

PA Fish and Boat Commission Bureau of Law Enforcement



2015 Annual Report

The mission of the Bureau of Law Enforcement is to protect, conserve, and enhance the aquatic resources of this Commonwealth through public education and fair enforcement by dedicated professionals.

Highlights of 2015

It seems like only yesterday when I was writing the intro for the reborn Annual Report. I guess the old adage that time flies when your are having fun is accurate. 2015 went by in a blur and it is already trout season 2016. As we lean forward into our 150th year I wanted to take just a moment to reflect on the Bureau's accomplishments in 2015.

2015 started off much like 2014 with 18 vacancies across the Commonwealth. That quickly rose to 24 with several retirements of long time officers (Bruce Gundlach—W. Armstrong, John Sabaitis—Berks, Leon Creyer—Lehigh, C. Robert Wheeler—W. Allegheny, Steven Boughter—Snyder/Union/W. Northumberland, Robert Nestor—NW Captain). Even with this higher number of vacancies we continued to get the job done. We are a tired force but there is relief in sight. On December 4th, the 21st WCO Class graduated Act 120 at the PSP NW Training Center and reported to Stackhouse the following Monday. As I write this they are currently on the fish portion of their field training and looking to join the ranks of the Thin Green Line on June 24, 2016.

In February WCO Vance Dunbar was promoted to SGT and moved into the NC Region. This was just in time to see the office move from Stackhouse to the new Centre Region Office (CRO) building in Bellefonte. SGT Tom Edwards was promoted in November to CPT in the NW Region.

As we strive to modernize the Bureau we started looking at our Defensive Tactics curriculum. What we were doing was not bad but had lots of room for improvement. With that in mind, the Bureau hosted a Krav Maga LE DT instructor class at the PGC training facility this past June. Six BLE instructors were certified by David Kahn in the Level I LE course. As our course continues to evolve we look forward to more and ongoing training for each officer.

In 2015 we continued to recognize Officers that excelled with Top Gun, NECLECA Officer of the Year, and NASBLA Boating Officer of the year. WCO Michael Walsh (E. Allegheny) was recognized as Top Gun for apprehending nine BUI suspects in the SW Region. WCO Darrin Kephart (S.

York) was awarded the NECLECA Officer of the Year for his overall performance in several areas as a WCO. As of this writing the NASBLA Boating Officer of the Year has been forwarded to NASBLA but not announced yet.

The patrol rifle program also moved forward in 2015 as we added the Aimpoint Red Dot optics, Magpul handguards, and flashlight holder to the platform. We will continue to update our training in not only the patrol rifle but also the other systems that we employ.

As you can see with this quick summary and looking at our statistics, 2015 was another busy year for BLE. We were only able to accomplish this due to the hard work and dedication of every member of the bureau. As we look to 2016, our 150th year, I would challenge all to not lose focus or become complacent. Remember that we are that Thin Green Line that stands for that resource that cannot protect itself. Stay safe.

Colonel Corey L. Britcher

2015 Statistics

Court cases prosecuted.....	5,943
Warnings for violations	32,264
On board safety evaluations ..	28,984
Crimes Codes	31
Pollutions investigated	155
Boating Under the Influence...	49
Investigations	309
Marcellus Shale (MS) Inv.....	14
MS cases pending	6
MS cases closed	8
MS cases	
Settlement money	\$8,875
Snake permits.....	1,058
Turtle permits.....	26
Special Activity permits.....	2,431
Lake Erie Seine Net permits....	34
Water Rescue Certificates	3,500





NORTHWEST REGION

Poaching doesn't pay!

August 1st, at Lake Moraine State Park, WCO Jon Kay, DWCO Dan Reiber and Sgt. Tom Tarkowski were on late night boat patrol and contacted 3 shore anglers who were fishing with rod and reel. Upon further investigation of the area the 3 males had secured a 50ft. Gill net to the shore and used a kayak to extend it out into Lake Arthur. All 3 defendants were charged with Taking fish by illegal methods and using nets without a permit.

Also on October 22, in Erie County at Trout Run nursery waters, WCO Brook Tolbert and DWCO Gerald Weaver were conducting late night patrols and successfully apprehended 3 individuals using illegal devices (landing nets). The individuals had taken 8 steelhead from the nursery waters in a matter of minutes before being contacted. Three defendants were charged with 9 violations of Title 30 each and are pending trial.

Left and above: Illegally netted fish. Below: Disturbance of Crab Run, Butler county.

Waterway Encroachment

An entire area had been excavated, contoured and left exposed along the Crab Run, Butler county. No E & S controls in place. No permits had been acquired before the work began. The property is being developed for a new residential home.





SOUTHWEST REGION

Watch what you post on Facebook

WCO Matt Kauffman was contacted by Pennsylvania Game Commission Officers regarding evidence that they had regarding an individual that they were investigating for Game Law violations. They informed WCO Kauffman that they had evidence showing that the individual had also committed Fish and Boat Code violations, specifically relating to reptiles/amphibians. The officers conducted a joint investigation including interviews with the defendant and a search of his residence. It was determined that the individual did commit Game Law violations and Fish and Boat Code violations. The Fish and Boat Code violations he was charged with and pled guilty to included (2) counts of Permits for Protection and Management of Particular Fish (Venomous Snake Permits), Illegal Taking Reptiles or Amphibians/Frogs Devices/Light at Night, Illegal Taking Reptiles or Amphibians/General Devices and Seasons and Daily Possession Limits (Reptiles/Amphibians).

Fatal on the Monongahela River

WCO Mike Walsh investigated a Fatal Boating Accident on the Monongahela River on April 23, 2015. The deceased kayaked on the Monongahela River to get a sign out of the water. Upon returning to the launch ramp he capsized and went under. He was reportedly wearing his PFD at that time, but when he was recovered the PFD was 3/4 of the way off of him.

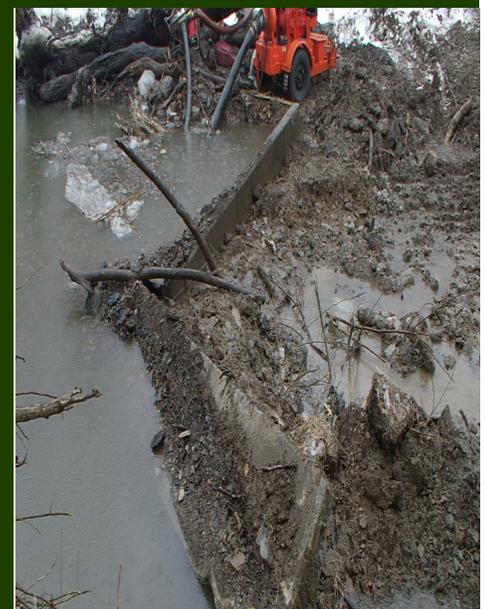
Multitude of Permit Violations

After a lengthy investigation by WCO Sean Sauserman and Department of Environmental Protection, they signed a consent assessment and settlement agreement with CNX Gas Company to settle violations of the state's Oil and Gas Act and the Fish and Boat Code. As a result of the agreement, CNX paid \$345,750 to DEP and \$105,000 to the PFBC. CNX did not adhere to its approved plan, and DEP determined it exceeded its approved daily withdrawal limits from a reservoir in North Franklin Township, Washington County on 43 days between October 23, 2011 and June 8, 2013. CNX obtained a draw-down permit from PFBC that set further limits on how much water could be removed from the reservoir in order to protect aquatic life and dam stability. However, on 164 days between October 21, 2013 and December 23, 2014, during the restricted time period, CNX withdrew water from the reservoir contrary to the restrictions in their WMP and "draw down" permit. This water withdrawal resulted in low water levels within the reservoir, drying out the shallow shoreline areas of the reservoir and the surrounding forested wetlands. In addition, the company failed to keep proper records relating to water withdrawals and reservoir levels.

Deer Creek

Sewer line maintenance in Approved Trout Waters—Deer Creek during the restricted period without a permit.

Above left: Confiscated deer antler. Above: Kayak from fatal accident. Below: Sewer line maintenance in Deer Creek.





NORTHCENTRAL REGION

PFBC Linden Access Area

PA Fish and Boat Commission properties continue to be utilized for purposes other than fishing and boating. On March 23, 2015 around 3:30 pm, WCO Emmett Kyler was patrolling the West Branch of the Susquehanna River at the Linden Access when he noticed a vehicle parked illegally at one end of the parking lot. WCO Kyler observed the driver and front passenger slumped over in their seats. Kyler parked his patrol vehicle to the rear of the subject's car and approached the vehicle. He immediately noticed a pile of vomit to the rear of the vehicle and third passenger apparently passed out in the back seat. When Kyler attempted to speak to the front seat passenger he was very lethargic and his speech was incoherent. When Kyler asked what was wrong with him the female passenger in the rear seat told Kyler that he was just tired since he had worked until 7:00. At this time Kyler observed a small wax paper packet in plain view on the center console of the vehicle. Kyler immediately recognized this as the type of packaging utilized to distribute heroin. Kyler then had the occupants exit the vehicle and he secured their identification. He then contacted the Pennsylvania State Police for assistance. Two Troopers arrived and conducted a search of the vehicle. The search turned up two additional heroin packets and two hypodermic needles and a white purse on the rear seat which contained additional paraphernalia. When the purse was searched it contained 35 wax paper packets, 13 hypodermic needles, a spoon and four rubber bands. The driver of the vehicle was Arrested by PSP and charged with a DUI, and the female passenger was charged with possession of drug paraphernalia and PFBC property violations.

SSSSSSSSSSSSSSSSSSSSSnake

WCO Tom McMann, received complaints that a well-known rattlesnake den area was showing signs of early hunting, and destructive disturbance from persons using tools to move rocks. A member of the PA Timber Rattlesnake Site Assessment and Inventory Project volunteered to place trail cameras at the site to assist WCO McMann in identifying suspects. On Memorial Day, May 25, WCO McMann retrieved a voicemail message indicating that the trail cameras captured 11 images of an individual in possession of snake hunting tools at the site. McMann reviewed the photos, and noted that the subject was wearing running shoes trimmed in orange, and orange bracelet and was carrying a long red set of snake tongs. He did not recognize the subject. On the following Saturday the weather was favorable for snake hunting so McMann decided to conduct surveillance on the den site. Within two hours of his arrival McMann observed a man and woman walking up the trail toward the den site. Using his binoculars McMann was able to determine that the man was wearing an orange bracelet and carrying long red snake tongs. After observing the subject capture and release a snake McMann left his concealed position and approached the subject. The man produced a 2015 snake permit dated May 28, 2015. McMann asked the subject if he knew when the season opened, and he confessed that he did not know. When he was questioned further the subject admitted to having been at the site on Memorial Day. The subject was cited for two counts of hunting before the season and one count of hunting without a permit. The Court Judge convicted him on two out of season charges, but found him not guilty of the permit charge.



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Left: Confiscated drug paraphernalia.
Above: Illegal snake hunter. Below: Snake hunter with partner, and Officer McMann surveilling den site.



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SOUTHCENTRAL REGION

Chemical Fire

Raystown Lake—shoreline collision

WCO Anthony Quarracino investigated a late night boat collision on Raystown Lake resulting from operator inattention. The operator of a 19 foot Starcraft fishing boat became momentarily distracted and ran aground on Moonbeam Island. Fortunately, neither the operator or his passenger sustained serious injury. The operator was cited for failing to maintain a proper lookout.

WCO Dan Nietupski , assisted by the Division of Environmental Services, investigated the aftermath of an industrial fire at Miller Chemical and Fertilizer, LLC. near Abbottstown, Adams County. A combined discharge of fire suppressant effluent and chemicals from the industrial site entered Slagle’s Run and South Branch of the Conewago Creek, resulting in catastrophic loss to the aquatic community. A subsequent field assessment of the effected water courses resulted in an estimated loss of over 67,000 fish (combined game fish, rough fish and bait fish). A settlement of \$44,851.00 was negotiated to resolve the incident.

Left: Raystown Lake boat accident. Above: WCO Nietupski holding the Muskellunge. Below: Dead fish in Conewago Creek from Miller Chemical fire and the plant on fire.



Trophy Fish

WCO Dan Nietupski apprehended and successfully prosecuted an individual for the unlawful killing of a 47” Muskellunge from Lake Marburg. The 30 lb. trophy fish was taken afterhours through the use of a spotlight and bowfishing equipment. The responsible party was assessed \$225.00 in fines, and paid an additional \$455.07 in restitution for the replacement value of the fish. The bow used in this act was confiscated.





NORTHEAST REGION

Palmerton, PA

WCO Scott Christman teamed up with the Pennsylvania Attorney General's Environmental Crimes Unit and the Pennsylvania State Police to investigate a business that allegedly had employed a person to pump raw sewage into a storm drain. The storm drain fed a local trout stream. A Pennsylvania State Trooper had reported to WCO Christman that he had found an individual who had placed a pump into a septic tank at The Covered Bridge Inn near Palmerton, and was in the process of pumping the tank out into a storm drain. The Trooper reported he was told this was an ongoing, common practice at this business. WCO Christman then met with investigators from the Attorney General's Office. The three law enforcement entities then investigated the business and later brought charges against multiple individuals connected to this investigation.

Harris Pond Alligator

After receiving an email with an attached picture of an alligator in Harris Pond, the NE Region Office contacted WCO John Cummings to locate and remove the gator. As Officer Cummings approached the shoreline he could see runs created by the alligator to access the lawn for basking. As he stepped closer the alligator took off from a location in the high grass and dove into the lake. He was soon able to locate her by the string of bubbles bursting on the surface. As he moved slowly to a location that would allow a clear and safe shot if one was warranted, a boat floated into view behind the alligator. The boat operator was having motor problems, but after a few minutes he had

gotten his propeller free and was on his way. When the boat operator dropped his propeller back into the water it spooked the alligator who then dropped below the surface. After another 15 minutes of stalking along the bank WCO Cummings located the alligator 10 yards from his location. He had hoped the alligator would be tamer and would allow him to net or hook it, but it was wary of humans. Concerned with the safety of native species and anglers, Officer Cummings dispatched the animal with a single slug to the head.

Sediment Release

Construction crew released sediment into an unnamed trib to Tunkhannock Creek.

Left: The Covered Bridge Inn, Palmerton PA.
Above: WCO Cummings with the Alligator
Below: Alligator in Harris Pond and unnamed trib to Tunkhannock Creek





SOUTHEAST REGION

“Having any luck?”

On April 4, the opening day of trout season, WCO Tom Benevento and DWCO Matt Raetsch were patrolling Beaver Creek, Chester County when they observed a male and female fishing and stopped to check them. Both were displaying fishing licenses, so DWCO Raetsch began his conversation with them by asking if they were “having any luck”, to which the male subject responded that they had “caught a few”. At this point DWCO Raetsch noticed 2 stringers in the water, and both appeared to have over the legal limit of 5 trout per angler. DWCO Raetsch then asked both subjects for their fishing licenses, which they provided. DWCO Raetsch asked “who caught all the fish”. The male responded that there were a “bunch of people with us” and he indicated that those people caught most of the trout. DWCO Raetsch then asked where these people were, to which the male responded that they had left. When questioned further, the male subject indicated that they were friends, although he could provide very little specific information on these “friends”. At this point DWCO Raetsch noticed a red milk crate with a large number of trout in it, in addition to the two stringers previously mentioned. After deciding that there were too many fish to count while standing along the narrow streamside, DWCO Raetsch walked with the subjects to a nearby parking lot where WCO Benevento was waiting. As the male subject became more agitated and argumentative, WCO Benevento worked to keep him under control while DWCO Raetsch counted the trout. The total number of the trout was 33, which is 23 over the legal limit for the 2 anglers. The 23 trout were confiscated and charges were filed. At the hearing the defendants couldn’t produce any “other people”. After negotiations, the male pleaded

guilty to possessing in excess of the daily creel limit and disorderly conduct. The fines and court costs paid by the male defendant totaled \$1,254.50.

Black Rock Access Area

WCO Robert Bonney responded to a report of a jet ski accident with injuries at the PFBC Black Rock Access Area on the Schuylkill River. Upon arrival WCO Bonney interviewed one of the operators who indicated that he had noticed problems with the steering that day, and stated “something’s wrong with the steering, I couldn’t steer it, I ran into him”. He estimated that he was traveling 25 miles an hour at the time of the collision. WCO Bonney interviewed the other operator at the hospital, where he was being treated for a broken left femur and a torn medial collateral ligament. He also interviewed a witness of the accident who stated that he mentioned to the person he was with that “there’s going to be an accident”, because of the four or five jet skis that were riding crazy in front of them. WCO Bonney’s examination of the striking jet ski, revealed that the engine compartment was half full of water due to a broken hose inside the compartment. The accident was determined to be the result of equipment malfunction combined with operator negligence, as he should have stopped riding the jet ski and attempted to determine what was causing the steering problem when he initially noticed it. The operator of the striking jet ski, who does have a Boating Safety Education Certification, was cited for two General Boating Regulations violations for Chapter 103 “Rules of the Road” violations.



Left: DWCO/Cadet Matt Raetsch with 23 over the limit Trout. Above: Jet Ski from accident. Below: Another picture of the Jet Ski and investigated Snapping Turtle cases.





Left: Frolicking Turtles. Above: Philadelphia Fish Market, includes Tautog. Below: Spotted Turtle and Ecuadorian Bull Frog.

SPECIAL INVESTIGATIONS

Joint Operations

Due to ongoing budget constraints the full time SI Investigator position remains vacant. Despite this staffing shortage investigations are ongoing and cases continue to be successfully prosecuted; one way this is happening is through growing cooperative efforts with our Conservation Law Enforcement Partners. During 2015 PFBC BLE continued to expand out cooperative activities with other conservation law enforcement agencies at both the state and federal levels. This resulted in several joint cases being conducted with our counter parts in the PA Game Commission, New York, New Jersey, Ohio, U.S. Fish & Wild Life and even NOAA Office of Law Enforcement.

Statistics for 2015

Cases investigated	24
Cases resulting in charges	18
Cases open	1

Breakdown of Charges

Summary	26
Misdemeanor	5
Felony	0



Computer Crimes

Computers have become a part of daily life, with their use being second nature. Unfortunately this means that criminals, including those intent on stealing our natural resources, are also using resources such as social media to coordinate their activities and buy or sell illegal aquatic resources. In an attempt to combat these computer based activities SI staff have attended a number of specialized courses designed to provide the knowledge and hands on skills necessary to detect, investigate and eventually prosecute wildlife crimes of this nature. Not only is this training being utilized to identify and track potential violators but it has been shared with other BLE officers to further their abilities in day to day investigations.





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