



March 22, 2023

MEMORANDUM FOR: Council Members  
North Pacific Fishery Management Council

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

SUBJECT: Recusal Determinations for the April 2023 Council Meeting

NOAA General Counsel, Alaska Section has reviewed the North Pacific Fishery Management Council's April 2023 draft agenda for recusal issues.

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

Under 50 C.F.R. § 600.235, the following agenda item is not a "Council decision" as that term is defined at 50 C.F.R. § 600.235(a) and therefore no recusal determinations are required for it:

- C3 Scallops - SAFE report, ABC/OFL, Plan Team Report.

Under 50 C.F.R. § 600.235, the following final actions constitute "Council decisions"; therefore, the recusal regulations at 50 C.F.R. § 600.235 apply:

- C1: Cook Inlet Salmon FMP Amendment - Final Action;
- C4: Scallop FMP multi-year specifications amendment - Initial/Final Action; and
- C5: Greenland Turbot in Longline Pots - Final Action.

For each of these agenda items (C1, C4, and C5), we have determined that none of the appointed Council Members (Members Down, Drobica, Jensen, Kimball, Kinneen, Mezirow, and Vanderhoeven) is required to be recused from voting on the Council decisions associated with each item because none of the Council members has either (1) a financial interest in the fishery that would be affected by the final action or (2) a significant financial interest in the fishery that would be affected by the decision. See 50 C.F.R. § 600.235(c).

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 these determinations. Requests for review should be e-mailed 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 April 3, 2023. Please see the regulations at 50 C.F.R. § 600.235(g) for more information on requests for review.

