

Weekly Report
Special Enforcement Area
August 29– September 3, 2003

Monroe County

On Saturday 30, Sanctuary Officer David McDaniel and Investigator Al Corfield responded to a boating accident at Pumpkin Key, Upper Keys, involving a seven year-old female subject who fell off the fly bridge then struck the bow railing below of a 44 foot Sea Ray while it was at anchor. Although the injuries were not life threatening, the child sustained serious injuries and was transported for medical attention.

On Sunday 31, Sanctuary Officer David McDaniel issued a citation to a Miramar man for spear fishing in the Upper Keys. The man was diving along the rocks, bayside of Indian Key Fill, when the officer conducted his inspection. In addition to the citation, the man was warned for interference and numerous boating safety equipment violations.

Officer Robert Dube observed several subjects diving without a divers down flag displayed, bayside of Channel Five Bridge. When the officer approached, he clearly saw the diver's catch bag, but sea conditions and circumstances prevented the officer from recovering the catch bag. When the diver noticed the officer he dropped his spear gun, however, it floated to the surface and the officer retrieved it. The Miami man was issued a citation for spear fishing in the Upper Keys.

Officers Heather Thieman and Christian Mathisen conducted a vessel inspection in Boot Key Harbor on the vessel "Oh No." FCIC response indicated an active warrant on the operator, a local sponge fisherman. The man was arrested and transported to the Monroe County Jail, Marathon, and three citations were issued for boating safety violations. Sanctuary Officers Liz McCoy and David Dipre also assisted with the incident.

Officer Martin Messier issued a citation to an individual for possession of undersize, speared crawfish as a result of a request for assistance from Monroe County Sheriff's Deputies after encountering a subject with resource violations. Shortly afterward, Officer Messier along with Officer Andy Zamonis located two subjects on board a PWC reported overdue from Sunshine Key. Two men had planned simply to relocate the PWC from a beach area to a nearby boat ramp, but never arrived. The officers found them well after nightfall and assisted them to shore. Immediately after the above incident, in the same general location of Sunshine Key, both officers arrested a man for interference and possession of undersize crawfish. The man was transported to the Monroe County Jail, Marathon.

Officer Robert Brienza and Vicente Lopez, while preparing for water patrol from the Marathon office dock, heard the repeated sound of a whistle. Some distance off shore, they observed three subjects in the water, hanging on to a submerged PWC. The subjects were waving their arms in distress trying to attract the attention of guests at the resort where they rented the PWC. The officers recovered an 8 year old juvenile and two adult subjects from their sinking PWC. Fortunately all three subjects were wearing PFD's. The operator told the officers he had been blowing the whistle for over twenty

minutes and no one had offered to assist them. A self reporting form was provided to the operator.

On Monday 1, in the early morning hours, Officer Jay Marvin was enroute to an off-duty detail, traveling northbound to Miami on the Eighteen Mile Stretch. Approximately at the 118 mile marker, he observed vehicles in front of him braking unexpectedly due to a white mini van resting in the middle of the road. Through the van's headlights he could see smoke and realized the van was on fire. On closer assessment, he observed injured passengers lying on the ground and the operator, a female, 37, was trapped inside the burning vehicle. It is believed the operator had been transporting her five passengers to a place of employment in Key Largo. The officer was in his personal vehicle and had no tools or fire extinguisher at hand. Instead, he enlisted the help of witnesses and other motorists and made diligent, heroic efforts to free the woman from her imperiled state. Despite many efforts it was impossible to subdue the flames or free the woman and she perished in the flames. By the time Monroe County Deputies, Miami Dade Fire Rescue, Key Largo Fire Rescue, and Florida Highway Patrol arrived, the car was completely engulfed. Witnesses said a northbound vehicle, operated by a 35 year old man, apparently swerved into the southbound lane resulting in a head on collision with the white van. The sedan was later discovered off the roadway buried in tall marsh grasses and the victim sustained fatal injuries. Lieutenant Maldonado arrived to assist. Officer Marvin sustained first and second degree burns and was later treated at Mariners Hospital and released.

Officer David McDaniel issued a citation to a Miami man for fishing within the Hens and Chickens SPA. The man had secured his boat to a mooring buoy that was clearly marked with a "no fishing" sticker. Despite the clear notice, the man went spear fishing in the SPA. The officer also issued a warning for failure to possess a Florida Saltwater Fishing License and numerous warnings for boating safety equipment violations. Later that day, Officer McDaniel encountered two subjects at the south side of Lake Surprise. One man was snorkeling along the mangroves and the other was standing in the mangroves. When the officer approached, the diver concealed his spear gun in the shallow waters by covering it with mud. The man in the mangroves took off running, however he returned after the officer ordered him not to leave. With the assistance of Officer Wade Hefner, Officer McDaniel was able to search the diving area. After the mud settled, he observed just the tip of the diver's spear gun protruding through the mud. He dove up the spear gun, then arrested the diver for spear fishing in the Upper Keys and interference and transported him to the Monroe County Jail, Plantation Key. A fisheries inspection revealed the man was in possession of one speared mangrove snapper. The second man who acted as a lookout and alerted the diver just before running from the scene was also issued a citation for interference. Both subjects had only arrived in the United States from Cuba only 10 days prior to the incident.

Sanctuary officers aboard the Point Monroe observed a target on radar indicating a vessel within the Tortugas North Ecological Reserve. An inspection of the vessel determined the vessel was a commercial shrimp vessel anchored within the Reserve and the operator was issued a Federal Notice of Violation for the violation. Fine amounts will be determined by NOAA General Counsel. Any recreational vessel intending to enter the reserve must first acquire an access permit and may not anchor anywhere within the Reserve but may utilize mooring buoys placed by the sanctuary.

Commercial vessels are allowed to transit the Reserve so long as all fishing gear is stowed, but no commercial fishing vessel may moor or anchor within the Reserve.

Sanctuary Lieutenant Bill Burns and Officer Bill Green responded to assist a subject who was reported suffering from a diabetic condition. By the time the officers arrived at the location off Looe Key, personnel from a local marina had already retrieved the victim and were transporting him back to EMT waiting at the dock.

Officer Scott LaRosa, while on water patrol at the Spiegel Grove Wreck, encountered a small rental boat set up for diving, with no people on board. The officer took up a vantage point approximately mile away in order to maintain observation of the activity being conducted. After a while he noticed two subjects, a man and woman, both in their 40's, both from New York, drifting seaward and waving their arms in apparent distress. Officer LaRosa responded and recovered both subjects who were exhausted and the man exhibited signs of shock. In addition, the man required first aid for a laceration on his finger. Apparently the divers had been swept away by the current and separated from the very same boat the officer had been observing. With rough sea conditions, wind, and tide, it was more than fortunate that the officer happened to be in that location to discover the diver's plight. Officer LaRosa relayed the subjects to shore and both victims appeared to show signs of recovery.

Officers Megan Krynicki and Erik Steinmetz arrested a juvenile for BUI and failure to possess a boater safety identification card in Snake Creek. The juvenile refused to submit to a test of his breath and was released to the custody of his father.

During the past week, eight vessel groundings were reported and two turtle incidents were documented.

During the past week Pilot JohnMurphy flew law enforcement air patrol flights in continued support of Special Enforcement Area and Florida Keys National Marine Sanctuary operations in efforts to provide GPS positions of commercial crawfish dive boats working bayside in the Lower Keys for investigations on detecting locations of illegal artificial habitat. The pilot also directed a land officer to a mangrove site in Grassy Key where a commercial boat had been apparently abandoned. Officer Morato investigated and notified the owners who retrieved their boat. The pilot also assisted in two search and rescue missions, called in locations of four suspect trap robbing vessels, and enlisted the assistance of Sanctuary Officer Scott LaRosa to investigate a suspected trap robbing in progress; however, there was insufficient evidence to warrant an arrest. Pilot Murphy also assisted the Sanctuary at a grounding site by locating a grounded vessel with obvious sea bottom damage and documenting the incident with digital photographs.

COLLIER COUNTY

On Thursday 28, Officer Timothy Kiss assisted a Collier County Deputy in deciding proper disposition of a case involving a deer that apparently was struck by a truck. The truck driver was found skinning the deer and claimed he intended to eat the deer. Since there was no reason to believe the deer had been illegally harvested, the deputy issued a warning for possession of deer out of season.

On Friday 29, Lieutenant Donald Duval and Officer Jared Cloud responded to a call where a Collier County Domestic Animal Service vehicle, involved in an accident, became partially submerged in the water on Elk Farm Road. The operator of the vehicle had escaped from the interior of the vehicle and managed to get on top of the vehicle; however, in the water surrounding the vehicle was an alligator and the operator was in fear for his safety. The officers arrived and ensured the operator's safety and no harm occurred. Collier County arrived to complete a vehicle accident report.

On Sunday 31, Officer Josh Caraker and Lieutenant Donald Duval, while on water patrol at 951 Flotilla, observed a vessel in violation of the Manatee Zone. They stopped the vessel to conduct a boating safety and fisheries inspection and to educate the operator on the Manatee Zone violation. During their inspection they asked the subjects if they had any fish on board. All of them stated, "No." However, in the forward compartment live well, their fisheries inspection revealed 12 Mangrove snapper and 2 gag grouper. One Mangrove snapper and both grouper were undersize. The subjects were cited for possession of 2 undersize gag grouper and violating a Manatee Zone – warnings were issued for other violations. Later that night, while on the Barron River, Everglades City, they encountered a vessel without running lights. A boating safety inspection revealed the operator presented a strong odor of an alcoholic beverage. The subject, a City Commissioner of Everglades City, exhibited numerous clues in each of the field sobriety tasks the officers administered. Although the subject claimed he had been drinking only wine, the officers found no evidence of wine beverages on board but they did find rum and vodka beverage containers. The subject was very cooperative, but refused to submit to a test of his breath. He was arrested for BUI.

Officer Scott Olson issued a citation to an experienced boat captain from Naples for possession of 1 oversize redfish. The captain had all the current regulations and brochures on board his vessel and claimed the reason he had the oversize fish was because he had no measuring device. The incident occurred at Henderson Creek.

Officer Jared Cloud issued a citation to subjects for use of illegal nets to harvest freshwater fish, just south of Sunnyland.

On Tuesday 2, Officers Greg Stastsny, Edward Romig, John Humphreys, and Baryl Martin responded in a search for an overdue reported to have left Barron River, Everglades City and last known location 1.7 miles south of Chatham River. SeaTow reported they had radio communication with the man over VHF and the man reported his vessel had a bad water pump, but refused assistance when he discovered the cost of commercial assistance. Multiple agencies assisted in attempting to locate the missing boater; however, the man eventually motored in to Outdoor Resort in Chokoloskee the next day over fourteen hours after being reported overdue.

On Wednesday 3, Officers Greg Stastny and Arthur Matson responded to a report of manatees beaching themselves in the area of North Naples. The caller believed that one of the manatees appeared to be dead. However, the officers were unable to locate any manatees in distress and it is believed since it is mating season, the call might have been related to the natural behavior of manatees during this time.