



Recusal Determinations for the Council's April 2022 Meeting

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From: **Demian Schane - NOAA Federal** <demian.schane@noaa.gov>

Date: Wed, Mar 23, 2022 at 3:46 PM

Subject: Recusal Determinations for the Council's April 2022 Meeting

Dear Council Members:

NOAA General Counsel, Alaska Section has reviewed the North Pacific Fishery Management Council's April 2022 draft agenda for recusal issues.

Under 50 C.F.R. § 600.225(b)(9)(ii), none of the agenda items for the April 2022 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, the following agenda item is not a "Council decision" as that term is defined at 50 C.F.R. § 600.235(a); therefore, no recusal determination is required:

C-3 Scallops – SAFE report, ABC/OFL, Plan Team report.

Under 50 C.F.R. § 600.235, each of the following agenda items constitutes a "Council decision"; the recusal regulations at 50 C.F.R. § 600.235 therefore apply:

C-1 IFQ omnibus amendments – Final Action; and
C-2 RQE fee collection program – Final Action.

For the C-1 agenda item, 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 the decision.

For the C-2 agenda item, we have also 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 the decision.

Although the regulations at 50 C.F.R. § 600.235 do not require any recusals on these Council decisions, 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 April 4, 2022. 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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Demian A. Schane
Chief, Alaska Section
NOAA, Office of General Counsel
P.O. Box 21109
Juneau, AK 99802-1109
907-586-7027 (direct)
907-209-2632 (mobile)
demian.schane@noaa.gov
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