




NOV 09 2015

MEMORANDUM FOR: Eileen Sobeck
Assistant Administrator
for Fisheries

FROM: Donna S. Wieting 
Director, Office of Protected Resources

SUBJECT: Delegation of Authority for Section 120 of the Marine Mammal
Protection Act – DECISION MEMORANDUM

Forwarded for your review and approval is a Delegation of Authority from the Assistant Administrator for Fisheries to the Regional Administrators of the Greater Atlantic Regional Fisheries Office (GARFO) and the West Coast Region (WCR) for pinniped removal authority under section 120 of the Marine Mammal Protection Act (MMPA) of 1972, 16 U.S.C. § 1389. This delegation includes the authority to establish a Pinniped-Fishery Interaction Task Force and issue Letters of Authorization (LOAs) to authorize the intentional lethal taking of pinnipeds in accordance with section 120. The functions assigned to the Secretary of Commerce under the MMPA have already been delegated to the Assistant Administrator for Fisheries. *See* NOAA Organizational Handbook, Transmittal #61. Authority to issue permits and LOAs under the MMPA has been redelegated to the Director, Office of Protected Resources. *See id.* Any further redelegations of authority from the Assistant Administrator for Fisheries 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.

Section 120 of the MMPA allows states to apply to the Secretary to authorize the intentional lethal taking of individually-identifiable pinnipeds which are having a significant negative impact on the decline or recovery of certain salmonid fishery stocks. 16 U.S.C. § 1389(b). Within 15 days of receiving an application, the Secretary must determine if the application contains sufficient information to warrant establishing a Pinniped-Fishery Interaction Task Force. 16 U.S.C. § 1389(c)(1). If the Secretary establishes a Task Force, the Task Force must recommend whether to approve or deny the application within 60 days of its establishment. 16 U.S.C. § 1389(3). The Secretary must approve or deny the application within 30 days of receiving the Task Force's recommendation, and immediately take steps to implement the lethal taking if the application is approved. 16 U.S.C. § 1389(4).

NOAA Fisheries has previously received applications for the intentional lethal taking of pinnipeds under section 120 of the MMPA in the WCR and issued LOAs approving such applications to the States of Oregon, Washington, and Idaho in 2008 and 2012 and to the state of Washington in 1995, 1996, 2001. The LOAs were issued by the Director, Office of Protected Resources, in accordance with the authority delegated to this office under Transmittal #61. Each application for an authorization has raised issues highly specific to the WCR and has generated



significant interest by the public in the states to which authorization has been granted. Although NOAA Fisheries has not previously issued LOAs under section 120 to states within the GARFO region, we expect that any future application for authorization in that region would also raise state or regional-specific issues and public interest. Given the state and regional-specific nature of the applications and authorizations, I believe that the pinniped removal authority granted by section 120 of the MMPA is appropriately handled at the Regional Administrator level. Furthermore, I believe that redelegation of this authority directly to the Regional Administrators will promote greater efficiency and specificity in the review of future applications for LOAs under section 120 of the MMPA. If you agree, please sign the attached Delegation of Authority.

The Office of General Counsel for Fisheries has cleared the proposed Delegation of Authority. Upon clearance by you, I will forward an electronic version and a signed version of the Delegation of Authority to the Office of Planning and Program Integration and the NOAA Administrative Management and Executive Secretariat for distribution and logging into the official delegations system.

RECOMMENDATION: I recommend that you approve the delegation of your authority under Section 120 of the MMPA to the Regional Administrators of the Greater Atlantic Regional Fisheries Office and the West Coast Region and that you sign the attached Delegation of Authority.

Approved X Disapproved _____ Let's Discuss _____

Attachment: Delegation of Authority, Transmittal #87

cc: Regional Administrator, WCR
 Regional Administrator, GARFO

