



Fwd: Recusal Determination for the Council's Virtual December Meeting, Dec. 4, 7-11, 2020

1 message

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Mon, Nov 23, 2020 at 11:23 AM

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

Date: Mon, Nov 23, 2020 at 11:00 AM

Subject: Recusal Determination for the Council's Virtual December Meeting, Dec. 4, 7-11, 2020

Dear Council Members:

NOAA General Counsel, Alaska Section has reviewed the North Pacific Fishery Management Council's December 2020 draft agenda for recusal issues.

Under 50 C.F.R. § 600.225(b)(9)(ii), none of the agenda items for December constitutes a "particular matter primarily of individual concern" and none of the Council members is recused from participating on any agenda item under that regulation.

Under 50 C.F.R. § 600.235, 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 final actions:

- C1 Charter halibut – 2021 annual management measures, Committee report;
- C3 BSAI Groundfish harvest -- Ecosystem Status Report, Final specifications, Plan Team report; and
- C4 GOA Groundfish harvest -- Ecosystem Status Report, Final specifications, Plan Team report.

The following final action constitutes a "Council decision": C2 Cook Inlet Salmon FMP – 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 Campbell, Cross, Down, Jensen, Kimball, Kinneen, and Mezirow) is required to be recused from participating in, or voting on, this final action under 50 C.F.R. § 600.235 because none of the Council members has a financial interest in the fishery that would be affected by this final action.

Although the regulations at 50 C.F.R. § 600.235 do not require voting recusal for this final action, 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 December 3, 2020. Please see the regulations at 50 C.F.R. § 600.235(g) for more information on requests for review.

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

Thank you.

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Demian A. Schane
Chief, Alaska Section
NOAA, Office of General Counsel