding employees accountable for misconduct, and protecting employees from harassing conduct and unlawful discrimination and retaliation. The Division has an Associate Solicitor and five branches, each supervised by an Assistant Solicitor.

The Branch of Policy and Operations is responsible for the establishment of rules, trainings, and resources to implement best practices, and provides legal counsel relevant to the impact of federal-sector employment and labor laws on proposed Departmentwide rules, policies, and initiatives. Branch attorneys address complex, novel, and sensitive federal-sector employment and labor law matters and they coordinate the Division's efforts in addressing high-profile and cross-cutting matters in Government-wide employment and labor law litigation and arbitration proceedings

The Branch of Employment Law Counseling is responsible for providing legal advice and counsel on employment law matters to client representatives in the Department's bureaus and offices. The Branch conducts legal sufficiency reviews and provides advice and counsel on conduct-based and performance-based personnel actions; and assists client representatives in evaluating and drafting responses to communications that request reasonable accommodations. The Branch responds to inquiries relevant to legal authorities that prohibit discrimination and retaliation.

The Branch of Labor Law & Investigations is responsible for advising Department managers and supervisors on labor law matters and for representing the Department in administrative labor law proceedings. The Branch advises management during collective bargaining negotiations and provides legal review of collective bargaining agreements and supplements in accordance with the Federal Service Labor-Management Relations Statute. The Branch also defends the Department in arbitration matters, negotiability appeals, unfair labor practices, and impasse proceedings. The Branch serves as the Department's liaison with the U.S. Office of Special Counsel on investigations of alleged prohibited personnel practices; provides legal sufficiency reviews of anti-harassment investigative plans and reports of investigation that pertain to misconduct allegations and claims of discrimination and retaliation; assists U.S. Department of Justice personnel in defending judicial litigation matters that raise employment and labor law claims; and defends the Department against appeals filed with the Equal Employment Opportunity Commission's (EEOC) Office of Federal Operations.

The Branch of Merit Systems Litigation represents the Department in administrative employment law litigation matters that allege violations of merit systems principles and associated protections. The Branch attorneys independently engage in all aspects of litigation practice necessary to represent the Department in matters before the U.S. Merit Systems Protection Board (MSPB), including the development and filing of briefs, motions, and pleadings; handling discovery, including taking and defending depositions; and engaging in trial advocacy in proceedings before MSPB judges.

The Branch of Equal Employment Litigation represents the Department in administrative employment law litigation matters that allege violations of federal anti-discrimination laws. Branch attorneys independently engage in all aspects of litigation practice necessary to represent the Department in matters before the EEOC, including the development and filing of briefs, motions, and pleadings; handling discovery, including taking and defending depositions; and engaging in trial advocacy in proceedings before EEOC judges.

The **Division of Indian Affairs** is responsible for legal matters related to the issues and programs affecting federally recognized Indian Tribes, enrolled Tribal members, and other entities and individuals with which the Department interacts pursuant to applicable law. The division assists the BIA, BIE, BTFA, and BOR in furthering the government-to-government relationship with federally recognized Indian Tribes. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Indian Affairs. The Division has an Associate Solicitor and five branches, each supervised by an Assistant Solicitor.

The **Branch of Environment and Lands** advises the Department in carrying out its responsibilities toward federally recognized Indian Tribes and individual Indians related to the acquisition, management, and protection of land, reservation boundary issues, and the protection of the environment, including natural and cultural resources.

The **Branch of Self-Governance and Economic Development** has responsibility for legal matters related to Tribal economic development, gaming, and a wide range of Indian Affairs program activities, including housing, social services, transportation, judicial services, law enforcement, Tribal contracting, compacting, and consultation.

The **Branch of Tribal Government Services** provides legal advice on matters concerning Tribal status; the reorganization and functioning of indigenous and Tribal governments; and the scope, extent, and exercise of Tribal governmental authority in internal and external relations. This subject matter includes questions of membership, the adoption and modification under Federal statute of Tribal constitutions and corporate charters, leadership disputes, Tribe-specific and Indian preference, the reorganization of the Native Hawaiian Community, the respective jurisdiction of Federal, Tribal, and State governments, Indian Child Welfare Act matters, hunting and fishing rights, international issues, and Bad Man claims. The Branch also provides legal services to Bureau of Indian Education leadership in operating Federal schools for Indians and providing contracts and grants to Tribal schools.

The **Branch of Trust Services** has responsibility for advising the Secretary in the Secretary's capacity as trustee over trust assets generated from the use of trust resources including the leasing and sale of such land and minerals. The Branch is responsible for legal matters related to managing the trust assets, including Tribal and individual Indian money accounts, probate issues, and the land title and records office.

The **Branch of Indian Water Rights** has responsibility for legal matters related to BIA programs and activities with respect to water rights held in trust by the United States for Indian Tribes and allottees, including adjudications and congressional settlements of Indian water rights; license applications before the Federal Energy Regulatory Commission and hydroelectric power projects that affect Indian reservations and resources; the operation and maintenance of BIA irrigation projects and associated power projects; and safety of dams. The Branch also provides legal support to the Secretary's Indian Water Rights Office.

The **Division of Land Resources** is responsible for legal matters related to the programs and activities of the Bureau of Land Management, other than legal matters concerning mineral programs. The Division is also responsible for asserting, on behalf of all of Interior's bureaus, affirmative claims seeking reimbursement under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) for costs incurred by those bureaus in remediating contamination on bureau lands. The Division also defends the bureaus in contribution actions asserted against them under CERCLA and other

laws. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Land and Minerals Management; and, with respect to matters concerning operation of the Department's Central Hazardous Materials Fund, the Assistant Secretary - Policy, Management and Budget. The Division has an Associate Solicitor and two branches, each supervised by an Assistant Solicitor.

The Branch of Public Lands is responsible for legal matters related to BLM land management functions, including land acquisitions, disposals, surveys, boundaries, withdrawals, national monuments, classifications, rights-of-way (current and historic), trespass, land titles, land use planning, grazing, recreation, forest management, wildland fire issues, law enforcement, water rights, wild horses and burros, and wilderness.

The Branch of Environmental Compliance and Response has responsibility for legal matters related to implementation of response actions, cost recovery, and cost avoidance involving cases funded by Interior's Central Hazardous Materials Fund and other matters addressing a response to a release or threatened release of hazardous substances on Department-managed lands. The Branch also has responsibility for legal assistance and counsel with respect to issues of environmental compliance that arise under numerous State and Federal laws at Interior's facilities, and environmental liabilities that arise during real property transactions. The Branch also works closely with the U.S. Environmental Protection Agency and other agencies in promoting the cleanup of mixed ownership sites (private and public lands) and facilitating the remediation of sites formerly used for defense activities. The Branch also coordinates its response activities with Interior's Natural Resources Damage Assessment and Restoration Program.

The Division of Mineral Resources is responsible for legal matters related to the programs and activities of the Bureau of Ocean Energy Management, the Bureau of Safety and Environmental Enforcement, the Office of Surface Mining Reclamation and Enforcement, the U.S. Geological Survey other than those related to its Biological Research Division, and BLM's minerals programs. The Division provides legal assistance and counsel to the Assistant Secretary – Land and Minerals Management. The Division has an Associate Solicitor and five branches, each supervised by an Assistant Solicitor.

The Branch of Conventional Ocean Resources provides legal support to BOEM as it administers its offshore conventional energy program, including offshore oil and gas leasing and plans for oil and gas exploration and development; provides access to marine minerals for beach renourishment and other coastal restoration projects; and implements an offshore carbon sequestration program. The Branch provides legal advice on BOEM's offshore conventional energy program transactional and financial issues, administrative and environmental laws, legislative proposals, and administrative and judicial litigation, and also collaborates with the Department of Justice on judicial litigation related to BOEM's offshore conventional energy work.

The Branch of Nonconventional Ocean Resources provides legal support to BOEM and the Department as they administer offshore alternative energy activities, including related to offshore wind, wave, and solar energy, and alternative use of existing offshore facilities. The Branch provides legal advice to BOEM about existing offshore wind leases, including ongoing administrative and judicial litigation about those leases, and also collaborates with the Department of Justice on judicial litigation related to BOEM's offshore alternative energy work and also in defense of the President's directives related to wind energy.

The Branch of Offshore Safety and Enforcement provides legal support to BSEE in enforcing safety and environmental regulations and regulating field operations, including permitting, inspections, development of regulations to achieve safety and environmental protection, enforcement (including litigation of civil



penalties or other sanctions), approval of suspensions and unitizations, oil spill preparedness and response, pipelines and rights of way, decommissioning, and environmental compliance functions.

The Branch of Onshore Minerals provides legal services to the mineral programs of BLM and USGS. It is responsible for legal matters related to Federal coal, oil and gas, locatable hardrock minerals, leasable solid minerals, mineral materials, and geothermal resources disposition, development and extraction, environmental regulation and protection, and reclamation and remediation. The Branch also assists BLM in its regulatory responsibilities on Indian trust and restricted lands.

The Branch of Surface Mining provides legal services to OSMRE. It is responsible for legal matters related to OSMRE 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 NPS, FWS, 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 and three branches, each supervised by an Assistant Solicitor.

The Branch of National Parks has responsibility for legal matters related to NPS's 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.

The Branch of Fish and Wildlife has responsibility for legal issues related to the programs, activities, and policies of Interior and FWS 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 Interior and other Federal and state agencies, foreign countries and international organizations.

The Branch of Environmental Restoration is responsible for resolving legal problems involving the programs, activities, and policies of Interior and its various agencies, when related to natural resource restoration.

The Division of Water Resources is responsible for legal matters related to the assertion and administration of water rights by all bureaus within the Department other than water rights asserted on behalf of Tribes and individual Indians. The Division provides legal advice on Reclamation law, including contracting for water delivery; repayment, and operation and maintenance; hydropower development; water research and technology; water policy and water rights. The Division coordinates assertion and defense of all Bureau, State law-based, and Federal reserved water rights. The Division helps bureaus resolve issues concerning major water resources, such as the Colorado River and the Central Valley Project in California, and matters related to interstate compacts, water rights, and water right adjudications throughout the west for BOR, BLM, NPS, FWS, and the USGS. In addition, the Division provides legal assistance and counsel to the Assistant Secretary – Water and Science. The Division has an Associate Solicitor and one Assistant Solicitor.

**Interior Regions, Regional Solicitors, and Field Offices.** The Office of the Solicitor has eight regional offices, each directed by a Regional Solicitor. Additionally, there are six subordinate field offices, each

supervised by a Field Solicitor. Each regional and field office is assigned a geographical area for which it provides legal services to the Department's bureau operations within that geographic area.

## Budget Request Overview



# SUMMARY OF REQUIREMENTS

(Dollars in Thousands)

<b>Salaries &amp; Expenses</b>	<b>2024 Actual</b>	<b>2025 Notional <sup>1</sup></b>	<b>2026 Request</b>
Legal Services	67,428	69,428	39,666
General Administration	6,199	6,199	4,966
Ethics Office	20,504	18,504	13,604
FOIA Office	3,819	3,819	1,976
<b>TOTAL, SOL</b>	<b>97,950</b>	<b>97,950</b>	<b>60,212</b>

<sup>1/</sup> Resource levels included are estimates. The President reserves his authority under the "Full-Year Continuing Appropriations and Extensions Act, 2025" (P.L. 119-4) to revise spending within the amounts provided by Congress.

## DEPARTMENT OF THE INTERIOR

### OFFICE OF THE SOLICITOR

### APPROPRIATIONS LANGUAGE

#### SALARIES AND EXPENSES

*For necessary expenses of the Office of the Solicitor, \$60,212,000, to remain available until September 30, 2027.*

Note.-- This account is operating under the Full-Year Continuing Appropriations and Extensions Act, 2025 (Division A of Public Law 119-4).

#### **Appropriations Language Citation**

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**For necessary expenses of the Office of the Solicitor.**

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.



## Budget Submission





# BUDGET SUBMISSION

## ACTIVITY: LEGAL SERVICES

(Dollars in Thousands)

	2024 Actual	2025 Notional <sup>1</sup>	2026 President's Budget
<b>Legal Services</b>	67,428	69,428	39,666

<sup>1/</sup> Resource levels included are estimates. The President reserves his authority under the "Full-Year Continuing Appropriations and Extensions Act, 2025" (P.L. 119-4) to revise spending within the amounts provided by Congress.

### Legal Services Program Overview

The responsibility of the Legal Services program is to effectively conduct the legal work necessary to support the priorities of the President and the Secretary; provide legal counsel and advice to the Secretary, other Department leadership, and the Department's bureaus and offices; represent the Department's interests in affirmative and defensive litigation; prepare legal opinions addressing a broad range of topics with national implications; and conduct legal review of legislation, regulations, Congressional requests, contracts, land title documents, and other legal materials. Most 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 other general legal services, ensuring that Interior's bureaus and offices carry out their responsibilities in accordance with the law. In most judicial litigation, SOL attorneys actively assist or are co-counsel with attorneys from DOJ. Office attorneys represent Interior without assistance from DOJ in all administrative litigation.

The Office also provides everyday legal service assistance in drafting and reviewing legislation, proposed and final regulations, contracts, memoranda of agreement, final decisions, 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. Many of these questions arise from such government-wide statutes as the Administrative Procedure Act, FOIA, Privacy Act, Federal Advisory Committee Act, Federal Tort Claims Act, Civil Service Reform Act, Civil Rights Acts, and Rehabilitation Act, and various Constitutional provisions. Other questions arise from the hundreds of environmental and resource statutes and regulations applicable to Interior's program areas where the Office's attorneys have developed significant and specialized expertise.

The Office also engages in a significant number of special projects, providing critical legal support for Interior'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, GAO, congressional, judicial, and public FOIA requests, as well as subpoenas for documents.

## **Legal Services Workload**

The work of the Office of the Solicitor addresses and influences virtually every program within the Secretary's jurisdiction and is responsible for counseling and litigation workload as the Department implements the President's and the Secretary's priorities.

SOL attorneys actively engage in client counseling to ensure sound decision-making, including implementation of strategies that may decrease the likelihood of litigation and corrective post-litigation actions. SOL attorneys assist the Secretary, through the Department's bureaus and offices, in responding to congressional direction in appropriations and substantive legislation, advising the bureaus and offices on legal options for streamlining processes and improving program management, and implementing plans to carry out Departmental goals. The Office also assists the Department's bureaus and offices in responding to requests from the Inspector General, the Office of Special Counsel, the GAO, Congress, the courts, and the public.

SOL attorneys handle filed and anticipated litigation, resolve or mitigate potential legal challenges, and provide timely counseling, which is critical to properly managing litigation risks. With proactive counseling, decision-makers can weigh litigation risks and potential costs by pursuing one decision over another. Front-end counseling is critical to realizing cost avoidance by either preventing litigation or narrowing the issues that might be challenged in court.

Other critical work the Office performs includes reviewing proposed regulations and proposed regulatory revisions, reviewing permits and land use planning documents, preparing and reviewing Secretary's Orders, participating in government-to-government relations with Indian Tribes, and advising on administrative functions, law enforcement, and security. The Solicitor's work forms the legal foundation for program decisions, risk analysis on a proposed course of action, and the development and review of the administrative records and evidence to support the program decision. In litigation, the Department of Justice relies on the subject-matter expertise of SOL attorneys in the development of a litigation strategy to defend the Department of the Interior's actions, as well as to compile the administrative record; respond to discovery requests, including document production, privilege reviews, and identification of fact witnesses among the Department's entire workforce; prepare fact and expert witnesses for testimony; prepare litigation reports containing all relevant facts; and draft and review legal arguments. The Office's attorneys also play a critical role in settlement negotiations and mediations, and in evaluating the merits of seeking appeals from adverse court decisions, including appeals to the United States Supreme Court.

Legal Counseling –The Office's legal counseling services support every facet of the Department's wide-ranging mission. For example, the Department plays an essential role in advancing national policy to ensure a reliable, diversified, growing, and affordable supply of energy. On a strategic level, the Office reviews existing and proposed regulations and policy initiatives. On a project level, it reviews energy exploration, development, production, and transportation decisions or actions for compliance with the National Environmental Policy Act (NEPA) and other legal requirements. The Solicitor's Office provides critical and essential legal support, guidance, and defense to the Department as the Secretary leads the effort to implement the President's Executive Order 14219 on rescinding unlawful regulations and regulations that undermine the national interest.

Office attorneys provide a wide breadth of services, including advising on reviewing and drafting key Departmental decisions, rulemaking, and planning documents. Representative ongoing counseling examples that advance the Administration's priorities include:

- Identifying all emergency and legal authorities available to facilitate the identification, permitting, leasing, development, production, transportation, refining, distribution, exporting, and generation of domestic energy resources and critical minerals
- Performing legal reviews of BLM decisions to approve electricity generation and transmission projects
- Advising senior political leadership on the implementation of Executive Order (EO) 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”
- Advising several bureaus and offices as they implemented the Secretary’s Order (SO) 3416, “Ending DEI Programs and Gender Ideology Extremism” and removed language from contracts, grants, cooperative agreements, guidance, and other documents
- Advising the Department on the consolidation of multiple wildland fire programs across the Federal government, reviewing cooperative agreements with states, counties, and other entities, and identifying means to strengthen wildfire mitigation in accordance with EO 14308, “Empowering Commonsense Wildlife Prevention and Response”
- Advising the Assistant Secretary - Indian Affairs on filling vacancies in the Bureau of Indian Affairs with qualified Indian candidates pursuant to the Indian Reorganization Act, 25 U.S.C. § 472, and on eligibility and scope of Indian Preference requirements in the BIA’s hiring activity as it relates to EO 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”
- Advising the Department on the adoption of categorical exclusions for activities related to mineral development, the streamlining of environmental reviews critical for developing energy resources, the approval of rights-of-way over trust and restricted Indian lands for use for energy infrastructure, and issues relating to applicability of Section 5 of the Indian Reorganization Act
- Advising bureaus and offices in Alaska on implementation of EO 14153, “Unleashing Alaska’s Extraordinary Resource Potential,” including 20 provisions primarily under BLM responsibility, 3 provisions primarily involving FWS or NPS, and one matter primarily involving the Office of Subsistence Management
- Advising the Department with respect to Tribal reservation lands on or near the Southern Border and law enforcement activities related to Proclamation 10886, “Declaring a National Emergency at the Southern Border of the United States”
- Advising the Department regarding the transfer of land to DOD along the border for purposes of securing the border against illegal crossings

Litigation –The Office’s expansive litigation portfolio includes: (1) defensive litigation in which Office attorneys work with the Department of Justice (DOJ) to defend the Secretary’s actions and those of the various bureaus and offices; (2) affirmative litigation in which attorneys develop referrals and work with DOJ in prosecuting primarily civil legal actions to enforce and/or obtain compliance related to natural resource and Indian laws overseen by the Department; (3) defense of challenges to bureau decisions before administrative boards of appeals, such as the Interior Board of Land Appeals, the Interior Board of Indian Appeals, and the Civilian Board of Contract Appeals; and (4) defense of employment disputes such as those filed with the MSPB and the EEOC by Department employees.

Defensive Litigation –As would be expected for a large Cabinet-level agency with a diverse and complex mission, the Department of the Interior is sued thousands of times each year by a broad spectrum of individuals, organizations, businesses, and governments. Defense of these cases is non-discretionary, and the Solicitor’s Office must devote resources to all phases of the litigation. Court-imposed deadlines drive the volume and pace of the work devoted to these cases.

These defensive suits arise from all aspects of agency decision-making. The suits include challenges to land management decisions; water use and operations; breach of contract claims; tort actions; alleged breaches of trust in dealing with Indian lands, resources, and monies; personnel and employment-related matters; and numerous other issues.

Some recent and ongoing examples of defensive litigation include:

- Defending the Administration's priority for Florida to assume permitting authority under section 404 of the Clean Water Act, which streamlines environmental compliance
- Defending BLM in federal court litigation challenging forest management projects to get timber sales to auction and actual harvest
- Defending the FWS's use of emergency consultation under the ESA related to repairing a railroad that carries critical minerals, energy products, and other material needed to support energy development

## ACTIVITY: GENERAL ADMINISTRATION

(Dollars in Thousands)

	2024 Actual	2025 Notional <sup>1</sup>	2026 President's Budget
<b>General Administration</b>	6,199	6,199	4,966

<sup>1/</sup> Resource levels included are estimates. The President reserves his authority under the "Full-Year Continuing Appropriations and Extensions Act, 2025" (P.L. 119-4) to revise spending within the amounts provided by Congress.

### **General Administration Program Overview**

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Division of Administration: Under the direction of an Associate Solicitor, the Division of Administration is responsible for providing and coordinating all management and administrative services needed by the Office. Responsibilities in the Division of Administration include: organizational, strategic, and performance planning; program evaluation and policy development; budget formulation, justification and execution; human resources and position and performance management; employee development and training; space and property management; procurement of services, furnishings and equipment; information technology planning and services; implementation and management of administrative and legal support systems and related training; continuity of operations and safety; communications; and FOIA response and records management.

## ACTIVITY: ETHICS OFFICE

(Dollars in Thousands)

	2024 Actual	2025 Notional <sup>1</sup>	2026 President's Budget
<b>Ethics Office</b>	20,504	18,504	13,604

<sup>1/</sup> Resource levels included are estimates. The President reserves his authority under the "Full-Year Continuing Appropriations and Extensions Act, 2025" (P.L. 119-4) to revise spending within the amounts provided by Congress.

### Ethics Office Program Overview

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The Departmental Ethics Office (DEO) oversees Interior'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.

The DEO is led by a director, who is also the Designated Agency Ethics Official (DAEO). The DAEO has delegated the responsibility to manage and coordinate Interior's Ethics program. The DEO also ensures the implementation of and compliance with the Ethics in Government Act of 1989, other statutes with ethics provisions, Executive Order 12674: *Principles of Ethical Conduct for Government Officers and Employees*, government-wide ethics regulations, and Interior's supplemental ethics regulations and policies governing employee conduct.

The DEO develops Departmental ethics policy and strives to provide every Interior employee the accurate and timely counseling and technical assistance. The DEO seeks to integrate ethical concepts into everyday decision-making to foster and maintain high ethical standards for Interior employees. The DEO is also responsible for identifying areas of emerging or significant ethics risk.

The DEO provides direct ethics services to all Department employees, including in the Immediate Office of the Secretary; the Assistant Secretary - Policy, Management and Budget; the Office of the Solicitor; as well as all political employees. The DEO also manages the Hatch Act compliance program for Interior. Pursuant to various regulations, the DEO is required to perform the following functions:

- Oversight and Technical Assistance to Bureaus: Regulations require that the DAEO administer a process for periodic evaluation of the ethics program and its components. The DEO is directly responsible for administering ethics programs for all DOI bureaus and offices. The DEO also provides live training on topics important to the consistent management of the bureaus' ethics programs.
- Presidential Appointments: In coordination with the White House Counsel's Office, and the United States Office of Government Ethics (OGE), the DEO plays a critical role in the clearance process of political nominees to Presidentially Appointed-Senate

Confirmed positions. Additionally, the DEO works with Interior's Office of Congressional and Legislative Affairs to prepare nominees for congressional hearings.

- Financial Disclosure: The DEO is responsible for ensuring that the public and confidential financial disclosure reporting requirements set out by regulation are met. Department-wide, there are approximately 12,000 filers of both public and confidential financial disclosure forms each year, each of which must be certified by the DEO. Financial disclosure is the foundation of a Federal ethics program. This information is critical for ethics officials to provide timely and accurate advice to employees about potential conflicts of interest.
- Training: The DEO is responsible for providing relevant and engaging ethics training and education to new employees and annual training for all confidential and public financial disclosure filers. All report filers are required to receive annual training.
- Counseling: 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).
- Liaison Role: The DAEO is required to be Interior's liaison with the OGE for all matters relating to the management of the ethics program, performing this role with the White House Counsel's Office and the Office of Special Counsel.
- Policy and Compliance: The DEO develops and deploys ethics policies and procedures compliant with the Ethics in Government Act of 1978, other statutes with ethics provisions, including criminal financial conflicts of interest statutes, the Standards of Ethical Conduct for Employees of the Executive Branch, and other government-wide ethics and political activity regulations.

## ACTIVITY: FREEDOM OF INFORMATION ACT OFFICE

(Dollars in Thousands)

	2024 Actual	2025 Notional <sup>1</sup>	2026 President's Budget
FOIA Office	3,819	3,819	1,976

<sup>1/</sup> Resource levels included are estimates. The President reserves his authority under the "Full-Year Continuing Appropriations and Extensions Act, 2025" (P.L. 119-4) to revise spending within the amounts provided by Congress.

### FOIA Office Program Overview

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The mission of the Departmental FOIA Office (DFO) is to improve the efficiency and quality of FOIA operations throughout the Department and increase transparency to the public by providing governance, oversight, training, and support to the Department's 13 FOIA request processing offices. The Deputy Chief FOIA Officer (DCFO) serves as the Director of the DFO. The DFO carries out the following functions.

- **FOIA Technology Systems and Operations:** The DFO administers modern, reliable technology to enable efficient FOIA request tracking and processing, provides comprehensive user training to ensure the tools are effectively employed, and streamlines FOIA operations by developing and leveraging Artificial Intelligence (AI) to perform tasks such as analyzing requests to identify search terms, efficiently and effectively searching for responsive records across multiple applications, and delivering deduplicated review-ready records to the Department's FOIA professionals.
- **Data, Analytics, and Reporting:** The DFO monitors and evaluates FOIA operations to prepare and submit the Department's statutorily mandated FOIA reports to Congress and the Department of Justice. In addition, the DFO identifies FOIA processing inefficiencies and errors, by utilizing AI and machine learning to analyze FOIA data, generate insights, and produce targeted reports, and collaborates with the Department's FOIA professionals to implement corrective actions.
- **Human Capital:** The DFO promulgates Department-wide FOIA policies, provides guidance based on best practices to foster efficiency and consistency in FOIA processing, provides training to Department staff and serves as the Department's FOIA Public Liaison.
- **FOIA Litigation:** The DFO centrally tracks and manages FOIA litigation and settlements to facilitate consistency and efficiency in the Department's FOIA litigation activities. In addition to defending the Department in FOIA matters, the DFO provides FOIA guidance and assistance to other SOL attorneys, coordinates on cross-cutting FOIA matters that impact multiple bureaus and works with the FOIA processing offices at the administrative stage to reduce the burden and costs of FOIA litigation.



<b>DOI FOIA Data</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
Requests Received	5,977	6,263	6,407	7,085	8,305
Requests Processed	5,906	5,774	6,182	7,388	8,426
Request Backlog	4,267	4,484	4,808	4,320	4,412

As directed by Senate Report 118-201, SOL is providing Departmental FOIA processing metrics showing the status of the FOIA request backlog.



## Appendix



# DISCLOSURE OF PROGRAM ASSESSMENTS

Public Law 118-42, Consolidated Appropriations Act, 2024, requires disclosure of program assessments used to support Government-wide, Departmental, or agency initiatives or general operations in annual budget justifications to Congress.

## DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 403. The amount and basis of estimated overhead charges, deductions, reserves, or holdbacks, including working capital fund charges, from programs, projects, activities and subactivities to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional, or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations of the House of Representatives and the Senate. 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 summarizes estimated external administrative costs to be paid to Interior 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.

### SOL WCF Billings Estimates, 2025-2026

Account	2025 Estimate			2026 Estimate		
	Central	Direct	Total	Central	Direct	Total
OS Shared Services Subtotal	1,529	49	1,578	1,648	50	1,698
OS Activities Subtotal	2,597	110	2,707	2,297	162	2,459
IT Shared Services Subtotal	993	3,395	4,388	1,030	2,984	4,013
Interior Business Center	213	421	634	220	580	800
<b>TOTAL, WCF Billing</b>	<b>5,332</b>	<b>3,976</b>	<b>9,308</b>	<b>5,195</b>	<b>3,776</b>	<b>8,971</b>

**Bureau Billing for Client Support** –Most bureaus and offices within Interior require legal assistance beyond the level of services this Office can provide with its current appropriation. Section 403 of the Department of the Interior appropriation authorizes the reimbursement for administrative services. The legal work provided by SOL falls within the meaning of this provision. When such needs arise, the Office typically hires one or more attorneys on temporary appointments, and the Office enters into a reimbursable support agreement with the client to cover the cost.

The table below illustrates the indirect overhead costs for reimbursable attorney positions funded by clients. The indirect overhead costs reflect a pro-rata portion of operating costs, which includes space, telecommunications, supplies, printing, copying, computer equipment, performance recognition, office furnishings, technology services, automated legal research services, and external administrative costs.

<b>Bureau Billing for Client Support</b>	<b>FY 2026 Request</b>
Attorney salaries and benefits	20,987
Reimbursable attorney overhead	5,247
Travel	550
<b>Total</b>	<b>26,784</b>

In addition to reimbursements for staff positions and some related expenses, client bureaus fund a portion of the Office's necessary travel expenses. Consistent with the understanding developed with the Appropriations Committees, travel related to litigation and other core Office functions is paid out of the SOL appropriation (except for BTFA Indian Tribal trust litigation travel), but clients fund some travel for our attorneys to provide client training, attend meetings, and for other matters. The Office also receives budget allocations from Departmental Offices, including the Natural Resource Damage Assessment and Restoration Program, the Office of the Secretary's Working Capital Fund, and the Bureau of Trust Funds Administration for attorney salaries, benefits, and overhead.

#### **Source Funding for SOL Reimbursable Positions**

(Dollars in Thousands)

<b>Bureau or Office</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Bureau of Indian Affairs	2,624	3,308	3,393
Bureau of Indian Education	855	805	1,154
Bureau of Land Management	3,977	4,304	4,997
Bureau of Ocean Energy Management	2,360	1,977	2,281
Bureau of Reclamation	3,547	3,773	4,297
Bureau of Safety and Environmental Enforcement	1,790	1,652	1,929
Bureau of Trust Funds Administration	749	813	575
Fish and Wildlife Service	1,225	1,787	1,504
Interior Business Center	445	621	877
National Park Service	1,974	2,202	2,326
Office Natural Resource Revenue	710	860	926
Office of Surface Mining Reclamation and Enforcement	890	1,247	764
United States Geological Survey	82	86	86
Other Offices and Programs	1,349	1,669	1,125
<b>Total</b>	<b>22,577</b>	<b>25,104</b>	<b>26,234</b>

#### **Good Accounting Obligation in Government Act Report**

The Good Accounting Obligation in Government Act (GAO-IG Act, P.L. 115-414), enacted January 3, 2019, requires that agencies report the status of each open audit recommendation issued more than one year prior to the submission of the Agency's annual budget justification to Congress. The Act requires

agencies to include the current target completion date, implementation status, and any discrepancies on closure determinations by the GAO.

DOI leadership takes audit follow-up very seriously and considers our external auditors, including the GAO and OIG, valued partners in not only improving the Department's management and compliance obligations but also enhancing its programmatic and administrative operations. As stewards of taxpayer resources, the Department applies cost-benefit analysis and enterprise risk management principles in recommendation implementation decisions. The Department's GAO-IG Act Report is available at the following link: <https://www.doi.gov/cj>.

## FY 2024 EQUAL ACCESS TO JUSTICE ACT PAYMENTS

Case Name	Bur	Judge	Type	Amount	Hourly Rates	Venue	Citation	Appeal Status	Payment Date	Payee/Plaintiff's Attorney
Chugach Regional Resources Commission v. DOI	BIA	Marian E. Sullivan	Settlement of Court Case	\$8,745	\$250-\$350	FED Agency	CBCA 7877-ISDA	Case dismissed with prejudice	2/22/24	Legal and Planning Solutions, LLC.
Kenneth Shade v. US Dept of the Interior	BIA	H. Russell Holland	Settlement of Court Case	\$95,000	\$243-\$300	D. Alaska	3:20-cv-00198-HRH		4/2/24	Kenneth Shade
Bartell Ranch LLC v. McCullough	BLM	Miranda Du	Settlement of Court Case	\$50,000	\$475-\$500	D. Nev.	3:21cv-00080-MMD-CLB	Appeal concluded	5/23/24	Dominic M. Carollo, Carollo Law Group LLC
Bartell Ranch LLC v. McCullough	BLM	Miranda Du	Court Decision	\$335,000	\$350-\$675	D. Nev.	3:21cv-00080-MMD-CLB	Appeal concluded	9/9/24	Roger Flynn, Western Mining Action Project
Citizens for Clean Energy et al. v. DOI	BLM	Brian Morris	Settlement of Court Case	\$173,916	\$210-\$340	D. Mont.	4:17-cv-00030	The Ninth Circuit held that the case was moot and vacated the District Court	8/13/24	WildEarth Guardians/Jenny Harbine
Great Basin Resource Watch v. USDOJ	BLM	Larry Hicks	Settlement of Court Case	\$195,000	\$205-\$650	D. Nev.	3:19-cv-00661-LRH-WGC		4/25/24	Roger Flynn, Western Mining Action Project



[illegible]

## FY 2024 ENDANGERED SPECIES ACT PAYMENTS

Case	Venue	Citation	Amount	Payee	Payment date
Alliance for the Wild Rockies v. Gassman	D. Mont.	9:21-cv-00205-DLC	\$196,000	Public Interest Defense Center, P.C. (Rebecca K. Smith), Bechtold Law Firm, PLLC (Timothy M. Bechtold)	1/8/24
Alliance for the Wild Rockies v. Marten	D. Mont.	CV 21-05-M-DLC	\$150,000	Public Interest Defense Center, P.C.	6/11/24
Center for Biological Diversity et al. v. Haaland, et al. (Upper Green River)	D. Wyo.	2:20-cv-231-NDF	\$90,000	Andrea Zaccardi	2/23/24
Center for Biological Diversity v. Haaland	C.D. Cal.	2:22-cv-00555-PA-AS	\$21,543	Miyoko Sakashita	5/14/24
Center for Biological Diversity v. Haaland	D.D.C.	1:23-cv-03275-TSC	\$24,000	Center for Biological Diversity	9/27/24
Center for Biological Diversity v. Zinke (Mexican Wolf Recovery Plan)	D. Ariz.	4:18-CV-00047-TUC-JGZ	\$72,000	Elizabeth Forsyth	6/10/24
Center for Biological Diversity, et al. v USFWS, et al. (Fisher merits)	N.D. Cal.	3-22-cv-5216 (TLT)	\$35,000	Center for Biological Diversity	5/31/24
Center for Biological Diversity, et al. v. U.S. Fish and Wildlife Service, et al. (Ft. Huachuca BO)	9th Cir.	87 F.4th 980	\$299,700	Stuart C. Gillespie	8/19/24

Case	Venue	Citation	Amount	Payee	Payment date
Conserve SW Utah et al., v. DOI et al., 1:21-cv-01506-ABJ (Northern Corridor)	D.D.C.	1:21-cv-01506-ABJ	\$388,734	Advocates for the West (T. Tucci, H. Goldblatt)	1/8/24
Ctr. for Biological Diversity v. FEMA	D. Or.	3:23-cv-01033-IM	\$17,500	Ctr for Biological Diversity	2/26/24
Environmental Defense Center et al. v. Bureau of Ocean Energy Management et al.	C.D. Cal.	2:16-cv-08418	\$383,000	Environmental Defense Center; Center for Biological Diversity	10/18/23
Klamath Tribes v. U.S. Bureau of Reclamation	D. Or.	1:22-CV-00680-CL	\$110,000	Jay Weiner	8/15/24
OLYMPIC FOREST COALITION, Plaintiff, v. U.S. FISH AND WILDLIFE SERVICE	W.D. Wash.	3:22-cv-05549	\$64,000	Wyatt Golding	9/27/24
San Francisco Baykeeper v. USFWS, et al. (Longfin Smelt)	N.D. Cal.	4:23-cv-06601	\$100,000	Baykeeper	9/26/24
Western Watersheds Project et al. v. Haaland, et al. (Upper Green River)	D. Wyo.	2:20-cv-231-NDF	\$160,000	Megan Backsen	2/29/24
Total ESA Payments			\$2,111,478		