

Subject:Recusal determinations for the Council's December 2016 meeting

Date:Wed, 16 Nov 2016 13:26:05 -0900

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CC:Lisa Lindeman <Lisa.Lindeman@noaa.gov>, John Lepore <John.Lepore@noaa.gov>, Kristen Gustafson - NOAA Federal <kristen.l.gustafson@noaa.gov>

Dear Council members -- NOAA GC Alaska Section has examined the Council's December 2016 draft agenda for recusal issues.

Two agenda items, **C-3 Charter Halibut RQE Program -- Final Action** and **C-9 EM Integration -- Final Action**, constitute a "Council decision" as that term is defined in regulations at 50 CFR 600.235(a). Because these agenda items are "Council decisions," the recusal regulations at 50 CFR 600.235 apply.

For agenda item C-3 Charter Halibut RQE Program: We have determined that none of the appointed Council members (i.e., Council members Cross, Down, Hull, Kinneen, Laukitis, Mezirow, and Peterson) are required to be recused from participating in, or voting on, this action under regulations at 50 CFR 600.225 or 600.235. This action is not a particular matter primarily of individual concern under 50 CFR 600.225, and none of the recusal thresholds at 50 CFR 600.235(c) are exceeded.

For agenda item C-9 EM Integration: We have determined that none of the appointed Council members (i.e., Council members Cross, Down, Hull, Kinneen, Laukitis, Mezirow, and Peterson) are required to be recused from participating in, or voting on, this action under regulations at 50 CFR 600.225 or 600.235. This action is not a particular matter primarily of individual concern under 50 CFR 600.225, and none of the recusal thresholds at 50 CFR 600.235(c) are exceeded.

Although the regulations do not require a recusal for either of these agenda items, a Council member may voluntarily recuse himself or herself under 50 CFR 600.235(d).

According to the regulations at 50 CFR 600.235(g), any Council member may file a written request to the NOAA General Counsel for a review of these determinations. Requests for review should be emailed 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 no later than November 28, 2016. Please see the regulations at 50 CFR 600.235(g) for more information on requests for review. You can access these regulations at:

http://www.ecfr.gov/cgi-bin/text-idx?SID=ddc81ef9a69a79e3e381b30446bb6022&mc=true&node=se50.12.600_1235&rgn=div8

If you have any questions or would like more information, please contact John Lepore for C-3 (John.Lepore@noaa.gov or [907-586-7238](tel:907-586-7238)), or Lauren Smoker for C-9 (Lauren.Smoker@noaa.gov or [907-586-7019](tel:907-586-7019)).

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