

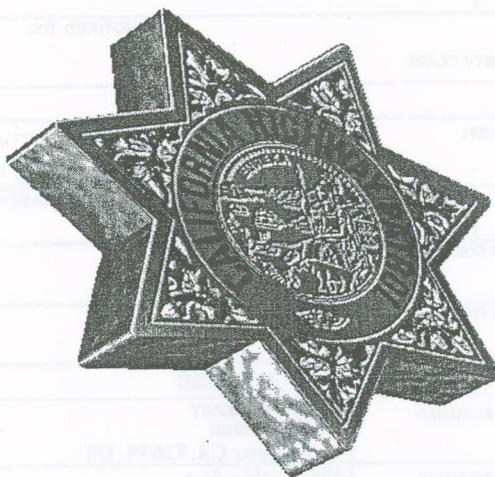
Exhibit Q

California Highway Patrol (CHP) Report

**CALIFORNIA HIGHWAY PATROL
LOS BANOS AREA
INVESTIGATION REPORT**

REFERENCE

CASE NUMBER: 2007-00064



Officer Bill A. Bowers Jr. #15290

Diver Fatalities

**DEPARTMENT OF WATER RESOURCES
San Luis Field Division, Dos Amigos Pumping Plant
February 7, 2007**

ARREST - INVESTIGATION REPORT
CHP 216 CARS (Rev. 1-99) OPI 004

Felony
 Other

COURT Los Banos Superior		FILE NUMBER 2007-00064	EVIDENCE/PROPERTY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO E- See narrative
AREA 9461	BEAT 710	COLLISION REPORT NUMBER N/A	

DATE/TIME OF ARREST REPORT _____ DATE/TIME OF INCIDENT 02/07/2007 1045 SAME

LOCATION OF ARREST/INCIDENT
DWR- Dos Amigos Pumping Plant

OFFENSE(S) CHARGED OR INVESTIGATED _____ JUS 8715 REQUIRED YES NO

SUBJECT NO 1 OF 1

NAME (last, first, middle) _____ RESIDENCE ADDRESS _____

AKA _____ HOME PHONE _____ MAILING ADDRESS _____ SAME

RACE/ETHNICITY	SEX	BIRTHDATE	HAIR	EYES	HEIGHT	WEIGHT	PLACE OF BIRTH (city, state, country)	DISPATCH NOTIFIED
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DRIVERS LICENSE NUMBER	STATE	DDL STATUS	MISC (SSN, INS #, ETC.)	DISPATCH NOTIFIED
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EMPLOYER	BUSINESS PHONE	BUSINESS ADDRESS	DISPATCH NOTIFIED
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BOOKING, CII, FBI, ETC., NUMBER(S)	WHERE BOOKED/CONFINED	DATE/TIME	FINGERPRINTED
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NOTIFICATION (Who, How, When) EXPLAIN IN NARRATIVE _____ NOTIFIED BY: _____

JUVENILE FOREIGN NATIONAL IMMUNITY CLAIM

VEHICLE

LICENSE	STATE	YEAR	VIN/EN NUMBER	VEHICLE WAS	STORAGE AUTHORITY
---------	-------	------	---------------	-------------	-------------------

VEH YEAR	MAKE	BODY STYLE	COLOR	BODY TYPE	LOCATION OF VEHICLE/RELEASED TO/ADDRESS/TELEPHONE NUMBER
----------	------	------------	-------	-----------	--

NAME OF REGISTERED OWNER	<input type="checkbox"/> SAME AS SUBJECT	ADDRESS	<input type="checkbox"/> SAME AS SUBJECT
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NAME OF LEGAL OWNER	<input type="checkbox"/> SAME AS R/O	ADDRESS	LOCATION OF KEYS
---------------------	--------------------------------------	---------	------------------

WITNESS

BIRTHDATE	SEX	NAME	<input checked="" type="checkbox"/> WITNESS <input type="checkbox"/> PASSENGER	ADDRESS/AGENCY	PHONE
09/14/1953	M	Mark Mederios	<input checked="" type="checkbox"/> WITNESS <input type="checkbox"/> PASSENGER	738 Madison Los Banos CA 93635 US	RES: BUS: (209)827-5300
10/09/1976	M	Timothy N Salcido	<input checked="" type="checkbox"/> WITNESS <input type="checkbox"/> PASSENGER	676 Poplar Ave Los Banos CA 93635 US	RES: BUS: (209)827-5300
08/04/1953	M	Kenneth J Allen	<input checked="" type="checkbox"/> WITNESS <input type="checkbox"/> PASSENGER	739 I St Los Banos CA 93635 US	RES: BUS: (209)827-5300
11/14/1958	M	Mandeep Bling	<input checked="" type="checkbox"/> WITNESS <input type="checkbox"/> PASSENGER	2000 Casa Grande Ct Modesto CA 95355	RES: BUS: (209)827-5110

VICTIM INFORMATION

NAME Timothy Eugene Crawford	ADDRESS 1816 Mendocino St Seaside CA 93955 US					
BIRTHDATE 11/16/1956	SEX M	DL# U6152955	STATE CA	DAY PHONE (831)394-3738	EVENING PHONE	
VEH.LIC.#	STATE	YEAR	MAKE	BODY STYLE	COLOR	BODY TYPE
NAME Martin Alvarado	ADDRESS 226 E Pleasant St Coalinga CA 93210 US					
BIRTHDATE 01/30/1963	SEX M	DL# V9111912	STATE CA	DAY PHONE (559)362-5039	EVENING PHONE	
VEH.LIC.#	STATE	YEAR	MAKE	BODY STYLE	COLOR	BODY TYPE

MISDEMEANOR INCARCERATION

(To be completed upon physical arrest for any misdemeanor, pursuant to Penal Code Section 853.6.)

As determined by the arresting officer, the person arrested:

- was so intoxicated as to be a danger to himself/herself or others.
- required medical examination or medical care or was otherwise unable to care for his/her own safety.
- was charged with one or more of the offenses listed in Sections 40302 and 40303 of the Vehicle Code.
- had one or more outstanding arrest warrants issued.
- could not provide satisfactory evidence of personal identification.
- if released immediately, would jeopardize the prosecution of the offense or offenses for which arrested or the prosecution of any other offenses.
- would be reasonably likely to continue the offense or offenses, or the safety of persons or property would be imminently endangered if immediately released.
- demanded to be taken before a magistrate or refused to sign the citation.
- would not appear at the time and place specified in the notice.
- domestic violence (refer to HPM 100.69)

ARRESTING/INVESTIGATING OFFICER Bill A Bowers Jr / Officer	(Print name/rank)	I.D. NUMBER 15290	REVIEWED BY M. HAGERMAN / Sgt	(Print name/rank)	I.D. NUMBER 10281	DATE 7-3-07
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LAST NAME, FIRST AND MIDDLE NAME

2007-00064

YOU HAVE THE RIGHT TO REMAIN SILENT.

ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.

3. YOU HAVE THE RIGHT TO TALK WITH AN ATTORNEY AND TO HAVE AN ATTORNEY PRESENT BEFORE AND DURING QUESTIONING.

4. IF YOU CANNOT AFFORD AN ATTORNEY, ONE WILL BE APPOINTED FREE OF CHARGE TO REPRESENT YOU BEFORE AND DURING QUESTIONING, IF YOU DESIRE.

THE ABOVE STATEMENT WAS READ TO THE ARRESTEE BY:

ARRESTING OFFICER

OR:

I.D.

TIME:

DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?

YES NO

HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?

YES NO

WAIVER STATEMENT

1 CASE IDENTIFICATION

2

3 Citation Highway Patrol, Los Banos Area

4

5 VICTIMS

6

7

8 Name: Timothy Eugene Crawford

9 Date of Birth: November 18, 1958

10

11 Name: Martin Avaredo

12 Date of Birth: January 30, 1953

13

14

15 CHARGES None

16

17

18 CASE INDEX

19

20 CASE IDENTIFICATION Page 1

21

22 VICTIMS Page 2

23

24 CHARGES Page 3

25

26 SUMMARY Pages 4-6

27

28 ADDITIONAL WITNESSES Page 6

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30 STATEMENTS Pages 8-15

31

32 24 HOUR TIME LINE Page 16

33

34 AGENCIES INVOLVED Pages 16 and 17

35

36 NARRATIVE Pages 17 and 18

37

38 ATTACHMENTS Page 18

39

40 EVIDENCE Page 19

41

DATE

REPORTING NAME

DATE

LED NUMBER

PREPARED BY

02/07/2007

10290

BILL A BOWERS JR.

OFFICER

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
02/07/2007	1045	9461	15290	2007-00064

1 **CASE IDENTIFICATION:**

2
3 California Highway Patrol, Los Banos Area, **Case number 2007-00064**

6 **VICTIMS:**

7
8 **Name:** Timothy Eugene Crawford
9 **Date of Birth:** November 16, 1956

10
11 **Name:** Martin Alvarado
12 **Date of Birth:** January 30, 1963

13
14
15 **CHARGES:** None

16
17
18 **CASE INDEX:**

19
20 **CASE IDENTIFICATION,** Page 3

21
22 **VICTIMS,** Page 3

23
24 **CHARGES,** Page 3

25
26 **SUMMARY,** Pages 4-6

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28 **ADDITIONAL WITNESSES,** Page 6

29
30 **STATEMENTS,** Pages 6-15

31
32 **24 HOUR TIME LINE,** Page 16

33
34 **AGENCIES INVOLVED,** Pages 16 and 17

35
36 **NARRATIVE,** Pages 17 and 18

37
38 **ATTACHMENTS,** Page 18

39
40 **EVIDENCE,** Page 19

41

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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1 CASE INDEX CONTINUED:

2

3 ANALYSIS AND OPINIONS, Page 19

4

5 RECOMMENDATIONS, Page 19

6

7 FACTUAL DIAGRAM, Page 20

8

9

10 SUMMARY:

11

12 On February 7, 2007, I was on routine patrol when I monitored a call from dispatch of the Merced
 13 County Sheriff's Office (MCSO) requesting the California Highway Patrol (CHP) to respond to the
 14 Dos Amigos Pumping Plant. MCSO had advised that they were at the pumping plant trying to
 15 locate two divers that were missing. I responded from Santa Nella at 1234 hours and arrived on
 16 scene at 1244 hours. Upon my arrival, I met with Deputy Krutcher and Commander Jensen and
 17 was updated with the events that were taking place. After receiving the update, I walked along the
 18 railing of the deck and observed three divers in the water. Two unconscious divers
 19 (Timothy E. Crawford and Martin Alvarado) were tethered to the railing by rope and one diver
 20 (Bill Collins) was floating in the water near the two divers that were tethered. A large excavator
 21 was brought onto the deck and the bucket was dropped into the water to hoist the unconscious
 22 divers out of the water. Crawford was brought out of the water first and emergency personnel
 23 immediately attempted to resuscitate him. The excavator was moved over to Alvarado and he
 24 was hoisted out of the water. Emergency personnel also attempted to resuscitate Alvarado.
 25 Both divers were transported to the hospital where they were pronounced deceased by
 26 Doctor Paul Iwai, MD. Crawford was pronounced deceased at 1329 hours and Alvarado was
 27 pronounced deceased at 1346 hours. The dive gear that both Crawford and Alvarado were
 28 wearing was recovered and taken as evidence to the CHP Los Banos Area Office. Preliminary
 29 investigative questions were asked at the scene of Mark Mederios, Tender (1530 hours; see page
 30 6 of 19 for preliminary statement) who acted as a lookout for the divers. California Highway Patrol
 31 Central Division Air-Operations was requested and aerial photographs were taken of the scene.
 32 Cal/OSHA Investigator Robert Pike arrived on scene and discussed what was preliminary in the
 33 investigation by the California Highway Patrol. The California Highway Patrol Los Banos Area will
 34 be conducting an investigation to determine if any criminal activity on the part of another person or
 35 persons caused the death of the divers. Cal/OSHA will be conducting an industrial incident
 36 investigation into the death of the two divers; reference Cal/OSHA report number 101106441.

37

38 On February 8, 2007, at 1015 hours, I attended the autopsy of Crawford and Alvarado. After the
 39 autopsy was completed, the dive suits that both men were wearing were collected and secured at
 40 the CHP Los Banos Area Office as evidence.

41

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1 **SUMMARY CONTINUED:**

2
3 On February 9, 2007, I conducted interviews with Jim Thomas, Chief of the San Luis Field
4 Division (0815 hours; see page 7 of 19) and Mandeep Bling (0900 hours; see page 7 of 19) at the
5 Department of Water Resources (DWR) San Luis Field Division Administration Building. At 1000
6 hours, Officers Jackson, Velez, and I responded to the Dos Amigos Pumping Plant to obtain
7 measurements to prepare a factual diagram of the scene.

8
9 On February 13, 2007, all evidence was inspected at the CHP Los Banos Area Office by
10 Robert Pike (Cal/OSHA), David Gutierrez (DWR), Joel Sturm (U.S. Bureau of Reclamation),
11 Kirk McBride (Cal Fire), CHP Sergeant M. Hagerman, and I. After the inspection was completed
12 all evidence was turned over to Robert Pike for later analysis at an independent laboratory.
13 Reference exhibit number 4 for chain of custody.

14
15 On February 19, 2007, I met with Jim Thomas who turned over copies of their agency dive
16 manual, receipts of dive gear previously purchased, and copies of dive reports completed by Tim
17 Crawford. I was also given a copy of video footage of the recovery efforts of the two divers. The
18 copy of the video footage was reviewed and placed into evidence at the CHP Los Banos Area
19 Office. The manual, receipts, dive report and video were turned over to Cal/OSHA on
20 May 22, 2007.

21 On March 8, 2007, at 1200 hours, I conducted an interview with Mark Mederios (see page 8 of 19)
22 who was working as the tender the day of the diving incident.

23
24
25 On March 9, 2007 at 0800 hours, I conducted an interview of Timothy Salcido (see page 9 of 19)
26 who was working as a Hydro Electric Plant (HEP) Operator the day of the diving incident. At 1000
27 hours, I conducted an interview of Kenneth Allen (see page 11 of 19) who was working as the
28 Senior HEP Operator the day of the diving incident. At 1200 hours, I conducted an interview with
29 Bill Collins (see page 12 of 19), who recovered the divers from the water.

30
31 On March 12, 2007, at 0700 hours, I met with Roxanne Crawford (wife of Tim Crawford) at her
32 residence to obtain a twenty-four hour time line of her husband's activities (see page 14 of 19).

33
34 On March 15, 2007, at 0910 hours, I met with Sara Alvarado (wife of Martin Alvarado) at her
35 residence to obtain a twenty-four hour time line of her husband's activities (see page 15 of 19).

36
37 On March 16, 2007, at 1300 hours, I contacted Cal/OSHA Investigator Robert Pike to obtain an
38 update on the testing of the tanks and dive gear. Pike advised me that he was in the process of
39 sending the tanks to the United States Navy in Panama City, Florida. The United States Navy had
40 volunteered to test the equipment, but it will take weeks to get the results of the testing.

41

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1 **SUMMARY CONTINUED:**

2

3 On March 16, 2007, I received an e-mail from David Balch, an attorney that is representing the
4 Alvarado family. The e-mail contained a statement that was prepared by Bernardo Alvarado,
5 brother of Martin Alvarado. The statement is attached to this report; reference exhibit number
6 one.

7

8 On June, 14, 2007, at 1130 hours, I contacted Jim Thomas by telephone to obtain additional
9 information on the activities of Timothy Crawford and Martin Alvarado on February 6, 2007.

10

11

12 **ADDITIONAL WITNESSES:**

13

14 Jim Thomas, date of birth 03-14-1954

15 1165 North Ave., Gustine, CA 95322

16 (209) 827-5150

17

18 Bill Collins, date of birth 02-22-1961

19 14275 Sylvester Rd., Los Banos, CA 93635

20 (209) 827-5108

21

22 Roxanne Crawford, date of birth 12-17-1971

23 1856 Harding St., Seaside, CA 93955

24 (831) 394-3738

25

26 Sara Alvarado, date of birth 01-24-1971

27 590 Mustang Way, Coalinga, CA 93210

28 (559) 935-8855

29

30

31 **STATEMENTS:**

32

33 **Mark Mederios** was interviewed at the scene on February 7, 2007, at 1530 hours to obtain
34 preliminary information of the incident. Mederios related that they arrived at Dos Amigos at 0900
35 hours. They were going to inspect Units one, two and three for Zebra Mussels. They met the
36 operators in the control room and got permission to dive around 0930 hours to 0940 hours. They
37 discussed the dive and knew Unit five was operating. After the meeting, they went back to the
38 truck where the divers got suited up. Around 1000 hours, they advised the operator they were
39 ready to dive and they received permission to enter the water. The divers used a three foot tether
40 and they entered the water at the liner by the truck using a rope. The divers were not using a
41 safety line and/or communication line. He does not know why they did not use the additional

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1 **STATEMENTS CONTINUED:**

2

3 safety equipment. Mederios kept track of the divers by watching their air bubbles as he walked
4 along the railing of the deck overlooking the dive area. The divers went from Unit one to Unit five
5 in ten to fifteen minutes. Mederios looked at his watch (1035-1045 hours) and knew time was
6 running out. Mederios called the operator to report what was going on. The operator came up
7 and assisted with trying to find the bubbles. Mederios asked Crawford about the life or
8 communication line and Crawford said, "No, we don't use them near the pumps."

9

10 **Jim Thomas** was contacted on February 9, 2007, at 0815 hours and related in essence the
11 following: He started work at 0615 hours. Thomas is the Chief of the San Luis Field Division.
12 Thomas was aware of the scheduled dive. The dive was to inspect for Quagga Mussels on the
13 trash racks at the Dos Amigos Pumping Plant. Thomas received a phone call at the office from
14 Mandeep Bling at 1110 hours. Bling was looking for Bill Collins. Thomas got Collins out of the
15 conference room and he took the call. A few minutes later Bling called back saying the divers
16 were in trouble. Thomas left the office at 1115 hours and arrived at Dos Amigos between 1130
17 and 1135 hours. Thomas met with Mark Mederios who stated that he could not find the air
18 bubbles. Thomas ran back and forth along the deck looking for the bubbles. Mederios told
19 Thomas that the divers had made it down to Unit four. Thomas made contact with Collins as
20 Collins was suiting up in the dive truck. Thomas asked Collins if he was okay about going in the
21 water and asked if there might be a problem with the air. Collins said that the air was fine and that
22 he would go down with a safety line. There were no weights immediately available for the weight
23 belt that Collins needed to descend so he had to wait until spare weights arrived. Thomas told
24 Tim Salcido to notify the Senior Hydro Electric Plant (HEP) Operator to turn off Unit five and to
25 make sure 9-1-1 was called. Collins entered the water after 1200 hours and retrieved both divers.

26

27 **Mandeep Bling** was contacted on February 9, 2007, at 0900 hours and related in essence the
28 following: Bling started work at 0700 hours. Bling left the office around 1045 hours and drove to
29 Dos Amigos. Bling arrived at Dos Amigos at 1100 hours and signed in at the control room. Bling
30 noticed that Ken Allen was in the control room and no one else was present. Bling went upstairs
31 and outside to the east side of the deck on unrelated business. Bling was there for ten to twelve
32 minutes and he could see Mark Mederios walking back and forth along the railing near Unit five
33 and looking down at the water. Bling also observed that Tim Salcido was at the railing. While
34 walking along the deck, Mederios came up to Bling and asked if he knew how much air time was
35 in the tank. Bling guessed thirty minutes. Mederios stated that the divers had been in the water
36 for over an hour. Bling noticed that Mederios appeared very worried. Bling tried to call Bill Collins
37 on his cell phone and at the office with no answer. Bling called Jim Thomas who got Collins out
38 of a meeting. Collins told Bling that the divers could be underwater for no longer than forty to
39 forty-five minutes. Bling called Thomas back and told him what was going on. After getting off the
40 phone, Bling assisted Mederios and Salcido with looking for the divers.

41

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1 **STATEMENTS CONTINUED:**

2

3 bubbles," since they were very large. The air bubbles remained the same until they began to drift.
 4 Mederios speculated about twenty to twenty-five minutes had passed when he first lost sight of
 5 the air bubbles and became concerned. Mederios took a fire rake and banged on the grates. He
 6 went by Unit five in case the divers had passed this location. Mederios tried calling
 7 Bill Collins, but could not reach him. Mederios then called the ACC and asked if they knew how
 8 long the divers were supposed to be underwater. Mederios also stated that he lost sight of the air
 9 bubbles and asked for assistance with trying to locate the divers. Mederios asked the ACC if they
 10 could slow the pump down. Mederios did not know when 9-1-1 is supposed to be called, but
 11 because he notified the ACC, he thought that they would have taken care of the notification.

12

13 **Timothy Salcido** was interviewed on March 9, 2007, at 0800 hours, at the CHP Los Banos Area
 14 Office. The interview was taped and conducted in a question and answer format, but is
 15 summarized in this report. Salcido related in essence the following: He started work on February
 16 7, 2007 at 0500 hours. Salcido works as a Hydro Electric Plant (HEP) Operator. His normal job
 17 duties include maintaining the pumps, generators, making sure everything is operating normally
 18 within specifications, and acting as the Operations Manager as he issues work clearances.
 19 Salcido has been working in this capacity for six months at the time of the accident. Salcido has
 20 known Crawford for awhile and had only met Alvarado just before the accident. Salcido had a
 21 good relationship with Crawford and Crawford had been trying to recruit Salcido into becoming a
 22 diver. Salcido is unfamiliar with the dive manual. Salcido said that the divers were going to
 23 search for Zebra Mussels. The dive was selected by the planner scheduler (does not know name)
 24 and notice for the dive was submitted through the chain of command as Mike Cardoza entered the
 25 dive into the computer. There was not a separate clearance for the dive as they were working
 26 under the clearance obtained for the transformers that were taken out of service at Units one, two
 27 and three. The work clearance document was issued at 0933 hours by Salcido. The divers and
 28 tender came into the control room several times. They arrived between 0845 and 0930 hours.
 29 One time they came in to talk to Ken Allen, the senior operator, and another time they talked to
 30 Salcido. There was a briefing with the divers in which Salcido told Crawford that Unit five was
 31 operating. Crawford asked about Unit four and Salcido said it was available along with Unit six
 32 and they could be turned on at any time. Crawford said that was fine and to notify Mederios if
 33 they had to turn a unit on so they could get out of the water. Salcido said that you do not want to
 34 be in the water when a unit is turned on due to the amount of suction the unit creates. At 0933
 35 hours, Crawford called Salcido and stated that they were getting ready to dive and would be
 36 entering the water soon. Salcido gave the okay to enter the water at that time. At 0944 hours, the
 37 clearance was entered into the computer and a printed document was issued. Crawford made a
 38 comment during briefing that he has dove in front of units that were operating and at check
 39 stations. During the briefing, Alvarado was quiet. Salcido was not notified at the time the divers
 40 entered the water and it is not a requirement to notify the control room. This was Salcido's first
 41 time seeing divers dive in front of the plant. The dive was a routine inspection dive and not a

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1 **STATEMENTS CONTINUED:**

2

3 **Mark Mederios** was re-interviewed on March 8, 2007, at 1200 hours, to obtain additional
4 information regarding the diving incident. The interview was conducted at the CHP Los Banos
5 Area Office. Present during the interview was Michael Souza (date of birth 03-27-1973), a union
6 representative. The interview was taped and conducted in a question and answer format, but is
7 summarized in this report. Mederios related in essence the following: Mederios is a Utility Crafts
8 Worker who operates equipment and performs maintenance duties. Mederios started work on
9 February 7, 2007, at 0700 hours. At approximately 0710 hours, Mederios was approached by Tim
10 Crawford and asked if he could be a tender at the dive that day. This was a last minute decision
11 because one of the divers could not attend. Mederios agreed to be the tender and had no
12 reservations about doing it. Mederios has been present at other dives, but it was because he
13 brought material to the dive site. He would watch what went on, but did not act as a tender.
14 Mederios has had no formal training on being a tender and is not a certified DWR diver. Mederios
15 does not know if a 'Notice of Dive' was completed or submitted through a chain of command for
16 approval. Mederios does know that a clearance for the dive was given because one was
17 completed by Tim Salcido. Mederios does not know who the Dive Coordinator is and speculated
18 that the Dive Supervisor was Mandeep Bling. Mederios said that appropriate notifications were
19 made to the Area Control Center (ACC) at 0930 hours. A briefing was held at 0935 hours in the
20 ACC with the divers and Salcido. Mederios was present during the briefing, but did not hear what
21 was discussed. Mederios could not say if the operator told the divers what pumps were on and
22 where the divers could or could not dive. Mederios was not explained his responsibilities as being
23 a tender and the last time he was certified in Cardio Pulmonary Resuscitation (CPR) was either in
24 2005 or 2006. Mederios thought the dive was routine and that both divers were certified.
25 Mederios does not know what the requirements are to be divers, but he has heard the divers talk
26 about it. The divers suited up at 0950 hours and entered the water at 1010 hours. Crawford told
27 Mederios that they were supposed to be underwater for thirty minutes. Before the divers entered
28 the water, Mederios picked up the safety line and showed it to Crawford. Crawford said that they
29 were not going to use it as this was going to be an easy dive. Mederios asked the same thing
30 about the communication line and Crawford said, "Don't worry about a thing, this is an easy dive."
31 Mederios said he did not like the idea of the divers going down without the safety gear, but he
32 didn't question Crawford since he was an experienced diver. Crawford told Mederios that if he
33 needed the divers to surface for any reason to use something heavy and bang on the grates.
34 Crawford said he would be able to hear the noise and they would then surface. Both divers
35 entered the water at the same time by using a rope tied to a guardrail on the left side of the liner.
36 Both divers were tethered together. Once in the water, Martin Alvarado resurfaced to fix his mask
37 as it was leaking and filling with water. As the divers were in the water, Mederios constantly
38 watched along the railing of the deck. Mederios would keep track of the divers by their air
39 bubbles. There were several types of debris in the water concentrated near Units two and three
40 with a debris field approximately a foot wide. Mederios could differentiate two sets of air bubbles.
41 One set was described as being gradual and calm, the other set was described as being "jelly fish

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1 **STATEMENTS CONTINUED:**

2

3 confined space dive. Both divers were qualified DWR divers and neither was on probation.
4 Salcido does not know if Mederios is a qualified DWR diver. Mederios was probably used
5 because they were looking for somebody to do it as the notice to dive has four people on it.
6 Salcido does not know if a safety line and/or a communication line was used, but when he went up
7 to the deck, there was a life ring on the deck by Units four and five, and by the railing. Salcido did
8 not know how long the divers were supposed to be underwater. There are variations depending
9 on how many tanks they were using, if someone is using more air, and air tends to last longer
10 when you are diving in shallow water. Salcido was notified at 1045 hours by his senior, Ken Allen,
11 to proceed up to the deck and help Mederios search for the divers. Salcido did not make any
12 notifications because the senior controller is in charge of making notifications. While up on the
13 deck, Mederios told Salcido that the divers went into the water at 1010 hours and he asked if
14 Salcido knew how long the divers were supposed to be underwater. At approximately 1135 hours,
15 Allen called Salcido on the intercom requesting a call back. When Salcido called Allen, he told
16 Salcido that he was veining down the pump with approval from the Project Operations Center
17 (POC). Salcido does not know why the pump was not shut down, saying it is hard to determine if
18 the divers were alive, or if they were near Unit five. "If you shut down a pump, you have a lot of
19 force that is going to come back out because the water is pumped up hill." 9-1-1 should have
20 been called once we were notified of a possible emergency. The tender should have made a call
21 or let us know of an emergency. That is why he is up there. Salcido remembers that Allen called
22 9-1-1 at 1150 hours per Jim Thomas' request. Thomas said to shut down Unit five and call 9-1-1.
23 The delayed notification to 9-1-1 was because they were waiting for Bill Collins to arrive. Upon his
24 arrival at the plant, Collins did not have his proper gear to dive. No one wanted to accept that the
25 divers could have drowned. Unit five had been running continuously since December 25, 2006. It
26 is unknown what kind of muck or trash was up against the trash rack at the time of the accident.
27 There was a lot of trash on the rack that day, that is why civil maintenance comes out once or
28 twice a week to clear the rack, but it depends on the season. The debris field was approximately
29 two feet in width and completely across Unit five. It would be hard to look for air bubbles if the
30 divers were near Unit five. Due to the amount of debris, you could see the water flow. There was
31 a back-up and the differential between the front and back of the trash racks was approximately
32 one half to one foot. With a larger differential, you can hear it as it makes a waterfall sound, but
33 this differential was not that bad. The trash racks completely cover the opening to prevent objects
34 from reaching the pumps. Salcido has never seen the trash rake in service during his tenure with
35 the Department of Water Resources. The excavator has been used since August 2006 to clean
36 the racks. Salcido was shocked to learn that DWR was the only place he has worked for which
37 only has safety meetings once a month. Salcido further related the field division tries to have a
38 safety meeting every three months. In Salcido's previous job, they had a safety meeting
39 everyday. Salcido wishes there had been better communication between the divers and the
40 tender instead of banging on the trash racks.

41

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BILL A BOWERS JR / OFFICER	15290	02/07/2007		

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1 **STATEMENTS CONTINUED:**

2

3 **Kenneth Allen** was interviewed on March 9, 2007, at 1000 hours, at the CHP Los Banos Area
4 Office. Present during the interview was Allen's wife, Darlene Allen. The interview was taped and
5 conducted in a question and answer format, but is summarized in this report. Allen related in
6 essence the following: He started work on February 7, 2007 at 0730 hours. He is a Senior Hydro
7 Electric Plant (HEP) Operator and his normal job duties include operating the Area Control Center
8 (ACC), which involves coordinating, starting and stopping the pumps, running the California
9 Aqueduct of our section to check 21, coordinating clearances, completing a station log, and
10 communicate with the Project Operations Center (POC). Usually he has to have POC approval
11 before doing anything to a pump. Everything is prescheduled so if there was an emergency, we
12 do not notify them first, but immediately afterwards. Allen has been a Senior HEP Operator since
13 1984. Allen did not know Alvarado well, but he had known Crawford for several years. Allen is
14 not familiar with the dive policy manual. The divers were searching for Zebra Mussels. Allen
15 thought the Engineering Department is the one that schedules the dives. A notice to dive was
16 completed and Crawford was the one that completed it. The notice to dive was submitted through
17 the chain of command and it is usually submitted by Crawford. A clearance to dive was not
18 issued. The divers were operating under the clearance that was issued for a transformer that was
19 out of service. The clearance for the dive was issued the previous week. Allen thought the Diving
20 Coordinator was Bill Collins and the Dive Supervisor was Tim Crawford. Allen does not know
21 what the responsibilities are of a coordinator or supervisor. The divers and tender came into the
22 ACC around 0915 hours. There was a briefing, but that was with Tim Salcido and Allen could not
23 hear what was being said as the briefing did not include him. While in the ACC, Crawford made a
24 statement while talking to John Morris. Crawford related that he has dived in the ocean and made
25 rescues in the ocean also. He talked about how people would get drawn out onto the rocks at the
26 beach and how one couple that were on their honeymoon drowned that way. Then they started
27 talking about diving in front of the plant and at one point, Crawford stated, "That's no big deal to
28 swim in front of a running unit and I've done it before." John Morris asked him specifically if it was
29 like swimming in a current and Crawford said, "Yes." Morris asked Crawford if it would suck him
30 against the trash racks and hold him there and Crawford said, "No." Allen asked Crawford,
31 "Really, it won't do that?" Crawford said, "No" again. Crawford also said that the turbulence you
32 see on top of the water (whirlpools) does not extend very far down and that it is much calmer at a
33 greater depth. Crawford also stated that it was pretty clean down there except for the tumble
34 weeds at the bottom. The divers notified Salcido that they were getting ready to dive at 0933
35 hours. At 0935 hours, Salcido asked about entering the dive into the computer and Allen asked if
36 he had given Crawford the okay. Salcido said, "Yes." Allen does not recall of a dive taking place
37 in front of the pumping plant to search for mussels while he has been on duty. Allen did not know
38 what time the divers entered the water, but he had heard later it was around 1010 hours. Allen
39 knows that the divers were not wearing a safety line because that is one of the first questions he
40 asked when Mederios called to report the divers missing. When Mederios told Allen that he had
41 lost sight of the air bubbles and requested Salcido's help, the first thing Allen did was pull out the

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1 STATEMENTS CONTINUED:

2
3 dive request. He looked at the estimated time for the dive and it said three hours (a copy of the
4 form was obtained, however it was turned over to Cal/OSHA on May 22, 2007). Mederios said
5 that they had been underwater for thirty to thirty-five minutes, so Allen was not that concerned.
6 Allen was notified of the problem with the divers at 1045 hours. Allen did not notify anyone else
7 immediately because of the statements made by Crawford. Allen didn't think it was an
8 emergency. Allen thought Mederios had told him that the divers swam out around Unit five and
9 that is when he lost sight of their air bubbles. After looking at the 'Notice of Dive' form, Allen
10 tried to call Bill Collins at his office and got the answering machine. Allen did not leave a
11 message, so he tried Collin's cell phone and got his voicemail. Allen left a message on the
12 voicemail saying it was him and to call the Area Control Center. Collins never did return his call.
13 Allen does not know of any policy or procedures directing him on what to do for a dive emergency.
14 Allen "veined down the pump" on his own because it seemed like no one was doing anything.
15 Allen was waiting for some direction on how to proceed. Bling had come into the control room a
16 little after Mederios had called and Salcido went up. Bling said he was there to look at the trash
17 rake and he walked out. Allen thought he should tell Bling, so he went out the door, but Bling was
18 already on the elevator. Allen then got on the security camera. He saw that Mederios
19 immediately went up to Bling, and started talking. Allen thought that since Bling is up there, he
20 was in control and knew what was going on. Bling is the second top guy for the field division,
21 underneath Jim Thomas. Allen does not have to obtain permission from POC to shut down the
22 pump if there is an emergency. Allen would have shut down the pump if he had known what was
23 going on. Allen said the reason 9-1-1 was not called immediately was because he sent Tim
24 Salcido up and he did not hear from him for thirty minutes. Allen thought that maybe they had
25 found the divers. At approximately 1115 hours, Salcido came back into the control room and Allen
26 asked if they had found the divers. Salcido related the divers had been underwater for over an
27 hour and had not been located. Allen asked Salcido if he should turn the pump off and Salcido
28 said that they first have to notify Mederios of any changes. Allen said that there was another
29 clearance on the aqueduct. He had to keep the water level at a minimum, so he was
30 concentrating on that. He had been working on it for the last three days. Later, Salcido called and
31 said Jim Thomas wanted the unit shut down and to call 9-1-1. Allen wanted to shut the pump
32 down, but he was afraid that if the divers were okay, the force of the water coming out could
33 forcibly push them fifty feet.

34
35 **Bill Collins** was interviewed on March 9, 2007, at 1200 hours, at the CHP Los Banos Area Office.
36 The interview was taped and conducted in a question and answer format, but is summarized in
37 this report. Collins related in essence the following: He got to the office on February 7, 2007,
38 between 0615 and 0630 hours. Collins performs several duties while employed for the
39 Department of Water Resources (DWR). Collins is the Health and Safety Officer, a diver, Dive
40 Supervisor and the Security Officer. His normal job duty includes interpreting regulations,
41 protecting worker safety, hazardous material disposal, and he supervises eight contracted security

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1 STATEMENTS CONTINUED:

2

3 guards. Collins has been a diver with DWR for eleven to twelve years. Collins has been diving
4 with Crawford ten to twelve years and were very good friends. Collins did not know Alvarado very
5 well and did not have the opportunity to dive with him. The dive was to search for Quagga
6 Mussels. The dive was more of an environmental/scientific study for the Environmental Section of
7 the Department of Water Resources. The decision for the inspection came from headquarters
8 located in Sacramento, California and it goes through the schedule planner. The schedule
9 planner plans the dive according to the planned outage. Headquarters wanted the inspection
10 done within a thirty day grace period from the date of the notice. Crawford is the Dive Coordinator
11 for the San Luis Field Division. He was the one that completed the 'Notice of Dive' form and sent
12 it forward through the chain of command. Collins and Crawford are both Dive Supervisors for the
13 San Luis Field Division. A Dive Supervisor's responsibility includes taking control of the dive,
14 making sure the equipment is in working order before diving, hazard assessment, notification to
15 ACC, and communicate with the dive tender what the dive consists of. The Dive Supervisor or
16 any person may call off a dive if they see anything that has a potential to be unsafe or pose a
17 hazard to the divers with no questions asked. On February 7, 2007, Crawford came into Collin's
18 office to talk about the dive. Crawford asked if Collins still had a meeting which he did. Crawford
19 said it was no big deal that they would not find anything anyway and that he was not going to
20 complete a survey. Collins explained to Crawford that a survey needed to be completed and
21 Crawford agreed to complete one. The dive was a routine dive and not a confined space dive.
22 Both Crawford and Alvarado were qualified DWR divers even though Alvarado was on probation.
23 A probationary period usually lasts one year as past practice dictates. Collins went into explaining
24 the qualifications of being a tender. Collins stated that at one time, DWR hired Jimmy Stewart and
25 Wayne Pollock from Scripps Institute to teach a group of people to be dive tenders. Collins stated
26 that qualified dive tenders are individuals a diver would be comfortable with. They are given
27 verbal, visual, and hands on training with the dive equipment and at the dive sight. Collins said
28 that this was the first time that Mark Mederios was the dive tender and that the Diving Safety
29 Board had not qualified him as a dive tender. However, because Crawford was a Dive Supervisor
30 and part of the safety board, he had approved Mederios being a dive tender. Collins has been a
31 dive tender approximately fifty times in the past. It is not normal practice to have a third diver
32 suited up at the dive site. Collins said that the communication gear is a safety line because it is a
33 rope with the communication line in the core of the rope. "You had the best of both worlds."
34 Divers did not like using the safety line around fast moving water with lots of velocity or flow. It
35 was considered a hang up mechanism and could endanger the divers. Collins hypothesized an
36 explanation as to why the divers did not use the communication gear. He thought since they were
37 just going in and coming right back out and not expecting to find anything, they didn't take the
38 extra ten seconds to put it together. Collins explained that they encourage a buddy system
39 because visibility is poor and it is very dark underwater. If communication is lost, the divers are
40 required to surface and regain communication. Also, divers are required to immediately surface if
41 they lose their land mark or bearing. Experienced divers can be underwater a maximum of

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1 STATEMENTS CONTINUED:

2
3 forty-five minutes. New divers could burn up a tank of air in twenty-five minutes. This is with a full
4 tank at 3000 psi. Collins was notified at 1100 hours by Jim Thomas to call Mandeep Bling as
5 soon as possible so Collins left the meeting and called him. Collins was told that they lost sight of
6 the divers' air bubbles and asked how long they can be underwater. Collins asked how long have
7 they been underwater and he was told they had been down for an hour. Collins told them the
8 divers could only be underwater for thirty to forty minutes and that there was something wrong.
9 Collins again said that there was something wrong and he was on his way. When Collins
10 got to Dos Amigos, he met with Mederios. Mederios said he lost site of their air bubbles. Collins
11 ran to the site and tried to find the air bubbles. Collins was in a rescue mode and got suited up.
12 Jim Thomas showed up saying that the unit was turned off and 9-1-1 was called. Both weight
13 belts were missing and Collins had to make a phone call to get weight belts. At one point,
14 someone said they saw air bubbles so Collins ran over, looked, and noticed that the bubbles were
15 not breathing bubbles. When ready to go, Collins entered the water by Unit four. Using the
16 communication gear, Mederios directed Collins downstream away from the pumping plant. Collins
17 was crawling through two feet of pond weed when he saw a tank. When he pulled up on the tank,
18 he knew who it was because Alvarado was wearing Collins dry suit. Collins told Mederios to pull
19 him back because Alvarado was so heavy. They were pulling so fast that Collins was losing
20 Alvarado. At the surface, Collins tied off Alvarado and went back down. At the bottom, Collins
21 kicked out four to five feet and bumped into Crawford. Crawford was in the same path that Collins
22 was on when he was being pulled back. Collins surmised that both divers were still initially
23 tethered together and possibly during the recovery effort, Crawford slipped off due to the force of
24 pulling the divers to the surface. Both divers were found between Units four and five. Alvarado
25 was found approximately forty to fifty feet downstream and Crawford four to five feet downstream
26 also. Both divers were face down when they were found. When Crawford was found, Collins
27 observed blood and water in Crawford's mask. Collins said the air tanks are normally filled with
28 the use of a compressor located in the back of the dive truck. They used to fill the tanks at a dive
29 shop in Monterey, but three years ago they bought a compressor to fill the tanks. The compressor
30 is gas operated. Crawford was in charge of filling the tanks and was responsible for maintenance
31 of the compressor. The tanks go through a visual inspection every time they use them. It is
32 unknown if there is any way to test the air in the tanks or the compressor for carbon monoxide.
33
34 **Roxanne Crawford** was contacted at her residence on March 12, 2007, at 0700 hours to obtain a
35 twenty-four hour time line on her husband Timothy (Tim) Crawford. Mrs. Crawford related in
36 essence the following: She and Tim met approximately sixteen years ago at the Department of
37 Water Resources, San Luis Field Division. She was working there as a student aid. They married
38 in 1994 and did not have any children. Before Tim's death, Tim's brother passed away in a plane
39 crash in Alaska. The plane crash happened on January 9, 2007. On January 11, 2007 both Tim
40 and Roxanne flew to Alaska to be with Tim's parents and sister. The service for Tim's brother was
41 on January 20, 2007, and Tim and Roxanne flew back home. Things were getting back to normal

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1 STATEMENTS CONTINUED:

2

3 and Tim went back to work. On February 6, 2007, Tim got home from work around 1645 hours.
 4 Tim ate a chicken salad for dinner between 1730 and 1745 hours. When Mrs. Crawford got home
 5 from the gym, she and Tim talked about the dive that he was going to do the next day.
 6 Mrs. Crawford said Tim was always excited about diving, but he was not looking forward to this
 7 dive because the mussels were so small and hard to find due to poor visibility in the water. Tim
 8 said that when he was done with the dive, he would call her. Tim went to bed between 2030 and
 9 2100 hours. Tim woke up on February 7, 2007 at 0520 hours. This was Tim's usual time. Tim
 10 took a shower, got ready for work, said good-bye to Mrs. Crawford, and left for work at 0535
 11 hours. Tim usually does not wake up Mrs. Crawford before he goes to work, but this morning one
 12 of the dogs was on the bed. Mrs. Crawford tried calling Tim around 1330 hours, but there was no
 13 answer. Shortly thereafter, Mrs. Crawford received a phone call from her sister stating that there
 14 was an accident at the pumping plant. Mrs. Crawford and a co-worker made numerous phone
 15 calls trying to find out if Tim was involved. Mrs. Crawford called the MCSO and found out that Tim
 16 was deceased.

17

18 **Sara Alvarado** was contacted at her residence on March 15, 2007, at 0910 hours to obtain a
 19 twenty-four hour time line on her husband Martin Alvarado. Mrs. Alvarado related in essence the
 20 following: She and Martin met when she was nineteen years old. They married in 2001 and have
 21 four children. On February 6, 2007, Martin got home from work at 1630 hours. Mrs. Alvarado got
 22 home at 1800 hours and they ate dinner which consisted of hot wings and steamed rice. They
 23 talked for a while during the night and the conversation did involve diving the next day. Martin
 24 was excited about diving because it was one of his dreams. He talked about how they were going
 25 to look for mussels. Martin took a shower and went to bed at 2300 hours. On February 7, 2007,
 26 Martin got up for work at 0500 hours. He got ready for work and usually leaves at 0530 hours.
 27 Martin does not wake up Mrs. Alvarado before he goes to work. After Martin left for work,
 28 Mrs. Alvarado heard Martin come back into the house. Mrs. Alvarado got up and went to the
 29 balcony inside the house to see what was wrong. Martin told her that he forgot his cell phone.
 30 Mrs. Alvarado asked Martin why he was wearing his son's beanie and Martin stated, "It's my lucky
 31 beanie." Both said, "I love you" to each other and Martin went to work.

32

33 **Jim Thomas**, On June, 14, 2007, at 1130 hours, I contacted Jim Thomas by telephone to obtain
 34 additional information on the activities of Timothy Crawford and Martin Alvarado on
 35 February 6, 2007. Crawford started work at 0700 hours and was off work at 1530 hours.
 36 Crawford's worked at the water treatment plant as the operator. Alvarado started work at 0700
 37 hours and was off work at 1530 hours. Alvarado was working at Reach six and seven cleaning
 38 turnouts from mile marker 145 to 171.

39

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1 **24 HOUR TIME LINE:**

2

3 **Timothy Crawford**, On February 6, 2007, Crawford started work at 0700 hours. Crawford worked
4 at the water treatment plant as the Operator. Crawford ended his work day at 1530 hours and
5 drove home. Crawford got home from work around 1645 hours. He ate a chicken salad for dinner
6 between 1730 and 1745 hours. When Mrs. Crawford got home from the gym, she and Crawford
7 talked about the dive that he was going to do the next day. Mrs. Crawford said he was always
8 excited about diving, but he was not looking forward to this dive because the mussels were so
9 small and hard to find due to poor visibility in the water. Crawford said that when he was done
10 with the dive, he would call her. Crawford went to bed between 2030 and 2100 hours. He woke
11 up on February 7, 2007, at 0520 hours. This was his usual time. Crawford took a shower, got
12 ready for work, said good-bye to Mrs. Crawford and left for work at 0535 hours.

13

14 **Martin Alvarado**, On February 6, 2007, Alvarado started work at 0700 hours. Alvarado was
15 working at Reach six and seven cleaning turnouts from mile marker 145 to 171. Alvarado ended
16 his work day at 1530 hours and drove home. Alvarado got home from work at 1630 hours.
17 Mrs. Alvarado got home at 1800 hours and they ate dinner which consisted of hot wings and
18 steamed rice. They talked for a while during the night and the conversation did involve diving the
19 next day. Alvarado was excited about diving because it was one of his dreams. He talked about
20 how they were going to look for mussels. Alvarado took a shower and went to bed at 2300 hours.
21 On February 7, 2007, he got up for work at 0500 hours. Alvarado got ready for work and usually
22 leaves at 0530 hours. Alvarado does not wake up Mrs. Alvarado before he goes to work. After
23 Alvarado left for work, Mrs. Alvarado heard him come back into the house. Mrs. Alvarado got up
24 and went to the balcony inside the house to see what was wrong. Alvarado told her that he forgot
25 his cell phone. Mrs. Alvarado asked him why he was wearing his son's beanie and he stated, "It's
26 my lucky beanie." Both said, "I love you" to each other and Alvarado went to work.

27

28

29 **AGENCIES INVOLVED:**

30

31 **CALIFORNIA HIGHWAY PATROL, LOS BANOS AREA:**32 **Officer B. Bowers, ID 15290**, Lead investigator.33 **Officer S. Schnuck, ID 14205**, Assisted with the preliminary investigation and securement of the
34 dive gear.35 **Officer L. Velez, ID 12458**, Assisted with preparing a factual diagram.36 **Officer T. Melden, ID 11735**, Public Information Officer, handled all media questions.37 **Sergeant M. Hagerman, ID 10281**, Incident Commander.

38

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1 **AGENCIES INVOLVED CONTINUED:**

2
3 **CALIFORNIA HIGHWAY PATROL, CENTRAL DIVISION:**

- 4 Officer E. Jackson, ID 14885, Assisted with plotting the scene for Officer Velez.
- 5 Officer D. Arebelos, ID 8883, Assisted with the investigation.
- 6 Officer D. Freeman, ID 12812, Took aerial photographs.

7
8 **MERCED COUNTY SHERIFF'S OFFICE:**

- 9 Deputy Krutcher, ID 5163, Handled the Coroner's report.
- 10 Commander Jensen, ID 5105, Assisted with the Coroner's report.
- 11 Under Sheriff Blake, ID 5102, Performed a preliminary inspection of the dive tanks at the scene.

12
13 **CAL/OSHA:**

- 14 Robert Pike, Conducting an industrial incident investigation; report number 101106441.

15
16 **BUREAU OF RECLAMATION:**

- 17 Joel F. Sturm, Assisting DWR with internal investigation.

18
19 **CAL/FIRE:**

- 20 Kirk McBride, Assisting DWR with internal investigation.

21
22 **DEPARTMENT OF WATER RESOURCES (DWR):**

- 23 David A Gutierrez, Lead investigator for DWR internal investigation.

24
25
26 **NARRATIVE:**

27
28 On February 1, 2007, Tim Crawford (Dive Coordinator and Supervisor) completed a DWR 3569
29 form and submitted it through the chain of command via e-mail. The DWR 3569 form listed three
30 divers and one dive tender. The dive was to search for Zebra/Quagga Mussels along the trash
31 racks of Units one, two and three. These units were taken out of service for double testing on
32 transformer K3A. In the early morning of February 7, 2007, Crawford changed the plan due to
33 one diver being in a meeting. Crawford substituted the diver with Mark Mederios, a Civil
34 Maintenance Worker who had not received any formal training to be a dive tender. Crawford,
35 Alvarado, and Mederios, arrived at the Dos Amigos Pumping Plant at approximately 0900 hours
36 and entered the ACC between 0915 and 0930 hours. The divers and tender met with Salcido for
37 a briefing and to obtain approval for the dive. During the briefing, it was discussed that Unit five
38 was operating and Units four and six were available and could be turned on at any time. At
39 approximately 0933 hours, approval was given to the divers by Salcido. At 0944 hours, the work
40 clearance was entered into the computer and turned into a document by Salcido. The ACC
41 received a call from Crawford that the divers were getting suited up and at that time they were

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1 **NARRATIVE CONTINUED:**

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3 given the approval to enter the water. As the divers were preparing to enter the water, Mederios
4 asked Crawford about the use of the communication line. Crawford told Mederios to not worry;
5 they would be in and out of the water very quickly. If Mederios needed to communicate, he should
6 use something heavy and bang on the trash racks. The divers entered the water at approximately
7 1010 hours. As the divers moved along the trash racks, Mederios would follow by walking on the
8 deck along the railing. Mederios kept track of the divers by watching their air bubbles. Mederios
9 was directed to do this by Crawford. Mederios noted two distinct bubble patterns. Mederios
10 followed the bubbles from Unit one to Unit three. At Unit four, the air bubbles began to sweep
11 toward Unit five and he lost sight of the air bubbles. After losing sight of the air bubbles Mederios
12 banged on the trash racks with a fire rake to signal the divers, checked the area, but could not find
13 them. Mederios thought it was between 1035 and 1045 hours when he lost sight of the air
14 bubbles. Mederios contacted the ACC and requested assistance with the search. Salcido came
15 up on the deck and assisted Mederios with negative results. At approximately 1100 hours,
16 Mandeep Bling arrived at the pumping plant on unrelated business. Bling was notified by
17 Mederios of the problem and Bling tried to call Bill Collins. When Bling made contact with Collins,
18 he informed Collins that the divers had been underwater for an hour and asked how long the
19 divers were supposed to be submerged. Collins advised thirty to forty minutes maximum and that
20 he was on his way. At approximately 1130 hours, Kenneth Allen, who was in the ACC, notified
21 POC and advised them that he was veining Unit five to fifty percent. At approximately 1135 hours,
22 Jim Thomas arrived and assessed the situation with Collins. Thomas ordered Unit five to be shut
23 down and to call 9-1-1. At 1150 hours, Unit five was shut down, and at 1152 hours, 9-1-1 was
24 called. Collins entered the water and located both divers within close proximity to Unit five. Both
25 divers were non-responsive and paramedics worked on trying to revive them. Both divers were
26 subsequently transported via ground ambulance to Memorial Hospital Los Banos where they were
27 pronounced deceased.

28

29

30 **ATTACHMENTS:**

31

32 **Exhibit 1**, Letter from Bernardino Alvarado.33 **Exhibit 2**, Four CHP evidence forms.34 **Exhibit 3**, Cal/OSHA chain of custody form showing Cal/OSHA taking custody of the dive
35 equipment.36 **Exhibit 4**, Copies of four CHP evidence forms showing chain of custody.

37

38

39

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1 **EVIDENCE:**

2
3 All items initially placed into evidence (reference exhibit number 2) at the CHP Los Banos Area
4 Office were subsequently released to Cal/OSHA Investigator Robert Pike, maintaining a chain of
5 custody (reference exhibit number four). On June 26, 2007, Sergeant Hagerman retrieved the
6 four interview tapes (reference exhibit number 2) from Robert Pike and placed them into evidence
7 at the CHP Los Banos Area Office (reference exhibit number 4 for chain of custody).

8
9 **ANALYSIS AND OPINIONS:**

10
11 At this time, there is no evidence of any criminal activity on the part of another person or persons
12 that caused the death of the two divers.

13
14 **RECOMMENDATIONS:**

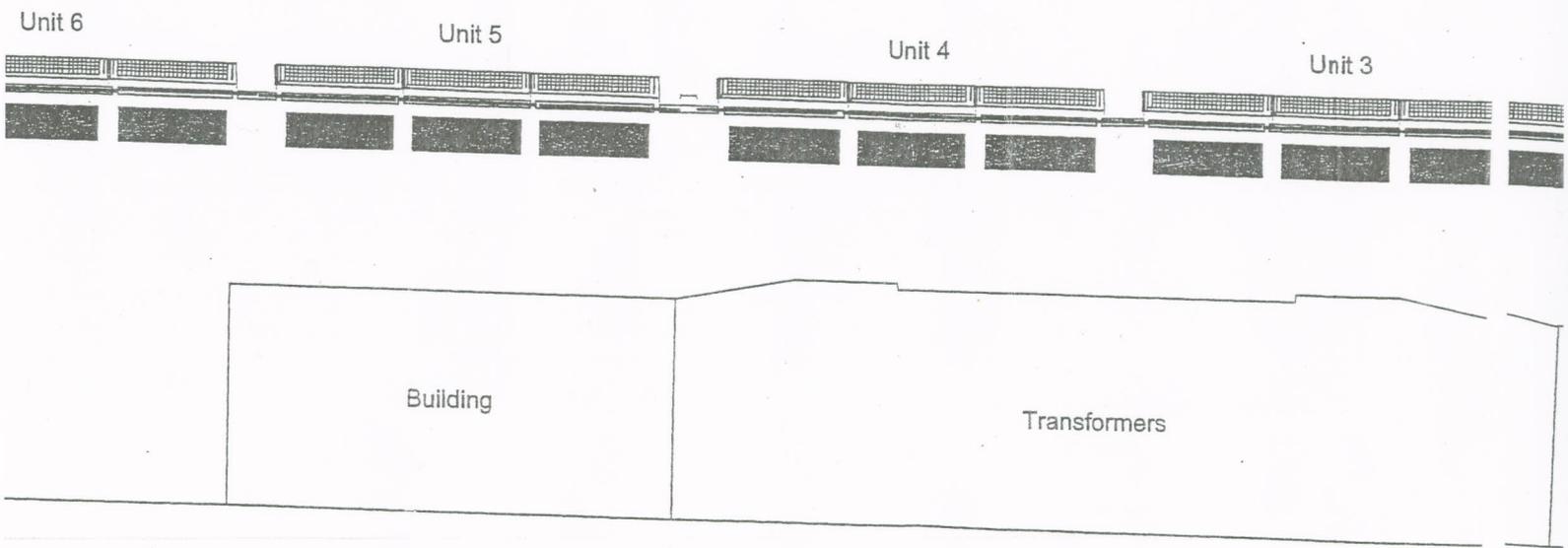
15
16 The circumstances leading to the death of Tim Crawford and Martin Alvarado is undetermined at
17 this time pending the final report of additional toxicology results and equipment tests.

18
19 The investigation will be completed by Cal/OSHA per Authority; California Labor Code Sections
20 6302, 6313, 6313.5, 6314, 6315 and 6317.

21
22 For further information into the death of the divers, reference Cal/OSHA Industrial Accident report
23 number 101106441.

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PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
BILL A BOWERS JR / OFFICER	15290	02/07/2007		



Dos Amigos Pumping Plant

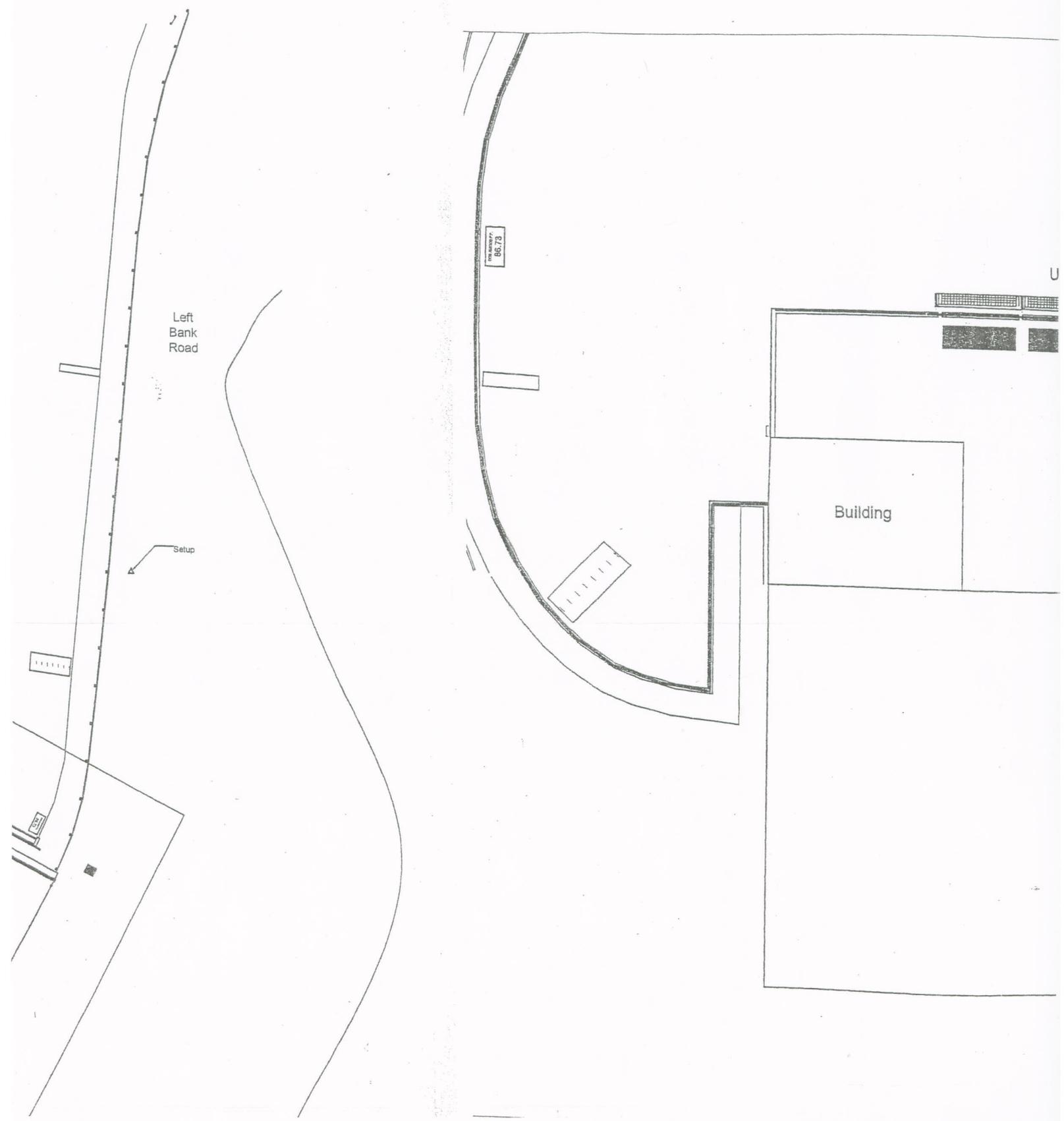
Left Bank Road

Setup

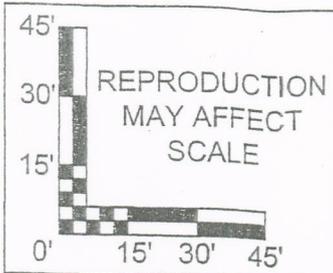
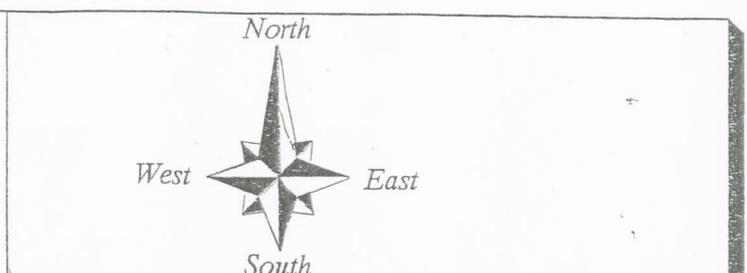
86.73

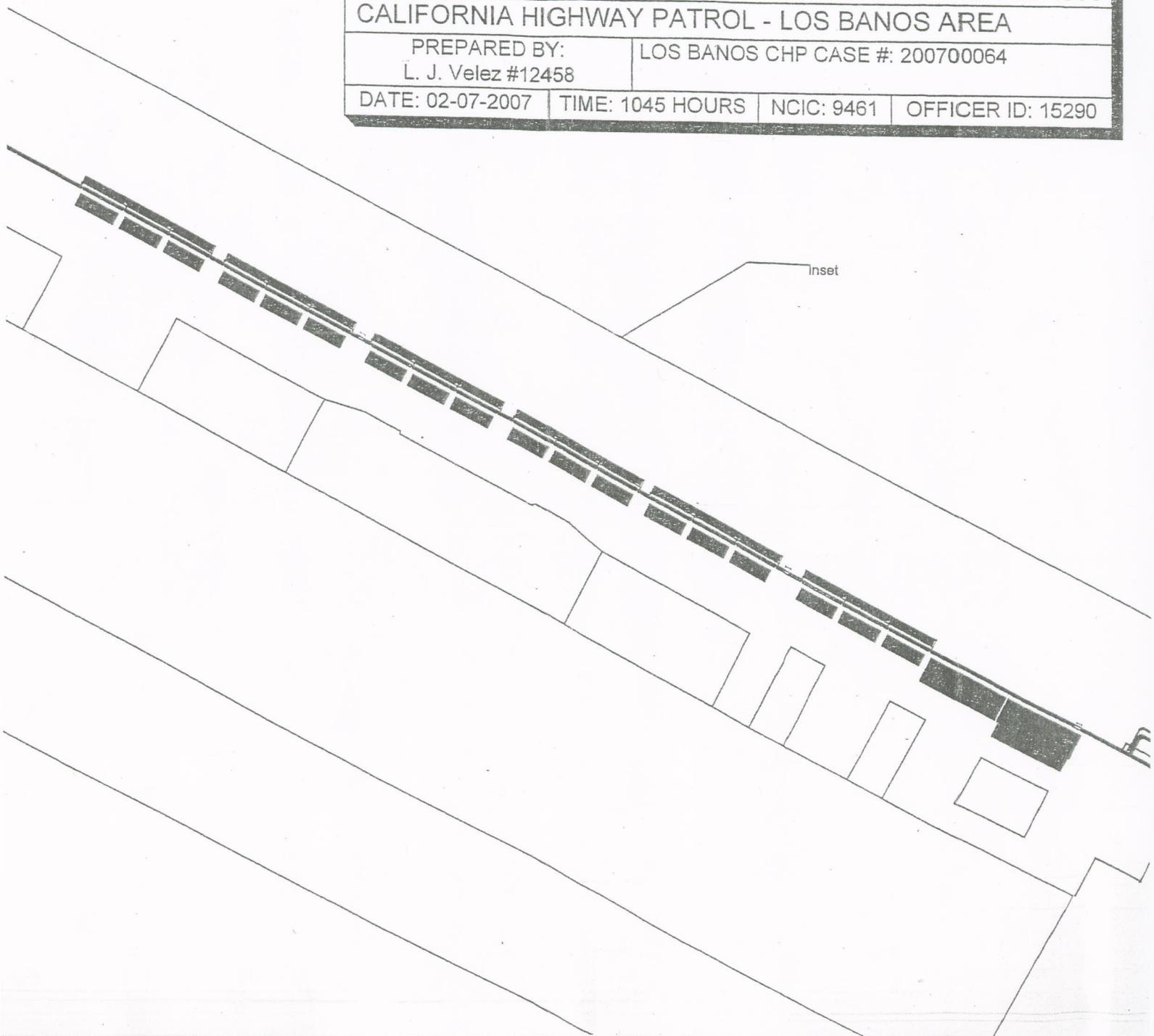
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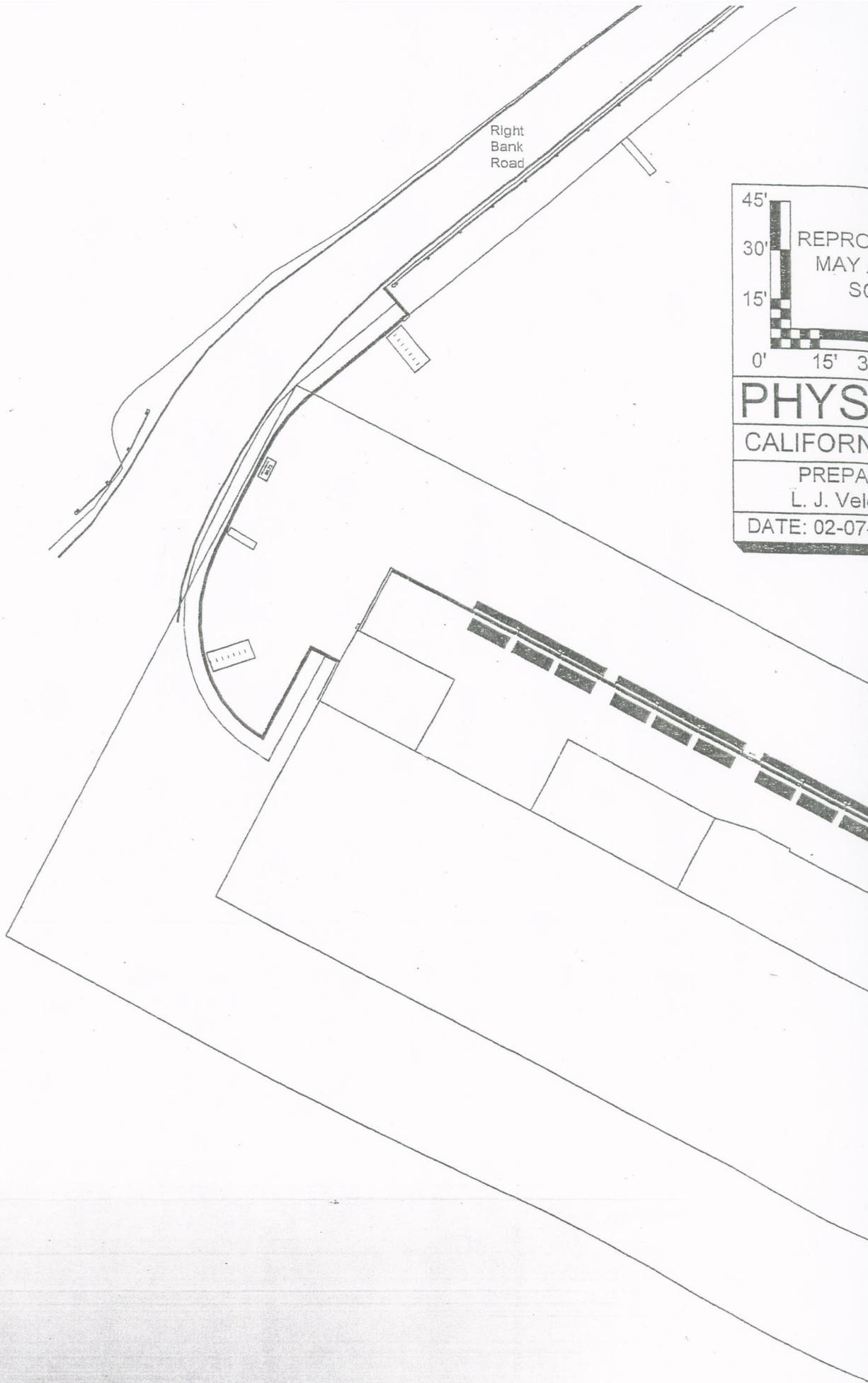
U



Right
Bank
Road

 <p>REPRODUCTION MAY AFFECT SCALE</p>	 <p>North West East South</p>		
<h1>PHYSICAL EVIDENCE DIAGRAM</h1>			
<h2>CALIFORNIA HIGHWAY PATROL - LOS BANOS AREA</h2>			
PREPARED BY: L. J. Velez #12458	LOS BANOS CHP CASE #: 200700064		
DATE: 02-07-2007	TIME: 1045 HOURS	NCIC: 9461	OFFICER ID: 15290





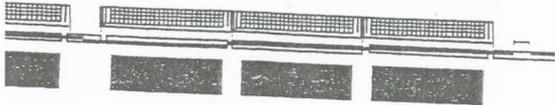
Right
Bank
Road



REPRO
MAY,
SC

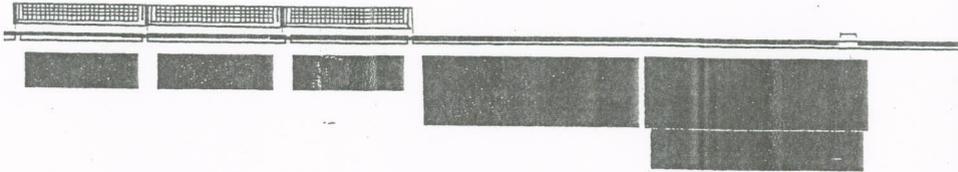
PHYS
CALIFORN
PREPA
L. J. Vek
DATE: 02-07-

Unit 2

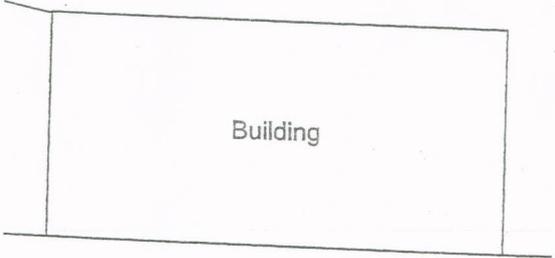


Planned Dive Area

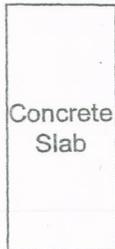
Unit 1



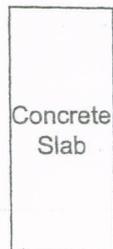
Building



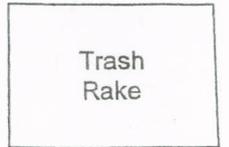
Concrete Slab



Concrete Slab



Trash Rake



lant

EXHIBIT 1

To: CHP Officer Bill Bowers
From: Bernie Alvarado
Re: Martin Alvarado
Date: March 13, 2007

Dear Officer Bowers:

I am Martin Alvarado's brother. I understand that you would like a written statement from me about statements told to me and the family by Martin Alvarado concerning Martin's safety conditions at work.

1. On one occasion, Martin told me about a diving incident he encountered. During one dive, the divers were down by gates that were supposed to be closed. When Martin got down to the bottom, the visibility was very bad and he had to feel his way around. Suddenly, it felt like someone grabbed his arm and pulled it under what was a partially open gate, simply by the force of free flowing water. (The gate was open about 8 or 9 inches.). Martin told me that his heart was pounding, though he managed to pull his arm and shoulder out. If the gate had been open 13 to 16 inches, it is possible that Martin's body could have been pulled under the gate and his mask possibly torn off.
2. I am told that Martin informed other people that he often saw debris when he dove.
3. I was informed by Sara Alvarado, Martin's wife, that on one occasion when Martin was inspecting a gate, the gate closed down on his arm. Martin had to pull on the rope for them to release him.
4. Martin was very happy in the weeks and months leading up to his death. According to his wife, their son Fabian recently had surgery and came out fine from the procedure.

Diving was Martin's passion. He asked me to get certified here in San Diego, so that we could go diving in Catalina Island later this summer for lobster. He also wanted my other brothers Pete and Reggie to do the same and go diving with him. He loved and enjoyed his work, He was very proud to diving for the State of California.

Most importantly, Martin was a very happy, God-loving family man. He loved his parents and wife and children.

Very truly yours,
Berardino Alvarado

To: Chief Officer Bill Powers
From: James Alvarado
Re: Martin Alvarado
Date: March 13 2007

Dear Chief Officer:

I am Martin Alvarado's brother. I understand that you would like a written statement from me about statements told to me and the family by Martin Alvarado concerning Martin's safety.

On one occasion Martin told me about a flying incident he experienced. During one of these flights, Martin told me that he was supposed to be closed. When Martin got down to the ground, he noticed that his engine had quit. He was flying at a low altitude and was unable to land. He was forced to bail out of the plane. He was not injured. It is possible that Martin's body could have been pulled under the gate and his mask possibly torn off.

I am not sure that Martin informed other people that he often saw debris when he dove. I was informed by James Alvarado, Martin's wife, that on one occasion when Martin was in the water, the gate closed. When on his way, Martin had to hold on to the rope for them to release him.

Martin was very happy in the water and wasn't looking up to the boat. According to the wife, she saw Martin's body had surgery and came out late from the procedure. During one of the flights, it seemed as if he had a medical problem. He also was not able to land. The engine quit and he was forced to bail out. He was not injured. He was very good at flying the boat. He was very good at flying the boat.

Thank you for your help. I am very happy. Our family man. He loved his parents and all his children.

DIVER #1

EVIDENCE / PROPERTY RECEIPT / REPORT

CHP 36 (REV 6-99) OPI 081

EVIDENCE NUMBER: **E20070017-461**
 CHARGES
 Misdemeanor/Infraction Felony

EVIDENCE NUMBER: E20070017-461
CHARGES: Misdemeanor/Infraction Felony

SEIZED BY SEARCH WARRANT NUMBER: _____ NO. OF SUSPECTS: _____ VIOLATION(S): _____

Asset Forfeiture Evidence Recovered Stolen Contraband Safe keeping Found Domestic violence

DATE: **2-7-07** CHP CASE NUMBER: **2007-00064** INCIDENT LOCATION: **DOS AMIGOS PUMPING PLANT**

INDICATE IF INDIVIDUAL IS: S—SUSPECT O—OWNER F—FINDER V—VICTIM (use continuation for additional defendants)

NAME (LAST, FIRST, MIDDLE): **CRAWFORD, TIMOTHY EUGENE** DATE OF BIRTH: **11-16-56** DRIVER'S LICENSE NUMBER: **UW152955** AGE: **50** SEX: **M**

RESIDENCE ADDRESS (CITY, STATE, ZIP CODE): **1816 MENDOCINO ST SEASIDE, CA 93955**

NAME (LAST, FIRST, MIDDLE): _____ DATE OF BIRTH: _____ DRIVER'S LICENSE NUMBER: _____ AGE: _____ SEX: _____

RESIDENCE ADDRESS (CITY, STATE, ZIP CODE): _____

NAME (LAST, FIRST, MIDDLE): _____ DATE OF BIRTH: _____ DRIVER'S LICENSE NUMBER: _____ AGE: _____ SEX: _____

RESIDENCE ADDRESS (CITY, STATE, ZIP CODE): _____

NAME (LAST, FIRST, MIDDLE): _____ DATE OF BIRTH: _____ DRIVER'S LICENSE NUMBER: _____ AGE: _____ SEX: _____

RESIDENCE ADDRESS (CITY, STATE, ZIP CODE): _____

ITEM NUMBER	QUANTITY	INVENTORY (Describe—Serial number, Size, Color, Markings, etc.) Where & How property recovered—found property requires a complete synopsis.	EVIDENCE OFFICER USE ONLY
1	1	PAIR DIVE BOOTS W/ WHT SOCKS	
2	2	PAIR OF DIVE GLOVES	
3	1	DIVE HEAD GEAR	
4	1	PAIR DIVE FINS	
5	1	PARTIAL DIVE GEAR CUT OFF BY EMS PERSONEL	
6	1	DIVE MASK	
7	1	DIVE WEIGHT BELT	
8	1	DIVE TANK	
9	1	BC BUOANCY COMPANSATON W/ GAGES AND HOSES DIVE ROPE ATTACHED	
10	1	DRY SUIT CUT OFF BY EMS PERSONEL	

I have read the reverse of this receipt and elect to:
 Exercise my claim to items:
 Waive my claim to items:
 File a finder claim to items:

Signature of Evidence Officer _____ Date _____
upon initial receipt of evidence.

SIGNATURE OF CLAIMANT: _____

AIS CASE NUMBER: _____

VALUE OF PROPERTY FOUND: \$250 or more Less than \$250 COURT(S): **LOS BANOS**

CITATION NUMBER(S): _____

NAME (LAST, FIRST, INITIAL): **Bowers, Bill A.**
 NAME OF SUPERVISOR (LAST, FIRST, INITIAL): **[Signature]** 15979 OIC

I.D. NUMBER: **15290** LOCATION CODE: **461**
 REPORT DATE: **2-8-07** INITIALS: **[Signature]**

DIVER #2

EVIDENCE / PROPERTY RECEIPT / REPORT

CHP 36 (REV 6-99) OPI 081

EVIDENCE NUMBER: **E20070018-461**

CHARGES
 Misdemeanor/Infraction Felony

EVIDENCE NUMBER: E20070018-461

CHARGES
 Misdemeanor/Infraction Felony

SEIZED BY SEARCH WARRANT NUMBER: _____ NO. OF SUSPECTS: _____ VIOLATION(S): _____

Asset Forfeiture Evidence Recovered Stolen Contraband Safe keeping Found Domestic violence

DATE: **2-7-07** CHP CASE NUMBER: **2007-00064** INCIDENT LOCATION: **DOS AMIGOS PUMPING PLANT**

INDICATE IF INDIVIDUAL IS: S—SUSPECT O—OWNER F—FINDER V—VICTIM (use continuation for additional defendants)

NAME (LAST, FIRST, MIDDLE): **V ALVARADO, MARTIN** DATE OF BIRTH: **1-30-63** DRIVER'S LICENSE NUMBER: **V911191Z** AGE: **44** SEX: **M**

RESIDENCE ADDRESS (CITY, STATE, ZIP CODE): **226 E PLEASANT ST COALINGA, CA 93210**

NAME (LAST, FIRST, MIDDLE): _____ DATE OF BIRTH: _____ DRIVER'S LICENSE NUMBER: _____ AGE: _____ SEX: _____

RESIDENCE ADDRESS (CITY, STATE, ZIP CODE): _____

NAME (LAST, FIRST, MIDDLE): _____ DATE OF BIRTH: _____ DRIVER'S LICENSE NUMBER: _____ AGE: _____ SEX: _____

RESIDENCE ADDRESS (CITY, STATE, ZIP CODE): _____

NAME (LAST, FIRST, MIDDLE): _____ DATE OF BIRTH: _____ DRIVER'S LICENSE NUMBER: _____ AGE: _____ SEX: _____

RESIDENCE ADDRESS (CITY, STATE, ZIP CODE): _____

ITEM NUMBER	QUANTITY	INVENTORY (Describe—Serial number, Size, Color, Markings, etc.) Where & How property recovered—found property requires a complete synopsis.	EVIDENCE OFFICER USE ONLY
1	1	DIVE MASK	
2	1	PAIR DIVE GLOVES	
3	1	PAIR DIVE BOOTS - ① PAIR GAN SOCKS	
4	1	DIVE HEAD WEAR	
5	1	PAIR DIVE FINS	
6	2	DIVE WEIGHT BELT	
7	1	DIVE TANK W/① DIVE ROPE ATTACHED	
8	1	B.C. BUOYANCY COMPANSATION W/HOSES AND GAGES	
9	1	DRY SUIT CUT OFF BY EMS PERSONEL	

I have read the reverse of this receipt and elect to:

Exercise my claim to items:
 Waive my claim to items:
 File a finder claim to items:

SIGNATURE OF CLAIMANT: _____

SIGNATURE OF EVIDENCE OFFICER upon initial receipt of evidence: _____ Date: _____

VALUE OF PROPERTY FOUND: \$250 or more Less than \$250 COURT(S): **LOS BANOS**

RESERVED FOR CLAIMANT: _____

NAME (LAST, FIRST, INITIAL): **BOWERS, BILL A.** I.D. NUMBER: **15290** LOCATION CODE: **461**

NAME OF SUPERVISOR (LAST, FIRST, INITIAL): **[Signature]** 15979 → OIC REPORT DATE: **2-8-07** INITIALS: **[Signature]**

DISTRIBUTION:
 Original — Evidence file Yellow — Receipt
 White — Report copy To be issued immediately upon CHP's receipt of property.
 Cardstock — Attach to Evidence Initials of person from whom property was received: _____

Page 1 of 1

Office: Wheat

CHAIN OF CUSTODY

I. Acquisition of Evidence

On 2/1/02, Robert Pike was assigned to conduct an inspection at DWR
55001 Polo Line Rd Las Barras CO 80422

On 2/1/02 the SEBH arrived at the worksite to inspect and during the course of the inspection
the SEBH determined that it was necessary to secure the following evidence to substantiate a violation:

EXHIBIT 3

- (1) Driver 1 (2000-41)
- (2) Driver 2 (2000-41)
- (3) Handwritten notes/photographs
- (4) Handwritten notes/photographs

II. Storage

The above items collected by inspectors
have been stored at the following location:
from _____ to _____

III. Release

The above items listed on this report required by the Inspector and have been released to:
Name _____ Title _____
Name _____ Title _____
Name _____ Title _____

Inspector Name: [Signature] Date: 2-1-02
Case No: 3-0-0-111 Control Report No: 10-1-02
Control Report No: 3-0-0-111

CHAIN OF CUSTODY

I. Acquisition of Evidence:

On 2/7/07, Robert Pike was assigned to conduct an inspection at DWR
date SE/IH establishment name
25001 Pole Line Rd Los Banos CA 93635

On 2/7/07 the SE/IH arrived at the worksite to inspect and during the course of the inspection
date

the SE/IH determined that it was necessary to acquire the following evidence to substantiate a violation.

The following item(s) were received from Sgt. M. Agerman of CHP
name/title employer

on 2/13/07, 10:00 am, A copy was given to same as a receipt:
date time

(1) DIVER 1 SCUBA GEAR (20070017-461)
description of item

(2) DIVER 2 SCUBA GEAR (20070018-461)
description of item

(3) SEE CHP EVIDENCE / PROPERTY RECEIPT / REPORT
FOR COMPLETE INVENTORY
SE/IH 90994 date 2/13/07 time 11:30 am

II. Storage:

The above item(s) collected for inspection _____
Cal/OSHA 1 No.

have been stored at the following location: _____

from _____ to _____
date date

III. Release:

The above item(s) is(are) no longer required for the inspection and have been released to _____
name/title
_____ of _____ on _____
employer date

SE/IH signature date time D.M. initials date

2 4 30994 049-07 310544614
Region District SE/IH ID Optional Report No. Cal/OSHA 1 No.

EXHIBIT 4

