

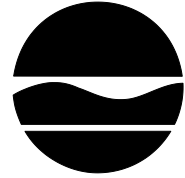
**New York State Department of Environmental Conservation
DIVISION OF LAW ENFORCEMENT**

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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 – August 2009
DATE: September 1, 2009

MARINE RESOURCES

Heaven Sent Arrest (Nassau County)

On 13 July 2009, Marine Enforcement Unit (MEU) ECO Sean Reilly, along with Nassau County DA Investigators, arrested William Smith after the completion of a year-long investigation. Mr. Smith was charged with two illegal commercialization felonies for the taking of uncertified surfclams and taking over the limit of surfclams. He was also charged with a misdemeanor for falsified shellfish tags. His parent's company, Ocean Fresh Sea Clam, was charged with three felonies for filing false trip reports to the Department.

Short Fluke (Suffolk County)

On 14 July 2009, MEU ECO Sean Reilly and Region 1 ECO Christopher Lagree were patrolling outside Fire Island Inlet on A5. They stopped a vessel that was returning from fishing offshore. An inspection of the vessel's live well revealed three fluke below the minimum size. ECO Lagree issued the owner of the vessel a ticket for possessing undersize fish.

A Busy Night At The Fulton Fish Market (Bronx County)

On 17 July 2009, MEU ECO's Jamie Powers and Kevin Thomas and Region 2 ECO Matthew Clemens teamed up for an inspection on the Fulton Fish Market. The officers' mission was to enforce requirements for the labeling of fish containers. Upon performing a detailed inspection at all of the units, the officers found several violations at 19 separate businesses. They issued a total of 23 summonses including shellfish violations, no shipper dealer license and several for failure to label fish containers.

TresBassing (Suffolk County)

On 25 July 2009, Region 1 ECO Kaitlin Grady was wrapping up a shift around 10:00 PM when she received a call from a US Fish & Wildlife Service inspector in the Town of Huntington who was watching a group of illegal fishermen in the Target Rock National Wildlife Refuge in Lloyd Harbor. Arriving at the scene, ECO Grady met two federal inspectors who had been observing six fishermen surfcasting on the shores of the park after hours. Officer Grady confronted the fishermen and found a total of five undersized striped bass hidden underneath rocks,

in shrubs on shore and concealed in a backpack, in addition to short porgies in a cooler. The officer issued summonses to all six subjects for possession of undersized striped bass and porgy. Federal trespass charges against the fishermen are pending.

Reporter Ride Along (Kings County)

On 25 July 2009, MEU Officers Jamie Powers and Kevin Thomas met up with Nathaniel Popper, a reporter writing a story on poaching in Jamaica Bay. The three met before sunrise, boarded ENCON Alpha 4 and headed toward Breezy Point. Once at the Point, the officers noticed a familiar face and vessel and decided to head toward that vessel. When they were pulling alongside the vessel, the fisherman tossed a dead striped bass into the water. The bass floated and the officers were able to retrieve it. The fisherman was issued three summonses. The officers and their guest then headed to Raritan Bay and boarded several more vessels, one of which contained nine undersized porgy. The appropriate summonses were issued and the crew then returned back to port. The reporter had his opportunity to see some of the unlawful activities that routinely occur in the area.

Sanitation Compliance (Suffolk County)

On 25 July 2009, MEU ECOs' Brian Farrish and Todd Smith and Region 1 ECO Liza Bobseine, along with East Hampton Bay Constable Dale Petruska, were on boat patrol on A2 in Sag Harbor. They were checking vessel compliance on sanitation devices and overboard discharges. All the vessels that were inspected were in compliance and no violations were found.

Hum-Dinghy (Suffolk County)

On 26 July 2009, Region 1 ECO Kaitlin Grady was on routine patrol when she received a tip about two boats in Setauket Harbor Inlet involved in some illegal fishing activity. Officer Grady responded to the area, from the concealment of tall grass, observed the two boats from shore for approximately two hours. The twelve subjects aboard the boats were reeling in numerous fish and putting them in buckets without first measuring anything. When the vessels finally pulled up anchor, the officer tracked them from land and intercepted them at the Port Jefferson boat rental area. ECO Joshua Ver Hague responded to assist ECO Grady with the inventory of the subjects' catch. Between the two boats there were 223 fish, 156 of which were unlawfully possessed. In all, 22 ECATs were issued to eleven subjects for undersized and out-of-season blackfish, undersized and over-the-limit porgy, and undersized fluke.

Small Boat/Smaller Fluke (Nassau County)

On 30 July 2009, while underway aboard a DEC patrol vessel, Region 1 ECO's Michael Unger and Matthew Garrigan were conducting recreational fishing checks on many boats engaged in fluke fishing in Sloop Channel, between the Meadowbrook and Wantagh Parkway Bridges. A sixteen foot aluminum fishing boat was spotted drifting with the tide eastward towards the drawbridge. Three fishermen aboard the boat acknowledge they had caught a few fluke earlier in the day. They stated they thought the legal size for fluke was supposed to be nineteen inches. Upon further inspection, they were found to be in possession of six undersize fluke, ranging from twelve to eighteen inches. Tickets were issued accordingly.

Long Island Sound (Suffolk County)

On 01 August 2009, MEU ECO Brian Farrish and Region 1 ECO Jeremy Eastwood were on boat patrol on Long Island Sound checking compliance for recreational fish size limits and navigation equipment. Fishermen on several vessels were cited for undersize porgy and over the limit porgy. Three vessel's voyages were terminated and the operators cited for PFD violations. The vessel patrol produced 12 tickets and several verbal warnings.

Charter Boat Busted (Kings County)

On 08 August 2009, while patrolling in Sheepshead Bay, Brooklyn aboard the MEU A5 SafeBoat with

MEU ECO Sean Reilly, ECO Dustin Dainack and crew observed the party fishing boat “Jet” coming in from sea. The SafeBoat boat moved to intercept the party boat for an inspection. When the captain of the "Jet" was instructed to bring the engines down to neutral, he refused, saying he had a medical issue and was late for a wedding among other things. The crew of the A5, consisting of Region 2 ECO's Dainack, Alan Brassard, Matthew Nichols and MEU ECO Sean Reilly boarded the moving vessel as ECO's David Thomas and Matthew Clemens kept A5 nearby. Once aboard the "Jet", the boarding crew broke up into two groups. One group attempted to verify and assist if needed with the alleged medical emergency while another group started to inspect the boat. After determining that there was no medical emergency, the boarding teams completed their inspection of the vessel. The ECO's discovered a myriad of undersize black sea bass, porgy and fluke hidden among the coolers and buckets of the 15 people on board. ECO's Dainack and Clemens issued six summonses in all to the owners of the undersize fish.

Sushi Charters Come To An End In Montauk (Suffolk County)

The Division of Law Enforcement conducted a plainclothes detail on two party-charter vessels sailing from Montauk on Sunday, 09 August 2009. The two vessels, the Marlin Princess VI and the Miss Montauk, had been under suspicion for some time for allowing passengers to take and eat undersized fluke while at sea. Two plainclothes officers on each vessel set sail at 7:00 in the morning and spent the day fishing in Block Island Sound off Montauk Point. Both sets of officers observed extensive violations of the Environmental Conservation Law (ECL) being committed by passengers, captains and crew. These violations were communicated to uniformed officers who were standing by when the boats returned to port. The Miss Montauk received a total of 26 summonses and the Marlin Princess received 27. Over 60 illegal fluke were seized. Citations issued to passengers included: taking over-the-limit of fluke; taking undersized fluke; mutilating fluke carcasses and discarding fluke racks. The two boat captains, Mr. Jamie Quaresimo of the Miss Montauk and Mr. Edward Beneduci of the Marlin Princess, received summonses for permitting all of these violations to occur and for incorrect and incomplete trip reports. Mr. Beneduci was also cited for operating with an unsecured marine sanitation device, as the Marlin Princess' sewage discharge was locked open, permitting human waste to flow directly into the waters of the State. This detail was successful in exposing flagrant violations of the ECL. It was conducted with joint participation by Regional and Marine Unit Officers, including one Region 2 ECO. US Coast Guard personnel assisted with the uniform boarding and inspection at the docks.

Undersized Fluke (Kings County)

While on boat patrol on 11 August 2009, MEU ECO Jamie Powers and Region 2 ECO's Shea Mathis, Matthew Krug and Nathan Favreau checked several fishing vessels in the Lower New York Harbor. Throughout the boat patrol, the officers boarded fishing vessels and found more than 40 undersized fluke. By the end of the patrol, the officers had issued 20 summonses including charges of : possession of undersized fluke; possession of mutilated fluke and possession of over-the-limit of fluke.

Not Just A Fluke (Queens County)

On 11 August 2009, Region 2 ECO's Shea Mathis, Matthew Krug, and Nathan Favreau and MEU ECO Jamie Powers were on boat patrol near East Bank off Rockaway Point. While conducting an inspection of a recreational fishing vessel, ECO Mathis asked if the fishermen had any luck. The two individuals claimed that they hadn't caught anything that day. Strips of fluke on a cutting board indicated otherwise. After a search of the vessel, ECO Mathis discovered six short fluke hidden in a bucket. The fishermen received three summonses each for possession of undersized fluke, possession of fluke in excess of bag limit and possession of mutilated fluke. This was just the first of several vessels that were issued summonses for fluke violations during the patrol that day.

The Small Ones Taste Better (Suffolk County)

During the evenings of 13, 14 and 15 August 2009, Region 1 ECO's Joshua Sulkey and Joshua Wolgast patrolled

Sunken Meadow State Park and checked fishermen and their catches. One group of fishermen was found to have 37 over-the-limit of porgy, as well as possessing 62 undersize porgy. When asked why they were keeping such small fish, they simply stated, "The small ones taste better." Several other fishermen tried to hide the short fish from the officers. One group put their short fish in a bucket placed inside another bucket wedged between the rocks. Another group used a second and smaller cooler that was placed farther back in their truck to try and hide the small fish. They claimed that the smaller cooler contained only bait, but upon inspection of it, there were short porgies. In total, 12 summonses were issued for undersize porgies, 4 summonses were written for possessing in excess of the bag limit of porgy and four summonses were issued for the possession of undersize fluke. The largest fluke in the catch measured 14 inches.

Boat Patrol (Queens County)

On 18 August 2009, Region 2 ECO's Eric Dowling, Nathan Favreau, and Jared Woodin and MEU ECO Jamie Powers were on boat patrol in the Atlantic Ocean just off the Rockaways. After boarding several fishing boats and finding no violations, the crew was ready to turn in for the day. Then, the crew spotted a man fishing by himself aboard a small vessel and decided one last check might be a good idea. Upon boarding the vessel and questioning the man, the officers discovered several violations. The man was in possession of two short and out-of-season fluke, several undersized scup and several short black sea bass. The ECO's issued four summonses to the fisherman.

A Busy Marine Fisheries Patrol (Suffolk County)

On 19 August 2009, Region 1 ECO's Tom Gadomski, Alena Lawston and Rich Maggio conducted a boat patrol on Long Island Sound, including the areas of the Gut and Race in Gardiners Bay and Block Island Sound. The boat patrol began at Mattituck Creek, where ECOs Gadomski and Maggio checked a party boat that had just returned to the dock. ECOs Gadomski and Maggio checked the fares as they left the boat and found fillets that the fares said were large porgy fillets. After the officers determined that they were, in fact, striped bass fillets, they asked the captain of the party boat to see the carcasses from the bass fillets. The captain could not produce the carcasses and ECO Gadomski issued a summons for failure to retain the carcasses as required.

Clams From Holland (Queens County)

On 31 August 2009, Region 2 ECO Doreen Lum was dispatched by Lt. John Fitzpatrick to investigate a complaint of illegal shellfish coming from a customs brokerage doing business at JFK Airport. During the course of her investigation, it was revealed that fresh fish and shellfish were imported weekly by the consignee, who does business with New York City restaurants. When questioned, this individual stated that he was not aware that he needed DEC permits to import foodfish, crustaceans and shellfish. Three summonses were issued for importing shellfish from an unapproved source country, no foodfish/crustacea dealers and shippers license and no shellfish shippers and processors permit.

MISCELLANEOUS/SIGNIFICANT MEETINGS

National VMS Conference

From 27 - 29 July 2009, Captain Dorothy Thumm attended the NOAA National Marine Fisheries National (NMFS) VMS (Vessel Monitoring System) Conference in Leesburg Virginia. This conference was attended by over 100 NMFS staff, NMFS contractors and state marine resource law enforcement officers. The officers are from states that are Joint Enforcement Agreement Partners. Many issues regarding the function, application and access for the new VMS program were discussed, some with hopeful resolution and others remaining open for further discussion. A Vessel Monitoring System monitors the location and activities of fishing vessels through satellite tracking. The new contractors for the software were at the conference and were given quite a rundown of the perceived pros and cons of their program by all of the interested parties.

Oyster Restoration (New York)

On 11 August 2009, Steve Zahn, Region 2 Natural Resources head, and Captain Ron Stabak attended the Oyster Restoration Committee meeting held at the Hudson River Foundation in Manhattan.

Hudson River Paddle (New York County)

On 17 August 2009, MEU ECO's Jamie Powers and Kevin Thomas and Region 2 ECO Matthew Krug participated in the security and safety detail for the Hudson River Paddle on the Hudson River. Aboard ENCON ALPHA 4, the officers provided an escort to the kayakers from Yonkers to Pier 92 in Manhattan.

Farewell To Todd Smith – See You Soon

On 19 August 2009, a farewell luncheon was given for MEU ECO Todd Smith. He is leaving DEC's Division of Law Enforcement after more than nine years to assume a new job with the National Marine Fisheries Service. After he completes his training for NMFS, he will be assigned to the eastern Suffolk office, from which he will continue to work with MEU and regional enforcement staff.

TAD/acp

cc: Captain Thumm