



TO: Marine Resource Advisory Council  
FROM: Major Timothy A. Duffy  
RE: NYSDEC Marine Enforcement Report-October 2011  
DATE: November 1, 2011

## MARINE RESOURCES

### **We Have 'About' The Limit...(Suffolk County)**

On September 26, 2011, MEU ECOs Brian Farrish and Rich Maggio were patrolling Montauk Harbor, when they observed four fishermen loading coolers of fish into their car. Upon inspection, it was determined that they had just left a charter boat and they were aware of the limits for the scup and the blackfish they had caught. On further inspection, it was clear that they were well below their scup limit, but were probably close on the 10 per fishermen for black sea bass. When asked how many sea bass were in the smaller cooler, the fisherman replied, "About 15". When asked how many sea bass were in the larger cooler, he replied, "About 25". Well yes, that's about right, but upon counting the fish, we found the four men had a total of 54 black sea bass, 14 over the allowable limit. Two fishermen admitted to taking too many fish and were issued the appropriate summonses.

### **USCG Joint Ops (Queens County)**

In October, MEU ECO Kevin Thomas and Region 2 ECO Greg Maneeley assisted the USCG out of Kings Point and the USCG Cutter "Howser" with joint patrols for fisheries violations. They used the USCG 25ft SAFE boat and boarded numerous fishing boats, both commercial and recreational. The Coast Guard concentrated on the safety requirements, while ECOs searched for marine fisheries regulations. The patrols resulted in almost complete compliance which is always good to see, with only one written warning being issued. These patrols are designed to broaden the scope of law enforcement knowledge and communication. Most people were surprised to see these two agencies working together so closely.

### **Blackfish Mania (Suffolk County)**

On October 2, 2011, ECOs Matthew Krug and Tim Fay patrolled to the Moriches Inlet west Jetty in response to a complaint about a man with a grey jeep taking short blackfish and storing them in his vehicle. ECO Krug located the individual and upon searching his vehicle located three short blackfish. In total the officers issued five tickets for possessing short blackfish to five different fishermen.

### **"The Game Warden Is Coming, The Game Warden Is Coming" (Kings County)**

On October 3, 2011, ECOs Matthew Nichols and Neil Stevens were on joint patrol in Kings County. Officer Stevens was wearing plain clothes to better blend in at the Coney Island Pier, a known hot spot for recreational marine fishing. While out on the pier, ECO Stevens acted as

if he were a tourist to the location while keeping a keen eye on several fishermen at the end of the pier. After several minutes, ECO Nichols who was in uniform, started checking fisherman on the pier. As ECO Nichols made his way down the pier, one of the fishermen at the end of the pier spotted his presences and alerted the other fishermen, “the game warden is coming, the game warden is coming.” At that time, one fisherman located his catch - a plastic bag full of fish and deposited it in the trash can. After depositing the fish in the trash, another fisherman stated, “Man, you know they check the trash cans right?” Learning this, the man removed the bag of fish from the trash can and placed it under his shirt and then headed off the pier. ECO Stevens, realizing that the fish may make it off the pier without being inspected, identified himself stating, “The Game Warden is already here”, much to the shock of the fishermen on the pier. The fisherman in question was completely caught off guard. Realizing that his entire conversation and actions had been witnessed by the officer, the individual stated, “You got me.” Upon inspection of the bag of fish, the subject was issued a summons for possession of undersized porgy. As ECOs Nichols and Stevens left the pier, several citizens and fishermen expressed their gratitude for the enforcement actions taken.

### **Short Black Fish In Brooklyn (Kings County)**

On October 5, 2011, ECO Jennifer Okonuk conducted an inspection of a seafood warehouse in Brooklyn. When Officer Okonuk began inspecting the business, everything seemed legit until she stumbled on several tanks filled with undersized black fish. Once ECO Okonuk located the undersized fish, she went to the building entrance just around a corner, to make a phone call. Upon returning from around the corner, she saw an employee of the company sneaking in the back in an apparent attempt to hide a tote of fish in the back of the building. The company was issued two summonses, one for possession of undersized lobster and the other for possession of 97 lbs. (65) undersized blackfish. ECO Okonuk then donated the evidence to the Open Door Church in Brooklyn which feeds more than 2000 hungry people a week.



### **Boat Patrol Yields Compliance (Bronx County)**

On October 9, 2011, Lt. Bernard Rivers along with ECOs Matthew Clemens, Jared Woodin and Matthew Nichols were patrolling the waters of Long Island Sound in NYC. The primary focus of this patrol was JEA species enforcement, however the officer's were actively checking for compliance with Environmental Conservation Laws and Navigation Laws, all while monitoring radiation equipment aboard the DEC vessel. Conducting over a dozen boardings on the water

that day, the officer's were pleased to see a number of children actively involved in fishing with family. In addition, all vessels had the required safety equipment including items such as life jackets and signaling devices. Eight individuals however did receive written warnings for failing to register with the saltwater marine registry, which is now free to all residents of NYS.



### **Short Blackfish, Short Lobster, With A Side Of Illegal Alligator (Kings County)**

It might sound crazy but that's exactly what ECOs Matthew Nichols, Alan Brassard and George Scheer found while inspecting a market in Brooklyn. The three ECOs were performing routine fish market inspections. Upon entering one of the markets, the officers observed one of the workers attempting to hind several alligator legs. Despite his efforts, the worker was not quick enough, as ECO Nichols quickly stopped the worker from tossing the alligator legs down into a cellar in the hopes of not being detected. After some inquiry it was determined that the market did not have any of the proper paperwork or permits to legally sell alligator in New York. The officers recovered over 300 lbs. of alligator meat that was being offered for sale at this particular market. Once the alligator meat was secured, the ECOs inspected a tank full of live blackfish. Before long ECO Scheer had measured and removed several short blackfish from the tank. Once the illegal blackfish were documented and secured as evidence, the ECOs moved onto inspect a tank full of live Lobster. Once again, it didn't take long before over 40 undersized lobsters were measured pulled from the tank, to be secured as evidence. Needless to say the company was issued several tickets for the violations. The fish and lobster were donated to the needy of New York and the Alligator meat was seized as evidence until the case has been disposed of in court.



### **Montauk (Suffolk County)**

On October 13, 2011 Region 1 ECO Jeremy Eastwood and MEU ECO Brian Farrish were on patrol in Montauk when the Officers spotted a commercial vessel coming in after dark and heading over to one of the local fish docks. The Officers met the vessel at the dock and asked the Captain what he had onboard the vessel. The Captain replied saying they had about 300 pounds of black sea bass. Officer Farrish asked the Captain if he knew what the trip limit for black sea bass was and the Captain replied, "Yeah it's 140 pounds." An inspection of the vessel was performed and three large white coolers each containing black sea bass were found in the pilot house. The ECOs weighed and documented the catch and found the fisherman to have a total of 432 pounds of black sea bass, 292 pounds over his daily commercial trip limit. The Captain was issued a summons for the overage of fish.

### **Felony Commercialization Arrest (Queens County)**

Many of the Southern District ECOs are federally deputized by the National Marine Fisheries Service. In the spring of 2010, ECO Jamie Powers received a call from NMFS Agent Jason Couse regarding a case he was working on. Agent Couse had been working on an illegal Horseshoe Crab case that involved a company in Flushing, NY. Over the next several months, ECO Powers worked with the feds on the case. Along with investigating the commercial reporting aspect of the case, officer Powers was also doing some surveillance work as well. One day during the investigation, ECO Powers was able to find a second hidden location in College Point that had never been inspected before. While working on the investigation, ECO Powers was able to determine, through researching the records of the NY Department of State, that the company was operating their business without a valid NYS Food Fish and Crustacea Shipper and Dealers Permit (FF&C). In June of 2011, NMFS Agents from all around the north east teamed up with NYSDEC officers from the MEU and Regions 1, 2 and 3 to execute Federal search warrants on both Ace locations. During the beginning stages of the search at the College Point location, MEU ECO Kevin Thomas was able to observe several dozen undersized Blackfish. At the Flushing location, officers quickly observed a dead frozen whole Whitetail deer in the freezer. Officers Jamie Powers and Kevin Thomas obtained a NY Search Warrant from the Queens County DA's office. Signed warrant in hand, the officers returned to both locations where they documented and photographed the illegal product. At the College Point location the Blackfish, Oyster Toadfish, including the undersize fish were measured, weighed and released back to the waters of the State. The value of the fish was close to forty thousand dollars. At the Flushing location there were Black Sea Bass, Blackfish and Oyster Toadfish with a retail value of approximately thirty eight thousand dollars. The total value of the product at both sites was in the range of \$78,000, well over the threshold value for a Felony commercialization charge, which is \$1,500.00. On October 20, 2011 ECO Powers arrested the owner of the ACE companies, Oi Ming Chen. The defendant, Oi Ming Chen along with Ace Group Trading Co, LTD. and Ace Group Seafood International Trading Corp. were all charged with the following: Tampering with physical evidence (E Felony), Purchase marine food fish for commercial purposes without a food fish dealers and shippers license. (E Felony), Shipping or transporting marine food fish without a food fish dealers and shippers license (E Felony), Fail to possess a shellfish shippers permit, Distribution of untagged shellfish, Possession of untagged shellfish, Possession of undersized marine species, Possession of an illegal Whitetail Deer, Possession of an untagged Whitetail Deer, Offer Whitetail Deer for sale and Using a point source discharge without a SPDES permit. Mr. Chen is due back at court on 11/15/2011.

### **No Shellfish Permit Results In \$10,000.00 Settlement (Queens County)**

Earlier in the year, it was brought to the attention of MEU ECOs Jamie Powers and Sean Reilly that a seafood company, “All The Best”, was purchasing, transporting and selling shellfish without a permit. After a lengthy investigation by the officers, they were able to obtain several invoices and other paperwork showing that indeed the company was operating without the appropriate permits from NYSDEC. Lt. Francisco Lopez was also able to find several transactions and paper trails showing the illegal activity that was taking place at All The Best. Lt. Lopez then interviewed the owners of the company, whom subsequently admitted to their illegal operation. The company agreed to a \$10,000.00 administrative settlement offer from Lt. Lopez.

### **MISCELLANEOUS/MEETINGS**

#### **FCA Autism Awareness Fishing Event (Richmond County)**

On September 17, 2011, ECOs Alan Brassard and Matthew Nichols attended the Fisherman’s Conservation Association’s Autistic Children’s “Hooked for a Lifetime” fishing event held at Ocean Breeze pier in Staten Island. The event was an overwhelming success as the (FCA) along with help from the Staten Island Borough President’s office and Mike’s Bait and Tackle Shop, helped approximately 25 children with autism enjoy a fun day of fishing. The ECOs were able to donate \$250 dollars from NYCOA (New York State Conservation Officers Association) to the FCA to help support the event and future events. ECOs Brassard and Nichols also fielded questions about current fishing regulations and also informed the attendees about the job duties of an Environmental Conservation Officer. The children enjoyed seeing the “guys in green” at the event. On August 27, ECO Dave Thomas presented a check for an additional \$250 dollars from NYCOA to help fund the FCA “Wounded Warriors” fishing event, which takes wounded veterans on a chartered fishing trip. The ECOs look forward to attending future events sponsored by the Fisherman’s Conservation Association and look for continued support from the New York State Conservation Officers Association.



#### **MRAC Meeting Outreach, Marine Resources (Suffolk County)**

On September 20, 2011, MEU Lt. Joe Billotto provided coverage for a MRAC meeting. Topics of discussion were the new summer flounder quotas, changes in quotas for black sea bass and proposed regulations.

### **ASMFC Meeting Outreach**

On October 5, 2011, MEU ECOs George Scheer and Rich Maggio provided coverage of the ASMFC lobster meeting at the East Setauket Marine office. There were about 30 attendees, who took the opportunity to voice their concerns and opinions to the board.

### **Free Fishing Day (Queens County)**

On October 8, 2011, ECO Doreen Lum participated in an "I Fish NY" Outreach Event held at Baisley Pond in Queens County. The purpose of the "I Fish NY" program is to introduce people to fishing. This event was one of four events held during free fishing day. ECO Lum assisted DEC Fisheries staff with overseeing the event. The NYS DEC provided free use of fishing poles and ECO Lum and fisheries staff baited hooks and conducted fishing lessons. Many children, along with their parents and grandparents, participated in this clinic and were able to enjoy the sport of fishing for the first time.

### **Vessel In Distress (Nassau County)**

On October 16, 2011, MEU ECO Reilly was at Jones Beach when the Charter Vessel Spray called the Coast Guard reporting a vessel drifting into the Jones Beach Jetty and people in the water. USCG Jones Beach and Hempstead Bay Constables responded by boat and ECO Reilly drove out to the jetty in his patrol vehicle. ECO Reilly found that the boat had drifted against a shoal and did not reach the rocks. ECO Reilly removed everyone from the vessel to a safe area on shore and awaited Sea Tow to tow the boat off the beach. After the vessel was towed away, ECO Reilly and the NYS Park Police transported the five boaters to the Park Police Station to await a ride back to the mainland.

TAD/acp