

# PA Fish and Boat Commission

## Bureau of Law Enforcement



## 2014 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 2014

Years ago the Bureau of Law Enforcement put together an annual report to share our stats and highlight some bigger cases with not only those within the agency but outside as well. Who else can best tell our story? After recent discussion with Executive Director John Arway it was decided to resurrect this practice and build upon the end product. What follows is our first stab at what will become the BLE annual report.

2014 was a busy year for the Bureau of Law Enforcement. We went into stocking and trout season with several vacancies which required many if not all WCO's to pick up additional work. The long hours are appreciated and thankfully with the approval for a new class will lighten up somewhat. During 2014 we had four Officers retire; WCO David Decker (Tioga County), WCO Joseph Morris (Lawrence/Butler Counties), CPT Thomas Qualters (SW Region) and SGT Thomas Nunamacher (NC Region). We wish them all the best in their next adventure. With that said the Executive Director authorized BLE to hire up to 20 WCO candidates. As of this writing we have conditionally offered jobs to 20 individuals who will be at the Headquarters in early May for the next stage of the process. Unfortunately even with these new hires we will end up with vacant districts at the time of their graduation in 2016 due to forecasted retirements. I know all probably will welcome this class and the break as we continue to lean forward and get the job accomplished with less vacancies.

For the second year in a row, we participated in Operation Dry Water. This is a national organized event sponsored by NASBLA. Over 400 agencies participated in this concentrated effort to curb drunk boaters. In 2013 we encountered 5 BUI's and in 2014, we tripled that number to 15 BUI's. Our effort was assisted by the Game Commission, DCNR, Border Patrol and a number of other municipalities.

In 2014 we continued to recognize Officers that excelled with Top Gun, NECLECA Officer of the Year, and NASBLA Boating Officer of the year. WCO Mark Sweppenhiser proved that lightning could strike twice and secured the Top Gun award for a second year in a row. WCO Anthony

Quarracino put up some impressive stats and handled several high profile cases which garnered him the NECLECA Officer of the Year for PA. And the suspense is killing everyone as the NASBLA award nominations just closed and the award winner will be named shortly.

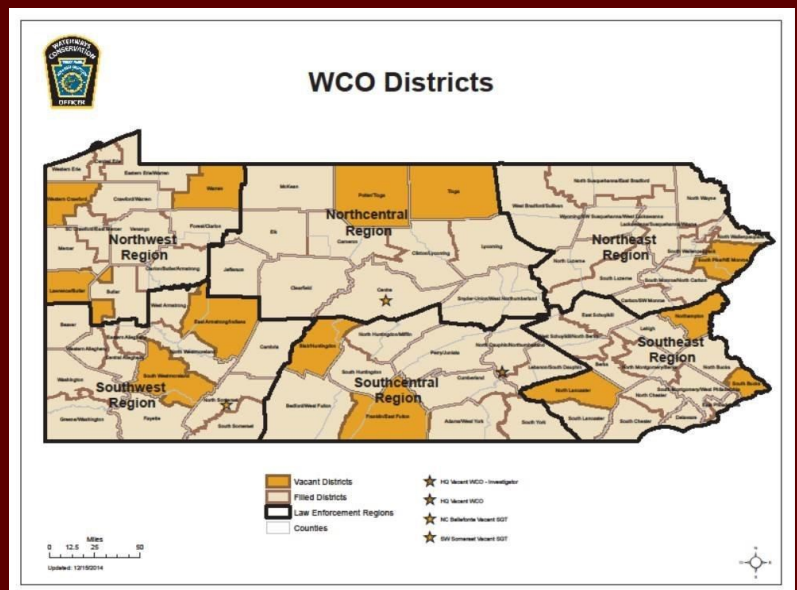
Lastly, the SWERT team is finally finished with their initial training. Several Officers have stepped up and are now taking the required training to become water rescue instructors. This will come in handy as we prepare for the upcoming class of cadets. These Officers (SWERT) have also been training with the HART team and continue to hone their new skills. Hopefully, we will not need them very often.

As you can see, 2014 was very busy (and I didn't even mention patrol rifle training at EOT).... my hope is that we will continue to move forward as we carry out our mission to the resources and citizenry of this great Commonwealth.

Colonel Corey L. Britcher  
Bureau of Law Enforcement

## 2014 Statics

Court cases prosecuted.....	<b>6,645</b>
Warnings for violations .....	<b>34,976</b>
On board safety evaluations ..	<b>27,539</b>
Crimes Codes .....	<b>20</b>
Pollutions investigated .....	<b>192</b>
Boating Under the Influence...	<b>91</b>
Investigations .....	<b>324</b>
Marcellus Shale (MS) Inv.....	<b>27</b>
MS cases pending .....	<b>15</b>
MS cases closed .....	<b>12</b>
MS cases	
Settlement money .....	<b>\$17,088</b>
Snake permits.....	<b>917</b>
Turtle permits.....	<b>38</b>
Special Activity permits.....	<b>2,417</b>
Lake Erie Seine Net permits....	<b>33</b>







## NORTHWEST REGION

Semiconon Run—Marcellus drilling releases trapped acid mine drainage into Butler County Stream.

Butler County WCO Jon Kay recently concluded an investigation and settlement of a drilling related pollution to a tributary of Little Connoquenessing Creek. The drilling activity entered an abandoned mine shaft releasing trapped acid mine drainage (AMD) into the creek in June, 2014. The iron oxide slurry overwhelmed a constructed AMD abatement treatment facility, making it inoperable. The company was air drilling at the Lutherlyn #5 well near the intersection of Whitestown and Dick Roads. At a depth of 187—197 feet the drill breached a mine shaft. DEP believes that the air pressure used in the drilling operation caused a slug of mine water to erupt into an AMD abatement pond. That pond flooded with the mine water and overflowed. The slug then entered the creek. According to DEP, the water continues to flow, but no longer carries the oxidized iron precipitates. There was evidence of the yellow boy pollution traveling 2 miles downstream. The company has paid a \$17,000 penalty to PFBC and is working to re-establish the AMD abatement project. Semiconon Run was listed as an impaired stream by DEP in 2002 as a result of coal mining activities from 1870's to 1970's. In 2003 Camp Lutherlyn, the property owners received a \$60,000 Growing Greener Grant to establish the AMD abatement passive treatment facility using wetlands and a limestone spillway. The pollution event inundated the system rendering it useless.

Left: Entry point of pollution. Above: Turbidity caused by active precipitation of yellow boy. Below: Outflow weir on wetland pond and Meth Lab.

### Meth Lab at Walnut Creek Access Area

Walnut Creek Access, Erie County—On November 9th SGT. Tom Edwards apprehended two individuals brewing Methamphetamine in back of the Commissions parking lot using the one pot method. One defendant fled on foot and was apprehended and the second person complied with the Officers. The Pennsylvania State Police Lab Team was summoned to process and decontaminate the scene. WCO Brook Tolbert assisted in securing the area.







## SOUTHWEST REGION

Class A Regulated Lake possess invasive species on premises

After a lengthy investigation, which involved law enforcement and fisheries personnel from the PFBC, WCO Sean Sauserman filed charges against the owner of 84 Pay Lakes in Washington County. The list of charges included operating without a required permit for several years, possession of several species of injurious fish, VHS susceptible fish, failing to retain bills of sale for fish, and failing to have files available for inspection. The owner pled guilty to three charges, requested a hearing and was found guilty of three charges, was found not guilty of two other charges and one charge was dismissed. Currently 84 Pay Lakes does not have a permit to operate as a Class A Regulated Lake.

### Boat Accident on the Allegheny River

In September, WCO Matthew Kauffman investigated a serious boating accident on the Allegheny River near Lighthouse Marina in New Kensington. A 24 year old inexperienced boat operator, with less than 20 hours total of operating a boat, was heading upriver and was caught off-guard by a wake. A 23 year old passenger, that was located in the bow of the boat, was thrown overboard and was struck by the boats propeller before the operator could react properly. Through questioning during the investigation, it was determined that the injured passenger was standing in the bow of the boat with outstretched arms when he was thrown overboard. The passenger sustained several deep lacerations to his torso and right leg including a partial amputation. He survived his injuries and subsequent Negligent Operation of a Watercraft charges were filed against the

operator to which he plead guilty and paid in full.

### Discharge of Bentonite into Little Mingo Creek

WCO Robert Wheeler investigated a significant pollution to Little Mingo Creek in Washington County. The PFBC was notified by PEMA of the pollution and dispatched a WCO to investigate. The pollution was a result of Sunoco Logistics conducting drilling operations to install a transmission pipeline under Little Mingo Creek when a "blowout" occurred. The pollution was determined to be Bentonite which was being utilized as a lubricant in the drilling process. Pollution charges for multiple days were levied against Sonoco Logistics. The case was mitigated and a settlement of \$3500 was agreed upon.

Above left: WCO Sauserman with an Asian Carp from 84 Pay Lakes. Above: Entry point of pollution. Below: Floman's Run and spill response.







## NORTHCENTRAL REGION

### Clarion River—Ridgeway area

On Saturday May 24, 2014 a 26 year old Brockway man, his 22 year old Fiancee and his 22 year old brother launched their canoe on the Clarion River in Ridgeway. One week earlier the Clarion had flooded its banks and placed much of Ridgeway under water. The river was still high and one of the two rental liveries in town was refusing to rent boats due to the conditions. Approximately 4 miles down river the canoe capsized just above a railroad trestle throwing the three occupants into the 58 degree water. The young lady became pinned under water between the canoe and one of the bridge piers. It took about three hours to recover her body. Despite the short duration of the trip all three of the boaters had blood alcohol concentrations higher than the legal limit. WCO Tom McMann led the investigation and worked closely with the Elk County District Attorney to pursue criminal charges against the two survivors. The cases are currently pending in Commonwealth Court and reflect a changing attitude by County Prosecutors toward the seriousness of BUI in unpowered boats.

### Up in Smoke

On the night before the trout opener, WCO's Vance Dunbar, Greg Kraynak, Anthony Beers, and Emmett Kyler along with several DWCO's were working a law enforcement detail on the streams near the Centre/Clinton County border. This area is notorious for rowdy parties and abuse of the resource the opening weekend of trout season. It was at a parking area along Little Clearfield Creek that the group of officers encountered one large party and bonfire around 11:00 PM.

While passing through the vehicles parked there, a WCO shined his flashlight into one of the cars. Three men in their late teens and early 20s were enveloped in a fog of smoke inside the vehicle. When they were asked to get out of the car they were accompanied by a rolling cloud of marijuana smoke like something out of a 70's movie. The Officers seized marijuana, rolling papers, pipes, pills, needles, spoons and other drug paraphernalia. The three occupants were charged with various drug charges. This case demonstrates that our Officers are dealing with the same drug culture prevalent in much of today's society.

### Marcellus Shale

Throughout 2014 WCO Emmett Kyler worked closely with the Office of Attorney General's Environmental Crimes personnel to bring closure to an environmental incident from 2012. WCO David Decker (now retired) began the investigation into drilling waste water being discharged into streams in Tioga County near a Marcellus Shale site. Following his retirement the case was taken over by WCO Kyler. Ultimately the case was referred to the AG's office and they brought the case before the courts in the final quarter of 2014. In March of this year the company pled no contest to 6 charges from Title 30 PA. C.S. and will pay fines totaling \$30,000.



Left: Confiscated drug paraphernalia.  
Above: Recovery operations. Below: Additional recovery operations, and a Marcellus Shale site.







## SOUTHCENTRAL REGION

### Raystown Lake—shoreline collision

Afterhours collision with the shoreline by a 27 foot cabin cruiser on Raystown Lake resulted in the death of a 37 year old female passenger. The female was donning a PFD at the time of collision, and was recovered from within the enclosed bow cabin area of the submerged vessel after a complicated and lengthy vessel recovery effort (the watercraft quickly sank in 70 feet of water immediately following the shoreline collision). Five other passengers were injured as a result of the crash. The vessel owner and operator has been criminally charged with Homicide by Watercraft, Reckless Endangerment (5 counts) and numerous supporting summary offenses. The case is pending adjudication with the Huntingdon County Court of Common Pleas.

### Great Trough Creek

SC WCO's, assisted by local Game Commission Officers, conducted a special enforcement detail on Great Trough Creek, Huntingdon County in concert with an April inseason trout stocking. Utilizing plain clothes Officers, covert surveillance and unmarked vehicles, 2 anglers were apprehended for exceeding the daily creek limit of trout, 3 individuals were cited for failure to possess valid fishing licenses, 2 individuals were criminally charged with possession of marihuana and drug paraphernalia, 1 minor was apprehended for underage possession and consumption of alcohol, and another individual charged with possession of alcohol in a state park.

### Conodoguinet Creek

A waterskiing (prop chop) accident occurred in July on the Conodoguinet Creek in Cumberland County. This incident was unique as the response and subsequent investigation led to four criminal arrests (3 BUI and 1 DUI). The vessel was being co-operated by an underage male and female who managed to run over their downed skier, seriously injuring him. Both operators, as well as the injured skier, were charged with BUI (a shoreline witness was located that provided a statement that the injured waterskier (who was also the boat owner) was observed operating the boat mere minutes before leaving the helm and becoming the skier. On his response to the accident scene, WCO Mark Sweppenhiser affected a vehicle stop of an erratic driver that resulted in a DUI apprehension.

Left: Searching for the sunken vessel at Raystown Lake. Above: Locating the vessel. Below: Vessel at the dock. Confiscated drug paraphernalia.







## NORTHEAST REGION

### Lily Lake Access

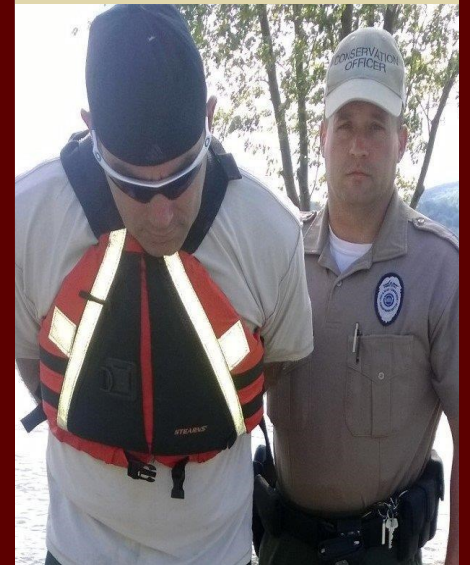
While at the PFBC's Lily Lake Access in Luzerne County, WCO Aaron Lupacchini approached four men at their vehicle because the vehicle had no inspection sticker. When the WCO asked about the inspection sticker, he found out from the driver, the vehicle was not inspected, registered, or insured. In addition to those issues, the driver had no driver's license, the license plate belonged on another car, and the WCO could smell burned Marihuana. When asked if there was anything in the car that was drug related or anything that could harm him, the driver showed the officer two shotguns in the trunk, one regular and one sawed off. The WCO took control of the firearms, a bag of Marihuana and a pipe found on one of the men: charges are pending.

year and he is charged with BUI at the highest rate. The female consented to a blood test and was found to have a Blood Alcohol Content of .205%. Both persons involved are awaiting pleas or trial.

Left: Sawed off Shotgun from Lily Lake Access. Above: Bag of Marihuana. Below: BUI arrest and WCO's that assisted in Frein manhunt.

### Eric Matthew Frein

WCO's Chad McKenrick, Curt Terschak, Robert Plumb, David Kaneski and Walter Buckman assisted the Pennsylvania State Police with the manhunt for accused murderer Eric Frein for more than three weeks. WCO's assisted with checkpoints, road blocks, searches, and perimeter security.



### Double Boating under the Influence

Captain Larry Bundy and WCO Aaron Lupacchini had a double Boating Under the Influence investigation on Harvey's Lake in Luzerne County. After witnessing a violation, the two officers attempted to stop a personal watercraft with three persons aboard; a female was operating at the time. The operator failed to yield to the blue light and siren, but just before hitting a dock, the operator turned the personal watercraft sharply, throwing all three persons into the water. A man, who was a passenger on the personal watercraft, climbed aboard the craft and began to leave when he collided with the nearby dock. After failing Field Sobriety Tests, both operators were taken into custody on suspicion of Boating Under the Influence of alcohol. The male defendant refused to give a blood sample, and so consequently had his boating privileges suspended for one







## SOUTHEAST REGION

How much is too much?

WCO Robert Bonney investigated an unusual boat accident that occurred on the Schuylkill River in August, when a 1966 Stevens 18 foot cigarette style speedboat literally broke apart. According to the owner, who was also the operator, he was testing a new motor that had recently been installed in the boat. The owner stated that he and two friends were on the river, cruising at 50 to 60 MPH, when he “stabbed” the throttle, resulting in the boat suddenly breaching apart. The owner, who was unhurt, indicated that the boat broke in half directly behind the seats, and he was thrown about 50 feet, landing in the river. The male passenger was also thrown into the river, and the female passenger was thrown up inside the bow and was trapped, with the boat sinking rapidly. Luckily, the owner was able to swim to the boat and rescue her, otherwise she would likely have drowned. The boat owner stated that he had very recently installed a newly rebuilt, heavily modified, Chevy 454 motor that a dynamometer test indicated was producing 788 HP. Based on WCO Bonney’s examination of the recovered boat, and by the statements made by the owner, it was determined that this accident was the result of the owner replacing the aluminum motor mount and the mounting bolts with a steel motor mount and longer bolts, which he stated he did because the aluminum mount had broken several times during testing of the newly installed motor. Luckily, all three people on board were wearing PFDs. This accident that resulted in the two passengers sustaining injuries such as a broken arm and broken teeth could easily have resulted in multiple fatalities. In this case, the owner was charged with Negligent Operations of a watercraft.

### Bow Fishing on Blue Marsh Lake

After noticing an increase in the number of boats participating in bow fishing on Blue Marsh Lake in Berks County, WCO Mark Pisko and WCO Richard Daniels decided to conduct some overnight patrols specifically to monitor this activity. One of these patrols took place on July 18-19, 2014. The patrol ran from 2000 hours on July 18 until 0400 hours on July 19. During that period six boats actively engaged in bow fishing were inspected. Of these six boats inspected, none were without some type of fishing or boating violation. The violations encountered included failure to have a boating safety education certificate, personal flotation device violations, navigation light violations, as well as fishing violations.

The most egregious of these were the fishing violations. Bow fishing regulations allow only the taking of carp, catfish and suckers. During the course of these inspections it was discovered that some of these bow fishermen had taken four Largemouth Bass and two Turtles through the use of their bow fishing equipment. Unlike other types of fishing, it is impossible to practice “catch and release” when using a bow. All of the bow fishermen involved in unlawfully taking these fish and turtles were charged with violating 30 Pa. C.S. 2110 (a) Taking or possessing by illegal methods.



Left: Wreckage of modified Speedboat.  
Above: 19 inch Largemouth Bass. Below: Largemouth Bass, Snapping Turtle and Painted Turtle.







## SPECIAL INVESTIGATIONS

### Bucks County Turtles

In September of 2014 a Bucks County resident posted several Craigslist ads offering to sell Red Belly Turtles, which are threatened in Pennsylvania. After a Covert Officer made contact and arranged to purchase the turtles it was learned that the suspect was in possession of several other native turtles including Eastern Painted and Eastern Musk, all removed from area waters. It was also discovered the suspect had been involved in the illegal sale of native turtles for over two years. The suspect was charged with a total of 9 violations of Title 30, including 7 misdemeanors, and the case is currently pending in Bucks County Court of Common Pleas.

### Statistics for 2014

Cases investigated .....	44
Cases resulting in charges .....	36
Cases open .....	4

### Breakdown of Charges

Summary .....	75
Misdemeanor .....	11
Felony .....	7

### Tale of Two Tautog Complaints

Tautog, or Blackfish, is a saltwater species not native to Pennsylvania; however due to a desire to prevent the Commonwealth from becoming a dumping ground for fish illegally caught in neighboring states, there is a minimum size limit of 15" on any such fish imported to or sold within the Commonwealth. Following two tips reporting the possible sale of undersized Tautog at Philadelphia area fish markets a 3 month Covert investigation resulted in charges against the owners of 4 markets and the seizure of over 300 fish. Information developed during this investigation was also provided to PFBC partners in neighboring states where suppliers were identified and charged as well.

Left: Bucks County Turtles. Above: Tautog fish. Below: Jefferson Salamander and Timber Rattlesnake







For more information contact:

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