

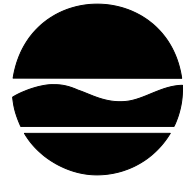
**New York State Department of Environmental Conservation
DIVISION OF LAW ENFORCEMENT**

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M E M O R A N D U M

TO: Marine Resource Advisory Council
FROM: Major Timothy A. Duffy
RE: SDO MRAC Report – May 2009
DATE: May 28, 2009

MARINE RESOURCES

Striped Bass (Suffolk County)

On 02 May 2009, MEU ECO's Brian Farrish, Todd Smith and Region 1 ECO Tom Gadomski were on boat patrol in Peconic Bay, checking both recreational and commercial fishing boats for navigation and fishery regulation compliance. During the patrol, the operator of one vessel was found in violation for having two undersized striped bass onboard. When the fisherman was asked by the officers if he had any fish on board, he replied, "Yes, I have two large striped bass". They may have been large to him, but in fact they were undersized.

Illegal Commercialization Of Horseshoe Crabs For Seafood Trade (Kings County)

On 04 May 2009, the Region 2 Division of Law Enforcement (DLE) office received an anonymous complaint that a seafood market located in Brooklyn's Chinatown on 8th Avenue was offering sea turtles and horseshoe crabs for sale. Region 2 ECO Matthew Baker responded to the location. Although he did not find any sea turtles being offered for sale, Officer Baker did find six live horseshoe crabs in a tank being offered for sale for human consumption. Because the ECL only authorizes the harvesting and sale of horseshoe crabs for use as bait or for biomedical purposes, the crabs were seized and the store was cited with illegal commercialization of crustacea.

Dead Seal (Suffolk County)

On 08 May 2009, Marine Enforcement Unit (MEU) ECO Sean Reilly and Region 1 ECO's Chris Lagree and Dustin Oliver were patrolling Fire Island Inlet when they received a call regarding a dead seal on Sore Thumb. The officers responded and verified the situation for National Marine Fisheries Service (NMFS) Special Agent Truong and the marine mammal rescue team from the Riverhead Foundation for Marine Research and Preservation. ECO's Lagree and Oliver helped the Riverhead biologist load the seal into a truck for transport to the marine mammal rescue facility for necropsy.

But They Taste So Good (Nassau County)

On 09 May 2009, Region 1 ECO's Erik Dalecki and Michael Unger were working a late night patrol at the Bayville Bridge, in the Town of Oyster Bay, Nassau County. While checking out anglers fishing near the bridge, the ECO's spotted three anglers fishing off the beach, just below the bridge. They approached and asked the anglers if they had caught anything that night and all three anglers responded

that they did not and that they had only been fishing for about an hour. As ECO Unger continued to interview the anglers, ECO Dalecki walked back into the bushes where numerous striped bass have been found hidden in the past. Sure enough, a bucket was found with a live twenty inch striped bass. The angler who had caught the undersized bass admitted to it, apologized for lying, and said he was scared when the officers had arrived. He then stated that the small ones "taste so good." He was issued a summons for possession of undersized striped bass and the fish was safely returned to the water.

Night Time Striped Bass (Nassau County)

MEU ECO Sean Reilly and Region 1 ECO Donald Damrath patrolled the shores of the Town of Hempstead in attempt to locate some poaching activity that had been reported. The ECO's worked with the Hempstead Bay Constables and conducted surveillance of fishermen in Bay Park. ECO Damrath watched as a black plastic bag was placed in the trunk of a car. After some time had passed, the officers approached the fishermen. ECO Damrath found one short striped bass among the rocks. ECO Reilly spoke to the man who had hidden the fish in the trunk. The man stated that he'd had some bites but hadn't landed a fish. ECO Reilly escorted the man to his car. Along the way, the fisherman remembered there was a fish in the trunk but he said that he did not know the size or the limits. The fish was less than 28 inches. The ECO's each issued a ticket for short fish. Later, at Inwood Park, the officers found a Jeep backed down the launching ramp and two men packing up their boat. ECO Reilly asked if they had any fish and they said "No". ECO Reilly opened the cooler and found six striped bass, two of which were short. ECO's Reilly and Damrath issued the fishermen two tickets each.

Trip Limit (Suffolk County)

On 09 May 2009, MEU ECO's Brian Farrish and Todd Smith and Region 1 ECO Rich Maggio were on boat patrol on A1 in the Peconic Bay when they checked a commercial pin hooker (hook and line fisherman) fishing for porgy. The fisherman was found in violation. He had 140 pounds of porgy on board...70 pounds over the daily trip limit for porgy. The fisherman admitted to the overage and stated that he did not think that they DEC would be out on such a foggy day.

The Sea De-Fanged (Kings County)

In mid-November 2008, the Region 2 DLE office received a complaint from a citizen stating that, two months prior, he was on the Sheepshead Bay party boat known as the Sea Wolf. He observed crew members not only encouraging patrons to keep undersized porgies, sea bass, and fluke (which were out of season at the time), but the crew members were fishing themselves. The complainant also related that the crew members were telling him and the other fishermen not to throw undersized fish back, that they were "keepers," and that they (the crew members) "didn't want the customers to go away empty handed." Unfortunately, this complaint was received so late into the fishing season that the region was unable to set up a detail at the time to address the problem.

In early May 2009, a detail was planned. Region 1 ECO Liza Bobseine and Region 3 ECO Nichloas Desotelle were recruited to go out on the boat on May 10th as paying customers in order to observe what transpires once the boat is out at sea.

The officers on the detail quickly deployed to the dock, just as the boat was tying up. The ECO's immediately identified themselves to the individuals on the boat and warned everyone not to dump anything overboard. However, a fisherman thought he could dump his illegal catch and not be observed by the officers above on the dock. Little did he know that Officers Bobseine and Desotelle were on the boat watching him.

While underway, ECO Bobseine observed the individual placing blackfish in a cooler with black sea

bass. The cooler was equipped with a small aerator pump system, running from a bucket next to the cooler. When the fisherman caught his second blackfish, ECO Desotelle heard him say, "There's two illegal blackfish." The fisherman wound up catching a total of seven blackfish. As the vessel was returning to dock, he placed five of the blackfish into a blue tub. When the vessel docked, the ECO's issued their warning to the passengers not to dump anything. However, the fisherman ran to his cooler, seized the two remaining blackfish from it, and placed them in the blue tub. He then heaved the seven blackfish in the tub over the side of the vessel.

The officers checked all of the passengers disembarking from the vessel and boarded the boat to look for abandoned contraband. The officers found an abandoned cooler containing three undersized, out-of-season blackfish in it. While the captain of the vessel tried to convince Lt. Fitzpatrick that the guilty party had already departed the dock, ECO Bobseine informed him that the guilty party was, in fact, still on the dock. Both ECO Bobseine and Desotelle had earlier observed the individual put the blackfish into a bucket and Bobseine watched as he transferred them to the cooler.

In all, the officers issued a total of six summonses to four passengers. Considering that there were only about eight passengers on the sparsely-populated trip – two of them undercover ECO's – the violation rate was well over 50%. In addition, the captain of the vessel did not have his Vessel Trip Report filled out prior to returning to dock, as required, and was also issued a summons.

In this episode, the prize for the "most outrageous behavior" surely must go to a crew member. When ECO Desotelle first boarded the boat in the morning for the advertised ling fishing trip and inquired as to what type of rig to use to catch ling, Morganti told him not to worry about it because they were going out for sea bass and blackfish (which was out of season). Once the boat was underway, ECO Bobseine watched Morganti catching and keeping blackfish. She asked him what he planned on doing with the fish and he admitted to her that he sells them "to make some money."

Once the officers issued all of the tickets to the passengers, there was one last unfinished piece of business – the crew member had an open bench warrant. When he was informed by officers on the detail that there was still some unfinished business to take care of, he quickly acknowledged that he had failed to appear at court for tickets that were issued to him. The crew member was transported to Brooklyn Criminal Court where he was immediately arraigned before a judge for the three ECL tickets that had been issued him last fall. The defendant has agreed to plead guilty to all three tickets and will pay a \$750 fine. The party boat detail was filmed by a crew from the NBC show Dateline and will be incorporated into a segment about DLE that they are planning on airing in the early summer.

Striper "Rescuers" (Nassau County)

On 12 May 2009, Region 1 ECO Don Damrath, and MEU ECO Sean Reilly were doing overnight striped bass enforcement in Inwood Park. They noticed an SUV at the boat ramp loading up a dinghy and fishing gear. When Officer Reilly asked the men if they had any fish, they replied "No, no fish." Officer Reilly noticed a large cooler in the back of the vehicle and inquired about the contents. Again, the men claimed they had no fish, but a quick inspection of the cooler revealed six striped bass between twenty eight and forty inches and a large blackfish. The fishermen claimed they "found" the fish in a fish pen out in the bay and kept them so they wouldn't die. The fish "rescuers" did not save the lives of the stripers but were cited for possessing over the bag limit and undersized species. The blackfish was released alive back into the bay.

Conviction In Chinese Blood Clam Smuggling And Sale Case (Kings County)

On 25 January 2009, a Region-wide detail was set up focusing on the illegal sale of raw shellfish from China in multiple seafood markets throughout New York City. The detail resulted in Region 2 and

MEU officers seizing approximately 462 lbs. of illegal clams from a total of 11 seafood markets in the Chinatowns of Manhattan, Brooklyn and Queens. The blood clams were being sold for up to \$15.99/lb. in some stores.

As part of the detail, ECO Gregory Maneley and Lt. John Fitzpatrick arrested the owner of Howei Trading, Inc. Howei is the Brooklyn-based company that was smuggling the blood clams in through Newark Airport, illegally transporting them across state lines to New York, and then selling them to multiple venues across New York City. The officers recovered 160 lbs. of illegal blood clams.

On 19 May 2009, Yong Hao Wu pled guilty to misdemeanor-level illegal commercialization of shellfish, ECL 71-0924.2., with an underlying prohibitive charge of ECL 11-0107.2. He has to pay a \$5000 fine and he also received a 1-year conditional discharge. AAG Hugh McLean of the Attorney General's Environmental Crimes Bureau prosecuted the case.

MISCELLANEOUS/SIGNIFICANT MEETINGS

Marine Enforcement Meeting

On 21 April 2009, a meeting was held at Setauket to discuss legislative and regulatory issues from a law enforcement perspective. The managers for the various marine resource units attended to discuss the issues with captains, lieutenants and ECO from Regions 1, 2 and 3 and the Marine Enforcement Unit.

NMFS Shark ID (Boston, MA)

On 22 April 2009, MEU ECO's Brian Farrish and Kevin Thomas attended a NMFS Shark ID training in Boston, MA.

ASMFC Meeting (Virginia)

On May 5th and 6th, Captain Thumm was in Alexandria Virginia to attend the Law Enforcement Committee meeting for the Atlantic States Marine Fisheries Commission (ASMFC).

Marine Resource Advisory Committee Meeting

On 12 May 2009 Captains Tim Huss and Dorothy Thumm attended a meeting of the Marine Resources Advisory Council, held at the Marine Resources office in Setauket. There was much discussion on the new fluke regulations and its impact on the commercial and charter boat industry and the new saltwater license mandate.

NMFS Training (Suffolk County)

On 13 May 2009, MEU Officers along with regional ECO's attended a NMFS training seminar at the MEU Office East Setauket.

I Fish NY (New York County)

On 16 May 2009, ECO Doreen Lum participated in an I Fish New York Outreach on Roosevelt Island in New York County. Roosevelt Island is located in the middle of the East River and is known for its marine fishing. Over 100 of the island residents took the time to sign up for the learn-how-to-fish clinic. Fishing poles, lessons and bait were provided by the I Fish New York Program and marine regulations were discussed by Officer Lum. Overall, two striped bass were caught during the outreach and the participants were eager to follow up on their fishing experience.

Fleet Week Escort (New York County)

On 20 May 2009, MEU and Region 2 ECO's participated in the welcoming of nine war ships into New York harbor. This was part of the Memorial Day celebration to honor our veterans. The ECO's, along

with the New York Police Department, U.S. Coast Guard, Port Authority of New York & New Jersey and New Jersey 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 around Pier 91. Throughout the week, civilians were able to tour the boats.

TAD/acp

cc: Captain Thumm