

# Congress of the United States

Washington, DC 20515

November 8, 2018

The Honorable Jeffrey B. Clark  
Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

Dear Assistant Attorney General Clark:

We write to express our strong opposition to the Department of Justice's planned closure of the Environment and Natural Resources Division's (ENRD) office in San Francisco. This appears to be part of a broader agenda to undermine enforcement of environmental laws in the United States—and particularly in California—and we request a copy of any analyses that support the planned closure. To the extent that office closure is not supported by a quantitative analysis, we request that ENRD continue its office operations in San Francisco.

We are concerned that the planned closure—and the simultaneous downsizing of the Environmental Protection Agency's (EPA) San Francisco office—will hamstring federal efforts to protect the environment in California and the rest of the United States. Staff in EPA's Region 9 have already seen their numbers shrink by 21%, from 853 to 675. Now, DOJ plans to close the ENRD office in San Francisco and remove employees who enforce federal environmental laws in court. With fewer federal employees enforcing the laws, polluters in and around California can avoid detection or enforcement, and public health and resource protection will suffer.

Keeping the ENRD's office in San Francisco would save the Department costs that would otherwise be required for employees to travel to California and surrounding areas to handle matters. Today, the ENRD's San Francisco office enforces environmental laws and protects public resources throughout the United States, focusing especially on cases in California, Hawaii, Alaska, and U.S. Territories that may not receive adequate coverage from employees in other time zones. The San Francisco office has been successful in its effort to clean up air, water, hazardous waste and oil spills in California and nationwide. Among other achievements, these efforts led to the successful negotiation of a \$2 billion settlement that will provide funding for infrastructure across the United States to support the use of electric vehicles.

We are also skeptical that closure is the only option. In fact, a diligent search would likely reveal alternative locations in the San Francisco Bay Area where ENRD could continue to rent office space at rates comparable to Washington, D.C., or Denver. Before you close the ENRD office, we request that you consider leasing office space in less expensive parts of the Bay Area, such as Oakland, Pleasanton, Richmond, South San Francisco, Walnut Creek, or Concord.

If the Justice Department has determined, through rigorous analysis and assessment, that the San Francisco office must be closed, we request that you consider measures to protect employees in the Bay Area. The employees who work at ENRD's San Francisco office have dedicated their careers to environmental protection and will suffer significant hardship in the event of an office closure. To keep their expertise in environmental protection in the federal government, and to give these employees and their families every reasonable chance to stay in the Bay Area, we urge you to fully develop an alternative for them to work out of another federal agency's office in the same area, as ENRD employees have already done in Seattle and Boston. We understand that space may be available at the regional office of EPA.

We also ask that you give the affected employees sufficient time to consider any alternative proposals. We understand that, at present, employees must decide by February 1, 2019, whether they are willing to relocate, or risk having to leave the agency. Since you propose closing the office eight months later, on September 30, 2019, it would have been reasonable to give these employees additional time to make this major decision.

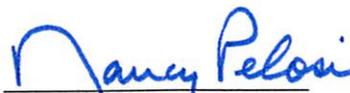
Given our serious concerns, we request that you answer the attached questions and provide the requested documents by November 30, 2018. We also request a briefing on the planned closure in early December.

Thank you in advance for your attention to this very important matter. We look forward to discussing these issues and ask you to contact Annie Owens on Senator Feinstein's Judiciary Committee staff at 202-224-7703 to schedule the requested briefing.

Sincerely,



Dianne Feinstein  
United States Senator



Nancy Pelosi  
Democratic Leader  
House of Representatives



Kamala D. Harris  
United States Senator

### Questions on the Planned Closure of the San Francisco ENRD Field Office

1. Please provide a copy of any studies or other documentation, including any cost-benefit analyses or efficiency analyses, that support the Justice Department's decision to close the ENRD's San Francisco office.
2. It is our understanding that ENRD is planning to vacate the office more than 13 months before its current lease expires, on November 7, 2020. Why did the Justice Department determine that the office should close before the expiration of the lease? Please provide copies of any documentation that support this decision.
3. Is it true that, under its current lease, the Justice Department's rent is significantly below the San Francisco market rate? Please provide supporting documentation, including a copy of the current lease and comparative information.
4. Have you calculated the increased travel, per diem, and lodging expenses that will result from a closure?
5. Have you considered relocation expenses, including real estate closing costs, for employees who transfer to Denver or Washington, D.C.?
6. In deciding to close ENRD's San Francisco field office, did the Department comply with the procedures required under 28 C.F.R. § 0.190? If the answer is "yes," please provide supporting documentation.