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The Northwest Atlantic Marine Alliance Statement in Response to the Sentencing of the Codfather

The Good: Judge sentences the “Codfather” to maximum jail time and fine

The Bad: NOAA has yet to impose any penalties

The Ugly: Assets Poised to Transfer Over to the Next Codfather

While yesterday's sentencing of Carlos Rafael successfully took a corrupt abuser of fishery resources off the ocean temporarily, another fishing company is already gearing up to capitalize on the opportunity to fill the Codfather's shoes.

A federal judge today sentenced Carlos Rafael - self-identified as the Codfather - to 46 months in prison and 3 years of probation, plus a \$200,000 fine. During that time, he will be banned from any fishing and involvement with the seafood supply chain. He will report for jail on November 6, 2017.

Judge William Young has yet to decide on forfeiture of assets. Meanwhile, NOAA can act independent of the court to permanently ban Mr. Rafael from all future fishing activity as well as seize all of Mr. Rafael's fishing assets, as they have done in previous cases where the crime has caused grave impact on the fish and fishing communities.

In his statement to the court, Mr. Rafael said he regretted his “stupid mistake”, to which Judge Young responded: “This was not stupid; this was corrupt. This was a corrupt course of action from start to finish... (It was) designed to benefit you. To line your pockets. That's what it was and that's why the court has sentenced you as it has.”

In our victim's statement to the court, we supported maximum jail time and fine and applaud the court for issuing this sentence.

We are, however, troubled by what we heard might happen to Mr. Rafael's assets that were involved in his crimes. During the sentencing, it was revealed that Mr. Rafael is in serious discussions with brothers Richard and Raymond Canastra who own and operate the Whaling City Seafood Display Auction as well as the Boston Seafood Display auction.

What concerns us about this deal is that it doesn't address the systemic problem that put Mr. Rafael in such a power position to

begin with, and what's worse it gives more power to another entity who is already controlling a big part of the region's seafood chain. This is exactly the sequel to the Codfather we have been warning against.

It's also worth noting that Mr. Rafael and the Canastra brothers all served on the board of the same organization - the Northeast Seafood Coalition - that rejected attempts to limit consolidation and concentration of fishing rights in recent years despite expressed concerns by fishermen, including many who are members of the NSC.

NAMA has been organizing with fishing communities for years to prevent the corporate takeover of our fisheries access, which Mr. Rafael symbolized. We are watching the same 'too-big-to-fail' models that undermined our financial system being replicated on the ocean. Bernie Madoff's assets, for example, were auctioned off by Marshals Service and proceed given to his victims. Nothing short of that should be done here, but instead it looks like Mr. Rafael's assets may not be going to benefit his victims - the ocean and the smaller-scale fishermen the US Attorney invoked when he said "This was a concerted effort of Mr. Rafael to squeeze out smaller fishermen while trying to control the whole thing." There are no protections currently in place to ensure this squeeze won't continue if another big player buys his assets.

NOAA and Judge Young have the opportunity to prevent excessive consolidation by requiring forfeiture of Mr. Rafael's assets to the public domain to benefit his victims. Their decisions will not only have a lasting impact on New England's fishing communities, but also for fishing communities around the country as this decision will set the stage for how we either allow or prevent 'too-big-to-fail' fisheries.

To do right by the fish, fishermen, and the public, NOAA should seize all Mr. Rafael's permits and boats and re-allocate on a New England-wide basis rather than allow the sale of Mr. Rafael's boats and permits to another too-big-to-fail entity. Reallocation should exclude any entities that currently have an excessive share (2% or over for any given groundfish species). Small and medium scale fishermen, as well as those who were put out of business due to Mr. Rafael's crimes should get a right of first refusal.

We acknowledge there are many calling for any revenue gained from asset seizure to be put toward supporting vessel-monitoring systems. But some of Mr. Rafael's crimes happened after he landed his fish and come as a direct result of his influence and control of the entire seafood value chain he literally owned. **No amount of vessel monitoring will address this issue.** The only solution is to stop the policies that are allowing a few to control the rights to fish. If we're serious about the marine ecosystem and the health of the ocean, we need to prioritize the monitoring of excessive consolidation and prevent too-big-to-fail entities in our fisheries.