

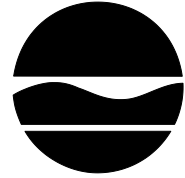
**New York State Department of Environmental Conservation  
DIVISION OF LAW ENFORCEMENT**

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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 – September 2009  
**DATE:** October 1, 2009

**MARINE RESOURCES**

**A Busy Few Weeks At The Captree State Park Docks (Suffolk County)**

During the summer months, Captree State Park docks are filled with sportsmen and families alike, looking to harvest some of New York State's marine resources. With an abundance of fish and crustaceans in the Great South Bay, and large docks filled with people, Captree State Park is a priority for ECO Tim Fay's patrol. During the months of August and September, 2009, Officer Fay inspected the Captree docks frequently, and at varying times to ensure that people were complying with the regulations. During the inspections, patrons were educated about the provisions of New York State's Environmental Conservation Law, concerning marine wildlife, with an emphasis on size and creel limits. While most patrons only needed a little guidance, some needed warnings and others required tickets. During the last week of July and the first week of September, ECO Fay issued over 15 ECAT's for violations involving blue crabs (undersized and in spawn), fluke (undersized and out-of-season), sea bass (undersized), snappers (in excess of limit) and one vehicle and traffic ticket for reckless driving. With the fall fishing season almost here, Captree State Park's priority will remain high; inspections during all hours of the day and night will continue.

**Shellfish Violation Settled (Suffolk County)**

On 08 July 2009, with the assistance from the Riverhead Police Department, a Riverhead man was apprehended by Region 1 ECO Jeremy Eastwood taking chowder-size hard clams from uncertified waters just east of Meetinghouse Creek Road in the Town of Riverhead. The digger was found in possession of over 550 chowder clams that had been loaded into his white Ford van. He admitted to digging in the area, and stated that he was unaware that shell fishing was closed, or that he needed a commercial license to take the amount shellfish that he possessed. The illegal digger appeared in the Riverhead justice court on 26 August 2009 to answer to the charges. He pled guilty to the misdemeanor taking shellfish from uncertified waters and paid a \$500 fine.

**Uncertified Labor Day (Suffolk County)**

About 3:00 pm on 30 August 2009, Region One ECO Joshua Ver Hague received a call from Sgt. Patrick Gilligan of the Smithtown Bay Constables office regarding two people digging for oysters in the Nissequogue River. By 3:55 pm, Officer Ver Hague arrived to find Bay Constable Sgt. Gilligan and Sgt. Nick Balducci with one suspect

they had stopped at the San Remo boat ramp. The suspect admitted to taking shellfish from the Nissequogue River. Additionally, Sgt. Gilligan had observed him and another white male taking shellfish from the uncertified waters of the Nissequogue River. As ECO VerHague was processing the suspect for the state offenses, the Bay Constables discovered two bags and one five-gallon bucket full of oysters. In spite of the subject's protestations that the oysters were for "a big Labor Day Party" he was having, he received two summonses for taking shellfish from uncertified waters and failing to possess a shellfish diggers permit. Additionally, Sgt. Gilligan issued two Town shellfish summonses for the unlawful clamming.

#### **North Shore Beaches (Suffolk County)**

On 30 August 2009, MEU ECO Brian Farrish and Region 1 ECO Jeremy Eastwood were on patrol on the North Shore of Long Island checking recreational fishermen for fish size compliance. They cited several fishermen for undersize scup, over-the-limit scup, out-of-season blackfish and undersize black sea bass. Later that day, as the officers walked towards a group of fishermen on the beach, a fisherman just to the west of them got up and headed into the brush and up a path towards some houses carrying a bucket full of fish. Officer Farrish followed him up the path and along the way and found two bags of scup that had just been scaled and gutted lying in the woods. Officer Farrish grabbed the two bags and continued up the path towards the houses. The officer saw homeowners outside and asked them if they saw anyone carrying a bucket. They replied, "Yes, he lives right over there". Officer Farrish tracked him down and found the individual carrying the bucket of fish through his yard. The fishermen was cited for 37 undersize scup and admitted to ditching the two bags of fish in the brush.

#### **Scuba Clammer (Kings County)**

In the early morning hours of 30 August 2009, Region 2 ECO's Matthew Nichols and Dustin Dainack received word from the National Park Service Police that they had an individual in custody who had been clamming in New York City waters. The ECO's responded to the Park Police barracks located at Floyd Bennett Field. Upon their arrival, they were very surprised at what they found. The individual in custody had been scuba diving, with an abundance of gear, and collecting clams in the Fresh Creek Basin. The individual was found to be in possession of over 800 clams with the intention of selling them. The individual said he's been in the business of selling clams for over 30 years and that the illegality of taking clams from New York City waters was, "...up for debate"! Needless to say, the individual was issued three tickets and released on his own recognizance.

#### **Illegal Pots (Kings County)**

On 02 September 2009, MEU officers Jamie Powers and Kevin Thomas and Region 2 ECO Matthew Krug responded to a complaint that Officer Powers had received regarding unmarked (and thus illegal) fish pots. The complainant, who happens to be a diver, told Officer Powers that he had found several suspicious-looking pots near a reef off Manhattan Beach in Brooklyn. Aboard ENCON ALPHA 4, the officers met the complainant on the water where the diver had already found a line. He handed the line to the officers. They hooked the line to a davit and pulled up 5 pots containing several blackfish. Shortly afterwards, the diver once again came up to the surface with another line. Attached to this line, the officers found an additional 9 fish pots containing blackfish. None of the pots were legal due to the fact they were not labeled or marked and did not contain rust away rings. At the end of the day, the ECO's released 133 live blackfish and seized the 14 illegal pots.

#### **A Trunk Full of Trouble (Suffolk County)**

On 03 September 2009, Region One ECO Kaitlin Grady received a tip about a fisherman in the Village of Old Field keeping undersized porgies. ECO Grady responded to the Old Field lighthouse with Lt. Dallas Bengel and surveyed the area from the bluffs. They spotted the described subject and observed him take a bag of fish from a stringer in the Long Island Sound and empty it into a bucket. The subject then hid the bucket in some brush up higher on shore. When the officers confronted the subject, he said he had no fish and claimed he didn't speak English. He changed his story when the officers found the fish he had hidden. The subject admitted to ECO

Grady that he had caught the fish and also had several more friends who were fishing farther down the beach. ECO Grady took the subject back to his vehicle to inventory the illegal catch and search the vehicle. Lt. Bengel and ECO Grady then checked several more fishermen along the beach. One subject attempted to hide a plastic bag containing short porgies when he spotted Lt. Bengel on shore. A further search of the subject's vehicle produced one short black sea bass, and 20 out-of season and undersized blackfish concealed in the trunk. In all, four subjects were issued nine tickets for 27 porgy, 20 blackfish and 1 sea bass.

### **Trouble At The Point (Bronx County)**

On 03 September 2009, and continuing into the early morning hours of September 4<sup>th</sup>, the Division of Law Enforcement's Region 2 organized and carried out a compliance check of the Fulton Fish Market in Hunts Point. The officers present were Region 2 ECO's Eric Dowling, Timothy Machnica, Jennifer Okonuk, George Scheer, Gregory Maneeley, Shea Mathis, and Matthew Baker, and MEU ECOs Kevin Thomas, Jamie Powers and Brian Farrish. Lt. Todd Richards was the supervisor in charge. The entire market was inspected inside and out for a wide variety of ECL violations. In total, 12 violations were written to various units in the market. The detail was important because the wholesalers in the market must comply with all regulations set forth in the ECL and 6NYCRR. Their compliance will help in the conservation of the State's marine resources.

### **Follow Up (Bronx County)**

After discovering during the compliance check described above indications of short lobsters that were coming from out-of-state into the Fulton Fish Market, MEU ECO Kevin Thomas and Region 2 ECO's Matthew Clemens and Shea Mathis returned to the market on September 9<sup>th</sup> for another inspection. The officers located the same type of boxes with lobsters in them and took measurements. A total of 30 undersized lobsters were found at two places of businesses and the appropriate tickets were issued.

### **Fishing Holiday (Nassau County)**

On Labor Day, MEU ECO Sean Reilly and Region 1 ECO's Eric Dalecki and Michael Unger patrolled Long Island Sound on the 25' Mako. During the patrol, numerous fishermen between Eatons Neck and City Island were checked. When one vessel was approached and its occupants were asked how many porgies they had, the reply was, "A few". After the boarding, 76 porgies were found, only 11 of which above the minimum size. The boat had five fishermen, so the 76 fish included 26 fish over the daily limit for porgy of 10 fish per angler. Each fisherman was issued two tickets. When the patrol was complete, 18 tickets had been issued and over 200 porgy seized and released.

### **The Hidden Cooler Trick (Suffolk County)**

On 07 September 2009, Region One ECO Tom Gadomski was following up on a complaint of illegal dumping and non-permitted activity at the DEC Oyster Ponds access site in Orient. No access site violations were found but there were several groups of fishermen on the beach. As Officer Gadomski checked the fishermen, he found most of them had caught five or six scup each. However, one fisherman denied catching any fish. After a closer look, ECO Gadomski noticed that the sand didn't look right in one spot on the beach near the fishless fisherman. ECO Gadomski moved the sand with his foot to find the top of a cooler that had been buried just under the sand. When the fisherman caught a fish he wanted to conceal he would sweep away the sand, open the cooler, place the fish inside, close the cooler and cover the top with sand again. Clever, but not quite clever enough. The fisherman received a summons for possession of six undersized scup.

### **I Did Not Know They Were Short!! (Queens County)**

On 10 September 2009, at approximately 7:00pm, Region 2 ECO Christopher Lattimer patrolled to the Beach 9 Jetty in Far Rockaway. He watched two men fishing on the beach and saw one of the men catch and retain a short black sea bass and put it in his bucket. ECO Lattimer approached the individuals and found them to be in possession of 9 short black sea bass and four short porgies. The gentlemen stated to Officer Lattimer that they

thought the fish were legal. Appropriate summonses were issued by ECO Lattimer and the fish were released.

#### MISCELLANEOUS/SIGNIFICANT MEETINGS

##### **JEA-Old Lyme, Connecticut**

On 09 September 2009, Lt. Joe Billotto and Capt. Dorothy Thumm attended a JEA District Meeting at the headquarters of the Connecticut Department of Environmental Protection Marine Unit. Representatives from New York, Connecticut, Rhode Island and Massachusetts were there. NMFS officials went over requirements, priorities and expectations concerning the new contract.

TAD/acp

cc: Captain Thumm