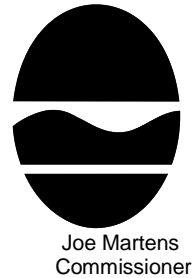


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TO: Marine Resource Advisory Council
FROM: Major Timothy A. Duffy
RE: NYSDEC Marine Enforcement Report-July 2012
DATE: July 27, 2012

MARINE RESOURCES

“Lobsters” (Kings County)

On May 22, 2012, ECO Matthew Baker responded to PT 888 INC., 681 Morgan Avenue in Brooklyn to conduct a site inspection. Inspection of the wholesaler revealed 57 undersized lobsters with a total weight of 54 pounds. The lobsters were photographed and donated to the Bowery Mission in Manhattan to help feed the homeless. A criminal summons was issued to the company for possession of undersized lobster.



Uncertified Clams - Felony Arrest (New York County)

On June 26, 2012 at approximately 1400 hrs, ECO Brent Wilson concluded a several month long investigation into the illegal sale and distribution of uncertified freshwater clams. With the assistance of ECOs Dustin Dainack, Timothy Machnica and Neil Stevens, along with New York State Attorney General (AG) Investigator Mike Ward, surveillance was conducted of a passenger bus which has been the means for transporting the illegal clams into New York State. The clams are harvested in other states and then brought into NY in unrefrigerated luggage compartment of passenger buses without regard for sanitary conditions. It is believed that on average about 1600 pounds of clams were being brought in with each bus delivery, with a total most likely exceeding approximately 10,400 pounds of know illegal clams that had been delivered thus far. A lab report from DEC's Lab in East Setauket, NY showed that samples taken from some of the freshwater clams seized had high levels of fecal coliform, *e. coli*, and coliphage virus. Ke Jin Hua, owner of New Lin Sichuan Fish Market, 30 Market Street, NY, was charged with E Felony illegal commercialization of shellfish and will be prosecuted by the

AG's office. Investigation into this complaint also led to several other street-level arrests for the sale of uncertified freshwater clams believed to have also been illegally brought into New York State on buses.

Fulton Fish Market Detail (Bronx County)

In the early morning hours of June 27th, Lts. George Steele, Bruce Hummel and Tom Gadomski, and ECOs Eric Dowling, Matthew Clemens, Shea Mathis, Nathan Favreau, Neil Stevens, Matthew Nichols, Erik Dalecki, Michael Unger and Kevin Thomas, along with NOAA Agent Todd Smith, conducted an inspection at the Fulton Fish Market at Hunts Point, Bronx, NY. ECOs checked vendors to ensure compliance of all applicable federal and state regulations pertaining to commercial quota managed species seafood and shellfish. ECOs also checked multiple vendors, inspecting a diverse variety of aquatic species. Throughout the early morning hours, shipping and receiving at the market moves at a steady pace, with incoming and outgoing deliveries continually occurring. Initial vendor inspections did not reveal any violations, however as the morning progressed and more deliveries arrived, the ECOs began to identify multiple vendors in possession of undersized lobsters. On one occasion, after undersize lobster began turning up, Lt. Steele observed a lift truck quickly leaving the building with boxes of lobster. A quick check of the truck, where the boxes of undersized lobster were delivered, identified yet another vendor in possession of undersized lobster. At that vendor's location, Lt. Hummel discovered, concealed under several boxes of legal sized lobsters, yet another stash of undersized lobster. As a result of the detail, 635 undersized and two oversized lobster weighing approximately 660 pounds were seized and donated to the Bowery Mission in Manhattan. In total, three misdemeanor and one felony citations were issued to four separate vendors, returnable to Bronx Criminal Court.



Buried Secrets (Suffolk County)

On June 30, 2012, ECO Joshua Sulkey checked fishermen at Sunken Meadow State Park. One of the groups towards the end of the beach said that they had just one porgy which was right next to them near the water's edge. ECO Sulkey noticed a spot where sand had been dug out and a piece of old rusty metal placed across it. ECO Sulkey picked up the metal and saw three more fish laying there. One of the fish was a 12 inch fluke. Both of the fishermen were issued a summons for possessing undersized fluke.

Blue Claw Crabbing Enforcement (Suffolk County)

On July 11, 2012, ECOs Tim Fay and Mark Simmons conducted a boat patrol from Moriches Bay to the Great South Bay enforcing blue claw crab regulations. The ECOs inspected ten different sets of gear, nine commercial sets and one recreational set of crab pots. Most of the checks were accomplished with an on board inspection of each permitted harvester tending their crab gear. Of the nine commercial crab harvesters, four had no violations and two had minor violations. However, three permitted crab harvesters had more than one violation and the recreational crab pots did not comply with the regulations. Each of the bay men had previously been warned by ECOs in 2011 that their gear was not in compliance and needed to be fixed by the following season. The ECOs issued five summonses for various violations, including failure to properly mark blue claw crab gear (improper surface markers/buoy and no tag on pot/trap), and setting a blue claw crab pot without an escape panel. Five more tickets will be issued to the crab harvesters that were not present during the inspection for the violations observed.

MISCELLANEOUS/MEETINGS

I Fish NY – Prospect Park (Kings County)

On June 12, 2012 at 10:00 in the morning, ECO Neil Stevens assisted the NYS DEC, I Fish NY Program at Prospect Park Lake in Brooklyn. During the three hours at the park, the officer assisted in fielding questions about fishing, baiting hooks and releasing fish back into Prospect Park Lake that had been caught. Emphasis was also placed on the differences in fresh water fishing and marine fishing, different species of fish found in fresh water and salt water as well as requirements for legal fishing. There were approximately 75 fourth graders from PS 134 and approximately 6 chaperones in attendance. The weather made for ideal fishing conditions. Nearly every student caught a fish and released it back to the water.



TAD/acp