

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NOAA ORGANIZATION HANDBOOK

TRANSMITTAL NO. 40

DATE: JULY 28, 1995

SUBJECT: DELEGATIONS OF AUTHORITY --
ASSISTANT ADMINISTRATOR FOR FISHERIES

FILING INSTRUCTIONS: The attachments are to be inserted in the appropriate places of the NOAA Organization Handbook or Book I of the NOAA Directives System Handbook under Delegations of Authority, organization code FA0000, National Marine Fisheries Service. Pages numbered 8, 8a, 10, 11, 11a, 12, 12a, and 13 replace the current pages numbered 8, 10, 11, 12, and 13, which are to be removed. The delegation included with Transmittal No. 38 dated 6/1/95 is hereby superseded. This transmittal sheet is to be filed in the back of the handbook.



Stewart S. Remer
Director for Human Resources Management

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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####

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

DELEGATION OF AUTHORITY
TO THE DIRECTOR, OFFICE OF PROTECTED RESOURCES

1. Except as delegated to the Regional Directors for the Southwest and Northwest Regions, the 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 Director, Office of Protected Resources, determines that the activities have national significance.
2. Except as delegated to the Regional Directors for the Northwest and Southwest Regions, the conduct of formal consultations under section 7 and the development of recovery plans under section 4 of the Endangered Species Act, U.S.C. 1531-1543.
3. Except as delegated to the Regional Directors for the Northwest, Southwest, and Southeast Regions, the 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, U.S.C. 1531-1543, including the issuance of pre-listing conservation agreements.
4. 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####

DELEGATION 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

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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####

Cleared by General Counsel for Fisheries 7/23/95
Date

MMFLA SP
Initials

Date: JUL 27 1995

Approved: *Ronald A. Johnson*
Assistant Administrator for Fisheries

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: 5/24/93Approved: *Thomas J. Foster*
Assistant Administrator for
Fisheries

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

DELEGATION 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 those instances where the activities cross regional boundaries, or where the Director, Office of Protected Resources, determines that the activities have national significance.
4. Authority to issue permits, terms and conditions therein, and deny applications thereof, authorizing public or private experimentation aimed at improving shrimp retention efficiency of existing approved TEDs and at developing additional TEDs, or conducting fishery research as described in 50 CFR § 227.72(e) (5) (ii) and which occur only in the Southeast Region.
5. Signature of certification as Certifying Officer.

####END####

Cleared by General Counsel for Fisheries

Date

7/26/95

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Date:

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Approved:

Assistant Administrator for Fisheries

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

DELEGATION 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 for all species except anadromous species (which are covered in paragraph 4 below), 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. Conduct of formal and informal consultations and issuance of biological opinions under section 7 of the Endangered Species Act, 16 U.S.C. 1536, for activities that may affect anadromous species for which the Southwest Region has primary ESA responsibility, including consultations and biological opinions for permits issued by the Regional Director, Southwest Region under section 10(a)(1)(B) of the Endangered Species Act, but excluding consultations and biological opinions for permits issued by the Director, Office of Protected Resources under section 10 of the Endangered Species Act and excluding formal consultations and biological opinions for other activities for which one or more of the subunits of the Department of Commerce is an action agency, with the following reservation: for activities the RD considers controversial, the RD must consult with F/PR and advise the AA before final action is taken.
5. Approval of pre-listing agreements and issuance of permits under section 10(a)(1)(B) of the Endangered Species Act, 16 U.S.C. 1539, for activities (excluding fish harvest)

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involving anadromous species for which the Southwest Region has primary ESA responsibility, with the following reservation: for activities the RD considers controversial, the RD must consult with F/PR and advise the AA before final action is taken.

- 6. Development and implementation of recovery plans under section 4 of the Endangered Species Act, 16 U.S.C. 1533, for listed anadromous species for which the Southwest Region has primary ESA responsibility, with the following reservation: for activities the RD considers controversial, the RD must consult with F/PR and advise the AA before final action is taken.
- 7. Signature of certification as Certifying Officer.
####END####

Cleared by General Counsel for Fisheries

7/26/95
Date

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Date: 7/27 1995

Approved: *[Signature]*
Assistant Administrator for
Fisheries

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

DELEGATION 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 for all species except anadromous species (which are covered in paragraph 4 below), including biological assessments under section 7 of the Endangered Species Act, 16 U.S.C. 1536, for activities occurring within the region, except those instances where the activities cross regional boundaries, or where the Director, Office of Protected Resources, determines that the activities have national significance.
4. Conduct of formal and informal consultations and issuance of biological opinions under section 7 of the Endangered Species Act, 16 U.S.C. 1536, for activities that may affect anadromous species for which the Northwest Region has primary ESA responsibility, including consultations and biological opinions for permits issued by the Regional Director, Northwest Region under section 10(a)(1)(B) of the Endangered Species Act, but excluding consultations and biological opinions for permits issued by the Director, Office of Protected Resources under section 10 of the Endangered Species Act and excluding formal consultations and biological opinions for other activities for which one or more of the subunits of the Department of Commerce is an action agency, with the following reservation: for activities the RD considers controversial, the RD must consult with F/PR and advise the AA before final action is taken.
5. Approval of pre-listing agreements and issuance of permits under section 10(a)(1)(B) of the Endangered Species Act, 16 U.S.C. 1539, for activities (excluding fish harvest)

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involving anadromous species for which the Northwest Region has primary ESA responsibility, with the following reservation: for activities the RD considers controversial, the RD must consult with F/PR and advise the AA before final action is taken.

6. Development and implementation of recovery plans under section 4 of the Endangered Species Act, 16 U.S.C. 1533, for listed anadromous species for which the Northwest Region has primary ESA responsibility, with the following reservation: for activities the RD considers controversial, the RD must consult with F/PR and advise the AA before final action is taken.
7. Signature of certification as Certifying Officer.
8. 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####

Cleared by General Counsel for Fisheries

Date

7/26/95

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MMF/JP

Date:

JUL 27 1995

Approved:

Deborah A. Schmitt
Assistant Administrator for
Fisheries

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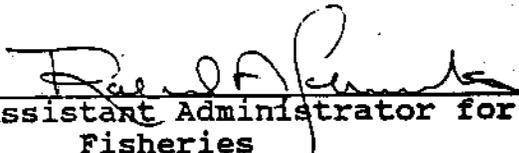
REDELEGATIONS OF AUTHORITY FROM THE ASSISTANT ADMINISTRATOR FOR FISHERIES (continued)

DELEGATION 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 as delegated to the Regional Directors of the Northwest and Southwest Regions and 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 certification as Certifying Officer.

####END####

Cleared by General Counsel for Fisheries

7/26/95
DateMMFLJP
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Fisheries

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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: *William Yester*
Assistant Administrator for
Fisheries