

Word Count: 1051  
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# Ask The Captain

*Capt. Lyman Louis*

Last month I wrote a bit about the rules of the road and introduced the mnemonic: *Only New Reels Catch Fish So Purchase Some Often*. The sentence is to help you remember the hierarchy between boats in terms of who must give way to whom.

<i>Only</i>	<i>Overtaken</i>
<i>New</i>	<i>Not Under Command</i>
<i>Reels</i>	<i>Restricted Ability to Maneuver</i>
<i>Catch</i>	<i>Constrained by Draft</i>
<i>Fish</i>	<i>Fishing</i>
<i>So</i>	<i>Sailing</i>
<i>Purchase</i>	<i>Power</i>
<i>Some</i>	<i>Seaplanes</i>
<i>Often</i>	<i>Overtaking</i>

In regards to that article I received an excellent letter from Captain Mike Maurice Wilsonville. His letter is long but Capt. Maurice makes some excellent points that deserve our attention.

*“The use of the term right-of-way is a poor one in boating circles,”* writes Capt. Maurice. *“In general there is no such thing as ‘right-of-way.’ There is only Collision Avoidance, and every mariner is at all times obligated ... to take every precaution (to avoid a collision) which may be required by the ordinary practice of seamen, or by the special circumstances of the case.”*

This is of course true. In our boating area the term “right-of-way” has no place and for recreational boaters in particular it is best that we leave the term behind. (For those who are interested, a downbound vessel on a Western River—the Columbia and Willamette are not included in this particular definition—has the right-of-way and will determine the place and manner of passage.)

The correct language is “give way” and “stand-on” when applied to vessels on the Columbia and Willamette Rivers. The stand-on vessel is required to maintain course and speed while the give way vessel is required to alter course and/or speed in order to avoid a collision.

So how do you know if you’re a give way or stand-on vessel? My mnemonic above will help, but it is just a start. If you commit this to memory and apply it when you’re not sure, you’ll go a long way towards making your time on the river safer.

Capt. Maurice goes on to point out an error in my March article: *“I have a disagreement with the notion stated that Rule 9 (a(i-ii)) does not generally apply to recreational vessels.”* This is the rule that discusses navigation within narrow channels. *“First, as a matter of law, the rules apply to everybody. Deep draft ships are confined to the fairway, which means the water deep enough for them to pass plus the dredged channel by implication. Tugs with barges “usually” can navigate outside the dredged channel. Small craft can sometimes pass in water too shallow for the tugs with barges. You will held liable if you are involved in an accident where you failed to give way to a vessel that could only navigate in water deep enough for it to pass.”*

*“The courts have ruled that the Narrow Channel includes the fairway. Which means the area deep enough for vessels to travel, outside of the dredged area. The Columbia has a substantial area that does not require dredging to provide for passage of large ships. The Columbia is not a narrow channel in the practical sense that such waterways*

*as the Inter-Coastal Waterway are on the east coast. It is in the legal sense.*

While I must agree with Capt. Maurice, I do believe that the article's intent—largely to inform recreational boaters and especially fishermen that the channel was not a place to anchor—addressed the legal definition of the channel.

In other words, while the Columbia River may not in the practical sense be a “narrow channel,” most of the ships which navigate the river between Astoria and Vancouver or Portland must use the dredged channel. When that channel is clogged by hog lines or other fishermen it creates a real hazard to the river pilot.

Finally, Capt. Maurice makes an excellent closing statement: *“Rule 2 is the catch all rule, that trips up operators who have otherwise followed the rules.”*

Here is Rule 2 in its entirety:

## RULE 2

### Responsibility

(a) Nothing in these Rules shall exonerate any vessel, or the owner, master, or crew thereof, from the consequences of any neglect to comply with these Rules or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

(b) In construing and complying with these Rules due regard shall be had to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from these Rules necessary to avoid immediate danger.

*“ Just because you are not a commercial operator or hold a U.S. Coast Guard License does not mean that you have any exemption to Rule 2. For Rule 2 requires you as an operator to know and put into practice the ‘ordinary precautions’ that a seaman would follow. If you don't have any idea what this means, you are at a disadvantage in a*

*situation that could lead to an accident. All the more reason to avoid getting into a collision.”*

Knowing the rules will help you keep out of trouble. One of the best instructions I ever received was when facing any possibility of a collision (1) make an early decision to avoid the other boat, (2) make that decision known to the other boater by changing course in a large way.

Big turns are easily noticed and let others know you have seen them and intend to avoid them. A small turn may be obvious to you but could be essentially unnoticeable to a boater coming straight for you. If they do not notice your small adjustment they may make their own small turn in the wrong direction.

I hope that this primer on the rules of the road has been helpful. Better than this would be for every boater to take a Boat Smart class from the US Power Squadron. Here are a few contact numbers for anyone who is interested.

Ft. Vancouver PS  
Bill Hall (360) 574-2647  
George Eaton (503) 289-1584  
[www.usps.org/localusps/ftvan/](http://www.usps.org/localusps/ftvan/)

Portland PS  
Mark Jacobs  
503-753-8175  
[www.usps.org/localusps/portland/](http://www.usps.org/localusps/portland/)

Beaverton PS  
Gary Orendorff  
503-524-8875  
[www.usps.org/localusps/beaverton/](http://www.usps.org/localusps/beaverton/)

Willamette River PS  
Evan Evans

503-838-5433

See you on the rivers,

Capt. Lyman Louis

*You can e-mail Capt. Lyman at [askthecapt@seadowpdx.com](mailto:askthecapt@seadowpdx.com).*