

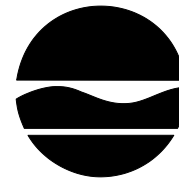
**New York State Department of Environmental Conservation
DIVISION OF LAW ENFORCEMENT**

Southern District Office

100 Hillside Avenue, Suite 1W, White Plains, NY 10603-2860

Phone: (914) 428-2505 ext. 2 § FAX: (914) 428-2349

Website: www.dec.ny.gov



M E M O R A N D U M

TO: Marine Resource Advisory Council
FROM: Major Timothy A. Duffy
RE: SDO MRAC Report – January 2010
DATE: February 1, 2010

MARINE RESOURCES

Holiday Harvest On The Nissequogue River (Suffolk County)

Beginning in late November, Marine Enforcement Unit (MEU) and Region One officers spent numerous hours monitoring the Nissequogue River, looking for illegal diggers taking oysters. Several complaints had surfaced indicating that certain diggers might be selling oysters from the river, the waters of which have been uncertified for shellfish harvest for many years. This effort entailed a number of all-night details in frigid weather. MEU ECO's Brian Farrish and Rich Maggio were finishing up their early morning river patrols on 23 December 2009 when they observed two men, Gary Beaulieu and Rafael Urbina, with spackle buckets at the water's edge. After assuring the officers that this was their first time shellfishing on the river and that they only took them for personal use, they politely accepted their summonses for taking oysters from uncertified waters, taking undersized oysters and taking shellfish without a digger's permit.

F/V "Long Runner" Runners (Kings County)

While on boat patrol on 18 December 2009, MEU ECO's Jamie Powers and George Scheer and Region 2 ECO Jared Woodin received a call stating that there were going to be a few vessels coming in from offshore with over-the-limit tautog. The caller stated that the vessels would be entering Jamaica Bay shortly after dark. The officers, who were pulling lobster gear in the Long Island Sound, immediately headed toward Jamaica Bay. Shortly after the officers arrived in Jamaica Bay, the vessels started to pour in. The first three vessels boarded were all in compliance. As the fourth vessel, "Long Runner", rounded Breezy Point, Officer Powers immediately got behind the vessel and started to pull alongside it. The officers saw two individuals start to run toward the back of the vessel. Over the hailer, Officer Powers announced to the vessel not to throw anything overboard. The two individuals then proceeded to dump tautog and weighted mesh bags overboard. Officer Powers then transferred Officers Scheer and Woodin to the "Long Runner".

After a thorough inspection of the vessel, the ECO's determined that six of the passengers onboard had paid a total of \$500.00 to charter the vessel. The vessel captain did not possess a party/charter operators permit. On board the vessel, the officers found those on the boat to be in possession of cod, ling, sea bass and three tautog over-the-limit. The captain and two mates received a total of 10 summonses.

Blackfish Enforcement (Nassau County)

On 31 December 2009, MEU Officer Sean Reilly received a call from Hempstead Bay Constable Matt Sohm. He was following a vessel that had come in through Jones Inlet and had numerous blackfish onboard. ECO Reilly confirmed that the owner of the vessel did not have a state commercial foodfish license. ECO Reilly assisted Constable Sohm. The owner of the vessel, Scot Riemer, was charged with possessing 59 tautog out-of-season, possessing 36 undersize tautog and not having a foodfish license. He plead guilty to 2 of the 3 charges in First District Court in Nassau and paid a \$ 1,000.00 fine.

Hidden Fish (Nassau County)

On 13 January 2010, US Coast Guard Station Jones Beach asked MEU Officer Sean Reilly to assist them with the boarding of the F/V Jordans Freedom. There had been reports that the crew had been concealing illegal catch in a compartment under the deck. A vessel from Station Jones Beach followed the Jordans Freedom in through Jones Inlet. ECO Reilly and a Coast Guard boarding team conducted an inspection at Pt Lookout Fish Dock. Officer Reilly observed 340 lbs. of shucked sea scallops and monkfish tails in baskets. He asked the crew and then the captain if there were any other fish on board. While ECO Reilly was interviewing the captain and checking permits, P.O. Sebastiao found three baskets of fish hidden in an old water tank near the compartment containing the rudder controls. ECO Reilly went into the area below deck and photographed the fish in place and identified the species. He then confronted the captain of the vessel about the fish. The captain acknowledged that he knew the fish were there and that he did not have permits for those species. ECO Reilly sorted the fish and weighed the species individually. There were 113 pounds of fish consisting of 35 lbs. of fluke, 65 lbs. of yellowtail flounder, 10 lbs. of winter flounder and 3 lbs. of grey sole. ECO Reilly issued George Brown tickets for possessing fluke without a State summer flounder permit and for failing to complete a Vessel Trip Report (VTR) with all species listed. ECO Reilly found violations of federal fisheries law for possessing fluke without a permit, possessing the flounder species without a NE Multispecies Permit and failure to list all fish on the VTR. ECO Reilly referred the violations of federal fisheries law to the National Marine Fisheries Services Special Agents Smith and Truong.

MISCELLANEOUS

Crab Case Settled

On 25 January 2010, Region 1 Captain Tim Huss and ECO Dustin Oliver were called to court to testify at a trial of a subject apprehended on Veteran's Day during a routine boat patrol. He had been charged with possessing 80 blue claw crabs without a commercial permit and possessing 39 undersized crabs. The subject was known to the officers as the owner of a restaurant and had been previously apprehended for illegal possession of tuna that was going to the restaurant, so there was concern this case had a commercial component to it. After seeing the officers in court, the subject thought better of his idea for a trial and agreed to settle the two violations for a total of \$350.00 in fines plus the surcharge fees.

MRAC Meeting (Suffolk County)

On 12 January 2010, Region 1 Captain Tim Huss attended the meeting of the Marine Resource Advisory Council At which he received several compliments for the work of Region One on some significant marine cases successfully investigated by the Region in 2009. Highlights of the meeting included lively discussions on the saltwater license and marine fish season/creel limit issues.

TAD/acp

cc Major Kaufman
Captain Thumm