

NATIONAL MARINE FISHERIES SERVICE POLICY DIRECTIVE 02-306

March 28, 2008

Protected Resources Management

Delegation of Authority for Review and Renewal of Section 6 Agreements Under the ESA

NOTICE: This publication is available at: <http://www.nmfs.noaa.gov/directives/>.

OPR: F/PR (D.Wieting)

Certified by: F (W.T. Hogarth)

Type of Issuance: Renewal (Technical Updates) Sept 2014

SUMMARY OF REVISIONS:

Updated to reflect the current NMFS regional offices. No substantive changes have been made to the delegations of authority.

1.0 **Introduction.** The National Marine Fisheries Service (NMFS) has reviewed its Cooperation with States threatened and endangered species recovery program pursuant to section 6 of the Endangered Species Act (ESA), 16 U.S.C. § 1531-1543 and delegates the annual review of state programs to the Regional Administrators. This delegation details the responsibilities of the Regional Administrators in reviewing section 6 agreements with States on an annual basis.

2.0 **Objective.** To provide for the effective and efficient agency implementation of section 6 of the ESA by revising the delegation of authority to review, on an annual basis, state programs subject to a section 6 agreement with NMFS to the Regional Administrators.

3.0 **Authorities and Responsibilities.** This directive establishes the following authorities and responsibilities: Authority is delegated to each Regional Administrator (Alaska, Greater Atlantic, Pacific Islands, Southeast, and West Coast Regions) to annually review state programs and reconfirm the findings upon which the section 6 agreement was based. Following a positive review, the Regional Administrator will renew the section 6 agreement. The Assistant Administrator retains authority to approve amendment requests or terminate existing agreements and to approve new agreements.

On an annual basis, NMFS is required by the ESA to reconfirm the findings that the state program is adequate and active and meets the requirements of section 6 (c) of the ESA to ensure that it reflects new laws, species lists, rules or regulations, and programs, and to demonstrate that it is still adequate and active. In making this determination, each Regional Administrator shall follow the “Cooperation with States Program Procedures” and the “Section 6(c) Implementation Guidance for Cooperative Agreements” memorandum issued by the Office of Protected Resources.

Upon renewing a State’s agreement, each Regional Administrator shall document that renewal with a decision memo and shall inform the Director, Office of Protected Resources of the renewal.

4.0 References. Additional procedural directives will be issued to implement this policy as needed.

//s//

November 6, 2006

William T. Hogarth, Ph.D.
Assistant Administrator for
NOAA Fisheries

Date