

Bottom Time

The newsletter of the Nova Scotia Underwater Council

June 1993

Press Release

Congratulations to the newly elected board of directors and executive! Now the A. G. M. is over the real work begins, starting with a Board of Directors meeting June 26. For more information call Colin Frazee-Whitlock at 864-2802.

Good Luck to Joe MacIssac and his charter business in Cape Breton. Joe's Dream is a twenty seven foot fibreglass cruiser and is available for trips to many Cape Breton dive destinations, including historic Louisbourg Harbor. Rental equipment and air is also available.

There is a new dive shop about to open in Sydney, Cape Breton. More about this new venture in the next issue of Bottom Time, but for now, congratulations to all concerned and best wishes.

In the Halifax area, an new dive club has been formed. The Maritime Makos are affiliated with Discover Diving in Bedford. For more information call Tim Gay at 835-6565.

This issue of Bottomtime is produced by Sport Nova Scotia after being laid out and typed on a home computer. Pass on any comments regarding the format or content to the executive or your Area Director.

Only your input makes this your Newsletter. Articles or any other newsletter material is greatly appreciated. Send to 12 Mayo Street, Halifax, Nova Scotia B3N 1C8.

The Editor

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President's Report

At the time of this writing I have been President for three weeks. Because some of you do not know me I will tell you a little about myself.

I was born in Liphook Hampshire a small village on the Southdowns in England. This being close to the sea, I learned to swim at an early age.

I spent twenty-two years in the British Army Signal Corp, attaining the rank of sergeant. During my service career I was posted to Germany, Scotland, Cyprus, Southern Yemen, England, Northern Ireland and Holland. In the later years I attained extensive administrative experience running technical workshops, and terms of President and Treasurer of the British Families Association in Holland. After my service career, I worked in Saudi Arabia and was able to dive the Red Sea before moving back to England.

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Instructor List

1. Dave Allen	464-4091
2. Austin Baird	492-2653
3. Noel Battcock	876-0555
4. Mike Chambers	454-4296
5. Sheilagh Condry	423-5783
6. Darin Connors	479-1631
7. Gary Edwards	883-9392
8. Aaron Flynn	461-2855
9. Tim Gay	835-6565
10. Ken Jardine	562-6061
11. Trevor Kenchington	889-3555
12. Roland Lewis	562-2457
13. George O'Neil	564-5671
14. Lorne Piercey	429-8265
15. Donnie Rogerson	835-8833
16. James Semple	876-0555
17. Joanne Shadbolt	634-9190
18. Bob Smith	462-0738

Unprotected

by Tom MacGregor

Diver Deb Ring of Brockville, Ont., knows he is a watched man. "Whenever I go out (on the water) there are people watching me with binoculars. If we dive too often in the same place we know something will go missing," he says.

On one hand, Ring is being watched by other divers because of his track record - so far he has discovered 18 shipwrecks in the St. Lawrence River and surrounding waters. In 1991 he told a local newspaper he had found one of two 35-foot boats commandeered by the Americans for the war of 1812. The Sophia and the Island Packet were both trying to slip past Fort Wellington at Prescott when they were captured by British forces along the Brockville Narrows and set adrift on fire. Ring is afraid salvors - people or ships involved in salvage operations - will literally get their hands on his find, and that could lead to its destruction. On the other hand, Ring is aware of a maze of legal entanglements that could hamper any further exploration. He knows he has followed federal laws, but those laws don't necessarily agree with Ontario laws - and there may be further conflict with claims in Britain and the United States.

There is a treasure trove beneath our waters telling of Canada's discovery, exploration and settlement. But the quagmire of legal authority and is hampering archeological endeavours. Provincial,

federal and international laws often contradict each other's ownership and authority, leaving the preservation of shipwrecks and other underwater archeological sites uncertain. Anyone making a claims risks years of court battles.

Our military history is also at stake. The coasts, lakes and rivers of Canada cover sites from centuries of military action - native warfare, the British and French wars, the War of 1812 and the deadly naval encounters of WW I and II. There are an estimated 30,000 shipwrecks in Canadian waters, 4,000 in the Great Lakes area alone. These are both a cultural heritage and, in many cases, the graves of those who were aboard. Yet most lie unprotected, often not respected and of questionable ownership.

This September archeologists, divers, researchers and interest groups will try to sort through the ways these sites can be preserved. A colloquium has been set up at the Canadian Museum of Civilization in Hull, Que., organized by the museum and the federal communications department. On the agenda will be the discussion paper Options: Preserving Underwater Archeological Heritage. It was released in March and deals with the role the federal government might play. "The next step is really to find out what people really want us to do. Then we will take it one step at a time," says consultant Fred Gregory, author of the discussion paper and a former president of the heritage organization Save Ontario Shipwrecks.

left alone, these sites face many threats - currents, tides, pollution, marine life, the action of other ships and ice. How well a ship is preserved depends on the depth, temperature and salt content of the water. Steel ships, which became dominant in our Navy in WW I, will disintegrate quickly in salt water, especially if sea worms can reach them. The deep fresh water of the Great Lakes has acted to preserve the wooden ships of the older wars. but now there a new threat from zebra mussels. "The zebra mussels will destroy the ships by their weight. They can force they ship to tip over and break up," explains Ring.

Wrecks also face threats from developers, tour operators, salvors and untrained discoverers. "The group with by far the greatest impact is the recreational diver, who (mainly through ignorance) lacks a strong conservation ethic," says the discussion paper. In an interview with Legion Magazine, Gregory adds, "There are many

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reasons why divers will take things from these sites. They think 'this will look great over my fireplace' or 'this should be in a museum' Somehow we have to stop this finders keepers attitude."

Many divers would agree. "Recreational divers are responsible for a lot of past damage and we would be fools if we didn't admit many are part of the problem still," says Tom Phelps, director of public safety for the Ontario Underwater Council, a group of recreational divers who encourage responsible diving. "Our view is that these wrecks should be protected but open to visits."

Most shipwrecks are safe simply because they can't be found. In many cases, wrecks of historical importance - such as the Caribou, the Newfoundland-Nova Scotia that was torpedoed Oct. 14, 1942 - lie too far out to be reached by divers with conventional equipment. But both diving and information systems are improving. Bob Ogilvie, the Nova Scotia education department' curator of special places, is developing the Maritime Heritage Database in conjunction with the federal, Ontario and British Columbia governments. "generally, we are trying to match archival information with archeological evidence," he says.

Although the co-ordinates of ships lost in WW II can be found in various history books, researchers seeking detailed information from National Defense have to use the cumbersome freedom of information laws. "During the wars that information was classified. We were losing hundreds of ships during WW II, so it was kept quiet for morale reasons," says Ogilvie. he speculates DND wanted to keep locations secret during the Cold War when Soviet submarines routinely patrolled our coasts and waterways. The subs could avoid detection by pulling alongside wrecks that would be known to the military. Canada's sophisticated detection equipment would spot something where the sub was hiding, but if it was beside a known wreck no alarm would be raised.

Academic debate continues about how to preserve wrecks that have been located. raising a wreck is prohibitively expensive. "There has to be a purpose for excavating a site. The biggest problem facing underwater archeology - next to the destruction done by divers - is the lack of conservation technology," says Canadian Park

Service's chief marine archeologist Robert Grenier. He cites the millions of dollars Sweden spent trying to save the hull of the king's flagship, Wasa, that sank in 1628. That was in the 1960's before the price of petroleum products (used in preservation) went through the roof." As well, Grenier says excavation destroys the site: "What is archeology but the systematic destruction of a non-renewable resource?"

Grenier says archeology "belongs to all of us"; it is a cultural heritage for future generations. But these sites can also be said to belong to the dead. "There is a long tradition of considering the ship(s) to be the grave of those who went down with them," says Capt. Steve Gannon of the ceremonial directorate at National Defense Headquarters. "Someone's burial at sea deserves the same respect as any grave." Canada has not designated any shipwrecks as war graves or memorials, as the U. S. has done at Pearl Harbor with the USS Arizona. Dan Wheeldon, secretary general of the Canadian Agency of the Commonwealth War Graves Commission, says, "Shipwrecks are often referred to as war graves. With bodies buried by the Canadian Forces, we mark and maintain the grave. But with a shipwreck there is no grave under the definition of the commission...We're always an interested bystander whenever a ship or plane is found. If they are human remains, we will bury them." Instead, says Wheeldon, the names of those lost on ships in wartime are preserved on monuments: "The Halifax Memorial commemorates all the Royal Canadian Navy personnel, the merchant seamen and those in the army who have no grave but the sea."

Gregory says people respect wrecks where people have died, even though bodies seldom stay in the ship: "Any wreck in which people are known to have died deserves to be treated with respect." But how to instill that respect will be part of this fall's discussions.

The main question is ownership. Few shipwrecks are clearly protected. Those that are usually belong to a notional park. There are a few in development, but at the moment Fathom Five National Marine Park in Tobermory, Ont., is Canada's only national marine park. It has several wrecks sitting on the bottom of a narrow channel leading into Georgian Bay that are easily reached. The park is designated for divers to visit but not

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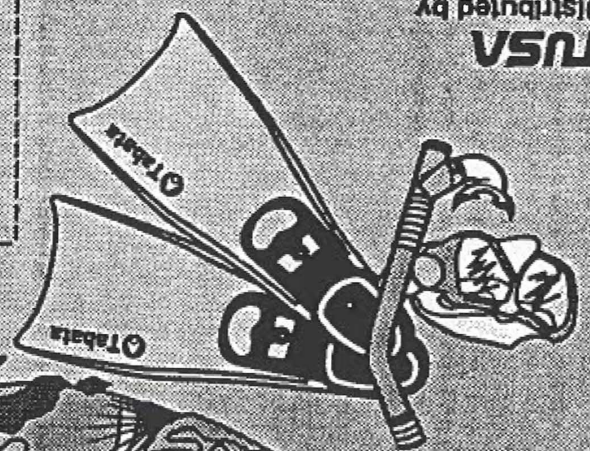
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The Aims and Objectives of the Nova Scotia Underwater Council

1. To be a representative body for the scuba diving community so as to preserve, support and promote diving and diver safety in the provinces;
2. To ensure that training programs are given to a recognized level of quality, to foster and encourage the safe handling and usage of all approved types of equipment used in the sport of scuba diving;
3. To make available to all members information concerning safety, medical, technical and research data concerning the sport of scuba diving; and
4. To co-operate and participate with the provincial government on projects and policies that lead to the recognition of sport diving as a significant recreational activity.



Angler Fish Photos by Gilbert van Ryckevorsel

Jaws Tamed

By Gilbert van Ryckevorsel

The *Sea-Devil*, alias *Goose-Fish*, alias *Monk Fish* or *Angler-Fish*; The last names I consider the most descriptive, has a body which appears to us like a huge mouth propelled by fins which look like feet.

This interesting, solitary fish is common in Nova Scotia waters and can often be found near fishing wharves during winter diving. The *Angler-Fish* is a member of a well known world wide variety; the sculpinidae, a family of bottom dwelling predators which have amongst them some of the most feared and poisonous varieties such as the *Stone-Fish*, *Zebra-Fish*, *Lion-Fish* and *Sea-Scorpion*. Our *Angler-Fish* is probably the largest, maybe the meanest looking, has teeth, but is otherwise harmless.

Most of these fish are masters of camouflage, or adaption to their habitat and are therefore rather difficult to see, until you are almost on top of them.

They are all bottom predators and prefer a lifestyle of lying in hiding and letting dinner come to them. Often they have dug a burrow with their specialized fins so that their body fits flat with the surrounding seafloor. They then shake themselves a few times and the settling silt will cover them so perfectly that only the experienced observer will see this fairly large fish. Watch carefully for their distinctive outline.

The most common size is three feet long, but sometimes one finds one approaching four feet in length. The eggs of the angler are held in a transparent veil up to twelve feet long. The juvenile angler is a common planctonic species which looks bizarre and is transparent. This is definitely one of the most spectacular *life jewels of the sea*, but is very elusive for the underwater photographer.

When you see the angler fish, then look for the first dorsal spine which can be eight to ten inches long and is adorned with a skinny flap at the tip. this is indeed a *lure* which the hiding fish moves back and forth

to attract baitfish to come in close. Then suddenly a huge mouth is thrown upward to close around its prey in nature's most famous *super-fast* reflex motions. Any diver interested in seeing this drama in nature can quite simply set up the scene by directing a baitfish carefully over the *big mouth trap in waiting*. Watch out that you are not part of the bait and get bitten ! A common sense approach will avoid this, however a mistake will cause a rather unpleasant experience as these jaws are powerful.

The best approach is to let the fish bite a stick held over his head. He will repeatedly snap at, hold and then loose interest in biting when no effect is achieved. The you should still hold the stick handy, but generally you can gently push your hand under the fish and lift him up into midwater. The slow swimmer is also soon tired and will get used to the direction and proximity of the diver and become docile, like a pet.

Remember, however, to not hold the fish forcefully or scare him unnecessarily and he will reward you with a fascinating underwater experience.

Do not the creature struggle, direct him gently and use common sense with respect to the big mouth full of teeth. You will be in for a memorable experience, watching the fish from close up with ample opportunity for photography and when finished let the creature return to its habitat.

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UNDERWATER VIDEO - CHARTERS - PHOTOGRAPHY

I began snorkelling in 1961, and began diving in 1980. After moving back to England I joined the British Sub-Aqua Club, passed my advanced diver course and began instructing in pool sessions and lectures. When my wife and I moved to Canada I joined the Aqualantic Dive Club and eventually became President. Currently I hold a PADI advanced certification, an ACUC Master Diver card, a NAUI Underwater Archaeology Course (part 1) and a NAUI Rescue Diver Certification. My experience with N.S.U.C began seven years ago. I have held the offices of Central Area Director, Secretary, Vice-President and Editor and Membership Secretary. In addition I have just been honoured with the Roger Aggett award for service to the N. S. U. C and the diving community.

The new Editor, John Webber, is very capable and has served with the Council as Central Area Director, President and Past President. Roland Lewis will become Past President and acting Secretary until one can be found. The Cape Breton Area Director, is now Richard Rehey and the Vice-President is Russell Warren. Last but not least, the Treasurer is Lynn Gallant, another long serving member of the Council who has been Treasurer, Vice-President, President and the winner of the Roger Aggett Award. The remainder of the Board remains the same. Now for the present. Our financial situation is not good for the coming year because of cost overruns on both SCUBAFEST and 1992's SEAHUNT. Until the backlog of bills are cleared up our expenditures must be carefully scrutinized. The membership must realize that we are volunteer staff working many hours on your behalf and sometimes mistakes are made. I will do my best to bring us back to a secure financial footing. Several new ideas are in their infancy. From past experience, for our volunteer group to research, develop, and bring to production any project such as the Hyperbaric Video, or Passport to Diving, at least two years is required.

I will try not to be a President that you see only as a name in Bottom Time. I will try to attend the functions of clubs and shops as time and finances permit.

Colin V. Frazee-Whitlock

touch. "We have all the powers of any park warden," says senior warden Stan McClelland. "Anyone who does not follow the rules can face the same fines as breaking rules in a wilderness park."

Similarly at Louisbourg National Historical Park in Cape Breton, N.S., several French ships lie in the harbor. Most were scuttled by the French in 1758 in a vain attempt to block the harbor's entrance. "They are part of the park," explains researcher Alex Storm. "Anyone going down has to have a permit. They will likely be with a guided tour, and it is allowed only a couple of times a year."

The city owned Hamilton Military Museum owns the wrecks of two American schooners discovered in the 1970s in western Lake Ontario. More than 50 U.S. sailors died when the Hamilton and the Scourge capsized in a storm in 1813 during what is known as the War of 1812. After long negotiations, Congress turned over ownership from the United States navy to the Royal Ontario Museum, which gave it to Hamilton. "part of that agreement says that if we do recover any bodies they will be turned over to the U.S. navy," explains curator Brenda Brownlee. "We haven't been able to explore the ships yet, but we can see skulls and bones in photographs."

Usually the ownership isn't resolved as smoothly as it was for the Hamilton and Scourge. Most provinces have heritage protection laws giving the province authority over finds on their lands - including those underwater. Marcel Masse, while he was the federal communications minister, tried to define a similar federal power over sites on its lands and territories in 1991 when he introduced a draft archeological heritage bill. However his successor, Perrin Beatty, has shown little interest in pursuing the issue through legislation. A spokesman for Beatty, Charles Chenard, says it is unlikely any legislative action will be taken before a new prime minister is chosen later this month.

That leaves the Canada Shipping Act of 1934 as the federal law most concerned with protecting underwater archeological sites. It was created to protect salvaged property until its true owner could be located.

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A salvor discovering any wreck or property of a ship or aircraft in or under the water must report it to a Canadian Coast Guard official who has been appointed receiver of wreck. "the finder should deliver the goods to us. We try to find the owner," says John Whitaker, the receiver of wreck near Windsor, Ont. "If no owner is found we keep the wreck." Any money made from unclaimed wreck goes to the federal government's general revenues, with the salvor receiving some compensation for expenses.

The Canadian Forces has an administrative order requiring personnel to report archeological find to federal or provincial authorities. However, when it comes to its own equipment, the Forces is exempt from the Canadian Shipping Act. "The Crown never abandons its right to property lost either at sea or on the land," says Captain Roger Strum of the judge advocate general's office. "There are two things we are very keen to recover when the wreck of a plane or ship is found. The first is any bodily remains. Second, we want to make sure there are no munitions left on the wreck." Strum says once DND has removed bodies and munitions, it would be prepared to sign a waiver that would allow the wrecks to be disposed of through the supply and services department.

The Royal Navy also retains ownership of its lost ships. Canadian officials are currently working with Britain to reach an agreement on custodianship of British ships that sank in Canadian waters before Confederation. "We would have to pay special attention to any cases where human remains were found," says External Affairs spokesman Denis Boulet. Captain (Navy) Anthony Bellar, attached to the British High Commission in Ottawa adds: "We are just trying to work out the niceties between the governments. We want it understood that we still own the wrecks but custodianship will be turned over to Canada. We already have such an arrangement with Australia.

The approach to protecting marine archeological sites favoured by Masse is outlined in the Options discussion paper, but it is only one option presented. "Right now we are looking at non-legislative ways to protect these resources," says Gregory. His paper explains the federal government could:

- rely on federal policy guidelines that are not enforceable by law;

- undertake a public awareness campaign;
- establish a federal program to promote conservation of underwater heritage and co-ordinate activities between federal and provincial governments, the private sector and avocational associations;
- encourage avocational organizations without dictating their aims and objectives by identifying and protecting sites, sponsoring public lectures, establishing local databases and promoting opportunities for amateurs to work alongside professionals in archeological field work.

Gregory's paper recommends developing a co-ordinating role that would "result in a unique model of federal partnership and co-operation with the provincial resource departments, professionals and the avocational community." The centre could use shared resources to promote public awareness of how to treat wrecks. More importantly in political terms, he concludes that this is least expensive route and the one most acceptable to the parties involved. "The co-ordinating group does seem to be the way to go," says Gregory, even though most groups have no experience in working together. "The provinces hadn't a need to work with other provinces - although I am sure the Atlantic provinces have common interests. I think there is a genuine interest by the provinces to work with the federal government."

In the meantime, much of the decision-making will be left up to the courts. "It is all such a morass of law, we just take each find case by case," says Ontario Ministry of Culture, Tourism and Recreation spokesman Russell Drago.

At present the Ontario government is dealing with a high profile case concerning an American steamship that sank on the Ontario side of Lake Erie near Long Point. The SS Atlantic collided with another ship in 1852 while it was carrying an unknown number of Swedish Immigrants who, not speaking English, had panicked, jumped ship and drowned. The ship - believed to contain valuables among the luggage still on board - was discovered in 1984 by Port Dover, Ont., diver Mike Fletcher.

Last year the California-based Mar-Dive Corporation announced plans to raise the ship in

Unprotected

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1994 - after it successfully filed an ownership claim in a California court based on a 1908 Canada-U.S. salvage treaty. In 1991 the company had tried to salvage some of the valuables but stopped when the Ontario government issued warrants under the Ontario Heritage Act. The warrants have since expired and Mar-Dive has filed its claim in an Ontario court, where it is being challenged by Fletcher and the Ontario government. It is a case being watched closely by Ring, who fears he could find himself in a similar tangle. "the governments would love for me to spend my money taking my case through the courts. That way they could find out where thing stand," he says.

In the meantime, Ring keeps a low profile and documents his findings for future publication. "A find from the War of 1812 doesn't happen every day. This is historically important. People want to know - but right now it is only my knowledge," he says.

This article first appeared in Legion Magazine in June 1993, and is reprinted with permission

Upcoming Events

July 10 - All Day

The Second Annual Diving Medicine Symposium for Recreational Diving at the World Trade and Convention Centre Halifax. Call Dennis Graver at 206-387-8043 Jane Dunne at 301-571-1817

July 17 - All Day

Discover Diving Captain Morgan treasure Hunt in Hubbards. Cost \$12 Call Tim at 835-6565

August 1 - 10 A.M.

Go for Gold. - A charity event for the Children's Wish Foundation in Sydney. Cost \$25
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