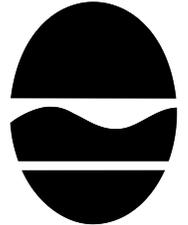


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Joe Martens
Commissioner

TO: Marine Resource Advisory Council
FROM: Major Timothy A. Duffy
RE: NYSDEC Marine Enforcement Report-November 2011
DATE: December 6, 2011

MARINE RESOURCES

October 5, 2011 at 0145 AM, ECO Dustin Oliver was woken from his sleep by a call from Central Dispatch. A complaint of ominous fish poachers at Captree State Park fishing pier was called in by a good samaritan. Before the dispatcher had time to relay all the information, the ECO was out the door. At 0205 AM, the Officer was on scene watching eight fishermen taking turns running buckets full of fish back to three vehicles. The Officer had seen enough and moved to the pier to confront the fishermen. As the ECO came into the light, the fishermen knew the jig was up and they started to scramble. A lack of cooperation forced the Officer to call for assistance from State Park Police. As back-up arrived, the individuals were faced with a difficult decision; voluntary compliance or physical arrest. As the reality of their situation set in, the fishermen began to comply with the Officers. An inspection of the three vehicles followed, revealing a total of 306 Shad stashed away in bags and buckets. The 306 fish exceeded the State recreational limit by a staggering 266. The eight after-hour fishermen were charged with illegal commercialization answerable in Suffolk County First District Court.

East End Fall Striper Report (Suffolk County)

During the months of October and November, the Striped Bass fishing saw excellent action at Montauk Point and along the beaches of East Hampton. While most fishermen took the opportunity to engage in the melee in a sportsmanlike fashion, a few couldn't resist the ocean's bounty and the urge to take more than their fair share. During the fall striper season, working in conjunction with East Hampton Town Marine Patrol officers and other ECOs, ECO Liza Bobseine conducted dozens of uniformed and plainclothes patrols and issued or assisted in the issuance of over thirty summonses for fishing violations, as well as aid to the public, some of which are related in the following accounts.

Midnight Run (Suffolk County)

Overloaded waders:

Arriving at Montauk Point in the late afternoon, ECO Liza Bobseine took a walk on the various footpaths leading to the rocky shores. The officer encountered a fisherman who appeared reasonably fit but was having an extremely difficult time making his way up the incline and seemed to be largely hampered by his chest waders. Closer inspection revealed a striped bass tucked into each leg of the wading trousers. The man was issued a summons for possessing over his limit of striped bass.

Never an ECO around when you need one:

While dressed in plain clothes and seated on a park bench near a footpath leading from the beach to the parking lot, ECO Liza Bobseine overheard a passing fisherman ranting about the lack of DEC resources being deployed at the Point. He stated to his wife that this was a busy time of year, yet there was not a game warden in sight. The officer identified herself to the unhappy fisherman, who said there was a man on the beach with three striped bass. The "striped bass" turned out to be bluefish, but the man was much surprised and relieved to learn that you really never know when the game wardens are present...

Never Too Careful...

While working in plainclothes, ECO Liza Bobseine followed a man carrying two large striped bass off the beach. The man hid one fish in the bushes before entering a parking lot and stashing the other fish in his van. He then walked back down a narrow path past the officer, who remained in the parking lot. Presently he entered the parking lot from the opposite side with the second fish, and after scanning to be sure no law enforcement was watching, proceeded to his van. ECO Bobseine notified a nearby waiting town Marine Patrol officer who entered the parking lot and apprehended the man as he reached his vehicle. The violator repeatedly wanted to know how Marine Patrol had known about both fish, stating, "I was so careful!"

Striped Bass Enforcement (Nassau County)

On October 28, 2011, MEU ECO Sean Reilly and Region 1 ECOs Erik Dalecki and Michael Unger patrolled the south shore of Nassau County for striped bass fishing activity. On the Loop Parkway, the ECOs watched a man loading totes into a pickup truck. As the ECOs approached, the subject attempted to hide one in the bushes. A total of five striped bass were found with one being undersized. ECO Unger issued three tickets for over limit striped bass, undersize striped bass and fishing without the Marine Registry.

Bag Of Bass (New York County)

On November 1, 2011, ECO Brent Wilson observed an individual fishing behind NYCDOT on the East River. This is a secluded spot that is hard to get too. ECO Wilson watched the subject from a construction yard adjacent to DOT. During his surveillance, ECO Wilson watched the subject pull a striped bass out of the water and place it in a large black plastic bag he had concealed amongst some construction debris. As the subject started packing up his fishing poles, ECO Wilson got ready to move. Hiding behind some 55 gallon drums, ECO Wilson waited. When the time was right, ECO Wilson confronted the subject and asked to look inside the black plastic bag. Looking into the bag, ECO Wilson realized he had made a great find. There were 11 striped bass ranging from 13 to 38 inches, of which only one was a legal size, the other 10 were under 24 inches or shorter. Three of the fish were still alive and were returned to the East River. The defendant was issued two tickets for undersize and possess over the limit striped bass. The fish were donated to the Bowery Mission.

ECOs Intercept Fish/Crab Ready For Transport On Passenger Bus (New York County)

On November 1, 2011, ECOs Matthew Baker and Matthew Clemens were patrolling New York City when a call was received from Special Agent Fox of U.S. DOT Investigations. Special Agent Fox was conducting bus inspections in Manhattan's Chinatown and indicated there was

a large quantity of fish and blue-claw crab ready to be loaded onto a bus destined for Nashville, Tennessee. Agent Fox suspected the product to be in violation of the NYS Environmental Conservation Law, as the owners could not produce any type of documentation for the large quantity of seafood. After arriving on scene, the ECOs interviewed several people and quickly identified the owners of the seafood. It turns out the individuals were business owners, buying seafood from areas in NYC such as the Fulton Fish Market, and then re-selling the product in their NYC Fish Markets as well as shipping the product to other businesses in Nashville. With no shipper/dealer permit to be engaged in such actions, the two individuals were issued multiple tickets. All together the seafood tallied up to be 14 bushels of blue-claw crab, three containers of fish eyes, 85 oyster toadfish, and four additional containers of assorted frozen seafood and lobster parts.



Opening Day Of Bay Scallops-Peconic Bay (Suffolk County)

On November 7, 2011, opening day of bay scallop season, MEU ECO Brian Farrish and Region 1 ECO Jeremy Eastwood conducted an early morning boat patrol in Peconic Bay, in Eastern Long Island. The patrol was meant to look for individuals fishing too early. Using night vision equipment, the officers found two individuals fishing for bay scallops aboard a small vessel southeast of Robins Island pulling dredges more than an hour before legal sunrise. The officers approached the fishermen in the darkness and asked them how the scallops were. They said it was a little slow, lucky for them they only collected approximately one-half bushel. The subject's catch was seized and they both were issued tickets for taking shellfish before sunrise. Later that day, ECOs Tom Gadowski and Alena Lawston, patrolling with Captain Huss in the waters around Shelter Island, checked a recreational scallop fisherman who was found to be over the legal limit of scallops. He was issued a summons for the violation.

Bah Bah Blackfish (Queens County)

On November 15, 2011, MEU ECO George Scheer was working with Region 2 ECOs Timothy Machnica and Jared Woodin on boat patrol in Jamaica Bay and the Atlantic Ocean. During their patrol, they observed a recreational fishing boat returning from Rockaway Reef. ECO Scheer decided to wait in the NYSDEC boat on the opposite side of the Breezy Point Jetty so that it would be hidden from view of the approaching fishing boat. After the fishing boat passed the Jetty, the ECOs initiated a vessel stop to check for fish. There were two men on board and they did not look happy to see ECOs Machnica and Woodin. The ECOs quickly sniffed out hidden Blackfish from storage compartments on the vessel. The ECOs found the men to be in possession of 15 Blackfish, seven over the recreational limit (four per person) and one undersized (less than 14'). Neither of the two men, who admitted taking the fish, had a Recreational

Marine Fishing Registration. The men were issued summonses for “Possess Blackfish in Excess of Limit”, ‘Possess undersized blackfish’ and ‘Fishing without a Marine registration’.

Busy Boat Patrol (Atlantic Ocean)

On November 16, 2011, while on boat patrol, MEU ECOs Jamie Powers and George Scheer had their hands full measuring undersized fish. The ECOs began their day by boarding a vessel that was on its way in to dock in Jamaica Bay. As soon as Officer Scheer stepped foot on the boat, the Captain stated, “You might want to get your ticket book out”. After a thorough inspection of the vessel, ECO Scheer found 10 Striped Bass, 9 of which were undersized. The appropriate summonses were issued and all but one of the fish was confiscated. The officers then headed back out to sea and Officer Scheer dropped ECO Powers off onto the next vessel that was heading into port. Officer Powers immediately found two undersized Striped Bass after the Captain stated that he only had Bluefish on board. The Captain looked at Officer Powers and stated, “How much trouble am I in”. At that moment Officer Powers looked inside another compartment and found a bag full of fillets and four more undersized Striped Bass. The Captain then looked at the officers and stated, “I’m in a lot of trouble now, aren’t I”. Once again the officers confiscated the illegal fish and issued the appropriate summonses. The next couple of vessels the Officers boarded also had undersized Striped Bass on board. By the end of the day, they issued over ten summonses and confiscated 30 illegal Striped Bass.

MISCELLANEOUS/MEETINGS

Atlantic States Marine Fisheries Commission

Captain Dorothy Thumm attended the ASMFC meeting in Boston, Massachusetts from November 6th through November 8th. The Law Enforcement Committee Meeting spanned two days and included an introduction to the new head of NOAA/NMFS Law Enforcement, Bruce Buckson and the new Agent in Charge of the Northeast, Logan Gregory. The new coordinator for the committee, Mark Robson, also was introduced.

Marine Resource Advisory Council

Captain Dorothy Thumm attended the MRAC meeting on November 15th at East Setauket.

Vessel In Distress (Nassau County)

On November 15, 2011, MEU ECO Sean Reilly was patrolling with Hempstead Bay Constables Sohm and Moran when a 48’ vessel was reported to be in distress in East Rockaway inlet, drifting in the breaking waves without power. ECO Reilly responded with the Constables in Unit 5 along with Nassau PD Marine 5 and EnConA3 operated by MEU ECO George Scheer with Region 2 ECOs Jared Woodin and Timothy Machnica. The vessel Gampa was found drifting west of the inlet and clear of the breaking waves. NCPD towed the vessel in through the inlet struggling with steep waves which snapped the tow line. ECO Reilly and the Bay Constables stood by as the vessel was left drifting in the breaking waves again while Marine 5 was attempting to pass a new line. The vessel Gampa and its two passengers were safely returned to Lawrence Yacht club.

East End Marine Task Force

On November 15, 2011, Captain Tim Huss and Lt. Frank Carbone attended a meeting of the East End Marine Task force in Riverhead. Agenda items included upcoming marine fisheries Pulse Ops with the USCG, marine LE training issues, and an update on the marine saltwater fishing registry.

TAD/acp