

REDELEGATION OF AUTHORITY FROM  
THE ASSISTANT ADMINISTRATOR FOR FISHERIES  
DELEGATIONS OF AUTHORITY

TYPE OF ACTION:           Add\_\_\_\_\_ Change   X   Abolish\_\_\_\_\_

AUTHORITY DELEGATED TO: Director of Office of Protected Resources (Office Director)  
and Regional Administrators

TYPE OF AUTHORITY:           Administrative

SOURCE OF AUTHORITY:       Endangered Species Act (ESA) 16 U.S.C. 1531, et seq.

AUTHORITY TO DO WHAT:       Conduct of formal and informal consultations, the issuance of biological opinions, incidental take statements, and letters of concurrence, and any other responsibilities calling for assistance or conferral under Sections 7(a) and 7(b) of the ESA (16 U.S.C. § 1536(a)-(b)) are delegated to the Office Director and Regional Administrators as specified below.

Regional Administrators may conduct formal and informal consultations and issue biological opinions, incidental take statements, and letters of concurrence for actions that may affect ESA-listed species or their designated critical habitat in the geographic area for which the Regional Administrator has primary responsibility, including actions taken by the national offices of National Marine Fisheries Service (NMFS).

The Office Director may conduct formal and informal consultations and issue biological opinions, incidental take statements, and letters of concurrence for Section 7 consultations not conducted by a Regional Administrator and as follows:

The Office Director is delegated authority for any consultation on an action determined to have national significance by the Assistant Administrator for Fisheries, in consultation with the Office Director and with appropriate Regional Administrators. Determinations regarding the responsible office for a particular consultation should be formally documented and disseminated to appropriate Regional Offices and the Office Director.

The Office Director is delegated authority for any consultation on an action where the activities cross regional boundaries and, in consultation with the appropriate Regional Administrators, the action is determined to be national in scope. When an action under consultation crosses regional boundaries but remains regional in scope, the Regional Administrators will, by mutual agreement, determine which Region will have authority to conduct the consultation. Determinations regarding the responsible office for a particular consultation should be formally documented and disseminated to appropriate Regional Offices and the Office Director.

The Office Director is delegated authority for consultations on the issuance of permits and regulations by the Office of Protected Resources, NMFS. Upon mutual agreement between the Office of Protected Resources and a Region(s), the completion of a Section 7 consultation for a permit or regulation may be performed by either office.

In carrying out the duties and responsibilities of their positions, the Regional Administrators and Office Director may delegate their authority to perform Section 7 functions to any one or more designee subject to the conditions specified herein. Any future re-delegations must be established through Quality Assurance Plans adopted under applicable procedures by the Regional Administrators and Office Director.

The Regional Administrator or Office Director is required to prescribe which Section 7 functions (including signature authority for consultation documents) will be retained by him/her and those that may be delegated to his/her designee(s). Any future re-delegations must be approved by the Assistant Administrator for Fisheries and the Chief, General Counsel, Fisheries and Protected Resources Section (Fisheries Section Chief).

In considering which Section 7 functions may be re-delegated, the Regional Administrator or Office Director shall be guided by the following:

- Jeopardy and/or adverse modification biological opinions may not be re-delegated
- No jeopardy and/or no adverse modification biological opinions may be re-delegated no further than the level of Assistant Regional Administrator or Division Chief
- Letters of concurrence may be re-delegated no further than the level of Regional Branch Chief, Deputy Division Chief, or the regional equivalent.

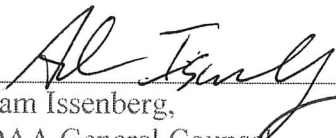
Regional Administrators or the Office Director may specify additional criteria that further define the delegation levels specified above. Such criteria may include, but are not limited to: action agency, type of action, which species are affected by the proposed action, and whether or not the subject action is covered in a General Counsel waiver.

If a no-jeopardy biological opinion or letter of concurrence is deemed to be controversial, the designee with signature authority must notify, in writing, the Regional Administrator or Office Director prior to finalizing the action.

RESERVED AUTHORITY: None.

EFFECT ON OTHER DELEGATIONS: This delegation supersedes NOAA Delegation of Authority Transmittal Memo No. 60A (delegating authority under section 7 of the ESA, 16 U.S.C. § 1536).

CLEARANCE BY:

  
\_\_\_\_\_  
Adam Issenberg,  
NOAA General Counsel,  
Fisheries and Protected Resources Section,  
Chief

4/10/18  
Date

APPROVING OFFICIAL:

  
\_\_\_\_\_  
Chris Oliver,  
Assistant Administrator for Fisheries

4/26/18  
Date