

Appeal for R33 cats to be reinstated into ORCA

We received a statement from the board banning All R33 cats to race in Orca events. With this statement Orca effectively has banned an entire class of boats because, in the boards opinion, it does not meet specified Orca requirements as listed in the Orca statement. I strongly disagree. The board is not being consistent with their interpretation and enforcement of the Orca by-laws and do not have accurate data to come to their conclusions.

Orca and their unnecessary rush to judgment without gathering the facts have set in motion a chain of events that have resulted in inaccurate press for the R33. Worse, their actions has caused 2 boat sales or \$340,000 cancelled due to the banning letter that was leaked to Sailing Anarchy and Vic's letter to LBYC.

We confirmed with the LBYC board members that it was the liability issue that Vic incorrectly brought up that banned the boat. Vic's conclusions were wrong...per two attorneys we have consulted. LBYC and ORCA are now more liable for safety issues by fallen sailors by banning boats than not banning boats. But that is another issue brought up in my appeals letter to LBYC that has been sent to LBYC and will be addressed at their monthly board meeting (please see and read the attached letter).

Let me be clear at this time, we do not intend to take anyone to court over this. But as a suggestion, next time Orca should move more slowly and think of the consequences before they act on such an issue of banning an entire class of boat based on only their opinion then declaring it to the rest of the world. There was no need to rush to judgment regarding the R33 without first getting more information and getting the facts straight.

Here is my Appeal: Based on the statement (see attachment of Orca statement at bottom of letter) ORCA is declaring many reasons why ORCA has banned all R33's to race in Orca events and one reason that would allow the R33 to race again. There are three issues at hand....

- 1) Banning an entire class of boats
- 2) Banning boats and skippers that have not violated any Orca rule or By-Law
- 3) The R33's stability.

This is a serious matter. Please excuse my wordiness but some points are repeated to make my position very clear. With this in mind I will address the quoted Orca Statement banning the R33 one by one...

One of ORCA's objectives is to promote safe and self-sufficient "offshore and "coastal" multi hull racing (see article 5.1 of the ORCA By-Laws).

Lets look at Article 5.1. It states **"Orca boats keep their crew onboard and avoid capsize at all costs"**

I agree with the board and this article...avoid capsize at all costs. I am in compliance with this article. I have never violated 5.1 or have capsized any R33 in any sanctioned race in 5 years of racing. All R33 skippers, except for four (3 West Coast skippers and one Midwest skipper), have not broken article 5.1 in any sanctioned racing event. R33 skippers who have not capsized in an Orca event are in compliance with 5.1 and should not be banned.

Towards this end, the ORCA board has always reserved the right to disallow multi hulled boats that do not meet its standards in this area."

I agree. If a boat has violated 5.1 this allows the ORCA board to reserve the right to disallow a boat from racing in an Orca event. My boat and the majority of R33's have never violated this rule in five years. However, if ORCA is to ban an entire class of boat based on 5.1, then Orca has to be consistent.

To be consistent you would have to ban other boats and classes that have violated 5.1 on a regular basis. If you ban the R33 as a class you have to ban the Farriers as a class. Hear me out...

Fact: From 1998 thru 2003 in the NW Multihull Association had an average 16-boat fleet with a Farrier fleet average of 10 to 12 racing. In six years Farriers had 5 capsizes resulting in 3 total losses and one serious injury, a punctured lung.

Here is the list by type of boat, name and year the capsize happened. There are more but these are the ones that were confirmed at this time by members of the NWMA...

- 1) F27 – Almond Joy – capsize 98
- 2) F9A - Flip Flop Fly capsize in 02
- 3) F25 C – Makika – capsize in 02
- 4) F9A – Red shift – capsize 03
- 5) F27 - Raven - capsize 03

During this time Gary Helms of Northern California also capsized a F31 while racing and almost perished but was picked up just before the boat washed

ashore, destroying the boat. This year two F31's that we know of have capsized resulting in one death. I am sure if I wanted to spend a week of research I could find many more Farrier capsizes while racing or cruising. I know the board will say this does not matter because look how many Farriers there are and it is a matter of percentages. Well let's look at the percentages...

Comparing one fleet against another you can get percentages. From 2002 thru June of 2006 the R33 fleet (a 2-5 boat fleet) had NO Capsizes. From June 2006 to present we had half the R33 fleet (3 boats in a 5-6 boat fleet) capsize in an unfortunate set of circumstances set off by unusual weather and crew error. No injury or damage to the R33's and all boats were sailing the next day.

From 98 to 03 the NW multihull fleet had almost half their fleet (5 of 10-12) capsize with three total losses and one serious injury. Why did Orca not ban the Farriers with all these capsizes??? Orca may say no Orca Farriers have capsized in Orca events so they have not violated 5.1. However Orca is using ALL R33 capsizes nationally to ban them. The same standard should be set for the Corsairs. It is not.

In comparing both fleets, both the R33 class and Farrier class sustained close to the same percentage of capsizes for the size of their fleet with more damage and injuries being sustained by the Farrier fleet.

However, if the board still disagrees about percentages there is plenty of evidence that Farriers have proven, with deadly results, that they do not avoid capsize at all costs. If they did there would be NO capsizes. They are in violation of 5.1 and they "do not meet Orcas standards in this area."

I am not advocating that Farriers be banned from Orca. What I am stating is that Orca is not being consistent with their policies when it comes to the R33 cat and article 5.1. As a class, the R33 has not violated 5.1 any worse than the Farriers have violated 5.1 based on the history of both boats to "avoid capsize at all costs". Both classes have NOT avoided capsizes at ALL costs.

However, as a R33 skipper I HAVE avoided capsizing at all costs. So have all other skippers that have not capsized. We have not violated 5.1 in 5 years of racing. We do not deserve to be banned from racing in Orca events as we DO meet "all Orcas standards in this area" for the last 5 years!

Multihull stability is a function of many factors: the most critical of which are: vessel weight, centerline beam, sail area, center of lateral resistance, center of effort, sea state and skipper/crew performance. Because the interaction of these (and other) factors is very complex, a definitive judgment of stability in all conditions is difficult.

I agree with the board again...you cannot define stability. If you could then all R33's would have capsized on Friday, the day west coast sailors encountered and were not prepared for, great lake conditions. These conditions were 5 to 30 knots back to 5 knots of wind with 30-degree wind shifts and abnormally rough sea conditions. The weather was so unusual that the mono hull fleet sustained many more redresses, accidents, collisions, men overboard and other emergencies, distracting the committee boat from our two capsizes. As there were no Orca boats racing we do not know how the current Orca fleet would have done. Our two capsizes resulted in no redresses, injuries or damage and both boats were sailing the next day.

In the five boat R33 class three boats DID NOT capsize and two did. If the R33 is not stable for these conditions then ALL boats should have capsized. They did not. The boats that capsized were due to skipper and CREW ERROR.

Why did the F31 capsize in the Chicago Mac race right in front of the 14-foot wide R33 in the same wind and sea conditions yet the R33 survived with no capsize???...because of CREW ERROR.

We have heard that Orca wants to change our beam size so the R33 would be more stable. Maybe the Farrier is too stable for her amas or floats causing it to pitch pole to often as evidence by her record. There have been many Farrier capsizes due to pitch pole. If the Farrier had bigger floats then this would not happen as often? Should Orca mandate Farrier owners to change their floats based on so much evidence that if they had bigger floats they would not capsize as much? Of course not, because even with bigger floats you could capsize in the event of "CREW ERROR".

That is why I agree with Orca...you cannot define stability because the stability and seaworthiness of the boat to avoid capsize at all costs is up to the skipper and crew and how they react to different wind and sea conditions.

The Reynolds 33 catamaran has proven for 5 years, in capable hands, that the R33 can avoid capsize while racing even in extreme conditions where other "more stable" yachts have capsized or quit.

The history of capsizes (number of capsizes vs. number of boats sailing and miles sailed) indicates to the Board that the Reynolds 33 represents too high a risk of needing outside assistance.

First, I strongly disagree with Orcas conclusions that the R33 capsizes in higher numbers than other boats like the Farrier. Besides the proof of the NWMA fleet stated above, Orca does not have accurate data to make an accurate conclusion. As an example I contend that our current five boat R33 Long beach fleet have logged more sea miles in the last 6 months than all the Farriers combined from Santa Barbara to San Diego. I alone have logged 2800 miles with 3 other boats

logging just under 1500 miles each! The fifth boat has logged 800. That is aprox 8100 sea miles. The R33 fleet has been racing in NON ORCA events averaging 3-4 days a week for 2006! Most Farriers are sitting on a trailer or slip.

More evidence is the lack of boats at the Corsair/Farrier nationals...only 33 boats out of 1700 some boats were at the nationals this year. Out of all Corsairs/Farriers only a very small percentage of them race yet this racing fleet has sustained many, many capsizes. We do not know of all cruising boats that have capsized or pitch-poled as well. At the time of Orcas rush to ban the R33 fleet, Orcas conclusion on the percentage of capsizes of the R33 class compared to other classes were based on a guess, not fact.

However, I do agree with Orca that history can indicate the amount of risk for capsize and needing outside assistance of a particular boat and crew. If history indicates that a multihull can or cannot capsize why did Orca allow the Firebird 26 to race in the recent Marina Del Rey race? The Firebird has a notorious history of capsize and pitch polling and should be banned per the Orca statement...but Orca allowed the Firebird to race a 90-mile offshore race because that particular boat and skipper had no history of capsize. The R33 cat should be held to the same standards.

The R33, like the Farriers, have capsizes in their history. However, I do not have ANY history of capsize in any sanctioned race. Nor does the other R33 skippers, other than the four previously mentioned, have capsized in sanctioned races. Sailors who do not have a history of capsizing in sanctioned races SHOULD be allowed to race in Orca.

I contend that it is not the R33 catamaran that represents too high of risk of needing outside assistance but it is the history and experience of the skipper and crew that represents the risk.

If Orca wants to regulate something then they should regulate the skipper and NOT the boat. This would be consistent with Orcas rating system as well. Orca holds accountable the skipper to determine his or her rating. Why is Orca not consistent by holding accountable the skipper in the event of a capsize?

No skipper should be penalized for another skippers mistake. I have not violated 5.1 in 5 years and have raced my 14 foot wide R33 with a perfect 2-year history of no capsizes in any race or Orca event. In some cases the sea conditions were so bad that most the Orca boats and mono's quit, yet the 14 foot wide boat prevailed. If the R33 was so unstable I should have capsized. But, using crew skill and experience, I reefed down making the boat more stable than a full hoisted F31 for the same conditions. You can make any boat as stable as you want by reefing. Who decides when to reef?...the skipper.

The only three ORCA skippers that have shown a history of capsizing and violating the 5.1 rule are...John Papa, Erick Fracker and Larry McDowell. If you want to stop capsizes it is simple...make a rule that penalizes the root and cause of the capsize ...the skipper in charge of the boat. The rule could state...If you capsize you cannot race for the remainder of the year or two years or three, whatever the board thinks is fair.

However I do not think it would be fair if Orca makes a new rule and retro it back. Although John, Erick and Larry violated the 5.1 rule it does not state what the penalty is for breaking the rule other than “the board reserves the right to not allow any multihull to race”. It should state clearly if you do not avoid a capsize what the penalty will be. It currently does not.

One thing is clear, non-capsized R33 skippers have not shown a history of capsize or need of outside assistance and are in compliance with all Orca rules.

Should the Reynolds 33 catamaran change its parameters in the future and prove to be more stable, and thereby reduce the chance of it requiring outside assistance, then it may be reconsidered to be a qualified ORCA boat.

We do not want any R33 cat to capsize. That is why we have made substantial changes in our class rules since the three capsizes in question thus making the R33 more stable. We have also addressed the “outside assistance” issue better than any other boat in the fleet. But first let me explain what has been done to address Orcas term “stability” or I think a better term that describes what causes a capsize is rotational inertia.

Currently I have reviewed every R33 capsize. There have been 11 total in 5 years with only four of those in sanctioned races. There were two capsizes in 04, three in 05 and six in 06 with three of the six just recently at LBYC events which were windward leeward courses twice around...much more difficult and more prone to accidents than typical Berger or Catalina ocean races. One was 18 feet wide with 54-carbon rig, two was 16 wide with 48-foot rig and one was 16 feet wide with 42-foot rig! The other boats were 14 wide with 48-foot rig. Again these boats are being sailed hard and most of our clients are beginner to intermediate sailors.

Out of all of these capsizes there has only been one R33 that has capsized in 5 years with four crewmembers onboard the weather side (and it was 18 feet wide). ALL OTHER CAPSIZES only had 3 or less onboard with one or two crewmembers down to leeward and no one on the sheet to release both sails!!! One boat that capsized the helmsman fell asleep with Kite up in 15 –18 knots of wind! All these boats could have been 18 feet wide and their fate would have been the same.

In retrospect 90% of the capsizes might have been prevented if owners and skippers had more weight on the weather side and had exercised proper crew skill by releasing all sails.

Another factor in the capsizes was the jib not being released or being released too slowly. In 80% of the capsizes the jib was not released preventing the boat to head up causing the boat to remain in a downwind position instead of a luffing position thus capsizing the boat.

With this information, I focused on how to increase reaction time or rotational inertia in trying to give the crew more time to prevent a capsize and ways to improve rigging to release sails quicker and easier.

This last month we have been racing and sailing two identical boats...one boat with two crew (emulating the 10 of 11 capsizes crew weight to weather) and one boat with 4 crew and the results have been dramatic. It is like two completely different boats. The boat with 2 crew and full hoist mainsail can only attain 7.5 knots to weather and is twitchy. The boat with 4 crew and full hoist mainsail can achieve 8.5 with much more "reaction time" for a puff and is much more stable. The rotational inertia with more crew adds valuable reaction time to prevent a capsize. In our testing, the boat with 2-crew can achieve the non-twitchy feel and stability of the 4-crew boat when reefed to the double reef position.

We also reduced the purchase of the jib from 6:1 to 2:1, which make dumping the jib dramatically faster. We have also reduced the main traveler purchase from 5:1 to 4:1 to dump the mainsail quicker preventing the traveler sheet to bind.

Per the Orca Statement, to make the boat more stable to avoid capsizing and to reduce the chance of outside assistance, the R33 class has immediately in-acted the following for Orca races...

- 1) For full hoist main a minimum of 4 crew weighing no less than 740 lbs must be onboard for all races.
- 2) For crew of two races a waterballast system of 370 lbs or 47 gallons must be onboard to use a full hoist main.
- 3) All boats must convert to a new jib sheet system of 2:1 purchase.
- 4) All boats must convert to a new main traveler purchase of 4:1 purchase.
- 5) All boats must be a member of Seatow or Vessel Assist to assist in righting in the unlikely event of a capsize
- 6) All boats will have righting lines pre attached ready to go.
- 7) All boats will have a crash bag in tramp for easy access in case of capsize consisting of flares, handheld gps and vhf radio
- 8) If a skipper capsizes a boat he goes on probation, if he capsizes a second time the skipper and boat cannot race the rest of the year. Currently Larry, John and Eric, the skippers who capsized this last month, are all on probation for the year 2006

- 9) Once available all boats will have the self-righting system currently in development.

With these changes in the R33's class rules it makes the boat more stable and less reactive to wind gusts allowing the crew more time to react to a possible capsize. We even exceed Orcas standards by making it mandatory for all R33's to join Sea Tow or Vessel Assist creating a virtual chase boat from Santa Barbara to San Clemente down to Ensenada and everywhere in between in the event of capsize, dismasting or any other emergency. These organizations and the outstanding services they provide did not exist when the Orca by-laws were written. The rest of the boating community who want to be safe at sea without having unplanned outside assistance join one of these organizations. Orca should suggest to all Orca members to join as it would lessen the burden of other vessels and increase safety on the water for all boats.

It was demonstrated that the above-mentioned changes made a big difference in the last Catalina Island race. The wind and sea conditions were stronger than the conditions that created the three capsizes in question. The same three skippers that capsized last month (all on probation per our R33 class rules) demonstrated better seamanship by reefing and followed our new "crew weight rule". They all completed the races without breakage, capsize or mishap. They also knew that if they did capsize they would not be able to race their boat for the rest of the year. The winds and seas were so strong a Cal 40 lost her rig at the height of the wind...about 28 knots.

However, on the return race that weekend myself and my 3 man crew (total of four) sailed my 14 foot wide boat WITH full mainsail AND our 133% blast headsail on a beam reach, in a steady 20 gusting to 27 knots. We had a beam sea of 3 to 5 feet that would throw the boat into a 20-degree hull fly. No worries, my crew and I had the experience to sail fast beating Rods F31 by 30 minutes in a one hour 40 minute race. I bring this up to make a point that we had less beam and more sail area on a beam reach in winds gusting to 27 knots and we were in total control. We did not capsize! Rod said he had to reef his main but he hung on until the last 2-3 miles. He needed to reef the main but thought it would take up to much time so he elected to take down his jib instead and sailed with main only for the last 3 miles. Obviously he needed to reef or he would have not taken the jib down. He was showing good seamanship as he finished well. We NEVER had to reef and we were in total control. Guess the beam of the Farrier needs to be wider or possibly crew skill and experience has a little to do with how stable a boat is???

The main reason we did not have to reef was our experience and our new mandatory crew rule. In the past we would sail with only a light 2 or 3 total crew on a race like this. But ...we had four large guys on the weather hull and it proves to be faster and much more stable.

Lastly, please read the attached LBYC letter in its entirety, as it is a very important part of my appeal.

In conclusion, with the above-mentioned points and the new R33 measures now in-acted as a class, I ask the board to reconsider its previous ruling and allow all R33 cats to be a qualified ORCA boat assuming the boat follows all Orca rules.

At a minimum we ask Orca to allow non-capsized sailors who have not violated any Orca rules to be allowed to participate in Orca races and to allow the skippers who have capsized to put them on probation for 2006 and 2007. If you want to ban capsized skippers that is your decision but it seems harsh in light that our records indicate that the majority of capsized skipper are the least likely to capsize again.

It is important to stress as a unified multihull community that the safety of the boat and crew lays squarely on the skipper, owner and crew. The R33 is a strong, safe boat that has an excellent safety record. If you ban the R33 it will allow the door to open for yacht clubs to do the same to other multihulls.

It was unfortunate and atypical that we had three capsizes in one month that caused all this attention. But these aberrations within the last 30 days should not offset the five years of safe and competitive sailing the R33 catamaran and their skippers has demonstrated and our willingness to take action to prevent R33's from future capsizes addressing the concerns of the Board.

We look forward to your decision soon.

Regards,

Randy Reynolds

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For Reference:

*Statement by the ORCA BoD
Multihull Stability*

Multihull stability is a function of many factors: the most critical of which are: vessel weight, centerline beam, sail area, center of lateral resistance, center of effort, sea state and skipper/crew performance. Because the interaction of these (and other) factors is very complex, a definitive judgment of stability in all conditions is difficult.

One of ORCA's objectives is to promote safe and self-sufficient "offshore and "coastal" multi hull racing (see article 5.1 of the ORCA By-Laws). Towards this end, the ORCA board has always reserved the right to disallow multi hulled boats that do not meet its standards in this area. Beach cats, for example, have been excluded for this and other reasons. Beach Cats represent an unacceptable risk of capsize and a need for outside assistance to be allowed in coastal and offshore races.

It is presently the position of the ORCA Board of Directors that the Reynolds 33 catamarans are too unstable to meet ORCA requirements as a qualified boat under ORCA guiding principles. The history of capsizes (number of capsizes vs. number of boats sailing and miles sailed) indicates to the Board that the Reynolds 33 represents too high a risk of needing outside assistance.

Should the Reynolds 33 catamaran change its parameters in the future and prove to be more stable, and thereby reduce the chance of it requiring outside assistance, then it may be reconsidered to be a qualified ORCA boat.