



Joe Martens  
Commissioner

TO: Marine Resource Advisory Council  
FROM: Major Timothy A. Duffy  
RE: NYSDEC Marine Enforcement Report-September 2011  
DATE: October 3, 2011

## MARINE RESOURCES

### **Saltwater Fishing Regulations (Westchester County)**

Throughout the months of August and September, ECO Jason Curinga had the opportunity to educate the saltwater fishing community of the new regulations. ECO Curinga issued several written warnings to fishermen who failed to register with New York State for saltwater fishing and dispelled some confusion about the new regulations. The sportsmen in the Long Island Sound area were misinformed in several instances by bait and tackle shops as to what the regulations were. As with all new regulations, the sportsmen will take time to come into compliance. ECOs are increasing their patrols in the Marine District and making contact with the marine sportsmen has been easing the transition for many.

### **Productive Joint Patrol With MEU (Suffolk County)**

On August 6, 2011 ECOs Tom Gadowski, Jeremy Eastwood, Brian Farrish and Liza Bobseine conducted a boat patrol out of Montauk Harbor in East Hampton. They checked a variety of fishing vessels from the DEC SAFE boat A2, documenting several commercial, party-charter and recreational violations. A total of 18 tickets were issued to 17 different individuals for a variety of transgressions, including undersized fluke, over-limit scup, discarding evidence and failing to complete trip reports.

### **Too Much Of A Bad Thing (Suffolk County)**

On August 11, 2011 at 2230 hours, ECOs Joshua Sulkey and Dustin Oliver were patrolling Captree State Park. The ECOs observed a suspicious couple with a cast net and a five-gallon bucket near the charter boats. The ECOs greeted the two subjects and checked their fish, observing several different species in their bucket. They were found to be over their limit of snappers, as well as possession of 18 weakfish all under the legal size limit of 16 inches. They were each issued the appropriate summonses.

### **Strike 2 "SEACREATURE" (Kings County)**

During a surprise inspection on July 17, 2011, more than 30 summonses were issued to fishermen and crew aboard the "SEACREATURE", in response a citizen complaint alleging that the captain of the vessel allows the fishermen to keep anything and everything that they catch. On the afternoon of August 18<sup>th</sup>, Region 2 ECOs received a second complaint from DEC dispatch that the "SEACREATURE" was 'loaded with short fish' and would be returning to dock at 4:00pm. ECO Gregory Maneeley and Lt. Matthew Lochner devised a plan and quickly dispatched ECOs Nathan Favreau and Matthew Nichols to Emmons Avenue to wait for the boat. Upon the officers completing their inspection of the boat and 16 patrons, 12 tickets

were issued for violations including failure to retain fluke 'racks', possession of mutilated fluke, possession of undersize fluke and possession of over the limit of fluke. The defendants are to be arraigned in Brooklyn Criminal Court in November.



#### **Overnight Fishing Enforcement In Manhattan (New York County)**

On August 20, 2011, ECOs Timothy Machnica, Brent Wilson and Eric Dowling, coordinated efforts in an Overnight Fishing Enforcement Detail in Manhattan. The focus of the detail was to crack down on marine and freshwater fishing violations occurring overnight, when enforcement is often at a minimum. ECO Dowling worked in plain clothes so that he could perform surveillance on fishermen and relay information to uniformed ECOs Wilson and Machnica, who were nearby. The detail was a success, with several criminal summonses and written warnings being issued at multiple locations. Summonses were issued for several violations, including fishing without a freshwater fishing license, possession of over the limit of Oyster Toad Fish and possession of undersized Oyster Toad Fish. Several written warnings were also issued for Fishing without a Marine Registration.

#### **LI Sound (Suffolk County)**

On August 20, 2011, Region 1 ECO Jeremy Eastwood and MEU ECO Brian Farrish were on boat patrol on the LI Sound conducting checks. They terminated the voyage of one boat for insufficient PFDs. The operator of the same vessel was also issued summonses for having undersize summer flounder and scup. Most of the anglers checked during the course of the patrol had no idea there was now a NYS marine fishing registry. Fourteen written warnings were issued for not being registered and in addition to that, a total of seven tickets were issued for various fishing and navigation violations.

#### **A Busy Day On The Water (NYC Waters)**

On August 23, 2011, MEU ECOs Jamie Powers and Kevin Thomas and Region 2 ECO Chris Lattimer, joined Director Peter Fanelli and MEU Lt. Francisco Lopez for a boat patrol aboard Alpha 3. During the patrol, the officers checked several vessels and were able to find numerous violations. By the end of the day, the crew had issued eight summonses including those for "over the limit Fluke", "undersized marine species", "dumping upon signal to stop" and "fishing without a valid marine fishing registration". The officers also issued several

written warnings for fishing without a marine fishing registration. Along with the written warnings, the officers informed the fishermen on how to obtain the free registration.

#### **Brooklyn Seafood Wholesalers And Market Detail (Kings County)**

On August 24, 2011, ECOs Matthew Baker, Gregory Maneeley, Jennifer Okonuk, Matthew Nichols, Neil Stevens, Timothy Machnica and Brent Wilson, participated in a Commercial Seafood Inspection Detail. The detail focused on seafood wholesalers, fish markets and restaurants in Brooklyn and Manhattan. At one of the seafood wholesale warehouses in Brooklyn, ECOs Nichols, Okonuk, and Lt Lochner discovered 61 pounds of undersized lobster hidden in the basement. The officers seized the lobsters and issued a summons for possession of undersized lobsters. The seized lobsters were donated to the 'Open Door Church' in Brooklyn, which provides food for more than 3,000 people a week. A total of 18 criminal tickets were issued during the remainder of the detail for a wide variety of offenses.



#### **Illegal Sale Of Seafood To Fire Island Restaurants (Suffolk County)**

On September 2, 2011, ECOs Timothy Fay, Mark Simmons and Christopher Lagree, were patrolling the shellfish grounds from Moriches Bay to the Great South Bay to ensure there was no one harvesting shellfish during the emergency closure caused by hurricane Irene. While checking the bays, the ECOs decided to inspect some of the Fire Island restaurants to ensure their shellfish had been harvested from certified shellfish grounds. After inspecting the restaurants in Fire Island Pines and Cherry Grove, the officers confirmed that all of the shellfish had been harvested from certified waters. During the inspection, they also discovered that one of the seafood suppliers did not have the required New York State Department of Environmental Conservation Marine permit to buy and sell shellfish. Further inspection confirmed that the same shipper was selling lobster and fish to some of the restaurants which requires a Marine and Coastal Food Fish and Crustacean Dealers and Shippers License. After a full inspection, the catering company was found in violation of failure to possess a food fish and crustacean dealers and shippers license, the sale of Striped Bass without a tagged carcass, failure to properly tag shellfish and failure to possess a shellfish shipper's and processor's permit.

### **It's Okay, I'm Selling These In New Jersey!**

On September 4, 2011, during the OpShield boat patrol, MEU Lt. Joe Billotto and MEU ECOs Brian Farrish, Rich Maggio and Region 1 ECO Donald Damrath encountered the F/V Josephine, a forty one foot stern trawler, within a mile of the entrance to Montauk Harbor. The Officers pulled within hailing distance as the fishing vessel was putting their nets in for another trawl in NY waters. The captain said he had about 250 pounds of fluke aboard. At that time, the fluke limit was 140. The captain was asked if he had a "RSA Fluke quota", to which he responded that he was landing in New Jersey. The Lieutenant advised the captain that he was in New York, and New York's daily landing limit is 140 pounds. With that, the Marine Unit vessel pulled alongside and ECOs Maggio and Damrath boarded the vessel. The ECOs immediately photographed the catch and checked the captain's documentation. Seeing that there were several hundred pounds of fluke over the limit, he was ordered back to Montauk Harbor, where his catch was weighed and seized. The Captain possessed a total of 522 pounds over the daily fluke limit. The captain is being charged in East Hampton Town court for a commercialization Misdemeanor.

### **Dumping, What Dumping (Suffolk County)**

On September 5, 2011, ECO Tom Gadomski was conducting vessel safety checks at the DEC ramp on Mattituck Creek during an OP Shield homeland security detail. When he called a vessel to the dock, he heard a splash and saw something floating in the creek near the vessel. As a fisherman in the stern of the boat bent down and picked up a bag still on the boat, ECO Gadomski told the man not to throw anything else overboard. He didn't comply and threw another bag overboard. The vessel operator was ordered to the dock where the fisherman was questioned by the ECO. He denied dumping anything into the creek even though the floating bags were still visible. ECO Gadomski retrieved both bags, which contained scup. Another bag was found hidden in the vessel. The three bags contained over 120 scup over the daily limit. ECO Gadomski issued each fisherman on the vessel an ECAT for possession of over the limit scup with the "dumper" receiving an additional ECAT for failing to comply with the Officer's request.

### **It's Just Ice (Suffolk County)**

On September 9, 2011, ECOs Tom Gadomski and Mark Simmons conducted a security boat patrol of Peconic Bay for the upcoming anniversary of the 9/11 terrorist attacks. All was quiet until the ECOs spotted a suspicious vessel on the east side of Robin's Island. The fishermen aboard the vessel seemed to be happy to see the ECOs and bragged about their catch. They claimed to have caught a few scup and "a lot" of blowfish. When one of the fishermen opened their cooler both ECOs looked at each other and said, "It looks like we have some counting to do". The cooler appeared to be full of scup. One of the fishermen said, "No, there is only a few porgies. It's a lot of blowfish and four bags of ice". Naturally the ECOs were skeptical and brought the cooler onto their vessel to check it. The cooler did contain blowfish, but only about a dozen. There was hardly any ice. What the cooler did contain was almost 60 scup over the daily limit, several of which were undersized and an undersized weakfish. The iceless fishermen were issued the appropriate ECATs.



#### MISCELLANEOUS/MEETINGS

##### **“I Fish New York” – Harlem YMCA (New York County)**

On August 18, 2011, ECO Timothy Machnica attended an “I Fish New York” fishing event sponsored by the New York State Department of Environmental Conservation. The “I Fish New York” program is focused on introducing people to recreational fishing and promoting the vast fishing opportunities New York State has to offer. This particular event took place at the West 125th Street Pier on the Hudson River in Manhattan. During the event, ECO Machnica assisted Melissa Cohen and other staff from DEC Region 2 Fisheries. There were approximately 60 children and 17 adults in attendance at the event. This event was set up for the Harlem YMCA children ages ranging from 8 to 11 years old. As well as assisting with baiting hooks, casting and untangling fishing lines, ECO Machnica fielded many fishing and job related questions from the many inquisitive participants.

##### **Fisherman’s Conservation Association Outreach (Richmond County)**

On August 24, 2011, ECO David Thomas briefly attended an outreach put on by the Fisherman’s Conservation Association in Staten Island to benefit “Wounded Warriors”, a group made up of disabled military veterans. The purpose of the charity event was to provide a fun fishing opportunity to injured veterans aboard a charter fishing vessel. ECO Thomas presented a check for \$250 from the New York Conservation Officers Association to the President of the Fisherman’s Conservation Association, Bill Paciello, to assist in paying for the cost of the event. The Fisherman’s Conservation Association and the New York Conservation Officers Association have long cooperated to promote responsible marine sport fishing and this donation helps to ensure that the spirit of cooperation will continue.

### **Operation Gateway ( Nassau County)**

MEU ECOs Jamie Powers, George Scheer and Kevin Thomas patrolled the South shore in Nassau County waters on A3 for Operation Gateway during the Labor Day Holiday weekend. The objective of this detail was to board all foreign flagged vessels and to screen all vessels for traces of radiation. Throughout the detail, the ECOs boarded several vessels and issued a total of 16 written warnings for fishing without a marine fishing registration, a summons for undersized Fluke and a summons for no distress signal.

### **Op Shield (Suffolk County)**

On September 3-5, 2011, MEU Officers Brian Farrish, Rich Maggio, Lt. Joe Billotto and Region 1 ECO Donald Damrath, assisted Suffolk County Sheriff's with Op Shield. The detail focused on looking for foreign flagged vessels in the area while also running all radiological detection equipment. The vessel patrol produced six tickets, including two illegal handguns found and seized.

### **9/11 Weekend Security (New York City)**

Joint patrols from the MEU, Region 2 and Region 1 were conducted in NY waterways around New York harbor for the 10<sup>th</sup> anniversary of the September 11<sup>th</sup>, 2001 attacks. Credible information regarding potential threats had the city on heightened alert and the ECOs pitched in with extra maritime patrols with radiation detection equipment. MEU Officers Brian Farrish, Sean Reilly, George Scheer, Kevin Thomas Jamie Powers and Lt. Joe Billotto, along with several Regional officers, patrolled New York City harbor along with NYPD police and the USCG, for the 9/11 memorial service. Radiation detection equipment was used to scan vessels coming into the harbor. They were on the lookout for suspicious vessels and objects around bridges and other points of interest. Everything went smoothly and it was a quiet weekend to reflect on the past.

### **STC Details (NYC)**

On September 12, 2011, ECOs Jamie Powers, George Scheer and Eric Dowling participated in STC radiation detection choke point detail at the Throgs Neck bridge. This was a multi agency detail that included NYSDEC, NYPD Harbor, USCG, Nassau County PD and Perth Amboy PD. The objective of the detail was to screen all vessels transiting toward the city for traces of radiation

TAD/acp