



Fwd: Recusal Determination for the Council's Special Meeting on May 15, 2020

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Draft To: David Witherell <david.witherell@noaa.gov>

Mon, Apr 27, 2020 at 7:59 AM

Subject:Recusal Determination for the Council's Special Meeting on May 15, 2020

Date:Mon, 27 Apr 2020 07:30:00 -0800

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

Dear Council Members:

NOAA General Counsel, Alaska Section, has examined the North Pacific Fishery Management Council's draft agenda for recusal issues for the upcoming May 15, 2020 special meeting.

The following two actions involve emergency rule requests and therefore constitute "Council decisions" as that term is defined at 50 C.F.R. § 600.235(a): (1) B1 Request to Modify IFQ transfer provisions of the Halibut and Sablefish IFQ Program and (2) B2 Request regarding halibut charter measures in 2C and 3A.

We have determined that none of the appointed Council Members (Members Campbell, Cross, Down, Jensen, Kimball, Kinneen, and Mezirow) is required to be recused from participating in, or voting on, the requests for emergency relief 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 B1 and B2 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 May 7, 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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