

# Bottomtime:

The Newsletter of the Nova Scotia Underwater Council



## NSUC Annual General Meeting

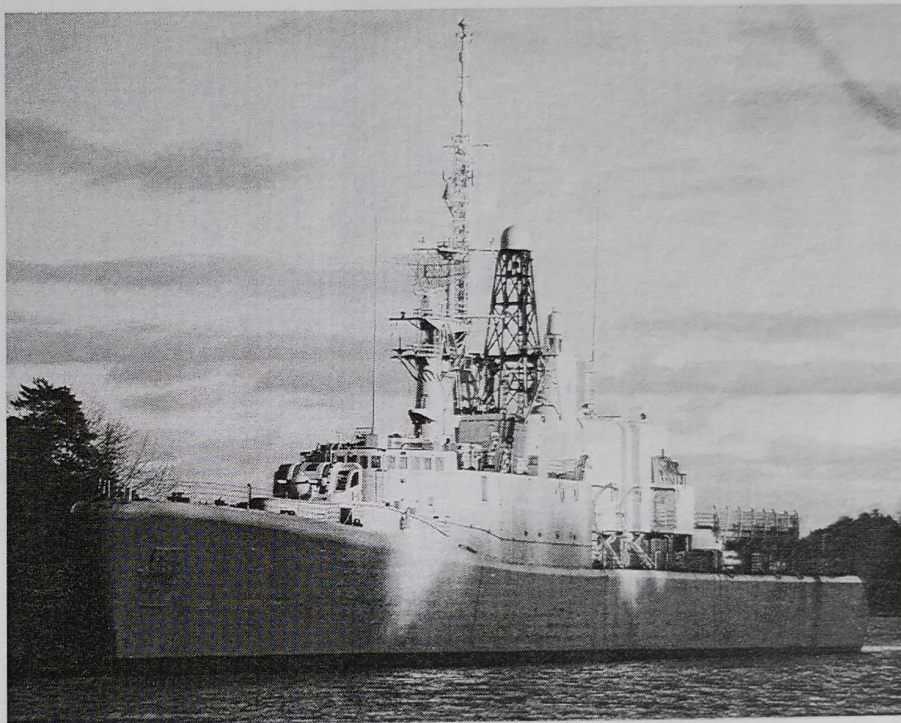
The NSUC Annual Meeting will be held in Bridgewater, Nova Scotia this year on June 26th at 4:00 PM on board the HMCS Fraser. The Fraser is a Canadian St. Laurent destroyer being restored as a marine museum and is a sistership of the HMCS Saguenay, which was scuttled in Lunenburg Bay five years ago. The Fraser has been designated a National Historic Site.

The meeting will be held in the officers wardroom and all members are invited to attend. Afterwards, a short but authentic wardroom reception will take place. The meeting agenda is set in the bylaws and includes a review of financial results and reports from NSUC area directors. Elections of officers are held and this years positions available include the President and the Member at Large. Members wishing to volunteer for any position should speak to the executive director and/or the Past-President prior to the meeting.

A review of the NSUC Constitution will also be held and an updated one proposed.

Bridgewater is having its 100th birthday in 1999. Events are being organized for each weekend all summer long. Bridgewater's SCUBADOO Dive Club is organizing a SCUBA expedition in the Upper LaHave River during the day. If you would like to participate in this interesting opportunity, contact area director Phillip Oakes. Take a camera!

As this is also the fifth anniversary of the sinking of the HMCS Saguenay, an event is to be held on the flight deck of the Fraser and in the main dining mess. ARSBC President, Jay Straith, will give a presentation on the HMCS Yukon Artificial Reef for San Diego. The Roger Aggett Award will also be presented at this time. Plan to spend the evening. There is very inexpensive accommodation available for groups/clubs nearby. Activities begin at 6:30 p.m.



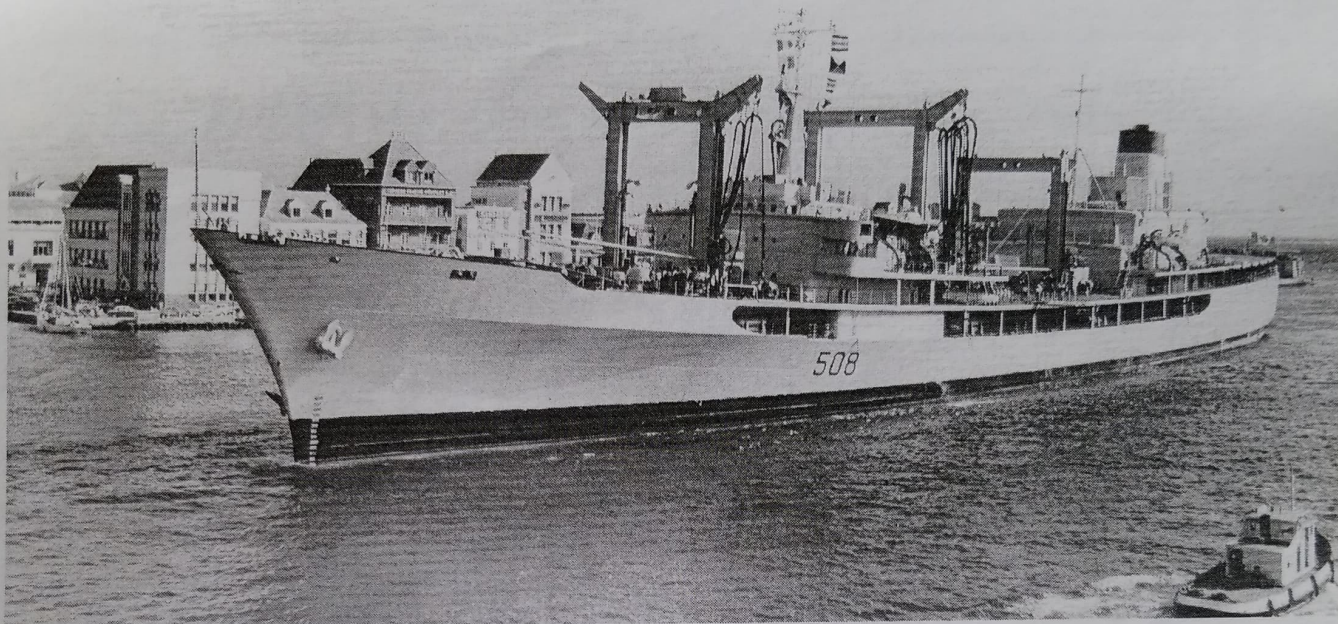
*HMCS Fraser is the remaining St. Laurent destroyer. These were the first warships designed and built in Canada.*

The Bridgewater Marine Terminal is located at 233 LaHave Street, which is the road which runs to Lunenburg.

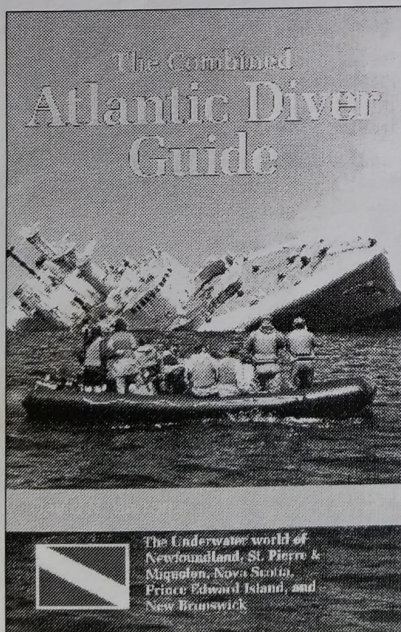
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*Cape Breton Artificial Reef Society has set their sights on the HMCS Provider, a 555-foot replenishment ship as Nova Scotia's next artificial reef. Further details of the proposed project are available from either Ken Jardine or Rolly Lewis, co-chairmen of CBARS or Rick Welsford.*



## ATLANTIC DIVER GUIDE

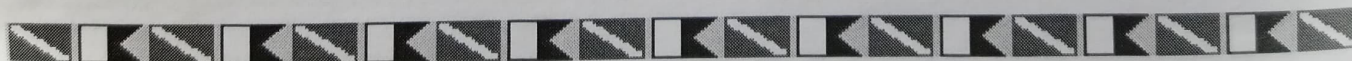
Northern Maritime Research is pleased to announce the release of the 432-page *Combined Atlantic Diver Guide* combining the best dives sites to be found in Canada's four Atlantic Provinces.

This is a no-nonsense, no-frills guide, including:

- 414 pages detailing site information,
- 8-page directory of 40+ regional diving services,
- 5-page Table of Contents,
- 2-page introduction, and
- 3 pages for title page, publisher info., and summary page

This is a guide for the adventurous diver, and includes such sites as:

- the 2nd largest whirlpool effect in the world accessible during slack tide,
- the historic remains of the French Man-O-Wars sunk in 1758 when the British attacked the Fortress Louisbourg (now a national park)
- four intact & upright iron-ore carriers sunk at anchor by German U-boats within 2 km of each other.
- a drift dive along a 200-foot vertical wall, and
- some of the warmest waters north of Virginia, plus so much more.



# Canadian Coast Guard

## Pleasure Craft Operator Card

### *training*

On June 5, 1998, the Minister of Fisheries and Oceans announced a comprehensive strategy to improve boating safety in Canadian waters. Regulations are being drafted and will come into effect on April 1, 1999. In January, 1999 the Minister announced that enforcement will begin September 1, 1999.

Operators of boats concerned will be required to obtain an operator's card showing a proof of competency, and to carry it with them at all times while operating a powered boat. [The grandfathering provision was eliminated in the Minister's announcement in January of 1999.]

- As of April 1, 1999, power boat operators under 16 years of age will be required to meet proficiency requirements (some age and horsepower restrictions apply).
- Persons under the age of 16 cannot operate a personal water craft.
- As of April 1, 2002, operators of powered boats less than 4 metres (this includes personal water craft) will be required to meet proficiency requirements.
- As of April 1, 2009, all operators of powered boats will be required to meet proficiency requirements.
- Renters of powered boats will be required to complete a dockside checklist as proof of proficiency.
- Review if necessary to extend to non-powered boats in five years.

A number of organization have been approved by the CCG to administer exams, provide training and issue an Operator Card. The Canadian Red Cross, the Canadian Yachting Association and the Canadian Power and Sail Squadron (CPS).

I am a member of the CPS, The Bluenose Squadron, which covers the South Shore of Nova Scotia. There are other squadrons (Halifax/Dartmouth) in Nova Scotia and across Canada. CPS is one of the premier boating safety organization. We can administer the CCG examination and issue the required official certificate from our Head Quarters in Toronto.

We have also prepared a special course (one day or 2 4-hour), Boat Pro for people who want to be sure of passing. People who have taken approved CPS courses can be issued certificates. We recommend that young people take the short Boat Pro course. People who venture further afield (or who plan to ) we recommend taking our Basic boating course and more advanced courses as needed.

You can get information on getting the Certificate from:

- Mike Lee (902) 543 2803 in Bridgewater, NS
- Canadian Coast Guard, Boating Safety 1 800 267 6687, <http://www.ccg-gcc.gc.cs>
- Bluenose Squadron <http://www.ns.sympatico.ca/pipelink/Bluenose/index.htm>
- Canadian Power Squadron, HQ <http://www.cps-ecp.org/opcard.htm>

Irv Besen



## Roger Aggett Award

A very special award is given to a member who provides a special service to the Nova Scotia SCUBA community. Last year the award was given to two members, Grant McLeod and Greg Cochkanoff.

This year, the award will be presented during a ceremony on the 26th of June in Bridgewater, after the NSUC Annual Meeting.

If you wish to nominate a member for this prestigious award, please contact the Executive Director before the end of May.

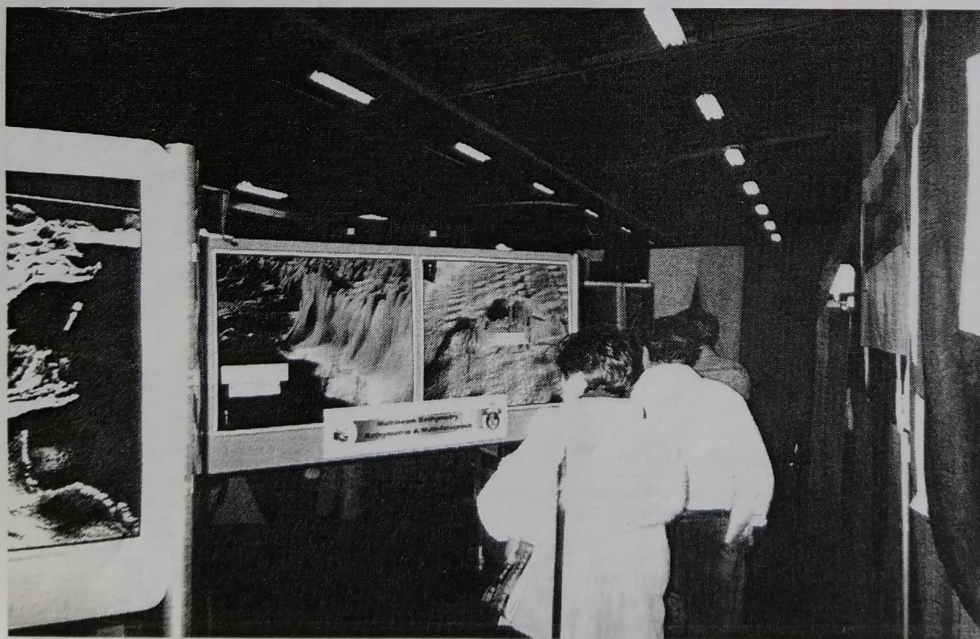


# NSUC Under the Sea

## *events*

In February, the Nova Scotia Underwater Council hosted an exhibit called NSUC Under the Sea, held in the Exhibition Grounds Annex and concurrently with the Halifax International Boat Show. The goal was to provide exhibits and information for active and non-active SCUBA divers, and others who may consider taking up the sport. It is an excellent show because it is well known that those who like SCUBA diving also participate in other water sports; the boat show is the best venue for learning about all water-based activities. There is something for everyone.

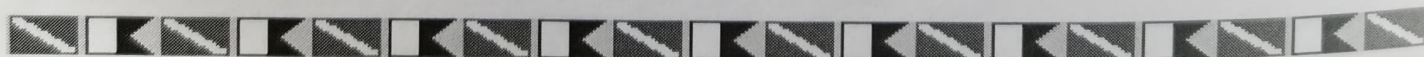
The Under the Sea exhibit included an exhibit provided by the Cousteau Society. Captain Cousteau will live forever. Dave Barron was in attendance providing free shipwreck information using the well-known program provided by Northern Shipwreck Services. Greg Cochkanoff prepared an informative display of pieces of pottery recovered and restored from Nova Scotia shipwrecks. This professional display included not only the pottery but also information about the wreck it was recovered from. Complementing Greg's display was a display of old bottles recovered and professionally restored by Bob Chaulk. This is the second year a special exhibit



of wreck artifacts has been prepared for this show and we are looking forward to what we might be able to see next year Greg.

In support of our Under the Sea exhibit, the Nova Scotia Adventure Tourism Association, the Nova Scotia Lighthouse Preservation Society and Supernatural Tours had displays along one whole wall of the annex building.

Atlantic Geoscience Centre and the Canadian Hydrographic Service arranged for a display of some of their high-tech exploration and mapping activities. The display included 3-d color images and deep water color images of





recent projects including the Titanic site, Halifax Harbour and the Swissair 111 crash site. Throughout the weekend, staff from BIO including Steve Blasco and Gordon Fader explained the important work that these departments contribute to Canadian undersea exploration. This display was fascinating and we hope that Steve and Gordon will prepare another for us next year.

Lawrence Taylor arranged for a wide-screen TV and prepared a special video of his underwater Nova Scotia features. It was a toss-up whether the shots of Wilma-the-Whale or Larry (Lawrence) the-Lobster were more popular. Ken Jardine prepared a special video promoting diving in Cape Breton and personally narrated it during the busiest part of the weekend.

In the centre of the room, fifteen color photographs were displayed of Nova Scotia marine life. These photographs were a special exhibit and all taken by Ingo Volmer. Ingo's parents deserve special thanks for driving from Cape Breton through a winter storm to personally deliver them in time. Ingo also publishes color guidebooks of marine life and provided copies for sale.

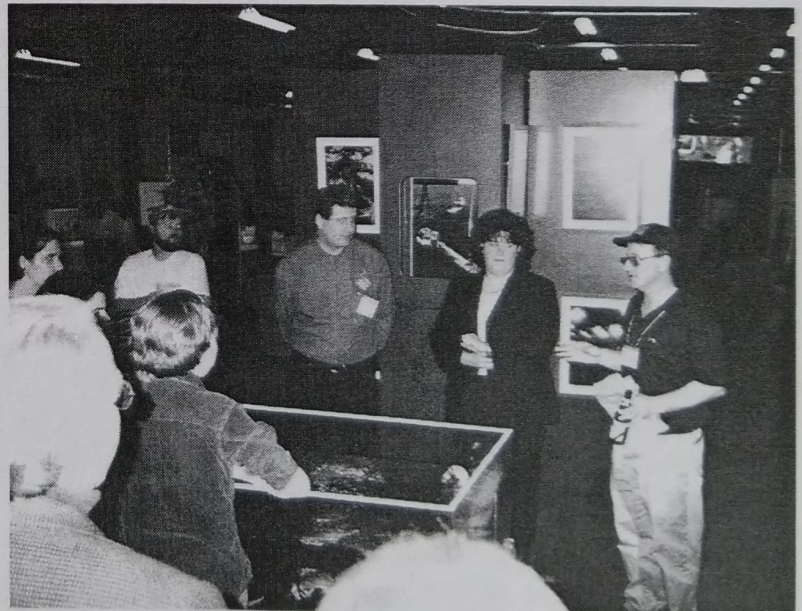
Mark McLean designed and built a refrigerated sea life observation tank with financial assistance provided by the Bluenose Atlantic Canada Action Program (BACAP) and the Shell Enviro Fund. This tank has become a required stop for parents with young children coming to the show. Some parents were seen dropping off their children at the tank only to return at closing time. Luckily, members of the Dalhousie Marine Biology Soci-

ety were in attendance to provide intelligent answers to difficult questions. Aimee from BACAP watched over the "pool" and provided assistance in acquiring the marine plants and invertebrates.

The Artificial Reef Society of Nova Scotia (ARSNS) provided a small display on their activities including the scuttling of both the Matthew Atlantic and the Saguenay. Their recent program restoring Saguenay's sistership, the HMCS Fraser was featured. With the Cape Breton Artificial Reef Society, they announced their plans for the scuttling of the HMCS Provider at a site in the Bras d'Or Lakes. Most visitors were pleased to see plans for another high-profile artificial reef in Nova Scotia.

For the first time, a Nova Scotia Shipwreck photo contest was held. The sponsors and results of the contest are described elsewhere in Bottomtime. There were so many good entries that extra tables were required. Many thanks to Dave McGee for his assistance. The NSUC provided information and newsletters to all that showed interest at a members table supervised by Rolly Lewis.

**Continued next page...**



## More photos from Under the Sea...



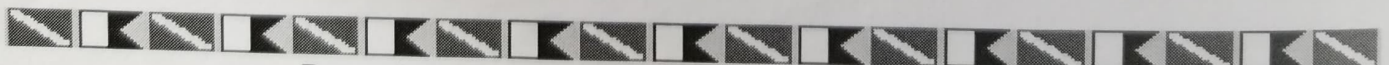
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Many long lost members have come home again. In fact, at the end of the show and following in March alone, over a hundred persons either renewed or joined the Council; the most ever as a result of any event other than the Treasure Hunt. That is success alone. All the NSUC directors were in attendance to help during the show and meet these old friends.

A special ceremony was held in honor of those who as-

sisted. In particular, Sydney Jane Brittain from Master Promotions Ltd. was recognized as having provided the opportunity first to the NSUC. Sydney mentioned that we have one more year under our agreement with them, and that she was pleased this year with the professional appearance of the exhibit.

If we are allowed to stay on past next year, we must keep building up the show. We have already started making plans for next year's event.



## NSUC Wreck Photo Contest

The photos submitted for the "best photo of shipwreck in Nova Scotia's waters" were very impressive. Twenty-eight wrecks were represented including:

- Finchley
- Bohemian
- Letitia
- Kolskonik
- Celebre
- Hulda
- Salerno
- Yankee II
- Evelyn
- Sonja Maersk
- Saguenay
- Deliverance
- Montara
- Sea Venture
- Daniel Steinman
- Cedar Grove
- Ypres
- Costa Rican Trader
- Isleworth
- A.W. Perry
- Portia
- City of Vienna
- Atlantic
- Leonadas
- Prudent
- Tribune
- Arrow
- Unidentified wreck in Grand Narrows.



The photos were submitted by a total of 11 photographers.

The judges were: Michael Murray, Director of the Maritime Museum of the Atlantic; Peter Verner, CBC (Director of *Land & Sea*); Glenn Langille, independent producer for TV and radio.

The judges had a tough job selecting the winners and eventually decided on the following:

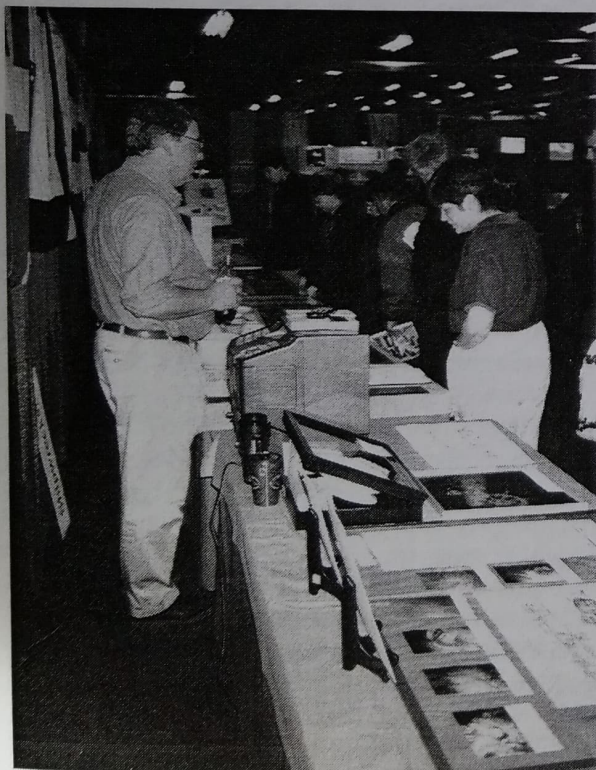
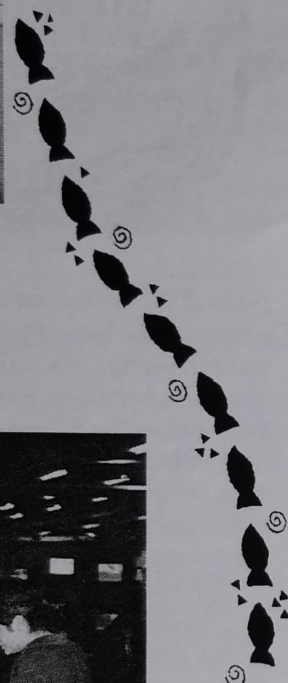
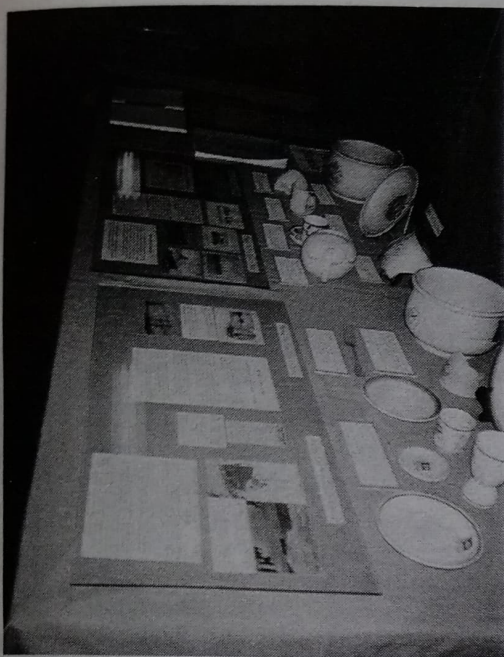
- Best tank on the Kolkosnik: Bob Sample
- Best photo of the Arrow: Pat Young
- Best photo of the Finchley: Bob Sample
- Runner-up Finchley: Pat Young
- 6th overall: Dwayne McLaughlin (Letitia)
- 5th overall: Bob Sample (Hulda)
- 4th overall: Bob Sample (Hulda)
- 3rd overall: Bob Sample (Hulda)
- 2nd overall: Dwayne McLaughlin (Atlantic)
- 1st overall: Pat Young (Montara)

Special recognition and thanks are also being afforded to Phil Oakes and Company for their fine work in photographing the "Wreck of the Sea Venture," LaHave River, N.S.

Special thanks for the sponsors: Sable Offshore Energy, Carsand Mosher, Marlin Diving Enterprises, and Diver Magazine.

Thanks to the Master Promotions for providing the venue at the boat show. Thanks to the Dave McGree for providing the tables, table cloths and much needed help. Thanks to everyone, especially the photographers, who contributed to this project.

**Greg Cochkanoff**



# United Nations proposes regulations on historic shipwrecks

## *regulations*

The battle over the sale of Clive of India's treasure from the *Doddington* could reverberate on a worldwide scale if new proposals just launched by the United Nations Education, Scientific and Cultural Organization (UNESCO) for regulating all historic shipwrecks goes ahead.

If divers think the legal position of historic shipwreck exploration and salvage is bewildering today, it is nothing to what the situation will be like if UNESCO's draft convention is eventually adopted by the member nations.

It promises to be a paradise for lawyers, and it bristles with the sort of prohibitions that will make shipwreck work a mine-field for divers.

The discovery of Clive's treasure, for instance, would have been so completely disenfranchised by the proposed changes to international law that they could not even have embarked on the argument about title and ownership. The hoard of gold coins on the wreck site of the South African coast was allegedly found by divers who concealed both their own identities and the exact location of the wreck site.

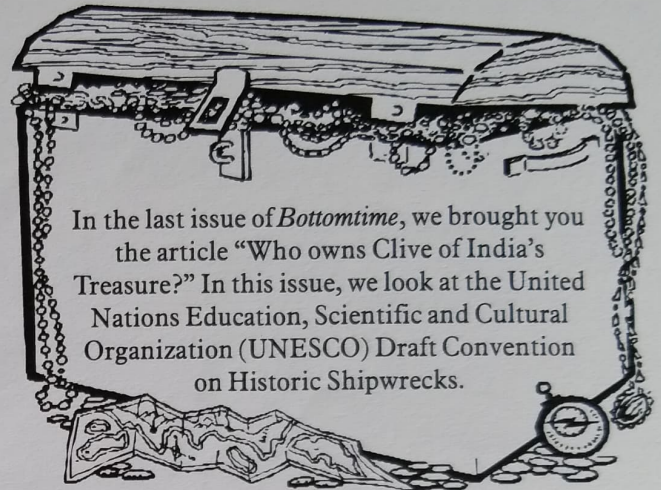
They maintained that the wreck was out of jurisdiction of the South African government, and that under the rules of international salvage law, they were the only right claimants of the treasure.

They imported the treasure into Britain for auction by the respected coin dealer Spink & Sons in London. The South African government has issued a writ against all the parties including the US agent who handled the importation. The complex issues to be decided are some of the very ones UNESCO's draft convention will further complicate.

UNESCO has been trying for years to control the long established freedoms of discovery and excavation of historic wrecks by divers, whether amateur or commercial. The current draft convention is the third attempt by their dominant group of archaeological and heritage "experts" to create a new international legal framework that will affect amateur divers and professional wreck hunters all over the world.

In July, cultural delegations and archaeological experts from 53 member countries (and one of observer nation, the United States) met in Paris to consider the draft of the International Convention of The Protection of Underwater Cultural Heritage. The main points of the draft convention are listed below.

Although the meeting reached a consensus on many as-



In the last issue of *Bottomtime*, we brought you the article "Who owns Clive of India's Treasure?" In this issue, we look at the United Nations Education, Scientific and Cultural Organization (UNESCO) Draft Convention on Historic Shipwrecks.

pects of the draft convention, including education, consistency with the Law of the Sea, the basic need for a convention, and extending jurisdiction from the present 12 to 24 miles off the coastal state, concern was voiced over the definition of "shipwrecks" and "underwater cultural heritage."

The convention proposes a firm prohibition on the sale of underwater cultural heritage, but there was no agreement about the age at which an artifact came into that category. Some states wanted 50 years, others wanted 100.

The hot potato of who owns or is entitled to the "heritage" was passed around. Is a Dutch ship that is by accident of nature thrown up on Indian shores part of the Dutch or Indian national heritage, or is it part of the "world's" heritage?

For the most part, the voices of archaeological purism held sway. Adventurous speculative exploration, freebooting privateers, private enterprise and diving freedom seemed to have no place, even for discussion at the meeting.

The United States stood alone in demanding the private sector commercial recovery and sale of underwater cultural resources be included in the convention. The US representative intimated that they would not support a convention that did not include that provision.

If a convention were passed without American approval, the USA might become the only place for the marketing and sale of shipwreck discoveries, and its ships the only ones that could transport underwater finds.

The Dutch and UK governments acknowledged that sometimes commercial incentives were necessary to get anywhere. The Russians did not like the present draft and wanted many articles rethought.



Eke Boeston, a Dutch consultant on international law relating to shipwreck and specific cultural heritage legislation, attended the meeting as an observer. She was amazed to discover that although these issues had been on the agenda for many years there were still countries that had never addressed them before, and that they appeared to be quite uninformed.

She was also bothered by the lack of knowledge about the players in the field really were. Salvors, fishermen, marine biologists, and the whole underwater technical industry were basically ignored.

She reviewed the main achievement of the meeting to be the awakening of the many government experts to hitherto unconsidered aspects of the issue.

There were enough doubts about the substance and principles to convince the UNESCO participants that member nations needed more time for internal discussion and that there would be a rethinking of some fundamental features of the draft.

For the time being, the immediate threat to current freedoms to find and excavate shipwrecks in many parts of

the world is on hold, but the issue will not go away.

Now is the time for every diver interested in the future of historic shipwrecks in any form to make their views plain through the diving press and by communication with the Department of Culture, Media and Sports, and Shipwreck Advisory Committee.

Otherwise, we run the risk of some extremely rigid and all embracing regulations going through on the nod and changing the face of historic shipwreck diving forever.

*Reprinted from the October 1998 issue of British Diver Magazine with kind permission of the British Sub Aqua Club.*



## What are the proposed changes?

1. Anything of value for the "underwater cultural heritage" found underwater is to be deemed the property of some government. Underwater cultural heritage is defined as "any trace of human existence underwater." The extent of this definition is breathtaking — anything from a lost golf ball to a broken surfboard.

2. Historic shipwrecks covered by this definition are to revert to the ownership of a coastal nation if the wreck has been "abandoned." The definition of abandonment includes a presumption that any wreck over 25 years old is abandoned unless proved otherwise. After 50 years, the abandonment is absolute, so all wrecks become "historic" and enter the category of "abandoned" after 50 years.

3. The governments of coastal states will exercise jurisdiction over historic shipwrecks within 24 miles, but are also authorized to extend that jurisdiction to include deep water wrecks in open international waters by a form of "back door" control. States may seize, confiscate, and prosecute activity affecting the underwater cultural heritage lying outside its jurisdiction if it is landed within its ports. This effectively controls not only the transportation, but also the marketing of shipwreck material, treasure, or otherwise. Member states must also exercise control over the activities of their flag bearing vessels. If, say, a substantial French porcelain wreck discovered three miles down in the South Pacific in international waters is brought for sale by a Dutch cargo vessel to an auction house in London, all parties would be liable to prosecution or confiscation of the treasure hoard.

4. As there is an obligation on the states to nullify any law or regulation that creates a commercial incentive for the recovery of underwater cultural heritage, all contracts that now may exist between many states and exploration groups would have to be rescinded.

5. The draft convention does not spell out the elimination of free enterprise from any role in exploration or excavation of historic shipwrecks, but it is its clear intention to do so. The International Charter on the Protection of Underwater Cultural Heritage adopted in 1996, which would be adhered to by convention parties, provides not only that commercial exploitation of underwater cultural heritage for trade or speculation is incompatible with protecting the heritage, but also that the project funding must not require the sale of underwater cultural heritage. This would outlaw many states' current practice of setting up sharing agreements with the private funders and providers of exploration and excavation teams.

6. In article 19, the draft convention provides a cumbersome mechanism for the inevitable dispute that will arise, especially from hidden agendas. Many states have extensive contractual arrangements with various corporations and institutions for cutting the cakes of rich historic shipwrecks, often for the financial benefit of insecure governments — greed flying under archaeological flags and sanctioned by state licenses, rules in some less salubrious of the world. The convention provides a system of arbitration and appeal to the International Court of Justice, but the complex structure provides a further road to endless litigation.

## Bottomtime: The Newsletter of the Nova Scotia Underwater Council

This newsletter is provided not only for our members' benefit but also for distribution to those organizations or individuals with an interest in our activities.

If your organization would benefit from having a copy sent to them on a regular basis, let the Executive Director know.

## Bottomtime Newsletter Advertising

The editor of the Bottomtime will consider limited advertising in future issues of the newsletter. At the back of each issue, a special space has been reserved to acknowledge specific private or public support for each Bottomtime issue.

As a service to our membership, commercial brochures or flyers may be enclosed with the mailing of the Newsletter, for a reasonable fee. For example, equipment sale flyers, certification course announcements, etc. can be inserted without editing by the Council (or responsibility for the content). Inexpensive copying or assistance for this service can be arranged with the Executive Director at the Council's office. Please note the dates of newsletter publication in another section of this issue.

## Nova Scotia Underwater Council

Since 1971

### OBJECTIVES

- To be a representative body for the SCUBA diving community so as to preserve, support and promote diving and diver safety in the province.
- To ensure 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.
- To make available to all members information concerning safety, medical, technical and research data concerning the sport of SCUBA diving and SCUBA diving equipment.
- To cooperate and participate with the government on projects and policies that lead to the recognition of sport diving as a significant recreation activity.

### BOARD OF DIRECTORS & EXECUTIVE

**Executive Director, Michael Haynes**  
Nova Scotia Underwater Council  
c/o Sport Nova Scotia  
P.O. Box 3010, Halifax, NS B3J 3G6  
5516 Spring Garden Road  
425-5450 (NSUC office); 425-5606 (fax)  
email: haynesmc@sportns.ns.ca

#### PRESIDENT

Rick Welsford  
624-1557 (w); 624-1537 (fax)  
email: saguenay@fox.nstn.ca

#### VICE-PRESIDENT

Darren Connors  
458-5971 (pager); 876-7079 (fax)  
email: divrwrl@fox.nstn.ca

#### TREASURER

Mark McLean  
email: mcleanmg@gov.ns.ca

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Andrew Harvie  
420-7779 (w); 798-0634 (h); 422-8380 (fax)  
email: Andrew.Harvie@dal.ca

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Roland Lewis  
567-8000, ext. 2414 (w);  
562-2457 (h); 567-7947 (fax)  
email: lewisr@cbhc.ns.ca

#### CENTRAL REGION DIRECTOR

Lawrence Taylor  
435-0700 (h/w/fax);  
email: biodiverse@ns.sympatico.ca

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Phillip Oakes  
527-7650 (w); 543-6902 (h)

#### FUNDY HIGHLANDS DIRECTOR

David Williams  
243-2525 (w)  
email: williamsddj@ns.sympatico.ca

#### MEMBER-AT-LARGE

Dana Shepard  
455-5720 (h)

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**NOVASCOTIA**  
Sport and Recreation Commission

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The Editor, *Bottomtime: The Newsletter of the Nova Scotia Underwater Council*  
P.O. Box 3010 South, Halifax, NS B3J 3G6; (902) 425-5606 (fax)