

PA Fish and Boat Commission Bureau of Law Enforcement



2017 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 2017

2017 went by in a whirlwind. It is hard to believe how fast time goes when you are busy. Of course, many say it comes with age...the older one gets... . Coming off the 150 anniversary one would have thought we would have had a slower year and been able to catch our breath, yeah right. We started off the year with the retirement of CPT Larry Bundy and WCO Kadin Thompson in the Northeast Region. The Northeast has been relatively stable with vacancies, but that luxury quickly disappeared with the retirements and transfers. I am happy to say though, that the recently promoted CPT Warner was able to pool his resources and get the job done. The year ended with LTC Don Lauver retiring from HQ. CPT Tom Burrell was promoted to LTC shortly there after and is quickly learning that there is no lack of work anywhere within the bureau.

As I write this we currently have 17 vacancies across the Commonwealth. These vacancies include 10 districts, 1 investigator, 5 SGT's and 1 CPT (ATON/SI). Of course, these vacancies mean more stocking and patrol in neighboring districts on top of an already busy workload. I appreciate the hard work you did last year to accommodate getting the job done and know that you will step up again this stocking season. There is not a day that goes by that we do not think about how we can get more troops in the field in the most expeditious way. We have a couple of plans, just waiting on the go from the Executive Director. In the meantime, we will continue to do what we can for the resource with our limited numbers.

Some districts did get some assistance in the addition of new DWCO's. On May 21, 2017, 18 new DWCO's were sworn in at the H.R. Stackhouse training school and began their On the Job Training (cover picture). These new officers went through Act 235 followed by 16 days of formal training at the training school. Many have already completed their OJT and are being a positive assistance within the district. We plan on putting on another DWCO academy as soon as we have 10 viable candidates.

In 2017 we recognized several officers for outstanding work. WCO Jacob Bennett received the Top Gun award for his BUI enforcement efforts on the Susquehanna

River and Northcentral region. WCO Troy Merrell was recognized with the Greiner award for his environmental work in the Southeast. WCO Matt Raetsch was awarded the NECLECA Officer of the Year for his well-rounded efforts within the Southwest. We also recognized several WCO's for lifesaving efforts throughout the Commonwealth; WCO's Raetsch, Johnson and Morder should be proud that their efforts saved a life.

2017 also found us deploying both SWERT and HART resources for real life emergencies. We sent four WCO's and two civilian SWERT members to Texas in response to Hurricane Harvey. These members operated for over a week in austere conditions. We also had the first Instate hoist to rescue an elderly deer hunter that had fallen out of his tree stand in Elk county. Without HART it is feared that the gentlemen might have succumbed to shock and hyperthermia before leaving the woods that night. Hats off to both specialty elements of the Bureau.

2017 Statistics

- Court cases prosecuted.....**6,168**
- Warnings for violations**34,379**
- On board safety evaluations ..**31,553**
- Crimes Codes**66**
- Pollutions investigated**170**
- Boating Under the Influence...**68**
- Investigations**350**
- Snake permits.....**1,437**
- Turtle permits.....**31**
- Special Activity permits.....**2,430**
- Lake Erie Seine Net permits....**27**
- Water Rescue Certificates**2,500**



Highlights of 2017

Finally, for 2017 we took part in another successful Operation Dry Water. I know that these statistics were shared at each region DWCO/WCO meeting, but I feel they are worthy of going over again. During this weekend long event just shy of seven thousand marine officers took part across the country. PA held her own with 150 officers out representing the PFBC. During that time, we had 4,533 interactions with the boating public. We issued citations for 311 boating infractions and warned another 1,477 individuals. Most important though we apprehended 15 operators for BUI. Of course, we also made national news with the highest recorded BAC of 0.28 that weekend. Great job by all those officers that took part. 2018 will provide another opportunity for us to shine on the national level.

We also kept busy at HQ with vehicle upgrades and some new uniform upgrades. We also continue to review our policy manual and update where needed. The most recent of course was to permit the DWCO's to carry a back up weapon.

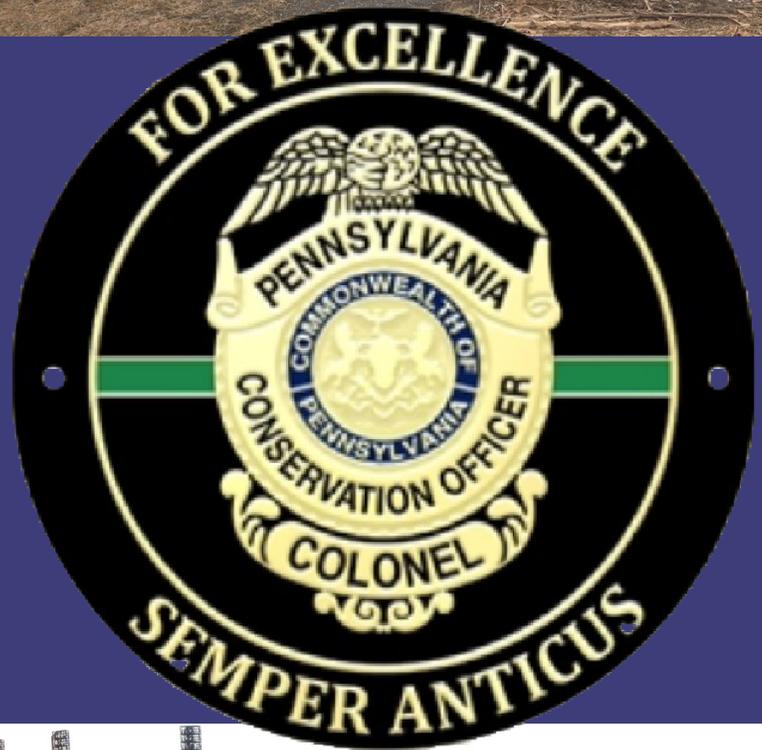
Probably the hardest thing I have ever dealt with on this job was the loss of our friend and brother Brook Tolbert. Brook was a tremendous asset to this bureau and will be sorely missed. *We love and miss you brother!*

It is my goal to continue to move the Bureau forward in 2018. This will include training opportunities, policy upgrades, and a constant focus on making us the best conservation law enforcement agency in the country.

Be safe in 2018. Semper Anticus.

COL Corey L. Britcher

In the picture to the right, Corporal Craig Johnson of the PSP, joined WCO Matt Raetsch and WCO Mike Johnson in boat patrol on the Three Rivers in Pittsburgh during Operations Dry Water weekend.





NORTHWEST REGION

Pymatuning Reservoir

A 9 year old male was standing/riding outside of the passenger carrying area of a pontoon boat. As the boat approached a slow no wake area the operator was looking over his shoulder and the child fell overboard and was struck by the prop. The child was life-flighted to Pittsburgh Children's Hospital with lacerations to his upper right leg. The operator was cited.

WCO Imposter

On October 10th an individual at Conneaut Lake Park was observed impersonating a WCO. The individual was wearing a uniform with name tag, and also a duty belt which included a pistol. The individual was identified by the local WCO and the case was turned over to the State Police with charges pending.

Steelhead Enforcement Detail

During the fall of 2017 the NW Region conducted their annual Steelhead Enforcement Detail. Approximately 12 WCO's, 3 DWCO's and a PGC officer were involved. The Officers patrolled 175 miles of tributary streams, Lake Erie and PIB from September 15th through December 15th. Officers issued 122 citations, 94 fishing violations, 23 property violations, 5 boating violations and 489 warnings. Two of the larger cases were 4 individuals cited at Walnut Creek Area Access for having 18 Walleye over their limit. Their fines totaled over \$1400. The other case was an individual netting Steelhead from 4 Mile Creek that resulted in \$800 in fines. For both of these cases, revocation proceeding are in

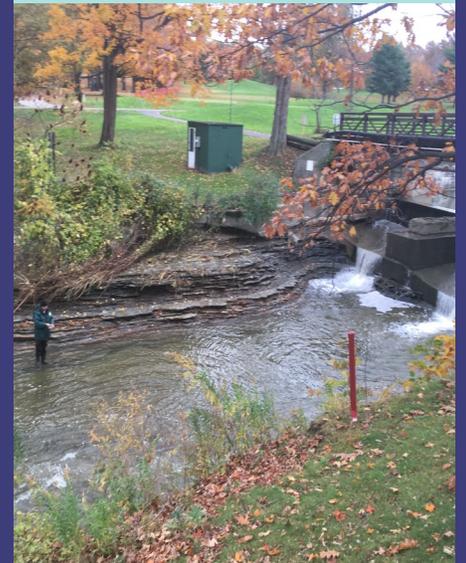
process. 80% of the patrol hours and 75% of the citations issued over this 91 day detail were done by the 2 local WCO's with a lot help from their fellow officers and a PGC officer.

Troubled Waters

We assisted PSP with a homicide investigation involving one of our Commercial Fisherman on Lake Erie. The suspect is being charged with murdering his wife while taking her boating on Lake Erie.

The 40' vessel pictured below sought a safe harbor at Walnut Creek Marina on it's way to Sandusky, Ohio, when the lake started pushing 8 foot waves.

Left : WCO Tim Haas out patrolling. Above: Anglers fishing Lake Erie at Trout Run. Below: Illegal fishing at a fish ladder.





SOUTHWEST REGION

Fentanyl

WCO Anthony Beers was patrolling the Cowanshannock Boat Access in Armstrong County when he observed a vehicle parked in the lower lot. After surveilling the vehicle, he determined that the occupants were not engaged in either fishing or boating activities. While interacting with the driver, WCO Beers observed that his behavior seemed to be abnormal. Due to his erratic behavior and repeatedly ignoring instructions by Beers to keep his hands out of his pockets, WCO Beers completed a simple search of the driver. While conducting the search, he discovered a clear plastic container with a Fentanyl patch inside. PSP arrived to assist and it was then determined that the vehicle did not have a valid current registration or inspection and the driver did not have proof of insurance. In addition, the driver was operating the vehicle on a suspended driver's license. Appropriate charges were filed by both WCO Beers and PSP.

Double Fatality at Dashields Lock and Dam

WCO Matt Raetsch and WCO Mike Johnson, along with PGC WCO Kline, were engaged in boat patrol on the Three Rivers in Pittsburgh. While conducting a boarding on a boat, they were notified of two kayakers going over the Dam. Upon arriving, a command post was set up on the shore and swift water rescue teams from various departments began conducting a surface search for the two kayakers. A civilian boat operator recovered the first female and eight days later, the second female was discovered by WCO Jeremy

Allen. Operator inexperience was determined to be a contributing factor in this incident.

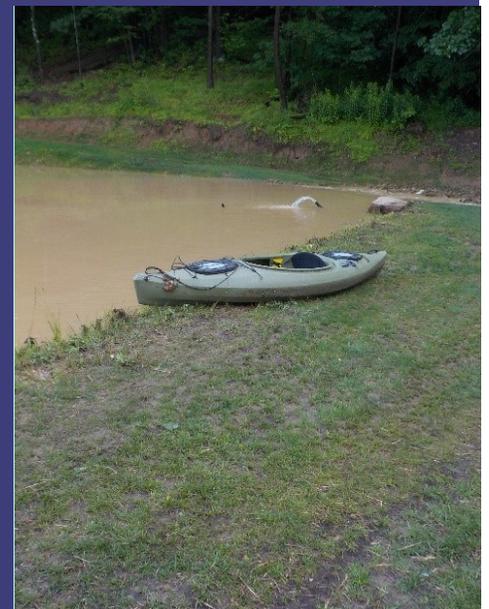
Highly Toxic

WCO Dan Wilson was informed of a chemical spill near Beaver Run Reservoir in Westmoreland County. Upon investigation, it was determined that the local Municipal Sanitary Authority had a pipe that failed at one of their facilities which allowed approximately 1300 gallons of Sodium Hypochlorite Solution to escape their facility and flow into Beaver Run. The highly toxic solution cut a path of destruction killing the grass and trees along the way. No aquatic life was observed for approximately 1.25 miles below the site. A settlement was accepted by the authority.

Kayak Mishap

During flood conditions in June, WCO Matt Colian was notified of a fatal boating accident involving a kayak. Upon investigation, it was determined that the deceased male was attempting to remove debris that was clogging a vertical standing discharge pipe in their pond. He had tethered himself around the waist to an ATV as he paddled out in the kayak. While attempting to remove the debris, the victim fell out of the kayak and was sucked into the 15" pipe by the vacuum being created by the volume of water exiting. He became stuck up to his waist and could not get free. Water levels continued to rise and he subsequently drowned.

Above left: Fentanyl patch . Above: Dashields Lock and Dam. Below: Sodium Hypochlorite Solution spill into Beaver Run.





NORTHCENTRAL REGION

Potato Creek

In September two anglers were fishing on Potato Creek outside of Smethport in McKean County when they noticed a large number of dead fish. The fish were varying in sizes and species and in sufficient quantity to be of concern. The anglers called the NC region office to report what they had observed and the report was relayed to WCO Justin Boatwright in Potter County. Officer Boatwright was assigned to cover that portion of the vacant McKean County district. WCO Boatwright made contact with the anglers by phone and they remained on site until he arrived. Hundreds of dead fish were collected to help in identifying the species effected and to estimate the number killed. Officer Boatwright was able to determine that the upstream limit of the fish kill was the industrial discharge of treated wastewater from International Waxes. WCO Boatwright met with representatives of the company that day and on several other occasions with the assistance of SGT Robert Dunbar. The investigation determined that a fire suppressant chemical with a high toxicity to aquatic life had been allowed to flow through the plant's treatment facility into Potato Creek. As a result of the investigation International Waxes entered into a Settlement Agreement and paid over \$29,000 in lieu of fines and costs. This case was one of over 20 environmental cases that WCO Boatwright investigated in 2017. As a result of his environmental enforcement efforts he was nominated for the WCO Gerald Greiner Award.

High as a Kite!

In April WCO Greg Kraynak and DWCO Chris Brower were patrolling Spring Creek in Centre County when they came upon a lone individual sitting on a stump and slumped over near a foot bridge on PFBC property. WCO Kraynak attempted to determine if the man, was in need of assistance. As WCO Kraynak spoke with the gentlemen it became apparent that he was under the influence of some substance. He was deceptive and provided the officers with a false name. During the interaction he became uncooperative and combative. The situation quickly deteriorated and WCO Kraynak became involved in a struggle on the ground with the man. DWCO Brower attempted to assist and used his OC spray. The pepper spray did not have the desired effect and the struggle continued. Officer Brower used his cell phone to call 911 and request back up. Officers Kraynak and Brower were finally able to gain control and get him handcuffed, but not before he had succeeded in injuring Officer Kraynak's hand. Once the State Police arrived the man was transported to the local hospital where he had to be admitted due to his high level of intoxication. The man tested positive for methamphetamine, ecstasy, opiates, cocaine and marijuana. WCO Kraynak was placed on extended medical leave while recovering from his injury, and in August the man pled guilty to Aggravated Assault, Possession of a controlled Substance, Resisting Arrest and False Identification, and was sentenced to 21 to 42 months.

Left: Potato Creek dead fish. Above: Outflow into Potato Creek. Below: Acid mine water into Perryville Run and sediment run off into Contrary Run.





SOUTHCENTRAL REGION

Raystown Lake Dam spillway

WCO Anthony Quarracino successfully prosecuted an individual for misdemeanor charges of Serious Unlawful Take and Unlawful Devices after a late night apprehension in April in the Raystown Lake Dam spillway. A subject was caught utilizing scuba gear, a submersible light and spear gun to illegally take 3 trophy walleye and 1 trophy small-mouth bass. Entering into a plea agreement with the Huntingdon County Court of Common Pleas, this actor was sentenced to a \$2500.00 fine, \$221.75 restitution for the gamefish, 6 years of supervised probation and a 3 year fishing privilege revocation.

Life Saving Award

While conducting boat patrol on the Juniata River in Perry County, WCO Rich Morder rescued two victims from a capsized kayak. A 59 year old male not donning a PFD was encountered mid-river in chest-deep dangerous current holding a distraught 6 year old girl wearing a PFD. This individual was unable to move due to the current, and their capsized kayak had been swept downriver. WCO Morder maneuvered his patrol boat adjacent to the stranded victims and secured both on board his vessel. WCO Morder was recognized with a Life Saving Award for his professional and decisive actions at the Bureau of Law Enforcement's Statewide In-service training.

Happy Valentine's Day!

During afterhours patrol of the Goldsboro Access on the Susquehanna River on February 14, WCO David Hurst responded

to a call of an active night shooter in a nearby residential area. WCO Hurst located and stopped the suspects vehicle minutes after the radio dispatch. A freshly killed antlerless deer was observed within the open bed of the pick up truck, and a Remington 7mm-08 caliber rifle was present within the vehicle. The 18 year old operator admitted to shooting the deer, and was subsequently processed for DUI and Underage Drinking. Ironically, the suspect's girlfriend was a passenger in the vehicle making this a very memorable Valentine's Day date!

Air Force One

WCO Mark Sweppenhiser and WCO Doug Deppen supporting the Department of Homeland Security with a Presidential Security Detail on the Susquehanna River adjacent to Harrisburg International Airport.

Left and above: Spear gun and scuba gear used at Raystown Lake. Below: Applebutter in a unnamed trib to Conewago Creek and Air Force One with the President.





NORTHEAST REGION

Mauch Chunk Lake

While on patrol at Mauch Chunk Lake, a Big Bass Water, in Carbon County WCO Scott Christman observed four individuals in a boat coming into the boat ramp. WCO Christman approached the boat after noticing it was displaying an expired registration sticker. While conducting a boarding Officer Christman noticed there was two stringers of fish attached to the boat. Upon closer inspection, WCO Christman realized that the stringers contained a total of nine fish consisting of five Largemouth Bass and four Chain Pickerel. Of the nine fish, eight were under the legal limit—four Chain Pickerel and four Largemouth Bass. One of the adult passengers took responsibility for the illegal fish and was issued two citations for violating the Fish and Boat Code. Defendant plead guilty to all charges and paid the fines in full.

best management practice would be. Once the site was stabilized WCO Cummings discussed the penalty with the Stone Company. The penalty was paid in full and the site came into compliance as required.

\$50,000 in Damages

WCO Robert Plumb investigated a boat accident that occurred on Lake Wallenpaupack, Wayne County. Officer Plumb observed a 2017 22ft. Malibu that had fiberglass and metal trim damage to the starboard side and also the canvas cover was severely torn. The owner pointed out a pontoon boat he suspected to be the striking vessel at a dock nearby. WCO Plumb was able to track down the operator of the pontoon boat and after further investigation charges were filed against the operator for Negligent Operation, Improper Lookout and Unsafe Speed. Damage to the Malibu totaled \$50,000.

Left: Two stringers of fishes. Above: Sediment entering Martin's Creek. Below: Dead Northern Copperhead taken illegally at Lehigh Gorge S. P. and Malibu damage.



Martin's Creek, Trout Stocked Water

WCO John Cummings was on routine patrol in Susquehanna County when he observed sediment laden water entering Martin's Creek, a Trout stocked water, in Lathrop Twp. WCO Cummings immediately began looking into the source of the muddy water. Officer Cummings located a freshly cut road which led to a Bluestone Quarry site. Arriving at the work location, WCO Cummings noticed that there were no erosion and sediment controls in place. Checking with the onsite supervisor it was determined that the site was also not in compliance with other permit conditions required by DEP. Earth moving activities were halted until the Department of Environmental Protection could be consulted. DEP conducted a site visit and instructed the responsible party on what the



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SOUTHEAST REGION

Gas Pipeline

The Sunoco Mariner East project is a gas pipeline project that traverses the southern half of the Commonwealth, with the purpose of transporting natural gas from the Marcellus and Utica Shales fields in Western Pennsylvania, West Virginia and Eastern Ohio to various destinations in Pennsylvania including Sunoco's Marcus Hook facility on the Delaware River near Philadelphia. The Southeast Region has seen a substantial amount of this pipeline construction activity, and our officers have investigated 10 incidents involving either an inadvertent return or erosion and sedimentation control issues resulting from the Mariner East project. Our officers have been vigilant in their oversight of this project and in their effort to ensure that the aquatic resources of the Commonwealth are protected. They have invested many hours inspecting the sites where pipeline activity is taking place and have been taking appropriate enforcement action when necessary. The results of the 10 investigations by our region WCO's has been settlements totaling \$33,000 up to this point, with some cases still awaiting settlement. More importantly, their efforts have resulted in increased recognition by Sunoco and their contractors of the need to protect the Commonwealth's aquatic resources.

Striped Bass at Blue Marsh Lake

On April 12, WCO Troy Merrell was on patrol at Blue Marsh Lake in Berks County when he apprehended two men from Reading who were in possession of 21 Striped Bass, which is grossly in excess of the daily creel limit of 2, and none of which met the

minimum length of 20 inches. After confiscating the fish and obtaining information from the men, WCO Merrell filed charges against them for the Fish and Boat Code violations of Serious Unlawful Take, a misdemeanor offense, in addition to various summary charges. The one defendant appeared in court as required and a plea agreement was reached resulting in the withdrawal of the misdemeanor Serious Unlawful Take charge in return for the defendant agreeing to pay a total of \$1,131 in summary fines, court costs and restitutions. The second defendant did not appear in court as required, and the judge issued an arrest warrant for him. Despite substantial effort, our officers were unable to locate him, and it appeared that he had fled the area. One night in September, officers from the City of Reading Police Department confronted the man on an unrelated matter, and a routine computer check revealed the outstanding warrant for him for the Fish and Boat Code charges. Because of the outstanding warrant, the police arrested the man and transported him to the Reading Central Court for arraignment. The judge on duty set his bail at \$10,000, which he was unable to post, and he was then committed to the Berks County Prison. After a few days in prison, the defendant was eventually released to await his next court appearance, which he failed to appear for. The judge again issued an arrest warrant, and this time officers from the PFBC were able to locate him, and he was again arrested, arraigned and released to await a third scheduled court appearance. This time the defendant finally appeared in court, and a plea agreement was struck which was similar to the one offered to the first defendant. Overall, the charges against the two men resulted in a total of \$2,258 in summary fines, court costs and restitution.

Left and Above: Sunoco Mariner work sites. Below: Sunoco Mariner work site and confiscated Striped Bass from Blue Marsh Lake.





Left: Turkey calls. Above: Turkey call.
Below: PFBC Charter Boat/Fishing Guide emblem and Timber Rattlesnake.

SPECIAL INVESTIGATIONS

2017

The Special Investigation Unit continued to conduct a wide array of cases, primarily against those looking to illegally profit from our aquatic resources. Due to the vacant investigator position this was only possible with the assistance from the dedicated WCO's who often perform double duty as covert investigators when needed. Thank you!

Prosecutions

There was a total of 57 investigations during 2017, with 96 charges filed (including 5 misdemeanors). Almost 1/3 of these charges (27) resulted from a single long-term investigation. An additional 25 charges resulted from a crack down on illegal charter boat and guide operations. As in past years PFBC also turned over several cases to other agencies for investigation including PGC, USCG and U.S. Park Service.

Rattlesnake Renegades

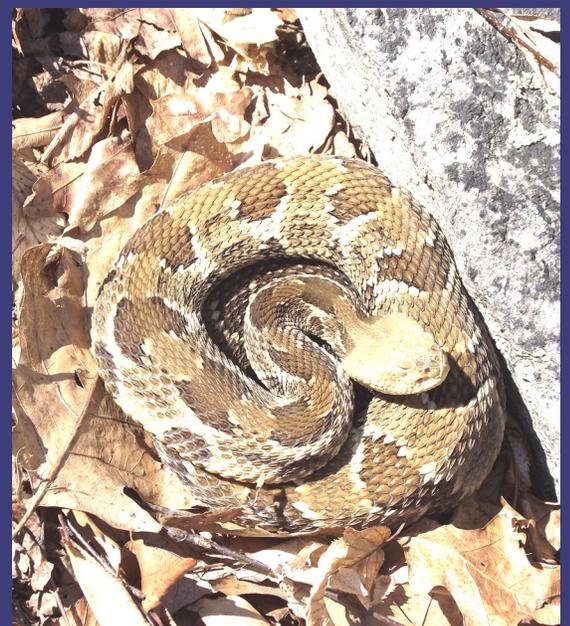
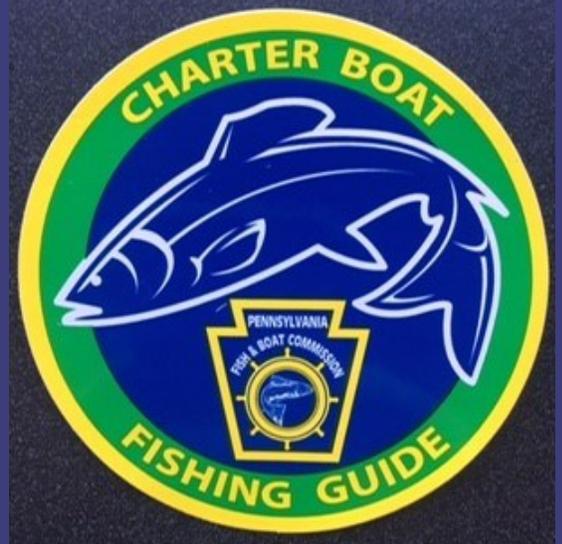
In 2015 an unfortunate rattlesnake hunter suffered a Timber Rattlesnake bite while attempting to sack a snake he had captured on DCNR property. Follow up investigation determined the actor was part of a large loose knit group of snake hunters involved in a wide range of possible violations including illegally accessing DCNR and PGC properties, taking over the limit of venomous snakes and hunting out of season.

Following a 14 month investigation 7 individuals were charged with a total of 27 charges including Serious Unlawful Take, Sale of Native Species, Reporting Violations (relating to Venomous Snake Report requirements), Possession of Drug Paraphernalia and Possession of Marijuana. Several cases have already been adjudicated, resulting in substantial fines and revocations, while others are awaiting court hearing.

Operation Leaky Boat

Over the past several years the Commission had received a growing number of complaints regarding unlicensed charter boats and fishing guides operating within the Commonwealth. In 2017 BLE initiated a year long crack down on this activity and identified a total of 26 unlicensed operations, resulting in 21 individuals being charged. Several of the operators were also found in violations of related Title 30 section, such as season and creel limits as well.

In an attempt to better regulate the Charter Boat/Fishing guide program BLE is now closely involved in the review of each application or renewal and has also developed ongoing information sharing with both the U.S. Coast Guard and U.S. Park Service.





BOATING AND WATERCRAFT SAFETY

Water Rescue Training

The Commission certified 2,799 students through the Water Rescue Program, which meets or exceeds various levels (Awareness, Operations, Technician) of NFPA 1670 Standards. The Commission also conducted three Instructor Trainer Courses which certify individuals to deliver the PFBC Water Rescue Curriculum so they can provide training to Commonwealth first responders. The Commission has a trained in-state volunteer instructor corps of 171 individuals who provided more than 11,800 hours of training in 2017. The PFBC's Water Rescue program is the largest of its kind in the United States.

The PFBC conducted seven Swiftwater Volunteer Service Recognition Inspections in partnership with the PA State Fire Academy and PA Department of Health for Team Typing, bringing the total number of credentialed swiftwater teams in the Commonwealth to thirty-four.

The PFBC hosted the 2017 Helicopter Aquatic Rescue Team SAR Workshop, at the Keystone Conference Center within Fort Indiantown Gap, PA. Personnel from a number of states attended.

In August, a full scale PA-HART hurricane exercise was conducted on the Susquehanna River at Fort Hunter near Harrisburg, PA.

The PFBC also participated in the International Association of Water Rescue Professionals Conference held in South Bend, IN and presented information and instructions on the Commonwealth's Water Rescue Program.

Emergency Response

Through an Emergency Management Assistance Compact (EMAC), six members of the PFBC's Swiftwater Emergency Response Team (SWERT) deployed to Texas on August 31st to assist in rescue operations in the aftermath of Hurricane Harvey. The Type II six-member team consisted of PFBC WCO's and two volunteer instructors. They assisted local authorities with waterborne search and rescue operations before returning to the Commonwealth on September 8th. The EMAC process allows states that have exhausted local resources to request assistance from other states. The requesting state reimburses expenses for any assets that are deployed. Through this process affected states can get the help they need and responding states can help their neighbors in a time of crisis.



Left: WCO Anthony Beers. Above: PA-HART workshop. Below: SWERT exercise and PA-HART Woodland exercise.





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