



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**Office of General Counsel**  
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February 3, 2023

**MEMORANDUM FOR:** Council Members  
North Pacific Fishery Management Council

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

**SUBJECT:** Recusal Determination for the February 2023 Council Meeting

NOAA General Counsel, Alaska Section has reviewed the North Pacific Fishery Management Council's February 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:

- C2: BSAI Crab - Norton Sound Red King Crab specifications.

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: Snow Crab Rebuilding Analysis;
- C3: Area 4 Vessel Use Cap Interim Measures; and
- C5: BSAI Pot CP Monitoring Adjustments.

For each of these agenda items (C1, C3, and C5), we have determined that none of the appointed Council Members (Members Down, Drobica, Jensen, Kimball, Kinneen, Mezirow, and Vanderhoeven) are required to be recused from voting on the Council decisions associated with each item because none of the Council members have 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 February 13, 2023. Please see the regulations at 50 C.F.R. § 600.235(g) for more information on requests for review.

