

undercurrent

The Private, Exclusive Guide for Serious Divers

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Browning Pass Hideaway, British Columbia

profusion of life in majestic yet kooky setting

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Dear Fellow Diver:

A splash of cold water on the face snaps the mind to attention. But surfacing from my first dive after 47 minutes in 50°F water, my first thoughts had nothing to do with the cold or the currents during the drift from Frank's Rock to Hideaway Wall. Instead, my brain was bulging with new images. Surfaces were so packed with giant plumose anemones that I could find no place to grab even if I'd wanted to. Many fish looked alien and menacing: quillback and China rockfish looked like giant wasps with dangerous-looking white spikes splayed along their dorsal ridges. Hermit crabs and starfish were so plentiful I stopped taking pictures of them. Closer into the steeply sloped shallows, bull kelp bent with the current.

Having never dived these Pacific waters, most of the life was unfamiliar. I learned the names poring over well-used copies of Whelks to Whales and Marine Life of the Pacific Northwest in the dining lodge of one of the most offbeat, and off-the-beaten-track dive "resorts" I've seen.

This post-dive euphoria was my second rush of the day. The first came after the 4-1/2 hour drive up from Nanaimo to Port Hardy, where we boarded a small launch for the Hideaway. As we approached, I was amazed at the collection of quaint shanties, sheds, and buildings, all floating on giant logs.

From a distance, it



OK for Short Rides



looked like a little village in the afternoon sun. The charming facade quickly morphed into something bordering on downright kooky behind the scenes (as in the reality TV show "Hoarders: Buried Alive"). We stepped onto the dock with three other groups also beginning their stay. Thirty-something Canadian Christie enthusiastically showed my spouse and me to our private "Trapper Cabin," where a dingy cloister held a bunk bed, a mattress tipped on edge and upended furniture in an adjoining nonfunctioning bathroom.

Cautiously, I said, "Oh, there's been a mistake. John told us we would have a working toilet and shower." With a pleasant "No worries," Christie showed us the "Bunkhouse," with a cozy living room with fireplace, a couple of adjoining bunk-bed-filled bedrooms, and a pair of toilets. The kitchen/dining building (the "Hideaway") had cubby hole/sleeping areas separated by draperies from the dining area, with a shared bathroom with tub and shower. We were relieved when she next showed us the floating two-story blue clapboard with a shower/toilet on the first floor and toilet on the second. Its six bedrooms each barely held a twin bed and some shelving, but were clean and private. My spouse and I picked facing rooms on the first floor, and eased into our surroundings. With a regional water shortage, nothing said "rustic" quite like having to fetch a bucket of sea water to flush the indoor toilet.

The next day, gray whales spouted and surfaced as we headed out to our first dive. Antlered bucks standing no more than knee high (their growth stunted by the lack of forage) peered from shore as we entered the cove where harbor seals cavorted. (Later that week I got an unexpected thrill, throwing a fish to a watchful bald eagle that dove to scoop it out of the water.)

As for non-diving activities, forget snorkeling around the lodge; sewage from the toilets deposits into the cove. But after our last dive one afternoon, John treated us to a whale-watching excursion on board his enclosed cruiser, Striker V. We didn't see whales, but a pod of Dall's porpoises kept us entertained. Their black and white coloration is similar to the orcas that patrol these waters. Other days, my spouse and I hiked to enjoy spectacular views of neighboring islands across the straits.

Diving at the Hideaway means coming prepared, for even simple repairs can be difficult. More than one dive was scrubbed or shortened because a diver's dry suit zipper or neck seal turned finicky. Bring a save-a-dive kit. Undergarments are hung in your room or draped outside on any available railing; stow drysuits under eaves in case it rains. John explained that in the damp, cool air, our BCs, regulators, masks and fins don't dry out enough for the salt to crystallize. With the serious water shortage, gear was left strapped on the dive skiff, unrinsed. It took pleading behind John's back to get staff to break out a second tub for some new guests toting more cameras, and to clean up and freshen the first.

I came to have great respect for John deBoeck, who has been guiding divers in the waters for 30 years, first as master of the liveaboard MV Clavella, then since 2003, as the Hideaway owner. He knows how the lighting, tides, current, wind, temperature, and waves affect every site and the marine life. He's also an inveterate packrat, but with enough of an artist's eye to keep the flotsam and jetsam he's found arranged cleverly in plain view, keeping people grinning, even as they

cluck their tongues over the floating garbage dumps he's set up. Though there is no email, phones, or cable TV at the Hideaway, he patiently answers emails whenever he gets back to civilization.

Dive times revolved around the tides, changing daily. The dive skiff was tied up to a dock next to fill whips. After first starting one of the camp's two generators, John turned on the compressor and filled four tanks at a time. Fills on the steel 100 I used ranged between 2700 and 3250. I had to ask John to top off a tank I felt was a bit low only once.

John's website mentions his other boats, some with cabins that presumably would be used in bad weather. In the balmy 50-70°F days that prevailed in July, we squeezed fully suited up onto a 22-foot-long, 8 foot wide flat bottomed herring skiff powered by a 40HP, donning our belts and tanks en route to the site. This might sound cramped, but it wasn't. The most we ever had on board was eight. Entry was by backroll. This is not a place for careless practices. Due to the tidal currents, John would usually have to run the motor almost up to the point of pickup. Most climbed up the wobbly portable boarding ladder in full gear; divers could also remove weights and BCs before climbing on board.

Apparently, 70-100 foot visibility, better for wide angle work, primarily occurs in the colder months. That we didn't have more than 20 feet viz meant I could concentrate on macro. Poor viz or not, at Seven Tree Island, I quickly spotted an opalescent nudibranch, its many orange-tipped cetera making it look as shaggy as a yak, while its translucent white body almost glowed. A ruddy scaly-head sculpin clung to the rocks near a vermillion star. I photographed a giant acorn barnacle, its cirri extended like a flower's pistil. The visibility made it tough to get an entire lumbering Puget Sound king crab in one frame.

Most dives were memorable, but our dives on the SS Themis and Browning Pass Wall stood out, perhaps because I was on a mission: to find one of the wolf eels that haunt the Themis, and to find the giant pacific octopus on Browning Pass Wall. The Themis was a 270-foot freighter that ran onto Crocker Rock in 1906. Laying half between a kelp forest and half on the reef, it ranges from depths of 25 down to 80 feet or so. It's broken up, but enough nooks and crannies are intact for plenty of marine life to find homes. A fish-eating rose anemone caught my attention; its mouth/anus in the process of either expelling or eating something. Perhaps with its white dagger-like spines, the dark copper and yellow quillback was unafraid to let me near. As I peered into a dark cave of steel, a kelp greenling moseyed past. A lingcod, with its big lips and broad pectoral fins, swam by. Red soft coral dotted the wreckage. A foliate kelp crab waved its white pincers to catch kelp on the current. Back on board, my fellow divers talked about the wolf eels they had seen, one with a head the size of a human's that looked like a wizened old man. But I got skunked, though when we returned

to the Themis at the end of the week, shivers ran up my spine when I was buzzed by a sea lion . . . but no wolf eels again.

Mealtimes were communal affairs. Everyone sat elbow-to-elbow in a big U, around pushed-together tables,



The funky floating resort

Browning Pass Hideaway

Diving (experienced)	★★★★★
Diving (beginners)	★★★
Snorkeling (<i>with whales</i>)	★
Photography	★★★★★
Accommodations	★★
Service and Attitude	★★★★★
Food	★★★★★
Money's Worth	★★★★½

★ = poor ★★★★★ = excellent

with the food set out in bowls and platters across from the sink and stove. Depending on dive times, we might have a pre-dive light breakfast of cold cereal, fruit, bread, bagels, and peanut butter and jelly. The main breakfast included pancakes or French toast, bacon, sausage, eggs, and cold breakfast leftovers. Lunches were usually sandwich fixings such as a meat and cheese, with lettuce, tomatoes and spreads, plus a hearty (the kind where every ladle is chock full of noodles, veggies and chunks of meat) home-made soup. At suppers we had a tossed salad, two meats, four vegetables, and a fantastic dessert—the cakes Christie baked were outstanding, especially the carrot cake.

John stays on the boat during a dive, and we usually dove without a divemaster, so self-reliance was critical. Groups would become widely separated. Fog was not uncommon; I was glad I brought the best safety sausage (from DAN) and audible signaling device (a Dive Alert Plus) I own. Almost every diver got cold before they ran low on air. Thirty-five-minute dives were not uncommon. I stayed warm enough to dive in the 55-minute range. Under my light "travel" DUI tri-lam, I wore three layers of undergarments: a thin base wicking layer of poly-propylene, mid-weight fleece hunting undergarment, and DUI Powerstretch 300, three layers of PolarTec-type socks, three-fingered dry "lobster mitts" that allowed me to wear the thickest Thinsulate-lined wool gloves that I could find and a 7-mil hood. Those surfacing earlier all wore five-fingered dry gloves, with thinner gloves underneath, and fewer layers of socks.

At our three dives on Browning Pass Wall I got a taste of what John called the "best wall dive in the world." The sheer vertical surface drops to 300 feet. Currents need to be just right for the gentle drift not to become a torrent that sweeps you past the goodies. There is so much life on the wall, starting with a white shag carpet of giant plumose anemone, there are almost no hand-holds. I saw a beautiful orange-peel nudibranch the size of my hand, giant basket stars every 50 feet or so, decorator crabs – perhaps 10 times the size of their Caribbean cousins – and dense patches of hermit crabs. Rockfish were ever present. Orange sea cucumber seemed to burn like little torches, while nearby, icy looking frosted nudibranch crawled along. Here and there, white-spotted rose anemone found a perch. Bright red blood stars, white and orange painted stars, striped sunstars, and rose stars draped themselves everywhere. I got a huge thrill as I captured one fleeting photograph of an elusive ratfish, its splayed pectoral fins translucent and white spotted body clearly standing out, even in waters cloudy with plankton.

After our departure, we spent two nights in the beautiful city of Vancouver. En route to our hotel, we got off our ferry at Horseshoe Bay and drove for two hours (including stops to snap photos) up scenic Sea-to-Sky Highway 99 to Whistler, site of many 2010 Winter Olympics ski competitions. The next day we rented bikes and toured Stanley Park. Like San Francisco both in geography and attitude, Vancouver is set on a peninsula. The park is bordered by water; the bike path has spectacular views. Within the park sits the city's aquarium; I paid the \$30 admission to see the giant pacific octopus and wolf eel I missed while at the Hideaway.

That the Hideaway at Browning Pass is nestled in some of the most beautiful

scenery on the continent adds to its attraction. If you want Galapagos level dive novelty, are comfortable diving in cold water with a profusion of unique sea life, and don't mind "Uncle John's" rustic hunting lodge-style accommodations, put Browning Pass Hideaway on your must-experience list.

--S.P.

Diver's Compass: The six night dive package, including water transfers to and from Port Hardy, all meals, and the freedom to open the fridge or cupboards and snack any time was \$1460 for me and \$1250 for my non-diving spouse (tax included); **see www.vancouverislanddive.com** / call 877-725-2835 . . . We rented a small car at the airport for approximately \$50/day (gas is \$4/gallon). Car ferry from Horseshoe Bay to/from Nanaimo \$89 each way (small car and passengers; includes \$15 reservation fee) making reservations strongly recommended during summer months (www.BCFerries.com) Many divers stay only 3 or 4 nights; timing of arrivals and departures varies according to the logistics of someone being able to make the 1-1/2 hour trip by water to/from Port Hardy . . . at Port Hardy, leaving a car in the public lot next to the docks was only \$10 for the week. Other options to get to or near Port Hardy include ferry and small plane. Night dives are no extra charge, but whether they are run totally depends on the tides and mood at the time. . . . There were a variety of cylinders to choose from, first come-first served, at no extra cost: aluminum 80s and 90s, and even some (very sweet!) high pressure steel 100s. Nitrox is \$10/tank, \$27/day. Including exchange fees, the Canadian dollar was roughly on par with the USD. . . . And carry a passport.



In Search of Undiscovered Diving

Panama, no; Mozambique, yes

Remember last April when the Icelandic volcano eruption covered Europe with ash and grounded flights? Curt Andrus (Lewisville, TX) was aboard the *Manthiri* in the Maldives and reports that it departed without two divers whose planes could not fly due to that European ash. While some live-aboards may apply all or part of your unused payment to a future trip, you may never again have the time or the inclination to go to that distant part of the world. So, when you've got a lot of money at stake for your dive vacation, consider trip insurance. It's pricey, but we divers have to expect the unexpected. You can find all sorts of travel insurance policies at www.insuremytrip.com

Andy Kenley (Summerfield FL) dove the *Duane* solo with **Scuba-Do** out of **Key Largo** in September and his report should be taken to heart by skilled divers. "Key Largo is a dangerous place for experienced solo divers. The passengers on dive boats there represent a wide range of experience. We were six: two fellas, an instructor and her two AOW students, and me. I have dived the *Duane* 10 times; 80 percent of the time the current is at least two knots. It was calm. The instructor told me to go first. I grabbed the line to the buoy. The current was running, but diveable. I consumed 300 psi of my precious gas while my fellow divers dithered. That was it. I went to the buoy line and pulled myself down to the smokestack. I clipped on to it with my reef hook and awaited the others. After awhile, they were making tentative movements down the line. Well done! I dropped to the deck and worked my way into the current until I reached the radar tower. The school had reached the smokestack, good for them, they were gaining valuable experience. I fooled around inside the structure, wandered further towards the stern, floated up to the radar mast, rehooked, and "flew" in the current until I had expended my bottom time. I ascended and returned to the boat. There I get a lecture from the twenty-something skipper. I love div-

ing the *Duane*, but if you go down there by yourself, more than likely your buddy (through no fault of their own) won't be up to the current."

Ocean Encounters Diving, Curaçao. Kenneth Katz (Livingston, NJ) has a lot of dives under his belt, but fell into the same trap many of us do – going along with what the divemaster says, against our better senses. After surfacing from one dive, the captain threw a line and everyone grabbed it to pull themselves in. "About 30 ft. from the boat the DM told me to remove my fins and hand them to him. I did as required, but then he pulled the line from me. I was treading water with no fins, hanging on to my camera. I was screaming 'give me my fins back.' I replaced my fins and swam to the ladder. I asked 'what was that all about?' An error in judgment. The next day's dives were on the house." Looks like Ocean Encounters stepped up to the plate for an error most operations would either disregard or deny. Thumbs up to them. PS: He did say Ocean Encounters was otherwise a good operation and he found the reefs in good shape, especially at Mushroom Forest and Cornelius Bay. (www.oceanencounters.com)

Visibility is not the greatest in Bocas, but it wouldn't really matter if there was something to see. Most dive sites are totally dead,

We ever-hopeful divers keep searching the Caribbean for one last hidden destination with unmolested reefs, and Stanley Zuk (NYC) took his shot in September. "Most Caribbean diving is done around **Bocas del Toro Islands, Panama**, where in Bocas town you may choose to dive with one of three operators. I dived with **La Buga Divers**, a nice small operator, nice staff, good service and attitude. The problem is that most of the pelagics are fished out, and overfishing has destroyed Bocas del Toro. On some dives I could only see a few fish, or a school of baby blue tangs, and that was it. Visibility is not the greatest in Bocas, but it wouldn't really matter if there was something to see. Most dive sites are totally dead, and even snorkeling is not rewarding. Only once did we encounter a big nurse shark in sea grass. Diving in caves on the northern side of Bastimentos Island was equally dead, with two lionfish, and a couple lobsters in the rocks. Panama has great jungle tours. There are nice beaches in Bocas del Torom and a great chain of beautiful islands in San Blas with Kuna Yala Indians; a bit better diving than Bocas del Toro, but still not worth the effort. It is sad that Panama's government doesn't protect these areas, and gradually destroys them forever, due to lack of environmental protection.

Some people travel even further in search of those last unmolested reefs, often with better luck. Peter Van Kampen (Elkhorn, WI) was pleased with **Vamizi Island Lodge in Mozambique** where vis ran 30 to 60 ft. and the water: 72° to 76° F. "Most spots were average to good, but Neptune's arm was spectacular. Miles from shore, I went over the side like a kid falling thru the roof of the first Toys R Us and being told everything is free. It was overwhelming, and I've been diving since 1955. You couldn't take it all in. Gray reef sharks greeted us with lots of curiosity as we descended. The site is a series of reefs protruding up from the bottom, almost like a sunken city. We descended past the buildings to the city streets below, and followed the street to the corner and around every corner was new surprise of color and coral, great variety of large and small fishes, turtles, Napoleons, schools of fish that took the shape of huge fish to keep the many sharks at bay. Finished that dive with one thought in mind: got to come back tomorrow, which we did. It's a long way from anywhere, but if you get the chance, do it. Great people, great resort, food." (www.vamizi.com)

Or, stick around home. **The Nass-T-Habit** is a private (6 divers max) **Lake Michigan** dive charter boat that runs out of the Milwaukee, WI area. This is dry suit, wreck diving for people who know what they are doing. As Allan Ripple (West Bend, WI) reports of his July diving, "Bottom temperatures are typically in the low-to-mid 40s. All wrecks frequented (*Dredge #906, the Lumberman, Prinz Willem V, Gillen Tug, Car Ferry Milwaukee, the Appomattox*) are typically within a 30-minute ride from the harbor and in 60' to

120' of water. Wreck diving can be very challenging. This is a boat for experienced divers with their own gear who know what they are doing. Reservations are made directly with the boat captain. See Nass-T-Habit Adventure Team on Facebook." . . . Or try **Cape Ann Charters in Gloucester, MA**. Craig A Wood (Craig Wood (Radnor, PA) dived with them in September on the *Daybreaker*. "Though easily big enough to take more, they take only six divers. There is a large covered cabin for protection and a nice head. They serve cookies, fruit, and soda. The owner and captain, Fran Marcoux, and his son, Matt, did everything to ensure a safe and successful dive. An incredibly nice feature for those of us who dive wet (all but one local dived dry) was the warm water down the wetsuit before dives. The 1st morning dive was to the wreck of the Chester Poling, the very nice 130-foot stern section of a 281-foot coastal tanker that sunk in a storm in 1977. There was brisk surface current that dissipated at depth and the visibility was about 30 feet with a bottom temp of 47° at a max depth of 86 feet. The 2nd morning dive was to Halfway Rock, a great pinnacle covered with lobster, crab, starfish, and urchins. Though this goes much deeper, we had a max depth of only 44 feet with a temp of 49 degrees. We returned to the dock, wolfed down a tasty pizza delivered to the boat by Domino's and headed out for dives at Little Salvages and Dry Salvages with many lobster, crabs, and a real treat, harbor seals. The water was warmer at 53-56° F, and vis was 20-25 feet at max depths of only 38-42 feet. The day ended on a real high note as my dive buddy invited me back to his house to enjoy the spoils of his lobster hunting. Maybe it's time to make the investment in that dry-suit I've been thinking about for the past several years." (www.Nass-T-Habit.com)

Zen and the Art of Cageless Shark Diving

a rejoinder from Amos Nachoum

In September, we published an article in which Amos Nachoum was derided for letting divers leave their cage to dive with Great Whites off Guadalupe island in Baja California. Some operators called it an accident waiting to happen.

As an answer, Amos asked us to publish another piece about his diving with great whites in South Africa (written by Amos and Angela Schuster, it originally appeared in the *Explorers Club Journal* – June 2010). We agreed, but we also include a second piece that raises other issues about South Africa great white diving.

* * * * *

I bring my breathing down to a mere 15 pounds an hour, as my pulse settles in at a steady 50 beats per minute. Nothing outside of the present moment lingers in my mind as I focus on the totality my surroundings. I am but ten meters down on the seafloor, relaxing in the relative comfort of a large steel cage. I am in Shark Alley off the coast of South Africa, where I have come with two fellow divers to observe the Great White on its own terms. The time has come for us to abandon our protective cocoon.



As I slowly open the gate and exit the cage, I spy a Great White, just to my right, his body scarred by seasons of spirited mating and encounters with other marine life. He glides through the water in front of me, barely noticing my presence or that of my fellow diver, who, like myself, is heavily laden with camera gear.

My motion is fluid, my view is crystal clear, and my heart light as I focus on the shark and its graceful movements and work to read its complex body language. For the Great White to trust me, I know I must first trust myself. Any self-doubt or apprehension is sure to compromise the mission ahead. After a passing glance, the shark comes in for a closer look. His curiosity sated, he moves on to more interesting targets.

Our view of sharks as hunters of human flesh has been skewed by films such as *Jaws*. To acquire such footage, it has been common practice to “chum the waters” with fetid fish remains to attract and then agitate the sharks into a feeding frenzy. It is exciting to watch, indeed, but a misrepresentation of normal shark behavior. Contrary to popular perception, humans are not on the menu, our bodies too bony and devoid of energy-rich fats. Most shark attacks, which average 100 a year—most non-fatal—are the result of mistaken identity or of test bites, that is a shark’s taking of a small sample to identify an object.

Saying “No” to South Africa’s Cage Diving

On Christmas Eve of 2002, the peace that normally permeates a South African surfers’ village ruptured when Craig Bovim, an engineer, was savaged by a 4m great white shark while free-diving for crayfish off Scarborough Beach. It took two years of reconstructive surgery and occupational therapy to rehabilitate Bovim’s arms and hands.

“I’ve never entertained the thought that the attack was linked to cage-diving. The shark had been severely injured, and the attack was simply opportunistic.” The incident did, however, get him thinking about the way humans interact with sharks, and led him to found the lobby group Shark Concern in 2004, which calls for a moratorium on chumming to lure sharks towards tourists in submerged cages. While South Africa’s cage-diving fraternity insists their methods are 100% safe, Bovim says “If you’re going to keep rewarding animals in the Pavlovian sense, they’re going to associate you with food, which is why you never taunt, bait or feed a wild animal. It’s one of the basic tenets of ecotourism, and yet cage diving flouts this all the time,” he says.

Cage-diving operators say sharks do not recognize humans when they are shielded by a boat or cage; that they don’t feed sharks; and that the sharks don’t incorporate people into their diet. Bovim counters: “Once a shark has picked up the chum scent, the operator will use some bait to wrangle it closer to the cage ... then pull it away just before the shark bites. Every now and then the shark will get it. So sharks are rewarded with food. Great whites also have well-developed faculties, which means they don’t have to see you to know you are there — even when you are in a cage.” The only way to proceed, he says, is to follow the precautionary principle — if in any doubt that your actions are going to harm the environment, you stop what you are doing.”

Without a viable shark eco-tourism industry, however, South Africa’s 36 species of sharks could lose their commercial value and potentially bear the brunt of declining incentives to protect them. “But there is another way, which is already exploited by some cage-diving operators — watching dawn and dusk shark predations on Cape fur seals at Seal Island in False Bay. It’s an ideal location for this type of tourism because the seals are particularly vulnerable when they enter the water. The sharks will often come shooting from the depths of the sea like a rocket. It’s a breathtaking thing to watch.”

Bovim proposes to phase out cage-diving and broaden it into predation tourism, noting that whale watching draws tourists from all over the world, who are only too delighted to view the leviathans of the seas from a distance.

From an October 3, 2010 story by Tiara Walters *Johannesburg Times*

The Great White is gifted with a special “sixth sense”—a network of jelly-filled canals known as the ampullae of Lorenzini, which are linked to pores concentrated around the shark’s eyes, snout, and mouth—that enable it to detect electric fields generated by muscle contractions in other creatures and sense direction through electric fields ignited by ocean currents moving through Earth’s magnetic field.

I first entered the world of the Great White in 1982, while serving as a logistics expert for a National Geographic shark documentation project undertaken by Rodney Fox; Eugenie Clark, aka the “shark lady;” and photographer David Doubilet. Since then, I have ventured to South Australia annually to work with Fox, who in 1963 famously survived an attack from the Great White, which left much of his abdomen exposed and took 462 stitches to repair. Rather than resenting his attacker, Fox committed himself to learning all he could about the Great White, pioneering the use of a protective steel dive cage, which has afforded him hundreds, if not thousands, of hours of shark observation.

I also have had the opportunity to collaborate with legendary underwater filmmakers Al Giddings, Howard Hall, and Marty Snyderman—all of whom began working with the Great White “outside the cage.” In 1994, I began exploring the possibilities of diving with Great White in South Africa, working under the auspices of Shark Research Institute and in cooperation with South Africa’s leading sport fisherman, Andre Hartman. In time, we began carrying out dives in Shark Alley, located between the islands of Dyer and Geysers, where much important research has been carried out.

Our work with the Great White is governed by a few simple ground rules. We must have a minimum of 10 meters of visibility underwater; we operate in the company of a safety diver armed with a yardstick should a conflict arise; and we retreat from the area if more than two sharks come into view.

Dealing with sharks is all about attitude, not aggression, power, or strength. Diving with Great Whites require an unusual pairing of heightened awareness of all things around you and a zen calm and control over your mental and physical state. It is an ultimate expression of living in the moment. From diving and other experiences in my life—be it carrying out a mission as a military commando, racing motorcycles, or even falling in love—I have learned that a pounding heart is but an internal alarm that tells me it’s time to hold on, time to focus, and time get into the moment. For only then can I commit. Within seconds, I can relax, sensing lightness and a calm as I take comfort in the decisions I have made.

Will the Open Circuit Regulator Become Obsolete?

the next generation of rebreathers and training

In September 2007, *DIVER* magazine published one of my articles with the title tag line: *In the Face of Growing Dive Fatalities is Modern Dive Technology Friend or Foe to Recreational Divers?* A photo showed a “Tech” diver wearing double 100s on his back along with twin 80s slung under his arms. The diver was clearly overburdened with a ton of gear, the only way to provide the depth and bottom time necessary for the new breed of underwater explorers looking to push the recreational diving envelope. My hope was that readers would ponder the rationale behind that type of diving.

I also commented on the debut of several closed-circuit recreational rebreathers at the 2007 DEMA show in Orlando. This previously unwanted shallow water military child was pushing its way into mainstream sport diving. Rebreather manufacturer displays at DEMA had grown from two exhibitors a few years prior to an astounding 19 displays at that show, and 23 in Las Vegas in 2009.

Another first for that show was a new training agency that would conduct entry level training entirely on rebreathers. That's right, no open circuit at all. All training, at all levels, is done only on rebreathers. Called RAID (the Recreational Association of International Rebreather Divers), their name clearly shows that they do not recognize "normal" dive equipment as part of their training curriculum (or the sport in general). When asked why RAID made such a dramatic change, Barry Coleman, founder, says typical scuba training with normal open circuit gear teaches many bad habits that a rebreather diver has to eventually "unlearn." In his opinion it is much easier (and safer) to start from scratch on the rebreather.

While this makes sense, I admit to limited rebreather experience. I remember the "don't even consider a rebreather" mantra when I started my diving in the 80s. And, I have handled litigation involving recent rebreather fatalities, so I admit to being pre-conditioned to consider them "dangerous."

The Fight against Rebreathers

Some people are so against rebreathers (some have lost loved ones in rebreather incidents) that they have embarked on personal crusades to have them condemned by the US Consumer Product Safety Commission. One is Stephanie Barrett, who lost her husband Robert to a rebreather accident in 2002. Her web site is a stark reminder that any dive fatality has far-reaching effect on those left behind.¹

The Barrett lawsuit resulted in a defense verdict on behalf of the manufacturer, Ambient Pressure Diving after four years of hard fought legal battles². Ambient is being sued in California regarding the death of another diver in 2006 using one of their units. And lawsuits against other manufacturers are brewing.

To understand the controversies in the rebreather community, simply GOOGLE "rebreather diving" and you find web sites and forums discussing rebreather fatalities ad nauseam as well as aggressive contrarian discussion. One "expert" wouldn't touch "that" unit for anything, but the next "expert" thinks the first guy is a loser! We have the rebreather community pushing the rebreather, families trying to ban them, and diving experts disagreeing on everything about them.

This on-line conjecture reminds me of the issues that were prevalent when Nitrox was introduced two decades ago, when the industry considered it the devil's gas. During my Nitrox course in 1992, I was concerned when my instructor advised that we were not actually going to dive with Nitrox during the course. Afterwards, I realized that in-water training was irrelevant. Using Nitrox didn't actually change the dive itself, it only increased the allowable bottom time, so you use different tables. It was that simple. After that epiphany we agreed with several dive training agencies to provide insurance coverage for Nitrox training, and soon every training agency had a full blown Nitrox program. For many years, some industry insiders continued decrying the dangers of Nitrox and predicting lawsuits in staggering volume. The fuss over Nitrox was clearly the result of misinformation and the hesitation by the diving public to accept what was considered a radical change at the time. The rebreather, of course, is the next radical change and the Nitrox history is repeating itself.

We use large, heavy cylinders for our breathing gas because that is the best technology available. Modern rebreathers will change that. Not because they can store more gas in a smaller container, but because they allow us to use more of the O₂ in the breathing gas, so we don't have to carry as much gas. Rebreathers are mechanically and electronically complicated when compared to the relatively simple open circuit scuba, but as a closed system they allow us to rebreathe the exhaled gas rather than exhaling it into the water, thereby using up more of the available oxygen. So, you get more bottom time with a smaller cylinder. (In an open circuit system, the amount of wasted oxygen increases as we go deeper, so we need multiple cylinders to extend our bottom time.) The practicality of the rebreather is only

1 See: www.inspiration-rebreather-fatalities.com/pages/5/index.htm

2 See www.verdictsearch.com/index.jsp?do=news&rep=recent&art=165530

complicated because we can only rebreathe gas for so long before most of the oxygen is used up and we have to add new O₂ (from a small storage cylinder). In older model rebreathers, O₂ replenishment was done either by turning the gas on and off by cranking the valve on the cylinder or via a constant flow orifice allowing new O₂ to “dribble” continually into the breathing loop. Not today. Rebreathers are flourishing because of modern electronics to control the monitoring and replenishment of O₂ in the breathing loop.

Underwater Scooter Racing.

At 5 foot 7 and 130 pounds, Michael Vivona has never excelled in sports. But that changed the first weekend in October when the 56-year-old engineering supervisor for an Orlando television station earned a championship in an emerging extreme sport: underwater scooter racing.

Vivona piloted his \$7,000 Dive X Cuda 1150 to victory in a fleet of fifteen in the Wes Skiles Memorial Shootout in Key Largo, the third event of the newly formed Wreck Racing League’s Formula H2O circuit. The race was held 45 feet deep on the wreck of the *Benwood*, a 360-foot merchant freighter.

Vivona, a self-described tech head who overcame crippling migraines in both Saturday’s practice and Sunday’s race, credited his win to his size. “I’m real small. I’m more streamlined. The whole thing in the water is drag,” he said. There are very few sports that require you to be small. This appears to be one of those like a jockey racing a horse.” Vivona won a trophy, the checkered flag, a congratulatory underwater kiss from mermaid Toni Hyde and a decorative belt handed over by the series’ defending champion, David Ulloa.

Racing diver propulsion vehicles (DPVs) is the brainchild of Joe Weatherby, who spearheaded the 2009 sinking of the *Vandenberg* as an artificial reef off Key West, and Dave Sirak, who works with Vivona at WFTV Channel 9 in Orlando. Pondering a way to celebrate the one-year anniversary of the missile tracker’s deployment, they planned to race each other around the *Vandenberg*, but then decided to open the event. A fleet of nine DPVs lined up for the June 13 contest, which was won by Miami’s Dean Vitale, inventor of the Pegasus Thruster, a hands-free DPV that attaches to a scuba tank.

Encouraged by the competitors’ enthusiasm, the Wreck Racing League took its fledgling Formula H2O circuit to Fort Lauderdale for the Gold Coast Underwater Grand Prix on Aug. 22. A fleet of 24 racers did laps around the sunken freighter *Tracey* at 70 feet, with Ulloa, an underwater cinematographer from Reddick in Central Florida, taking the trophy.

Known among racers as the Shark Whisperer, Ulloa is sponsored by Submerge Scooters, which he uses in his job shooting video in water-filled caves. His Magnus 950, which retails for about \$6,500, can reach speeds of 300 feet per minute. “This sport is not cutthroat,” he said. “It’s camaraderie. It brings people together from all types of diving for a very fun activity.”

Following the October Wes Skiles Memorial (Skiles died in a diving accident in July off Boynton Beach), Weatherby announced tentative plans to hold a fourth race in Key West in November. “It’s the new X Games,” he said. “We are about alternative power and all things environmental. Everybody’s determined to make the league a success.”

Originally used by scientific, technical and military divers, DPVs are priced between \$200 and \$10,000. About a dozen models are expected to be displayed at the annual Dive Equipment and Marketing Association show in Las Vegas in November. DEMA executive director Tom Ingram said he’s glad for any emerging sport that boosts scuba diving’s profile. “People are always looking for ways to compete with each other,” Ingram said. “There’s not a lot besides breath hold diving and spearfishing that you can have competition underwater.”

Formula H2O racing has provided great fun and stress relief for Nathan Cruz, 37, a retired U.S. Army staff sergeant who lives in Miami. Cruz survived his Chinook helicopter being shot down in Afghanistan in 2008 only to suffer severe injury days later when his motorcycle was struck by an SUV near Fort Campbell, KY. Confined to a wheelchair, he underwent months of physical therapy, became a certified scuba diver through the Wounded Warriors program last spring and has scored two third-place finishes in Formula H2O.

“I was born to fly,” Cruz said, smiling. “Every time I go diving, I come out and nothing hurts.”

For information on competition visit www.wreckracingleague.com

From an article by Susan Cocking, Miami Herald, October 9, 2010

The main complication, confirmed by quite a few lawsuits in progress, is that a reduced partial pressure of O₂ in the breathing loop can cause you to blackout, which occurs when a diver rebreathes the gas until there is no longer enough O₂ in it to keep you functioning. There is typically no warning. In fact, sudden unconsciousness is, unfortunately, a relatively common occurrence. Quite a few divers using current rebreather technology have died in recent years, so the inherent safety of these units continues to be under scrutiny.

This is where modern electronics makes the difference. If you can depend on the unit to monitor the partial pressure of O₂ in the loop and maintain it at a level that keeps you functioning, then we should have a workable, safe system. Until the last couple of years, this type of O₂ monitoring technol-

PADI Accused of Insurance Fraud

A major class action lawsuit was filed against PADI on October 28, alleging that PADI is violating insurance laws by operating as a de facto, but unregistered, insurance agency by selling insurance to its dive shops, but retaining the responsibility to pay claims up to \$300,000. To paraphrase the claim:

Through advertising materials and direct representations, dive shops were led to believe that they were purchasing both commercial general liability and property damage insurance through Lexington Insurance Co., a licensed and bonded insurance company. This belief was perpetuated by the insurance broker, Vicencia & Buckley. In reality, PADI, which assists dive shops with obtaining insurance has, in fact, “perpetrated massive insurance fraud” on the dive shop owners. Although PADI, assisted by V&B, leads dive shop owners to believe that they are insured by Lexington, in fact, PADI has purchased master policies through Lexington. Each is in favor of PADI with a \$300,000 per occurrence deductible, meaning that PADI is directly responsible to each dive shop for the first \$300,000 of damages or injury per occurrence, at least regarding business interruption. This means that PADI is acting as a primary insurer and collecting premiums from all dive shops, despite PADI not being a licensed or bonded insurer in any state and not carrying mandated insurance reserves.

Basically, the practical effect of the suit’s contention is that PADI has inadequate reserves and if several big claims were to be made, PADI would have inadequate funds to pay the claims and the dive shops would be left holding the bag. Insurance companies, by law, are required to have reserves to handle claims and can’t pocket all the premiums. PADI is under no such regulation.

The Plaintiff in the suit is Kauai Scuba Center, which burned down January 10, 2010. PADI paid the business interruption claim four months after the store went out of business, but as Rick Lesser, attorney filing the suit, told Undercurrent, “they are not an insurance company and cannot retain risk. They hid it all.”

The owner of the Kauai Scuba Center, Damion McGinley, is a PADI instructor. Upon filing the lawsuit, PADI yanked his instructor’s certificate. Once attorney Steve McGuire in Lesser’s office raised hell, PADI said it was all a mistake and McGinley’s certification was quickly reinstated.

PADI, in a statement, claims that “The lawsuit has no merit and is premised . . . factual inaccuracies. . . . PADI has requested that it be voluntarily dismissed and intends to move for sanctions against the plaintiff and its attorneys if it is not voluntarily dismissed. Former PADI counsel, Rick Lesser, is one of the attorneys that brought this lawsuit. PADI believes that its decision to sever its relationship with Mr. Lesser may be a motivating factor behind this lawsuit.”

Lesser fired back by releasing a number of documents to support his suit. He told Undercurrent that he hadn’t worked for PADI for many years. “I tried to place a program for them in 2003 in London, but they were just using it to get a better price from Lexington, I think. I did wrap up case in early 2004 against a PADI store only, but that was the last – PADI itself was few and far between.”

In reading the complaint, PADI’s response and the backup documents, we think this could be a significant fight with serious ramifications for PADI if the suit prevails.

ogy was unavailable, too fragile, or too expensive for consumer rebreathers. Today, however, many newer units contain multiple O₂ sensors and reliable electronic controls.

I must confess to taking a Draeger rebreather course years ago and decided that it wasn't for me. No O₂ sensor, possibility of blackout, high maintenance requirements and the potential to blackout with absolutely no warning etc., kept me from taking the full plunge. I could not accept the risk that I, and my family, might have to deal with my death due to stupidity. Who wants to use equipment that has a high degree of probability that you will pass out while using it? My mother would not be able to accept that her professional, experienced, dive instructor son died using equipment known to act this way. Indeed, most rebreather litigation in progress now was initiated by families who cannot accept that concept. There's a move to create a class action suit on the basis that rebreathers are an inherently dangerous or faulty product. That has to give a potential rebreather purchaser cause for hesitation.

However, rebreathers are looking more inviting today thanks to technological advancement. As I mentioned, RAID is already providing entry level training on rebreathers and if founder Barry Coleman has his way, all potential new divers are going to be told that the open circuit scuba is as archaic as a double hose regulator, not to mention quadruple 100s hanging off your body for deep dives. Maybe so. But many dive training agencies will have real issues with entry level rebreather divers!

For existing divers with a closet full of gear, one has to wonder if the price to switch makes sense. The same advancements in modern, low cost electronics are leading to the production of more affordable CCRs. The Poseidon Discovery costs about \$6,800 but I believe it won't be too long before a new modern CCR will cost about as much as a top of the line open circuit scuba package. I have six aluminum 80s, three perfectly adequate late model regulators and a couple of high tech buoyancy systems. Will a new rebreather make that much difference to my diving? Will I sign my kids up for rebreather diving when I haven't done it myself? Many questions, few answers, but that may be changing.

The Next Generation of Rebreathers

The unveiling of the new Poseidon Discovery rebreather last year signaled the beginning of the "recreational rebreather" marketing onslaught! The Discovery is advertised as a "plug and play" unit and the main module is described as dishwasher safe. Yes, you can clean the main module in your dishwasher! It would be hard to argue that an entry level diver would have more difficulty dealing with this unit than with a normal open circuit scuba tank and regulator setup. (Remember all those students who put their regulators on upside down and/or backwards?) Other than the requirement for a charged battery, it's advertised as being as reliable as open circuit gear. Certainly, failed rebreather electronics may have more serious consequences than a failed cell phone, but we rely on electronics for driving and flying, so it's not much of a stretch to depend on an electronic scuba system. Indeed, many dive accessories (wireless pressure sending modules, computers, and heads up mask displays etc.) are already commonplace and apparently dependable. Here's some eye-opening (edited) comments from the Poseidon web site:

The diving is simple. Open the tank valves, wet the switch on the back of the display, wait for the systems check and off you go. Forget about everything you ever heard about PO₂, scrubber life and oxygen cells. The system will handle all that. You will inhale warm and humid air with a gas mixture optimized for your depth. You will stay warm longer, you will dehydrate less and your body will experience less decompression stress . . . You need four consumables: oxygen; air; pre-packed canister (your dealer can provide) and a charged battery, which you can charge at home before diving. The cost per diving hour is no higher than for ordinary scuba diving, but the added experience is priceless . . . Nothing is smaller, lighter, and more user-friendly. Then nobody has ever built a rebreather for sport divers before. At 33 lbs. fully loaded, the unit weighs even less than most scuba tanks. Weighing only 18 lbs. without tanks and absorbent, it is perfect for travelling . . . The Discovery is fully automatic. Technology handles everything . . . The mouthpiece is unique. Not only because you can select between rebreather mode (closed circuit) and open circuit by simply turning the lever, but also because of it's simplicity. Poseidon has used a regulator with an impressive track record, used by military

and rescue divers all over the world and NASA's backup-divers . . . A small LED and a vibrator to make the diver look at the display for messages of importance is built into the mouthpiece . . . The Discovery control system is unique. From the continuous calibration of sensors enabling you to trust the reading of all sensors, to the resource management system that measures your gas consumption to ensure that the available gas is always enough to reach the surface. The control system measures everything from battery capacity to tank pressure, from oxygen level to atmospheric pressure and depth. It injects precise amounts of gas to keep the right mixture for every depth.

The “Forget about everything you ever heard about PO₂, scrubber life and oxygen cells. The system will handle all that” comment summarizes the marketing pressure we will face. Heaven help them, and their insurers, if people start dying regularly while using this unit!

In Part 2 of this article, we will interview two industry experts about rebreathers, discuss additional dangers of rebreather use as well as the potential conflict between open circuit divers and rebreather divers in the real world.

The author, Peter Meyer, is the senior vice president of a major international insurance brokerage firm and has been a leading consultant for the dive industry since 1988. He provides risk management advice and insurance to dive training agencies, retail dive facilities, dive vessel operators and dive equipment manufacturers. He has owned and operated retail dive facilities, liveaboard dive charter vessels, and has taught recreational diving at all levels. He lives in Vancouver, British Columbia.

That California Real Life *Open Water* Case *what was behind the \$1.68 million verdict*

The 2003 hit movie *Open Water*, in which two divers are abandoned to die when their dive boat forgot to pick them up, was based on a real life occurrence. It's certainly not the only case where dive vessels failed to do a proper accounting and logging of divers, and divers were left behind. While Australia has had several civil trials go forward on such misconduct with verdicts returned on behalf of the victims and even government fines and sanctions mandated, the first such trial in the U.S. just concluded on October 23rd in California. And the jury let their distemper with such negligence be amply evident in the verdict.

The case took on a life of its own and has been widely reported in newspapers and on the Internet. The basic facts involve a diver, Daniel Carlock, who went diving on April 25, 2004 with the vessel *Sun Diver* that had been chartered for the day by Ocean Adventures, a PADI diving retailer located in Venice, California. The weather was overcast and rainy, with reduced surface visibility. Carlock exited the dive vessel with a group of 19 other divers for a first dive to a nearby oil platform. Some dispute arose later as to who his buddy was supposed to be, but when he surfaced, he was down current from the drifting vessel and unable to swim back. He had surfaced about 400 feet from the dive boat after only 15 minutes when he had trouble equalizing his ears. He floated in his inflated BC, blew his whistle loudly, and waved a safety sausage, but the boat crew never saw him. As he recounted later, he was astonished to see the boat motor away without him.

Somehow he was errantly logged back aboard during a roll call by the divemasters in spite of still being in the water. He was left behind and not missed until the conclusion of the second dive. Even then, he was listed as having participated on the second dive, and a search was begun at that site . . . rather than where he was actually left. This further complicated efforts to find him.

“I figured when the dive was over, they would realize I was missing and come looking for me,” Carlock said at the time. But they never missed him, and he was left alone and drifting seven miles offshore. He was never located by the *Sun Diver*, but four hours later was found by the *Argus*, a sailing vessel on a trip with Sea Scouts that luckily passed nearby and spotted him on the surface. He was brought aboard after being seen by a 15-year old Sea Scout who alerted the *Argus*’ captain, Fred Bockmiller. He described Carlock as “hypothermic and in bad shape.”

Capt. Bockmiller had shifted *Argus*’ course that morning to avoid heavy shipping traffic. “The change is what saved Carlock’s life,” he said. As they headed to Newport Beach, Sea Scout Zach Mayberry spotted what he thought was a body bobbing in the sea swell.

“He had maybe another half hour to live,” Bockmiller related. He doesn’t mince words: “We were on our way back from Catalina on a foggy weekend, and by sheer luck, found the diver. He had been abandoned criminally, stupidly, and ridiculously by the dive company.”

“I thought he was dead,” remembers Bockmiller. “But then he moved.”

Carlock, then 45 years old, was brought aboard and given fluids, hot coffee, food, and warm clothes in an attempt to raise his body temperature after his ordeal. Later he was picked up by the Coast Guard and transported back to the *Sun Diver*.

Carlock filed a lawsuit against Ocean Adventures, the two divemasters (Andy Huber and Zacarias Araneta, who worked for that company), as well as the owners of *Sun Diver*, its captain, Ray Arntz, and the vessel crewmembers. His complaint alleged that the defendants failed to maintain a proper lookout, proper logging of divers in and out of the water, used improper search procedures, and their negligence resulted in “the infliction of emotional distress, fraud, injuries resulting in skin cancer, and post traumatic stress disorder” in the aftermath of his ordeal. His attorney, Scott Koepke, said, “My client . . . had cancerous lesions removed but continues to suffer from physical and emotional trauma.”

The Coast Guard sanctioned *Sun Diver*’s Capt. Arntz and suspended his license, as well as requiring him to attend a remedial program on safety protocols for diving vessels.

Originally filed in January 2005, the suit inched its way to a final result that took nearly six years. Along the way, after more than three years of legal wrangling, California Superior Court Judge Edward A. Ferns denied a motion by the defense in March 2008 to dismiss the case based on a waiver that Carlock had signed. The defense attorneys had argued that Carlock “had assumed the risk of being left in the ocean and that there were, therefore, no triable issues.”

The judge disagreed, noting, “While there is a risk inherent . . . that a diver will become separated from other divers,

Diver Dies: Boat Moves to Next Site without Him

After a dive on the *Yukon*, the San Diego charter boat *Humboldt* had moved to the next dive spot when a passenger noticed that a diver was missing. The boat turned back and authorities were called to help find him. Robert Clampitt, 48, was found submerged and unconscious about 30 yards off the side of the *Yukon* in one hundred feet of water.

Waterhorse Charters owner Ryan Wilbarger told San Diego’s Channel 10 News that Clampitt was not a stranger on his dive tours. Wilbarger said he was not ruling out that it may have been a medical emergency that killed the diver on September 11.

“There is no warning. There is no bell that rings [and] it’s part of your responsibility as a diver to monitor and know how much air you have when you are diving,” said Wilbarger. The owner of the charter company was not there the day it happened, but he has been talking with the two women — the captain and the crew member — who were.

“If they did something incorrectly, if they did a tank count incorrectly, that’s a separate issue that wouldn’t have caused him to die, but it causes me and my company to look like an idiot,” said Wilbarger.

it has not been shown that . . . divers will forget and abandon their co-participants in the ocean.” His ruling allowed the lawsuit to go forward.

Carlock’s attorney Koepke commented, “The risk of scuba diving does not include being left unaccounted for . . . and left floating on your own.”

Incredibly, the legal maneuvering became even more bizarre. Apparently, disharmony and friction among the defense attorneys led to further disagreement on a common strategy, and outside legal observers were critical of their handling of the case for failing to use some applicable regulations to remove some defendant parties from the case early on. A trial began on March 9, 2010, but was canceled by Judge Soussann G. Bruguera after three weeks when informed by the lawyers that there were still 13 witnesses to be called.

“It’s too taxing for the jurors and too taxing for the court’s calendar,” the judge noted. Bruguera said another court with a less packed calendar could handle the case. She also directed the lawyers to speak with the departing jury about how to present a more concise case the next time. With arguments taking far longer than Bruguera thought necessary, she acidly commented that, “the three-week trial had evolved into *Alice in Wonderland*.”

This mistrial declaration by the judge prompted another round of incredulous comment from other members of the legal profession. One lawyer in the Los Angeles area (who asked to remain anonymous) observed, “This case is a lesson in how not to defend a personal injury claim. When a judge tosses you out in frustration, it’s time to realize you better get your act together and present some attempt at a more unified defense. Faced with the indisputable facts, it’s astounding that no reasonable settlement offer was ever made. I spoke to plaintiff’s attorney Scott Koepke, and he said he made every effort to get an early resolution years ago and was totally rebuffed. I doubt if the defense is going to escape unscathed, and the costs are just escalating out of control.”

That was a rather clairvoyant prediction. The trial resumed in mid-September this year, and another marathon of legal process resumed all over.

“This is a case more about trying to shift responsibility to others and not taking responsibility for yourself in an adventure sport,” said defense attorney Steve Hewitt, who represented Ocean Adventures and one of the divemasters.

Matt Monroe, defense attorney for *Sun Diver* and Capt. Arntz, said the captain did what was required of him and performed “a textbook search” when he realized Carlock was missing.

Well, the jury didn’t share the views of the defense and returned a verdict for Carlock of \$1.68 million. It was originally \$2 million, but was reduced slightly as the jury assigned a 16% contribution to Carlock himself as he had been told to surface closer to the boat. Nonetheless, it was an extraordinary award that seemed to send a deliberate message to the diving industry to get its act together.

Following the jury’s verdict, widespread comment spread across the Internet and various forums. It was divided on whether justice was served. Here are some sample posts:

“Good thing for him that I’m not on the jury . . . How about swimming to shore? It’s only seven stinking miles. Even if he couldn’t make it, the closer to shore, the higher the boat traffic would be.”

“The *Sun Diver* is a shit boat with a shit captain. Ocean Adventures is a good outfit . . . the plaintiff didn’t follow directions; however, that does not excuse a dive boat for leaving the scene . . . very, very bad.”

“It seems the award is high for the described injuries, but then the negligence is, to me, gross negligence. They failed to note his absence on TWO head counts, and that may have inspired the jury to award more damages as a form of unspoken punishment.”

“The captain is the captain and the buck ends there. It’s the captain’s fault and that’s all there is to that.”

“The bottom line is the captain f***ked up . . . so it looks like he will pay for it.”

“An obvious case of negligence that certainly warrants a measure of compensation... but \$1.68 million? We can only speculate that he had a very good lawyer . . . and that the defendants were unlikely.”

Capt. Arntz probably didn’t help his case with this testimony that his “job was to steer the *Sun Diver*, not oversee who left and returned during the voyage. My job was to navigate the vessel . . . keeping track of all the divers . . . was the job of the divemasters . . .”

Evidence showed that the divemasters were listed on the boat’s manifest as passengers, not crew. According to Coast Guard regulations, neither divemaster qualified to be a crewmember, and no delegation of duties can be given to passengers under the rules for U.S. inspected passenger vessels. As such, responsibility and liability would fall solely to the captain and crew. (Speculation as to why an expert witness was not presented at trial by the defense to explain this to the jury has confounded other legal observers.)

The divemasters were listed on the boat’s manifest as passengers, not crew. Neither divemaster qualified to be crewmembers, and no delegation of duties can be given to passengers under the Coast Guard rules for U.S. inspected passenger vessels

Another irate diver posted this comment: “I also think some criminal charges should be brought. A man doesn’t leave another man on the ocean to die . . . that operation should be shut down.”

After the second 23-day trial and two-and-a-half days of jury deliberation that resulted in the large monetary award, defense attorney Steve Hewitt said, “Everyone involved had some obligation to look for and account for Carlock. We question the effort (he) made to swim back to the boat. He chose to let the current take him away.”

Hewitt disagreed with the jury’s decision to include future pain and suffering as part of the \$1.68 million award. “He is married. He has a life and seems to be okay.”

That probably wouldn’t have gone over very well as a convincing argument either. And it most likely didn’t elevate the public’s opinion of lawyers in general. We wonder how Hewitt might have felt if he was in the same situation, floating around in the cold ocean for half a day while praying not to die. (Carlock testified that he prayed and kept a log of his thoughts on his dive slate for his family.)

Carlock’s lawyer summed things up, “Dan has changed the industry’s safety standards so that divers won’t be left out in the ocean and endure this kind of terror.” Koepke said industry standards had previously lacked specifics on how to count divers. “Now they have to have visual verification and redundancy. And the dive boat captains, not just the divemasters, are responsible for the count.”

Six-and-a-half years after his drift into oblivion, Dan Carlock is relieved to be alive and satisfied with the jury’s verdict. “It has been an ordeal,” he told a reporter for the *Los Angeles Times*. “But I wanted to seek changes in the scuba industry. Others will benefit.”

Carlock’s case attracted international attention. He appeared on NBC’s “Today” show and on “The Oprah Winfrey Show.”

There are lessons to be learned here from all sides. Take all due diligence and know your vessel crew and their procedures before you jump in for your next dive.

– Ben Davison

Flotsam & Jetsam

EDGE and HOG BCD Recall: Edge Dive Gear received an Edge Freedom Buoyancy Compensator with a complaint of a broken spring in the over pressurization valve. Upon inspection, it was clear that the springs in the OPV exhibit an unacceptable amount of corrosion. In cooperation with the US Consumer Product Safety Commission on October 20, Edge Gear issued a voluntary recall of the Edge Freedom BCDs, Some Edge Stealth 2 BCDs (units with red weight release handles for weight pockets are NOT involved), Hog 32lb Single Tank wings identified as “Made in China” and all Edge 32, 38 and 58lb wings. For more information, please contact EDGE at (404)579-7631 or email recall@edge-gear.com

Pirate’s Point: Perhaps my favorite Caribbean dive retreat, the Little Cayman institution turns 25 next year. The owner, 78-year-old Gladys Howard, is unstoppable. While she has had two knee replacements and an artificial joint in one of her fingers, she made 23 dives this summer around Komodo and took the two-hour dragon walk on Rinca Island.

Where do Barracuda Go? Carleton University student Amanda O’Toole recently completed her masters in biology studying barracuda in the Bahamas, which are the subject of little research. Some barracudas carry ciguatera toxin, which can poison humans, but unlike people think, fish in one area do not necessarily carry more toxin than fish in other areas, because the barracuda loves to travel. Some stayed in one spot, but others moved as far as 100 kilometers away, and back.

In her studies near Eleuthera, she found that the fish disappear for months in the summer, presumably leaving the continental shelf for the deeper regions, most likely to spawn.

Pressure to Stop Bahamas Shark Feeding: In early October, Jane Engle, a local resident, was attacked by a lemon shark while surfing in the Abacos Islands in the Bahamas. It took more than 75 stitches to repair the bite marks in her calf. This was just two weeks after the remains of a man who disappeared after a boat trip with three others off Jaws Beach were found in the stomach of a 12-foot tiger shark. Some people think the attacks are related to scuba operators feeding sharks. William Engle, the surfer’s husband, told the Nassau Tribune, “there has never, in recent memory, been any shark attack here . . . Personally, I would discourage any shark diving adventures in the Abacos or the Bahamas, where they literally feed sharks to bring them in . . . I don’t think that’s a good thing for the Bahamas because these sharks can interact with other humans someplace else and expect to see food.”

Undercurrent Publishing Schedule: Historically, the Nov/Dec issue has been the Chapbook, but since we have stopped printing Undercurrent, the 2011 Chapbook will be available on line December 1. You’ll be able to download it and even print out specific sections. And we hope to make it available on Kindle. We have added this bonus November issue. Of course I would have loved to continue printing the Chapbook, but the rise of the web, the decline of print media, and the continuing decrease in divers means we’ve had to become electronic to survive. I can’t thank you enough for your continuing support — Ben Davison

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