provider company to whom the catch
monitor was contracted except with
written permission of the catch mon-
tor.

[75 FR 78377, Dec. 15, 2010, as amended at 76
FR 53835, Aug. 30, 2011; 76 FR 74734, Dec. 1,
2011]

§ 660.18 Certification and decertifica-
tion procedures for catch monitors
and catch monitor providers.

(a) Certification official. The Regional
Administrator (or a designee) will des-
ignate a NMFS catch monitor certifi-
cation official who will make decisions
on whether to issue or deny catch mon-
tor or catch monitor provider certifi-
cation pursuant to the regulations at
§§ 660.17 and 660.18, subpart C.

(b) Agency determinations on certifi-
cations. (1) Issuance of certifications—
Certification may be issued upon deter-
mination by the certification official
that the candidate has successfully
met all requirements for certification
as specified in:
(i) § 660.17(b) for catch monitors; and
(ii) § 660.17(d) for catch monitor pro-
viders.

(2) Denial of a certification. The NMFS
certification official will issue a writ-
ten determination identifying the rea-
sons for denial of a certification.

(c) Limitations on conflict of interest for
catch monitors. (1) Catch monitors must
not have a direct financial interest,
other than the provision of observer or
catch monitor services, in a North Pa-
cific fishery managed pursuant to an
FMP for the waters off the coast of Alas-
ka, Alaska state waters, or in a Pacific Coast fishery man-
aged by either the state or Federal
Governments in waters off Washington,
Oregon, or California, including but
not limited to:
(i) Any ownership, mortgage holder,
or other secured interest in a vessel,
first receiver, shorebased or floating
stationary processing facility involved
in the catching, taking, harvesting or
processing of fish,
(ii) Any business involved with sell-
ing supplies or services to any vessel,
first receiver, shorebased or floating
stationary processing facility; or
(iii) Any business involved with pur-
chasing raw or processed products from
any vessel, first receiver, shorebased or
floating stationary processing facili-
ties.

(2) Must not solicit or accept, di-
rectly or indirectly, any gratuity, gift,
favor, entertainment, loan, or anything
of monetary value from anyone who ei-
ther conducts activities that are regu-
lated by NMFS or has interests that
may be substantially affected by the
performance or nonperformance of the
catch monitor’s official duties.

(3) May not serve as a catch monitor
at any shoreside or floating stationary
processing facility owned or operated
where a person was previously em-
ployed in the last two years.

(4) May not solicit or accept employ-
ment as a crew member or an employee
of a vessel, or shoreside processor while
employed by a catch monitor provider.

(5) Provisions for remuneration of
catch monitors under this section do
not constitute a conflict of interest.

(d) Limitations on conflict of interest for
catch monitor providers. Catch monitor
providers must not have a direct finan-
cial interest, other than the provision
of observer or catch monitor services,
in a North Pacific fishery managed
pursuant to an FMP for the waters off
the coast of Alaska, Alaska state wa-
ters, or in a Pacific Coast fishery man-
aged by either the state or Federal
Governments in waters off Washington,
Oregon, or California, including but
not limited to:

(1) Any ownership, mortgage holder,
or other secured interest in a vessel,
first receiver, shorebased or floating
stationary processing facility involved
in the catching, taking, harvesting or
processing of fish.

(2) Any business involved with selling
supplies or services to any vessel, first
receiver, shorebased or floating sta-
tionary processing facility; or

(3) Any business involved with pur-
chasing raw or processed products from
any vessel, first receiver, shorebased or
floating stationary processing facili-
ties.

(e) Decertification. (1) Decertifica-
tion review official—The Regional Adminis-
trator (or a designee) will designate a
decertification review official(s), who
will have the authority to review cer-
tifications and issue IADs of decerti-
fication.
(2) Causes for decertification. The decertification official may initiate decertification proceedings when it is alleged that any of the following acts or omissions have been committed:

(i) Failed to satisfactorily perform the specified duties and responsibilities;

(ii) Failed to abide by the specified standards of conduct;

(iii) Upon conviction of a crime or upon entry of a civil judgment for:

(A) Commission of fraud or other violation in connection with obtaining or attempting to obtain certification, or in performing the duties and responsibilities specified in this section;

(B) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(C) Commission of any other offense indicating a lack of integrity or honesty that seriously and directly affects the fitness of catch monitors.

(3) Issuance of IAD. Upon determination that decertification is warranted, the decertification official will issue a written IAD. The IAD will identify the specific reasons for the action taken.

(4) Appeals. A certified catch monitor who receives an IAD that suspends or revokes his or her catch monitor certification may appeal the determination within 30 calendar days after the date on the IAD to the Office of Administrative Appeals pursuant to §679.43.

§ 660.24 Limited entry and open access fisheries.

(a) General. All commercial fishing for groundfish must be conducted in accordance with the regulations governing limited entry and open access fisheries, except such fishing by treaty Indian tribes as may be separately provided for.

(b) [Reserved]

§ 660.25 Permits.

(a) General. Each of the permits or licenses in this section has different conditions or privileges as part of the permit or license. The permits or licenses in this section confer a conditional privilege of participating in the Pacific coast groundfish fishery, in accordance with Federal regulations in 50 CFR part 660, subparts C through G.

(b) Limited entry permit—(1) Eligibility and registration—(1) General. In order for a vessel to be used to fish in the limited entry fishery, the vessel owner must hold a limited entry permit and, through SFD, must register that vessel for use with a limited entry permit. When participating in the limited entry fishery, a vessel is authorized to fish with the gear type endorsed on the limited entry permit registered for use with that vessel, except that the MS