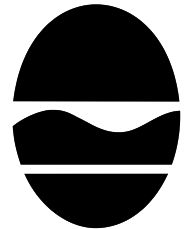


New York State Department of Environmental Conservation  
DIVISION OF LAW ENFORCEMENT  
100 Hillside Avenue, Suite 1W, White Plains, NY 10603-2860  
Phone: (914) 428-2505 ext. 2 Fax: (914) 428-2349  
Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

TO: Marine Resource Advisory Council  
FROM: Major Timothy A. Duffy  
RE: NYSDEC Marine Enforcement Report-February 2012  
DATE: March 6, 2012

## MARINE RESOURCES

### Unsafe Shellfish (NYC)

On January 25, 2012, MEU officers Kevin Thomas and Jamie Powers teamed up with Region 2 ECOs Brent Wilson and Matt Baker for more market and restaurant inspections in Manhattan. By the end of the day, the officers once again were able to find numerous violations. Summonses were issued for possession of undersized Tautog, untagged manila clams, untagged Razor Clams, co-mingling of shellfish, untagged geoducks, possession of shellfish from a non-approved FDA source, possession of freshwater clams (untagged and always uncertified) and failure to retain tags for 90 days.

### Largemouth Bass In Chinatown (New York County)

During February 2011, Marine Unit ECOs George Scheer, Kevin Thomas and Jamie Powers were conducting restaurant checks in Manhattan during the Chinese New Year when they came across a restaurant with live largemouth bass in their fish tanks. Being lifelong fresh water fisherman themselves, these fish were easily recognized, although out of place in Manhattan. An employee of the restaurant, knowing they are illegal, tried scooping them out into a plastic bag before the officers noticed. After talking to the workers, the officers found out that a market on Mott Street had sold them the fish. Three fish markets lined Mott Street and were packed with people. The officers split up and inspected each market. ECO Powers quickly discovered a few fish in the second market that were being offered for sale. ECO Thomas took a walk through another store and saw nothing out of the ordinary until he noticed an employee come out of the back alley way. When he looked into the alley, he saw fish totes and large cement tubs with water in them. The tubs were filled with over 290 pounds of live largemouth bass. The manager of the market admitted the bass were his and said he sells them for the New Year. The case was brought to the attention of the marine unit Lt. Francisco Lopez, and is currently under review for an administrative settlement. On a good note, the Bowery Mission received over 300 lbs of fresh bass to feed the homeless and needy that night. Dahing Seafood Inc. eventually settled by a consent order in the sum of \$3,500 for the violation of illegally possessing black bass for sale. This was after many months of obtaining valuable information on the suppliers and distributors of the fish.

### Oyster Bay Party Pooper (Suffolk County)

During the month of February, ECO Joshua Sulkey met up with the Smithtown Bay Constable to go over some information that was given to him from a concerned citizen about shell fishing in the Nissequoque River. The complainant said that people were going in the river at night to

collect Oysters. ECO Sulkey then began adjusting his patrols to work the river at low tide, especially the late evening and early morning tides. On February 19, 2012, just a little after 1700 hours, ECO Sulkey was patrolling on Riviera Drive in San Remo when he observed two individuals in the river wearing muck boots and carrying a bucket towards the river bank. The two walked back towards the water to gather the rest of their belongings and when they returned to shore, ECO Sulkey was there to greet them. They had three 50 pound onion sacks filled to the top with oysters and a five gallon bucket filled with oysters. They were each issued two summonses for failing to possess a shellfish permit and taking shellfish from uncertified waters. They were advised that if they were going to shellfish again, to do it in certified waters and stick to the recreational limits. The two had approximately 700 Oysters on them that were put back into the river.

### **You Caught Me (Suffolk County)**

On February 23, 2012, ECO Joshua Sulkey received a phone call about a suspicious person going into the Nissequogue River. The caller described the person as best as possible and also advised where the suspect's truck was parked and where he last saw the person enter the river. The caller stated that the truck was there the night before as well and that it didn't belong in the area. ECO Sulkey arrived shortly thereafter finding the truck. After a quick check of the registration, ECO Sulkey stayed in the shadows along the dark, unlit river, searching for the suspect. As he did so he contacted ECO Tim Fay to assist. The ECOs met up shortly thereafter and continued their search. The ECOs knew the individual would not have much more time to collect oysters since the tide was rapidly coming in. At approximately 11:30 p.m., ECO Sulkey heard somebody walking in the water. Staying still near the tree line on shore, he watched as the individual walked close by him and back towards his truck. ECO Fay saw him get into his truck and start it up. The ECOs heard the truck stop; a late night runner was passing through at the same time so the ECOs were able to keep pace with him to catch the shell fisherman before he could take off. The ECOs heard the runner yell at the shell fisherman, "You know what you're doing is illegal?!" Before he could respond, ECO Sulkey reached the vehicle. The individual admitted to everything. He simply stated, "You caught me." He had his previous night's catch with him as well and told the ECOs that they were from the river too. He possessed 800 oysters which were confiscated and returned into the water. He was issued five summonses for possessing shellfish from uncertified waters, taking shellfish at night and failing to have a shellfish digger's license; all misdemeanors carrying penalties of up to \$1,000 each and a year in jail.



## MISCELLANEOUS/MEETINGS

### **Striped Bass –ASMFC**

On January 23, 2012, Capt. Dorothy Thumm participated in a conference regarding Striped Bass tagging along the eastern coastal states. Discussions related to differences and similarities between the Striped Bass tagging systems and to preparing recommendations from the Law Enforcement Committee to ASMFC regarding improving the tagging management of Striped Bass from a Law Enforcement perspective.

### **Lobsters-ASMFC**

On February 2, 2012, Capt. Dorothy Thumm participated in a conference regarding the ASMFC member state proposals for closed seasons, size limit changes and v-notching. This time the discussions were designed to discuss enforceability of the various lobster proposals and recommendations on behalf of the ASMFC Law Enforcement Committee.

### **Shellfish Advisory Committee**

Captain Dorothy Thumm attended the evening meeting of the Shellfish Advisory Committee at Setauket on February 15, 2012.

### **30th Annual New York State Sport Fishing Federation Forum (Nassau County)**

On February 17-19, 2012 the New York State Sport Fishing Federation held its 30th annual sport fishing forum and auction at the Freeport Recreational Center. Local fishermen had the opportunity to browse through over 50 exhibitors, attend demonstrations and seminars from the region's top anglers and get involved with an interactive presentation given by the Mid-Atlantic Fisheries Management Council. Region One ECOs Dustin Oliver and Erik Dalecki joined DEC's Bureau of Marine Resources to provide information and answer questions regarding local fishing resources and the state's regulations.

### **Great Kills Federal Park (Richmond County)**

In February, ECO Alan Brassard attended a marine fishing educational outreach at Great Kills Federal Park in Richmond County. Along with NYS DEC Region 2 I Fish NY staff, ECO Brassard help informed the Federal Park staff of current marine fishing regulations. ECO Brassard also fielded questions from the Federal Park staff and explained various Law Enforcement issues regarding the park. The event was a great success for educating the park staff on marine fishing and its regulations. The group consisted of about 16 staff members including US Park Police and Federal Park Rangers.



