

Protest: *Balder vs. Uproar*
2005 SSSS Spring Series Race 1, Saturday April 16
Balder asserted that *Uproar* violated rule 18.2 (c) at SSSS Mark 2
Protest Committee: Rod Tharp Chair, Eric Egge, and Steve Worcester

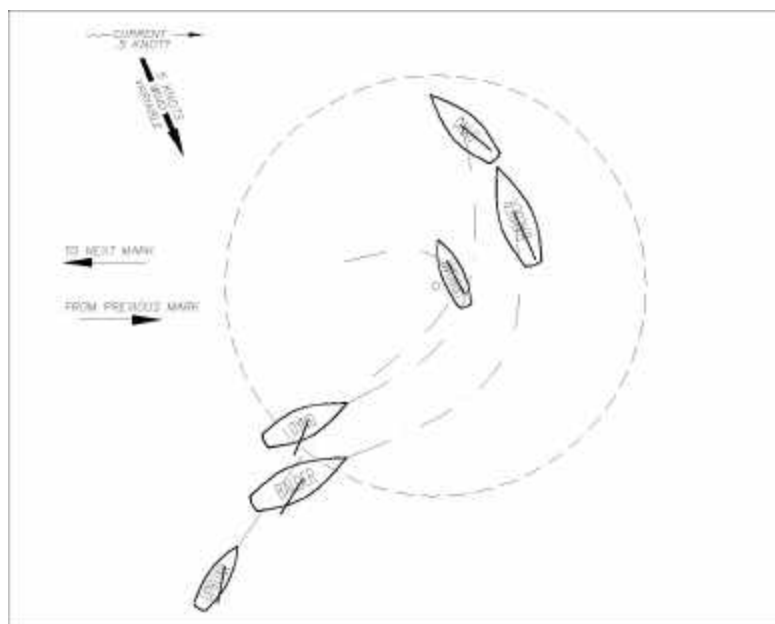
The first question the committee had to decide was whether the protest was valid. There was question as to whether the hail and flag were signaled in time. The protested boat missed both signals. Further *Balder's* written protest said it had taken one or two minutes to fly the flag. However there was testimony from the other two boats mentioned below. The skippers of both boats assured us there was a hail and the flag was raised promptly. So the protest was heard.

The wind was basically from the SW to WSW at Force 3, but light and fluky at the mark as it was near shore. The fleet approached SSSS Mark #2 from the south. The sailing instructions call for them to round the mark to port. Upon reaching the mark, they had to harden up and tack to return south to the next mark.

Well before the two length zone all the boats were on port tack under jib, with chutes down and out of the way.

Dyno, *Balder*, and *Opposition* entered the zone overlapped. *Dyno* was inside and to weather: as the windward boat she was required to keep clear of the other two, rule 11, but as inside boat was entitled to room to pass the mark, rule 18.2 (b). *Opposition* was outside leeward boat: as leeward boat she held right of way, rule 11, but as outside boat was required to give the other two room to pass the mark, rule 18.2(b). Which she did, staying to leeward and outside of the others. *Balder* was in the middle and so had to keep clear of *Opposition*, a leeward boat, and give mark room to *Dyno*, an inside boat.

Uproar was clear astern of the three. She was sailing a little higher and so she was sailing faster. As a boat clear astern she was the burdened boat and must keep clear of boats ahead, rule 12. As she was clear astern of *Dyno*, *Balder*, and *Opposition* when they entered the zone she must keep clear of them until they have passed the mark, even if she acquires right of way, rule 18.2(c).



Balder used her rights to keep *Dyno* close to the mark. This is what *Dyno* was inclined to do anyway, as they had seen *Uproar* and did not want to let her in. A close entry made for a wider exit. This was further complicated by the presence of *Balder's* bow just off *Dyno's* stern quarter. She could not come up hard without swinging her bow to leeward and into *Balder*. As a result, neither boat went hard on the wind immediately after reaching the mark.

This created an opportunity and *Uproar* took advantage of it. While she had no rights to room close to the mark, it was freely given. She entered wide and exited close to the mark. She tacked right away and was gone. The closest she came to *Balder* during the rounding was 15 to 20 feet. She fulfilled her obligation to keep clear of *Balder*, and of the other two boats.

Balder's protest complained that she could not tack at the mark without contacting *Uproar*. This may be true, however it is not a violation of any rule. There is no right to tack at a mark. The protest cites rule 18.2 (c), At Marks and Obstructions / Giving Room; Keeping Clear / Not Overlapped at the Zone. A closer reading of this rule, the last sentence, will show it does not apply "[i]f the boat that was clear ahead passes head to wind, ...". If *Balder* had tacked rule 18.2 (c) would have ceased to apply and she would be required to keep clear of all the boats while tacking, rule 13. As *Balder* did not tack, there was no contact and *Uproar* was not fouled.

The protest is dismissed and the results stand.