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**NOAA Circular** 82-3, Change 1

July 21, 1982

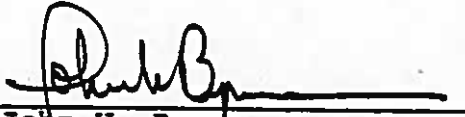
Please file with NOAA Directive 05-85

**SUBJECT:** Delegation of Enforcement Case Processing Authority to General Counsel (Reference: GCEL, 254-8350)

**TO:** Financial Management Centers

1. Legislation. The Lacey Act Amendments of 1981, Public Law 97-79, revised and recodified the Lacey Act (16 U.S.C. 667e and 18 U.S.C. 43, 44, 3045, and 3112).
2. Change. As a result of the recodification specified in paragraph 1 of this Circular, please make the following ink change to NOAA Circular 82-3:  

Strike "18 U.S.C. 42-44, 3054, 3112" from subparagraph 1(d) of the Circular and replace with 16 U.S.C. 3371-3378.
3. Effective Date. The change in this Circular is effective today.

  
\_\_\_\_\_  
John V. Byrne  
Administrator

[Handwritten initials]

1840  
The Court of the  
State of New York

In the County of New York

ss. I, the Clerk of the Court, do hereby certify that the following is a true and correct copy of the original as the same appears in the files of the Court.

Witness my hand and the seal of the Court at New York, this 1st day of January, 1840.

John B. ...  
Clerk of the Court

Attest: ...  
John B. ...

John B. ...

John B. ...

February 5, 1982

Please file

as NOAA Directives Manual 05-85 (supersedes NOAA Circular 78-45)

**SUBJECT:** Delegation of Enforcement Case Processing  
Authority to General Counsel (Reference: GCEL, 254-8350)

**TO:** Financial Management Centers

1. Legislation: The Secretary of Commerce, pursuant to the legislative enactments listed below in subsections (a) through (i) and Reorganization Plan No. 4 of 1970, 84 Stat. 2090, or the Administrator of NOAA, pursuant to the legislative enactments listed below in subsections (j) and (k), are authorized to assess civil money penalties for violations of the following statutes:

(a) Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801-1882;

(b) Endangered Species Act of 1973, 16 U.S.C. 1531-1543;

(c) Marine Mammal Protection Act of 1972, 16 U.S.C. 1361-1407;

(d) Lacey Act, ~~18 U.S.C. 42-44, 3054, 3112;~~  
16 U.S.C. 3371-3378

(e) Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971-971h;

(f) Marine Protection, Research, and Sanctuaries Act of 1972, 16 U.S.C. 1431-1434;

(g) Northern Pacific Halibut Act of 1937, 16 U.S.C. 772-772j;

(h) Tuna Conventions Act of 1950, 16 U.S.C. 951-961;

(i) North Pacific Fisheries Act of 1954, 16 U.S.C. 1021, et seq.;

(j) Deep Seabed Hard Mineral Resources Act, 30 U.S.C. 1401-1473;

(k) Ocean Thermal Energy Conversion Act of 1980, 42 U.S.C. 9101-9167.

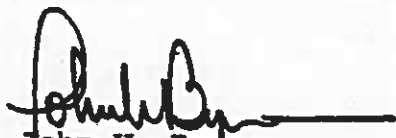
2. Effect on Other Instructions: NOAA Circular 78-45, filed as NDM 05-85, is hereby revoked.



3. Delegation to the Administrator of NOAA: By Section 3.01 of Department Organization Order 25-5A (DOO 25-5A), at subsections k, v, x, z, bb, and dd, the Secretary has delegated to the Administrator, with certain reservations not relevant here, the authorities specified in paragraph 1(a) through (i) of this Circular.

4. Delegation to the General Counsel: Authority is hereby delegated to the General Counsel of NOAA to take such action as is necessary or proper to assess civil money penalties for violations of the laws enumerated in paragraph 1 of this Circular, including, but not limited to, the following actions: issuance of notices of violation; issuance of notices of assessment; appointment of hearing officers; representation of NOAA at hearings; declination of civil penalty prosecution for alleged violations; compromise, settlement, dismissal, or other disposition of cases, including downgrading of the action to a warning citation and the review of citations issued; acceptance of payment of civil penalties; and referral of cases to the Department of Justice for collection. This authority may be redelegated at the discretion of the General Counsel.

(5) Reservation of Authority by the NOAA Administrator: The Administrator reserves the authority to act on petitions for review of initial decisions rendered by administrative law judges in civil penalty cases.

  
John V. Byrne  
Administrator

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