

**Subject:**Recusal Determinations for the Council's October 2019 Council Meeting

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Dear Council Members:

NOAA General Counsel, Alaska Section, has examined the North Pacific Fishery Management Council's October 2019 draft agenda for recusal issues.

The following two final actions constitute "Council decisions" as that term is defined at 50 C.F.R. § 600.235(a): (1) C7 - changing the classification of sculpins from a target species to an ecosystem component species in the Fishery Management Plans for Groundfish in the Bering Sea and Aleutian Islands and Gulf of Alaska; and (2) C2 – adjusting the partial coverage observer fee. 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 actions under 50 C.F.R. § 600.225 or § 600.235. None of the actions 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 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](mailto:Kristen.L.Gustafson@noaa.gov). A request for review must be received by Ms. Gustafson by October 3, 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](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.

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