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ECOs Arrests Lead To Felony Charges Against Horseshoe Crabbers

Baymen Busted with More Than 1,000 Horseshoe Crabs in a Single Night

Three Patchogue men are facing criminal charges after a nighttime surveillance effort by New York State Department of Environmental Conservation (DEC) Environmental Conservation Officers (ECOs) found these individuals had illegally harvested nearly 1,500 horseshoe crabs in the course of one night.

"Across the entire eastern seaboard, there is growing concern about the impact declining horseshoe crab populations can have on migratory birds such as the red knot," Regional Director Peter A. Scully said. "Those who violate the law should be aware that DEC's Environmental Conservation Officers are skilled law enforcement professionals who will take swift action to protect the environment and vulnerable wildlife populations."

On June 2, 2013, several DEC ECOs were on a designated horseshoe crab detail on the Great South Bay in the Town of Brookhaven. At approximately 9 p.m., officers observed a white 18-foot 1998 Carolina Skiff with no navigation lights enter Swan River traveling northbound. ECOs initiated a stop of the vessel and identified the operator as Luigi A. Moscardino, 39, of Patchogue, Suffolk County. Numerous horseshoe crabs were noted on the boat and Moscardino was unable to produce a commercial horseshoe crabbing license. A total of 333 horseshoe crabs were removed from the vessel. Moscardino was allowed to keep 5 crabs as per the recreational limit, resulting in a total of 328 illegal horseshoe crabs harvested on the boat.

As Moscardino docked his boat and was being processed, another vessel just off-shore with no navigation lights was spotted by ECOs using night-vision binoculars. Two subjects, later identified as David J. Hartmann Jr., 33, of East Patchogue and Paul E. Sharkey II, 32, of Patchogue, were observed on the dark green 24-foot 1976 Angler as it cautiously made its way around the entrance of the river. ECOs proceeded to stop this vessel, and once again noted numerous horseshoe crabs on the vessel. Hartmann possessed a valid DEC commercial fishing permit for harvesting horseshoe crabs, and a valid Foodfish & Crustacea Dealer/Shipper permit. Hartmann did not have any 2013 DEC commercial fishing permits.

COs then proceeded to count and remove the horseshoe crabs from the second vessel. After nearly two hours of counting and four truckloads of crabs, a total of 1,107 horseshoe crabs were removed from the vessel. Hartmann was allowed to keep 5 crabs as per the recreational limit, and Sharkey kept 30 crabs as per the allowable commercial limit, resulting in 1,072 illegal horseshoe crabs seized.

The horseshoe crabs were trucked to several nearby sites and released back into the waters of the Great South Bay.

As of July 9, 2013, each bayman arrested was brought up on the following charges:

Paul E. Sharkey II -

- Possession of over limit horseshoe crabs - **E Felony** - up to 4 years in prison, and/or up to \$5,000 fine and up to \$107,200 fine (\$100 per Horseshoe Crab)

- Failure to display navigation lights - **Violation** - up to \$100 fine
- Operating an improperly numbered vessel - **Violation** - up to \$150 fine and/or 15 days imprisonment

David J. Hartmann Jr. -

- Possession of over limit horseshoe crabs - **E Felony** - up to 4 years in prison, and/or up to \$5,000 fine and up to \$107,200 fine (\$100 per HSC)
- Possess commercial limit of horseshoe crabs w/o permit - **Violation** - up to \$250 fine and/or 15 days imprisonment

Luigi A. Moscardino -

- Possession of over limit horseshoe crabs - **Misdemeanor** - up to 1 year in prison, and/or up to \$5,000 fine and up to \$32,800 fine (\$100 per HSC)
- Possession commercial limit of horseshoe crabs w/o permit - **Violation** - up to \$250 fine and/or 15 days imprisonment
- Failure to display navigation lights - **Violation** - up to \$100 fine

A recreational limit of five horseshoe crabs per day may be taken, but the crabs may not be offered for sale and must be for the harvester's own personal use. The commercial limit is 30 horseshoe crabs per day.

Before harvesting horseshoe crabs, individuals should be sure to contact the DEC Bureau of Marine Resources for current information on open seasons, permits and harvest regulations.

Additional [information on horseshoe crabs is also available](#) on the DEC's website.

Individuals spotting illegal activities are encouraged to call DEC's Environmental Conservation Officers at (631) 444-0250 during business hours, and 1-877-457-5680 or 1-800-TIPP-DEC at all other times to report suspected illegal activities.