

Organ. Code FA0000
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Issue Date 5-31-93
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# NOAA Organization Handbook

## DELEGATIONS OF AUTHORITY TO THE ASSISTANT ADMINISTRATOR FOR FISHERIES

I. Reorganization Plan No. 4 of 1970 (5 U.S.C. App.), section 2(e)(4), established in NOAA the position of Assistant Administrator for Fisheries. The Assistant Administrator is responsible for all matters related to living marine resources that may arise in connection with the conduct of the functions of NOAA.

II. Department Organization Order 10-15 (January 15, 1988) delegates certain authority to the Under Secretary/Administrator. Section 3.05 of DOO 10-15 provides for redelegations of that authority to any employee of NOAA, subject to such conditions in the exercise of that authority as the Under Secretary/Administrator may prescribe. The Under Secretary/Administrator redelegates to the Assistant Administrator for Fisheries, with noted conditions and reservations, the authority to perform functions relating to:

### A. Administrative/Management

1. Signature of material for publication in the Federal Register and the Code of Federal Regulations.
2. Determinations under Executive Order 12291, for regulations promulgated by NMFS.
3. Initial decision to deny program information requested from fisheries records under the Freedom of Information Act, 5 U.S.C. 552.
4. Signature of certifications as Certifying Officer.
5. Exercise of NOAA's full Civilian Personnel Appointing Authority

### B. Financial Assistance/Industry Services

1. Agricultural Marketing Act of 1946, 7 U.S.C. 1621-1627.
2. Agricultural Trade Development and Assistance Act of 1954, 7 U.S.C. 1704.
3. Cooperative fisheries associations, 15 U.S.C. 521-522.
4. Saltonstall-Kennedy Act, 15 U.S.C. 713c-3.

## DELEGATIONS OF AUTHORITY TO THE ASSISTANT ADMINISTRATOR FOR FISHERIES (continued)

5. The Fisheries Loan Fund, 16 U.S.C. 742c.
6. The Columbia Basin Fishery Development Act (Mitchell Act), 16 U.S.C. 755-757.
7. The Anadromous Fish Conservation Act, 16 U.S.C. 757a-757g.
8. The Interjurisdictional Fisheries Act, 16 U.S.C. 4101-4107, except the Secretary reserves authority to submit the biennial report to Congress (4106).
9. The Fishing Vessel and Gear Compensation Fund, 22 U.S.C. 1980.
10. The Fishermen's Contingency Fund, 43 U.S.C. 1841-46, except the Secretary reserves authority to submit the annual report to Congress (1846).
11. Capital construction funds under the Merchant Marine Act of 1936, 46 U.S.C. App. 1177.
12. Fisheries loan obligation guarantees under the Merchant Marine Act of 1936, 46 U.S.C. App. 1271 et seq.

## C. Management of Living Marine Resources

1. The Fish and Wildlife Coordination Act, 16 U.S.C. 661-666c.
2. The Fish and Wildlife Act of 1956 and associated provisions, 16 U.S.C. 742a-742d, 742e-742j, 742k, 744-748, 750-753, 753a-753b, 754, 758-758d, 760a-760g.
3. The Fish and Wildlife Improvement Act of 1978, 16 U.S.C. 742l, 753a.
4. The Central, Western, and South Pacific Fisheries Development Act, 16 U.S.C. 758e-758e-5.
5. The Northern Pacific Halibut Act of 1982, 16 U.S.C. 773-773k.

## DELEGATIONS OF AUTHORITY TO THE ASSISTANT ADMINISTRATOR FOR FISHERIES (continued)

6. The New England Fishery Resources Restoration Act of 1990, 16 U.S.C. 777e-1.
7. Fish Research and Experimentation Program, 16 U.S.C. 778-778c.
8. The Sponge Act, 16 U.S.C. 781-785.
9. The Federal Power Act, 16 U.S.C. 803, 811, 823a.
10. Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. 839 et seq.
11. The Whaling Convention Act of 1949, 16 U.S.C. 916.
12. The Whale Conservation and Protection Study Act, 16 U.S.C. 917.
13. The Tuna Conventions Act of 1950, 16 U.S.C. 951-961.
14. The Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971-971i.
15. The Eastern Pacific Tuna Licensing Act of 1984, 16 U.S.C. 972-972h.
16. The South Pacific Tuna Act of 1988, 16 U.S.C. 973-973r.
17. The North Pacific Fisheries Act of 1954, 16 U.S.C. 1021-1035.
18. The Fur Seal Act Amendments of 1983, 16 U.S.C. 1151-1175, with the following exceptions:
  - a. Authority to appoint trustees (1166(c)).
  - b. Authority to transfer property (1165(a)).
  - c. Administration of Trust requirements (1166).
  - d. Administrative functions delegated to the Director, Western Administrative Support Center.

**DELEGATIONS OF AUTHORITY TO THE ASSISTANT ADMINISTRATOR FOR FISHERIES (continued)**

19. Control or elimination of jellyfish or sea nettles, 16 U.S.C. 1201-1205.
20. Conservation of "Crown of Thorns" starfish, 16 U.S.C. 1211-1213.
21. The National Fishing Enhancement Act of 1984 (Artificial Reefs), 16 U.S.C. 1220.
22. The Estuarine Areas Act, 16 U.S.C. 1221-1226.
23. The Marine Mammal Protection Act of 1972, 16 U.S.C. 1361-1407.
24. The Dolphin Protection Consumer Information Act, 16 U.S.C. 1385.
25. The Endangered Species Act of 1973, 16 U.S.C. 1531-1543.
26. The Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801-1882, with the following reservations:
  - a. The Under Secretary must be advised before final action is taken with respect to the following functions:
    - i. Establishing guidelines to assist in the development of fishery management plans (1851(b));
    - ii. Appointing or removing members of the Regional Fishery Management Councils (1852(b)(2) or (5));
    - iii. Issuing preliminary fishery management plans and implementing regulations, if the Assistant Administrator considers the action to be controversial (1821(h));

DELEGATIONS OF AUTHORITY TO THE ASSISTANT ADMINISTRATOR FOR FISHERIES (continued)

- iv. Approving, disapproving, partially disapproving, or issuing a fishery management plan or amendment, or issuing implementing or emergency regulations, if the Assistant Administrator considers the action to be controversial (1853 and 1854).
  - b. The Under Secretary/Administrator reserves the authority to issue a fishery management plan for highly migratory species or amendment to such plan or any implementing regulations (1854(f)(3)), whenever such action is requested by the Deputy Assistant Secretary for International Interests.
- 27. The Driftnet Impact Monitoring, Assessment and Control Act, 16 U.S.C. 1822 note.
  - 28. Certificates of legal origin for anadromous fish products, 16 U.S.C. 1822 note.
  - 29. The Atlantic Striped Bass Conservation Act, 16 U.S.C. 1851 note.
  - 30. The Antarctic Conservation Act of 1978, 16 U.S.C. 2401-2412.
  - 31. The Antarctic Marine Living Resources Convention Act of 1984, 16 U.S.C. 2431-2444.
  - 32. Small Hydroelectric Power Projects Act, 16 U.S.C. 2701-2708.
  - 33. The National Aquaculture Act, 16 U.S.C. 2801-2810.
  - 34. The Lacey Act Amendments of 1981, 16 U.S.C. 3371-3378.
  - 35. The Atlantic Salmon Convention Act of 1982, 16 U.S.C. 3601-3608.

## DELEGATIONS OF AUTHORITY TO THE ASSISTANT ADMINISTRATOR FOR FISHERIES (continued)

36. The Pacific Salmon Treaty Act of 1985, 16 U.S.C. 3631-3644, except that the Under Secretary/Administrator reserves authority to appoint panel members (3632), and to make the determination whether a State or Treaty Indian law, regulation, or order jeopardizes U.S. fulfillment of its international obligations (3635).
37. The Fish and Seafood Promotion Act, 16 U.S.C. 4003-4017, except that the Secretary retains authority to appoint or remove council members (4006(a)(5), 4009(f)).
38. The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, 16 U.S.C. 4701-4741.
39. The Fishermen's Protective Act (Pelly Amendment), 22 U.S.C. 1978.
40. Designation of alternate U.S. commissioners, 22 U.S.C. 2672a-2672b.
41. Federal Water Pollution Control Act, 33 U.S.C. 1344.
42. The National Fishing Enhancement Act of 1984 (artificial reefs), 33 U.S.C. 2101 et seq.
43. The Water Resources Planning Act, 42 U.S.C. 1962-1962d-14.
44. Commerce, State, Justice Appropriations Act (shrimp embargo), Pub. L. 101-162.

###END###

Date:

4/30/93

Approved Diana A. Josephson  
 Acting Under Secretary for Oceans  
 and Atmosphere/Administrator

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5-31-93

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## DELEGATIONS OF AUTHORITY TO THE ASSISTANT ADMINISTRATOR FOR FISHERIES (continued)

III. The following are redelegations of authority from the Assistant Administrator for Fisheries. Any further redelegations from the Assistant Administrator or from his delegates must be approved by the Assistant Administrator after clearance by the Office of General Counsel for Fisheries, and published as a NOAA Circular.

### DELEGATIONS OF AUTHORITY TO THE DEPUTY ASSISTANT ADMINISTRATOR FOR FISHERIES

Signature of material for publication in the Federal Register and the Code of Federal Regulations.

####END####

### DELEGATIONS OF AUTHORITY TO THE PROGRAM MANAGEMENT OFFICER

Signature of material for publication in the Federal Register and the Code of Federal Regulations.

####END####

### DELEGATIONS OF AUTHORITY TO THE DIRECTOR, OFFICE OF FISHERIES MANAGEMENT

Signature for publication in the Federal Register and the Code of Federal Regulations, for regulations that are exempt from Office of Management and Budget review procedures under Executive Order 12291.

####END####

### DELEGATIONS OF AUTHORITY TO THE DIRECTOR, OFFICE OF ENFORCEMENT

Disposal of any item abandoned or forfeited to the United States in under any laws administered by the Secretary of Commerce relating to fish, wildlife, or plants (16 U.S.C. 7421(c)).

####END####

Organ. Code

FA0000

Issue Date

5-31-93

**NOAA Organization Handbook****REDELEGATIONS OF AUTHORITY FROM THE ASSISTANT ADMINISTRATOR FOR FISHERIES (continued)****DELEGATIONS OF AUTHORITY  
TO THE DIRECTOR, OFFICE OF PROTECTED RESOURCES**

1. Conduct of informal consultations, including biological assessments, under section 7 of the Endangered Species Act, 16 U.S.C. 1536, in those instances where the activities cross regional boundaries, or where the Office Director determines that the activities have national significance.
2. Issuance of permits and letters of authorization (LOAs) under the Marine Mammal Protection Act, 16 U.S.C. 1361-1407, and the Endangered Species Act, 16 U.S.C. 1531-1543.
3. Signature for publication in the Federal Register and the Code of Federal Regulations, of notices of receipt of applications for permits and requests for LOAs, notices of issuance of permits and LOAs, and notices of meetings and hearings.

####END####

**DELEGATIONS OF AUTHORITY  
TO THE DIRECTOR, OFFICE OF TRADE AND INDUSTRY SERVICE**

1. Authority (except for issuing regulations) concerning capital construction funds under the Merchant Marine Act of 1936, 46 U.S.C. App. 1177.
2. Authority (except for issuing regulations) concerning fisheries loan obligation guarantees under the Merchant Marine Act of 1936, 46 U.S.C. App. 1271 et seq.
3. Authority (except for issuing regulations) concerning the Fishing Vessel and Gear Compensation Fund, 22 U.S.C. 1980.
4. Authority (except for issuing regulations) concerning the Fishermen's Contingency Fund, 43 U.S.C. 1841-46.
5. Authority (except for issuing regulations) concerning the Fisheries Loan Fund, 16 U.S.C. 742c.

####END####

Date: 5/24/93Approved: Nancy Foster for  
Assistant Administrator for  
Fisheries

Organ. Code  
FA0000

Issue Date  
5-31-93

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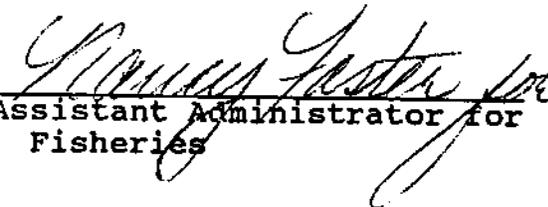
## REDELEGATIONS OF AUTHORITY FROM THE ASSISTANT ADMINISTRATOR FOR FISHERIES (continued)

### DELEGATIONS OF AUTHORITY TO THE REGIONAL DIRECTOR, NORTHEAST REGION

1. Authority under the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., with the concurrence of the Assistant Administrator for Fisheries, to approve, disapprove, or partially disapprove fishery management plans (FMPs) and amendments, except for FMPs covering highly migratory species. This authority may be redelegated only to the Deputy Regional Director.
2. Authority under the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., to make determinations, approve or disapprove recommendations, and take other actions authorized in regulations implementing FMPs, except for FMPs covering highly migratory species.
3. Conduct of informal consultations, including biological assessments, under section 7 of the Endangered Species Act, 16 U.S.C. 1536, for activities occurring within the region, except in those instances where the activities cross regional boundaries, or where the Director, Office of Protected Resources, determines that the activities have national significance.
4. Signature of certifications as Certifying Officer.  
####END####

Date: 5/24/93

Approved:

  
Assistant Administrator for  
Fisheries

Organ. Code  
FA0000

Issue Date  
5-31-93

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## REDELEGATIONS OF AUTHORITY FROM THE ASSISTANT ADMINISTRATOR FOR FISHERIES (continued)

### DELEGATIONS OF AUTHORITY TO THE REGIONAL DIRECTOR, SOUTHEAST REGION

1. Authority under the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., with the concurrence of the Assistant Administrator for Fisheries, to approve, disapprove, or partially disapprove fishery management plans (FMPs) and amendments, except for FMPs covering highly migratory species. This authority may be redelegated only to the Deputy Regional Director.
  2. Authority under the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., to make determinations, approve or disapprove recommendations, and take other actions authorized in regulations implementing FMPs, except for FMPs covering highly migratory species.
  3. Conduct of informal consultations, including biological assessments, under section 7 of the Endangered Species Act, 16 U.S.C. 1536, for activities occurring within the region, except in those instances where the activities cross regional boundaries, or where the Director, Office of Protected Resources, determines that the activities have national significance.
  4. Signature of certifications as Certifying Officer.
- ####END####

Date: 5/24/93

Approved: \_\_\_\_\_

*[Signature]*  
Assistant Administrator for Fisheries

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FA0000

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## REDELEGATIONS OF AUTHORITY FROM THE ASSISTANT ADMINISTRATOR FOR FISHERIES (continued)

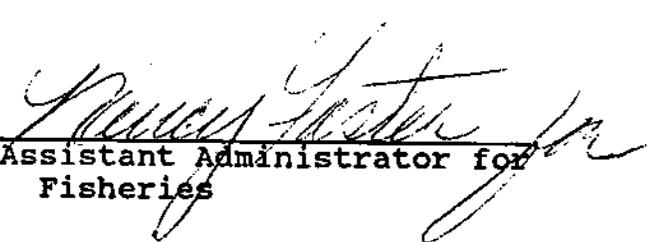
DELEGATIONS OF AUTHORITY  
TO THE REGIONAL DIRECTOR, SOUTHWEST REGION

1. Authority under the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., with the concurrence of the Assistant Administrator for Fisheries, to approve, disapprove, or partially disapprove fishery management plans (FMPs) and amendments. This authority may be redelegated only to the Deputy Regional Director.
2. Authority under the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., to make determinations, approve or disapprove recommendations, and take other actions authorized in regulations implementing FMPs.
3. Conduct of informal consultations, including biological assessments, under section 7 of the Endangered Species Act, 16 U.S.C. 1536, for activities occurring within the region, except in those instances where the activities cross regional boundaries, or where the Director, Office of Protected Resources, determines that the activities have national significance.
4. Signature of certifications as Certifying Officer.  
####END####

Date:

5/24/93

Approved:

  
 Assistant Administrator for Fisheries

Organ. Code  
FA0000

Issue Date  
5-31-93

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## REDELEGATIONS OF AUTHORITY FROM THE ASSISTANT ADMINISTRATOR FOR FISHERIES (continued)

### DELEGATIONS OF AUTHORITY TO THE REGIONAL DIRECTOR, NORTHWEST REGION

1. Authority under the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., with the concurrence of the Assistant Administrator for Fisheries, to approve, disapprove, or partially disapprove fishery management plans (FMPs) and amendments. This authority may be redelegated only to the Deputy Regional Director.
2. Authority under the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., to make determinations, approve or disapprove recommendations, and take other actions authorized in regulations implementing FMPs.
3. Conduct of informal consultations, including biological assessments, under section 7 of the Endangered Species Act, 16 U.S.C. 1536, for activities occurring within the region, except in those instances where the activities cross regional boundaries, or where the Director, Office of Protected Resources, determines that the activities have national significance.
4. Signature of certifications as Certifying Officer.
5. Issuance of orders under 50 CFR 371.21 that establish fishing times and areas consistent with the Pacific Salmon Commission regime and in-season orders of the Fraser River Panel. This authority may be redelegated only to the Deputy Director, Northwest Region.

###END###

Date: 5/24/93

Approved:

*[Handwritten Signature]*  
 Assistant Administrator for Fisheries

Organ. Code

FA0000

Issue Date

5-31-93

**NOAA Organization Handbook****REDELEGATIONS OF AUTHORITY FROM THE ASSISTANT ADMINISTRATOR FOR FISHERIES (continued)****DELEGATIONS OF AUTHORITY  
TO THE REGIONAL DIRECTOR, ALASKA REGION**

1. Authority under the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., with the concurrence of the Assistant Administrator for Fisheries, to approve, disapprove, or partially disapprove fishery management plans (FMPs) and amendments. This authority may be redelegated only to the Deputy Regional Director.
2. Authority under the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., to make determinations, approve or disapprove recommendations, and take other actions authorized in regulations implementing FMPs.
3. Conduct of informal consultations, including biological assessments, under section 7 of the Endangered Species Act, 16 U.S.C. 1536, for activities occurring within the region, except in those instances where the activities cross regional boundaries, or where the Director, Office of Protected Resources, determines that the activities have national significance.
4. Signature of certifications as Certifying Officer.

###END###

Date: 5/24/93Approved: *Nancy Foster*Assistant Administrator for  
Fisheries

Organ. Code  
FA0000

Issue Date  
5-31-93

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## REDELEGATIONS OF AUTHORITY FROM THE ASSISTANT ADMINISTRATOR FOR FISHERIES (continued)

### DELEGATIONS OF AUTHORITY TO THE DIRECTOR, NORTHEAST INSPECTION SERVICE

Signature of certifications as Certifying Officer.  
####END####

### DELEGATIONS OF AUTHORITY TO THE DIRECTOR, SOUTHEAST INSPECTION SERVICE

Signature of certifications as Certifying Officer.  
####END####

### DELEGATIONS OF AUTHORITY TO THE DIRECTOR, WESTERN INSPECTION SERVICE

Signature of certifications as Certifying Officer.  
####END####

### DELEGATIONS OF AUTHORITY TO THE CHIEF, DOCUMENTATION APPROVAL AND SUPPLY SERVICES DIVISION, NATIONAL SEAFOOD INSPECTION LABORATORY

Signature of certifications as Certifying Officer.  
####END####

Date: 5/24/93

Approved: *Marilyn G. Foster*  
Assistant Administrator for  
Fisheries