



the LOOKOUT

Voice of the **NATIONAL BOATING FEDERATION**
P.O. Box 4111, Annapolis, Maryland 21403-4111



Volume XXXX No.2

July 2010

Johnnie Owen, Editor

Environmental Activism Running Rampant in Northwest

Just a few days before Christmas, 2009, five Seattle area boatyards received registered letters from a group of environmentalists known as Puget Soundkeeper Alliance. The letters constituted legal notice of “intent to file a lawsuit”, and required the boatyard operators to respond within a very short period of time. While the rest of us were enjoying a holiday with our families, local boatyard owners were down at the office assembling paperwork and frantically trying to contact their vacationing attorneys.

Why would the Puget Soundkeeper Alliance sue boatyards? According to their own website, the group exists to bring lawsuits! Quote: “We are a team of dedicated staff and citizen volunteers whose mission is to stop pollution from entering Puget Sound. The Alliance uses the power granted to citizens to sue under provisions of the Clean Water Act of 1972 to stop polluters in their tracks.”

The guise under which the lawsuits are threatened involves alleged violations of stormwater discharge standards. Due in large part to aggressive lobbying by Puget Soundkeeper Alliance, environmental standards for stormwater discharge have become exceptionally difficult for any boatyard to meet. Nearly all boatyards were making good progress toward reducing copper contamination. Steps typically include tarping under a boat, forbidding “do it yourself” painters, and the installation of extensive filtration systems.

Copper content of nearly any storm drain in an urban area exceeds the “permitted” copper content from a boatyard. Automobile brakes, clutches, and other parts subject to wear and tear deposit copper particles on streets and parking lots. When rainwater drains from a roadway and down through a boatyard to the adjoining body of water, the boatyard takes the blame.

Boaters are wondering if these lawsuits really designed

to address pollution, or are they primarily a fund raising device? The Puget Soundkeeper Alliance virtually always offers to forego filing a lawsuit if the targeted boatyard will make a large cash settlement. Large settlement amounts are demanded, plus attorneys’ fees for both sides to squash the threatened legal action. If the boatyard survives, these costs will be ultimately passed on the Boaters.

In order to avoid costly litigation, these five boatyards did decide to put up money demanded by the Alliance to call off the lawsuits. One of the boat yards reported the their settlement funds will result in the layoff of one family wage employee. The settlements will do nothing to clean up Puget Sound and have severely damaged the credibility and good will amongst boaters towards the Puget Soundkeeper Alliance. Boaters want clean water too, but the only winners here are the attorneys who continue to sponsor the Soundkeeper’s law suits.

Both the Recreational Boating Association of Washington (RBAW) and the **National Boating Federation (NBF)** are concerned if the environmental extremists want to make copper an issue, virtually every public and private marina, or yacht club is potentially at risk for a lawsuit. Some of the boatyards sued in December had copper runoffs no higher than found in the tap water. In fact, the acceptable level of copper in tap water, 1000 parts per billion, is 26 times higher than the level of copper runoff the Alliance wants to enforce for stormwater runoff that flows through the boatyards.

RBAW and the NBF are very alarmed about this chain of events and would welcome a federal solution. We believe the Clean Water Act needs to be amended to prevent this kind of extortion and would support congressional actions to do so. The NBF is formulating an official position on the issue and you will hear more about our efforts in the future.

David Kutz, Past President, RBAW
Secretary, NBF.

MANDATORY BOATER EDUCATION NOT HAVING A GREAT IMPACT ON BOATER FATALITIES

At the recent National Boating Advisory Safety Council meeting attended by NBF President Thomas Dogan, it was noted and discussed that, interestingly, mandatory boater education has not appeared to have a great positive impact on boater fatalities. That fact is being actively discussed and analyzed by all involved parties, and it has been the conclusion that perhaps the methods of education need to be revised. Rather than a new boater being able to sign on to a course on the internet which can be completed in one-half hour or less, emphasis is now being placed by the US Power Squadron and the US Coast Guard Auxiliary, in their training classes, to offer “hands-on” experience in handling recreational vessels for the new boater. There were many, many obstacles to be overcome with that new added responsibility, including the issues of insurance, liabilities, procuring vessels to be used for the training, the “training of the trainers”, and the added expense of actual hands-on learning. It has been decided, however, that the hands-on experience is so valuable that all of the detriments are greatly overcome by the hands-on experience. .

THOMAS M. DOGAN
LMYA Representative and
President, Nation Boating Federation

HOAX DISTRESS SIGNALS

PDT SALINAS—A judge sentenced 53-year-old Kurtis Thorsted of Salinas this week to 30 months in federal prison for making a series of hoax distress signals. He was convicted of doing the same thing in 2004.

Thorsted pleaded guilty in July in U.S. District Court in San Jose to broadcasting a fake “mayday mayday” distress signal, when he told would-be rescuers in October 2008 that he was in a kayak off the coast of Santa Cruz and having difficulty getting to shore. He was actually at his Salinas home and in no danger, prosecutors and his attorney said. He also pleaded guilty in October to making two other fake mayday calls to the Coast Guard.

The court found that Thorsted broadcast 51 false distress messages over six months, costing the Coast Guard \$102,000 in search and related costs, federal prosecutors said.

In April 2004, Thorsted was sentenced to two years in federal prison and ordered to pay more than \$29,000 in restitution to the Coast Guard for a similar series of hoax calls.

In one of the earlier incidents, Thorsted’s call interrupted a real SOS from the Emyle, a 33-foot boat 4 miles off Santa Cruz. The Coast Guard helicopter was so low on fuel from the hoax search that it had to refuel before searching for the stricken ship, authorities said. The two fishermen aboard were rescued before it sank.

OFFICERS

President - Thomas M. Dogan
Lake Michigan Yachting Association

Vice President - Fred W. Poppe
Chicago Yachting Association

Legislative Director - Earl M. Waesche
Chesapeake Bay Yacht Clubs Association

Secretary - David J. Kutz
Recreational Boating Association of Washington

Treasurer - Everette L. Tucker Jr
Coast Guard Auxiliary Association Inc.

EXECUTIVE COMMITTEE

Immediate Past President - Marlene Barrington
Northwestern Boating Council
IOBG District 1

Committee Member - Jimmie Homburg
Boy Scouts of America

Committee Member - James Muldoon
United States Sailing Association

Committee Member - John Onacila
Boating Associations of Ohio

Committee Member - Joe Orth
Potomac River Yacht Clubs Association

Committee Member - Robert Williams
Pennsylvania Boating Association

Executive Director - Margot J. Brown
Pacific Inter-Club Yacht Association

Lookout Editor - Johnnie Owen
Pacific Inter-Club Yacht Association

INDIANA JOINS MICHIGAN IN ASIAN CARP LAWSUIT AGAINST ILLINOIS

State seeks to close Mississippi River link

Indiana will support Michigan in a lawsuit against Illinois intended to prevent Asian carp fish from reaching Lake Michigan.

Michigan has sued Illinois and the Army Corps of Engineers demanding they take steps to prevent the invasive Asian carp from migrating from Illinois waterways into Lake Michigan and becoming established there.

Michigan is asking the court to permanently close the Chicago locks that connect the Great Lakes with the Mississippi River. Asian carp has been tracked to within six miles of the locks.

Indiana Attorney General Greg Zoeller said he will file a brief with the U.S. Supreme Court supporting Michigan's lawsuit. The U.S. Supreme Court hears disputes between states.

"The U.S. Army Corps of Engineers and the Metropolitan Water Reclamation District of Greater Chicago have failed to halt the invasion of the Asian carp that threatens the freshwater ecosystem supporting one of the greatest fishing bodies of water on earth; and so legal action is unfortunately necessary," Zoeller said.

The attorney general said his office is researching legal and technological options that would stop the spread of the fish from the Chicago River without affecting barge traffic in Northwest Indiana.

Minnesota Attorney General Lori Swanson, fearing the spread of Asian carp from Lake Michigan to Lake Superior, also has signed on to Michigan's lawsuit.

Asian carp, also known as bighead carp and silver carp, voraciously compete with native fish species for food resources. If Asian carp make it into the Great Lakes ecosystem through shipping locks and canals in Chicago, the \$7 billion-a-year Great Lakes commercial and recreational fishing industry could be imperiled.

San Diego - DIY foghorn

The US Coast Guard issued a news release stating that it installed a new foghorn in Mission Bay near San Diego with a do-it-yourself (DIY) foghorn. The foghorn will be activated by mariners who seek its navigational guidance. The mariner tunes the vessel's VHF radio transceiver to channel 79A and depresses the microphone key five times to activate the foghorn.

USCG - Safety Alert re: DSC-equipped VHF marine radios

The US Coast Guard issued a safety alert stating that an automatic channel switching feature found on certain models of Digital Selective Calling (DSC) equipped VHF marine radios may create an unintended hazard by automatically switching from a working channel to Channel 16 when the radio receives a DSC distress alert, distress alert acknowledgement, or other DSC call where a VHF channel number has been designated. The Coast Guard strongly recommends disabling the automatic channel switching feature when maintaining a listening watch, communicating on the designated bridge-to-bridge radiotelephone, or monitoring the vessel traffic services (VTS) channel. The Coast Guard also strongly recommends that radio operators and other users ensure that the radio is on the proper channel when communicating or maintaining a listening watch.

EPA - MSD performance standards

The Environmental Protection Agency (EPA) issued a notice stating that it received a petition and a request for rulemaking under section 312 of the Federal Water Pollution Control Act (FWPCA). The petition and request seek revision of the regulation establishing performance standards for vessel sewage treatment devices, commonly referred to as marine sanitation devices (MSDs). The petition also requests that the EPA establish monitoring, recordkeeping, and reporting requirements to ensure compliance with the performance standards. Comments on the proposals should be submitted by November 9. The EPA is particularly interested regarding: (1) the universe of vessels operating on navigable waters that use sewage treatment devices; (2) technical information on the performance, effectiveness, and costs of MSDs, including performance testing data; (3) suggestions on what, if any changes to the performance standards might be appropriate; and (4) information on monitoring, recordkeeping, and reporting approaches for vessel sewage discharges. 75 Fed. Reg. 39683

Reproduction permitted with National Boating Federation acknowledgment.



NATIONAL BOATING FEDERATION

P.O. Box 4111

ANNAPOLIS, MARYLAND 21403

RETURN SERVICE REQUESTED

NONPROFIT
US Postage
Paid
Walnut Grove, CA
95690
Permit #11

EPIRB SAVED THEIR LIVES

“If you ever wanted to hear a story about how important it is to have a registered EPIRB on your vessel and a float plan ashore, look no further than this case. Without that piece of electronic gear aboard the Calypso (32-foot catamaran), this would be the story of a maritime disaster, not a story with a happy ending,” said Lt. Todd Vorenkamp, a Coast Guard spokesperson. Here is the story:

(July 3, 2010) - Coast Guard units from Group Humboldt Bay rescued three sailors from an overturned sailboat 20 miles off the coast of Fort Bragg, Calif., this afternoon. The 32-foot catamaran, Calypso, was transiting from Crescent City, Calif., to Alameda, Calif., when it suddenly capsized in steep waves.

At 12:44 p.m., the Coast Guard received an emergency position indicating radio beacon signal from the Calypso. The beacon, mounted on the sailboat, can be turned on in an emergency to transmit the GPS position, identity of the vessel and other information to a network of satellites orbiting the earth. The EPIRB showed the Calypso was approximately 20 miles from the coast of Fort Bragg. The signal from the EPIRB was the only distress signal received by the Coast Guard from the catamaran.

The Calypso’s crew reported that in the early morning hours, winds increased to 45 knots and the crew manually activated their EPIRB, believing that their lives were in peril. Immediately after activating the radio beacon, the boat capsized, pinning the crew beneath its overturned hull. The crew managed to get out from beneath the vessel and grab onto the hull, spending more than an hour in the frigid Pacific Ocean waters.

The Coast Guard used the registration information from the beacon to contact the family of the vessel’s crew. The family reported the Calypso crew had left a float plan, which

is a description of the boat, number of passengers aboard, a description of the safety equipment aboard, destination and estimated time of arrival. “The float plan allowed us to confirm information about the vessel, create a better plan and expedite our search,” said Lt. George Suchanek, an MH-65C Dolphin helicopter pilot that responded to the call.

Coast Guard Group Humboldt Bay immediately dispatched a 47-foot motor lifeboat from Station Noyo River in Fort Bragg, Calif., and an MH-65C Dolphin helicopter from Air Station Humboldt Bay in McKinleyville, Calif. The motor lifeboat crew reported seas were 14 to 16 feet and the lifeboat’s transit to the Calypso was predicted to take an hour because of the conditions. The helicopter crew reported 35-knot winds.

The helicopter arrived on scene first and started following the radio beacon signal from the catamaran’s EPIRB. The helicopter located the overturned boat, its hull blending in with the white-capped waves, and descended to a hover over the vessel where the crew spotted three people clinging to the hull as waves washed over the boat.

“Another key to finding this crew was that they stayed with their vessel. It is much easier to find a boat, even an overturned boat, in the ocean than an individual person,” said Lt. j.g. Bernie Garrigan, the Dolphin helicopter co-pilot.

The crew of the catamaran were not wearing survival suits or life jackets.

“If you ever wanted to hear a story about how important it is to have a registered EPIRB on your vessel and a float plan ashore, look no further than this case. Without that piece of electronic gear aboard the Cataylist, this would be the story of a maritime disaster, not a story with a happy ending,” said Lt. Todd Vorenkamp, a Coast Guard spokesperson.

“That EPIRB saved their lives,” said Suchanek.