



Recusal Determinations for the Council's October 2021 Meeting

1 message

From: **Demian Schane - NOAA Federal** <demian.schane@noaa.gov>
Date: Tue, Sep 28, 2021 at 3:29 PM
Subject: Recusal Determinations for the Council's October 2021 Meeting

Dear Council Members:

NOAA General Counsel, Alaska Section has reviewed the North Pacific Fishery Management Council's October 2021 draft agenda for recusal issues.

Under 50 C.F.R. § 600.225(b)(9)(ii), none of the agenda items for October 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, the C-1 agenda item to set ABCs and OFLs for four crab stocks is not a "Council decision" as that term is defined at 50 C.F.R. § 600.235(a); therefore, no recusal determination is required for this final action.

The C4 BSAI Pacific cod Trawl CV LAPP – Final Action agenda item constitutes a "Council decision." As a result, the recusal regulations at 50 C.F.R. § 600.235 apply.

For this Council decision, we have determined that none of the appointed Council Members (Members Campbell, Down, Jensen, Kimball, Kinneen, Mezirow, and Vanderhoeven) is required to be recused from voting on this Council decision under 50 C.F.R. § 600.235 because none of the Council members has either (1) a financial interest in the fishery that would be affected by this final action or (2) a significant financial interest in the fishery that would be affected by this final action.

Although the regulations at 50 C.F.R. § 600.235 do not require any recusals from voting on this Council decision, a Council member may voluntarily recuse himself or herself under 50 C.F.R. § 600.235(d) if he or she believes that a Council decision would have a significant and predictable effect on that individual's financial interest.

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 XX, 2021. Please see the regulations at 50 C.F.R. § 600.235(g) for more information on requests for review.

Please contact me if you have any questions or would like more information.
Thank you.

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