



B3 Recusal Determinations
OCTOBER 2023
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of the General Counsel
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September 12, 2023

MEMORANDUM FOR: Council Members
North Pacific Fishery Management Council

FROM: Demian A. Schane
Chief, Alaska Section
NOAA Office of General Counsel

SUBJECT: Recusal Determination for the October 2023 Council Meeting

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NOAA General Counsel, Alaska Section has reviewed the North Pacific Fishery Management Council's October 2023 draft agenda for recusal issues.

Under 50 C.F.R. § 600.225(b)(9)(ii), none of the agenda items for the October 2023 meeting constitutes a "particular matter primarily of individual concern," and none of the Council members is recused from participating on any agenda item under that regulation.

Under 50 C.F.R. § 600.235, none of the following agenda items constitutes a "Council decision" as that term is defined at 50 C.F.R. § 600.235(a); therefore, a recusal determination is not required for either of them:

- C1 BSAI Crab specifications – review SAFE report; adopt ABC/OFLs for BBRKC, Tanner crab, snow crab, PIBKC; BSAI Crab Plan Team report; (SSC only) Ecosystem Status Report preview; and
- C2 Observer 2024 Annual Deployment Plan – Review; PCFMAC report.

According to the regulations at 50 C.F.R. § 600.235(g), any Council member may file a written request to NOAA General Counsel for a review of this determination. Requests for review should be e-mailed to Kristen Gustafson, Deputy General Counsel, NOAA Office of the General Counsel at Kristen.L.Gustafson@noaa.gov. A request for review must be received by Ms. Gustafson by September 22, 2023. Please see the regulations at 50 C.F.R. § 600.235(g) for more information on requests for review.

