



From the Publisher

Autumn is starting its annual visit, carrying coolness in breeze-burnished, wrinkling arms, dancing on

the falling leaves, airborne seasonal chameleons going from light emerald to jade, smiling yellow to crackling, eye-pleasing gold, to brittle tan then coffee-colored crispins awaiting their twinkling rhinestones of frost and inevitable blankets of snow. Wait. Hold it! All those happenings are on the ground. Fall's real action is on and in the water.

September is striper time all over our area. The linesiders, including some 50-pound cows, will be hitting trolled squid, belly strips, chunks, worms, skimmers and skillfully wiggled artificial lures. The bluefish will hang in as well and keeping them company, at a traditionally discreet distance, will be delicious sea bass and blackfish, the latter "tautog" to ichthyologists, to the guys "tog". This month, dear reader, is not one to even toy with the possibility of taking her out of the water. Most serious anglers we know will keep their boats in the water at least until Halloween

It's boat show time, too. The Norwalk International In-Water Boat Show runs from September 20-23 at Norwalk Cove Marina, the 37th Annual Newport International Boat Show happens September 13-16 at multiple waterfront facilities along America's Cup Avenue and Thames Street, and the

31st Annual Tobay Beach In-Water Boat Show is on for two weekends at Tobay Beach Marina: September 29 - October 1 and October 6 through October 8. Our News and Events section carries sites, dates and times when you can bring family and friends to see the current models and their features and perhaps daydream about a gleaming new boat at your dock or mooring. It's not too early to think about holiday gift shopping either.

It's high time, as well, to be more thoughtful about a matter that may still largely be taken for granted by many boaters and that is the quality of our waters wherever boating, fishing, shell-fishing, wading and swimming are enjoyed. We must do a better, job of keeping our waters clean and healthy for all to enjoy. Concerted efforts are being made to improve our waters. Marinas and boatyards are instituting best management practices to control environmental impacts at their facilities. New York Sea Grant, a joint program of the State University of New York, Cornell University, NOAA, New York Marine Trades Association and the Association of Marine Industries has created the Marina Environmental Best Management Practices Web Site to provide facility operators with "one-stop shopping" for information about environmental products, practices and regulations. While developed in New York, the site contains information on federal requirements and regulations affect-

ing marinas.

The cleaner waters movement is growing. Early last month we received a letter from native Long Islander, Mary LaManna-Ulrich, a Massapequa Park attorney. Ms. Ulrich writes about the amounts and nature of discarded garbage on specific public beaches during this peak beach and boating season. She makes point after telling point, e.g. "This debris is not only unsightly and shows a true lack of appreciation for nature, but runs the risk of being dragged out to sea [when] the tide comes in and causing harm to the ocean environment and especially marine life." She writes, too, of people organizing in-the-field efforts like "singles clean-up day" and/or "family clean-up day". Interested parties may e-mail her at MaryUlrich@MaryUlrichlaw.com.

On this same topic, Boating World noted in a recent public service advertisement that trash discarded into our waters can last for many years. In fact, bottles, plastic bags, six-pack holders, milk jugs, filtered cigarette butts and disposable diapers last *forever*. Paper bags last a month, while leather sandals hang out 45 years! Something to think about, and definitely do something about! Please do your part to keep our waters clean.

Bill



From Our Readers

Dear Editor:

On Friday, July 13, my husband and I were fishing in Gardiners Bay approximately 1½ miles from The Ruins. I had just finished reading the article "A Successful Man Overboard Rescue" by Captain Stan Glatzer in your July 2007 issue. Shortly after finishing the article, we both heard a distant whistle sound. There were several other boats fishing in the area, so we thought it might be just whistles from those boats. By the third whistle, I became a bit suspicious and began looking for the source. Off in the distance, I noticed a tiny vertical splash, which appeared possibly to be a swimmer's kick.

As the spotter, I stood on the bow of our 27-foot Grady White, pointing my arm and index finger toward the splash while my husband ran the boat, following my directions. At that point, I was still unable to visualize a person, but I employed the spotter's technique as Captain Glatzer described in his article. As we got closer to the MOB, sure enough, it was someone floating in the water. He climbed aboard via our swim ladder and thanked us over and over. He told us that he'd gone into the water to cool off and quickly became separated from the anchored boat due to the swift, outgoing tide. His wife, onboard, could not free the anchor; she could only call for help.

When we began to head back to his boat, the Southold Police boat intercepted us and took our catch aboard their vessel. A few minutes later, a large Coast Guard cutter arrived. The rescued man told us that he remembered his lifeguard training and remained calm, not trying to swim into the current, which he knew would cause fatigue and, possibly, drowning. His whistling and splashing sure saved his life. Through divine intervention and a seed planted by the "MOB" ar-

title, we were grateful to be in the right place at the right time, even on Friday the 13th.

Robert and Karen Laidlaw, Port Jefferson Station, NY

Thanks for your interesting letter, Mr. and Mrs. Laidlaw, and for being considerate and caring boaters, the kind that Captain Stan would label Skippers (with a capital S)! Hurrah for the timely rescue and your big PHOOEY! for Friday the 13th! [ed.]

Prompted by a "Sea Trials" article in our July issue by admiralty attorney, James E. Mercante, reader Capt. Jeff Patterson wrote the letter below to Jim, who replied recently. Our thanks to both gentlemen for an interesting and, we feel, generally informative correspondence. [ed.]

Dear Mr. Mercante:

Really enjoy your column in Boating World. Perhaps you could clear up some questions I have pertaining to captain's liability?

Each year, pleasure boats move up and down the East Coast following the seasons and the particular needs of their owners, or dealers/brokers. In many cases, the vessel operator is a hired captain. There seems to be no insurance available (at a reasonable price) for captains who are delivering someone else's boat. An attorney friend tells me that though I may have all the "hold harmless" clauses in the world, I would still have liability in a case of gross negligence. Question: Is a delivery captain considered a Jones Act Seaman while delivering a boat?

Another point of interest stems from an article in the *Baltimore Sun* regarding the U.S. Coast Guard court system being stacked against civilians. A former judge

testified that judges were routinely pressured to side with the Coast Guard against tugboat captains, engineers, charter fishermen and others who need to produce licenses or other documents when charged for various infractions on the water. Apparently, mariners have won just 14 cases out of more than 6,300 charges filed by CG investigators since 1999, when the CG restructured its judicial system to broaden defendants' rights. Judge Jeff J. Massey has testified that Chief Judge Joseph N. Ingolia told her to *always* rule in the Coast Guard's favor, adding that she came under intense pressure when she did not. Massey quoted Ingolia as stating, "The Coast Guard are out there keeping our seas safe, and we have to do everything we can to support them."

The only captain's insurance that I've encountered is the type that insures in case of revocation of license by the Coast Guard, not liability. Your thoughts?

Thank you, Capt. Jeffrey Patterson

Dear Captain Jeff:

You are correct that the CG Administrative is in respect to CG license issues (suspension/revocation) only, not civil liability. It is difficult for a delivery captain to get a liability policy. As a delivery captain, I would request the vessel owner to name me as an additional insured under his/her marine insurance policy for the purpose of the trip/voyage because most yacht policies exclude a paid captain. Thus, that coverage would have to be agreed to and afforded for the paid captain.

As far as Jones Act seaman status, that is a whole world of admiralty law unto itself...perhaps a good topic for a future "Sea Trials" column.

*Thanks for writing and smooth sailing,
Jim Mercante*