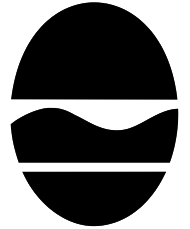


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Joe Martens
Commissioner

TO: Marine Resource Advisory Council
FROM: Major Timothy A. Duffy
RE: NYSDEC Marine Enforcement Report-December 2011
DATE: January 5, 2012

MARINE RESOURCES

USCG Pulse Op (Nassau & Suffolk Counties)

On November 27, 2011, MEU ECO Sean Reilly patrolled with USCG Jones Beach checking fishermen around Jones Inlet. ECO Reilly issued a ticket regarding Personal Flotation Devices to the operator of a recreational vessel. Again on November 30, 2011, ECO Reilly patrolled with Station Fire Island checking recreational fishing vessels.

Fisheries Pulse Opps (Suffolk County)

On November 28 and 29, 2011, MEU Officer Brian Farrish assisted United States Coast Guard Station Montauk with their commercial fisheries pulse operation. The detail focused on enforcement of Federal and State fisheries regulations on commercial fishing vessels in and around Montauk.

I'm 99% Legit!" (Suffolk County)

On November 29, 2011, the marine office received notification from a Suffolk County Department of Health Inspector that untagged striped bass fillets were being embargoed at a restaurant in Hampton Bays. When MEU ECO Rich Maggio arrived there, the co-owner and chef of the restaurant admitted he was in possession of nine portions of striped bass. When asked where the carcass and tag was for the striped bass, he stated that he orders his striped bass without the carcass, because he didn't have room in his small kitchen, and that the dealer keeps the tags. When asked for the invoice, the defendant said he did not receive one for that day's delivery, which included fluke and scallops, in addition to the striped bass; but he could have it the following day. The chef then signed a deposition stating from whom he obtained the untagged striped bass, and the fluke and scallops, and stating that he would have an invoice by the next day. Over the next two days, ECO Maggio attempted to locate the dealer of the untagged bass, and finally interviewed him on December 1. The dealer stated that he did not sell the striped bass in question and that the restaurant has been buying striped bass from a subject who is cutting into his business. He stated that the chef had called and texted him while the inspector was at the restaurant. The text stated that he was being inspected and while he had the invoice in his pocket for the fluke and scallops, he did not want to present it because it did not have the bass. The text also stated that, "I told the DEC guy that I would have an invoice tomorrow. Can you help me out?" The ECO returned to the restaurant

the following day, and after re-interviewing the chef, received a second signed statement wherein he states he is “99 per cent legit”, admits that he purchased the striped bass from a fisherman known only as “Carlos”, that he paid cash, and there was no invoice. Charges for the following are pending: possession of untagged striped bass, offering to sell untagged bass, purchasing from harvester for resale without shipper/dealer permit, making a false statement.

Commercial Fishing Enforcement (Suffolk County)

On December 3, 2011, MEU ECO Sean Reilly and Region 1 ECOs Erik Dalecki and Michael Unger investigated a complaint of a gill net being placed too close to the shore off Gilgo Beach. There is a restriction on nets being within one thousand feet of the shoreline in that area. ECOs Reilly and Unger responded to the area on A5 and found a gill net placed in the water about six hundred feet from shore. ECO Reilly issued a ticket to the fisherman for the violation returnable to Suffolk District Court.

Striped Bass Tossing (Queens County)

On December 9, 2011, MEU ECOs Kevin Thomas and Jamie Powers were on boat patrol rounding the Breezy Point jetty in the Atlantic Ocean. They noticed three boats actively trolling for striped bass. The officers approached and noticed one boat reel in quickly and begin to turn the vessel toward the officers in an attempt to hide the stern of the boat. ECO Thomas maneuvered around the slower vessel so ECO Powers could witness the fisherman in the rear throwing small striped bass in the air in attempt to avoid a ticket. Immediately the officer yelled at them to stop dumping. The person continued to throw bass while the ECO’s boat was only a mere ten yards away. When ECO Powers was able to board the boat, he found three more bass on board and transferred them to ECO Thomas. After measuring all the bass as being below the legal size limit, they were safely returned to the sea, alive and well, ready to fight another day. The fishermen however were not as fortunate. They received tickets for dumping upon signal to stop, possession of over the limit striped bass and possession of short striped bass. In total, the two fishermen face up to \$1,500 in fines, when without dumping, they could have taken one ticket and been on their way.

Peconic Bay (Suffolk County)

On December 10, 2011, Region 1 ECO Jeremy Eastwood and MEU ECO Brian Farrish were on boat patrol in the Peconic Bay conducting vessel stops. They were checking the commercial scallop harvesters when the officers discovered one commercial fishing vessel keeping commercial limits of scallops and whelk. The officers asked to see the fisherman’s commercial permit and it was found that he did not have a commercial permit to take the whelk. He was issued a summons for taking whelk without a permit.

Busy Boat Patrol (Jamaica Bay)

While on boat patrol on December 13, 2011, MEU ECO Jamie Powers , Region 2 ECO Tim Machnica and Region 1 ECO Mike Unger had their hands full issuing summonses. The ECOs began their day by approaching a vessel that was on its way in to dock in Shell Bank Creek. As soon as the operator of the boat noticed the DEC vessel approaching him, he immediately ran to the back of the boat and tossed what appeared to be a rather large burlap bag into the water. As the officers got closer, they recognized the fisherman as an individual who they have issued numerous summonses to on multiple dates. It wasn’t long before the fisherman admitted that he did in fact toss a bunch of “Bluefish” overboard, but stated that he was on the phone with his wife .

He said that she told him that she did not want the Bluefish and that she had ordered him to throw them back into the water! Needless to say, the subject was issued several summonses including: dumping upon signal to stop (misdemeanor), failure to possess a valid Marine Fishing Registration and no distress signal onboard. Later, the officers were approaching another recreational vessel and as they came closer, the vessel began to take off. As the vessel was motoring away, one of the fishermen began tossing three Striped Bass into the water. Shortly after, this vessel was stopped and boarded. The Captain stated that he did not see the 31' Safeboat with the blue lights on. The Captain was issued a summons for failure to comply; the individual who tossed the fish was issued summonses for dumping upon signal to stop and failure to possess a valid Marine Fishing Registration.

Short Striped Bass Coney Island (Kings County)

Region 2 ECO Jennifer Okonuk received a TIPP complaint that a group of individuals were keeping short striped bass at Seagate Beach on the western end of Coney Island in Brooklyn. ECOs Okonuk and Matthew Baker responded to the location and met with the complainant who provided information about the poachers. ECO Okonuk then disguised herself with a pull over jacket and walked onto the beach to make observations. There were five people fishing for striped bass. ECO Okonuk noticed one of the individuals was tending to a back pack near a dock. When ECO Baker arrived, ECO Okonuk went to the location of the back pack and found four short striped bass. One of the fishermen admitted to keeping the short fish and was ticketed for the possession of undersized striped bass and for possession of striped bass over the legal bag limit. Another one of the fishermen was issued a written warning for failure to possess a valid marine recreational fishing registration.

MISCELLANEOUS/MEETINGS

NOAA-NMFS National Enforcement Priorities

Captain Dorothy Thumm has participated in two conference calls regarding these proposed priorities during the month of December. The first was for the Northeast, the second was for nation-wide input.

TAD/acp