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August 24, 2017

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

Dear Mr. Oliver,

On behalf of the Commonwealth of Massachusetts, I am writing in regards to the potential redistribution of fishing permits assigned to various vessels associated with Carlos Rafael. As I am sure you are aware, earlier this year, Mr. Rafael pleaded guilty in the U.S. District Court in Boston to a host of federal charges in connection with his fishing business. As a result of this guilty plea, I understand that Mr. Rafael may be required to forfeit thirteen fishing vessels and groundfish permits associated with those vessels to the United States.

The fishing permits associated with Mr. Rafael's business are significant and account for the following allocations:

- 7% of all the Georges Bank yellowtail flounder;
- approximately 5% of Georges Bank cod;
- approximately 11½% of Georges Bank winter flounder;
- 4% of Georges Bank haddock; and
- about 7% of southern New England winter flounder.

It is my understanding that, should these vessels and the associated permits be forfeited or the permits otherwise cancelled, the National Marine Fisheries Service (NMFS) would be justified in redistributing these permits. On behalf of the Commonwealth, I respectfully request that should NMFS engage in a redistribution of these permits that the fishing privileges associated with these vessels be redistributed to all eligible permit holders in the Massachusetts fleet.

The Commonwealth is committed to working collaboratively with NMFS and the Commonwealth's law-abiding fishermen to promote sustainable, fair fishing practices. Mr. Rafael's actions are in direct conflict with these efforts and have put many of our fishermen

at a significant competitive disadvantage while further threatening the long-term sustainability of these already stressed fisheries.

In addition, responsible management of fisheries must be based on sound science and compliance with fishing regulations. Given the ongoing debate about monitoring of the industry and its associated costs, I ask that, to the maximum extent possible, any money received as a result of Mr. Rafael's sentence and any associated forfeiture be used to improve the monitoring program, including implementation of electronic monitoring. This is the best way to provide some level of restitution to the industry that Mr. Rafael harmed through his crimes. While I recognize that these funds would not cover the entire cost of monitoring, it is our hope that a fully funded program could be developed in the near future.

The recommended actions outlined in this letter are intended to benefit the responsible fishermen in the industry and ensure they are not punished for the illegal actions of one fisherman, and strengthen our federal-state partnership in managing fisheries based on science and respect for the law. I greatly appreciate your consideration of these requests.

Sincerely,



Charles D. Baker

cc:     The Honorable William R. Keating  
         The Honorable Stephen F. Lynch  
         The Honorable Seth W. Moulton  
         The Honorable Michael E. Capuano  
         The Honorable Katherine Clark  
         The Honorable Elizabeth Warren  
         The Honorable Edward Markey  
         The Honorable Sarah K. Peake  
         The Honorable Patricia A. Haddad  
         The Honorable Bradford R. Hill  
         The Honorable Timothy R. Whelan  
         The Honorable Mathew Muratore  
         The Honorable Tackey Chan  
         The Honorable William L. Crocker, Jr.  
         The Honorable James M. Cantwell  
         The Honorable Julian Cyr  
         The Honorable Patrick M. O'Connor  
         The Honorable Bruce E. Tarr  
         The Honorable Vinny M. deMacedo