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October 15, 2018

The Honorable Wilbur L. Ross, Jr.  
Secretary of Commerce  
U.S. Department of Commerce  
1401 Constitution Ave NW  
Washington, DC 20230

Mr. Benjamin Friedman  
Acting NOAA Administrator  
National Oceanic & Atmospheric Administration  
1401 Constitution Avenue NW, Room 5128  
Washington, DC 20230

Mr. Chris Oliver  
Assistant Administrator for Fisheries  
National Oceanic & Atmospheric Administration  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Secretary Ross, Acting Administrator Friedman, and Mr. Oliver:

I am writing to you regarding the National Oceanic and Atmospheric Administration's (NOAA) recent action related to the ongoing civil administrative case against Carlos Rafael, initiated in January 2018. As part of this litigation, NOAA has called for the revocation of 42 of Rafael's federal fishing permits held by Mr. Rafael<sup>1</sup>. He pleaded guilty to crimes associated to this case, and is rightly in jail, but many innocent people are also paying the price for his crimes. These permits cover a significant portion of the ground fish industry and have an economic footprint that goes far beyond fish landings.

These 42 permits support many unaffiliated businesses and jobs that were not part of Mr. Rafael's operation. They include fish auctions, seafood processors, gear suppliers, ice providers, welders, engines mechanics, restaurants, and many other small businesses. Millions of dollars of regional economic activity depend on Mr. Rafael's permits remaining in the City of New Bedford. An innocent community should not be collateral damage for one business's crimes.

It is critical for the city and South Coast region that these permits and allocations remain in the port of New Bedford, and in the hands of law-abiding fishing families and businesses. New Bedford has the experienced workforce, infrastructure, and proud tradition to best utilize and maximize the economic benefits of the groundfish industry.

National Standard 8 of the Magnuson-Stevens Fishery Conservation and Management Act mandates that ". . . management measures shall, consistent with the conservation requirements of

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<sup>1</sup> <http://www.southcoasttoday.com/news/20180920/noaa-seeks-3-million-in-civil-fines-against-carlos-rafael>

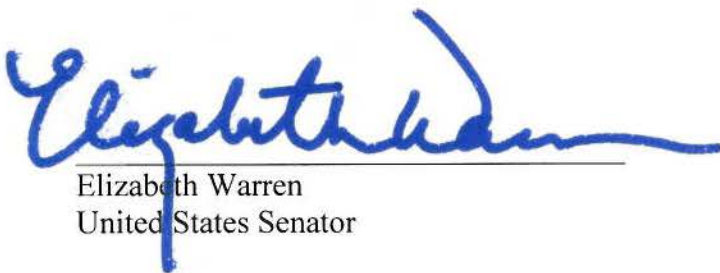
this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the Conservation and importance of fishery resources to fishing communities by utilizing economic and social data that meet the requirement of paragraph (2) [i.e., National Standard 2], in order to (a) provide for the sustained participation of such communities, and (b) to the extent practicable, minimize adverse economic impacts on such communities.<sup>2</sup>

While your civil case is not a management measure, it will directly and significantly impact all future NOAA management decisions for the groundfish fleet - and that should be a critical component of this administrative case.

The Port of New Bedford is vital to the economic health of the region and the federal government has a duty and responsibility to not cause significant economic harm to this community. Removing these permits from New Bedford would do lasting damage to families and businesses that have already suffered greatly through no fault of their own. I urge you all to do everything that is necessary to ensure that does not happen. Furthermore, these permits should remain in the hands of working fishermen, and not be transferred to entities that would not utilize them. Such an outcome would be just as economically damaging to the community as removing the permits.

The groundfish industry is part of our coastal culture and identity. The industry is a historic and continuing symbol of the City of New Bedford and the Commonwealth Massachusetts as a whole. In fact, the "Sacred Cod" hangs prominently in the Massachusetts State House as "a memorial of the importance of the Cod-Fishery to the welfare of this Commonwealth."<sup>3</sup> We must do everything we can to save this way of life that is a central part of Massachusetts' character. The fishing industry is currently facing some difficult times, and the federal government must do everything it can to not worsen this situation. I respectfully request that you take any and all available actions within your discretion to ensure that New Bedford continues to be a working groundfish port. Thank you for your attention to this important matter.

Sincerely,



Elizabeth Warren  
United States Senator

CC: The Honorable Jon Mitchell, Mayor, City of New Bedford  
New Bedford City Council

<sup>2</sup> <https://www.fisheries.noaa.gov/national/laws-and-policies/national-standard-guidelines>

<sup>3</sup> <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleI/Chapter2/Section13>