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Trustees pledge vigilance against horseshoe crab poachers

By Michael Wright

The Southampton Town Trustees are planning to step up bay constable patrols in eastern Moriches Bay and western Shinnecock Bay as the horseshoe crab spawning season approaches in an effort to stop out-of-town commercial fishermen from taking the crabs from town waters.

In response to concerns raised by two Southampton baymen, Donald Bennett Sr. and his son Donald Bennett Jr., the Trustees said they would make an effort to have a bay constable patrolling the Southampton Town portion of Moriches Bay by boat this year, even though the constable force is short-staffed and having a hard time filling its ranks.

“There’s never a bay constable in the boat in that area,” the elder Mr. Bennett said during the Trustees’ meeting on Monday. “If there’s no one to check, they keep coming.”

Trustee Jon Semlear said the town has an open constable position and that their staff is spread thin covering the entire town. But he said the Moriches area would receive special attention in the coming months.

“We’ll be as vigilant as possible,” Mr. Semlear, a commercial bayman, said. “That area was a focal point last summer. That’s the area where we have problems.”

The Trustees are being sued by the Brookhaven Baymen’s Association because Southampton bay constables ticketed a Brookhaven commercial fisherman for having anchored a net in the bay bottom on the Southampton Town side of the bay. The Trustees’ bylaws require that fishermen be town residents in order to anchor or install fishing gear, like pound nets or fish traps, into the bottoms or harvest shellfish and crabs. The Brookhaven baymen’s lawsuit claims that migratory fish species can be regulated only by the state and that the Trustees may not impose their own limits on fishing methods.

The Trustees, on behalf of all town residents, own the lands at the bottom of the town’s bays. They have long maintained that their ownership gives them the authority to limit the harvest of animals that live within those bay bottoms, namely shellfish and crabs, as well the commercial or private use of the bay bottoms, to town residents only.

Mr. Bennett and his son said that they had heard rumors that the barrier islands on Great South Bay may be closed to commercial harvesting of horseshoe crab populations this year and they said they are worried that commercial fishermen from parts west will come to Southampton Town to reap the benefits of the still bountiful crab populations there.

Local baymen have accused out-of-town fishermen of illegally taking huge numbers of the prehistoric looking but very valuable horseshoe crabs from beaches at Shinnecock and Moriches bays in the past. The state considers all crabs to be migratory species and sets limits on size and harvest levels, which the Trustees recognize, but the town maintains that only town residents may harvest the crabs from local beaches.

Horseshoe crabs spawn in large numbers along the shores of local bays during the full moon in May and June. Groups of anywhere from a few dozen to hundreds gather together on the shoreline making them easy targets for clandestine poachers. In 2007, a Quogue man was arrested for catching more than 1,500 horseshoe crabs, three times the daily limit set by the state. Horseshoe crabs are highly sought after for use as bait to catch valuable whelks, which are harvested for their meat, known as scungilli.

In other business on Monday, the Trustees criticized a state plan to require a license for fishing in saltwater. The Trustees challenged whether the money collected would be used wisely and questioned whether their colonial-era charter would empower them to indemnify town residents from being ticketed for not having a license if they were in town waters.

"It's in the colonial laws from before the state was even created that fishing and fowling will be free," Trustee Ed Warner Jr. said.

"This is the final straw," Trustee Eric Shultz added. "These [Trustees] boards out here are suffering death by a thousand cuts. Every department around is encroaching on us and taking away the authority of this board."

The authority the Trustees still derive from 17th century patents issued by a British colonial governor, Thomas Dongan, has been upheld twice by the U.S. Supreme Court and numerous times in lower courts.

"We have to stand up for something," Mr. Shultz said.

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