



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of the General Counsel
P.O. Box 21109
Juneau, AK 99802-1109
Phone: (907) 586-7414

September 27, 2022

MEMORANDUM FOR: Council Members
North Pacific Fishery Management Council

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

SCHANE.DEMIAN Digitally signed by
.ASA.1365827563 SCHANE.DEMIAN.ASA.13658275
63
Date: 2022.09.27 11:29:06 -08'00'

SUBJECT: Recusal Determination for the October 2022 Council Meeting

NOAA General Counsel, Alaska Section has reviewed the North Pacific Fishery Management Council's October 2022 draft agenda for recusal issues.

Under 50 C.F.R. § 600.225(b)(9)(ii), none of the agenda items for the October 2022 meeting constitute a "particular matter primarily of individual concern," and none of the Council members are recused from participating on any agenda item under that regulation.

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); therefore, no recusal determination is required for this action:

- C1 BSAI Crab specifications – review SAFE report; adopt ABC/OFLs for BBRKC, Tanner crab, snow crab, PIRKC, SMBKC; Crab Plan Team report; PNCIAC 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:

- C2 Pacific cod small boat access – Final Action; and
- C3 Trawl EM analysis – Final Action.

For the C-2 agenda item, 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 this Council decision under 50 C.F.R. § 600.235 because none of the Council members have either (1) a financial interest in the fishery that would be affected by this final action or (2) a significant financial interest in the fishery that would be affected by the decision.

For the C-3 agenda item, we have also 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 this Council decision under 50 C.F.R. § 600.235 because none of the Council members have either (1) a financial interest in the fishery that would be affected by this final action or (2) a significant financial interest in the fishery that would be affected by the decision.



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 e-mailed 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 October 7, 2022. Please see the regulations at 50 C.F.R. § 600.235(g) for more information on requests for review.