

Subject:Recusal Determination for the Council's December 2018 meeting.

Date: Tue, 20 Nov 2018 17:15:47 -0900

From: Maura Sullivan - NOAA Federal <maura.sullivan@noaa.gov>

Dear Council Members,

NOAA GC Alaska Section has examined the Council's December 2018 draft agenda for recusal issues.

The following three **final actions** are not "Council decisions" as that term is defined at 50 C.F.R. 600.235(a) and therefore no recusal determinations are required for these agenda items: **C1 2019 Charter halibut management measures—Final Action; C2 GOA Groundfish Harvest Specifications- Final specifications, Ecosystem Status Report, PT Report; and C3 BSAI Groundfish Harvest Specifications- Final specification, Ecosystem Status report, PT report.**

One **final action, C-5 Aleutian Island Pacific cod set aside adjustment-Final Action**, constitutes a "Council decision" as that term is defined in regulations at 50 CFR 600.235(a). Because this agenda item is a "Council decision," the recusal regulations at 50 CFR 600.235 apply.

We have determined that none of the appointed Council members (i.e., Council members Cross, Down, Jensen, 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 this agenda item, 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 this determination. 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 30, 2018. 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

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

Thanks,

Maura

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