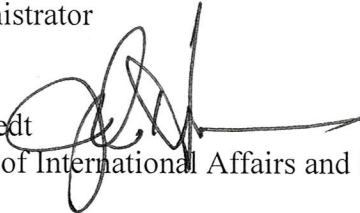




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

JUN 28 2018

MEMORANDUM FOR: Chris Oliver
Assistant Administrator
for Fisheries

FROM: John Henderschedt 
Director, Office of International Affairs and Seafood Inspection

SUBJECT: Delegation of Authority to Issue International Fisheries Trade
Permits – DECISION MEMORANDUM

Forwarded for your review and approval is a Delegation of Authority from the Assistant Administrator for Fisheries to the Director of the Office of International Affairs and Seafood Inspection (IASI) to issue International Fisheries Trade Permits (IFTP) for the import, export, or re-export of fish products that are subject to trade monitoring programs of Regional Fisheries Management Organizations (RFMOs) and/or subject to trade documentation requirements under domestic law. In August 2016, NMFS issued a final rule that consolidated existing international trade permits for regulated seafood products under the Antarctic Marine Living Resources (AMLR) and Highly Migratory Species International Trade Permit (HMS ITP) programs and expanded the scope of the permit requirement to include regulated seafood products under the Tuna Tracking and Verification Program (TTVP). *See* 81 FR 51126 (August 3, 2016). As of January 1, 2018, importers of seafood products subject to the Seafood Import Monitoring Program (SIMP) are also required to obtain an IFTP annually. *See* 81 FR 88975 (December 9, 2016).

This proposed Delegation of Authority to the Director of the Office of International Affairs and Seafood Inspection is limited to the authority to issue IFTPs for seafood products covered by any of the four existing NMFS trade monitoring programs: (1) AMLR; (2) HMS; (3) TTVP; and (4) SIMP. The legal authority to implement these programs flows from (1) the Antarctic Marine Living Resources Convention Act of 1984, 16 U.S.C. § 2431 et seq.; (2) the Atlantic Tunas Convention Act of 1975, 16 U.S.C. §§ 971-971i; (3) the Marine Mammal Protection Act of 1972, 16 U.S.C. §§ 1361-1421h; and Dolphin Protection Consumer Information Act, 16 U.S.C. § 1385; and (4) the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1801 et seq. The functions assigned to the Secretary of Commerce under these statutes have already been delegated to the Assistant Administrator for Fisheries. *See* NOAA Organizational Handbook, Transmittal #61. Any further redelegations of authority must be approved by the Assistant Administrator after clearance by the Office of General Counsel, Fisheries and Protected Resources Section, and published as a NOAA Circular.

NOAA Transmittal #76, dated June 9, 2009 delegated authority to issue AMLR dealer permits to the Director of IASI. Because the AMLR dealer permit as well as the import, export and re-

export permit requirements for the three other NMFS trade monitoring programs were consolidated into a single IFTP permit, NMFS IASI drafted this new Delegation of Authority. Concurrent with the establishment of this new delegation of authority, IASI recommends abolishing the superseded NOAA Transmittal #76.

It is advantageous to delegate authority for the IFTP to the Director of IASI because the responsibility to implement NMFS' trade monitoring programs is vested in this office. IASI exercises oversight for these programs and administers the issuance of the IFTP, a significant component of trade monitoring efforts. In particular, IASI provides customer assistance for importers applying for the IFTP. Also, IASI uses the IFTP database to contact importers in cases where inbound shipments are selected for audit. Delegation of authority for the IFTP would enhance the efficiency and effectiveness of NMFS' import monitoring programs.

The NOAA Office of General Counsel, Fisheries and Protected Resources Section has cleared the proposed Delegation of Authority and Abolishment of Transmittal #76. Upon clearance by you, I will forward an electronic version and a signed version of the new Delegation of Authority and Abolishment of Transmittal #76 to the NMFS Policy Office and the NOAA Office of the Chief Administrative Office for distribution and logging into the official delegations system.

RECOMMENDATION: I recommend that you approve the abolishment of NOAA Transmittal #76 and the delegation of your authority under the Antarctic Marine Living Resources Convention Act; Atlantic Tunas Convention Act; Marine Mammal Protection Act; Dolphin Protection Consumer Information Act; and Magnuson-Stevens Act to issue IFTPs to the Director of IASI. I further recommend that you sign the attached Delegations of Authority.

Approved _____ Disapproved _____ Let's Discuss _____

Attachments: Delegation of Authority, Transmittal #95
Delegation of Authority, Abolishment of Transmittal #76

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

TYPE OF ACTION: Add X Change _____ Abolish _____

AUTHORITY DELEGATED TO: Director, Office of International Affairs and
Seafood Inspection

TYPE OF AUTHORITY: Administrative

AUTHORITY TO DO WHAT: Issue International Fisheries Trade Permits (IFTP)
for the import, export, or re-export of fish products
regulated under 50 CFR 300, Subpart Q from any
ocean area.

The source of authority to issue IFTPs flows from
the Atlantic Tunas Convention Act of 1975, 16
U.S.C. §§ 971-971i; Magnuson-Stevens Fishery
Conservation and Management Act, 16 U.S.C. §
1801 *et seq.*; Tuna Conventions Act of 1950, 16
U.S.C. §§ 951-962; Antarctic Marine Living
Resources Convention Act of 1984, 16 U.S.C. §
2431 *et seq.*; Marine Mammal Protection Act of
1972, 16 U.S.C. §§ 1361-1421h; and Dolphin
Protection Consumer Information Act, 16 U.S.C. §
1385.

RESERVED AUTHORITY: Subject authority may be redelegated.

EFFECT ON OTHER DELEGATIONS: Supersedes NOAA Delegation issued as Transmittal
#76, dated June 9, 2009

CLEARANCE BY:

Adam Issenberg 6/15/18
Adam Issenberg Date
Chief, Fisheries and Protected Resources Section
NOAA General Counsel

APPROVING OFFICIAL:

Chris Oliver 6/29/18
Chris Oliver Date
Assistant Administrator for Fisheries

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

TYPE OF ACTION: Add _____ Change _____ Abolish X

AUTHORITY DELEGATED TO: Director, Office of International Affairs and
Seafood Inspection

TYPE OF AUTHORITY: Administrative

AUTHORITY TO DO WHAT: Sign Dealer Permits for the importation of
toothfish and other resources harvested in the
Convention Area of the Commission for the
Conservation of Antarctic Marine Living
Resources and for the re-exportation of toothfish.

RESERVED AUTHORITY: N/A

EFFECT ON OTHER DELEGATIONS: Abolishes NOAA Redelegation issued as
Transmittal #76, dated June 9, 2009

CLEARANCE BY: Adam Issenberg 6/26/18
Adam Issenberg Date
Chief, Fisheries and Protected Resources Section
NOAA General Counsel

APPROVING OFFICIAL: Chris Oliver 6/29/18
Chris Oliver Date
Assistant Administrator for Fisheries