



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
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June 13, 2022

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

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

**SUBJECT:** Supplemental Recusal Determination for the June 2022 Council Meeting

For recusal determination purposes, NOAA General Counsel, Alaska Section has reviewed the request submitted to the North Pacific Fishery Management Council for emergency regulations to suspend the recent participation requirements for Catcher Vessel Crew (CVC) quota share and Catcher Processor Crew (CPC) quota share and suspend the regulatory process for revoking CVC quota share and CPC quota share for the upcoming 2022/23 fishing season for crab fisheries managed under the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs.

Under 50 C.F.R. § 600.225(b)(9)(ii), action on this request for emergency regulations does not constitute a “particular matter primarily of individual concern,” and none of the Council members is recused from participating on this potential action under that regulation.

Under 50 C.F.R. § 600.235(a), action on this request constitutes a “Council decision,” which is defined to include a “finding that an emergency exists involving any fishery (including recommendations for responding to the emergency)”:

- Request for emergency regulations to suspend the recent participation requirements for CVC quota share and CPC quota share and to suspend the revocation of any CVC quota share and CPC quota share for the upcoming 2022/23 crab fishing season.

We have determined that none of the appointed Council Members (Members Campbell, Down, Jensen, Kimball, Kinneen, Mezirow, and Vanderhoeven) is required to be recused from voting on this Council decision under 50 C.F.R. § 600.235 because none of them has either (1) a financial interest in the fishery or sector that would be affected by this final action (the sector allocated CVC quota share and CPC quota share) or (2) a significant financial interest in the fishery or sector that would be affected by the decision. Although the regulations at 50 C.F.R. § 600.235 do not require any recusals among these other Council Members, any one of them 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 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). Normally, a request for review must be received by Ms. Gustafson within 10 days. In light of the timing of this action, we suggest anyone interested in such review to make the request immediately. 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.