

Towboat captain convicted for speeding in manatee zone during rescue



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[Animal rights and endangered species or habitats. What value do we reasonably place on them?] Our Society

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http://www.sun-sentinel.com/news/local/southflorida/sfl-502towboat_0_3695720.story?coll=sfla%2Dhome%2Dheadlines

Associated Press

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MERRITT ISLAND -- A towboat operator, convicted of engaging in an unlawful waterborne activity in federal court last month, could be sentenced Friday to six months in prison and a \$25,000 fine.

Rick Rescott of Merritt Island admits he was speeding in the manatee-protection zone on the Banana River on April 20, 2002, but maintains he had a legal reason _ he was rushing to the scene of a sinking boat.

[Legal reason, as in a 'morally' legal reason or a legal reason according to law?
Would he be in trouble if it was a legal reason according to law?
Perhaps we shall get clarification on that latter.]

Rescott calls the charge and conviction "ludicrous." Manatee advocates disagree. "The speed zones are there for a reason," said Save the Manatee Club spokeswoman Nancy Sadusky. "We do agree with the judge's decision."

[By being identified as a Manatee advocates, does it seem we are talking about a group which can review an issue without bias?]

Rescott was operating a SeaTow salvage and towing vessel when he was dispatched to Newfound Harbor, where a vessel was reportedly sinking.

[Is this more like a sea version of an ambulance or like a wrecker?]

He was stopped along the way by three federal officers. After a 30-minute delay, during which Rescott said he showed the officers a speed-exemption variance SeaTow had obtained from the state Fish and Wildlife Conservation Commission, he was allowed to continue.

[What good is a speed-exemption variance if it takes 30 minutes to clear things up?]

How come he didn't have a blue light to put on top of his boat so everyone would know he was on an emergency run?]

But it was too late. By the time Rescott got to the scene, the \$25,000 vessel owned by Orlando lawyer John Overchuck had already sank.

[Well, now we have clarification on the type of emergency. It was economic, and perhaps sentimental, but not life threatening.

However would we know a sinking ship was not life threatening until after the emergency had passed?

Should we proceed on which presumption?

Is the towing service the one to call for a life threatening emergency?]

Rescott could simply have paid a \$100 fine, but chose to contest the citation in court.

"That's incredible that he got convicted," Overchuck said. "I like manatees, but there are zealots taking this way too far."

U.S. Magistrate David A. Baker ruled against Rescott after determining that the situation was not an emergency.

[For what purpose is his speed-exemption variance if he cannot speed?

What purpose is his speed-exemption variance if his job is rescuing sinking ships and sinking ships are not an emergency?

Does it seem probable Rescott knew the nature of the emergency when he answered the call?]

Federal prosecutors would not discuss specifics of Rescott's case on Thursday. "All I can say is that our goal is to get people to slow down for manatees," said Steve Cole, spokesman for the U.S. Attorney's Office. "People need to understand there are consequences."

Last year, 95 manatees were killed by boats in Florida waters, a record in the state.

[In this case, manatees were valued higher than a \$25,000 boat. How does that sound to you? About right?

What if you had an off road vehicle which would you like to ride over fields. However, a speed limit is imposed of 5 MPH so golfers can escape from underfoot. Is that a logical restriction?

What if you have a 1 man plane which you built (*there are kits for building your own planes*) and wish to fly. In order to keep these hobby planes from running over falcons, your hobby plane (*planes running at an altitude of less than 300 feet*) is limited to 50 MPH so as to give the falcons an opportunity to get out of the way. Is that a logical restriction?]

Environmental groups have pursued federal help and additional regulations to improve manatee safety, but boaters have denounced attempts to increase restrictions.



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