

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

**NOAA ORGANIZATIONAL HANDBOOK**

**TRANSMITTAL NO. 61**

**DATE:** February 24, 2015

**SUBJECT:** DELEGATIONS OF AUTHORITY-  
Assistant Administrator for Fisheries

**THIS TRANSMITS** – NOAA Organization Handbook Transmittal No. 61 (TM #61) comprised of delegation materials related to the National Marine Fisheries Service previously issued as TM #34, dated 5/31/1993; as amended by TM #40, dated 7/28/1995; and as TM #37, dated 1/30/1995; and as TM #61 dated 2/28/2006; and incorporating, revising, and superseding the delegations made through TM #47 dated 9/7/1999; TM #48 dated 2/16/2011; TM #49 dated 2/16/2001; and TM #63 dated 11/06/2006; all as amended in accordance with Section 1.0, Introduction, of National Marine Fisheries Service's Policy Directive 02-110-12, issued as TM #60, dated February 28, 2006.

**EFFECT ON OTHER ISSUANCES:** This delegation revises Transmittal #61 dated February 28, 2006, and incorporates, revises, and supersedes TM #48, #49, and #63.

**FILING INSTRUCTIONS:** Please insert the attached pages in the appropriate place of the NOAA Organization Handbook or of Book I of the NOAA Directives System Handbook under Delegations of Authority, Organization Code FA0000, National Marine Fisheries Service.

File this transmittal sheet in the back of the 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 12866, 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 certificates 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.
    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 Fisherman's Contingency Fund, 43 U.S.C. 1841-1846, 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.
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. 6973-6973r.
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.
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; 33 U.S.C. 2101 et seq.
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 functions:
  - 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));

- 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.
- 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 Fisherman's Protective Act (Pelly Amendment), 22 U.S.C. 1978.
- 40. Designation of Alternate U.S. Commissioners, 22 U.S.C. 1344.
- 41. Federal Water Pollution Control Act, 33 U.S.C. 1344.
- 42. The Water Resources Planning Act, 42 U.S.C. 1962-1962d-14.
- 43. Commerce, State, Justice Appropriations Act (shrimp embargo), Pub. L. 101-162.
- 44. Northwest Atlantic Fisheries Convention Act of 1995, 16 U.S.C. 5601-5612.
- 45. High Seas Driftnet Moratorium Protection Act, 16 U.S.C. 1826d-k.
- 46. Pacific Whiting Act of 2006, 16 U.S.C. 7001-7010.
- 47. Western and Central Pacific Fisheries Convention Implementation Act, 16 U.S.C. 6901-6910.
- 48. Atlantic Coastal Fisheries Cooperative Management Act, 16 U.S.C. 4261-4266
- 49. High Seas Fishing Compliance Act of 1995, 16 U.S.C. 5501-5509.
- 50. Marine Turtle Conservation Act of 2004, 16 U.S.C. 6601-6607.

51. North Pacific Anadromous Stocks Act of 1992, 16 U.S.C. 5001-5012.
52. Shark Finning Prohibition Act, 16 U.S.C. 1822 note.

- 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 Regulatory Programs, the Deputy Assistant Administrator for Operations, and the Director of Scientific Programs

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

END

Delegations of Authority to the Director, Office of Sustainable Fisheries

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 12866.

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

Delegation of Authority to the Director, Office of Protected Resources

1. Except as delegated to the Regional Administrator for the West Coast Region, the development of recovery plans under section 4 of the Endangered Species Act, 16 U.S.C. 1531-1543.
2. Except as delegated to the Regional Administrator for the West Coast, 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, 16 U.S.C. 1531-1543, including the issuance of pre-listing conservation agreements.
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

#### Delegation of Authority to the Director, Office of Habitat Conservation

1. Authority under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., to conduct consultations and other activities related to essential fish habitat, in accordance with section 305(b) of the Act, in those instances where the Director, in consultation with the appropriate NMFS Region(s), determines that the activities have national significance.
2. Signature for publication in the Federal Register of notices of meetings, requests for nomination to panels, notices of appointments to panels, and notices of the availability of documents for public comments that are within the mission and assigned responsibilities of the Office. These delegations are limited to non-regulatory notice within the mission and assigned responsibilities of the Office of Habitat Conservation.

END

#### Delegation of Authority to the Director, Office of Management and Budget

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 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. 1841-1846.
5. Authority (except for issuing regulations) concerning the Fisheries Loan Fund, 16 U.S.C. 742c.

END

#### Delegation of Authority to the Director, Office of International Affairs and Seafood Inspection

Authority to sign Commission for the Conservation of Antarctic Living Marine Resources Dealer permits.

END

#### Delegation of Authority to the Regional Administrator, Greater Atlantic Regional Fisheries Office

1. Authority under the Magnuson-Stevens 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 Administrator.

2. Authority under the Magnuson-Stevens 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. Authority under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., to conduct consultations with, and make recommendations to, federal and state agencies regarding activities affecting essential fish habitat, in accordance with section 305(b) of the Act, except in those instances where the Director, Office of Habitat Conservation, in consultation with the Greater Atlantic Region, determines that the activities have national significance. This authority may be redelegated to the Deputy Regional Administrator or Assistant Regional Administrator for Habitat Conservation, who may redelegate authority to conduct individual EFH consultations to area or field office supervisors, but cannot redelegate authority for programmatic consultations or general concurrences.
4. Authority under the Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq., to consult with federal permitting, licensing, and construction agencies on proposed projects that may affect living marine resources under the Act.
5. Authority under the Federal Power Act, 16 U.S.C. 791a et seq., to provide recommendations for fishery protection, mitigation and enhancement, and prescriptions for fishways, as well as to carry out NMFS' FPA responsibilities, under the Act.
6. Signature of certifications as Certifying Officer.

END

#### Delegation of Authority to the Regional Administrator, Southeast Region

1. Authority under the Magnuson-Stevens 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 Administrator.
2. Authority under the Magnuson-Stevens 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. 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.
4. Authority under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., to conduct consultations with, and make recommendations to, federal and state

agencies regarding activities affecting essential fish habitat, in accordance with section 305(b) of the Act, except in those instances where the Director, Office of Habitat Conservation, in consultation with the Southeast Region, determines that the activities have national significance. This authority may be redelegated to the Deputy Regional Administrator or Assistant Regional Administrator for Habitat Conservation, who may redelegate authority to conduct individual EFH consultations to area or field office supervisors, but cannot redelegate authority for programmatic consultations or general concurrences.

5. Authority under the Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq., to consult with federal permitting, licensing, and construction agencies on proposed projects that may affect living marine resources under the Act.
6. Authority under the Federal Power Act, 16 U.S.C. 791a et seq., to provide recommendations for fishery protection, mitigation and enhancement, and prescriptions for fishways, as well as to carry out NMFS' FPA responsibilities, under the Act.
7. Signature of certifications as Certifying Officer.

END

#### Delegation of Authority to the Regional Administrator, West Coast Region

1. Authority under the Magnuson-Stevens 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 Administrator.
2. Authority under the Magnuson-Stevens 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. 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) involving anadromous species for which the West Coast Region has primary ESA responsibility, with the following reservation: for activities the RA considers controversial, the RA must consult with F/PR and advise the AA before final action is taken.
4. 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 West Coast Region has primary ESA responsibility, with the following reservation: for activities the RA considers controversial, the RA must consult with F/PR and advise the AA before final action is taken.
5. Authority under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., to conduct consultations with, and make recommendations to, federal and state agencies regarding activities affecting essential fish habitat, in accordance with section 305(b) of the Act, except in those instances where the Director, Office of Habitat Conservation, in consultation with the West Coast Region, determines that the activities have national significance. This authority may be redelegated to the Deputy Regional Administrator, Associate



Deputy Regional Administrator, the Assistant Regional Administrator for Protected Resources, the Assistant Regional Administrator for the Oregon & Washington Coastal Area Office, the Assistant Regional Administrator for the Interior Columbia River Basin Area Office, the Assistant Regional Administrator for the California Central Valley Area Office, or the Assistant Regional Administrator for the California Coastal Area Office, who may redelegate authority to conduct individual EFH consultations to area or field office supervisors, but cannot redelegate authority for programmatic consultations or general concurrences.

6. Authority under the Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq., to consult with federal permitting, licensing, and construction agencies on proposed projects that may affect living marine resources under the Act.
7. Authority under the Federal Power Act, 16 U.S.C. 791a et seq., to provide recommendations for fishery protection, mitigation and enhancement, and prescriptions for fishways, as well as to carry out NMFS' FPA responsibilities, under the Act.
8. Signature of certifications as Certifying Officer.
9. 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 Administrator, West Coast Region.

END

#### Delegation of Authority to the Regional Administrator, Alaska Region

1. Authority under the Magnuson-Stevens 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 Administrator.
2. Authority under the Magnuson-Stevens 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. Authority under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., to conduct consultations with, and make recommendations to, federal and state agencies regarding activities affecting essential fish habitat, in accordance with section 305(b) of the Act, except in those instances where the Director, Office of Habitat Conservation, in consultation with the Alaska Region, determines that the activities have national significance. This authority may be redelegated to the Deputy Regional Administrator or Assistant Regional Administrator for Habitat Conservation, who may redelegate authority to conduct individual EFH consultations to area or field office supervisors, but cannot redelegate authority for programmatic consultations or general concurrences.
4. Authority under the Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq., to consult with federal permitting, licensing, and construction agencies on proposed projects that may affect living marine resources under the Act.

5. Authority under the Federal Power Act, 16 U.S.C. 791a et seq., to provide recommendations for fishery protection, mitigation and enhancement, and prescriptions for fishways, as well as to carry out NMFS' FPA responsibilities, under the Act.
6. Signature of certifications as Certifying Officer.

END

Delegations of Authority to the Regional Administrator, Pacific Islands Region

1. Authority under the Magnuson-Stevens 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 Administrator.
2. Authority under the Magnuson-Stevens 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. Authority under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., to conduct consultations with, and make recommendations to, federal and state agencies regarding activities affecting essential fish habitat, in accordance with section 305(b) of the Act, except in those instances where the Director, Office of Habitat Conservation, in consultation with the Pacific Islands Region, determines that the activities have national significance. This authority may be redelegated to the Deputy Regional Administrator or Assistant Regional Administrator for Habitat Conservation, who may redelegate authority to conduct individual EFH consultations to area or field office supervisors, but cannot redelegate authority for programmatic consultations or general concurrences.
4. Authority under the Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq., to consult with federal permitting, licensing, and construction agencies on proposed projects that may affect living marine resources under the Act.
5. Authority under the Federal Power Act, 16 U.S.C. 791a et seq., to provide recommendations for fishery protection, mitigation and enhancement, and prescriptions for fishways, as well as to carry out NMFS' FPA responsibilities, under the Act.
6. Signature of certifications as Certifying Officer.

END

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

Delegations of Authority to Chief, Permits and Documentation Division; Chief, Marine Mammal Division;  
Chief, Endangered Species Division  
Office of Protected Resources, NMFS

Type of Delegation: Administrative

Source of Authority: Marine Mammal Protection Act of 1972 (MMPA), 16 U.S.C. 1361. Et seq.  
Endangered Species Act of 1973 (ESA), 16 U.S.C. 1531 et seq.

Authority to do What: Signature for publication in the Federal Register and the Code of Federal Regulations of notices of receipt of applications for permits and requests for letters of authorization (LOAs); notices of issuance of permits and LOAs, and notices of meetings and hearings, as may be necessary for the issuance of permits and LOAs.

Reserved Authority: Issuance of permits and LOAs under the MMPA, 16 U.S.C. 1361-1407, and the ESA, 16 U.S.C. 1531-1543.