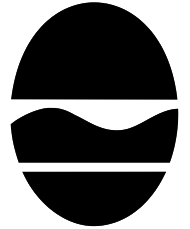


New York State Department of Environmental Conservation  
DIVISION OF LAW ENFORCEMENT  
100 Hillside Avenue, Suite 1W, White Plains, NY 10603-2860  
Phone: (914) 428-2505 ext. 2 Fax: (914) 428-2349  
Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

TO: Marine Resource Advisory Council  
FROM: Major Timothy A. Duffy  
RE: NYSDEC Marine Enforcement Report-May 2011  
DATE: June 30, 2011

## MARINE RESOURCES

### Fleet Week Escort (NY County)

On May 25, 2011, MEU and R2 ECOs participated in the welcoming of US war ships into the NY harbor. This was a celebration of the upcoming Memorial Day to honor our veterans. The ECOs, along with NYPD, Coast Guard, Port Authority, Waterfront Commission and NJ State Police, provided a security zone for the ships as they came in the Ambrose Channel and made their way under the Verrazano Bridge and up to the George Washington Bridge. The ships then docked in Staten Island and throughout the week, civilians were able to tour the boats.

### Hidden Flounder (Suffolk County)

On May 28, 2011 while on a boat patrol in Moriches Bay, ECO Mark Simmons and Lt. Dallas Bengel were on the lookout for over the limit of winter flounder. With the season ending on May 30, 2011, they suspected they might find violations of the two flounder per person limit. The Officers kept two boats under surveillance, one boat that had two fishermen aboard, the other boat with three. Both crews were observed catching fish with no releases. As the first boat with the two fishermen picked up anchor and proceeded to motor away, ECO Simmons maneuvered the patrol boat alongside as Lt. Bengel greeted the fisherman by identifying himself. They showed the Officers four fish in a cooler assuring them that was all they had on board. However, in the very front of the cabin area, the Officers located a bucket of flounder, finding that they were 18 flounder over the possession limit. After completing the inspection and issuing the summonses, the second boat with the three fishermen aboard was then checked. They originally stated they too had only their limit of six fish. Lt. Bengel found eight flounder over the limit in the cooler. Three ECATs were issued to the fisherman for over the limit of flounder.

Hearing of Lt. Bengel's and ECO Simmons' case, and not to be outdone, on May 30, 2011, Captain Huss, Lt. Matt Blaising and ECO Dustin Oliver were on boat patrol when the Officers decided to check the Sore Thumb, near Fire Island Inlet. This is a favorite flounder spot in May as the fish stage there prior to heading for the ocean. Sure enough, one boat operator with four other persons on board was found to be in violation. After all was said and done, ECO Oliver issued summonses for possessing 40 flounder over the limit and having three undersized flounder. The potentially \$100 per fish case was referred to Suffolk County First District Court.

### Shorts (Bronx County)

On June 1, 2011, ECO Matthew Clemens and several other Region 2 ECOs, took part in a Marine Resources Enforcement Detail organized by Lt. Josh Ver Hague. The ECOs conducted

inspections of the seafood vendors at the Fulton Fish Market. At one point during the detail, ECO Clemens noticed four boxes of lobsters labeled as 'chix' in a back cooler. Upon inspecting one box and discovering seven undersized lobsters, ECO Clemens continued inspecting the other remaining boxes. In total, 30 undersized lobsters were found. The owner of the business was issued a ticket and is facing charges in Bronx Criminal Court.

### **Poaching In NYC (Kings County)**

On June 3, 2011, a Marine charter boat inspection was conducted at Emmons Avenue, Brooklyn after receiving a tip of poaching. ECOs Jennifer Okonuk, Gregory Maneeley, Kevin Thomas and Matthew Baker all responded to Emmons Avenue. ECO Thomas was in plain clothes observing the boat as it came into the pier and the other ECOs were assigned to approach and check each individual when offloading the boat. During this inspection, multiple individuals were discovered to have coolers with small fillets in them and upon questioning them, it was found that the fillets were Fluke. In total, five NYC Summonses were issued all for possessing mutilated species, size unknown.

### **Joint Enforcement Action Boat patrol Jamaica Bay (Richmond County)**

What started out to be a routine boat patrol in and around New York City on Saturday, June 4<sup>th</sup> 2011, for ECO Jamie Powers and Jennifer Okonuk, was nothing like the ECOs had expected. Every vessel the ECOs inspected had one if not more violations. At one point, a vessel started approaching the ECOs at a high rate of speed and the ECOs decided to stop it. When the ECOs initiated the stop of the vessel, the individuals ignored the police lights, sirens and then when ordered not to dump their fish, one of the individuals threw two 40 gallon black garbage bags into the water. When the boat finally stopped, the ECOs asked the four individuals what had been thrown into the water and the women exclaimed, "They were clams". The ECOs issued the individual who threw the bags into the water, the following misdemeanors; dumping fish upon signal to stop and dumping refuse into the waters of the state. The Captain of the vessel was issued tickets for failure to comply with a lawful order of an ECO and unregistered vessel. By the end of the day, the ECOs had written 16 tickets: 11 violations and 3 misdemeanors of the Environmental Conservation Law, 1 misdemeanor of the Navigation Law and 1 violation of the Vehicle and Traffic Law, and confiscated over a dozen undersize fluke.



### **Cleaning Undersized Bass (Nassau County)**

On June 8, 2011, ECO Erik Dalecki was conducting an evening patrol near the Village of Centre Island, in the Town of Oyster Bay. He checked some anglers along the beach, but no fish were found. ECO Dalecki walked along the beach and came up on two anglers fishing near the rocks across from the police booth. They did not see the ECO coming because their heads were down, as they were gutting their fish. The ECO found the anglers to be in possession of two striped bass of 17" and 19". ECO Dalecki asked them if they knew what the legal size for striped bass was, to which they replied, "28 inches." Correct! However ECO Dalecki issued one summons to each angler anyway for possession of undersized striped bass. The anglers face a fine of up to \$250 per charge.

### **Hempstead Harbor Patrol (Nassau County)**

On June 9, 2011, ECOs Joshua Wolgast, Eric Dalecki and Joshua Sulkey went on a boat patrol in the waters of North Hempstead, including the recently opened shellfish grounds of Hempstead Harbor. Numerous boats were checked for fishing, shell fishing and safety violations. One rental boat with four male fishermen on board had a bucket full of Porgy. When asked what other fish they had on board one of the men replied, "We have a fluke as well, but maybe someone threw it back." A quick search of the boat revealed a 12" Fluke hidden under the fuel tank. A summons was issued for possession of the short fish.

### **Your Excuse Has No "Merit"! (Suffolk County)**

On the evening of June 15, 2011, ECO Thomas Gadomski received information that the F/V Merit was coming in to port with 300 lbs. of fluke, 160 lbs. over the trip limit. ECO Gadomski first checked to see if the Merit had called out on a RSA (research set-aside) trip. The vessel had called out two days earlier. However, with the use of VMS, the vessel monitoring system, Lt. Frank Carbone & ECO Gadomski were able to track the vessel's activity for the last three days and determined that the Merit had landed in Shinnecock the previous day, which ended its RSA trip. ECOs Gadomski and Jeremy Eastwood conducted a compliance check on the Merit at the Greenport Commercial Fisherman's Dock. The captain of the F/V Merit, was found to have falsified his VTR (vessel trip report) and was in possession of over the trip limit of black sea bass, summer flounder (fluke) and scup (porgies). After reviewing the VTR, the officers inspected the vessel's catch. The officers found that the fish hold contained 6,870 lbs. of scup above the trip limit, 1,022 lbs. of summer flounder above the trip limit and 264 lbs. of black sea bass above the trip limit. The combined market value of the illegal catch was nearly \$11,000.00. The illegal catch was sold with the proceeds going to the Marine Resources Conservation Fund. The Captain was charged with two E-Felonies for Illegal Commercialization of summer flounder and scup, one misdemeanor for the Illegal Commercialization of black sea bass and two violations of RSA permit conditions.

### **MISCELLANEOUS/MEETINGS**

#### **ECO Assists With "I Fish New York" Event (Kings County)**

On May 17, 2011, ECO Matthew Baker assisted with an "I Fish NY" outreach event held at Prospect Park in Brooklyn, NY. The "I Fish NY" program is aimed at introducing people to fishing. There were approximately 75 children from Public School 58 ranging from ages 8 through 10 years old, as well as some adults. Fishing procedures such as casting, reeling, safety, fish identification and how to handle fish were covered as part of this program. The

event was an overall success, with approximately six fish caught, including Large Mouth Bass and a Bluegill.

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

On May 19, 2011, ECO Nathan Favreau attended an “I Fish New York” Fishing outreach event at Van Cortlandt Park, in the Bronx. He assisted DEC employee Melissa Cohen of Region 2 Fisheries with hosting the event, which is aimed at introducing people to fishing.

Approximately 65 4<sup>th</sup> and 5<sup>th</sup> graders from Public School 340 participated in the event. ECO Favreau spoke to the children about the opportunities New York State offers for both fresh saltwater fishing, as well as the regulations associated with the sport. He also assisted in teaching how to cast and bait hooks. The event was a resounding success, and students caught several fish, including bluegill, pumpkin seed, largemouth bass, and crappie.

### **Angler's Meeting (Suffolk County)**

On May 25, 2011, ECO Joshua Sulkey attended the Huntington Angler's Club meeting at the Huntington Elk's Lodge. ECO Sulkey spoke about recent marine fisheries updates and answered many questions that the angler's had for him.

### **USCG Eatons Neck (Suffolk County)**

On June 2, Capt. Dorothy Thumm attended the monthly meeting of marine law enforcement agencies at the Eatons Neck USCG facility, meeting with the commanding officer, BOSN Steve Pollock.

### **I Fish NY Outreach Kissena Park (Queens County)**

On June 3, 2011, ECO Dustin Dainack participated in a DEC “I Fish NY” program at Kissena Park in Queens. ECO Dainack along with Regional Fisheries Manager Melissa Cohen and program aide Diallo House from the “I Fish NY” program, taught 50 3<sup>rd</sup> grade students about the basics of freshwater fishing. ECO Dainack helped the youngsters bait their hooks, cast their lines and un-tangle their lines as they eagerly waited for a fish to bite. Several of the students reeled in fish including perch, sun fish, bullhead and even a few painted turtles all of which were returned back to the water.



### **Coast Guard Detail On Long Island Sound (Westchester County)**

On June 13 and 14, 2011, ECOs John Helmeyer and Aaron Markey worked a boating detail on Long Island Sound with the USCG. The detail focused on marine safety and recreational fishing checks. The officers checked commercial fishermen, head boats and recreational fishermen over the course of the detail, with no fishing violations noted. The USCG handled the safety checks and issued a few notice of violations to boaters during the detail. The detail

continued on June 15, 2011, with additional Zone 7 ECOs. All worked was performed off the 25' USCG SAFE boats with the Village of Rye Police Marine Unit assisting on two dates. Future details are being planned.

### **Hempstead Harbor (Nassau County)**

On June 20, 2011, Captain Huss, Lt. Matt Blaising, and ECO Mike Unger attended a meeting in Glen Cove with the Hempstead Harbor Protection Committee and local law enforcement agencies in the area. The purpose of the meeting was to discuss issues related to the recent opening of shellfish grounds in the harbor. These waters have been closed to shellfishing for over forty years. While the reopening is a positive note on improved water quality, and an excellent opportunity for local baymen, the committee needed to be reassured of the DLE's commitment to patrolling the waters. The Division members present made the committee aware of its commitment to protecting public health and the resource in the marine district, and have placed added emphasis on increasing patrols in Hempstead Harbor.

### **Coast Guard Conference Calls**

Capt. Dorothy Thumm has been participating in weekly conference calls with the Coast Guard and NMFS regarding Striped Bass enforcement in the NY bight area of the EEZ. The calls have now ended but may resume if illegal harvest in the EEZ becomes apparent again.

### **2010-2011 FDA Shellfish Patrol Document**

Captain Dorothy Thumm compiled and submitted the annual patrol document to the FDA on an expedited schedule. Regional Captains submitted their patrol records for inspection and tabulating and it appears that we will meet the requirements to be in full compliance. Meeting this responsibility allows NYS shellfishermen and dealers to participate in interstate shipment and sales of shellfish for another year.

TAD/acp