

TO: Marine Resource Advisory Council  
FROM: Major Timothy A. Duffy  
RE: NYSDEC Marine Enforcement Report-August 2011  
DATE: September 15, 2011

## MARINE RESOURCES

### **Marine Mammal Stranding (Suffolk County)**

On July 23, 2011, MEU Lt. Joe Billotto was notified by East Hampton Town Chief Harbormaster Ed Michels that a live juvenile sperm whale was stranded on the beach by the Ditch Plains Trailer park in Montauk. Chief Michels and East Hampton Police Chief Ed Ecker requested DEC assistance to secure the scene and for crowd control. Their departments were short-handed due to several major on-going events they were providing police support for. MEU Lt. Joe Billotto and MEU ECO Rich Maggio responded to the scene. The New York State Marine Mammal Stranding Response Team was on scene and determined that to try to euthanize the whale was too risky due to the surf, the rocky location and the size of the animal. At about 1415 hours, the whale did expire. The Town made arrangements, with a local contractor with heavy earth moving equipment, to remove the animal to the East Hampton Town recycling Center in Montauk, where the Riverhead Foundation would perform a necropsy.

### **A Busy Summer At The North Channel Bridge (Queens County)**

Fishermen at the North Channel Bridge have kept ECOs Shea Mathis and Chris Lattimer especially busy during the months of July and August 2011. During that time, the ECOs issued forty-seven criminal summonses for recreational fishing, blue crab and shellfish violations. The majority of the illegal catch came from individuals seine and cast-netting below the bridge. The charges included possession of undersized blue crab, possession over the daily limit of blue crabs, possession of undersized fluke and possession of undersized winter flounder, possession of undersized striped bass, netting striped bass in Jamaica Bay, taking shellfish from uncertified waters and taking shellfish at night. The most notable case involved ECOs Mathis and Lattimer responding to a tip from a reliable complainant that individuals were taking undersized blue crab under the North Channel Bridge around noon on July 24th. The ECOs found three individuals using seine-netting below the bridge. An inspection of the fishermen's catch revealed them to be in possession of hundreds of blue crab, many of which appeared undersized. ECO Kevin Thomas responded to assist with processing the evidence. The fishermen were found to be in possession of 754 undersized Blue Crab, had 889 Blue Crab over the daily limit and possessed 34 undersized flounder and undersized striped bass. The fishermen were issued fifteen summonses and face thousands of dollars in fines in Queens Criminal Court.

### **Overnight Enforcement – Violators Caught Completely Off Guard (Kings County)**

After receiving several complaints of overnight illegal blue claw crab harvest and illegal clamming in the Sheepshead Bay Area of Brooklyn, Officer Neil Stevens organized a detail to curb the poaching problem. On the night of July 27th and into the early morning hours of July 28<sup>th</sup> 2011, MEU Officers Jamie Powers and Kevin Thomas posed as fisherman for the overnight detail and reported violations to uniformed Officers Stevens and Alan Brassard. The undercover MEU Officers were able to lead the uniformed Officers to over twenty violations. While the plain clothes Officers patrolled Plum Beach in Jamaica Bay, several dozen head lamps were observed in the water. The Officers knew it was prime time for clamming as the tide had turned and was coming back in, pushing the individual in the water toward shore. Officers Powers and Thomas kept a close eye as the individuals waded their way to shore with their gear. The uniformed Officers waited in the dark of the night until the individuals from the water made their way across the shore and toward their cars. Then as the fishermen approached their cars, they were intercepted by the uniformed Officers and inspected. The set up was a success as the Officers wrote 21 summonses consisting of 12 misdemeanors and 9 violations. Charges included the possession and taking of shellfish from uncertified waters, taking shellfish at night, placing a clam rake in uncertified waters, dumping upon signal to stop, possession of undersized blue claw crabs and possession of crabs in spawn. The defendants are to be arraigned in Brooklyn Criminal Court in October.

### **Whelk Problem (Suffolk County)**

On July 28, 2011, MEU ECO Brian Farrish and Region 1 ECOs Jeremy Eastwood and Kaitlin Grady were on boat patrol on vessel A4 in the LI Sound surveying the increased commercial activity related to high demand for whelk. Boardings of several commercial whelk fishermen were conducted in the area. On one vessel, the commercial fisherman was found to be in possession of four totes of whelk and no whelk permit. The Officers issued the commercial fisherman a ticket for not having a valid NY commercial whelk permit and the whelk was dumped back into the waters of the State. The wholesale price of whelk has substantially increased, creating a much higher demand for it. Most is sold through export to Asia and some is sold in local markets. Where “lobster wars” have been prevalent, it is now quite possible that “ConchWars” may crop up as those who get possessive over their fishing area when others get too close, begin to react.

### **Illegal Crabs (Queens County)**

On July 29, 2011, a call came into the regional office stating that an individual was taking undersized Blue Claw Crabs at the North Channel Bridge in Howard Beach. Region 2 Officers Shea Mathis, Jared Woodin and MEU ECO Jamie Powers responded to the scene. After checking several individuals in the area, the officers found four individuals in possession of 68 undersized Blue Claw Crabs and one, two- inch Winter Flounder. They also found one fisherman in possession of 41 undersized Blue Claw Crabs, one individual in possession of 23 undersized Blue Claw Crabs and another group with 15 undersized Blue Claw Crabs. When all checks completed, the officers had issued eight summonses and two written warnings. All of the illegal Crabs were returned to the water alive.

### **Tuna (Suffolk County)**

On August 11, 2011, MEU ECOs Brian Farrish and Sean Reilly responded to Hampton Bays on a complaint for an illegal sale of a Big Eye Tuna. Upon arrival at the Seafood Market, the Officers asked the manager if any local caught tuna had been purchased or sold this morning. The manager informed the Officers that a Big Eye Tuna did come in this morning and it was

still in the walk-in cooler. The Officers gathered all the paperwork and information and called the fisherman who sold the seafood market the fish. It turned out that the vessel the fish was caught on has no HMS permit for tuna and no NY food fish or landing license. The commercial value of the 167 pound fish puts charges at the misdemeanor level. The fisherman faces several charges both State and Federal, along with the seafood market that bought the tuna.

### **Busy Boat Patrol (Atlantic Ocean)**

While on boat patrol August 13, 2011, MEU ECOs Jamie Powers, Kevin Thomas and Region 2 ECO Jennifer Okonuk, had their hands full measuring undersized fish. The ECOs began their day boarding a vessel approximately three miles off shore fishing on the Rockaway Reef. Upon completion of the first boarding, the officers found one undersized Fluke and 25 undersized Black Sea Bass hidden in the bow of the vessel. Later in the day, they boarded another vessel and found another 12 undersized Black Sea Bass and two undersized Fluke. Towards the end of their shift, the ECOs decided to board one more vessel on the way into port. On this vessel the officers found 82 Porgy (42 over the legal bag limit and 3 undersized), three undersized Black Sea Bass and three undersized Fluke. By the end of the patrol tour, the ECOs issued a total of twelve summonses and seized over 80 illegal fish.

### **“Undersized, Out Of Season And Out Of Luck” (Queens County)**

On August 16, 2011, MEU ECOs George Scheer and Jamie Powers were on patrol in plain clothes checking fishermen in Jamaica Bay. During their patrol, ECO Powers found four men cast netting for bait and taking Blue Claw Crabs underneath a bridge. The ECOs checked the men to find that they were using their cast net to take Blackfish, which were all undersized and out of season. The Blackfish were all between four and six inches total length (legal Blackfish measure at 14 inches and greater). The four men also had a bucketful of undersized Blue Claw Crabs, measuring less than four and one-half inches. The ECOs were able to save and release 22 live Blackfish and 43 Blue Claw Crabs back into the water. The four men were issued summonses for “Possession of Undersized Blackfish”, “Possession of Undersized Blue Claw Crabs”, Taking Blackfish out of Season” and Fishing without a Recreational Marine Fishing Registry”. In total, 12 summonses were issued.

### **Commercial Dragger Detail (Suffolk County)**

On August 17, 2011 Lt. Dallas Bengel organized a detail between Region One DLE and the MEU to conduct at-sea compliance inspections on the commercial trawler fleet in Suffolk County. Boat patrols were assigned to cover the vicinities at Shinnecock, Moriches and Fire Island Inlets, as well as Long Island Sound in the vicinity of Mt Sinai. Of the eleven trawlers boarded, ten were found to be in compliance. One, the Fishing Vessel Mattie & Maren, out of Rhode Island, was issued two summonses for failing to possess a NYS food fish permit and failing to possess a NYS fluke permit, when they were found to be fishing in New York waters and in possession of approximately 12,000 pounds of squid and 100 pounds of fluke. This potential felony is now being investigated by the MEU and NMFS. Recreational checks during the detail resulted in one summons issued for insufficient PFDs, one for overlimit fluke, two for undersized fluke and one for out of season blackfish.



#### **Not So Sharp-Shooter (Suffolk County)**

On August 17, 2011 Lt. Frank Carbone and ECOs Jeremy Eastwood and Don Damrath were patrolling the waters of the Town of Southampton when ECO Eastwood observed a trail of bubbles emerging from the deeper waters of the channel near the old Ponquogue Bridge. Knowing this area is a favorite fishing grounds for spear fishermen, many of whom shoot whatever they see regardless of regulations; the officers followed the bubbles for a while. The bubbles led them to shore, where the officers observed a scuba diver with a bag of fish attached to his belt. When the diver surfaced and removed his mask to see three ECOs in a boat smiling at him, the surprised look on his face told the officers they might have made the catch of the day. Despite his initial attempts to conceal his catch, the diver was issued a summons for taking blackfish out of season, admitting that he usually shoots any fish that swims by.

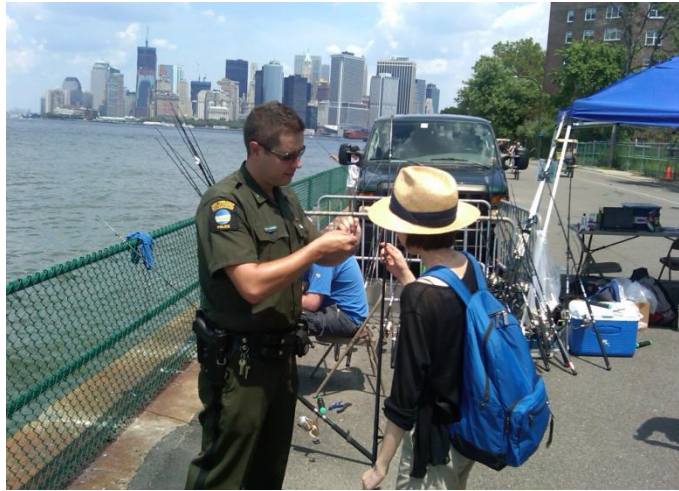
#### **Poaching At The Restaurant (New York County)**

After a hard day of work in the Region 2 office, ECO Brent Wilson had just returned to his home headquarters when his phone rang. It was Lt. Bernie Rivers passing on information that was received from an informant about illegal Striped Bass. ECO Wilson learned that ESCA, an upscale restaurant on the Westside in Midtown Manhattan was selling Striped Bass Fillets that head chef Dave Pasternak had caught himself on his boat in the Long Island Sound. When ECO Wilson arrived at ESCA, he went straight to the kitchen knowing that if they had time the workers would hide the Striped Bass. Almost a year after the restaurant had been convicted for doing the same thing, ECO Wilson was able to find 19 Striped Bass fillets being sold for \$35 apiece. In an attempt to cover up the Striped Bass, the restaurant was selling it under the name 'Rock Fish' on the menu. ESCA has been charged with three misdemeanors for illegal commercialization of Striped Bass and is due in court this fall.

#### **MISCELLANEOUS/MEETINGS**

### **City Of Water Day I Fish NY Outreach (New York County)**

On July 16, 2011, ECO Dustin Dainack participated in the DEC sponsored “I Fish NY” program at the annual City of Water Day Festival on Governor’s Island. ECO Dainack along with Regional Fisheries Manager Melissa Cohen and several program aides from the I Fish NY program, taught approximately 175 people of all ages the basics of saltwater fishing. Despite the 95 degree heat, people lined up at the chance to register for their salt water license and try their luck at saltwater fishing. ECO Dainack helped the participants bait their hooks, cast their lines and un-tangle their snags as they eagerly waited for a fish to bite. Several of the participants reeled in fish including striped bass, fluke and oyster toad fish all of which were returned back to the water.



### **I Fish New York (Richmond County)**

On July 20, 2011, ECO Alan Brassard attended a DEC sponsored “I Fish NY” event held at Ocean Breeze Pier in Staten Island. I Fish NY events are conducted by NYS DEC employees, and are held throughout the city to teach children about the sport of fishing and also the basics of fishing. ECO Brassard assisted in showing about 30 children ages 10 to 15 how to fish. ECO Brassard also talked with the children about the many responsibilities that an ECO has in regards to recreational marine fishing enforcement at the State and Federal level. Many of the children at the event had never fished before, and were very happy to start learning. The event was a big success as all the children left with a smile and some new found knowledge on fishing.





#### **Family Fishing Clinic (Nassau County)**

On August 6, 2011, ECO Joshua Wolgast attended a Family Fishing Clinic at MacDonald Pond in Hempstead Lake State Park. This family event had courses in casting, fish ID, fishing methods, even providing the poles and bait for those who needed them. ECO Wolgast gave a brief overview of state fishing regulations and why they are an important part of conservation. Following the instruction, the families took to fishing MacDonald Pond, which has an abundance of Sunfish and Bass.

#### **ECO Speaks To Boater Safety Course Graduates (Queens County)**

On August 15, 2011, MEU ECO George Scheer attended and spoke at a Boater Safety Course Graduation for a group of teenagers at the Rockaway Point Yacht Club in Breezy Point, NY. There were the eight graduates (ages 10 – 16) and 26 family members (ages 16 – Adult) in attendance at the Graduation. ECO Scheer spoke to the group about his duties as an ECO on the Marine Enforcement Unit, the importance of knowing the Rules of Navigation and Practicing Safe Seamanship as well as the requirements of the new Recreational Marine Fishing Registry. There were many questions from the audience regarding the Fishing Registry, current size and catch limits in New York State and what requirements are needed to become an ECO. The Boating Instructor sent a very gracious thank you note to Lt. Francisco Lopez.

TAD/acp