



Maria Davis - NOAA Affiliate <maria.davis@noaa.gov>

Fwd: Recusal Determinations for the Council's December 2019 Council Meeting

1 message

Maria Davis - NOAA Affiliate <maria.davis@noaa.gov>
To: Maria Davis <maria.davis@noaa.gov>

Mon, Nov 25, 2019 at 11:45 AM

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

Date: November 6, 2019 at 5:44:30 PM EST

Subject: Recusal Determinations for the Council's December 2019 Council Meeting

Dear Council Members:

NOAA General Counsel, Alaska Section, has examined the North Pacific Fishery Management Council's December 2019 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.

The following two final actions constitute "Council decisions:" (1) C4 - BSAI parallel waters final action; and (2) C5 – Crab partial deliveries final action. As a result, the recusal regulations at 50 C.F.R. § 600.235 apply.

We have determined that none of the appointed Council Members (Members Cross, Down, Jensen, Kinneen, Kimball, Mezirow, and Campbell) is required to be recused from participating in, or voting on, these two actions under 50 C.F.R. § 600.225 or § 600.235. Neither action is a "particular matter primarily of individual concern" under 50 C.F.R. § 600.225(b)(9)(ii), and none of the recusal thresholds at 50 C.F.R. § 600.235(c) is exceeded.

Although the regulations do not require recusal for these agenda items, 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 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 by November 18, 2019. Please see the regulations at 50 C.F.R. § 600.235(g) for more information on requests for review. You can access them 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.

Thank you.

--

Demian A. Schane
Chief (Acting), Alaska Section
NOAA, Office of General Counsel
P.O. Box 21109
Juneau, AK 99802-1109
907-586-7027 (direct)
907-586-7263 (facsimile)
demian.schane@noaa.gov



--

Maria Davis
Communications/IT Specialist
North Pacific Fishery Management Council
907-271-2808
www.npfmc.org