

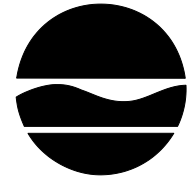
**New York State Department of Environmental Conservation  
DIVISION OF LAW ENFORCEMENT**

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**M E M O R A N D U M**

**TO:** Marine Resource Advisory Council  
**FROM:** Major Timothy A. Duffy  
**RE:** SDO MRAC Report – June 2009  
**DATE:** June 29, 2009

**MARINE RESOURCES**

**Only Bluefish (Suffolk County)**

On Memorial Day, Region 1 Lt. Dallas Bengel joined Region 1 ECO's Josh Ver Hague and Josh Sulkey for a boat patrol on the Long Island Sound. As the officers worked their way east from Mt Sinai, everyone appeared to be on their best behavior as there were plenty of big fluke to go around. The further east the officers worked, the fewer vessels were encountered. Near the mouth of Wading River Creek, the officers observed a vessel with three fishermen casting plugs for bluefish. The ECO's approached the boat and inquired about their luck, to which one of the fishermen quickly replied, "Only bluefish." When the officers pointed to a hatch and asked the fishermen to open it, he hung his head and complied. Fourteen fluke were discovered, as small as 12" and as big as 19". The fishermen received tickets for possession of undersized fluke and over limit of fluke.

**Improperly Tagged Containers Of Quota-Managed Species (Suffolk County)**

On 25 May 2009, Marine Enforcement Unit (MEU) ECO Todd Smith issued one ticket to an East Hampton commercial fisherman for failure to properly tag a container of a quota-managed species. A check of the Seafood Shoppe in Wainscott revealed a carton of scup that was tagged but did not have the date of landing included. The ECAT was returnable to East Hampton Town Court. Again on 02 June 2009, ECO Smith conducted an inspection of the Seafood Shoppe in Wainscott and discovered nine cartons of bluefish that were tagged but did not include a date of landing. Charges against the Brookhaven Town commercial fisherman are pending.

**We See You! (Suffolk County)**

On 30 May 30 2009, Region 1 ECO's Jeremy Eastwood and Josh Ver Hague and MEU ECO Brian Farrish teamed up for a plain clothes detail on the Long Island Sound in the Town of Riverhead. During the detail, the officers observed fishermen in a boat catching and keeping undersized fluke. The boat's occupants were unaware that the ECO's were observing and documenting each fluke that was caught. The ECO's were close enough to the boat that they saw one of the fishermen filleting a short fluke and using the belly skin for bait. After documenting numerous short fish, the officers identified themselves and

boarded the vessel. In total, the three men had nine undersized fluke and were six fish over the fluke limit. Each fisherman received two tickets: one for possession of undersized fluke and one for possession of over the limit fluke.

### **Striped Bass Enforcement (Nassau County)**

MEU ECO Sean Reilly and Region 1 ECO Erik Dalecki patrolled Long Island Sound on the Region's 25-foot Mako on May 30th. During the patrol, they checked recreational fishermen, issuing a total of five tickets for undersize striped bass and seizing seven fish.

### **Marine Violations (Nassau County)**

On 31 May 2009, MEU ECO Sean Reilly and Region 1 ECO Matthew Garrigan patrolled Hempstead Bay on the Region's 19-foot Whaler. During the patrol, the officers checked a boat where the fishermen claimed to have no fish. After inspection, three bluefish and three undersize fluke were found. ECO Garrigan issued two tickets to the boat's operator for undersize fluke and for having no distress device.

### **Two Too Many And All Too Short (Kings County)**

On 31 May 2009, Region 2 ECO Neil Stevens was contacted by Ray Brook Dispatch regarding a violation in progress at the Gateway Marina in Kings County (Brooklyn). Dispatch had information from an anonymous complainant that a fisherman was keeping several short fluke. ECO Stevens responded to the location and attempted to make observations of the violation from shore, without success. After conducting foot patrol throughout the marina, ECO Stevens found the violator on the furthest slip from shore, in possession of four short fluke. The violator was issued two summonses, one for possessing over the limit of fluke and the other for possession of short fluke. The violator was also given a copy of the new regulations regarding recreational marine fishing.

### **Over The Limit/Out Of Season (Nassau County)**

On 02 June 2009, MEU ECO Brian Farrish and Region 1 ECO Mike Unger were on boat patrol on the Long Island Sound checking recreational fishing boats for navigation and fish regulation compliance. During the course of the patrol, one vessel was found in violation for having 35 fish over their limit on porgy and three out of season blackfish.

### **Bullet II (Kings County)**

While on boat patrol on 02 June 2009, MEU ECO Jamie Powers and Region 2 ECO's Jennifer Okonuk and David Thomas boarded the party boat "Bullet II". After a thorough inspection of the passengers and vessel, the officers found a total of 47 undersized fluke. Five passengers, the captain and the corporation owning the vessel were issued a total of 13 summonses. All of the summonses issued were for possession of undersized fluke and possession of over the limit fluke. The fish were then taken and donated to the Open Door Church which operates a food program.

### **It's Raining Fluke (Nassau County)**

Wind and rain rarely deter fish poachers and 05 June 2009 was no different on the Magnolia Pier in Long Beach. As Region 1 ECO Don Damrath observed fishermen through binoculars and sheets of rain, he noticed one couple making frequent trips to a minivan with garbage bags in hand. When Officer Damrath asked one subject if they had any fish, the reply was, "No." When the officer asked to search the vehicle, the subject stated the sliding door was broken and could not be opened, although the officer had observed the subjects opening the door repeatedly. Eventually the door was opened, revealing buckets and bags of undersized fluke inside the minivan. The subjects were both cited for possessing over the limit of fluke and undersized fluke.

### **HSC Detail (Suffolk County)**

On 08 June 2009, several Region 1 officers participated in a late night enforcement detail targeting horseshoe crab poachers. ECO's Tim Fay, Dustin Oliver and MEU ECO Brian Farrish patrolled the Great South Bay by boat, while Region 1 Lt. Dallas Bengel and Region 1 ECO Kaitlin Grady patrolled local boat ramps and marinas in an unmarked vehicle. During the course of their patrol, Lt. Bengel and ECO Grady observed a white box truck pull into the back of a large seafood shop at approximately 11:00 p.m. The officers investigated and found a large quantity of horseshoe crabs being offloaded. While interviewing the truck driver, a pickup truck pulled into the lot and offloaded about 200 more crabs. The officers questioned the second driver and, with no violations observed, continued patrol. A short time later, at 11:55 p.m., the officers detected some activity at the end of a nearby boat ramp in the Moriches area. Upon closer inspection, they observed the same individual from their previous interview loading a second haul of horseshoe crabs into his pickup truck. The subject was in violation of having more than one trip per day and was issued a summons for having 105 horseshoe crabs over the limit.

### **Marilyn Jean (Kings County)**

MEU ECO Jamie Powers received an anonymous tip that the charter boat "Marilyn Jean" has been keeping undersized black sea bass. On 11 June 2009, at approximately 1500 hours, ECO Powers and Region 2 ECO's George Scheer, Gregory Maneeley and Matthew Krug boarded the "Marilyn Jean" as it pulled into its slip in Sheepshead Bay. Prior to the ECO's boarding the boat, the vessel's captain had been tipped off that the officers were waiting back at the dock for his boat to come into Sheepshead Bay. After a thorough inspection of the vessel, the ECO's still issued eight tickets to the captain, the corporation and one fisherman on board. The violations included out of season porgy, 31 undersized black sea bass, over the limit sea bass and dumping upon signal to stop.

### **Plum Beach Clammers (Kings County)**

On 13 June 2009, while on patrol in Queens ECO's Shea Mathis and Jared Woodin received a call from ECO Neil Stevens in Plum Beach. ECO Stevens informed the other two officers that he had witnessed multiple subjects taking clams illegally in Jamaica Bay. The group of illegal clammers scattered when ECO Stevens approached them. When ECO's Mathis and Woodin arrived, ECO Stevens had two of the clammers detained. Officers Mathis and Woodin retrieved four large bags full of clams and mussels from the beach. The two men were each issued summonses for possession of shellfish from uncertified waters, taking shellfish from uncertified waters and failure to obey a lawful order from a police officer.

### **Porgies Galore (Suffolk County)**

On June 13 June 2009, Region 1 ECO Kaitlin Grady was patrolling along the north shore of Brookhaven Township. Small porgies were schooling in the area and several complaints had been received of anglers keeping short fish. ECO Grady patrolled to a popular fishing spot, the jetties at Mt. Sinai Harbor, and observed four individuals fishing at the end of the west jetty. Through binoculars, the officer could see the subjects catching fish and keeping them in a white bucket stashed low in the rocks. Two of the subjects packed up their gear and walked back to shore. ECO Grady questioned the individuals, who stated they hadn't caught any fish and had none in their possession. The officer then approached the jetty with the two remaining subjects, who quickly packed up their belongings when they saw the officer draw near. The second two subjects also claimed they had not caught any fish. Officer Grady informed the subjects that she had been watching them and instructed them to retrieve the bucket full of fish at the end of the jetty. They complied and admitted to catching the contents of the bucket, which totaled sixty five porgies among the four individuals. Only nine fish in the bucket were of legal size. All four subjects were charged with taking over the limit and possessing undersized fish.

### **One Fish, Two Fish, Three Fish...Six Fish (Queens County)**

On 15 June 2009, Region 2 ECO's Matthew Clemens and Nathan Favreau were patrolling on Safeboat A4 with MEU Officer Jamie Powers in Jamaica Bay during a return trip from Tarrytown in Region 3. When approaching the shoreline in Jamaica Bay, MEU Officer Powers noticed a vessel beginning to leave the area. Upon closer

inspection, one individual started dumping fluke right in front of the three officers. Officer Powers repeatedly instructed the individual to stop dumping while ECO's Clemens and Favreau counted the fish being tossed behind the boat. After boarding the vessel, the two individuals admitted to catching six fluke all sized 16-18 inches and tossing the fish when the DLE Safeboat approached. The individual who dumped the fluke was issued three summonses while the captain was issued two summonses, for their actions that day.

### **I Bring Them Here To Get Cleaned (Suffolk County)**

Region 1 ECO Tom Gadomski and some of the other local ECO's had received information that a recreational fisherman had been selling his catch to restaurants in the Riverhead area. After a couple of weeks of surveillance, on 17 June 2009, with the weather and the fish cooperating, ECO Gadomski watched from a Long Island Sound bluff, as the fisherman trolled for striped bass. Just before sunset, the fisherman returned to the ramp. ECO Gadomski responded to a local restaurant that reportedly was purchasing the illegal fish and waited to see if the fisherman would show up. About an hour after returning to the ramp, the fisherman pulled into the parking lot of the Inn. ECO Gadomski watched as a green plastic tote of striped bass was taken from the bed of the truck and placed into a screened porch near the kitchen door. As the fisherman returned to his truck, ECO Gadomski approached and asked him about the fish. The fisherman claimed that he "just keeps the fish in the restaurant cooler." After further discussion, the fisherman said that he fishes with his wife one day, his daughter another day, and a friend on a third day, then when he accumulates a bunch of fish, he brings them to the restaurant to be cleaned. However, when asked what was really going on, the subject admitted to giving fish to local restaurants for free food and drink. Tickets were issued for taking over the legal limit of bass, illegally bartering, failing to possess a foodfish license and possessing untagged striped bass. Both the fisherman and the restaurant owner were ticketed.

### **Fish Wholesaler Without A Food Fish License (Queens County)**

On 19 June 2009, Region 2 ECO Christopher Lattimer was patrolling in Flushing when he noticed a seafood truck. Officer Lattimer stopped and spoke with the driver who stated that this was actually a wholesale fish supplier. ECO Lattimer then went inside to inspect the facility and found boxes of salmon, tuna, fluke and hybrid striped bass in the cooler. Upon further investigation, he found that the owner was operating this business without a valid NYS seafood shipper/dealer license. The appropriate summonses were issued and ECO Lattimer gave the owner all the information she needed to apply for her shipper/dealer license.

### **Double Time To Stop The Crime (Suffolk County)**

On 20 June 2009, at 11:30, Region 1 ECO's Kaitlin Grady and Josh Sulkey were patrolling a popular fishing spot near the Old Field Lighthouse. The ECO's observed several fishermen spread out along the beach. After watching the fishermen from the trail, the ECO's broke cover and went to see how much luck everybody was having. The officers could see that the first two fishermen had buckets near their fishing poles. The second fisherman grabbed his bucket as soon as he saw the ECO's. Unfortunately for the fisherman, the fish that he tried to dump never reached the water. He was in possession of four blackfish, whose season ended April 30. The defendant stated, "I got scared when I saw police, so I dumped them." He was issued a summons for possessing four out of season blackfish. The fish were still alive and were put back into the Long Island Sound.

### **Saving Fish With The Safe Boat (Queens County)**

On 20 June 2009, Region 2 ECO's Brent Wilson and Jared Woodin and MEU ECO Jamie Powers woke up early to patrol the Atlantic Ocean off the Rockaways. It wasn't long before they stumbled upon an old acquaintance. While approaching the vessel, ECO Powers was on the loud speaker conveying instructions to the vessel not to dump fish. The operator of the vessel ignored the commands and threw three striped bass overboard and he cut one of his lines after he was told to reel it in. Officer Wilson jumped on board the vessel while ECO's Powers and Woodin went back to retrieve the bass thrown overboard. Two of the three bass were alive and were released after being measured. There were three striped bass, three fluke and two bluefish left in the cooler on the vessel. After

receiving summonses, the captain was allowed to keep the two bluefish. The season for fluke was closed and he was over the limit on striped bass. The bass were also undersize.

## MISCELLANEOUS/SIGNIFICANT MEETINGS

### Area Maritime Security Committee

Captains Thumm and Huss participated in the June 10<sup>th</sup> Area Maritime Security Committee (AMSC) meeting at Danfords Inn in Port Jefferson. The meeting encompassed the available port security grants and upcoming security details on Long Island Sound.

### USCG Change of Command

On 22 June 2009, Region 1 Captain Tim Huss and MEU Captain Dorothy Thumm, Lts. Dallas Bengel, Blasing and MEU Lt. Billotto, along with ECO Mike Unger and MEU ECO Sean Reilly, attended the Change of Command ceremony for Chief Bob Milmo, who is departing US Coast Guard Station Jones Beach for Galveston, Texas. Chief Milmo has been an integral part of the Division of Law Enforcement's operation in the Marine District on the west end of Region 1 and will be sorely missed.

### I Fish NY (New York County)

On 22 May 2009, from 4:00 PM to 7:00 PM, ECO David Thomas attended an I Fish NY engagement at the 68<sup>th</sup> Street Pier in Manhattan. Eighteen children were in attendance, from 3<sup>rd</sup> graders to 6<sup>th</sup> graders. ECO Thomas introduced himself and fielded questions about conservation officers and the DEC. The young anglers were instructed on how to operate a rod and reel, as well as bait a hook and cast a line. ECO Thomas assisted individuals with tasks such as placing bait on hooks, casting and untangling mysteriously crossed lines. No fish were caught that day, but the children all seemed to enjoy themselves nonetheless.

### Advanced Boat School Training (Glynn County, GA)

MEU ECO Kevin Thomas attended the Federal Law Enforcement Training Center in Brunswick, Georgia for Marine Law Enforcement Training during the month of June. During the training, he received instruction on high speed pursuits, chart plotting and radar navigation, among many other aspects of being a marine unit officer. He worked with US Border Patrol and conservation officers from Texas, Georgia, California, South Carolina, Connecticut, Maryland, Virginia and Florida. The intense training lasted four weeks and concluded with a graduation ceremony.

### Montauk Blessing Of The Fleet

On 14 June 2009, MEU ECO Todd Smith and Lt. Joe Billotto and Region 1 ECO Liza Bobsiene operated the Safeboat A2. They assisted the USCG Station Montauk and East Hampton Town Harbormasters with security and safety patrol of the Annual Montauk Blessing of the Fleet.

TAD/acp

cc: Captain Thumm