



Recusal Determination for the Council's Virtual October Meeting, Sept. 28 - Oct. 16, 2020

1 message

Thu, Sep 17, 2020 at 8:10 AM

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

Date: Thu, Sep 17, 2020 at 8:00 AM

Subject: Recusal Determination for the Council's Virtual October Meeting, Sept. 28 - Oct. 16, 2020

Dear Council Members:

NOAA General Counsel, Alaska Section, has examined the North Pacific Fishery Management Council's October 2020 draft agenda for recusal issues. The following final action on the draft agenda constitutes a "Council decision" as that term is defined at 50 C.F.R. § 600.235(a): C3 – Sculpin/Squid Product Types. 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 Campbell, Cross, Down, Jensen, Kimball, Kinneen, and Mezirow) must be recused from participating in, or voting on, this final action under 50 C.F.R. § 600.225 or § 600.235. The action is not 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 a voting recusal for the C3 agenda item, 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 General Counsel, at Kristen.L.Gustafson@noaa.gov. A request for review must be received by Ms. Gustafson by September 28, 2020. Please see the regulations at 50 C.F.R. § 600.235(g) for more information on requests for review. You can access the regulations at the [Electronic Code of Federal Regulations](#).

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

Thank you.

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