



City of New Bedford

IN COMMITTEE

March 11, 2021

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Fisheries at a Meeting held on Tuesday, February 23, 2021, considered a COMMUNICATION, Council President Morad, submitting a copy of a letter from Mayor Mitchell, to Samuel Rauch, III, Deputy Assistant Administrator for Regulatory Program, National Marine Fisheries Science, urging the Fisheries Sciences to consider that Carlos Rafael sell off his fishing boats and permits to New Bedford-based businesses. (To be Referred to the Committee on Fisheries.) (Ref'd 12/13/18)

On motion by Councillor Abreu and seconded by Councillor Lima, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the COMMUNICATION, Council President Morad, submitting a copy of a letter from Mayor Mitchell, to Samuel Rauch, III, Deputy Assistant Administrator for Regulatory Program, National Marine Fisheries Science, urging the Fisheries Sciences to consider that Carlos Rafael sell off his fishing boats and permits to New Bedford-based businesses. This motion passed on a Roll Call Vote of Yeas 5, Nays 0, with Councillors Abreu, yes; Baptiste, yes; Carney, yes; Giesta, yes and Lima, yes.

IN COMMITTEE ON FISHERIES

Councillor Maria E. Giesta, Chairperson

MEG: dmb



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

November 20, 2018

Samuel D. Rauch, III
Deputy Assistant Administrator for Regulatory Programs
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Mr. Rauch:

I write as a follow-up to my letter to you, dated June 20, 2017, concerning the enforcement action against Carlos Rafael.

In that letter, I urged the Fisheries Service to consider the concept of a global disposition of the Rafael matter in which Rafael would sell off his fishing boats and permits to New Bedford-based businesses, and use the proceeds to satisfy his monetary penalties. Such an arrangement would serve the twin purposes of punishing Rafael for his regulatory violations while the Port of New Bedford would avoid a significant reduction in overall fishing activity. It is my understanding that since then attorneys for NMFS and Rafael have engaged in discussions along these lines.

As these discussions proceed, I wish to raise with the Fisheries Service an important issue that will need to be resolved as part of any resolution. It has become apparent that at least half of Rafael's 33 vessels, all of which are docked in New Bedford, require repairs so expensive that they can no longer be operated profitably. (A list of all of his vessels is attached to this letter).

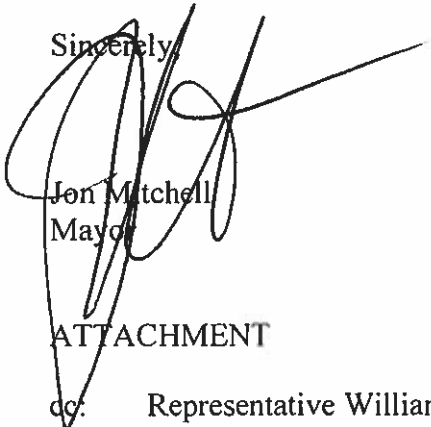
I am concerned that if these practically defunct vessels are not sold as part of a global resolution, they might be abandoned at the piers where they are now docked. To the extent that occurs, the responsibility for disposing of the vessels ultimately will fall to the New Bedford Port Authority. The expense would be considerable, as most of the boats would need to be sold for scrap metal at a likely net loss, and Port Authority is unaware of any government program to offset the expense. The situation presents a looming financial and environmental problem for the Port of New Bedford.

I believe there is a straightforward solution. Insofar as the parties to the civil enforcement matter are negotiating a monetary penalty against Rafael, we believe it would be in everyone's interest if a portion of the penalty were set aside in a fund to address the costs of the disposition of the vessels he cannot otherwise sell. Once the vessels are disposed of, the remaining funds could revert to the Service.

As I understand it, the parties have not yet finalized a fine level so the opportunity exists to pursue the solution I have outlined. Toward that end, I have directed counsel for the Port Authority to follow up with your team regarding this proposal.

Thank you for your consideration of this important matter.

Sincerely,



Jon Mitchell
Mayor

ATTACHMENT

cc: Representative William Keating
Michael Pentony, NOAA Regional Administrator
Commissioners, New Bedford Port Authority
Linda Morad, President, New Bedford City Council

8:27 AM
11/01/18

Harbor Development Commission
Customer Phone List
November 1, 2018

Customer	Customer Type	LOA
Jardin & Dawson:Carlos Rafael:Acores F/V *	Docking Customer:Homeport:Scallop	89.3
Jardin & Dawson:Carlos Rafael:Apollo F/V *	Docking Customer:Homeport:Scallop	76.3
Jardin & Dawson:Carlos Rafael:Athena F/V *	Docking Customer:Homeport:Scallop	88.4
Jardin & Dawson:Carlos Rafael:Carter Anthony *	Docking Customer:Homeport	77.5
Jardin & Dawson:Carlos Rafael:Cowboy F/V *	Docking Customer:Homeport:Dragger	77.9
Jardin & Dawson:Carlos Rafael:Destiny F/V *	Docking Customer:Homeport:Dragger	75.0
Jardin & Dawson:Carlos Rafael:Dinah Jane F/V *	Docking Customer:Homeport:Scallop	67.8
Jardin & Dawson:Carlos Rafael:Drake F/V *	Docking Customer:Homeport:Scallop	77.7
Jardin & Dawson:Carlos Rafael:Edward L. Moore F/V *	Docking Customer:Homeport:Scallop	79.9
Jardin & Dawson:Carlos Rafael:Gypsy Girl F/V *	Docking Customer:Homeport:Scallop	85.2
Jardin & Dawson:Carlos Rafael:Hera F/V *	Docking Customer:Homeport:Scallop	80.2
Jardin & Dawson:Carlos Rafael:Hera II F/V *	Docking Customer:Homeport:Scallop	88.4
Jardin & Dawson:Carlos Rafael:Hercules F/V *	Docking Customer:Homeport:Scallop	76.1
Jardin & Dawson:Carlos Rafael:Huntress I F/V *	Docking Customer:Homeport:Scallop	89.8
Jardin & Dawson:Carlos Rafael:Ilha Brava F/V *	Docking Customer:Homeport:Dragger	86.1
Jardin & Dawson:Carlos Rafael:Ilha Brava II F/V *	Docking Customer:Homeport:Scallop	76.5
Jardin & Dawson:Carlos Rafael:Ilha do Corvo F/V *	Docking Customer:Homeport:Scallop	74.8
Jardin & Dawson:Carlos Rafael:My Way F/V *	Docking Customer:Homeport:Dragger	70.3
Jardin & Dawson:Carlos Rafael:Nemesis (formerly Jamie & Ashley) F/V *	Docking Customer:Homeport:Dragger	65.0
Jardin & Dawson:Carlos Rafael:Perola do Corvo F/V *	Docking Customer:Homeport:Scallop	75.3
Jardin & Dawson:Carlos Rafael:Perseus *	Docking Customer:Homeport:Dragger	70.7
Jardin & Dawson:Carlos Rafael:Poseidon F/V *	Docking Customer:Homeport:Scallop	73.7
Jardin & Dawson:Carlos Rafael:Resolute F/V *	Docking Customer:Homeport:Scallop	81.6
Jardin & Dawson:Carlos Rafael:Saga F/V *	Docking Customer:Homeport:Scallop	85.0
Jardin & Dawson:Carlos Rafael:Sancor F/V *	Docking Customer:Homeport:Dragger	75.1
Jardin & Dawson:Carlos Rafael:Triunfo F/V *	Docking Customer:Homeport:Dragger	68.4
Jardin & Dawson:Carlos Rafael:Tyler N Noah F/V *	Docking Customer:Homeport:Scallop	73.6
Jardin & Dawson:Carlos Rafael:Vila Nova Do Corvo I F/V *	Docking Customer:Homeport:Scallop	88.4
Jardin & Dawson:Carlos Rafael:Vila Nova Do Corvo II F/V *	Docking Customer:Homeport:Dragger	93.9
Jardin & Dawson:Carlos Rafael:Voyager F/V *	Docking Customer:Transient Herring	129.5
Jardin & Dawson:Carlos Rafael:Zeus F/V *	Docking Customer:Homeport:Scallop	81.6
Marine Enterprises:Green Acres F/V *	Docking Customer:Homeport:Dragger	74.6
Marine Enterprises:Sasha Lee F/V *	Docking Customer:Homeport:Dragger	82.3