

## Department of the Interior Departmental Manual

---

**Effective Date:** 5/31/07

**Series:** Delegation

**Part 209:** Secretarial Officers

**Chapter 6:** Assistant Secretary for Fish and Wildlife and Parks

**Originating Office:** Office of the Assistant Secretary for Fish and Wildlife and Parks

---

### 209 DM 6

**6.1 Delegation.** Subject to the limitations in 200 DM 1, the Assistant Secretary for Fish and Wildlife and Parks is authorized to exercise all of the authority of the Secretary including, but not limited to:

- A. The authority to issue amendments of and additions to the material in the Code of Federal Regulations.
- B. The authority delegated to the Secretary by Section 204(a) of Public Law 94-579 relating to withdrawal or reservation of certain lands by the issuance of public land orders.
- C. The administration of the oath of office or any oath required by law in connection with employment.

**6.2 Authority to Redelegate.** Except where redelegation is prohibited by statute, Executive order, or limitations established by other competent authority, the Assistant Secretary for Fish and Wildlife and Parks may redelegate general administrative authority and those program authorities specifically related to the functions and responsibilities assigned to the Assistant Secretary for Fish and Wildlife and Parks in 109 DM 6. All redelegations of authority made by the Assistant Secretary for Fish and Wildlife and Parks will be in the form of a Departmental Manual release issued in strict compliance with the provisions of 200 DM 3. No other form of redelegation is authorized.

**6.3 Deputy Assistant Secretary.**

- A. In the absence of, and under conditions specified by the Assistant Secretary for Fish and Wildlife and Parks, a Deputy Assistant Secretary for Fish and Wildlife and Parks may exercise the authority delegated in 209 DM 6.1, excluding 209 DM 6.1B.
- B. A Deputy Assistant Secretary may not redelegate the authority conferred by paragraph 209 DM 6.3.

**6.4 Migratory Bird Conservation Commission.** The Assistant Secretary for Fish and Wildlife and Parks, upon designation, may exercise the authority of the Secretary of the Interior as Chairman, Migratory Bird Conservation Commission. This authority may not be redelegated, except that the Director or Assistant Director--Policy, Budget and Administration of the Fish and Wildlife Service may be authorized to pay the expenses of the Commission.

**6.5 Emergency Law Enforcement Activities B National Park Service.** The Assistant Secretary for Fish and Wildlife and Parks is authorized to approve the use of any funds available to the National Park Service to maintain law and order in an emergency law enforcement activity. The provisions for this delegation of authority are set forth in the Appropriations Act, Public Law 97-394, Administrative Provisions, dated December 30, 1982. This authority may not be redelegated.

**6.6 North American Wetlands Conservation Act Acquisition Projects.** The Assistant Secretary for Fish and Wildlife and Parks is authorized to sign letters to the Migratory Bird Conservation Commission for any land acquisition projects funded through the North American Wetlands Conservation Act that are not to become part of the National Wildlife Refuge System. The authority to sign such letters is set forth in Section 6 of the North American Wetlands Conservation Act (P.L. 101-233) dated December 13, 1989. This authority may not be redelegated.

**6.7 Fishway Prescriptions.** The Assistant Secretary for Fish and Wildlife and Parks is authorized to exercise the authority of the Secretary of the Interior with regard to the prescription of fishways pursuant to Section 18 of the Federal Power Act (16 U.S.C. 791a et seq.). This authority may be redelegated by the Assistant Secretary.

**6.8 Native American Graves Protection and Repatriation Act (NAGPRA).** The Secretary's authority for NAGPRA is delegated to the Assistant Secretary for Fish and Wildlife and Parks. The following authorities may not be delegated below the level of the Deputy Assistant Secretary:

A. Issuing regulations to carry out NAGPRA after consultation with the Assistant Secretary - Indian Affairs;

B. Granting extensions of NAGPRA inventory deadlines;

C. Approving grant awards to assist in implementation of NAGPRA to Indian tribes, Native Hawaiian organizations, and museums; and

D. Executing, in consultation with the Office of the Solicitor, the NAGPRA provisions for civil penalties against museums that fail to comply with NAGPRA, including investigating allegations of failure to comply with NAGPRA requirements and developing and assessing civil penalties.

5/31/07 #3745

Replaces 9/9/94 #3019