

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
HYDROGRAPHIC SERVICES REVIEW PANEL
THIRD MEETING

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(Volume I of II)

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- 1 ATTENDEES:
- 2 Scott Rainey, Chair HSRP
- 3 Helen Brohl, Vice Chair HSRP
- 4 Captain Andrew Armstrong, NOAA (ret.)
- 5 Jon Dasler
- 6 Elaine L. Dickinson
- 7 William Gray
- 8 Captain Sherri Hickman
- 9 Dr. Lewis Lapine
- 10 RADM Richard Larrabee, USCG, (ret.)
- 11 Adam McBride
- 12 Captain Andrew McGovern
- 13 Captain Minas Myrtidis
- 14 John Oswald
- 15 Captain Roger L. Parsons
- 16 Tom Skinner
- 17 Michael Szabados
- 18 RADM Richard West, USN (ret.)
- 19 Larry Whiting
- 20
- 21
- 22
- 23
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- 13 Speaker:
- 14 David Enabnit,
- 15 Technical Director, Office of Coast Survey
- 16
- 17 Staff:
- 18 Monica Cisternelli
- 19 Barbara Hees
- 20 Steve Vogel
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- 22
- 23
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HYDROGRAPHIC SERVICES REVIEW PANEL MEETING
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5 MR. RAINEY: Welcome. I would like to go

6 ahead and officially open this. According to our newly

7 amended bylaws from our New York meeting, we need to take

8 a look at the minutes. I would like to open it up to

9 anybody that has any comments on that. They should be in

10 your notebook. It's behind Tab 6. I would like to go

11 ahead and approve those. If anybody has any comments or

12 we can approve them -- they have been up on the site now

13 for sometime, and we did send those out. Does anybody

14 have any comments or changes or edits?

15 MS. BROHL: I have a question. Under the

16 conclusion, Captain, I couldn't recall, did we have a vote

17 on that discussion? I thought that we actually had a vote

18 on that discussion.

19 CAPTAIN PARSONS: I believe we did, yes.

20 MS. BROHL: I would like the record to

21 reflect that. And then once we approve them, if there is

22 a spot for old business, I would like to just ask a

23 follow-up procedure to follow up on that.

24 CAPTAIN PARSONS: We'll have the minutes

25 reflect that that particular issue was unanimously

1 approved by the members who attended.

2 MS. BROHL: I move to approve the minutes.

3 MR. GRAY: Second.

4 MR. RAINEY: Any further discussion? All

5 right. All in favor of approving the minutes?

6 THE PANEL: Aye.

7 MR. RAINEY: Opposed?

8 THE PANEL: (No response.)

9 MR. RAINEY: Okay. Approved as amended.

10 Let me just take a second and take a look at today's

11 agenda. What I would like to do today is see if we can

12 get through -- there are four documents on the agenda to

13 comment on. Reading down the list, the first annual

14 Integrated Ocean Observing System Development Plan,

15 proposed Quality Assurance Certification Program for NOAA

16 Hydrographic Products, proposed certification products for

17 distributors of NOAA Electronic and Navigation Charts,

18 NOAA Hydrographic Products, and the proposed NOS Strategic

19 Plan, those areas that deal with hydrographic products and

20 services.

21 I would like to go somewhat out of order as

22 it's written on the agenda, because I have been talking to

23 folks and my sense from our previous meeting, I think

24 we'll probably have the most discussion on the IOOS, so I

25 would like to suggest that we start with the quality

1 assurance and the certification requirements for the
2 distributors.

3 What I would propose to do and what I would
4 like to do is, we sent out information ahead of time, and
5 I know just from talking with folks, people have been
6 tremendously busy. So just to try to maintain some sort
7 of framework or order to the discussion, I put down some
8 thoughts for each of those three items, and I passed them
9 around to everybody. These are just some thoughts on this
10 proposal.

11 One way to proceed might be to take these
12 and walk through them and have discussions on them and see
13 if we can agree or disagree on that. If other people have
14 comments, if they have brought any written comments that
15 we can discuss, we can discuss it and then if we can
16 reduce it to writing, Barbara and Monica are going to try
17 to keep up with us so that at the end of the day we'll
18 have things that we can discuss and agree on and know
19 where we ended up.

20 What I would like to do is -- let's take up,
21 if we could, the certification requirements for
22 distributors of NOAA Electronic Navigation Charts and NOAA
23 Hydrographic Products. Let's take that one up first and
24 see if we can go through that. The Federal Register
25 Notice, and it's in your binder here, that's actually

1 under Tab C.

2 MS. BROHL: The deadline for comments was
3 today.

4 MR. RAINEY: Right. The comment period ends
5 today, so while we are at this meeting, the goal here is
6 to go through these and get our comments in order and then
7 submit them.

8 Could I just ask, just so I understand, are
9 there folks on this particular agenda item that have
10 prepared comments or written comments that they would like
11 to throw in? Does anybody have a problem with proceeding
12 with just what I have written out and then we can run
13 through that, and then if people have comments, we can
14 make them and add them afterwards, and we'll just try to
15 capture all that? Does that seem like a reasonable way to
16 proceed?

17 THE PANEL: (Responds affirmatively.)

18 MR. RAINEY: Also, I would like to mention
19 David Enabnit is here, and if you recall, he gave us an
20 excellent briefing on these and the policies behind them
21 up in New York. My assumption is that he had a great deal
22 to do with offering these pieces, and it's great to have
23 David here with us to help us if we need some insight.

24 David, can you just -- could you just maybe
25 on this particular topic, if it's possible, refresh folks'

1 memory? It's been a little while since they --

2 MR. ENABNIT: Sure. Announcements for
3 public comments on October 15th, one was for
4 distributorship for electronic navigational charts.
5 Electronic navigational charts are an effector data base
6 and charts which comply with international standards and
7 are suitable for use in lieu of paper charts when used and
8 type-approved through Effectus. NOAA makes these
9 electronic navigational charts and we distribute them free
10 over the internet. You can download them and use them
11 yourself, download them yourself. They meet all chart
12 carriage requirements.

13 We also are arranging for private entities,
14 chart sales agents, people that make navigation software,
15 to download and redistribute these electronic navigational
16 charts. Their official status goes along with it so that
17 the end-user, when he gets them from somebody other than
18 us, if this person meets the requirements of the program
19 we announced, then the electronic navigational charts will
20 retain their official status. So the announcement we put
21 in the Federal Register explains how to apply, become an
22 official distributor. It explains what information to
23 provide.

24 There is a simple certification process.
25 There are some records that need to be maintained and

1 submitted to NOAA at certain periods. There are two types
2 of distributorships that we offer. One is where you
3 simply download, make an exact copy and pass it on. The
4 second type is where you download and reformat into a
5 different format called a system electronic navigational
6 chart. We are offering certification for people that make
7 that transformation if they use type-approved
8 transformation software.

9 In most circumstances redistributors can
10 package other data with the ENC if they differentiate
11 between the official data and this other data. We allow
12 them to compress the files. They have to provide certain
13 information about the compression algorithms that they
14 use. We also allow encryption if they so choose. Again,
15 they have to provide information about the encryption, and
16 it has to not damage the data at all. So we issue these
17 regulations which enable people to become official
18 distributors according to one of those two methods.

19 On October 15th we received two comments.
20 One was a general comment, and these are a matter of
21 public record, that NOAA was overreaching and that there
22 was no need for such a program, and the second was more of
23 an editorial nature. They felt that we had reputed an
24 authority we already had under the Public Conservation
25 Act, something like that, to change the regulation. And

1 that's fine. We can respond to that. So generally I
2 would say this has been noncontroversial.

3 We have received inquiries without them
4 being submitted in a way of comments from others. I would
5 expect the final rule to go pretty much as the proposed
6 rule that you see in your binder. If there are other
7 comments that are submitted today, I'll check tonight and
8 let you know in the morning. Are there any questions on
9 the electronic navigational redistributor program?

10 MS. BROHL: David, on Page 3 at the bottom,
11 I think I'm reading this correctly, and it's probably just
12 so simple, with regard to charging of the fees, the Office
13 of Coast Survey is going to charge a fee for the time and
14 effort involved in certifying a distributor, and the
15 second sentence is saying that there is no exception for
16 resubmission, meaning you can charge again for the
17 second -- let's say they're denied and then they come back
18 in with a revision of the work. I'm not sure I understand
19 that correctly.

20 MR. RAINEY: You're asking him about a
21 comment that I had -- that's different than the proposed
22 rule. The proposed rule allows for a resubmission within
23 90 days and doesn't charge for it, and I had suggested --
24 to me it seems like that is still going to cost Coast
25 Survey resources, maybe less, but it's still going to cost

1 because they still have to look at it. To me it seems
2 like that they should recapture that, those resources. So
3 that was the comment I was making.

4 MR. ENABENIT: That will be in your written
5 comments.

6 MR. RAINEY: Yes.

7 MR. ENABENIT: That one is pretty clear-cut.
8 The second one we issued on October 15th was our
9 implementation of the Hydrographic Services Improvement
10 Act of '98 as amended by a '92 requirement, that we
11 establish a Quality Assurance and Certification Program
12 for hydrographic products.

13 I briefed on this in New York, and,
14 remember, hydrographic products is something that is a
15 product produced by a non-federal entity that contains
16 hydrographic data. Hydrographic data is a very, very
17 broadly defined term that includes just about anything
18 that you can want it to include.

19 We wrote a regulation that implements that
20 program. It's a set of procedures. I have a little
21 handout which is just a recapitulation of those
22 procedures. The rule itself just says these are the
23 procedures, and then it walks people through them, how to
24 submit, what we are going to do to decide whether or not
25 we are going to accept it into the program, how we develop

1 standards or adopt standards that are already accepted,
2 how we move on and develop compliance tests to determine
3 that the products meet the standards. So we would develop
4 compliance tests, and the rule explains how we develop the
5 compliance tests. Then it moves on into the certification
6 part itself, and then the rule explains how it moves into
7 the certification. It talks about where to submit, talks
8 about fees, talks about rights of applicants to request
9 reconsideration of government decisions. It's largely a
10 mechanical process.

11 We've received three sets of comments so far
12 on that. One was similar to the one on electronic
13 navigational charts where an individual thought that we
14 were overreaching, that there was no need for NOAA to be
15 in this business. Again, our response is the same, we
16 don't have any choice. The law directs that we do that.

17 The second set contained several comments.
18 The second set of comments was largely on the policy
19 statement that we included along with the proposed rule.
20 In the written material we explained how we were
21 interpreting the Act in the policy statement before we
22 actually put a proposed rule in the document. This
23 responder thought that it did not allow for the provision
24 of electronic charts sufficient time to meet the Coast
25 Guard's user requirement for mandatory carriage of

1 electronic charts by 2007. It thought that we were
2 violating the Regulatory Flexibility Act of 1980 by having
3 a significant negative impact on a substantial number of
4 small businesses. We will respond to that accordingly.

5 The other one was to point out that there
6 was already at least one standard for one hydrographic
7 product published by the International Standards
8 Organization, and that we did not allow ourselves
9 sufficient latitude in the proposed rule to adopt
10 standards that were already adopted by other originations.
11 We will respond to these in due course. I don't see any
12 of them as very problematic.

13 CAPTAIN PARSONS: Dave, it may be worthwhile
14 to reiterate again the government's interpretation of this
15 certification policy.

16 MR. ENABENIT: We are interpreting the Act as
17 intended to call forth -- to cause to spring forth
18 multiple products for the community to use as hydrographic
19 products, to stimulate private industry to produce more
20 products. It's not necessarily to provide a marketing
21 claim for a company that already has a product out there.
22 It's not to write private standards for individual
23 products. So that was one of our interpretations.

24 We are going to work in partnership with the
25 people that are affected by the standards that we raise in

1 the compliance tests that we develop. We are not just
2 trying to go underneath the covers and write a rule and
3 spring forth and here is the rule. We will work to the
4 extent practical through the existing standard bodies or
5 adopting existing standards.

6 If in the eventuality that we can't do that,
7 we reserve the right to establish a standards writing body
8 under our own authority and write the rule. In cases
9 where the rule would be trivial, we reserve the right to
10 write the rule ourselves. That was one of our policies
11 that we work in partnership with everybody that was
12 affected, producers, users, regulators, interested
13 parties.

14 We also asserted in the policy statement
15 that we are going to certify products as meeting the
16 standard and not certify them for a particular use. The
17 difference being our standard, I anticipate, will contain
18 measures of content. We'll discuss what would be in a
19 hydrographic product by content and by quality, but then
20 would not say what that was certified to be used for. For
21 example, the most contentious one is privately produced
22 electronic charts. There is a certain contention out
23 there that wants privately produced hydrographic
24 electronic charts to be certified as usable in place of
25 official electronic or paper charts. Our complaint back

1 more narrowly in this circumstance. There is indication
2 in the House Report that says it's a content and quality
3 type certification and not a use certification. So we
4 stated that up front in our policy statement. I think
5 those are the contentious issues in the policy.

6 Were there others that you wanted me to
7 read?

8 CAPTAIN PARSONS: No, that's fine.

9 MR. ENABNIT: So the second set of comments
10 raised those three issues, that the existing method of
11 NOAA and the Corps of Engineers providing electronic
12 charts might not meet the Coast Guard's needs by 2007,
13 that we violated the Regulatory Flexibility Act with our
14 impact on small business, and that we don't allow
15 sufficient specificity in the proposed rules to permit us
16 to adopt existing standards.

17 The third set of comments came from another
18 organization, and it reiterated the lack of clarity on our
19 ability to adopt existing standards. We will correct
20 that. We will be more specific in giving ourselves that
21 authority under the regulation. They also felt that we
22 had that repetitive paragraph where NOAA reserves the
23 right to change these regulations at any time. They
24 thought that violated the Administrative Procedures Act,
25 and that we have to go through the Federal Register,

1 was, well, none of the hydrographic products that we
2 intend to establish standards for and certify will be
3 certified for a use. They will be certified against the
4 standard, and there are several reasons for that.

5 First of all, in the case I just cited for
6 electronic charts, it's not within NOAA's authority to
7 certify things for chart carriage. That's the Coast
8 Guard's responsibility. So there are a number -- in a lot
9 of places we don't have authority to certify chart use.

10 The second thing is, since the law is so
11 broadly written, we have to allow for the full range of
12 products we might expect to see, and many of these
13 certifications for use really don't have any meaning. One
14 of the examples in the House Report that accompanied the
15 original Act was fishing maps. Well, that's fine, we can
16 certify the content, what goes in a fishing map, but there
17 is no way I can't certify that that fishing map is going
18 to give you better results on your fishing trip. It
19 doesn't really have any meaning. That's the second reason
20 we would object to certifying for a use.

21 The third reason, in particular with respect
22 to electronic charts, is their safety issue. We are
23 really not comfortable with having a Wild West out there
24 with electronic charts with no regulated carriage. So for
25 a number of reasons we said we are going to follow the law

1 announce the change and open up for public comment.

2 In a third one they suggested that we be
3 more specific in how we are going to select bodies with
4 which we write compliance testing standards, and they
5 referred us to a Coast Guard regulation on the way the
6 Coast Guard selects laboratories to certify -- that had
7 turned in certified products as being Coast Guard
8 compliant, and we'll take that into consideration.
9 The Coast Guard regulation is quite broad, but we'll do
10 our best with that.

11 So that was the jest of the comments we
12 received so far. I don't think, other than the clarity on
13 our ability to adopt existing standards -- does anybody
14 really challenge the procedures that I passed out? I
15 think we are probably in good shape. We just need to get
16 this one done quickly.

17 MR. GRAY: David, Bill Gray is my name. I
18 haven't followed this closely at all. Could you just
19 briefly summarize how the liability issues fall on this
20 between the supplier, the commercial supplier or private
21 supplier and yourself of hydrographic products?

22 MR. ENABNIT: For hydrographic products
23 certified under this Act, we have a specific legal
24 exemption in the original hydrographic services program
25 that says the government is not responsible. However, it

1 would take an attorney about 30 seconds to walk past that.
 2 We may not have responsibility for the hydrographic
 3 product or negligence on behalf of the producer, but they
 4 could attack the underlying standard under which we
 5 certify. So our exposure is that we are second in line
 6 but we are a big target also.

7 MR. GRAY: I guess what I would hope is that
 8 the private suppliers who might not do things with, I
 9 would hope -- I would imagine at times the quality that
 10 was produced by the experts, shall we say, that the user,
 11 the purchaser of the hydrographic product, would know that
 12 there is a distinction between what is supplied by NOAA
 13 and what is supplied by a private supplier.

14 For small craft there are all kinds of
 15 suppliers, I guess, of these little chartlets or whatever
 16 you call them. I don't know where the hell they come from
 17 or how good they are or anything else like that, and I
 18 don't particularly care, because I think people ought to
 19 know how to get along without those things, but it should
 20 not have a liability to be able to come back through to
 21 you people if they don't necessarily follow the procedures
 22 that NOAA has established.

23 MR. ENAENIT: It's helpful, but we are only
 24 going to be certifying standards of contact quality and
 25 not use. If we were making statements about use, we would

1 have much greater exposure. It also helps that in order
 2 to use the NOAA emblem, the logo, to demonstrate that your
 3 product is certified, we will write an accompanying
 4 statement that helps hopefully shield us saying what is
 5 certified.

6 MR. GRAY: I see that on the use of that
 7 logo, it's going to be limited to places where it's
 8 justified.

9 MR. ENAENIT: Yes. It's not automatic.

10 MR. GRAY: Thank you.

11 RADM WEST: I'm a little confused now
 12 between the liability between NOAA and the Coast Guard.
 13 I'm a little confused on what you just said. NOAA has the
 14 responsibility, a regulatory requirement for the validity
 15 of the chart, correct?

16 MR. ENAENIT: We have responsibility.

17 RADM WEST: You said the Coast Guard has the
 18 type user -- explain.

19 MR. ENAENIT: The Coast Guard has the right,
 20 the regulation that says what charts you can carry to be
 21 compliant with the regulation. The Coast Guard regulation
 22 says you will carry the official NOAA chart, but we can't
 23 say to mariners you will carry the official NOAA chart.
 24 All we can define is what the official NOAA chart is.

25 RADM WEST: What if somebody goes aground,

1 who can they sue? If I have the chart the Coast Guard
 2 told me to carry and it was a NOAA chart --

3 MR. ENAENIT: NOAA would be first in line,
 4 and with hydrographic products, it would be neither one of
 5 us.

6 RADM WEST: Why is that true?

7 MR. ENAENIT: Because the law contains that
 8 specific exemption, that NOAA is not liable for negligence
 9 on the part of a user of a hydrographic product. As I
 10 just discussed, the only way they could get to us would be
 11 to say the original standard that NOAA developed was
 12 defective.

13 RADM WEST: We are talking about another
 14 persons' product, not yours?

15 MR. ENAENIT: Yes, the ones that would be
 16 certified under this Quality Assurance Program.

17 RADM WEST: Why would you ever tell anyone
 18 to use any other chart than what NOAA would use, for
 19 liability purposes?

20 MR. ENAENIT: We have no intention of that.

21 RADM WEST: Well, that's what you're doing.
 22 I mean, if people know that, if they use anybody's chart
 23 other than you, they have no recourse.

24 MR. ENAENIT: Against the government.

25 RADM WEST: I don't think that's known

1 widely.

2 CAPTAIN MCGOVERN: Probably not.

3 MR. ENAENIT: You might want to think about
 4 including that in the comments. If you'll put that in the
 5 comments, we'll respond to it.

6 CAPTAIN MCGOVERN: I have a quick question.
 7 Andrew McGovern. Pardon me if I'm wrong, but is this
 8 certification distributors for ENC's the first byproduct of
 9 the Quality Assurance and Certification Program? It seems
 10 to me that this is going to be the first, you know,
 11 byproduct of this, and the comments are kind of going in
 12 parallel instead of one after the other. It's almost like
 13 the cart before the horse.

14 MR. ENAENIT: Had we been better
 15 bureaucrats, we would not have done the ENC distribution
 16 ones. We would have done the Quality Assurance Program
 17 and not have it be the first one that it applied.
 18 However, we just historically arrived at it in the
 19 sequence. We were ready with the ENC. People wanted
 20 distributorship. We were not aggressively handling our
 21 responsibility to write the other regulations. So the ENC
 22 distributorship came out and we got into the process. We
 23 started it two-and-a-half years ago.

24 CAPTAIN PARSONS: But you're right, Andy,
 25 you can think of the distributorship policy as being a

1 subset of the Quality Assurance Program.

2 MR. ARMSTRONG: I have a question along
3 similar lines. Our liability for ENC's, I would assume,
4 does carry through this distributor process. Can you
5 discuss that distinction a little bit?

6 MR. ENAENIT: The ENC's, the purpose of the
7 distributorship is to retain it as our product. The
8 official status goes with it. It is an official product.
9 It's not a hydrographic product in the sense that it's not
10 produced by non-federal entities. It's produced by us.
11 What's produced by the private sector in this case is a
12 distribution service, and we'll be certifying the service.
13 So our liability for the product is there, and if they
14 screw it up in the distribution, then the liability goes
15 to them. If they fail to provide an update, that would be
16 a failure of the certified service, and the liability
17 stays with that sector.

18 MR. RAINEY: Captain Myrtidis had a
19 question.

20 CAPTAIN MYRTIDIS: Yes. Good morning,
21 again. I had a question. In reading the U.S. Coast Guard
22 and Maritime Transportation Act of 2004 for the regulation
23 that makes the use of ENC's, the carriage of ENC's by
24 January 1st of 2007, what I really wonder is how NOAA goes
25 about coverage. Do you cover the coast of the United

1 States or are you planning to? And I really wonder how
2 you can be talking with the Coast Guard to see who is
3 affected and how.

4 MR. ENAENIT: Okay. A couple of
5 clarifications before I start to answer coverage. First
6 of all, it does not require ENC. It requires electronic
7 charts, which is an undefined term, and we expect to work
8 with the Coast Guard as they develop the regulation to
9 implement that, to put some specificity on what is an
10 electronic chart.

11 The second one is the January 1st, 2007
12 date, and the way I read the law is, the regulations have
13 to be implemented by then but they don't have to be
14 effective by then. So the Coast Guard can write and
15 publish a regulation by January of 2007 that, for example,
16 allows a phaseout. So by January 2008 all commercial
17 vessels six hundred tons and above will carry it. By
18 January 2009 I would expect that flexibility, if it's
19 needed, to be used in order to make sure that there is
20 data available.

21 Now, in terms of coverage, because
22 electronic charts is a generic term, I can say that NOAA
23 already has a hundred percent coverage with graphs and
24 navigational charts. They are an official product. They
25 are up to date weekly for all notice to mariners. They

1 are accepted internationally through S61, the
2 International Hydrographic Organization, and as a manager
3 accepted for use in ecosystems and raster charts. So
4 right away I say we have at minimum a hundred percent
5 coverage with them. We also have forty-five percent
6 coverage with the ENC, the effector data set, with the
7 target date of completion of about January 2007.

8 CAPTAIN PARSONS: We are plenty close there.

9 MR. ENAENIT: The one I'm sure about is the
10 Corps of Engineers. They're working hard. I don't know
11 their delivery date, and I can't make a definitive
12 statement about how they're performing.

13 CAPTAIN MYRTIDIS: That brings another
14 question to mind. You mentioned electronic charts. What
15 is very interesting about this is that the electronic
16 charts, which are approved for navigation, are ENC's, not
17 all electronic charts. So I'm trying to understand here
18 by saying that vessels have to carry electronic charts,
19 what are we really trying to do? If it's not an ENC, it
20 is not approved for navigation, and you only have
21 forty-five percent coverage right now in the U.S. for ENC's
22 which are the only approved charts for navigation.

23 MR. ENAENIT: That's not true. ENC's are
24 also approved. Raster charts are also approved for
25 navigation.

1 CAPTAIN MYRTIDIS: A raster chart is just a
2 paper chart.

3 MR. ENAENIT: But it does give you real-time
4 positioning with respect to your charts, surroundings. It
5 does give you the automatic updating capability, which is
6 vastly improved over manually updating paper charts. It
7 does allow you to put in programed routes with alarms for
8 deviation from your planned track. It does allow you to
9 put in wake points, obstructions, areas to be avoided. So
10 it has a lesser set of benefits than the ENC's, but it has
11 a significantly enough improved set of benefits over paper
12 charts that the IHO and the IMO both went ahead and
13 accepted those as well with restrictions.

14 With raster charts you can -- for SOLAS
15 vessels you can only use them where ENC's are not
16 available. Well, that's fine. So I have 45 percent ENC's
17 use those, and the rest use raster charts. We have done
18 this in a thoughtful manner. The 45 percent of ENC's we
19 have now cover the 40 major port clusters, commercial port
20 clusters in the United States, our major ports, and now we
21 are connecting the dots, which is less critical
22 navigation, and you can use the raster charts until we get
23 the dots connected. It kind of works out. I'm not
24 panicked. Are you panicked yet?

25 MR. OSWALD: Have there been legal issues

1 with this?

2 MR. ENAENIT: No, not recently. There were
3 when we started out, but it's been quiet for several years
4 now. I believe I briefed at the last meeting, which is
5 still not public knowledge, so government employees today
6 you cannot share this, that we would --

7 MR. ARMSTRONG: This is a public meeting.

8 MR. ENAENIT: Sorry. But I clarified that
9 last time, and we will arrange for the continued
10 availability of raster charts in that format.

11 CAPTAIN MCGOVERN: I agree with Captain
12 Myrtidis in the fact that I think the Coast Guard -- well,
13 they need a lot of work on that. That's very poorly
14 worded. It's way too open. And as far as raster charts,
15 I do have a problem with them. I think they are over
16 used.

17 People exceed -- and we were talking about
18 this, and I think you brought it up as well, that NOAA is
19 not going to talk about the use of the products, because
20 people exceed the usefulness of raster chart or they
21 exceed the abilities of that paper chart when you put it
22 onto an electronic format, which you can't do when it's on
23 paper format. There are problems with that, and that is
24 going to be one of the problems if you start using these
25 solely.

1 Even with GPS positionings on a raster
2 chart, some of the raster charts were not designed for GPS
3 positioning, so there are problems with that. You know,
4 when you are taking fixes on things, it's apples and
5 apples. Now you're putting a GPS position on a chart that
6 was maybe laid out using fixes, and it just doesn't work.

7 MR. ENAENIT: You can abuse your tool
8 regardless, and the Coast Guard also has reports of ENC
9 induced groundings. A lot of it is due to configuration
10 awareness. So there is a training issue. It's not
11 necessarily a data issue.

12 MR. RAINEY: I just want to interject a
13 little bit. At 2:30 tomorrow we've scheduled time on the
14 agenda to talk about the Coast Guard Act and this
15 requirement. So I would like to -- these are all really
16 important issues and things we can try to discuss and
17 capture and maybe make some preliminary recommendations on
18 that tomorrow. We have time set aside to get into those
19 particular issues.

20 Are there any more questions specifically
21 back on the Federal Register notices, the two that Dave
22 just briefed us on? Otherwise, I would like to go ahead
23 and proceed and take a look at some of these comments and
24 see if we can agree or disagree.

25 MR. DASLER: I just have a quick question.

1 Have you considered ISO 9000 certification for providers
2 of product, just to provide another level of oversight to
3 ease your burden a little bit?

4 MR. ENAENIT: Well, the ENC distribution
5 standard, if you're going to do a reformatting into the
6 navigational charts, it does require ISO 9000 or
7 equivalent in your reformatting process. But for the
8 other stuff, I truly expect to see the bulk, and I'm
9 guessing here, the bulk of the people coming in with
10 hydrographic products to be certified.

11 I think people bringing in cruising guides
12 or fishing maps or services to be delivered over mobile
13 phones might be overkill. It seems unnecessary at this
14 time. We can revise the rules later if we learn
15 differently. It seems contrary to the intent of the law
16 which says cause to spring forth from the private sector.

17 MR. RAINEY: Thank you, Dave, very much. I
18 would like to ask you too, if we have something that's
19 just incorrect, you know, technically inaccurate or we
20 haven't understood something, you'll let us know and get
21 us straight on that?

22 MR. ENAENIT: Sure.

23 MR. RAINEY: If we could then, if there is
24 no objection, I would like to go ahead and proceed with
25 proposed comments on the certification requirements for

1 distributors of NOAA's ENCs, hydrographic products.

2 In thinking about how to do this, in talking
3 a little bit with Barbara and Monica on how to capture
4 this, I suggest that we go ahead and look at the comment
5 and the justification and then the recommendation, and
6 then maybe just take these one at a time to see if we have
7 agreement, discuss them if we need, and then vote them up
8 or down, and then walk through this. Maybe we'll pick
9 some of them up or not, and then we can open it up for a
10 general discussion if people have further things they want
11 to add to that. So let's try that and see how we go.
12 Again, these were just -- I went through it based on our
13 briefings and materials and just some comments here.

14 The proposed title for the new Part 995,
15 Certification Requirements for Distributors of NOAA
16 Hydrographic Products, seems broader or is broader than
17 the scope of the proposed rule. In my reading of the
18 stated purpose and scope of this particular rule, it's
19 essentially limited to the certification for distributors
20 for NOAA ENCs. There really wasn't too much talk about
21 the hydrographic products, and I think David eluded to
22 that in answering Captain McGovern's question.

23 My recommendation was, and it seemed to me
24 it was a little bit broader than what's really in this
25 part, I would recommend changing the title, Part 995, to

1 Certification Requirements for Distributors of NOAA ENC.
 2 If you look at the two that we are commenting on, both of
 3 these are part of a new Subchapter F which talks about the
 4 hydrographic products and services. In Part 995, which is
 5 what we are looking at now, it is primarily ENCs
 6 certification requirements for distributors. Part 996
 7 follows, and that's your hydrographic products with
 8 quality assurance there. So that was my comment. I would
 9 like to open that up.

10 CAPTAIN MCGOVERN: I make a motion to
 11 accept, to recommend that change.

12 DR. LAPINE: Second.

13 MR. RAINEY: Further discussion?

14 THE PANEL: (No response.)

15 MR. RAINEY: In favor?

16 THE PANEL: Aye.

17 MR. RAINEY: Opposed?

18 THE PANEL: (No response.)

19 MR. RAINEY: All right. That's accepted.

20 So the recommendation then, whoever is trying to capture
 21 this then to read it, is to change the title to Part 995,
 22 Certification Requirements for Distributors of NOAA ENCs.

23 The next comment, again, this kind of
 24 follows, the few and occasional references to hydrographic
 25 products add confusion and should be moved to Part 996.

1 An example I had of that was, in the definition section, I
 2 got somewhat confused. There is a very explicit
 3 description of the two types of ENC distributors. You can
 4 have a CED or the CEVAD. The Certified ENC Distributor
 5 can distribute the NOAA ENC. The Certified Value Added,
 6 the ENC Value Added Distributor can add some things and
 7 reformat and end up with the System ENC. So they can move
 8 it around.

9 But then later in the definitions there is a
 10 third thing, they define the term distributor, and what I
 11 got confused there was, they then come back and say the
 12 distributor means a company that redistributes a NOAA
 13 Hydrographic Product to the end-users in its original
 14 format. So it seemed broader on the one hand because it's
 15 talking about distributing hydrographic products, and, as
 16 I put in my remarks, presumably not limited to an ENC or
 17 SENC. But then it also says in the definition that it
 18 must distribute a NOAA Hydrographic Product in its
 19 original format. So then that seems to go back and kind
 20 of limit it a little bit. To me that caused a little bit
 21 of confusion.

22 My basic recommendation of that was, if
 23 there is a need for this sort of third general defined
 24 term as a distributor of hydrographic products, that it
 25 seemed more appropriate to move that to the next section

1 of Subpart F, which is 996, Quality Assurance. In dealing
 2 with hydrographic products, it seemed more to confuse the
 3 issue than an ENC distributor.

4 CAPTAIN MYRTIDIS: So that is basically
 5 based on the term distributor?

6 MR. RAINEY: Yes. They seem to be
 7 inconsistent terms. So if it's a term that you need for
 8 some reason, it seems like we would move it to Part 996,
 9 and then there seems to be a need to clarify the apparent
 10 inconsistencies of the distributor. It doesn't seem to
 11 fit with the two types that you set out.

12 CAPTAIN MCGOVERN: I move to accept
 13 recommendation two, I guess, for lack of a better word.

14 CAPTAIN MYRTIDIS: Second.

15 MR. RAINEY: All in favor?

16 THE PANEL: Aye.

17 MR. RAINEY: Opposed?

18 THE PANEL: (No response.)

19 MR. RAINEY: Do you have these, Barbara, or
 20 should I read them to you? Move the definition of
 21 distributor to Part 996 and clarify why a distributor --

22 MS. HESS: I just have recommendation,
 23 accept as is, unless you want to give me a copy of that if
 24 you have an extra. Would that make it better?

25 MR. RAINEY: That is a good idea. So then

1 moving on to Page 2 -- and this is a comment from Subpart
 2 A, in general, under the Purpose and Scope. My
 3 observation or comment on that was the proposed rule needs
 4 to clarify and distinguish between the certification of
 5 distributors, the certification of processes, and the
 6 certification of the products, in other words, the
 7 official status, whether the product meets federal chart
 8 requirements. Let me try to explain what was troubling
 9 me.

10 The proposed rule establishes requirements
 11 for the certification of entities as one of two types of
 12 ENC distributors. It talks a lot about how you get
 13 certified. The certification is based on a certified
 14 process. Then I put in quotes, a certified product,
 15 because technically it's not certified per se, but the
 16 product that results from this process meets the federal
 17 chart carriage requirement, again, assuming it follows the
 18 procedure set forward.

19 So quoting out of the text there, "The
 20 requirements apply to entities wishing to have products
 21 and services for the redistribution of NOAA ENC data
 22 authorized as Certified NOAA ENC Distributor and/or
 23 Certified NOAA ENC Value Added Distributor." What I'm
 24 getting at, this is kind of a nice argument, but my point
 25 is, it seems confusing. It doesn't seem like you would

1 stamp a product and call it a Certified NOAA ENC
 2 Distributor. It seems to me that you would, following my
 3 recommendation, that you tweak the thing, you rewrite it a
 4 little bit. I'd recommend that the qualified distributors
 5 should be designated Certified NOAA ENC Distributor, CED,
 6 or Certified NOAA ENC Value Added Distributor, but that
 7 the qualified products, in other words, are at the end of
 8 the line. In this instance we would be talking about ENC's
 9 or the System ENC's, SENC's, should be designated Certified
 10 NOAA ENC or Certified NOAA SENC and should clearly
 11 indicate that the product meets federal carriage
 12 requirements for nautical charts. Again, that's just my
 13 recommendation.

14 CAPTAIN MYRTIDIS: I think I agree
 15 personally with everything, but it could not be then a
 16 Certified NOAA System ENC.

17 MR. RAINEY: And I need Dave to help clarify
 18 on how that is, but in the reg, the specific language in
 19 the regulation, what I was pulling from, and this is great
 20 to have this here, under the general Purpose and Scope, if
 21 you look at Subparagraph B it talks about the two types we
 22 just discussed, and then it ends up, "Both types of
 23 certification result in products that meet federal chart
 24 carriage requirements."

25 So going to Captain Myrtidis' point, I guess

1 backing up, my trouble with it is it seems awkward to take
 2 a product and at the end of the day you label a product
 3 that it's a Certified NOAA ENC Distributor or Certified
 4 NOAA Value Added Distributor. It seems to me that's the
 5 entity that went through this process, and the product
 6 should be called -- you know, official, because both of
 7 these result in, if you follow these processes, you have a
 8 -- you do meet the federal carriage requirements.

9 MR. ARMSTRONG: I think you made a good
 10 distinction there, the distinction between a certified
 11 product and an official product. I think it's probably
 12 not good to try to say the product is certified because
 13 it's an official product to begin with. The process is
 14 what's being certified in this case, I think.

15 MR. RAINEY: This is what troubled me, and
 16 you'll see it reflected in my shot at the other one. You
 17 have two things.

18 In this Federal Register, when we are
 19 talking about the distributors of the ENC, at the end of
 20 the day you end up with a product that meets federal
 21 carriage requirements. That's a different result than you
 22 get under the certification of hydrographic products, and
 23 you'll see it in my comments reflected there. What you
 24 have there is, you can end up with a certification, but as
 25 Dave just told us, the way they've interpreted the rule,

1 that's not certified expressly or implied marketability
 2 for any purpose. So in other words, you get a
 3 certification, but that's not an official product at the
 4 end of the day.

5 So there is confusion, or I'm afraid there
 6 can be confusion, and you'll see that in some of my other
 7 comments, because you get a different result there. If
 8 you're going to put the NOAA emblem on both of these
 9 things, one of them may meet the federal carriage
 10 requirement, the other one is not going to. It seems to
 11 me that's going to cause some confusion with end-users out
 12 there.

13 So what I was trying to do here, and just
 14 with this particular recommendation was, it seems to me
 15 that there needs to be a different label on the product
 16 that comes out of this than the name of the person who
 17 redistributed it, basically.

18 CAPTAIN MCGOVERN: I just thought of another
 19 angle. David mentioned earlier that NOAA does not decide
 20 what is the official carriage requirement, the Coast Guard
 21 does. But it's kind of saying in this rule that NOAA is
 22 saying that this is able to meet the official carriage
 23 requirements.

24 CAPTAIN PARSONS: The carriage requirement
 25 already exists on official ENC's.

1 CAPTAIN MCGOVERN: Right, official ENC's, but
 2 these are not official ENC's. These are certified ENC's.

3 CAPTAIN PARSONS: I recognize the
 4 distinction. You want us to certify distributors of
 5 official ENC's that retain their official status. I think
 6 we can work our way through that.

7 CAPTAIN MYRTIDIS: I think I'm having a
 8 problem with Certified NOAA System ENC. Once it has
 9 become a System ENC, it is because something has changed,
 10 even though the ENC maintains or meets the federal
 11 carriage requirements. So I think we need to rephrase
 12 that because it's not a NOAA chart anymore.

13 MR. RAINEY: That is the exact question, and
 14 I had a comment, and I didn't include it, but let me ask a
 15 follow up on Captain Myrtidis's point there. In the
 16 notice here, and, again, under the Purpose and Scope, let
 17 me just read this, and then I have to go to the definition
 18 of the System ENC. Under Paragraph B in 995.1, Purpose
 19 and Scope, Paragraph B -- and just bear with me for a
 20 second. We are talking about the different types. "The
 21 second type, Certified NOAA ENC Value Added Distributors,
 22 CEVADS, permits reformatting official NOAA ENC's into a
 23 system electronic navigation chart using type-approved
 24 software and distribution of that SENC. Both types of
 25 certification result in products that meet federal chart

1 carriage regulations." So my understanding is that CEVAD
2 has a process to take a NOAA ENC, mess around with it in
3 an approved way, and they end up with a product called an
4 SENC which, if it followed the process, results in a
5 product that meets federal chart carriage regulations.

6 MR. ENABNIT: Yes.

7 MR. RAINEY: So it does seem to me that you
8 have an animal that is a certified SENC that gets
9 redistributed as a product.

10 MR. ENABNIT: Yes. The international
11 regulations for ENCs have changed. It now permits
12 distribution of ENCs as SENCs. So that is in compliance
13 with the IHD and the IM standards, and we just ruled it
14 here so that our distributors can do the same thing. In
15 the type-approval process, one of the steps is to validate
16 that an EODIS manufacturer software makes that conversion
17 from ENC to an SNC properly, and that is tested for using
18 the International Electric Technical Commission's
19 Standards. And the Coast Guard regulations have already
20 been amended to accept for SOLAS vessels to accept the IMO
21 regulations and the IHD regulations. So it does all work
22 together. SENC distribution is permitted in the
23 international community, and not to go beyond it. I think
24 that standard is incorporated by reference in the --
25 somewhere. IHD Technical Resolution, 83.11, ENC, SENC

1 Distribution Options. So we are being completely
2 consistent with what the rules agree to.

3 MR. RAINEY: Let me ask one other question.
4 Is there an instance, is there a possible instance under
5 this proposed rule for the distributors, just with the
6 ENCs now, is there any case where you would certify, and
7 in using your term, does NOAA, a Certified NOAA ENC
8 Distributor or a Certified NOAA ENC Value Added
9 Distributor, is there -- unless I misunderstood it, if
10 that's certified, the only result is that it meets the
11 federal carriage requirements; is that not correct?

12 MR. ENABNIT: That's correct.

13 MR. RAINEY: So I guess I'm still -- the
14 major point of this recommendation that I was trying to
15 get at, it seems like you would want to have -- the
16 product label is what it is, that it's certified and that
17 it meets the carriage requirement. It seems to me the
18 end-user, that's really what -- does it or does it not
19 meet --

20 MR. ENABNIT: Yeah, and I think the
21 statement that goes along with the use of the emblem would
22 indicate that, that this is being distributed by a
23 certified redistributor.

24 MR. RAINEY: Going back to the question
25 then, I'm not hung up on the label per se, but would that

1 Certified NOAA ENC, would that be -- I mean, it's
2 tantamount to an official product, I guess.

3 CAPTAIN PARSONS: It is an official product
4 and will be labeled as such.

5 MR. ARMSTRONG: Can I ask one more question?

6 MR. RAINEY: Sure.

7 MR. ARMSTRONG: We are not certifying the
8 process, or NOAA is not certifying the process of
9 converting ENCs to System ENCs, we are only certifying the
10 distribution of something that's already converted to an
11 SEC under someone else's regulation; is that right?

12 MR. ENABNIT: Yes.

13 MR. DASLER: That's where I think it can be
14 very confusing to the general public. Say you have
15 somebody who put together a fishing map to use official
16 ENC charts but they put fishing hot spots all over where
17 it clutters the chart --

18 MR. RAINEY: But then that wouldn't be a
19 NOAA Certified SENC.

20 MR. DASLER: But just that they could use
21 some of these distributed charts since they were applying
22 this data set to the system, and it could be really
23 confusing. The charts that they load in may be official
24 ENCs, but the display isn't.

25 MR. RAINEY: Yes, but my point there, I

1 think, if I understood the way this is written, is that
2 they could not then redistribute that, and that would lose
3 its certification from NOAA. Once somebody did something
4 that wasn't certified to it, they couldn't redistribute it
5 as a certified SENC.

6 MR. DASLER: So maybe having a statement to
7 that effect on the product --

8 MR. RAINEY: That comes right up -- let me
9 ask this then after all that. Well, this may be
10 confusing, but I think maybe instead of just trying to
11 make it up as we go, let me just take it as written and we
12 can vote it down if it doesn't make sense after the
13 discussion. Do we have a motion on that recommendation?

14 CAPTAIN MYRTIDIS: Before you do that, I
15 just want to clarify something. I agree with the entire
16 recommendation and what Dave says. What I have a problem
17 with is only the wording, Certified NOAA System ENC. I
18 think I would personally be fine if you say a System ENC
19 which meets federal carriage requirements but is not NOAA
20 certified anymore, because it has changed, even if it has
21 changed through an approved process. This is what I think
22 is my point. Maybe I'm wrong, but this is the way I look
23 at it.

24 MR. RAINEY: David, did I misunderstand the
25 rule? How does the Value Added Distributor get

1 certification for his SENC?

2 MR. ENAENIT: For his SENC software?

3 MR. RAINEY: You're going to submit a

4 process that he is going to use, and thereby if he follows

5 that process, he ends up with -- I'm trying to understand

6 that last point. Is that product NOAA certified or not?

7 MR. ENAENIT: I would have to go back and

8 read the standard. It's an official, a certified

9 distribution that he has a process that we agree with and

10 preserves this, and within that certified process he has

11 proven to our satisfaction that he makes the conversion

12 from an ENC to an SENC in an approved manner. So the

13 result meets chart carriage requirements.

14 CAPTAIN MYRTIDIS: Is it a hydrographic

15 certified chart, is the question, after that?

16 MR. ENAENIT: I don't think that makes any

17 difference. In this case we certified it for a use. It

18 is certified to meet chart carriage requirements.

19 MR. RAINEY: Well, I think then --

20 DR. LAPINE: Before we have a vote, your

21 first recommendation has two subsections, and both of

22 these, in subsection one, these are adequately defined in

23 the definition of the regulation. You're just saying that

24 you approve of the definition?

25 MR. RAINEY: Right.

1 we approve the definition that's in the regulation. I

2 don't have any problem with it. I just wanted to make

3 sure that --

4 MR. RAINEY: I wasn't suggesting any change

5 to the recommendation there other than just to -- I just

6 wanted to clarify whether the product or not, at the end

7 of the day, was a certified product.

8 CAPTAIN MCGOVERN: I guess my question is,

9 and I think this is what Captain Myrtidis was alluding to,

10 is that it's nice that we have this new word here,

11 certified product as opposed to official product. When

12 you go in and you have a FORIS state control inspection,

13 the blue-suiter is going to know that a certified product

14 is as good as an official product, because they may say

15 this is not any good, you don't have -- look, here are the

16 regs. The reg says you have to have an official NOS or

17 British Admiralty, and you don't have that. You have this

18 Certified Systems Electronic Nautical Chart, what's that,

19 you know.

20 CAPTAIN PARSONS: We can certainly ensure

21 that products that meet this regulation are noted as being

22 official carriage requirements.

23 MR. ENAENIT: Yes, we can sort this out. I

24 understand the distinction you're making, and I think the

25 Coast Guard inspectors are going to have the same problem

1 DR. LAPINE: What's the purpose of Sub 1,

2 Sub 2?

3 MR. RAINEY: It's seems to me that there are

4 two different things the rule talks about, and if you read

5 through there, certification is used without really

6 specifying whether they're talking about the entity, the

7 process itself, or the product that results from it. They

8 talk about certification all through the reg, and it seems

9 to me that they need to be specific about it, if we are

10 talking about the distributor itself or the process, or

11 most importantly, the product.

12 So what I was trying to get at was, if, in

13 fact, the product at the end of the day, and we call it a

14 process of a certified product, then it should state it's

15 a certified product. And that's what we were just talking

16 about a minute ago, that perhaps the SENC is not

17 technically a certified product but it meets the

18 requirements. So I think that was the proposed change

19 that Captain Myrtidis was suggesting. So you're

20 absolutely right. The first thing is exactly just

21 saying, yes, the definition on the proposed rule for a

22 distributor --

23 DR. LAPINE: Which agrees.

24 MR. RAINEY: Right.

25 DR. LAPINE: We are just recommending that

1 with SOLAS vessels coming in. The British Admiralty, for

2 example, they're going to say it's a System ENC and we

3 have a British Admiralty chart, and the Coast Guard is

4 going to say it's not a British Admiralty ENC, it's an

5 SENC, what the hell is this. We'll sort it out. I'll

6 clear up the definitions and we'll have to send a letter

7 to the Coast Guard at the end explaining what this is, and

8 it will work it's way into the system.

9 MS. HESS: So is that recommendation as

10 stated?

11 MR. RAINEY: I don't think so. Let me

12 propose this. Let me read simply, to take up Dr. Lapine's

13 point, one is merely restating what's in the proposed

14 rule. I'm looking at the recommendation two, and let me

15 propose this if you can follow it, and maybe this will

16 incorporate Captain Myrtidis' point. Qualified

17 hydrographic products, in this instance ENCs or SENCs,

18 should be designated Certified NOAA ENC, or in the case of

19 a Certified SENC, should clearly indicate that the product

20 meets federal carriage requirements for nautical charts.

21 CAPTAIN MYRTIDIS: Sounds good.

22 MR. RAINEY: So at the end of the day the

23 user knows that that meets the federal carriage

24 requirement.

25 MR. ARMSTRONG: Mr. Chairman, could I

1 suggest that you propose that the Board approve the
2 comment but not the recommendation? That way --

3 MR. RAINY: Sure. Leave it to NOAA to
4 resolve it. That will be acceptable. So we'll just
5 recommend the comments, the proposed rule. Okay?

6 MS. HESS: Comment approved but not the
7 recommendation as stated?

8 MR. RAINY: Okay. So what we will be
9 voting on then is that we recommend that the proposed rule
10 needs to clarify and distinguish between certification and
11 distributor, certification of process, certification of
12 the product, whether or not it meets federal carriage
13 requirements.

14 CAPTAIN MCGOVERN: I make a motion that the
15 recommendation on that page also be accepted. The
16 ultimate user must be able to readily determine whether or
17 not a hydrographic product is suitable for navigation and
18 meets federal chart carriage requirements. That's the
19 bottom line.

20 MR. RAINY: That's the next stop I'm trying
21 to get to. Let's go ahead and put those two together, and
22 do I entertain a motion?

23 MR. GRAY: Motion.

24 DR. LAPINE: Second.

25 MR. RAINY: All in favor?

1 THE PANEL: Aye.

2 MR. RAINY: Opposed?

3 THE PANEL: (No response.)

4 MR. RAINY: On the next page my comment
5 there was, the regulation should treat the downloading and
6 use of official ENC's between individuals and entities or
7 companies the same. The proposed rule mandates different
8 outcomes for the same procedure simply because of who
9 performed it." In other words, the rule provides that if
10 an individual downloads an official ENC for their own use,
11 it meets the federal carriage requirements. The rule
12 comes out with a different result. It says if an entity
13 uses -- and then it also strings other things that it
14 does. But simply if the entity uses -- if the entity is
15 not a certified distributor of one of those two types we
16 talked about, then it does not meet the federal carriage
17 requirements.

18 My point there is, I think I understood
19 what they're talking about because they strung along --
20 where we are again is the Purpose and Scope, and we are
21 down in -- if you follow down to Subparagraph C, I can
22 read it to you. "Entities without certification may
23 continue to download official ENC's and use, alter, and/or
24 distribute that data, but the result does not meet federal
25 nautical chart carriage requirements. Individuals may

1 download official ENC's for their own use, and if imported
2 unaltered and can type-approve that against the result, it
3 does meet the federal chart requirement." My only point
4 was, it seems like the primary purpose of the rule is to
5 ensure the data base integrity as these things are
6 redistributed, and it doesn't seem to me anymore likely
7 that an entity is going to corrupt the data if they
8 download an official product for their own use that an
9 individual would.

10 I understand the point about the
11 redistributing and the reformatting and all that, but that
12 would need to be a certified distributor. But it seems to
13 me that if you want to make a distinction on whether it's
14 an individual or an entity, if they're just downloading an
15 official ENC into their approved system for their use, it
16 would have to come out the same way. You couldn't come up
17 with a different result.

18 My recommendation there is that they should
19 treat it the same. If you're going to allow an individual
20 to download an official product and use it and it meets
21 the federal requirements, it seems to me that you would
22 have to allow an entity.

23 Now, further in my discussion I suggest that
24 the regulation -- I carried this forward. Say in the case
25 of like a cruise line, you have a fleet of ships, then the

1 question I would have would be -- a foreseeable question
2 that's going to come up to me seems like, can a cruise
3 line download official ENC's and then redistribute them for
4 their own use among their fleet; is that considered own
5 use or would that be considered a redistribution? And I
6 just suggest that perhaps if NOAA thinks through this,
7 they might need to establish some sort of a commercial
8 transaction test to distinguish between acceptable own use
9 and non-certified distribution for purposes of meeting the
10 carriage requirements.

11 If you're going to hold out the possibility
12 that somebody can sort of sell service directly off the
13 NOAA internet, whatever the procedure is, download it and
14 use it in your system, it seems like -- I can't see how
15 you can distinguish between an individual doing that
16 versus a company doing that. So that's the argument.
17 It's sort of an equal protection kind of a deal. You have
18 to treat people the same that are doing the same things.

19 CAPTAIN MYRTIDIS: That was one of the
20 questions that I was having. We have a fleet of 12
21 vessels. It would be much more convenient for me to
22 download it very quickly in my office than wait for each
23 individual captain to do his download via satellite. It's
24 going to take hours. Now, once I do that, what I really
25 do as a distributor for ENC without --

1 CAPTAIN PARSONS: Did we consider that,
2 Dave, in this proposed rule, the difference between an
3 entity and an individual?

4 MR. ENABIT: Not quite to the extent of
5 defining own use, and it's a good issue. The original
6 origin of this whole distribution plan was companies like
7 Kelvin Hughes who do service the industry. They want to
8 be able to ensure their customer that what they're getting
9 meets the carriage requirements. So what you see is
10 tailored towards that, a business model.

11 A company downloading on their own and
12 redistributing it to their own vessels, we had not really
13 drawn the fine line in there, and maybe we should try to
14 define own use. The requirements are not onerous. I
15 would consider if you download it -- here I am writing a
16 regulation on the fly, but I'm just thinking, if you
17 download and redistribute it to your own fleet, we would
18 encourage you to be at the lowest level redistributors so
19 that we can give you what guidance we have. How is the
20 Coast Guard going to tell whether you downloaded that
21 yourself or you downloaded it at your headquarters and
22 distributed it to your ship? There is no way.

23 CAPTAIN MYRTIDIS: What is important is
24 exactly what you were saying, and I need to know that I'm
25 able to do that. In terms of convenience, I can tell you

1 that to be on a land-based PC and do this process, it's
2 going to take no time versus trying to do it on a ship
3 doing that across the ocean via satellite.

4 MR. ENABIT: The vehicle is here. You
5 could be at that low-level ENC redistributor where you
6 just copy it and pass it on. But we hadn't made a
7 statement about when you're required to have that
8 certification, and that goes to the definition of own use,
9 and if you send a comment to that effect, we'll wrestle
10 with the issue.

11 CAPTAIN PARSONS: We can better define own
12 use.

13 MS. DICKINSON: Maybe you can just language
14 it to differentiate by saying a public redistributor
15 versus a private redistributor. It seems like the
16 regulations are intended for the commercial sector that's
17 redistributing products to the public, as opposed to a
18 fleet of ships which would be private.

19 CAPTAIN MCGOVERN: I was thinking the same
20 thing. Basically you do want entities that download this
21 to be certified. Like if Kelvin Hughes is going to put
22 this on many different vessels, let's say, and it's really
23 for a profit as opposed to -- especially if this guide
24 requirement goes into effect with the Coast Guard that --
25 say tug fleets, they definitely -- I mean, captains just

1 have much better capabilities than a tug fleet out here as
2 far as downloading. It may take them awhile, but at least
3 they probably could do it, where these vessels would not
4 be able to. The only way they're going to update their
5 charts is through the office, you know, having it thrown
6 on a CD and sent out to each one in the fleet. So I think
7 it has to be that in-house use, because he has taken on
8 the liability.

9 Whether the office has taken on the
10 liability or the vessel has taken on the liability, it's
11 within that same company as opposed to, let's say, Kelvin
12 Hughes came in and threw it in. Then you have some murky
13 waters that you may have to wade through. But I think
14 it's fairly clear, and definitely I think it does have to
15 be addressed.

16 MR. RAINEY: I guess what I was trying to
17 get at was perhaps NOAA should establish a commercial
18 transaction test. Again, it's just an idea. It seems
19 kind of like in line with what you were suggesting.

20 CAPTAIN MCGOVERN: I think your
21 recommendation covers it, though, that own use is the key,
22 I think. Whether it's an entity or an individual, it's
23 own use. It's not going outside of that.

24 MR. RAINEY: At least that they should look
25 into that. Do we have a motion?

1 MR. GRAY: I call a motion.

2 CAPTAIN MCGOVERN: Second.

3 DR. LAPINE: Maybe it's my computer
4 illiteracy that's in question here, but how do we know
5 that this ENC doesn't get corrupted somehow in this
6 download process?

7 MR. DASLER: We have checks on the
8 requirement.

9 DR. LAPINE: You're not going to magically
10 lose a line of --

11 CAPTAIN MYRTIDIS: How would you know?

12 DR. LAPINE: Well, that's what I'm getting
13 at. Now, you're downloading it in your office, you're
14 going to get this check. Now, you're going to generate a
15 CD. You're not going to get a check on that CD. How do
16 you know that you didn't corrupt it when you --

17 CAPTAIN MYRTIDIS: Let's say it goes out all
18 along to everybody. It could be exactly what you've
19 described.

20 DR. LAPINE: If you successfully download
21 this and then you burn 25 CDs for your fleet and something
22 gets corrupted in the burning of those CDs, who is
23 responsible now?

24 CAPTAIN MCGOVERN: He is.

25 DR. LAPINE: How does that fit in with the

1 recommendations?

2 MR. RAINEY: Is it safe to say that what we
3 are contemplating in this to be official data is also
4 being used in type-approved equipment that has
5 type-approved software?

6 MR. ENABNIT: That's correct.

7 MR. RAINEY: When you throw your ENC in
8 there or your SENC, in working with that and that type of
9 equipment, they have some checks there that will assess
10 it. There is some measure there, right? I mean, it's not
11 completely without a --

12 MR. ENABNIT: I'm not sure what it is, to be
13 honest. It's been too long since I have been at that
14 level.

15 DR. LAPINE: So Captain Myrtidis would have
16 to have some type of special software to create these CDs
17 to make sure --

18 CAPTAIN MYRTIDIS: What he's saying is that
19 once you put the electronic chart into the ecosystem
20 through an approved system, there are safety features
21 there to say whenever the data is corrupted or not.
22 Whether this is, I think, a true statement, I don't know,
23 but this is the way it works right now.

24 DR. LAPINE: I don't think the software is
25 going to be anywhere near sophisticated enough.

1 CAPTAIN MYRTIDIS: Well, it is already.

2 CAPTAIN PARSONS: When it's loaded into the
3 system, it will.

4 MR. SZABADOS: The CD industry has already
5 built-in technology to certify that that copy is
6 certified. If it doesn't, you're not going to be able to
7 read the file. I think the concern is if somebody makes
8 changes to those files. If you get a corrupted file,
9 you're not going to be able to read it.

10 DR. LAPINE: What if the last ten megabytes
11 of the file just didn't get copied for some reason?

12 MS. DICKINSON: It wouldn't work.

13 MR. RAINEY: Any further discussion?

14 CAPTAIN MYRTIDIS: The technology is there
15 already.

16 DR. LAPINE: I would think that if you were
17 a limited distributor, the lowest level distributor, you
18 would have some software that would guarantee that the
19 copies that you make from the one you're downloading were
20 also certified as original copies. It's sort of a
21 protection to you, or to me, if I'm riding on one of those
22 ships, I guess. It wouldn't have to be something you buy,
23 it would just be something you would be entitled to if you
24 were the lowest level -- maybe this has nothing to do with
25 the regulation.

1 CAPTAIN MCGOVERN: I think if somebody wants
2 to take that extra step, they can, but a lot of these
3 small entities --

4 MR. DASLER: Most burning software has a
5 verification process.

6 DR. LAPINE: Like I said, it could be my
7 level of -- that I have a question there.

8 MR. RAINEY: I think we have a motion and a
9 second on the floor. In favor of adopting the
10 recommendation?

11 THE PANEL: Aye.

12 MR. RAINEY: Opposed?

13 THE PANEL: (No response.)

14 MR. RAINEY: Motion adopted. Just following
15 down, we are almost through here "The regulation should
16 require any commercially redistributed official ENC or
17 derived product from an uncertified entity to
18 affirmatively notify the user that the product does not
19 meet federal chart carriage requirements." Again, my only
20 thought there was -- it goes back to what we've talked
21 about and maybe we've covered it, but as an end-user, if
22 you go in and you're buying software, there has to be
23 something that says to the end-user -- they have to know
24 it either meets the federal chart carriage requirements or
25 it doesn't.

1 Whether it's the use of a NOAA seal, emblem,
2 or a statement on there, it's seems like if somebody
3 downloads an official ENC and then alters it, and this is
4 going to Mike Szabados's point, it seems like, again, if
5 it's possible, it seems like there should be something in
6 the regulation that says you can download these ENCs. I
7 mean, it states that in the proposed rule. Obviously they
8 are putting it on the internet and anybody can grab it and
9 run with it.

10 It seems to me there ought to be a
11 requirement that you can't take that, do something to it,
12 and then redistribute it without a notice on there that
13 it's no longer an official ENC. Now, how you police that,
14 I have no idea. That is one of the questions I have for
15 this whole thing, is how are we actually going to -- you
16 know, whether it's an audit, police on this thing, but
17 that was just a thought.

18 CAPTAIN MCGOVERN: I have a motion to accept
19 that recommendation.

20 MS. DICKINSON: Second.

21 MR. RAINEY: All in favor?

22 THE PANEL: Aye.

23 MR. RAINEY: Opposed?

24 THE PANEL: (No response.)

25 MR. RAINEY: The next one, "The regulation

1 should prohibit the packaging of certified -- and I put in
2 parentheses -- official products with non-certified
3 products." Now, technically that may be inaccurate
4 because of our discussion we just had about the SENOs.
5 They may be certified but they're not necessarily
6 certified as an official product. They meet the federal
7 requirement.

8 Based on that discussion, my recommendation
9 on that is -- again, I'm just trying to really make it
10 clear when somebody is buying something that it's either
11 an official product or it's not an official product. If
12 you pack them all together and the top one you have under
13 the label is the official product, and then you slide in a
14 bunch of other things, it seems like you would want to
15 clearly label them.

16 MR. ENAENIT: That's back in the template.
17 There is something called distribution of data, of
18 additional data. It says, "Evaluated distributor shall
19 indicate in his application to us if additional data is to
20 be distributed with the NOAA ENC data. If so, evaluated
21 distributor shall provide examples of how the data users
22 will be informed as to the official and unofficial
23 contents of the data as described." So they have to tell
24 us in advance of us ordering the certification how they're
25 going to differentiate to the end-user what is official

1 and what is not official. It's a place to start, and
2 we'll see what we get.

3 MR. RAINEY: Given that information, let's
4 go ahead and move on. "The Hydrographic Services
5 Improvement Act provides that the Office of Coast Survey
6 can charge fees for this." In the proposed rule, if they
7 follow along the requirement, then they say -- well, what
8 I'm proposing is that there should be no exception for
9 resubmissions of revised requests that were initially
10 unacceptable and are sent in within 90 days. What the
11 rule provides is that you charge a fee, but if an
12 applicant is initially denied, if they resubmit it within
13 90 days, the proposed rule says that they won't charge for
14 that.

15 My recommendation is that even though the
16 resubmission may be less, you know, intensive, may be less
17 onerous to review, maybe just a couple of things they
18 needed to fix and then they could get certified -- and
19 then it may not be. They might send it back and there is
20 still a ton of work. It seems to me that the Office of
21 Coast Survey should still recapture the cost of the
22 personnel, the labor, and the resources that they're
23 putting in. They still have to look at it. So it seems
24 to me that I would eliminate that exception. It just
25 seems to me that the Survey office ought to recapture

1 their actual reasonable cost, as authorized in the Act, to
2 administer this Quality Assurance Certification Program.

3 CAPTAIN PARSONS: Was this a General Counsel
4 requirement, Dave, to collect fees, the time frame for not
5 having --

6 MR. ENAENIT: No, the 90 days came from us.

7 DR. LAPINE: I can tell you from the work I
8 do, if you allow them free -- this first free look, what
9 they're going to do is make you do their quality control
10 for them. We stopped doing that, and as a result it comes
11 in right the first time. So I fully agree with your
12 recommendation.

13 MS. DICKINSON: Scott, the OCC already does
14 that. Like with license applications, you pay a
15 processing fee, and if you miss one little tiny thing, it
16 has to be resubmitted and you pay the whole thing all over
17 again no matter what. So there seems to be some precedent
18 for that. The government is supposed to collect the cost
19 of processing anything, no matter what.

20 MR. RAINEY: Do we have a motion then?

21 CAPTAIN MCGOVERN: Motion.

22 DR. LAPINE: Second.

23 MR. RAINEY: In favor?

24 THE PANEL: Aye.

25 MR. RAINEY: Opposed?

1 THE PANEL: (No response.)

2 MR. RAINEY: I see everything is -- we are
3 close to the end, but do you want to take a break
4 for a minute and have more coffee or get rid of
5 some? Why don't we do that.

6
7 (Whereupon, a brief recess was taken.)

8
9 MR. RAINEY: I'd like to pick up -- I guess
10 I'm on Page 4 of the comments here. This is on Section
11 995.15, Termination of Certification. I'll try to speak
12 up. A couple of folks tagged me and can't hear down at
13 the end there.

14 It's a simple recommendation to strike a
15 redundant sentence that's repeated directly from the
16 preceding section. "NOAA reserves the right to audit
17 certified distributors." That exact sentence is written
18 in the section previous to that under audited. It seems
19 redundant. Can we entertain a motion for that?

20 MR. GRAY: So moved.

21 MR. RAINEY: Second?

22 MR. DASLER: Second.

23 MR. RAINEY: Any further discussion on it?

24 THE PANEL: (No response.)

25 MR. RAINEY: All in favor?

1 THE PANEL: Aye.
 2 MR. RAINEY: Opposed?
 3 THE PANEL: (No response.)
 4 MR. RAINEY: Okay. Another recommendation I
 5 had -- again, this is under the Termination of the
 6 Certification. It goes through a pretty elaborate
 7 process, but one thing that struck me here that I thought
 8 might be good to add, and my recommendation was, "NOAA
 9 should require, to the extent possible, the recall of all
 10 redistributed ENC's and derived products that were produced
 11 during the period of non-compliance as determined by the
 12 NOAA audit." My premise is you're getting decertified for
 13 some reason. NOAA is not going to arbitrarily decertify a
 14 distributor. So there obviously was a problem in the
 15 process somewhere along the line.

16 It seems to me that you would want to get
 17 those products that were produced during the time period
 18 that the audit said that there was a problem off the
 19 street so people are not using these products on the
 20 waterways.

21 CAPTAIN MYRTIDIS: That's very good.

22 RADM WEST: I think only the product is the
 23 problem, because you can create a huge problem if you have
 24 to recall a bunch of graphs. I'd leave a little leeway
 25 there.

1 of data users. My take on it was, "The proposed rule
 2 unreasonably places an affirmative duty on certified
 3 distributors to ensure that the recipient has a sufficient
 4 level of knowledge about the NOAA ENC and the service
 5 provided by a Certified ENC Distributor and a Certified
 6 ENC Value Added Distributor." This is my point or my
 7 comment on that. The training is essential, no question.
 8 "Users need to be knowledgeable concerning the
 9 capabilities and limitation of hydrographic products." In
 10 my opinion, it is unreasonable to require a distributor to
 11 ensure that the recipient has a sufficient level of
 12 knowledge. I don't think that you can just sort of
 13 regulate that.

14 NOAA does not hold itself to that burden.
 15 NOAA places its ENC's on the internet and authorizes an
 16 individual to download it and use it to meet federal
 17 charting requirements. There is no training required. To
 18 try to hold somebody accountable for the user having a
 19 level of knowledge, I don't think that's possible.

20 So my recommendations following that are,
 21 "NOAA can and should properly require training and
 22 education materials to be provided but cannot regulate
 23 that CEDs or CEVADs shall ensure that the recipient has a
 24 sufficient level of knowledge. This would require some
 25 form of testing on criteria that has not been

1 MR. DASLER: As long as they reserve the
 2 right to do that.

3 DR. LAPINE: Reserve the right to recall?

4 MR. RAINEY: So we could amend that then, if
 5 everybody can follow me, NOAA should require to the extent
 6 possible --

7 MR. DASLER: Should reserve the right.

8 MR. RAINEY: NOAA reserves the right.

9 MR. ENAVITT: Scott, you can just make the
 10 comment that you don't think that's good enough, and then
 11 we'll worry about the language.

12 RADM WEST: I think Dave knows what he's
 13 talking about. If it's a procedural thing, you don't want
 14 to try to recall --

15 MR. RAINEY: Right. I understand, unless
 16 the audit catches it or -- okay. Can I have a motion then
 17 on that comment?

18 MR. DASLER: Motion.

19 MR. RAINEY: Second?

20 MR. GRAY: Second.

21 MR. RAINEY: In favor?

22 THE PANEL: Aye.

23 MR. RAINEY: Any opposed?

24 THE PANEL: (No response.)

25 MR. RAINEY: I had a comment on the training

1 established." Secondly, "NOAA should advise the U.S.
 2 Coast Guard on recommended training requirements for the
 3 safe use of NOAA ENC's and certified derivative products."

4 CAPTAIN MYRTIDIS: I absolutely agree. I
 5 think I disagree with the second. I don't think this is
 6 necessary at all. You know, training requirements for
 7 people that use ENC systems are already in place. We
 8 shouldn't go out and try to reinvent the wheel.

9 MR. RAINEY: Okay.

10 CAPTAIN MYRTIDIS: I think it's a very valid
 11 point that -- how in the world can you say that you now
 12 can make sure that the user is certified? That's up to
 13 the user. That's their responsibility.

14 MR. RAINEY: Could everybody hear Captain
 15 Myrtidis? I know from the break we were having a little
 16 trouble down at the other end. He is suggesting striking
 17 the second recommendation. So Captain McGovern, any
 18 comment?

19 CAPTAIN MCGOVERN: I think there are some
 20 requirements already out there for the upper level
 21 mariner, let's call them. But for the lower level,
 22 especially if this Coast Guard regulation goes through
 23 requiring electronic charts on all vessels, maybe the
 24 Coast Guard has to look at a training level for those
 25 lower mariners that is not going to be addressed at the

1 IMO. I think I would leave in number two, knowing it's
2 not going to affect -- it's not necessarily redundant with
3 what's out there at the IMO level. We are now looking a
4 lot lower than that.

5 CAPTAIN MYRTIDIS: If I may --

6 CAPTAIN MCGOVERN: I mean, we could add some
7 wording that it not be redundant, but --

8 CAPTAIN MYRTIDIS: I think I understand what
9 you're saying, Andrew; however, I don't think it's really
10 NOAA to advise the Coast Guard of what kind of training is
11 required. At the end of the day, it doesn't matter if
12 it's a user on a 3,000 passenger cruise ship or in a
13 smaller unit. It is the responsibility of the user of the
14 equipment to be familiar with the use of the ENC. And
15 there are -- actually, I'm pretty certain that there are
16 regulations either in the CFRs for the United States Coast
17 Guard or International Standards that they say that if you
18 have this type of equipment, then you have to have some
19 type of training to be able to operate that.

20 CAPTAIN MCGOVERN: I don't know if I would
21 go that far with what's in there. I agree with you as far
22 as what maybe NOAA shouldn't advise. Maybe the wording
23 should be worked with the Coast Guard or assists. The
24 Coast Guard is going to look at NOAA as the expert.

25 MR. RAINEY: I see some other folks have

1 some comments, but one thing I might toss out, and I don't
2 know if this would help with the other comments that are
3 pending, but tomorrow, again, we are going to talk about
4 the Coast Guard reg, that the class of people that are
5 going to be affected by that, as Captain McGovern pointed
6 out, is a much broader class than the SOLAS requirement
7 for ECDIS. We might, for the purpose of comments on this
8 Federal Register, hold off and not include this second
9 recommendation but bring it up again tomorrow in the
10 context of looking ahead at the Coast Guard Act. Would
11 that meet with everybody's approval?

12 CAPTAIN MCGOVERN: That's fine.

13 MR. RAINEY: I guess I need a motion then on
14 the first recommendation.

15 MR. GRAY: So moved.

16 MS. BROHL: Second.

17 MR. RAINEY: Any further discussion on the
18 first recommendation?

19 MR. OSWALD: Scott, I have a question.
20 Would it be the intent then -- or maybe this is more
21 pointed at Dave -- if NOAA should require training and
22 educational materials, would that be in effect certified?
23 Would you look into a company's education, training, and
24 documentation of materials?

25 CAPTAIN PARSONS: I don't think that's going

1 to happen.

2 MR. ENAENIT: It really wasn't our intent.

3 MR. RAINEY: Isn't it part of the
4 application that they have to provide that? I think it
5 does talk to that, as far as getting the whole process
6 certified. If I recall, there is provision that this
7 needs to be included. In fact, what I was going to say is
8 that there is almost too much of a burden here. You can
9 ask them to provide that, but you can't have them as a
10 guarantor that -- you know, the person is going to have a
11 level of knowledge. I guess what I'm trying to say is, my
12 reading of the rule was that it did provide for what John
13 was asking about.

14 MR. ENAENIT: I'm sorry. I'm lost. John,
15 did you want me to say something here?

16 MR. OSWALD: Are you going to certify
17 training?

18 MR. ENAENIT: No.

19 MR. OSWALD: Manuals or --

20 MR. ENAENIT: No. And certainly the word
21 ensure is something that -- we need to look at that again
22 based on -- the fact you raised a comment, we'll go back
23 and look at it and write up -- take the intelligence on
24 the comment and put it into regulatory language.

25 MR. RAINEY: Because it does say the CED or

1 CEVAD shall by providing appropriate training and/or
2 adequate documentation -- and I'm assuming that's
3 referring to training documentation since it's under the
4 training subsection, so I'm implying that there is some
5 requirement to do that.

6 Anyway, any further discussion then on the
7 recommendation? Now, we are talking, again, just about
8 recommendation number one. So all in favor of adopting
9 that recommendation under training?

10 THE PANEL: Aye.

11 MR. RAINEY: Any opposed?

12 THE PANEL: (No response.)

13 MR. RAINEY: The last one I had on Page 5
14 was on the redistribution of data. Now, Dave, when he
15 gave us the refresher briefing, in his comments -- I may
16 have just misunderstood, because he said that there could
17 be additional things when he was briefing us this morning.
18 When I read the rule, it seemed to me by definition that
19 the Certified NOAA ENC Distributor, by definition, was an
20 entity that can distribute the NOAA ENC and that they did
21 not reformat that or add additional information. If you
22 did that, then you needed to be certified as a Value Added
23 Distributor.

24 My comment was, it seems to me by definition
25 that a section on additional data under the CED was not

1 applicable, that you should strike that, because if
2 you're going to put additional data in there, you have to
3 be a CSVAD. That was my comment. Am I right on that
4 Dave or --

5 MR. ENABNIT: I would have to go back and
6 read it in detail, but I think the comment is clear enough
7 that there might be a redundancy. If you just make that
8 comment, then we'll go back and read it carefully. If
9 it's not redundant, then we'll change it.

10 MR. RAINEY: It's not a question of being
11 redundant. It just seemed like it didn't apply. Because
12 by definition it seems to me that if you are an ENC
13 distributor, that's what you could do. You just grab the
14 official thing and redistribute it. But if you wanted to
15 reformat it or in anyway add stuff to it, then you have to
16 follow the more detailed process.

17 MR. ENABNIT: So the comment's clear enough,
18 if you'd just include it in your list, we'll --

19 MR. RAINEY: All right. Can I have a motion
20 on that regulation?

21 MS. BROHL: So moved.

22 MR. RAINEY: Second?

23 MR. GRAY: Second.

24 MR. RAINEY: Any further discussion?

25 THE PANEL: (No response.)

1 MR. RAINEY: In favor of adopting the
2 motion?

3 THE PANEL: Aye.

4 MR. RAINEY: Opposed?

5 THE PANEL: (No response.)

6 MR. RAINEY: That's what I had on the ENC
7 distributors. Are there other comments that folks would
8 like to offer? And, again, I talked to our court reporter
9 here and Barbara and Monica, who are carrying all of this
10 for the minutes, and it will be most helpful if we make a
11 proposal and then we can discuss it. We are going to need
12 to reduce it to writing so we can capture it so we'll know
13 what we are voting on, but are there any further comments
14 or recommendations on this Federal Register?

15 CAPTAIN MCGOVERN: I just mentioned to Dave,
16 I think somewhere like on a website or something that is
17 up to date on which distributors are certified, and
18 especially -- in fact, when I say up to date, if they do
19 have that certification pulled for some reason that a
20 customer would be able to look at this and know that there
21 was a problem and not necessarily -- there has to be a
22 data base for the distributors. They have a data base for
23 their customers, but it seems like, especially if some of
24 this stuff is over the counter, that it has to be the
25 other way around. There has to be some type of data base

1 of who is certified and what they are certified to do so
2 that when you're going in to buy a product, you don't have
3 to believe exactly what the salesman tells you because --
4 and also if something happens that there is a reason why.
5 You can see something on the shelf and it says he is a
6 certified distributor, but that was last year, you know,
7 but it's still sitting on the shelf.

8 RADM WEST: How many are certified now?
9 Anybody?

10 MR. ENABNIT: None. There is no regulation
11 now.

12 RADM WEST: There are roughly 150 companies.
13 This was four years ago when we took the survey. So there
14 is probably more now. So that's a great point. I'm sure
15 that on NOAA's website you can go and -- there ought to be
16 a place where there is a consumer report and a recall
17 list. Is that the plan?

18 MR. ENABNIT: That's good advice and common
19 sense.

20 CAPTAIN PARSONS: That shouldn't be
21 difficult to do at all.

22 RADM WEST: I would like to carry what Andy
23 said. A strong recommendation from this committee is --

24 MR. RAINEY: Barbara is typing it there, so
25 the recommendation is to provide an up-to-date listing on

1 the Office Coast Survey website, similar to Consumer
2 Reports, that would have a listing of Certified ENC
3 Distributors.

4 MS. HESS: An up-to-date listing of
5 certified --

6 MR. RAINEY: Certified ENC Distributors.

7 CAPTAIN MCGOVERN: And the SENC Distributor
8 as well.

9 MR. RAINEY: Yeah. I was being generic
10 there.

11 CAPTAIN PARSONS: Let's just keep it generic.

12 CAPTAIN MCGOVERN: Yeah, we'll figure it
13 out. And their products, which are certified, especially
14 when you get into SENC, that they could have -- you know,
15 they package a whole bunch together, you know, which ones
16 are good and which ones are --

17 DR. LAPINE: Is that list also going to
18 include the not certified?

19 CAPTAIN PARSONS: If it's not on, it's not
20 certified.

21 MR. RAINEY: So the idea is to have a
22 publically accessible data base of certified distributors.
23 Is that clear enough to get a motion that we can vote on?
24 Can I go ahead and have a motion on that?

25 MR. DASLER: So moved.

1 CAPTAIN MCGOVERN: My recommendation was
2 certified products.

3 MS. HESS: Certified ENC Distributors and
4 their products.

5 CAPTAIN MCGOVERN: Because we talked about
6 different -- we talked about certified distributors,
7 certified processes, and certified products.

8 DR. LAPINE: And their certified products?

9 CAPTAIN MCGOVERN: Well, we talked about
10 them. We made that recommendation. The motion was
11 carried, so we are trying to keep it consistent.

12 DR. LAPINE: They might have other products
13 that might not get certified.

14 CAPTAIN MCGOVERN: And that's why it's on
15 the list, you know, what's good and what's bad. That's
16 why I mentioned it.

17 MS. HESS: Provide an up-to-date listing of
18 Certified ENC Distributors and their certified products.

19 MR. RAINEY: All right. We had a motion
20 down here. We spent a little bit more, but I think
21 everybody understands the concept. All in favor of that
22 recommendation?

23 THE PANEL: Aye.

24 MR. RAINEY: Opposed?

25 THE PANEL: (No response.)

1 MR. RAINEY: Any other comments or
2 recommendations?

3 MR. DASLER: I don't know if we just
4 addressed this, just having a certification statement
5 required whenever the NOAA logo or emblem is used in the
6 packaging. It may be a good opportunity to help educate
7 the public, because I think they get pretty confused by
8 what meets the requirements and what doesn't for
9 something. Something similar to the use of this ENC with
10 a type-approved ECDIS system will meet --

11 CAPTAIN PARSONS: Or we can also reference
12 that and reference the applicable CFRs and address that.

13 MR. RAINEY: Jon talked to me a little bit
14 at the break, and it's exactly in line with what I was
15 trying to write about on some of these other things, and I
16 think it's an excellent point. My understanding is when
17 you use the NOAA logo, or whatever it is that has a
18 certification on it, that there be accompanying language
19 that would clearly state -- and this goes to the
20 distinction between are you certifying the process or are
21 you certifying the product for a particular use. So in
22 other words, you may or may not have the seal there, but
23 then you would have in addition to that, just in plain
24 language, this is a -- whatever kind of animal it is, and
25 it does or does not meet federal carriage requirements, so

1 that it's just stated right there.

2 Because as I commented, and the next thing
3 we'll get to in just a second, one of my fears or concerns
4 is, if you're going to allow them to put the NOAA logo on
5 that, to me that means that's the real McCoy. That's the
6 official data. When I see the NOAA logo, unless I'm told
7 otherwise, I'm automatically going to think that's the
8 official IHO, artificial data. So I think the
9 recommendation is that in addition to the NOAA logo or
10 when you have a certified product, it should state exactly
11 what that certification is certifying so there is no
12 question what that product is.

13 MR. DASLER: I would just take it further
14 that it should be a requirement that wherever they use the
15 logo, that statement goes with it.

16 MR. RAINEY: People are nodding.

17 DR. LAPINE: We are agreeing with you.

18 CAPTAIN MCGOVERN: If it's quiet, that's
19 good.

20 MR. RAINEY: Can I have a motion on that
21 then? Do we have it in language?

22 MS. HESS: I don't have it in language. The
23 NOAA logo should emphatically state --

24 MR. RAINEY: I don't know about
25 emphatically, but I think -- it seems like it's not

1 necessarily just in addition to the logo, but it's when
2 the NOAA logo --

3 MR. DASLER: You can just say that a
4 certification statement is required.

5 MR. RAINEY: Must accompany the NOAA logo on
6 certified products.

7 MS. HESS: A certification --

8 MR. DASLER: Statement must accompany.

9 MS. HESS: The NOAA logo?

10 MR. RAINEY: The NOAA logo when used on
11 hydrographic products, because the Act in the reg defines
12 a hydrographic product to be a third party and non-federal
13 product for this instance. Is that clear enough that we
14 can get around that as a recommendation and then NOAA can
15 take that and --

16 MR. ENAENIT: It's clear to me.

17 MR. RAINEY: Can I have a motion on that?

18 MS. BROHL: So moved.

19 MS. DICKINSON: Second.

20 MR. RAINEY: In favor?

21 THE PANEL: Aye.

22 MR. RAINEY: Opposed?

23 THE PANEL: (No response.)

24 MR. RAINEY: Any other comments?

25 THE PANEL: (No response.)

1 MR. RAINEY: Okay. Thanks very much.
2 That's probably the most detailed one I had. I think I
3 would like to proceed with the Quality Assurance on the
4 hydrographic products and then quickly look at just the
5 portions of the NOAA plan, and then use the balance of the
6 time on the ICOS.

7 Again I'll ask if other people had anything
8 written or prepared on the Quality Assurance and
9 Certification Program -- but, if not, then I'll go through
10 what I had passed out, and then we can comment on that and
11 open it up again for additional comments.

12 If you have the paper in front of you, under
13 References and Background, what I did was, I went back to
14 the Hydrographic Improvement Act of 1998 and then I looked
15 at the subsequent amendments of 2002. And what I wanted
16 to do simply was, because I had been involved in some of
17 these discussions and I'm a little bit familiar with kind
18 of what's going on, I wanted to capture exactly what the
19 statutory language said, and also to look at -- there are
20 House Committee Reports that go along with the
21 legislation. So I pulled out what I thought were some
22 relevant comments from the law, the statutory language,
23 and also some indication of Congressional intent as
24 reflected in the report language. All of this is just
25 there for reference.

1 My point was that in '98 Congress passed a
2 law that said the Administrator may do this. In 2002 the
3 amendments came in that say the Administrator shall do
4 this. In the report language, looking behind the law into
5 some intent, I'll read just a couple of excerpts out of
6 the 1998 report. "Official nautical charts or other
7 information published by the federal government are not
8 hydrographic products under this section. Source data
9 acquired by NOAA from a private entity for the purpose of
10 making nautical charts are not hydrographic products."

11 Another excerpt out of the same report, "The
12 Committee feels that it is incumbent on the Administrator
13 only to certify that the data included in a hydrographic
14 product are collected and displayed in a manner that
15 satisfies certain standards. By certifying a hydrographic
16 product, the Administrator should not be expected to
17 individually check all data included in that product or
18 assume responsibility for negligent actions or failure to
19 follow appropriate standards by the entity producing the
20 product." I'm going to be real clear again. Now, this is
21 just report language, so it doesn't carry -- it's not a
22 statutory requirement, but it's some indication.

23 In 2002 Congress came back and revisited
24 this, is when they reauthorized the Act, and they said
25 they shall, Administrator shall set this up, and I pulled

1 an excerpt again from the House Report. Let me just read
2 this real quickly. "The Hydrographic Improvement Act
3 authorized the Secretary of Commerce to establish a
4 Quality Assurance Program to certify hydrographic products
5 produced by private firms. No such program has been
6 established." Then it goes into a section. "Subsection A
7 directs NOAA to establish such a program not later than
8 two years after the date of enactment." I included these
9 other portions in here just as a flavor.

10 Now, this is the House Report, and the
11 Senate did not enact into law some of the provisions that
12 this section by section analysis is talking about, but I
13 put this up there because, at least to my mind, my
14 argument is it shows sort of an increasing intent of
15 Congress.

16 So what they put in the House Report was,
17 "Section B directs NOAA, to the maximum extent practical,
18 to assure that U.S. certified hydrographic products meet
19 international carriage requirements," and then some extra
20 stuff on that. That was not enacted into the law, but
21 that was put in the House Report.

22 Then I went from the laws into the NOAA
23 statement of policy and the proposed rule. Again, I just
24 pulled an excerpt that I thought was most relevant to the
25 point I'm trying to get to here. "In general, NOAA does

1 not intend to write standards and certify products that
2 would be used to meet the nautical chart and publications
3 carriage requirements mandated in the Code of Federal
4 Regulations and elsewhere. The federal government already
5 provides official products for this purpose, and there are
6 valid safety reasons for maintaining a single, official
7 nautical chart or publication where federal regulations
8 mandate carriage and for not certifying private products
9 for that same purpose. The reasons include --" and I
10 bulleted the list.

11 Going down the page, I pulled out of the
12 proposed rule, Subsection B under Certification -- and
13 this is exactly what David Enabnit was briefing us on this
14 morning. This is going to be a certification of a process
15 to standards that will be developed. This is not a
16 certification for a specific use, i.e., you know, official
17 nautical chart or the carriage requirement. So reading
18 through that, I won't read it all, but just what I have in
19 bold, "Certification conveys no express or implied
20 warranty as to the merchantability or fitness for a
21 particular purpose, and conveys no express or implied
22 liability on the part of the government and no
23 endorsement, conveys no automatic direct or indirect NOAA
24 endorsement."

25 I went through that whole exercise to make

1 basically -- to get to where I think is what I'm proposing
 2 might be a possible response to this. So I'm on Page 3
 3 now. "The Hydrographic Services Improvement Act makes the
 4 following findings, that Congress has strengthened its
 5 intent for NOAA to certify hydrographic products. It is
 6 not clear, however, that Congress intends for NOAA to
 7 certify privately produced hydrographic products to meet
 8 federal nautical chart and publication carriage
 9 requirements." Again, that's my opinion on my reading of
 10 it. They don't mandate it in the law. There was talk
 11 about it. There is sort of an implication. There is an
 12 implied interest.

13 Maybe you can find -- you could argue in the
 14 House Report, because they talk about that NOAA should
 15 make an effort to meet international carriage
 16 requirements, but that, interestingly, did not carry the
 17 day in the Senate and it didn't go in Congress. It's not
 18 in the law. So my take on that is that it's not clear.
 19 Some people may think that that's where it's going.

20 So then I picked up, "There are valid safety
 21 reasons for maintaining a single official nautical chart
 22 for publication where federal regulations mandate carriage
 23 for that same purpose, and the reasons include --" and I'm
 24 repeating that list. I'm pulling out of the Rule. And
 25 then I concluded, essentially, "Therefore, NOAA's proposed

1 own products, and for a number of reasons I know NOAA was
 2 not really into that. But I think that this is pretty
 3 distinct, and I appreciate you taking the time to go back
 4 and look at the report and clarify it. It's very helpful.
 5 I don't have anything to add to it because I think it's a
 6 very good point.

7 MR. ENABIT: I would take issue a little
 8 bit with your second point when you say it is not clear.
 9 To me it's perfectly clear when it's in the draft bill and
 10 then Congress explicitly takes it out. They do not want
 11 that to happen. There were members that did want it to
 12 happen, and that's why it got in the Bill in the first
 13 place, but in the end you go with Congress's
 14 interpretation and not the interpretation of individual
 15 members. So I would say that at this point it is pretty
 16 clear.

17 Having thought about this for awhile and
 18 having worked on the issue, I continue to support the idea
 19 that we not certify privately made products for chart
 20 carriage. The market is well served. Nobody is giving
 21 away official products. We are updating them weekly. We
 22 are just not going to be in the police business. If
 23 private products were certified for carriage, we
 24 technically should be out there every week looking at
 25 every one of them, and we are not going to do that, and

1 rule for the Quality Assurance and Certification Program
 2 for NOAA Hydrographic Products satisfies the current
 3 statutory requirement established by Congress." Then I
 4 have two other sort of follow-up recommendations.

5 All that went before that is sort of -- I
 6 tried to capture my take on the status of what's mandated,
 7 and my conclusion is that the concept, NOAA's
 8 interpretation, at least currently, satisfies the
 9 statutory requirements to set up this Quality Assurance
 10 Program. Again, that's my personal analysis, and I'll
 11 throw that out for discussion or comment. Helen.

12 MS. BROHL: I have to thank you for taking
 13 the time to actually go back and analyze the different
 14 aspects, because while I sat through a lot of this
 15 discussion on the House side, I didn't always get it, and
 16 I kept asking the same questions over, well, does this
 17 imply this or does this mean that. I think the way that
 18 you outlined its intent -- it may seem like peripheral
 19 information, but keep in mind that if we don't help
 20 address this very clearly for NOAA, it could be revisited
 21 a third time in a way that isn't necessarily productive
 22 for, I think, what we want to say here, and there is a lot
 23 to be said.

24 I think that the original intent on the
 25 House side was to allow private individuals to have their

1 the Justice Department is not going to stand behind us if
 2 we start jerking licenses.

3 It's not a practical answer. It's not
 4 particularly a safe answer. It's not particularly
 5 burdensome on anybody by excluding that, certainly not on
 6 the mariners since we are already fully satisfied in that
 7 limited part of the market that has mandatory carriage.
 8 It does not impact the ability of these hydrographic
 9 products to serve the recreational community which is the
 10 bulk of the market. So I would say that the intent of
 11 Congress is clear, and I think the rationale that we have
 12 put forward is actually on balance to the public's best
 13 interest.

14 MR. RAINEY: I would like to hear,
 15 obviously, the members views on that, and I really
 16 appreciate what Dave said, and I would certainly be
 17 willing, if this is perhaps a more accurate statement, but
 18 I want to bring members in. This is exactly what I'm
 19 doing. I'm throwing out my take on this, but this is a
 20 political -- this is in play, so I just want to set forth
 21 where my assessment is, and I'm recommending that we look
 22 at our assessment of where things are now, not where we
 23 think politically it's going to end up two years from now.
 24 We have to look at where it is now.

25 So in light of Dave's comments, the second

1 bullet could be amended to read, "Congress has not
2 required NOAA to certify privately produced hydrographic
3 products to meet federal regulations." Right now I think
4 clearly they have. It's not in the law. There is some
5 report language on the House side that might indicate some
6 intention that some people want to do that, but clearly my
7 reading of the law is that it's not required. They are
8 not mandating that under the law at this time. It's not
9 to say that the next Congress on the next go around may
10 change the language again, but we have to deal in the here
11 and now, not what we think is going to happen down the
12 road.

13 MR. GRAY: It seems to me, from what David
14 has said, that's a statement of fact as of right now in
15 what the law actually says. I guess it could be another
16 discussion on whether this group, this Panel feels they
17 probably should move to get NOAA into that business in the
18 future. And, I guess, somebody said this mainly applies
19 to what the main market is, which is small craft or
20 recreational or something like that.

21 MR. ENABBIT: The target for that would be
22 both SOLAS vessels and the ones to be newly regulated by
23 the Coast Guard by January 2007, which is a total of maybe
24 twenty thousand vessels as opposed to five or seven
25 million recreational boats.

1 CAPTAIN PARSONS: This proposed rule
2 essentially addresses the non-regulated marketability.

3 MR. GRAY: Small craft, recreation.

4 CAPTAIN PARSONS: Those not required to
5 carry products.

6 MR. GRAY: I would be happy to have it in
7 the way of suggesting an amendment, Scott, in line of what
8 David has said, as thus far Congress has not required that
9 NOAA certify privately produced hydrographic --

10 CAPTAIN MYRTIDIS: And it should not.

11 MR. DASLER: The Panel could take that a
12 step further and make the statement that we don't feel
13 that NOAA should, just to help clarify that.

14 MR. GRAY: That's what I -- Congress has
15 certainly not required that NOAA do it, and this Panel can
16 express a view on whether or not we feel NOAA should
17 consider being in that business.

18 MS. BROHL: So instead of saying there are
19 valid reasons, the Panel agrees with NOAA's reasons which
20 include the following --

21 MR. RAINEY: Let me take this in order,
22 though, and then we can add on it. What I would suggest
23 where we are then would be, as I read it with the change
24 in the second bullet, to read that Congress has not
25 required NOAA to certify, and then as written.

1 DR. LAPINE: Do they require or direct? Can
2 Congress direct NOAA or --

3 MR. RAINEY: Either, but --

4 CAPTAIN MYRTIDIS: Can we appropriate to
5 also say that that will not happen?

6 MR. RAINEY: Right. I think the next
7 comment or recommendation would be is -- as you look down
8 the main dark bullet there, after the list of the reasons
9 why there are valid safety reasons on the list, a
10 recommendation could be added or suggested here that we
11 say that the HSRP, that we recommend -- how do we want to
12 word it, that NOAA --

13 MS. BROHL: How about just to start in the
14 third bullet to say that the Panel supports NOAA's reasons
15 for maintaining a -- and then after that, therefore -- I
16 think you need to say something even more clear.

17 CAPTAIN MCGOVERN: I think we say that,
18 because if you read the header that this Panel makes the
19 following findings, that there are valid safety concerns,
20 so we have already done that.

21 MS. BROHL: But Dave is saying that a more
22 specific support of NOAA's position to have a single --

23 CAPTAIN MCGOVERN: I think we did that, if
24 you read the top, because basically that's a bullet under
25 that top line.

1 MS. BROHL: But are we finding that NOAA is
2 correct in choosing to keep the position that there should
3 be a single official nautical --

4 CAPTAIN MCGOVERN: I think that would be
5 another recommendation.

6 MR. RAINEY: Yeah. Again, we have to get a
7 motion to vote on it. We can take it as written here with
8 the amendment we just discussed, and that stands out as a
9 finding. Then we could have, you know, the HSRP further
10 recommends -- and, again, now remember, we are
11 recommending to the Administrator of NOAA, so we have to
12 couch this in the recommendation to the Administrator. So
13 basically we would endorse NOAA's interpretation to the
14 Administrator that the NOAA official -- you know, that the
15 NOAA ENC remains the official product. That's where it
16 gets a little bit --

17 CAPTAIN MYRTIDIS: Maybe we can leave the
18 wording to later. We agree, but we are trying to figure
19 out how to say that, so --

20 MR. RAINEY: Let me do this. Let's take it
21 a piece at a time. Is everybody with me to the point
22 where we are talking about as written, and then we changed
23 the second bullet, that Congress has not required or
24 directed NOAA -- how do we want to do that -- certified --
25 that is the one change. Otherwise, I would like to get a

1 motion to approve that much.

2 MS. BROHL: So moved.

3 MR. GRAY: Second.

4 MR. RAINEY: All in favor of accepting that
5 as a recommendation or finding?

6 THE PANEL: Aye.

7 MR. RAINEY: Opposed?

8 THE PANEL: (No response.)

9 MR. RAINEY: So we have that much in. Now,
10 the second additional one then is to make a further
11 recommendation, and, again, it has to be the
12 Administrator, that NOAA does not -- and, again, it's
13 tricky. We will have to take some time with this. The
14 concept is that we recommend that this is the right policy
15 because of these reasons. The Administrator, if Congress
16 tells him he has to do it, he doesn't have a choice. But
17 what we want to do is further endorse -- I guess the
18 suggestion is to further endorse the Administrator's
19 policy position.

20 MS. BROHL: Because it could be used later
21 as a way to go back and say the Panel also agrees. So I
22 think it's an important point.

23 CAPTAIN MCGOVERN: We could recommend that
24 NOAA continue to be the single official nautical chart or
25 publication supplier where federal regulations require or

1 mandate carriage. I'm just trying to play off the same
2 words that are here now.

3 MR. RAINEY: Would this be something we can
4 table at the moment, reduce it to writing, come back, and
5 then approve it and add it later?

6 CAPTAIN MCGOVERN: Sure, first thing in the
7 morning or something like that.

8 MR. RAINEY: When we think we have
9 something, we can come back at it. Let's table that.
10 Let's move down to the next one. "The Panel is concerned
11 that the use of NOAA's emblem on a certified hydrographic
12 product will imply that the product is an official chart
13 or publication that meets federal carriage requirements.
14 Therefore, the Panel recommends that the use of NOAA's
15 emblem is authorized for only those NOAA certified
16 hydrographic products that meet federal carriage
17 requirements." I would like to just hold that back,
18 because we've already taken care of that earlier with the
19 comments that we can have the language with the
20 certification. Is that agreed? Okay. So that's done.

21 I had a very, very short list of ideas on
22 the National Ocean Service Strategic Plan, and I've talked
23 to Captain Parsons and others, and this is out for comment
24 just like these other things are. What you have -- you'll
25 notice you don't have continuous pages. We went through

1 and we just pulled the things that were relevant to
2 hydrographic products and services that we are to comment
3 on. So that's why you don't have a complete version of
4 the plan. We tried to cut the weight of the notebook
5 here.

6 It's under Tab D. It's one page, and these
7 are my comments and observations. "The Panel supports the
8 concept of synchronous strategic plans and the stated
9 vision to be a global leader in the integrated management
10 of the ocean." If you might -- I think maybe I can read
11 through all of these. I don't know if they'll be
12 controversial, but maybe we can take them all at once.

13 "NOAA needs to continue to raise awareness
14 and increase understanding among NOAA and NOS personnel,
15 partners, and stakeholders, regarding the GLIMD vision,
16 the concept of Ecosystem Management, and NOAA's Planning,
17 Programming, Budgeting and Execution System. NOAA needs
18 to identify and incorporate Corporate Performance Measures
19 in its Strategic Plan." And that is something they say
20 they are going to do in the plan itself. "The Panel could
21 provide advice and recommendations on the development of
22 Corporate Performance Measures regarding Hydrographic
23 Products and Services."

24 And the last point is, "NOAA needs to
25 utilize the PPRES and Corporate Performance Measures to

1 prioritize the allocation of limited resources among its
2 many meritorious and diverse hydrographic products and
3 services in a rational and equitable manner."
4 Sub-points, "This is particularly important because of the
5 very limited amount of discretionary budget authority and
6 reprogramming constraints." We heard quite a bit about
7 that up in New York. "Resources, funding and FTEs, need
8 to be distributed strategically from research to product
9 or service delivery."

10 In other words my thought is, we have to
11 balance -- and one example would be charting, hydrographic
12 surveying and mapping and charting. To reduce the survey
13 backlog is a good goal, but it seems to me it's an
14 intermediate step, and the data needs to be delivered
15 hopefully as a product, as an ENC, raster chart, or other
16 usable hydrographic product, not just do a whole bunch of
17 surveys and then have it all sit there and stored in the
18 can because you don't have resources to take it from there
19 and put it into a usable product.

20 "NOS should identify and quantify the
21 benefits from NOS products and services that are provided
22 to other NOAA Line Offices' missions and programs."
23 Again, this is sort of the crosscutting themes that go
24 through the Strategic Plan, and I think it would clearly
25 identify the other NOAA folks as, you know,

1 constituencies, if you will, at some of these NOAA NOS
2 line items, that that can help further support and justify
3 their programs in the budget. Those are just my thoughts.
4 I don't know if that is too much to chew at one time, but
5 I was hoping maybe we could toss those out and see if
6 people want to have a discussion.

7 MR. GRAY: I don't know whether it's
8 appropriate in commenting on this, because, frankly, I
9 didn't read this thing through before getting here. If
10 this Strategic Plan for the National Ocean Service for the
11 next five years is really trying to describe what their
12 activities are going to be over that period, I hope
13 somewhere in here it says something to the effect --
14 personally I feel the highest priority of what they do
15 should be given to completing the modern survey of the
16 critical areas and to the installation of PORT systems
17 where they don't now exist and in getting federal funding
18 for them. To me that transcends the other issues that I
19 think they're doing. I care a lot more about those things
20 than I do about EODIS or ENCs or most of the rest of this
21 stuff. Because getting good data in the hands of mariners
22 in the coastal and harbors and inland areas is more
23 important than getting electric charts or any of the rest
24 of the nice little toys that are coming out.

25 As I said to somebody recently, the

1 because, as I said, I don't get on as many ships as many
2 as you do these days, but I have seen an awful lot of
3 stuff on the ships that I have been on that are window
4 dressing compared to the importance of really good data,
5 real-time data, accurate hydrographic information in the
6 shallow waters where it's needed. That's more important
7 than what you're talking about, Captain Myrtidis.

8 MR. RAINEY: One comment on that, I had a
9 similar feeling when I read this. The Strategic Plan's
10 course is a very high level document that basically kind
11 of set out some goals, and they are breaking it down very
12 specifically under this, and then they promised that they
13 were developing these corporate performance measures. And
14 my comment to the plan that gets to Bill Gray's point is,
15 in fact, that this is still being developed.

16 If NOAA would like, we possibly could play a
17 role in recommending some of these corporate performance
18 measures, but that my comment as far as -- you know, there
19 needs to be some sort of analysis, because as you read all
20 of these strategic plans, you cannot tell -- everything is
21 an important mission, everything is an important goal, and
22 they're going to do everything, if you read the Strategic
23 Plan.

24 The issue is, if you don't have enough money
25 to do everything, how are you going to pick and choose.

1 manufacturers have been damn good at getting their toys,
2 their electronic games mandated onto the bridges of ships,
3 and the mariners I've talked to would much rather have
4 good data than those toys. Now, I don't know how that
5 gets put into words in this, and I don't know whether
6 others agree, but that's the way I see it.

7 CAPTAIN MYRTIDIS: Well, that's not exactly
8 the words I'd use.

9 MR. GRAY: Let's put it this way. We have
10 an awful lot of very fancy and, as I understand it, very
11 poor reliability stuff being mandated to go on the bridges
12 of ships, much less reliable than the traditional things
13 that ships are navigating with.

14 CAPTAIN MYRTIDIS: Well, that was maybe a
15 hundred years ago, but there is nothing, you know, like an
16 electronic chart that can talk to you and can tell you
17 that you're getting too shallow so you can see it
18 physically in front of you. But that's despite the fact
19 that --

20 CAPTAIN PARSONS: I think if you take the
21 time and take a look at Page 8 under Marine Transportation
22 System, much, if not all of what you said is incorporated,
23 perhaps not specifically, but --

24 MR. GRAY: I know it's all mentioned in
25 there, Roger. I just offer this as a point of view,

1 So what I was trying to say was, NOS needs to utilize the
2 PPBES and the Corporate Performance Measures to prioritize
3 the allocation of limited resources among its many diverse
4 hydrographic products and services, and then try to
5 further break that down.

6 I'm trying to capture the idea that, yes,
7 you have all that sitting out there, but you're setting up
8 the system to really be able -- I think for the first time
9 NOAA will be able to justify those sorts of decisions and
10 then help better support its budget once they get to that
11 point. Maybe we have a role to play on some of those
12 things, maybe when they come to us with these corporate
13 performance measures, but right now it's a pretty high
14 level document with not a lot of obvious break down on --

15 MR. GRAY: I would agree with that if we
16 were to say just that HSRP would definitely like to be
17 consulted on the priority setting of these things.
18 Because you're right, there is never enough funds to do
19 all of the things that are described in there, and
20 periodically we should have these discussions that with
21 inadequate funds to do everything, where should the
22 priority go. We already have done that once. I think we
23 should continue to.

24 CAPTAIN MCGOVERN: If you read the whole
25 document, which I know this isn't here, but one of the

1 things that I noticed when I was reading it is just that
2 being that Commerce and Transportation -- it's still a
3 bullet in here, it's not very big.

4 DR. LAPINE: That's the point. It's the
5 last bullet in here.

6 CAPTAIN PARSONS: It's not prioritized.

7 CAPTAIN MCGOVERN: And that, I think, is the
8 scary part of it. It's kind of an afterthought.

9 DR. LAPINE: If I were going to read this
10 document, I wouldn't start on Page 6.

11 CAPTAIN MCGOVERN: That's what bothered me
12 about the whole -- we were just kind of like --

13 CAPTAIN PARSONS: I would not read the Goal
14 Team Listings as being a priority.

15 CAPTAIN MCGOVERN: No, and I didn't, but
16 when I read the whole -- I mean, there was a lot of talk
17 about a lot of things, and then there was a little talk
18 about --

19 DR. LAPINE: It's not even alphabetized. If
20 it were alphabetized --

21 MR. RAINEY: I think that's an excellent
22 point, but it also kind of highlights the diversity of
23 NOAA. It's a very diverse agency.

24 DR. LAPINE: This is NOS, and we're not even
25 first in NOS.

1 MS. BROHL: Ocean Services, Products and
2 Services, and NOAA is diverse and it has a lot of
3 missions, and I know it's hard to prioritize, and we
4 acknowledge that there isn't a lot of money out there, and
5 the Administrator said there isn't a lot of flexibility in
6 moving money around. But I think that we have to hang on
7 very tightly, you know, to the MIS or the marine safety --
8 the navigation safety issues at hand under NOS, because
9 the products very much are tied to navigation safety. I
10 think we should be able to say it in here, and, yes, I
11 think even Ocean Coastal Management is under NOS, correct?

12 CAPTAIN PARSONS: Uh-huh.

13 MS. BROHL: But even that, if you look at
14 what they do, is very much tied to a commercial angle of
15 waterfront development versus protection. So, yes, it is,
16 and they're all important but --

17 DR. LAPINE: In 28 years in NOAA, I can tell
18 you that if the head of NOAA wanted to make this a
19 priority, all the money you needed would flow right into
20 this process. It never happens, and I think that is our
21 responsibility to make the Administrator of NOAA realize
22 how important this is, on a level with the weather even, I
23 think we could do, and money would start flowing into the
24 program.

25 CAPTAIN MCGOVERN: And some of us have been

1 trying.

2 MR. DASLER: In the interest of maritime
3 safety, it's paramount that NOAA focus on reducing the
4 survey backlog and reducing the time required to obtain
5 the chart.

6 MR. OSWALD: I would like to follow up on
7 Bill's comment. If you look at the Strategic Plan, it's
8 sort of this pie in the sky. Researchers don't first
9 expand stewardship and implement strong research
10 innovative techniques, so why don't we just tell them, the
11 Administrator, right in the Strategic Plan that we should
12 do something about this critical backlog. I think that's
13 one of the big issues here of this Committee.

14 They have assets. I give this credit to
15 NOAA, that they have the fair weather map. The contacts
16 have generally increased some of that through this earmark
17 process. Couldn't we just recommend that NOAA increase
18 her capacity in data and production of the ENC, double
19 production in five years, or some conceivable time, six or
20 seven years?

21 MS. BROHL: John, is that a reflection of
22 appropriation as compared to capability? Where is the
23 connection?

24 MR. OSWALD: Well, Scott has it in here,
25 redistribution, but I don't think you can redistribute

1 that much.

2 DR. LAPINE: I say that if the Administrator
3 of NOAA felt that this was important enough, he would feed
4 that information to Commerce, would feed it to OMB, and
5 the money would come in.

6 MS. BROHL: I thought that charting and
7 mapping, NOAA is getting almost the authorized level at
8 this point.

9 MR. OSWALD: They are. If you read
10 Lautenbacher's Annual Guidance Memorandum, it's like sort
11 of a strategic plan. New ships, we have to have capacity.
12 And the reason I got excited about this, this summer I was
13 working on NOAA projects in Alaska -- and nobody's heard
14 about this, and I've been in some areas where we are
15 taking commercial ships in areas that have never been
16 sounded, right up to the shore, shallow water. If we want
17 to increase commerce in the United States, if you want to
18 protect the environment by having fewer ships come
19 aground, and if you want to increase the economic basis of
20 commerce and increase safety, just chart. I don't know if
21 it should be a separate recommendation or --

22 MR. RAINEY: I was going to suggest that
23 maybe, if we walk through these -- we had a little bit of
24 comment. What if we decide whether or not we want to
25 adopt any or all of these, and then if you can put that

1 idea down in something we can capture, then -- we can make
2 a motion while we are doing that, and we can vote on that
3 as an additional or supplemental recommendation on the NOS
4 plan.

5 MR. GRAY: I think that's not within the
6 authorized -- why are we bound by the authorized letter?
7 I don't think we should be bound by it at all.

8 MS. BROHL: It was actually just a question
9 as a way to address these, to find a solution.

10 DR. LAPINE: I think we can recommend
11 anything we want.

12 MR. GRAY: If we want to say that they ought
13 to get five times the money they do and be the highest
14 priority in the entirety of NOAA, we should say so. And I
15 think your comment, Lou, about where Commerce comes into
16 this NOS document, much less the NOAA document -- I think
17 a strong statement to that effect is a very positive thing
18 that this group could do.

19 As somebody said down there, one good
20 accident would make the fault clear of what should have
21 been done had it been moved more quickly. And that
22 applies both to getting rid of the backlog of the critical
23 area data to real-time data, which is FORIS, and those
24 things are known technologies or known facts that will
25 increase the safety of navigation, far more, I believe,

1 than EODIS or electronic charts or weather, you know, all
2 kinds of things, and I think this Panel should say so.

3 DR. LAPINE: And to further that, I think
4 the first two recommendations should be struck, because
5 all we are deluding, we are deluding attention away from
6 what we really want. I don't care if we are a global
7 leader in integrated management of the ocean, I want new
8 nautical charts. I wouldn't even recommend that we are a
9 global leader in that area.

10 CAPTAIN PARSONS: Let me tell you, the
11 Associate Administrator of NOS does.

12 DR. LAPINE: We don't report to him. I
13 realize that, but let's keep it simple. We don't report
14 to him. I also don't think we need to advocate this
15 concept of ecosystem management. We want nautical charts.
16 Let's not divert our attention away from that.

17 RADM WEST: Be careful before you shoot the
18 horse that's bringing money to you. I'll talk a little
19 bit about that. You don't want to shoot that one. That's
20 the horse we want to ride, by the way.

21 DR. LAPINE: But we don't need to state it
22 as our first two objectives.

23 RADM WEST: All I'm saying is don't bad
24 mouth it. It's going to have some money attached to it.

25 MR. RAINEY: Elaine?

1 MS. DICKINSON: The important thing, though,
2 about recommending this, and I totally agree with Louis,
3 is that it has never helped us in going to Congress or OMB
4 or anybody else to go and lobby for more money and say
5 this is important, this is critical, when the agency
6 itself has not made it a priority. It's like we are out
7 there on a limb with no back up. We are competing against
8 all these other programs. We go to Congress and we say,
9 look, this is really important, this is critical, it has
10 to be done, and yet NOAA itself has clearly not made it a
11 top priority.

12 DR. LAPINE: I've had to write letters to
13 Congress thanking them for the money but we don't want it
14 or we don't need it, because that was directed by NOAA and
15 NOS to me.

16 CAPTAIN MCGOVERN: If you read
17 Lautenbacher's annual guidance, under the support of the
18 U.S. Transportation System, there is nothing in there
19 about charts and there is nothing in there about water
20 levels. It talks about the desirability of travel time
21 and economic losses associated with weather related
22 inefficiencies in the transportation system. Weather
23 isn't the only thing that does that. There are other
24 reasons that --

25 MR. RAINEY: Captain Hickman?

1 CAPTAIN HICKMAN: At the last meeting it
2 seems like we brought it up and we spoke about it, but we
3 kind of sat on it and accepted it that -- 16 years to
4 finish the critical areas at this point; am I correct?

5 CAPTAIN PARSONS: Closer to ten.

6 CAPTAIN HICKMAN: I thought we talked about
7 16 years at the last meeting.

8 CAPTAIN PARSONS: Not for critical.

9 CAPTAIN HICKMAN: So critical is ten, and
10 that's if we change nothing. There is going to be more
11 going into critical as we progress trying to finish the
12 zoned critical areas now, correct?

13 CAPTAIN PARSONS: There will be some
14 increases in the critical area.

15 CAPTAIN HICKMAN: And yet until this moment
16 nothing has been brought up about that, and that seems to
17 be something that we took a lot of time with at the last
18 meeting, and yet we are not bringing it up to this point
19 of having this problem financially, or where we sit on the
20 totum pole with this issue.

21 MR. RAINEY: The only way I know how to
22 proceed so that -- I think those were all excellent points
23 that are worthy of getting the sense of the Panel on, but
24 the only way I know how to do that, though, is just for
25 folks to reduce that to writing so we can have a distinct

1 statement that we can then vote up or down. And that's
2 certainly included in each of these ideas here.

3 You know, this is not an all or nothing
4 thing. We can vote it up or down. You can't sort of
5 capture the general discussion. We have to be more
6 precise and distill that down into a specific statement
7 that we can actually have in front of us that we can vote
8 on, and then we'll go with the majority decision on the
9 statements on whether to include it, amend it, or delete
10 it. Tom?

11 MR. SKINNER: Would it help if we sort of
12 went through and say where do we want to put stuff in?
13 There are a lot of good comments about being more
14 specific, about getting something front and center, and
15 also not losing sight of the buzz words or concepts that
16 have funding attached to them. Maybe just going through
17 and -- I was just looking at this page where they have the
18 bullets in this section, and there are a number of things
19 that -- there is really nothing there that relates to what
20 we are interested in. Maybe one of the things is to get a
21 bullet in there front and center about what it is we want
22 along the lines of what we've been talking about.

23 I'm trying to structure this, if we are
24 looking for an amendment or some recommendations or
25 whatever. One would be specifically to put something

1 right there that says -- where it says these are the keys
2 to our successes, here are our priorities, you need
3 something in there on the coastal survey.

4 MR. RAINEY: I think that's a good idea. I
5 guess my question is now, how do you want to proceed? Do
6 you want to take a short break for folks that have these
7 ideas to reduce them to writing, and then we can come back
8 and go around and present them and vote on them? We have
9 to get to the point where we are actually putting these
10 ideas down so that we can capture them.

11 MR. SKINNER: When are the comments due on
12 this, today?

13 MR. RAINEY: I don't think there is any on
14 this.

15 MR. SKINNER: I was thinking if we went
16 through and sort of said what is in here that we actually
17 want to change, what sections -- do we care whether the
18 Marine Transportation System is at the end? If we do,
19 then maybe we should change that. If we don't, then we
20 can take care of it somewhere else. I don't know if
21 people want to go around and come up with suggestions or
22 think about it and get back after a break or --

23 MR. RAINEY: Should we sleep on this one,
24 table it so people can think about that tonight and then
25 come back tomorrow to suggest specifics? I mean, I

1 thought I had seen somewhere where there was a comment
2 period, but obviously this is a draft plan that's looking
3 ahead. I would assume we could always talk to NOS about
4 some of this.

5 MR. DASLER: I think we could make a general
6 statement, just to get it on the record, and then we could
7 look at more specific wording in the document. But if you
8 had something like in the interest of maritime safety,
9 it's paramount that NOAA's Strategic Plan emphasizes the
10 need to reduce a survey backlog. Something along that
11 line, but having some kind of a generic statement on the
12 record.

13 I understand probably why a lot of this was
14 put forth, because of trying to lobby and show different
15 approaches, because it hasn't been a big priority on the
16 survey backlog, getting funding for that. But in not
17 placing that high emphasis it sort of propagates that,
18 where I think we might want to turn that around. I'm just
19 trying to get a general statement and then we can go back
20 on specifics.

21 MR. RAINEY: Do we have comment on that?

22 MR. GRAY: This is a document that's
23 supposed to go out in 2010. If we don't get this solved
24 by tonight or tomorrow morning, I'm sure we could say
25 something important as a Panel within the next week,

1 month, or something like that, and it still might be
2 heard.

3 Maybe it would be better -- and I would be
4 happy to take a crack at putting some words down. The
5 Marine Board National Academy had a Panel in the early
6 nineties, and they put out a report called "Charting
7 Across the Digital Future," I think. That, as I remember,
8 when I was doing the Port Terminal Safety Study in '95 and
9 '96, we looked at that, and it basically said here is the
10 level of funding that Marine Safety gets within NOAA. It
11 had various facts there, the critical areas, and all this
12 stuff was ten years ago or nine years ago or something
13 like that, and we reiterated that in the Port Terminal
14 Safety Study.

15 Everybody that we took that to agreed with
16 it, including the Commandant of the Coast Guard and so
17 forth. That was part of what produced the whole MIS
18 thing. The same statements, I wrote them for the MIS
19 report in the spring of 1999, and we have been saying this
20 for years.

21 I think a strong statement from this Panel,
22 if it agreed to do so -- where it gets inserted into which
23 document is not important to me. It's important that we
24 get a result, and we have not gotten a result. And this
25 is -- how many years ago do we go on the critical backlog

1 thing? I mean, the Port Terminal Safety Study, if that
2 came out in 1996, it was going to take close to 40 years
3 at the rate they were going, which is totally
4 unacceptable.

5 It's not just the critical backlog.

6 Real-time and accurate information is what the mariners I
7 talk to say they want more than anything else, and
8 somebody, whether it's Spinrad or Lautenbacher or
9 somebody, they ought to get that message, because here we
10 have the largest international commerce in the world that
11 is to and from the United States in ships, 90 percent of
12 it by volume, something like that, and if we have ways to
13 assure that there is a better margin of error for
14 navigational safety in the shallow waters of this country,
15 we would be doing something important for the Nation, and
16 it should be put in those kind of terms.

17 I would be happy to take a crack -- I'm not
18 going to do it tonight, but within a week or two to get
19 something started in the way of a little paper that
20 describes these things. It's not as though that many
21 people have not been saying this. We've been saying it
22 for a long time. But it just -- it resonated with Bob
23 Kranet that produced the MTS thing, which is losing
24 momentum now, because security is the new kid on the block
25 and so forth, navigational safety.

1 This Panel, I would think, was constituted
2 to try and give that kind of viewpoint, if it is a valid
3 viewpoint, to the leadership in NOS and NOAA. So I would
4 be happy to try to do something after we leave here to get
5 a little paper going and figure out where do we go with
6 this thing.

7 MR. RAINEY: Can I suggest this and see if
8 this works. Tomorrow the day is primarily dedicated to
9 precisely that, taking a look at where we are going to go
10 with this thing. I have done some preliminary checks on
11 some possible ideas that I have to throw out for some
12 working groups, and it's very much in line with what Bill
13 Gray is just now talking about, one of the issues in the
14 way of kind of providing a more in-depth look at sort of
15 NOAA's role and missions and what we think might be
16 priorities. So I think that would lend itself to
17 tomorrow's discussion.

18 Could I suggest that we possibly table this
19 discussion? If people have specific comments that they
20 would like to propose to this motion, they can prepare
21 them overnight and then we could include them as
22 recommendations to the plan from this meeting, and also
23 with the notion that we are going to take a further
24 in-depth look at it. Again, it's a multi-year document
25 here, and that's what we are chartered to do, is to advise

1 NOAA on these products and services. So possibly that
2 might be acceptable.

3 If we have some specific comments that we
4 want to convey out of this meeting on the plan as it's
5 written, we'll take a further in-depth look at that and
6 also as we develop our work plan into the future. Is that
7 acceptable to everybody at this point? If you have some
8 comments that you would like to make, we might outline
9 some intent and then proceed tomorrow on that.

10 The last one is the biggest, I think,
11 probably as far as folks' comments, on the observing
12 system. Can we take a break and then --

13 MS. BROHL: Do you want to take lunch and
14 then come back 15 minutes earlier from lunch instead of
15 breaking it up?

16 MR. RAINEY: We could do that. I expect
17 we'll probably have a lot of good discussion on the ICOS.
18 I don't know about the tour, the flexibility on that.

19 CAPTAIN PARSONS: It appears as though there
20 is going to be more discussion than we anticipated, so I
21 would suggest that we cancel the tour in lieu of making
22 more time available for these discussions, and the group
23 over at AHB is flexible enough to do that, but that's your
24 call.

25 MR. RAINEY: I would like to provide time so

1 everybody felt like they were able to comment on these
2 things, that we don't just race through them. I believe
3 in talking to folks between the meetings that there is
4 quite a bit of interest in the ICOS project. So I think
5 it merits our close look at the proposed draft. So I
6 would like to make that call, if there is no opposition on
7 that, that we can go ahead and stay.

8 Why don't we break for lunch now and then we
9 can come back and work on ICOS after lunch? Is that okay?

10 MS. HESS: Admiral West's presentation then
11 will be right after lunch or -- that was at 1:30, I think.
12 I don't have the schedule in front of me.

13 RADM WEST: He's flexible. I'm more
14 important than the tour, though.

15 MR. RAINEY: Why don't we just go ahead and
16 go with the ICOS and then proceed right down the agenda,
17 and then the tour would be the thing that would fall off.
18 Everything else would fall in order. Is that okay?

19 RADM WEST: Are you going to let us go on
20 our own for lunch?

21 CAPTAIN PARSONS: Barbara, do you have some
22 logistic information about lunch?

23 MS. HESS: I have menus on the table and
24 there is a list in your book about close restaurants that
25 I found, so you can look in there and see where you want

1 to go. There are some good recommendations.
2 MR. SZABADOS: What time do you want us
3 back?

4 CAPTAIN PARSONS: At 1:15.

5
6 (Whereupon, a lunch recess was taken.)
7

8 MR. RAINEY: Thank you for making it back.
9 I'm going to pass around some preliminary information for
10 part of tomorrow's discussion on moving forward. Also,
11 did any of the public members intend to have a
12 presentation or make comments this afternoon, just FYI, to
13 know what --

14 CAPTAIN PARSONS: I would hold the public
15 comments for tomorrow.

16 MR. RAINEY: All right. We sent links to
17 everybody as to where it is on the Ocean U.S. website.
18 It's hefty, obviously. We printed out -- this is a
19 downloaded printout copy. We have a number of hard copies
20 that maybe I can just distribute around the Panel, if we
21 need it in the course of our discussion, assuming that
22 everybody didn't download and print the master out, so we
23 can refer to the actual text. If we have to, we also have
24 it in the can where we can call it up to a section. If we
25 need to put it on the screen, we'll have it there. So we

1 have those things to refer back to if we need to.

2 I did not prepare a blow by blow because I
3 knew this was involved, and I knew a lot of folks were
4 probably going to want to discuss that. So what I would
5 like to do is -- Helen has some prepared comments on that,
6 so I'll turn the floor over to Helen and we can start the
7 discussion of the Integrated Ocean Observing System.

8 MS. BROHL: If it's okay with you guys I'll
9 go to the front here, one, because I can see the screen
10 better. I didn't have something to hand out but I did put
11 something up earlier, and I guess I'll do it similarly to
12 what Scott did by having talking points to start with. It
13 gives us somewhere to go. I have engaged in real-time
14 observation efforts for awhile, as I described at the
15 first meeting, and I have done some comments separately.
16 I took out those comments that seem more apropos to the
17 Panel.

18 So just in general, the first statement says
19 that the Panel supports the development of an Integrated
20 Ocean Observing System that would provide real-time
21 operations at all critical navigational areas around the
22 United States. While on one hand Dr. Lou says why don't
23 we not beat around the bush and just -- I think we do for
24 this because there are so many aspects to an integrated
25 system that are not related just to the navigation

1 component, and I thought it was good to emphasize that
2 aspect. I'll go through all of them, and unless there are
3 specific comments, we can do it all at once or go back if
4 you have feelings about any one.

5 Number two, in the absence of authorizing
6 language for ICOS, keep in mind that even though there is
7 this huge Strategic Plan out there, and if there are ways
8 to fund -- there are really only ways to fund pieces of
9 it, but there is nothing that supports the whole systems.
10 But in the absence of an ICOS -- and let me just say,
11 you're not going to see something probably in this
12 Congress, so anything that doesn't happen between now and
13 the end of this Congress, we'll have to start all over
14 next year in a new Congress, even though an ICOS Bill
15 called S1400 did pass in the Senate. There is a number of
16 different types of bills, some attached to a NOAA Organic
17 Act, some on their own, but we really shouldn't see any
18 ICOS language, I don't think, between now and the end of
19 the year.

20 In the absence of authorizing language for
21 ICOS, the Panel requests that NOS maintain a focus on the
22 core program which supports and provides hydrographic
23 services. This was in terms of just keeping your eye on
24 what our goal is, and our goal is the hydrographic
25 services program under NOS. And the reason I think this

1 is important is because of ICOS becoming a bit of the NOAA
2 version of maritime security, where so much attention in
3 the Coast Guard is being diverted to maritime security and
4 you're losing that safety component. Everybody's
5 attention is drawn to it. Everybody looks at it as the
6 pot of money.

7 Even though there is an authorizing language
8 for ICOS, the fact is it's my perception that even in NOS,
9 and I don't want to speak for any of the NOS staffers
10 here, but I think a lot of attention at the administration
11 level is really concentrating now on the ICOS vision,
12 which is a good vision, but we need to stay focused on
13 those things that have to do with hydrographic services.

14 Number three. A couple of points based upon
15 number three, the opening, given that authorizing language
16 already exists which is the Hydrographic Services
17 Improvement Act, which is how we're authorized, requires
18 NOAA to acquire such funds to develop and maintain
19 real-time hydro observation systems for maritime use. It
20 says for maritime use. It's very clear in the law that
21 NOAA, under NOS, already has a program for Quality Control
22 and Observation Integration through CO-OPS, and that the
23 Panel recommends that NOAA be the lead agency for
24 integration of observations carried out by the federal and
25 non-federal partners. I think there is upward of 17

1 different federal partners that do some kind of
2 observations. I'm not implying by this that NOAA take
3 over those observations, but actually just be responsible
4 for the integration through CO-OPS because of that
5 experience and because of NOAA having some authorizing
6 language to provide a real-time observation system.

7 And B, to the extent practical, data
8 collected by federal and non-federal partners be accessed
9 through CO-OPS so they can be used for more stakeholders,
10 because they are a user driven system.

11 And C, long-term observation systems funded
12 by NOAA research channels be required to integrate through
13 CO-OPS in order to receive and maintain funding. And I
14 say one long term, because the short-term research
15 projects -- there are some university based observations
16 systems, but the short-term ones, I understand, you don't
17 want to take the bit of time and energy to get them
18 integrated. You certainly wouldn't chase after those.
19 But there are some long-term programs that are doing
20 observations, and to quote one gentleman from the Maine
21 Observing System, the Gulf of Maine Observing System, at
22 the follow-up public work shop that was after our meeting
23 in New York, said that their maritime stakeholders in
24 Maine did not find that their information was valuable
25 until it was integrated through CO-OPS.

1 become essentially almost all PORTS sites around the
2 country. If you combine the two existing sites, that
3 leaves right now 227 stations around the country that
4 could either be increased and enhanced, but they should be
5 fast track for funding because they provide the federal
6 backbone talked about in ICOS. Frankly, those are the
7 ones that are most valuable to us.

8 Secondly, what I have found through working
9 through the Great Lakes Observing System Program at this
10 point, and you probably would find it in some of the ICOS
11 plans, when we put a matrix up of the different types
12 of -- I mean, there is a wide range of variables that you
13 collect in any observation system, but when you put them
14 all into a matrix, all the ones that are really
15 specifically for maritime use, they can be used by
16 everybody else, by all the other stakeholders. But the
17 mariner cannot use a lot of the data points from research
18 or from resource management. So I think that the maritime
19 component is the baseline from which you go forward.
20 Clearly those have interests in other societal goals and
21 would probably want to expand data points for their use.
22 But I think that the maritime navigation component is the
23 backbone that we should push for and can also be used by
24 other stakeholders.

25 And E, NOAA's support increase funding for

1 At the ICOS hearing in July that was held
2 by the resources subcommittee that covers this, a number
3 of -- there were a lot of university based witnesses. And
4 a couple of them, I thought I realized, listening to them,
5 had some very valuable oceanographic observations going
6 on, that they were funded through a research component,
7 but navigation couldn't take advantage of those. So to
8 value add what they do -- and a lot of these are funded --
9 some are obviously through specific appropriations, no
10 doubt about it, but a lot of them do come through the NOS
11 research component.

12 In another compartment in NOS there is
13 funding of observation programs through a research
14 channel, but we don't have access to that information. So
15 for those long-term programs, I would like to hope the
16 Panel supports that they become integrated into CO-OPS so
17 everybody can take advantage of them.

18 And D, that NOAA recommend to OCEAN.U.S. --
19 and I think the NOAA component in ICOS and OCEAN.U.S.
20 component are very much intertwined. I think that
21 whatever some people in NOAA might want is what Ocean.U.S.
22 wants and vice versa. But NOAA recommends that PORTS,
23 which is the Physical Oceanographic Real-Time Systems that
24 we talked about, and NWLON, being the National Water Level
25 Observation Network, could be upgraded and enhanced to

1 the tides and current line item when the Hydrographic
2 Services Improvement Act is reauthorized. Now, that's a
3 little peripheral, but I think as long as we are talking
4 about using PORTS and NWLON as the federal backbone, and
5 it is something that we talked about earlier today -- Bill
6 Gray mentioned quite often that real-time information is
7 extremely valuable -- we might as well just remind them at
8 some point if it's going to be the federal backbone you
9 will have to increase the authorized level to make it more
10 meaningful.

11 And for your information, the estimates on
12 literally encompassing the country at all -- I don't know
13 how many PORTS, 250 PORTS or something, critical
14 navigation PORTS which would cover 95 percent of the
15 commercial water-borne trade in the country. That can be
16 done in ten years at approximately fifty million dollars.
17 That's a cheap price, because the total ICOS package is
18 about seven hundred million dollars. So up-front our goal
19 here is to get real-time information out, and this
20 information will be useful to a number of stakeholders.

21 Number four, the charting and mapping
22 component be incorporated in the ICOS plan. It's not
23 really mentioned anywhere. It's quite peripheral, but I'm
24 hoping that he would consider it because it will better
25 address -- it's all combined, the real-time system

1 combines with good charting and mapping data to help meet
2 these seven societal goals, and in the IOOS plan there are
3 seven goals, and one of those goals is safe and efficient
4 navigation.

5 Also there are Homeland Security issues, and
6 clearly having that -- if you're going to talk about
7 whatever kind of observation system, taking it into -- I'm
8 not sure how they would do it, but I think after this
9 morning's discussion about charting and mapping, keeping
10 it in the vision, that we consider that.

11 The last one is -- this is just a side
12 issue, but we heard at the workshop in New York City the
13 day after our meeting, the gentleman, who came from Ocean
14 Commission, came out and said that I really think that
15 IOOS being an Integrated Ocean Observing System doesn't
16 take into -- it should say coastal, and admitted that most
17 of the data today that we need to meet the seven societal
18 goals in IOOS are really coastal. I wouldn't want to
19 negate deep ocean, but from our perspective, from the
20 mariner's side, it's mostly coastal, and we would like to
21 consider adding them in there just to raise it up front.

22 Then six, the technology development
23 opportunities under IOOS must be available for a wide
24 range of interests both public and private. We talked
25 about this, because I think at one of our meetings, our

1 first meeting when they were talking about the product
2 development and the kind of programs that are going on,
3 one would think that you might want to offer it to a
4 number of people.

5 The IOOS plan seems just heavily directed
6 that all that universities and specific universities are
7 going to develop this product. Not to discount the
8 importance of the value of those, but I would presume that
9 the private sector should have a stake in it and the
10 ability to participate as well. It may be peripheral to
11 this group, but as I look through the different points
12 from the IOOS plan, this six plus the sub groups under two
13 came to mind.

14 Now, Scott, would you like me to go back and
15 add stuff or do you want me to go back piece by piece?

16 MR. RAINEY: I think that's a tremendous
17 amount of information and a good walk-through. I guess
18 what we probably ought to do is go back and bite off a
19 piece at a time and let people comment individually on
20 that maybe. That's probably too much to try to grab all
21 at once.

22 MS. BROHL: The first one is just a general
23 statement. Any thoughts or comments about it?

24 CAPTAIN MCGOVERN: You have the word coastal
25 on there, which is good, ocean and coastal.

1 RADM WEST: Why do you limit it to real-time
2 versus to just critical navigation? Why don't you just
3 support the whole concept of the Integrated Ocean Coastal
4 Observing System, period?

5 MS. BROHL: Well, the critical navigation
6 component, I think, came a little bit out of wanting to
7 emphasize that -- I mean, I guess I just had always
8 thought of this group as having more of a navigation vent.
9 That could be wrong. After the discussion this morning in
10 talking about the Strategic Plan where we had -- some
11 people felt perhaps it's not enough of a Maritime
12 Transportation System concept.

13 And, frankly, if you read the IOOS plan, and
14 I'm sure you have, the maritime component is really not
15 addressed much in there at all. The goal of this is to --
16 and we would have to address this to NOAA because we are
17 not addressing it to Ocean.U.S. So I guess it's to NOAA
18 as to any impact it may have on Ocean.U.S. and their IOOS
19 plan development. But the goal would be just to raise the
20 critical navigation areas as an emphasis.

21 CAPTAIN MCGOVERN: I think I see where the
22 admiral is coming from. I would maybe split that in half
23 and say, number one, we support the Integrated Ocean
24 Coastal Observing System period, and then maybe start a
25 new sentence, because it sounds like you're almost

1 excluding the other part of the system. But I would
2 definitely want to keep the emphasis on the fact that we
3 don't want the fact that we want to support our needs as
4 well as everyone else's needs. Maybe we just have the --
5 MS. BROHL: So we should want to just say
6 provide information to a broad number of users including
7 maritime, for the safe and efficient maritime, or just
8 drop it?

9 CAPTAIN MCGOVERN: I don't want to drop it.
10 I think maybe period and then -- almost like this system
11 must provide, period, coastal observing system, period.
12 The Panel feels this system must provide real-time
13 information for critical navigational areas. It's a
14 component of it, but for us it's the most important
15 component, but I'm not trying to exclude anyone else
16 either.

17 MR. MORRIS: Helen, I would like to retain
18 that emphasis as well. I have looked at the IOOS, and I
19 guess I'm a layman on this, but when I see them talking
20 about transferring space observing stations from NASA to
21 NOAA and the scientific components, I get worried that we
22 are going to lose focus in a hurry on the critical
23 navigation elements, and I don't want to lose that. I
24 think it's vitally important not to take away from the
25 those other pieces, but I'm just worried that NOAA becomes

1 a space agency instead of -- you know, it's the
2 navigational safety elements that I'm particularly
3 interested in.

4 MR. SZABADOS: If I could, just a general
5 comment, because we talked about this quite a bit at the
6 New York meeting. I guess everything that I've seen up
7 there represents what I was trying to say but stumbled
8 around really badly at the New York meeting. So I
9 appreciate your putting those together, because I think
10 it's really, really good, and I think sort of brings
11 together the two items. So I appreciate all the work
12 you're doing.

13 MR. ARMSTRONG: I was just going to offer a
14 suggestion that, could you replace provide with include?
15 You mentioned something like that.

16 MS. BROHL: Which would include. That's
17 actually very positive. Okay. That's good. Then it's
18 not exclusionary but raises it. Any other comments about
19 number one?

20 MR. GRAY: I agree with what Adam said or
21 one or two others have said that the things that I think
22 this Panel should be concerned with and real practical
23 mariners are concerned with are going to get totally
24 submerged in the IOOS, in the -- what were some of the
25 other things we heard about -- the IEOS, the IOOS, all

1 these things. They are great huge programs driven by
2 academia, a lot of money and everything else like that,
3 and we're just going to get lost.

4 It's a little bit like I feel about AIS.
5 AIS was first suggested as a device that could help
6 practical mariners deal with collision avoidance issues.
7 Now it's been hijacked and grabbed on to by the security
8 interests and so forth, and it's gotten completely out of
9 control.

10 I don't -- I almost feel that it's not even
11 worth this Panel's time to even talk about things like
12 IOOS and IMOS and all the rest of these things. They're
13 not going to bear real fruit for a long, long time.
14 They're just going to swallow a hell of a lot of money and
15 have no practical applications for a very long time
16 indeed. I put some of this in this memo that I sent to
17 the Committee back in September or something like that.
18 It worries me that the basic goal of NOS is going to be
19 lost with the attention on these other big, glamorous
20 programs.

21 Actually, I don't know whether it was in
22 IOOS, or in one of these things, that I saw they put
23 together a panel, and it had 20 people from the federal
24 government doing one of these things, and I can't even
25 remember which one of them it was, and it didn't even have

1 anybody from the Coast Guard on it. It had people from
2 other more scientifically oriented disciplines and so
3 forth. I kind of protested the whole thing.

4 MS. BROHL: Number two kind of addresses it.
5 And we can talk about that through number two. It was a
6 good point. But are there any other comments about number
7 one in particular?

8 MR. OSWALD: Would this then exclude things
9 that weren't critical navigation? For instance, CO-OPS,
10 just last month, built another NWLON, the last NWLON it
11 built. It was sort of navigation but it was shoreline
12 erosion areas, which is another department of NOS, for the
13 National Geodetic Survey, which had nothing to do with
14 navigation.

15 CAPTAIN MCGOVERN: I don't see that as
16 excluding anything, though.

17 MS. BROHL: I think by saying include, I
18 guess -- Mike, would the existing NWLON station -- I mean
19 all the PORTS cites are created for critical navigation,
20 but for the NWLON systems, how many of them do you think
21 are not -- I mean, you can say that --

22 MR. SZABADOS: Well, for ECDIS they're
23 critical for determining the tidal gages for open
24 charting, even the new ones. So they're all going to
25 support that base.

1 MS. BROHL: I guess the point is we don't
2 want to exclude critical navigation because -- what meets
3 the criteria, what critical means. I'm from the Great
4 Lakes, so I think you can argue that there is going to be
5 a lot of tidal areas that are going to be more critical in
6 some areas of the Great Lakes. But that doesn't mean I
7 don't want investment in the Great Lakes, because we have
8 a lot of wind issues and other things, but technically it
9 might not be considered critical.

10 The point we do want to get across here is
11 that we support the idea of a real-time observing system
12 and that, you know, we want there to be a navigation
13 component, a strong navigation component.

14 CAPTAIN MCGOVERN: If you dropped the word
15 critical out of that, maybe.

16 MS. BROHL: Well, we can say include
17 real-time information to meet the societal goal of safe
18 and efficient navigation. The IOOS plan has seven goals
19 it has to meet. One of those is safe and efficient
20 navigation.

21 MR. MCBRIDE: I think you're thinning it out
22 when you do that. I think if you include that reference
23 to all critical navigational areas, that's pretty firm and
24 pretty clear.

25 DR. LAPINE: I'd feel better if the word

1 real-time wasn't in there. Include information that meets
2 societal goals and safe and efficient navigation.

3 It covers everybody's bases then.

4 MR. MCBRIDE: I'm not sure we want to cover
5 everybody's bases. I'm concerned about navigational
6 bases.

7 MS. BROHL: But Dr. Lou is right, that it
8 meets the societal goal of safe and efficient navigation.
9 So that does narrow it to -- but we are not narrowing it
10 to real-time information. There might be all kinds of
11 data information that can be helpful to the mariner for
12 navigational purposes that isn't technically real-time.
13 We don't want it limited.

14 How about if it just says coastal service
15 system? That will include meeting the need for safe and
16 efficient navigation, maritime operations. Actually it
17 says safe and efficient maritime operations.

18 MR. RAINEY: One observation that I had is,
19 I guess in hearing both comments and Admiral West's
20 question -- it's not only that -- what I'm hearing a lot
21 of people saying is -- I think the argument is -- I mean,
22 it is included. All these things are identified as part
23 of the federal backbone. It's a piece of it.

24 The real issue to me or one of the
25 fundamental issues of ICOS to me seems to be what is the

1 prioritization going to be. Even within NOAA, NOS is a
2 big player, and I think they have the lead on it, but you
3 have NESDIS who is going to play in this and all your
4 other line offices. I don't know that this document
5 starts to get into the governmental structure of it all,
6 but I think what I'm hearing everybody say is, you don't
7 want to just include it, you want it to be a priority
8 component of the overall.

9 ICOS is a gigantic idea. It's a great -- it
10 looks like it's a great system, and I don't think anybody
11 argues against it until they realize, well, what if we
12 don't get all of the money you need to do everything.
13 It's coming back to we have a grand plan but we may only
14 get a portion of the money to get there, so then who gets
15 in first and who is at the tail end -- I don't know
16 whether -- this is kind of what I wanted to see with this
17 whole discussion, as we try to work through this stuff, is
18 that we have sort of common ground as the Panel here on
19 comments that we can make to move forward.

20 I think what I'm hearing a lot of people say
21 is not that it just is included, because it is included,
22 but I think you're saying that you don't feel there is --
23 I think sometimes I should share the same concerns, you
24 know, you're looking for some assurances or just -- you
25 know. We want to make the point that the hydrographic

1 program, NWLON, NWLON, PORTS and others, that those are
2 going to be in the first priority of the backbone and not
3 get lost.

4 MS. BROHL: We do say it later. It is said
5 in that other section very clearly that we would like
6 NWLON and PORTS, those things to be fast tracked to be a
7 priority. Well, I mean, again, do you we need to even say
8 anything about supporting ICOS? Our job is not to pat
9 anybody on the back, necessarily, or that our comments
10 will be negative. We are not trying to be negative.

11 DR. LAPINE: How about if we just put HSRP
12 places the highest priority on the development. Put up
13 front what our priority is in your first sentence.
14 Instead of supports, places the highest priority.

15 MS. BROHL: Here is my concern.

16 DR. LAPINE: Maybe it's grand-standing,
17 but --

18 MS. BROHL: Do you mean on development of an
19 ICOS?

20 DR. LAPINE: On development of an integrated
21 ocean and coastal observation will include meeting the
22 needs for a safe and efficient maritime operation.

23 MS. BROHL: Well, I don't think it's any
24 different if you're talking about making the maritime side
25 a priority. One of the things to get out of this is,

1 since we advise NOAA and not technically Ocean.U.S., that
2 this is an avenue to advise NOAA NOS, that even within
3 NOS, that even though ICOS is a big priority over NOS,
4 that we want these things to maintain high level. And
5 that if you are going to invest NOS money, time, energy,
6 personnel, resources to ICOS discussion, development, that
7 you better still keep the maritime component high on the
8 list. That's what I'm trying to say.

9 DR. LAPINE: That's what I'm trying to help
10 you say, but I might have --

11 CAPTAIN MCGOVERN: I think maybe we are
12 trying to massage one recommendation too much instead of
13 just going back to the beginning and saying to support the
14 development of an integrated ocean and coastal observing
15 system, period, end of that first recommendation.

16 MS. BROHL: Because we do later on talk
17 about --

18 CAPTAIN MCGOVERN: But I would even make the
19 next recommendation, you know, the HSRP feels the highest
20 priority should be placed in meeting the needs for safe
21 and efficient maritime operations, and then just drop the
22 rest out.

23 MS. BROHL: The Panel places the highest
24 priority on those components that will support safe and
25 efficient navigation operations -- support safe and

1 efficient navigation operations -- that should be maritime
2 operations. Let's just do number one. The Panel supports
3 development of an integrated ocean and coastal observing
4 system. Do I have a motion to approve?

5 CAPTAIN MCGOVERN: So moved.

6 MR. SKINNER: Second.

7 MS. BROHL: Any other comments?

8 THE PANEL: (No response.)

9 MS. BROHL: All in favor?

10 THE PANEL: Aye.

11 MS. BROHL: Opposed?

12 THE PANEL: (No response.)

13 MS. BROHL: So that's one. The second one,
14 the Panel places the highest priority on those components
15 that will support safe and efficient maritime operations.

16 MR. SKINNER: Moved.

17 MR. DASLER: Second.

18 MS. BROHL: Any discussion?

19 THE PANEL: (No response.)

20 MS. BROHL: All in favor?

21 THE PANEL: Aye.

22 MS. BROHL: Opposed?

23 THE PANEL: (No response.)

24 MS. BROHL: Technically number four is
25 number three, but in the absence of authorizing language

1 for ICOS, the Panel requests that NOS -- this is directed
2 to NOS not Ocean.U.S. -- maintain a focus on the core
3 programs which support and provide hydrographic services
4 to prevent the diversion of administrative and financial
5 resources. Just to clarify again, this is exactly what it
6 says. I think it appears that there is an extraordinary
7 emphasis on ICOS and NOS. Now, ICOS is a good thing, but
8 we have to make sure that -- I mean, there is no real
9 authorizing language that promotes the diversion of this
10 attention. We just want it to stay where it belongs.

11 MR. MCBRIDE: Helen, what you just said is a
12 true statement. It's true whether there is authorizing
13 language for ICOS or not. You can drop that first clause,
14 for example, and strengthen the statement a bit.

15 MS. BROHL: Okay. I was just trying to be
16 more politic about it by putting that in there. I know
17 there is a commitment to already fund some of those
18 components in ICOS. Even though it's just in a draft
19 plan, it's already underway.

20 MR. OSWALD: At NOS?

21 MS. BROHL: At NOS, and I can't imagine it
22 doesn't impact all of the departments under NOS.

23 CAPTAIN PARSONS: I would suggest you
24 replace NOS with NOAA.

25 MS. BROHL: Okay.

1 CAPTAIN PARSONS: This is a corporate
2 approach.

3 MS. BROHL: Fair enough. Or should we say
4 in the -- something about in the midst of ICOS discussions
5 or developments or something --

6 MR. MCBRIDE: Just that we want them to
7 maintain that focus on them.

8 MS. BROHL: I don't care one way or the
9 other. Any other comments? Would you rather take out in
10 the absence of authorizing language for ICOS?

11 MR. DASLER: Yeah, take it out.

12 MR. RAINEY: I agree with the sentiment
13 there to an extent, but I wonder if our premise -- I think
14 we have to be a little bit careful that we go into this
15 with an absolute premise that it's a zero sum game and
16 that the entirety of ICOS is pulling away from
17 hydrographic products and services. In other words, I
18 think that the ICOS concept is sort of integrating a lot
19 of stuff that's already going on. I can throw out --
20 there are components in the satellites sensors and that
21 sort of thing.

22 ICOS is a multi -- it's much, much bigger
23 than NWLON and PORTIS, and I think those may be the things
24 that we are most familiar with, most of us on the Panel,
25 and we have been advocating for and supporting. And I'm

1 completely in line with that, but I don't know if our
2 premise that -- I guess what I'm trying to say is, that's
3 a piece of it, and I'm hoping we can work collaboratively
4 and advance our piece of it as far as we can go with it.
5 Obviously there is lot of other stuff NOAA
6 is doing in this ICOS that hooks into programs and a lot
7 of stuff outside of the things that we are trying to
8 safeguard that they're working on, and it's not
9 necessarily pulling away from those programs we are trying
10 to protect.

11 MS. BROHL: I'll have to say, this really is
12 a loaded sentence. It's intended to be a loaded sentence.
13 It's intended to keep NOS from putting all their money,
14 time, and energy in the ICOS pot when, one, it's not even
15 authorized. It's only in draft form, and there is lots of
16 stuff going on. I see your point. It is just one piece
17 of the pie. It's a whole big issue. This is like a
18 short-term thing. It really comes out of the concern that
19 there is so much diversion away from the main programs
20 that the only way you can function in NOS is if you hook
21 your wagon to the ICOS thing.

22 MR. RAINEY: I don't know that I accept that
23 premise. That's what I'm trying to say. I'm just not
24 sure I'm convinced of that to that extent. ICOS to me,
25 I'm still kind of learning this. I'm reading everything I

1 can, but ICOS, in some sense, it doesn't make these other
2 programs disappear. It integrates them. I guess I just
3 can't, in my mind -- I think I know what we want to say.
4 We want to make sure that the programs that we most care
5 about and work closely with are protected in moving
6 forward and that they're allowed to grow. I'm just
7 personally not sure I understand this enough or in a way
8 that everything is being kind of sucked out of -- that
9 little piece of it to support all of this.

10 MR. DASLER: It goes beyond just water level
11 observations. It may get into coastal erosion.

12 MS. BROHL: But it's kind of not about that.
13 I think it's about wanting to make sure that the research
14 component in NOS doesn't become so much more important
15 than the other components in NOS, because the research
16 component had such a strong role in ICOS. But if I'm
17 expressing it wrong or it seems inappropriate then --

18 MR. SKINNER: Scott, I'm reading it a little
19 bit differently. I think it's brilliant in that it talks
20 about the importance of an ocean observing system, coastal
21 and ocean observing system. It's a big priority for the
22 NOAA leadership, and we've established that we support
23 that.

24 The second part sort of gets to what Lou
25 said earlier which was, you know, what is it that we want.

1 Well, there it is. And then the third -- actually, I
2 liked it better with the introductory clause there that
3 said in the absence of -- the authorizing thing. Because
4 even if that may not make a lot of difference, it conveys
5 the message that while this big agenda called Ocean.U.S.
6 sort of moves forward, you have some needs out there that
7 have to be taken care of, and we don't want you to forget
8 those. So I guess I read it a little bit differently. I
9 think it plays all of the right notes and gets to the
10 point that people have been talking about.

11 MS. BROHL: Because there is no authorizing
12 language, and I hate to see a lot of money diverted from
13 the core programs to provide money towards creating an
14 ICOS where there really isn't -- if you don't have
15 authorizing language, then the money is going somewhere
16 else.

17 MR. RAINEY: Can I meet you half way and
18 suggest that instead of wording -- it's a minor tweak, but
19 how about the Panel recommends that NOAA maintain a focus
20 on the core programs and does not divert resources -- you
21 know, on the programs that support and provide those
22 services and does not divert resources from those
23 programs.

24 CAPTAIN PARSONS: I would be careful on this
25 number four. You are presupposing that Vice Admiral

1 Lautenbacher and Dr. Spinrad aren't paying attention to
2 their core programs. I would suggest otherwise.

3 MR. RAINEY: I guess that's what I'm trying
4 to --

5 CAPTAIN PARSONS: Remember, you're advising
6 the Administrator, and this suggests that he is not taking
7 care of business the way he should. Do you have reason to
8 believe that's the case? Do you want to offer him that
9 advice?

10 CAPTAIN MCGOVERN: I don't see it like that.
11 I really don't. I think this even could help him when he
12 needs to go farther up the -- this is support. He can
13 say, look, this is what my advisory committee is telling
14 me. They don't want to lose sight of this stuff. It
15 helps -- I think it would help him.

16 MS. BROHL: What if the reverse could happen
17 that if they're working on an integrated system and there
18 is no authorizing language and integration truly means
19 interdepartmental, not just within NOAA, and everybody
20 says, okay, we are all -- everybody is going to have to
21 pony up a big chunk of change to integrate something that
22 may, in fact, have to take away from the core programs on
23 the NOAA side. I'm just trying to protect the core
24 programs. If I'm expressing it incorrectly -- I guess I
25 want to get that across in a way that's meaningful.

1 MR. SZABADOS: This might be appropriate.
2 Part of the PPE process, if you have a zero sum game, if
3 you wanted to fund something new, you take away from
4 something else, you redirect resources. So this is
5 identifying that this is a priority program that you want
6 to maintain, not to redirect resources. So I think it's
7 very appropriate.

8 MS. BROHL: So maybe we want to get back to
9 in the absence of authorizing language, because really,
10 the money has to come from somewhere.

11 CAPTAIN MCGOVERN: The only problem with
12 putting that back in is if you do get the authorizing
13 language, then it's okay to take money from those funds.

14 MS. BROHL: Well, you would hope that the
15 authorizing language provides --

16 CAPTAIN MCGOVERN: I mean, what I like about
17 this is, we recommend that we want to keep these core
18 programs whether there is authorizing language or not.
19 That helps in the argument when they are looking at what
20 the authorizing language will say. Well, this says that
21 we want to keep these core programs, so then hopefully
22 we'll authorize the language, but the other one to me
23 says, well, gee, if you have authorizing language and it
24 goes the other way, that's fine.

25 MR. GRAY: The Executive Summary of the ICOS

1 describes that it's envisioned as a coordinated national,
2 international network, et cetera. This is a vision that
3 somebody has, and the things we are trying to protect are
4 existing, functioning, and needed programs that can get
5 totally lost in trying to populate and fund this global
6 vision. Whatever words convey that we are worried that
7 we'll get lost in the shuffle --

8 MR. WHITING: Isn't this really beyond IOOS,
9 isn't that really beyond hydrographic surveying and the
10 Hydrographic Services Improvement Act and we shouldn't
11 even be going there?

12 MS. BROHL: Well, the IOOS talks a great
13 deal but does it really clarify the investment to the
14 federal backbone. The federal backbone will definitely
15 include CO-OPS and NWLON, definitely. That's part of it.
16 Until there is -- but there is all kinds of components.

17 If you read the plan, there are a lot of
18 components that go way off into areas that truly are not
19 what we are here for, no doubt about it, but because the
20 federal backbone, as we've talked about in the follow-up
21 points, that we would like there to be -- that Ocean.U.S.
22 be even more clearly invested in a federal backbone that
23 involves these kind of observations which can help
24 maritime.

25 I think that because there is no authorizing

1 language, there is no way to fund these without doing bits
2 and pieces, and then the fear is keeping a focus. I mean,
3 if you really -- you can spend a lot of time talking about
4 your vision and writing plans. In the Strategic Plan it
5 has a Catch 22. Congress wants Ocean.U.S. to come up with
6 a plan, but there is no authorizing language to fulfill
7 it. So it's putting the cart before the horse, but
8 they're being asked to do that. But you throw all of that
9 into a pot -- I mean, this may never get authorized and
10 then we are back to bits and pieces and everybody is
11 fighting in the kitchen for just a small piece of pie.

12 I think what the Panel is trying to do here
13 is to just remind that in that big huge vision, of which
14 NOAA is very much engaged, that we want to make sure that
15 the core programs are maintained and supported. And at
16 such time as it becomes federal backbone, more directly
17 federal backbone, they will be ready to go or something.
18 I just want to protect the integrity of what's going on,
19 the existing program, in the midst of being so diverted
20 into other pots.

21 MR. WHITING: I don't see right now that
22 even happening as it is planned.

23 MS. BROHL: I think you're going to see bits
24 and pieces of it come to fruition.

25 MR. WHITING: But that's a little piece of

1 the pie. We are interested in a little piece of this pie
2 here, the hydrographic component of IOOS, which is CO-OPS
3 and the FORT system, that could be fully implemented.

4 MS. BROHL: On the other hand, it's also an
5 entree to get more attention to these programs that -- I
6 know maritime has been working years to get funding for --
7 just to maintain and operate the FORTS site only costs
8 three million dollars a year, and yet NOAA's research
9 component spends much more than that to fund university
10 based observations.

11 We are just trying to raise this up and say,
12 hey, if three million dollars is too much for you to
13 invest in FORTS but you don't mind spending much more than
14 three million dollars on research observations on things
15 that don't even tag into CO-OPS for our use -- we are just
16 asking that you make sure you have your priorities in a
17 place that supports these in the midst of an IOOS division
18 that can also divert resources.

19 MR. DASLER: On Page 21 on Table 4 they do
20 incorporate habitat and bathymetry mapping. They have a
21 specific hydrographic surveying line item, coral reef
22 mapping and a lot of hydrographic survey components. This
23 could be an opportunity for NOAA -- there is a lot of data
24 acquisition, bathymetric data acquisition that goes on
25 throughout academia and other agencies. This could

1 provide an opportunity for NOAA to set standards for that,
2 that they might be able to incorporate that data.

3 MR. SZABADOS: I've been to quite a few of
4 these meetings, and they include bathymetry along with
5 tides and currents as part of the IOOS parameters. To
6 answer your question, Larry, I think it's important that
7 right now -- it is a vision of having this integrated
8 observing system, but it's something that has taken hold
9 throughout the community, oceanographic community, of a
10 way of everybody trying to work together to ensure data,
11 which I think is a good concept. However, it's also good
12 to make sure you don't lose the core capabilities as this
13 vision grows.

14 RADM WEST: You have to be careful here we
15 don't shoot the guy coming with the money. One problem we
16 are going to have, and I'll talk about it in the slotted
17 time, the Ocean Commission came along to give a lot of
18 momentum here, and it's going to bring hopefully some
19 money. There is no way NOS can move money around. You
20 know that. Just look at their budgets. So what you just
21 said about them moving it around, they can't, literally
22 cannot. What we really are after is more money for
23 everybody.

24 So what I'm starting to see, and I've spent
25 a lot of time on this, is everybody says I love ocean

1 observing but only if you give me my piece of it. And
 2 that is a group that goes over to the Hill where
 3 everybody's constituency has a chance to shoot it. You
 4 have to get the momentum going that the Ocean Commission
 5 Report is, in fact, important. It says it's unfunded. It
 6 does not say that anybody else can come up with internal
 7 money. It says it's 3.9 billion dollars. I'd be a little
 8 careful in sending a message that looks like IOOS is going
 9 to eat up our core programs.

10 What we want to have is to tell NOAA, remind
 11 NOAA, tell everybody else, how important bathymetry, safe
 12 navigation is. That's the right message, and it's so
 13 important that it better get its fair piece of this extra
 14 money, of this 3.9 billion dollars, because it's so
 15 important. It's not necessarily we're crunching down on
 16 defensive profit sharing that we're afraid we're going to
 17 lose our money. I'm just a little concerned about how the
 18 tone is as you approach this thing.

19 By the way, there is no confirmation that
 20 NOAA is even going to get this mission. I'll tell you,
 21 there is a push to put it in weather service. How about
 22 that? Now where do you think you're going to be competing
 23 for it? That would be interesting.

24 MS. BROHL: Given what you just said, do we
 25 even need number four? Does number three say what you

1 said?

2 RADM WEST: Well, I take a little bit more
 3 of the devil's advocate here. Take mine with a grain of
 4 salt. Just be very careful in the tone you set.

5 MR. ARMSTRONG: I do think number four sort
 6 of says again what we say in number three.

7 MS. BROHL: Should we just get rid of it
 8 then?

9 CAPTAIN HICKMAN: Well, if we are basically
 10 repeating ourselves and we are concerned with the tone, I
 11 would recommend, yes, get rid of it.

12 MS. BROHL: Any objection to getting rid of
 13 it?

14 MR. DASLER: I think we should have some
 15 kind of statement. Again, it's interesting here under
 16 table two they talk about their core variables, where
 17 bathymetry and shipless waves are the only core variables
 18 that impact all of them. So it plays a pretty vital role.

19 MS. BROHL: Information we use, of course,
 20 about all stakeholders, but the reverse is not true.

21 MR. DASLER: Right.

22 MS. BROHL: So that's why it just reinforces
 23 why it should be the federal backbone and this is a
 24 baseline for which to provide observation data. Any
 25 objects to eliminating number four?

1 THE PANEL: (No response.)

2 MS. BROHL: Okay. Then it's gone. Now,
 3 there is already existing language that provides for
 4 real-time observations, and that NOAA has a program for
 5 quality control and standardization and integration
 6 because of those two things, and the agent IOOS is the
 7 entree by which they get funded and can do this. This
 8 reinforces that NOAA -- doesn't the Ocean Commission say
 9 that NOAA should be the lead agency? So we are just
 10 moving from the agreement, NOAA will be the lead agent for
 11 integration of observation carried out by the federal and
 12 non-federal partner, and non-federal would be just any of
 13 the partners, because we know that NOS has some
 14 partnerships right now that they are involved in that are
 15 very successful, and there will probably be many more of
 16 them as we go on. Do you want to do each one bit by bit?

17 MR. RAINEY: You're not proposing that you
 18 take satellite data from NESDIS and run it through Mike's
 19 shop at CO-OPS, right?

20 MS. BROHL: No. Really, those things that
 21 have meaning to navigation, and that could be some things
 22 that do go beyond the NOS or NOAA functions at this time.

23 MR. RAINEY: What really we are saying is to
 24 run this through CO-OPS rather than the regional
 25 association. Is that --

1 MS. BROHL: Yes, the integration side. It
 2 should be integrated -- so we should clarify that those
 3 things that --

4 MR. RAINEY: Because the data that IOOS is
 5 going to have is, you know, it's all sorts of stuff that
 6 you wouldn't run through CO-OPS.

7 MS. BROHL: But the maritime components
 8 would run through -- anything that could have value --
 9 actually, probably just about all of this could be run
 10 through or linked with CO-OPS, but in particular we are
 11 talking about those things that provide help for a
 12 navigation operation.

13 CAPTAIN MCGOVERN: Well, you have that in
 14 the opening paragraph, for maritime use, systems for
 15 maritime use.

16 MS. BROHL: So integrating observations for
 17 maritime use is carried out --

18 CAPTAIN MCGOVERN: The other is a sub-bullet
 19 of that, but it really reverts back.

20 MR. RAINEY: So the Hurricane Center is
 21 going to run their hurricane satellite imagery through
 22 CO-OPS?

23 MS. BROHL: Isn't the weather service data
 24 integrated already? The weather is integrated into
 25 CO-OPS, isn't it?

1 MR. SZABADOS: We don't collect and manage
2 all their data.

3 CAPTAIN MCGOVERN: But would you if it went
4 the other way, if we did go into this bigger program?
5 This isn't what you're doing now. This is what you're
6 going to do.

7 MR. SZABADOS: The Hurricane Center provides
8 a certain capability, provides a service beyond just
9 navigation. We can utilize some information from the
10 weather service, but it has -- the weather service has a
11 purpose in forecasting weather.

12 MS. BROHL: Well, it just helps us express
13 it in a way, because NOAA should be the lead agency on the
14 integration issue because they're experienced in user
15 driven integration programs now, and they have the
16 experience and perhaps the knowledge. That doesn't mean
17 that all data points are going to be appropriate or
18 applicable.

19 CAPTAIN MCGOVERN: To me it's flexible when
20 you have to the extent practical. So you can just leave
21 it like that. To me that's stuff that's not -- you can't
22 put everything in there. That kind of gives the
23 flexibility there, doesn't it?

24 MR. ARMSTRONG: Are we talking about tides
25 and water levels there?

1 MS. BROHL: We are still actually at A. We
2 are just trying to get through A, that NOAA be the lead
3 agency for integration of observation carried out for
4 maritime, for safe and efficient maritime operations.

5 Doesn't the Coast Guard have some
6 observations? The Corps of Engineers has a lot of
7 maritime related observations that we might want
8 integrated. I'm not saying that CO-OPS should run them or
9 operate them, but certainly some of the data, it would be
10 nice if it was integrated. USGS has some maritime related
11 data that would be nice to be integrated.

12 Scott, would it be better if we say that
13 NOAA would be the lead agency for integration of
14 observations carried out by federal and non-federal
15 partners for safe and efficient maritime operations, or
16 integration of observations?

17 MR. RAINNEY: My comment only went to B. A,
18 I don't think is --

19 CAPTAIN MCGOVERN: I thought we were on B.
20 I don't think A was a problem.

21 MR. RAINNEY: I didn't have any issues
22 with A.

23 MS. BROHL: I'm sorry. I didn't realize.

24 MR. RAINNEY: The only point I was trying to
25 make with B is, again --

1 MS. BROHL: Well, how about this. To the
2 extent practical and for the benefit of maritime
3 operations, data be collected by federal -- through
4 CO-OPS and services -- or we can get rid of that. They
5 access through the center of CO-OPS. It could be a link.
6 We are just trying to make it be a more one-stop shop.

7 MR. RAINNEY: Could I ask Mike Szabados one
8 question on that? Mike, could I ask you one question on
9 B? Is what is proposed there, is that consistent with
10 your understanding of the draft plan, because I know they
11 talk a lot about -- and you talked in New York and briefed
12 about the regional associations, how they're going to
13 stand up and they have some role to play through the
14 federation and all that. Would this recommendation be
15 consistent with the governance of structure of the draft
16 implementation plan in that it would still allow for
17 those, that they would then QA/QC it from CO-OPS? Is that
18 how you envision this language to be effective?

19 MR. SZABADOS: Well, the regional
20 associations are looking for the federal government to
21 quality control and sort of certify the information, but
22 they see that there are -- part of the governance is also
23 for the regional association to provide some of those
24 products and services. So the question, wouldn't product
25 services come just through the federal component or

1 through the regional association, in that respect it is
2 not consistent.

3 MS. BROHL: The IOOS plan clearly states
4 that the background is federal responsibility.

5 MR. SZABADOS: But there could be regional
6 observing systems which can provide services too.

7 MS. BROHL: And, again, we are not trying to
8 say that CO-OPS should operate them all and that all
9 maritime related services be through CO-OPS, but that they
10 be integrated or quality controlled through CO-OPS, and
11 that they might even be accessible through CO-OPS. There
12 could be some kind of link. Like, you don't need to go to
13 every university that has something that can come through
14 or every other operating system. It would be nice to have
15 a one-stop shop for maritime use. So I think that's what
16 we are trying to say here, and I don't think it excludes
17 regional associations or --

18 MR. RAINNEY: I just want to make sure. That
19 would be my understanding, is that that wouldn't be --

20 MS. BROHL: Data collected by federal and
21 non-federal partners. It's going to be collected by a
22 non-federal partner to be accessed through CO-OPS. That's
23 essentially what we are saying, that data collected for
24 maritime operations be available through CO-OPS.

25 MR. ARMSTRONG: It seems to me, the way it's

1 written, you're saying that the way anyone gets this data
2 is through CO-OPS. Would it not be better to say be
3 integrated with the Center for Operations, because I'm not
4 sure you want to put all the data -- you want all the data
5 integrated with CO-OPS, but I'm not sure you want that the
6 only access point.

7 CAPTAIN PARSONS: And this community doesn't
8 take ownership of the data. There are dozens and dozens
9 of other communities that have uses for the data that
10 you're referring to as well, correct?

11 MS. BROHL: It says for the broad number of
12 stakeholders. It's just trying to make it accessible
13 right now. To me CO-OPS is about having a user driven
14 system that provides a product for stakeholders, and we
15 want to enhance that through the integration, not only
16 just say that NOAA be the lead agency to work on the
17 integration component, but that CO-OPS, in particular,
18 because of their experience. Maybe we can be more
19 specific, that it be quality controlled through CO-OPS or
20 integrated through CO-OPS. To me integration means
21 sharing of data, not just quality controlling it.

22 MR. SZABADOS: This is for navigational
23 services. There are many other uses of this data which I
24 think we may want to --

25 MS. BROHL: I wouldn't want us saying that

1 no one else could get it.

2 CAPTAIN MCGOVERN: But for maritime use you
3 would get it through CO-OPS.

4 MS. BROHL: Through CO-OPS.

5 CAPTAIN MCGOVERN: And they wouldn't have to
6 go everywhere, and it would be all the QA/QC --

7 MR. SZABADOS: The same standard.

8 CAPTAIN MCGOVERN: The same standard, which
9 is what you want.

10 MS. BROHL: Let's say in the Great Lakes, I
11 wouldn't presume that the Great Lakes Observing System
12 people wouldn't still have their own website and their own
13 access to modify the data for different uses. But we
14 would want CO-OPS to be able to have the data available
15 and to enhance the maritime operations component.

16 MR. SKINNER: Would you still be allowed
17 to -- I don't know if a license, but set protocols for
18 someone to -- for like an RA, to have the data out there?
19 So it wouldn't -- if you're on, say, a GoMOOS website, you
20 would be able to access the data.

21 MR. SZABADOS: We are working actually with
22 GoMOOS to get the data -- they actually send it to quality
23 control and send it back. So we are sending those
24 standards through e-mail.

25 MR. SKINNER: So it goes through you and

1 back out to them?

2 MS. BROHL: So there is some way on your
3 site they can get the GoMOOS stuff?

4 MR. SZABADOS: Not all the GoMOOS stuff, but
5 we have been working with them to take their data and to
6 quality control it and integrate it into navigational
7 services.

8 CAPTAIN MCGOVERN: The way I read this is
9 that if you're a maritime user and you want this data to
10 be quality controlled, because you need it to be for
11 liability purposes and everything else, that you would go
12 to the CO-OPS site, not necessarily the CO-OPS site, but
13 you go to a site where CO-OPS is pumping the information
14 in.

15 MR. SKINNER: An authorized CO-OPS site.

16 CAPTAIN MCGOVERN: Otherwise, if you're a
17 researcher or some other user, you can go somewhere else,
18 you can go to a different website. But for the maritime
19 user, this is where you would go, because you want to make
20 sure that what you're getting is standardized.

21 MS. BROHL: So after that where she has the
22 thing -- federal and non-federal partners with data
23 collected by them with maritime applicability --

24 CAPTAIN MCGOVERN: I don't see why you have
25 to keep repeating it.

1 MS. BROHL: I know, but it seems to be --

2 MR. DASLER: Isn't that going to incorporate
3 bathymetry? In the core you're not going to deal with
4 distribution of bathymetry, at least CO-OPS wouldn't.

5 MS. BROHL: Yeah, but that's a federal
6 partner. In essence, Roger's shop is a federal partner to
7 you.

8 MR. SZABADOS: To the extent practical.

9 MS. BROHL: I'm just trying to make this
10 where -- right now in terms of a real-time system, in
11 dealing with water levels, they think of CO-OPS.
12 Certainly the charting map is important too.

13 CAPTAIN MCGOVERN: It has to be to the
14 extent practical. So that's another -- I think you have
15 the flexibility in there.

16 MR. ARMSTRONG: You have the broadest number
17 of stakeholders written in there too. So that's --

18 MS. BROHL: Well, then we can get rid of
19 that. Any comments about how it is now?

20 MR. ARMSTRONG: Jon brought up bathymetry.
21 Bathymetry is not going to go through CO-OPS.

22 CAPTAIN MCGOVERN: That's the outlet to the
23 extent practical. They have that flexibility.

24 MR. ARMSTRONG: Well, it would be practical
25 to distribute bathymetry through CO-OPS, but I don't think

1 that will happen.

2 MS. BROHL: But probably ENC won't be
3 downloading through CO-OPS and other things. I guess we
4 are trying to say the real-time observation -- there are
5 observation systems out there that are collecting water
6 data that is practical for maritime use, and we would like
7 to see them integrated. And it's just a follow up to the
8 first one, that we would like to see them integrated in a
9 manner that is usable. At this point that data,
10 especially for maritime use, goes through CO-OPS, because
11 the goal of this is actually to basically have FORT
12 systems line the entire critical areas around the country.

13 CAPTAIN MCGOVERN: You have the real-time up
14 there. So bathymetry generally isn't real-time. It's not
15 a real-time observation system.

16 MS. BROHL: We could make ourselves nuts
17 trying to be perfect. We're really just trying to get a
18 sense of this, that we are trying to say that NOAA should
19 be the mainstream to help integrate, and that way it will
20 be user driven and have use for maritime operations and
21 that where it's practical and doable and it makes sense
22 and appropriate, I guess, the data collected by the
23 federal and non-federal partners, whether it's USGS stuff,
24 the Corps of Engineers stuff, or a university that has --
25 like GoMOS has somewhat real-time information that will

1 be valuable for maritime use, that it also be integrated
2 and accessible through CO-OPS. But, I mean, is this
3 really a --

4 MR. MOBRIDE: Helen, are there other items
5 in your A, B, C list that rely on B here in some form or
6 fashion? What else is in here?

7 MS. BROHL: Well, C is kind of it, but
8 that's being much more specific, that those people doing
9 long-term observation systems funded through research
10 channels be integrated so they value add themselves, so
11 they become more valuable.

12 Right now a university is not inclined -- I
13 think the witnesses said at the hearing they don't want to
14 be -- they don't want to provide navigation directly.
15 They don't want to be liable for that. That's not their
16 business. I can respect that, but in order to make it
17 more valuable, it has to be quality controlled through
18 CO-OPS or through something like that. So we are just
19 basically saying if you're going to spend money on
20 research and it's good research, that's fine, but you may
21 very well have data that can be valuable to maritime. To
22 that extent if you're spending the money, why not
23 integrate it and make it even more valuable for us, make
24 it more valuable, period.

25 MR. ARMSTRONG: When we get to C, I want to

1 make some comments. Are we at C yet?

2 MS. BROHL: Are we just going to let B go at
3 this point? Unless there is somebody that just wants to
4 get rid of it completely -- let's go to C. I think that's
5 pretty straightforward.

6 MR. ARMSTRONG: Representing a research
7 organization, I have some concerns with this, and one is
8 that if I'm doing long-term observations and let's say I
9 chose to do them at one-hour intervals and they're not
10 useful for navigation at one-hour intervals, do I have to
11 start doing them at six-minute intervals thus multiplying
12 my costs by some significant factor and limiting my
13 ability to do research? So I'm concerned that this will
14 put demands on the research programs that will hinder the
15 research.

16 Now, I certainly have no objection to
17 sending all the data I get to CO-OPS, but I don't want to
18 have some standard of inter-operability imposed on a
19 research project, which it is, after all, a research
20 project not a navigation project.

21 MR. OSWALD: I deal with CO-OPS data base
22 all the time, and there is data in the data base that is
23 only our findings.

24 MS. BROHL: There is a lot. The water
25 levels for the most part --

1 MR. OSWALD: Does CO-OPS accept anything
2 less than that?

3 MR. SZABADOS: Well, we accept it. Now, in
4 the FORTS program we update our data every six minutes.

5 MS. BROHL: You're not doing GoMOS and they
6 only update theirs once an hour.

7 MR. OSWALD: As long as your standard isn't
8 any data is better than no data.

9 MR. SZABADOS: Again, you have to represent
10 it properly, make sure it has the right time stamp.
11 Again, as this program grows, our products are going to
12 grow with that. They're going to have to be enhanced to
13 be able to accommodate any growth. So I don't really see
14 a problem. Again, with the time scale, more or less the
15 quality of information, make sure you have the proper meta
16 data.

17 MR. ARMSTRONG: I don't have objections to
18 the meta data, and I don't have objections to quality. It
19 just concerns me if I have to do things beyond my research
20 needs in order to continue to get funding, because
21 otherwise I may not be able to do the research at all.

22 MR. SZABADOS: I would agree with you. It
23 would be unrealistic.

24 MS. BROHL: I'm sorry, Mike, what did you
25 just say?

1 MR. SZABADOS: I wouldn't expect that all
2 the research be driven by the requirements of Operations.

3 MS. BROHL: Okay. So, again, to the extent
4 practicable --

5 CAPTAIN MCGOVERN: I was just going to say
6 that.

7 MS. BROHL: Long-term observation systems
8 funded by NOAA research channels should be encouraged to
9 integrate through CO-OPS, but get rid of the to receive
10 additional funding? Because we really want to encourage
11 it when it's capable. The GCMOS thing may be an
12 exception. It's a long-term observing system. They have
13 some maritime stakeholders who are involved, but the
14 maritime stakeholders said with integrated cost the
15 information was really worthless. So that's what I'm
16 trying to get to, in those circumstances where it's
17 practicable, and it would be great to have access to the
18 information.

19 MR. SZABADOS: I think taking out the last
20 part --

21 MR. DASLER: You want to say practical up
22 there, right, not practicable?

23 MS. BROHL: Should be encouraged to
24 integrate through CO-OPS.

25 CAPTAIN MCGOVERN: I would put required.

1 MS. BROHL: Okay. So how does C look? It's
2 open enough. We are just trying to encourage them when
3 it's practical to do it. Okay. Anybody want it changed?
4 Is it okay? No one is jumping up and down.

5 MR. RAINEY: Two questions I had in trying
6 to get a hold of the premise, when I approached this, my
7 concern was more specifically that if these regional
8 associations stood up and got somewhat antonymous or they
9 went off in a separate paradigm and didn't go through
10 CO-OPS, which is already integrated, like you said, in a
11 quality control of data, and it has certain standards that
12 have been specifically tailored for FORT systems, for
13 maritime efficient navigation, my concern is, as I was
14 thinking of this is, I was most concerned with trying to
15 safeguard the existing CO-OPS QA/QC on an operating
16 systems and subsequent ones that would be added on.

17 In our comments here, is the premise that
18 we -- is it more than what I just said? Are we trying to
19 funnel all new sources that would be linked under this
20 IOOS concept through CO-OPS, because I'm wondering if that
21 isn't above and beyond what CO-OPS would be capable of
22 doing.

23 The other little wrinkle, and there was not
24 time to get this out to everybody to try to tackle it, but
25 on November 10th, another thing we received was a public

1 comment on IOOS, and I just happened to catch it almost by
2 accident, and it's a notice of availability for public
3 comment on proposed data management and communication
4 standards for the U.S., IOOS, and that is getting into all
5 of this technical stuff on how it's going to be
6 integrated, the protocols that have to be done. And I
7 haven't even begun to be able to get into this, but this
8 is how they're proposing, I think, to integrate this on
9 the communication data. I don't have a clue yet as to
10 whether CO-OPS is enable to --

11 MR. SZABADOS: I'm guessing that's the IOOS
12 DEMAC plan, and through NOAA we are going to be compliant.

13 MR. RAINEY: I guess what I'm trying to get
14 a feel for is, do we want to safeguard our existing
15 operating programs that we talked about, priority pieces
16 to us and the backbone through the CO-OPS model, and if
17 they bring on -- because they are bringing on the regional
18 associations that they would feed through the existing
19 system rather than set up a separate system, separate and
20 new.

21 MS. BROHL: Do you mean a separate new
22 federal system like CO-OPS, like a partner to CO-OPS that
23 can handle more data?

24 MR. RAINEY: Or are we suggesting that
25 everything in IOOS that has a maritime vent somehow goes

1 through Mike's shop?

2 MR. SZABADOS: DEMAC is a way to exchange
3 data through the federal agencies and the regional
4 association. It's not how you deliver the products and
5 services to the customer. That is a behind-the-scenes
6 management of the information. I think that's what they
7 are asking for comments on.

8 MR. DASLER: I guess the same would be true,
9 it seems to me, like the bathymetric data set, you're
10 going to have to have a central clearing house and
11 repository. Roger, maybe you can -- that seems like that
12 could really overburden.

13 CAPTAIN PARSONS: Which is currently the
14 National Geophysical Data Center.

15 MR. DASLER: Because a lot of it is not
16 going to be suitable for charting.

17 CAPTAIN PARSONS: Hopefully all bathymetry
18 would one day be collected at a higher standard where it
19 could.

20 CAPTAIN MCGOVERN: My vision of Mike's shop
21 is that as this system grows, so would his shop. As there
22 is more information that has to go through CO-OPS, CO-OPS
23 would necessarily have to grow.

24 MR. RAINEY: I guess I was just trying to
25 gauge what was the scope of -- it seems like some things

1 would naturally flow there, because they're already doing
2 that. There is a good fit. An awful lot of what's in
3 IOOS, to me, I wouldn't think you would funnel it through,
4 unless you completely change it.

5 MS. BROHL: This is maritime.

6 CAPTAIN MCGOVERN: It would only be
7 maritime.

8 MS. BROHL: In the previous one before this
9 we did clarify maritime application, for maritime. I
10 thought we were partners in maritime applicability, trying
11 to be clear.

12 MR. RAINEY: I understand that. I just
13 think that there are people who are going to say maritime
14 and think, okay, we are going to track marine mammals.
15 There is so much under this IOOS that it's going to be
16 maritime --

17 MS. BROHL: Maritime operations.

18 CAPTAIN MCGOVERN: Well, this is real-time.
19 It talks about real-time maritime. Everything we are
20 talking about, real-time maritime.

21 MS. BROHL: Do you think that the people
22 reading this at NOAA wouldn't understand that we are
23 looking at the maritime component not the marine mammal
24 component?

25 MR. ARMSTRONG: I think there is a good

1 chance of that.

2 MS. BROHL: That they would not.

3 MR. RAINEY: I just want to try to get a
4 sense of what you're saying, and I gather your sense is
5 that --

6 MS. BROHL: Scott, if you could actually
7 give us an idea of what you would like changed, because
8 I'm not sure where we are not meeting that need or where
9 you think we are --

10 MR. RAINEY: Well, hydrography is going to
11 be something under IOOS that you would fund to do, to do
12 surveys, because that's an integral part of GIS and all of
13 that. Are you then going to run -- it wouldn't make sense
14 to me to run the hydrographic survey data through CO-OPS.

15 CAPTAIN MCGOVERN: This is real-time only.

16 MS. BROHL: I don't think we are suggesting
17 that Roger's stuff go through CO-OPS. That's why it says
18 practical, and we are really talking about the real-time.

19 CAPTAIN PARSONS: I think what Scott is
20 saying is that the term maritime applicability is a
21 wide-open term, depending on who the reader is defining
22 it.

23 MS. BROHL: Again, it says to the extent
24 practical.

25 CAPTAIN MCGOVERN: And it says real-time.

1 Hydrography has never been real-time, unless you're
2 planning on making it real-time.

3 CAPTAIN PARSONS: It isn't today. It's not
4 to say we won't in the future.

5 CAPTAIN MCGOVERN: Well, if it is in the
6 future, then it's probably going to have to go through
7 something like CO-OPS. It could be QA/QC before it goes
8 out.

9 MS. BROHL: Well, could you say through
10 CO-OPS or essential data base or something? The point is
11 that the mariner has to have access to stuff without going
12 to a lot of different points. It should be integrated and
13 meaningful when you combine all the data.

14 I don't want to get caught up in the term
15 CO-OPS here necessarily or departmental jurisdiction,
16 because that's not the idea at all. It's just to say that
17 right now CO-OPS -- just like the charting and mapping
18 component, are user driven components. If the term CO-OPS
19 seems too restrictive, we can get rid of that. I don't
20 think anybody here thinks that, by God, it better be
21 CO-OPS. I don't think that's it at all. Just trying to
22 have a sense here that if the access -- that it be
23 accessed through NOAA or a one-stop shop. That it be
24 more --

25 CAPTAIN MCGOVERN: But the other big part of

1 CO-OPS is the fact that it's QA/QC.

2 MR. RAINEY: Where I guess I get tripped up,
3 you're saying -- at the top of the slide you're carrying
4 that down through, and when I get down to B
5 and I read data collected --

6 CAPTAIN MCGOVERN: It would be better if it
7 was written in front of you because then you would see
8 that.

9 MR. RAINEY: You're not really talking about
10 the data that's collected, because when it's hydrographic
11 survey, well, that's real-time data you just collected.
12 But you're talking about actually data that you're
13 accessing that's being disseminated in real-time.

14 MR. SZABADOS: It's being budgeted and
15 distributed in real-time. Is that what you're getting at?

16 CAPTAIN MCGOVERN: Yeah. If you go back and
17 you scroll back up so you can see the opening paragraph,
18 Real-time Hydrographic Observation Systems For Maritime
19 Use. So that's not hydrography. Maybe some day it will
20 be, but then maybe that day it will go through CO-OPS and
21 CO-OPS will be big enough.

22 CAPTAIN PARSONS: Well, I know it's
23 transparent to this group whether it goes through a center
24 called CO-OPS or goes through a process that CO-OPS now
25 embraces --

1 CAPTAIN MCGOVERN: Yeah, if you want to get
2 wording we could -- how do you describe CO-OPS. Give it
3 to us in a nutshell.

4 MS. BROHL: We could put a more comparable
5 quality controlled program or something.

6 MR. SZABADOS: This is real-time
7 observations, which are -- not just a collective
8 distribution. I don't think you're going to -- first of
9 all, we are talking about tide and current information,
10 meteorology, wind speed and direction. As a hydro ship
11 does bathymetry, you're not going to change the chart to
12 real-time for everybody out there. You may collect it and
13 bring it back into Coast Survey, but you're not going to
14 change the chart as a ship is collecting it.

15 CAPTAIN MCGOVERN: Well, Roger may some day.

16 CAPTAIN PARSONS: Not today, not next year.
17 We are talking about now.

18 MS. BROHL: In access through CO-OPS or a
19 comparable data center for ease of use or something.
20 Scott, do you have a --

21 MR. RAINEY: What I threw out, nobody
22 grabbed, so I'm going to let it go. My idea, the way I
23 would set that up is, for existing -- I mean, when I look
24 at this and when I try to write comments, we have been
25 really long-term advocates with you for the PORTS program

1 and NWLON, the programs we care about, so I look at this
2 trying to collaborate with ICOS but to advocate for those
3 programs, and I wouldn't want to see them sort of
4 disappear into something that I didn't understand that it
5 was going to get QA/QC'd and have the same data
6 requirement and integrity that we have.

7 I was wondering if that was our point here
8 is to sort of safeguard the existing data, you know, QA/QC
9 it functionally as we move forward, and as we add to that
10 piece of the backbone, maybe that is the stuff that would
11 continue to go through CO-OPS, the QA/QC, and the
12 real-time dissemination. That didn't seem to have any
13 traction. The more comments were that it seemed to be
14 that you're aiming bigger, that you want more -- anything
15 that's related to maritime under the ICOS to go through
16 CO-OPS, is what I'm --

17 MS. BROHL: We are trying to say that we
18 want NOAA to be the lead agency for integration and
19 observation because of the experience to do that. So we
20 can go and ask the question in another way maybe. If all
21 the existing data that's being collected now by the
22 federal partners and non-federal partners that have some
23 application to what you do on the bridge or how you
24 navigate, wouldn't you like to have it be Q and A'd and
25 be -- you know, that it was data that you could trust and

1 you could use it? If you want it to be data that you can
2 trust and you can use, how would you want to get it? How
3 would you want to get that data?

4 MR. RAINEY: To me that's sort of a
5 continuation or extension building upon what sort has been
6 placed in the backbone, so that's what I would suggest we
7 would want to continue to run through.

8 MR. DASLER: So why not just list the
9 core -- I mean, there's not that many. You could just
10 list them.

11 MS. BROHL: I was trying not to be over
12 restrictive.

13 MR. RAINEY: That's my point. I think you
14 want to leave that out there to be a broader thing, and I
15 can't just conceptualize here if I would --

16 MS. BROHL: So basically what we're saying
17 up there is that they already do quality control. It's
18 done at NOAA. We are specifying it, that the existing
19 data that's out there being collected should be for
20 maritime applicability, should be quality controlled by
21 NOAA and made available and distributed in a manner that
22 helps maritime operations? Help me out here.

23 MR. RAINEY: The thing that I like about the
24 PORTS, and that is that it is QA/QC. And, in fact, going
25 back to the discussion this morning on the certification

1 program, I would argue that the PORTS information has kind
2 of got the full faith and credit of NOAA behind it, and
3 that's certified for a particular use, navigation.

4 A lot of other things, as Andy Armstrong
5 pointed out and others, that's not the purpose -- it's
6 still a legitimate ICOS data set, but it's not necessarily
7 ever intended to be for navigation. So those would be the
8 types of things that might be maritime related but maybe
9 not require the CO-OPS --

10 CAPTAIN MCGOVERN: But it does, if you want
11 to like -- let's say Andy can only give me observations
12 once an hour. That's better than none. But if I know
13 that data is quality controlled, even for those one-hour
14 updates, I can still get a trend on whether the tides are
15 running early, late, high, low. Maybe I don't have it in
16 six-minute intervals, but I have it.

17 Any information is better than none, but it
18 can't be garbage either. So whether it's spaced out or
19 compressed, as long as you know it's good information --
20 and I think that is what this is saying. We already know
21 that PORTS is QA/QC, so this is --

22 MR. RAINEY: I think the only disconnect is,
23 I am envisioning there are other types of data that CO-OPS
24 would not be able to really handle. It would be different
25 in kind that CO-OPS can deal with and still be maritime,

1 and you're telling me by definition of real-time
2 observations that there wouldn't be and CO-OPS could
3 handle it.

4 CAPTAIN MCGOVERN: To the extent practical.
5 You have two facts. You have the fact that we are
6 looking at only real-time observations, and we are looking
7 at to the extent practical. So it gives the flexibility.
8 I mean, if it calls for me saying we can't handle it,
9 then -- or the person giving the data says I can't get it
10 into your format, no way, no how, then --

11 MS. BROHL: Without additional funding we're
12 just going to be limited to how far you can go. I don't
13 want to limit -- what I hear you saying is that you want
14 to emphasize the FORTS NWLON component and the quality
15 control component of CO-OPS and somehow have that
16 integrated in here more. Because, again, I don't want --

17 MR. RAINEY: Well, it's certainly in what
18 you have there. You have a much broader statement than
19 that. I think that's all implied in there.

20 MS. BROHL: We do talk about FORTS a little
21 later where we are much more specific in asking for the
22 IOOS plan to actually put FORTS and NWLON way up there in
23 the plan. What I'm concerned about, what Roger says, we
24 don't want to say that it absolutely has to be CO-OPS,
25 because it may be that at some point CO-OPS doesn't fit

1 we have tide gauges.

2 DR. LAPINE: It doesn't exactly say that up
3 there. It just says real-time hydro observations. If
4 you're collecting wind speed, wind speed is wind speed.

5 CAPTAIN MCGOVERN: Take out the hydro, just
6 put real-time observation systems for maritime users.

7 DR. LAPINE: I wasn't against it. I'm just
8 giving you a reason why there is a lot of real-time data
9 out there that doesn't fit the CO-OPS model.

10 The other thing that I have to ask, and
11 maybe it's because I'm a realist, CO-OPS doesn't have the
12 capability to do what they're supposed to do right now,
13 and we are going to suggest that they take everybody
14 else's data on top of it.

15 MS. BROHL: But in IOOS they're suggesting
16 that there be a true integration of everybody's data that
17 can be integrated and be used. So then there is a way
18 that this data is more meaningful, because we have bits
19 and pieces all over the federal government. IOOS really
20 is looking to try to integrate data. So if that's what
21 this is about --

22 DR. LAPINE: I don't care if Mike's system
23 grows to accept this. I'm worried that, oh, good, we have
24 a place to send all our data now.

25 MR. SZABADOS: They have to have the

1 the bill in its current incarnation. It may have to be
2 something more broadly based. But in the end it would be
3 great if there is a way where it's more one-stop shopping.

4 CAPTAIN PARSONS: It sounds like you're
5 embracing the system that is currently incorporated by
6 NOAA.

7 MS. BROHL: And that's not what we really --
8 we are just trying to make sure that since CO-OPS has some
9 quality control responsibilities on specific data, that
10 certainly applies to CO-OPS, but it doesn't apply to all
11 data. So I don't want that to be limiting. I don't think
12 anybody else does either. So we can change that, CO-OPS
13 or Comparable Data Center or Data Management Center, Data
14 Distribution Center.

15 DR. LAPINE: Just as an example, National
16 Geodetic Survey operates a system of continuous reference
17 on wind direction which is kind of like FORTS data. Now,
18 is CO-OPS going to take that into their system?

19 MR. SZABADOS: We do take the meteorological
20 data in, at the Great Lakes we do it, but not the GPS
21 data. We do not touch that.

22 DR. LAPINE: What about the other 50 or 70
23 stations?

24 MR. SZABADOS: It's not necessary on the
25 shoreline. We are talking about the ones on sites where

1 resources.

2 MS. BROHL: I mean, it's just not going to
3 happen.

4 CAPTAIN HICKMAN: I don't think we should
5 limit ourselves.

6 DR. LAPINE: I'm just sticking up for Mike.
7 I don't want him to get involved in --

8 MS. BROHL: Keep in mind, Dr. Lou --

9 CAPTAIN PARSONS: One person at a time. We
10 have somebody recording this.

11 MS. BROHL: Let me just respond. This is
12 really about the IOOS plan which has the huge cost of
13 integrating everybody's data, all the federal partners,
14 and then growing the observations, growing them
15 tremendously out there. And they have to somehow be
16 integrated to where they are meaningful or not meaningful.
17 It's a huge, huge job.

18 With all due respect, it's lofty and it's
19 out there. It's just that it would be a shame that we get
20 all the way down the road and you go, oh, you know,
21 they're collecting data that would be really good in
22 CO-OPS or be really good for maritime or, gosh, you know.
23 If it gets too far down the road, again, it's going to be
24 limited by funding and staying engaged in the issue, I
25 think.

1 MR. GRAY: Helen, could I make an
2 observation? This really strikes me as a discussion that
3 only those who are experts in this stuff can only
4 contribute to, and I don't count myself among them.
5 Richard, David Enabnit, Roger, and so forth, they can
6 figure -- I don't even know which data you're talking
7 about. I don't really understand what the CO-OPS do, and
8 I, as one member of this Panel, can't really understand
9 some of the distinctions that you guys are trying to deal
10 with here. It may be very important, but I think it has
11 to be satisfied by others, drafted or commented upon by
12 people who really know what's going on in this area.

13 RADM WEST: I think we're out of our
14 expertise here. It's been worked on for four years now,
15 NOAA has been a part of it. This data management thing is
16 a huge, huge problem, and you're not going to solve it
17 with one paragraph up here.

18 MS. BROHL: No doubt about it. We are not
19 probably going to solve, you know -- because so many
20 things are depending on funding. If the funding's not
21 there or the authorization is not there to begin with,
22 then in some respects, why bother to even comment on the
23 ICOS plan, but you have to because it's a template out
24 there.

25 RADM WEST: But unless you're really

1 familiar with DEMAC, once it's been sent to the Hill and
2 accepted, then you're really not talking about what's been
3 sent up there, and that's what's --

4 MR. SZABADOS: DEMAC talks about how to
5 change data between observing systems data centers, not
6 necessarily delivery of products. That's what we're
7 talking about, delivery of products, and that's where it
8 gets kind of confusing.

9 RADM WEST: I'm not sure it's going to be
10 responsible for delivery of product in an Integrated Ocean
11 Observing System.

12 MS. BROHL: Well, in the end, I don't know
13 that NOAA is going to get the job of kind of managing it
14 and all that. True enough, it is a draft plan. It isn't
15 in stone. In the end a lot might depend on the NOAA
16 Organic Act and all kinds of other things.

17 To the extent that there is a draft plan out
18 there, I would say that we should comment on it because
19 they're asking for comments. We are not really commenting
20 on the Federal Register notice, per se, because we don't
21 advise Ocean.U.S., but we do advise NOAA. We've engaged
22 in this discussion and there is a rule out there for
23 comment. It's closed today, but still it's real timely.

24 I guess I have to get back to -- well, we're
25 still on B. We fixed C and now we're back to B.

1 MR. ARMSTRONG: It seems like we are
2 spending an awful lot of time playing around with wiring
3 diagrams. What's important is that we, I think as a
4 Panel, let the Administrator know that we have some
5 priorities for data and services that need to be met, and
6 that it includes real-time data that supports navigation.
7 Let the Administrator worry about how he wires his
8 diagram.

9 MS. BROHL: That's a very good point. So
10 to restate that, data collected by federal or non-federal
11 partners should be managed and distributed to the benefit
12 of safe maritime operations or something, and not define
13 how --

14 CAPTAIN MCGOVERN: I think you have to
15 believe in the fact that it has to be QA/QC. For the
16 maritime industry to use it, that's something that a lot
17 of people may not realize. Oh, yeah, I can get anything
18 off the web, but it has to be good stuff.

19 MS. BROHL: Data collected by federal and
20 non-federal partners for maritime applicability should be
21 quality controlled and distributed for maritime use --
22 distributed for maritime operations use. I think that's
23 better. So B is -- I think it's better. It's pretty
24 straightforward. C, we already did. Do we want to
25 rephrase C?

1 MR. SZABADOS: Can we rephrase C in light of
2 B?

3 MS. BROHL: Required to be quality
4 controlled and available for maritime use. Be required to
5 be quality controlled and available for maritime use, and
6 then get rid of CO-OPS.

7 MR. DASLER: So for maritime use it would
8 have to be real-time.

9 MS. BROHL: It would have to be real-time.
10 Well, we're actually -- no, it doesn't have to be
11 real-time as long as it's data that can be available for
12 real-time use.

13 CAPTAIN MCGOVERN: Well, we have real-time
14 at the beginning. That's covered.

15 MS. BROHL: I think that's better that way.
16 In D, NOAA recommends to Ocean.U.S. that FORTIS and NWLON
17 be fast tracked for funding to provide for the federal
18 backbone. I was thinking that Ocean.U.S. is probably
19 managing the draft plan, so tell them in the plan that we
20 want the plan to reflect higher priority for funds for
21 NWLON and FORTIS. But you can get rid of Ocean.U.S.
22 That's just what I was thinking, just to say they're
23 managing the plan and we want the plan to reflect a higher
24 priority for the federal backbone.

25 MR. SKINNER: Just for the record, I'm not

1 sure I would agree with that, but I don't see any other
2 way that this Panel cannot recommend that, if that makes
3 sense. I'm fine with it.

4 MS. BROHL: Any comments about D, any
5 revisions?

6 MR. WHITING: Can't we just say that it will
7 be fully implemented?

8 MS. BROHL: Well, if you just say
9 implemented, then it could be behind some others. There
10 is a lot of stuff in IOOS. We just want to say if it's a
11 backbone, then you want to build your backbone so you can
12 build on a backbone and enhance its use and find out where
13 you need to fill in the spaces and voids, and that's where
14 you take advantage of your non-federal partnership.

15 MR. RAINEY: Helen, would this work to say
16 that the HSRP recommends that FORTS and NWLON receive
17 priority in funding for the federal backbone?

18 MS. BROHL: In the IOOS plan? That NOAA
19 recommends that FORTS and NWLON be --

20 CAPTAIN MCGOVERN: We have to recommend.
21 This is our recommendation.

22 MR. RAINEY: HSRP recommends that FORTS and
23 NWLON receive priority funding --

24 MS. BROHL: In support of the federal
25 backbone?

1 MR. RAINEY: For the planning of the federal
2 backbone of IOOS.

3 MS. BROHL: In support of the federal
4 backbone.

5 CAPTAIN PARSONS: Priority funding at the
6 expense of what?

7 CAPTAIN MCGOVERN: We are not going to say
8 that.

9 CAPTAIN PARSONS: I'm being the devil's
10 advocate back here.

11 CAPTAIN MCGOVERN: It's our recommendation.
12 We can say whatever we want.

13 MS. BROHL: We could change that and say,
14 since number four is charting and mapping, to raise the
15 specter of charting and mapping in the IOOS plan. It's
16 all based upon the IOOS plan. If Ocean.U.S. says that
17 FORTS and NWLON -- they refer more of FORTS and NWLON as
18 the federal backbone. This isn't within NOAA necessarily,
19 but the idea is that within the scope of IOOS and where
20 NOAA has an impact on the priorities in IOOS, we would
21 want the federal backbone to be funded as a priority.

22 MR. RAINEY: To pick up Roger's point, we
23 could broaden it to NOAA's navigational services, NOAA's
24 hydrographic --

25 MS. BROHL: Number four says charting and

1 mapping should be incorporated into the plan, so perhaps
2 we want to recommend that the programs under FORTS and
3 NWLON, that the maritime services function, the navigation
4 services function.

5 CAPTAIN MCGOVERN: You may have to move that
6 if you're going to do that, because right now the heading
7 of that needs a sub -- is real-time observation systems.
8 If you're going to talk about all of them, then you're
9 going to have to move it out to another recommendation,
10 which is find, if you want to take B out and move it
11 somewhere else.

12 MS. BROHL: To get back to the way it was,
13 FORTS and NWLON receive priority funding according to the
14 federal backbone. To say in E the federal backbone should
15 also include --

16 MR. DASLER: Or you can say second to
17 reducing the critical charting backbone.

18 MS. BROHL: Remember, this is tied into
19 IOOS, not just the relative value of charting and mapping.
20 Just that other than the bathymetric stuff, there doesn't
21 seem to be a lot of recognition of the charting and
22 mapping components and how it could work with observations
23 in an observing system.

24 CAPTAIN PARSONS: Again, as Mike pointed
25 out, bathymetry has been recognized as one of the prime

1 parameters.

2 MS. BROHL: But mapping, just a brief
3 structure, it just seems more towards our purposes, which
4 is not a bad thing of course, but isn't charting and
5 mapping relative to maritime needs?

6 MR. DASLER: But those services are. You
7 wouldn't want it to detract from the need for getting tide
8 data and so forth, charting surveys.

9 MR. SZABADOS: Couldn't you put it under
10 four, address backlog under four, the recommendation?

11 MS. BROHL: Put backlog under four. Okay.
12 Let's just talk about -- then if you do that, should we
13 say that we recommend that FORTS and NWLON receive
14 priority funding in support of a federal backbone, let
15 that go, and then address the back end of the survey,
16 charting, mapping, surveying unfunded stuff in number
17 four, so we are covering both bases? This whole idea here
18 is not to make this a NOAA funding priority thing. It
19 really is relative to IOOS. We'll go back to four in a
20 second.

21 NOAA support increased funding for the tides
22 and current line item -- I don't know that this matches in
23 here, that this should even be in there. We certainly
24 want NOAA to do that. We can put it aside and wait until
25 we get a little closer, because HSIA is funded through

1 FY07, and that does give us a little bit of time, so maybe
2 we should just get rid of it because it's peripheral.

3 MR. ARMSTRONG: Yes.

4 MS. BROHL: So get rid of B. Then go back
5 to before that, that the charting and mapping component to
6 be incorporated into the ICOS plan to better address, in
7 particular, safe and efficient navigation, and that the
8 survey backlog -- the survey backlog for critical areas be
9 increased to enhance that goal?

10 CAPTAIN MCGOVERN: We don't want to increase
11 the backlog.

12 MR. GRAY: Helen, also on four, I'm not sure
13 that charting and mapping relates to some of these seven
14 goals, like reducing public health risk and true
15 prediction of climate change and things like that. Isn't
16 that getting just a little bit chintzy to say that
17 charting and mapping is going to further each of these
18 seven things?

19 MS. BROHL: No, we don't have to.

20 CAPTAIN PARSONS: Keep in mind that
21 bathymetry is used for more than strictly producing
22 nautical charts, like developing models using bathymetry
23 for instance.

24 MS. BROHL: By tying it in you kind of
25 reinforce that it is important, but do we just want to

1 bring in -- I'm guessing that when they think about it in
2 the plan, they're thinking about all those other areas.
3 It has a lot of use in other areas, but do we want to
4 emphasize that at all to have a maritime component? I
5 don't think you have to worry about them recognizing all
6 the other wonderful uses of bathymetric data. If
7 anything --

8 MR. GRAY: If I were deciding, I would say
9 that is a total understatement. That's all.

10 CAPTAIN MCGOVERN: You want to increase the
11 funding to do away with certain things.

12 MS. BROHL: Increase the funding to
13 eliminate the survey backlog for critical areas.

14 DR. LAPINE: In five years.

15 MS. BROHL: And then, number five, the term
16 coastal will be added to the ICOS name to emphasize the
17 importance of the coastal component.

18 CAPTAIN PARSONS: Is there anyone who has
19 read the plan and doesn't see the coastal component
20 without it being in the name? I'm just curious. Is the
21 coastal component missing from the plan?

22 MR. RAINEY: No, it's there. Are you just
23 asking to put a greater emphasis on it? I don't know if
24 I'd want to change all the stationary, but --

25 CAPTAIN MCGOVERN: It will be easier to put

1 a consonant between the two vowels. It would be easier to
2 say it.

3 MR. SKINNER: It's a valid point, because I
4 think there is a tendency to focus on the deepwater areas.
5 From my experience with GOMCOS, it's a real struggle to
6 get everything -- I think it's valuable to have that in
7 there.

8 MS. BROHL: And I recognize that if you're
9 talking about a Global Observing System, the deep ocean
10 points really become important with the international
11 partners, but to bring it home, the coastal component is
12 what we deal with every day, and I think that it's easy
13 to -- because the broadness of it is so big for everybody
14 out there dealing with it on an international scale, and I
15 can appreciate that, that for us it's bringing it home,
16 and bringing it home is the coastal component.

17 I'm not so sure -- I don't know, but when
18 you get into deep ocean observations, are they more
19 expensive? Again, Admiral West made a really great point
20 that we don't want to get too bogged down in, well, I just
21 want my piece. I do want to emphasize -- and yet there is
22 a lot of talk about the coastal component, but we are
23 trying to imagine what people are thinking, and the
24 coastal component is just so important. It's what we have
25 now.

1 When you look at the seven societal goals,
2 really the coastal component meets those much more.
3 Public health, Homeland Security, maritime, the coastal
4 component is a far bigger role in that than the ocean
5 stuff. I realize to talk about a Global Observing System
6 you have to talk about deep ocean, but if you're going to
7 start where you invest the money or spend the time and
8 energy as well, well, I would love to see the coastal
9 stuff come up as well.

10 I would imagine the resource managers might
11 feel that way, at least on the local scale might feel that
12 way. So that's the motivation to emphasize. But,
13 Captain, you're right, it's not as if there isn't a lack
14 of -- because I'm thinking that a lot of this development
15 came out of the global discussion.

16 Any other comments about that? Do you think
17 it shouldn't be up there at all?

18 THE PANEL: (No response.)

19 MS. BROHL: Number six, the technology
20 development opportunity that's under ICOS must be
21 available for a wide range of interests, both public and
22 private. I don't know if this is a valid comment, really,
23 but when I read the program, it seems very heavily into
24 just universities, not that there is anything wrong with
25 that, but you still want -- and maybe universities

1 automatically partner with the private sector for private
2 industry investment. But in terms of technology
3 development -- I was thinking this was good for us, but if
4 it's too peripheral and it is maybe a secondary issue --
5 DR. LAPINE: I don't see any value added to
6 that.

7 MS. BROHL: Okay. We can get rid of it.
8 Anybody that doesn't want to get rid of it or feels
9 passionately it should stay in there?

10 THE PANEL: (No response.)

11 MS. BROHL: Okay. That's fine.

12 DR. LAPINE: Can you go back to number four
13 for just a second? It's probably just nitpicking, but to
14 eliminate the survey backlog, you know, if we do nothing,
15 some day the survey backlog would be eliminated. So do we
16 need to make it more immediate? I was kidding before when
17 I said in five years, but now I'm thinking maybe that's
18 the kind of statement we need to make.

19 CAPTAIN HICKMAN: I don't know how you can
20 really say that if we do nothing the survey backlog would
21 be eliminated.

22 DR. LAPINE: The plan says it's to be
23 eliminated in ten years.

24 MS. BROHL: But remember, this is for IOOS.
25 This isn't just a general discussion about where we place

1 survey backlog in our scope of priorities overall.
2 Frankly, it's a little secondary to the real issue, I
3 think, for the IOOS plan, and that is we want the charting
4 and mapping component -- let's say the maritime component
5 of charting and mapping to have a greater role in IOOS,
6 because we think they tie in very well. As you're going
7 along looking at the bathymetric stuff, you think it might
8 be really good for resource management and things like
9 that, but you also recognize that it has a really great
10 role in maritime operations and that it's real important.

11 When I read the plan, I think that that was
12 just kind of missed by the writers. They probably
13 wouldn't disagree with it. We just want, I think, to make
14 it clear that the charting and mapping component has a
15 very strong role to play in IOOS. So in some respects the
16 survey backlog is kind of a -- you know, you want to try
17 to get as much data and improve that data and get it where
18 you need it. Even though it's important for this group,
19 it's kind of another discussion, especially when we talk
20 about HSIA reauthorization in another year.

21 DR. LAPINE: How about if we say eliminate
22 the ten-year survey backlog. At least it's putting it on
23 the magnitude --

24 MS. BROHL: But it's still peripheral to the
25 IOOS discussion, I think. It's not, not important.

1 MR. DASLER: Well, the sooner they get their
2 data the better it would help the IOOS system.

3 MR. GRAY: I think Lou has a good point.

4 DR. LAPINE: It's about what we want for
5 PORTS and NWLON.

6 CAPTAIN MCGOVERN: Keep everybody happy.

7 MS. BROHL: I know some people in federal
8 offices that when there are public comments, they say
9 throw anything in there you want, it doesn't have to be to
10 the subject because we'll still hear it and we'll still
11 see it. So in this case it's just emphasizing a point
12 that's valid.

13 DR. LAPINE: I'll take the other side. If
14 people think there is a 50-year backlog, well, we don't
15 have the money to support it. But if they see a 10-year
16 backlog, maybe that would raise the level of interest.

17 CAPTAIN MCGOVERN: Motion to accept the
18 whole thing as written.

19 MR. SKINNER: Second.

20 MS. BROHL: Any discussion?

21 THE PANEL: (No response.)

22 MS. BROHL: All accepting it?

23 THE PANEL: Aye.

24 MS. BROHL: Opposed?

25 THE PANEL: (No response.)

1 MS. BROHL: Thank you very much. Now, these
2 are approved, but obviously -- Scott, do you just want to
3 have a discussion if there is any addition?

4 MR. RAINEY: I would like to ask -- I know
5 this has been a grueling day, but what we are looking at
6 is, I would like to continue if there were other comments
7 or recommendations on the IOOS plan. Admiral West has
8 agreed to give us an update, a presentation on Ocean
9 Commission recommendations. We have had to scuttle our
10 tour, so I'm kind of looking at that we have until 16:30
11 on our revised agenda to cover the rest of the bases. So
12 I guess that's a long answer to, yes, I would like to
13 continue if there are other comments that folks would like
14 to offer on the IOOS plan.

15 CAPTAIN MCGOVERN: The only one I had, Helen
16 made the comment but then she didn't put it in writing,
17 and it was kind of simple but I thought pretty good, and
18 it was the fact that maritime components be the baseline
19 because they seem to be the most common of all the -- all
20 the stakeholders need those. That to me is a simple
21 observation that we could --

22 MS. BROHL: If anything, that's a
23 justification for providing -- using NWLON and PORTS as
24 the federal backbone, because it provides a baseline in
25 existing stations. You have a lot of existing stations

1 that you can build on. You build them all around the
2 country and cover 95 percent of the waterborne trade, and
3 then you really -- you take a look at where all your voids
4 are and what's missing for all the other stakeholders,
5 whether it's through regional associations or whether it's
6 through, you know, whatever the federal partners think,
7 and then you say, you know what, we're missing some data
8 that might be available, and you can use those stations
9 and build on them. Or then you say, you know what, now
10 that we have this backbone and we have -- you can use all
11 that information for Homeland Security and then you build
12 from there and then you build a partnership to fill that
13 void and make the difference.

14 CAPTAIN MCGOVERN: I think to put that in
15 writing is -- to me that's a pretty good observation and
16 it's a pretty good -- it gives justification and so forth
17 to what we are talking about here, that, you know, why
18 should these components be the backbone as opposed to
19 these components? Well, because everyone uses these.

20 MS. BROHL: Would we wind up with that in as
21 part of the justification early on for what we're talking
22 about, why we think that --

23 CAPTAIN MCGOVERN: We can do it tomorrow.
24 We can sleep on it and do it in the morning.

25 MS. BROHL: Where the federal backbone is

1 funded -- okay, we'll do that. I'll talk to Barbara
2 sometime and we can add it later.

3 MR. RAINEY: Why don't we go ahead and take
4 a break then. The things that we have is to wrap up any
5 more comments on the IOOS, Admiral West's presentation on
6 the Ocean Commission, and then Captain Parsons is going to
7 do a report out on our recommendations, and then the
8 presentation into the hydro survey priority. That's what
9 we have left to try to tackle this afternoon. So maybe a
10 ten-minute break.

11 (Whereupon, a brief recess was taken.)

12 MR. RAINEY: I want to see if there are any
13 other comments on IOOS, if anybody wants to discuss that
14 further.

15 RADM WEST: This thing is a work in
16 progress, as you know. This is just -- who knows where
17 this is going to go. My concern is that it's a piece of
18 GOOS too, which is the Global Ocean Observing System,
19 which is the grander thing that actually NOAA has been put
20 in charge of for the administration. My concern there is
21 that the ocean gets second seat to the other part. There
22 are a lot of moving parts.

23 My only comment is we need to stay on top of

1 this and talk about it. There will be more reviews and
2 more language and more bills. But I think we need as a
3 group to ensure NOAA realizes and the Ocean.U.S. folks are
4 much aware of the basic need for Hydro Services.

5 The other comment is, I always hear this
6 coastal ocean, and by the way, Great Lakes, too, what do
7 you mean by coastal? Tell me what you mean. Anybody?

8 MR. SKINNER: Change it to near shore.
9 Either way.

10 MS. BROHL: I had near shore written down
11 originally.

12 RADM WEST: I'm not being a wise-guy. There
13 are a lot of definitions out there. So what you mean by
14 coastal, if you take and jump in a airplane and go up and
15 look at the United States and look at what we observe
16 along the ocean and try to color that in a chart, you'd
17 never see it. It's just a little thin -- so what do you
18 mean by coastal, deep water? If we pass a law, what does
19 that mean? Do we have to go get bathymetry? There are a
20 lot of moving parts in all this stuff. I don't think you
21 do any type of ocean observing unless you have the charts
22 to start with.

23 MR. SKINNER: I was trying to remember when
24 I went through the document, and actually, I should have
25 probably gone through it again to find specific

1 references, but I was much more interested in the cookies,
2 as was everyone, but it seems that there were a couple of
3 references to maritime operations and navigational
4 services in the document. But then it just sort of loses
5 any references to that later on.

6 I think one of the recommendations we might
7 want to consider, that those specific elements be
8 mentioned throughout the document. There is one section
9 where it says, well, here is what we are going to look at
10 and it was all biological data, and if one of the key
11 areas is maritime operations, or whatever the term is,
12 then it should be carried through at all levels in the
13 plan.

14 MS. BROHL: Because there are other element
15 components that are carried through the entire plan.

16 MR. SKINNER: In greater detail. It started
17 very broad and then they get down more specific, but they
18 don't do that for maritime operation data.

19 MS. BROHL: I think they actually don't tie
20 enough, just as an aside, tie enough of a point to the
21 seven societal goals. It doesn't have real deadlines.
22 It's like a ten-year plan, but instead of an outline, it's
23 such broad sweeping statements and then there are
24 specifics on the other side. It's a little inconsistent
25 that way, and in the end you go, okay, this is tied to

1 what goal or what goals. That's an aside.

2 Can we also make comments tomorrow? If we
3 look up things overnight, can we present it tomorrow
4 briefly along with the other group?

5 MR. RAINEY: Okay.

6 MR. GRAY: I'm not sure if this is the right
7 place, but I would just like to state, and I think I sent
8 this to all of you, but when I went through the guiding
9 principles, and also Rick was good enough to give us the
10 Ocean Policy, U.S. Commission, and I read through this and
11 I said, "I was disappointed to see that no where did I
12 find reference to mankind's use of the oceans for
13 commercial transport of goods, fishing, or recreation, et
14 cetera, in a safe and sustainable way."

15 And then I went on to say some other things,
16 "With the country's ocean, Congress valued at 20 to 25
17 percent of U.S. GED, one would think an Ocean Commission
18 would pay more attention." I also said, again, "I may
19 have missed it, but I seem to see these missing elements a
20 direct link between the crucial safety need mariners have
21 for the best hydrographic and water real-time information
22 and charting. To me this is the essence of NOS within
23 NOAA. The need for specific attention to be paid to land
24 based sources of oil pollution, which are several fold
25 larger than vessel source pollution, and the need for

1 government, ours included, to do something effective to
2 ensure the installation of charter reception facilities as
3 an obligation under MARPOL 1973, and a lot of earlier
4 conventions, which have been totally disregarded. This is
5 one of the main reasons why our response citations for
6 ships are on the rise worldwide."

7 These things aren't necessarily NOAA issues,
8 per se, but they are gut maritime issues, I think, and I
9 know there was a lot of criticism in the Marine Quest of
10 the Ocean Commission's report where they set out 535
11 pages, and I guess eight or nine of it dealt with shipping
12 or something like that, and it speaks to the fact that,
13 I guess, the Committee didn't realize the crucial nature
14 of -- where would this country be without ocean commerce
15 and the many elements that make it work?

16 I hope that -- this is not an ICOS, IMOS, or
17 IGOS or whatever anything else like that, but these are
18 points that -- even if they go a little bit beyond our
19 charter, I hope at some point we will take them up,
20 because maybe somebody will listen to them. Several of us
21 have said these things many, many times over.

22 MR. RAINEY: If there are no other comments
23 today, we'll ask Rear Admiral West to speak.

24 RADM WEST: Sure. If you don't mind, I'll
25 just sit here and do it. I just picked out about 10 or 12

1 slides, just trying to give you an overview of what's
2 going on with the Ocean Commission. It's a big deal for
3 us to deal with ocean issues.

4 The last time anything of this magnitude was
5 done was in the Stratton Commission of 1968. One of the
6 recommendations out there was to establish an organization
7 to manage the ocean, and that turned out to be NOAA, which
8 was established in 1991.

9 It's interesting that this group over a
10 period of a couple of years, and we'll talk a little about
11 that, came back and said NOAA is even more important now
12 than it was then, but it's in trouble. It needs to be
13 strengthened. So that should be of interest to us. As we
14 talk about our little piece of NOAA down at the NOS, down
15 at Hydro Services, the health of the mother organization
16 is in a little bit of trouble right now when we need it
17 especially bad, when we need it especially.

18 I actually did this from the report that's
19 going to be out on December 20th. I kind of smuck in and
20 got a hold of it. I actually did some word searches, and
21 I'll give you some references to what Bill just talked
22 about, some small boat stuff and all sorts of stuff I
23 pulled out of it, and I'll tell you where it is. This is
24 what is going to be called -- it will be out on the 20th.

25 This is a group -- there were several folks

1 up there, one of them the executive director, and Jim
2 Watkins, who was the chairman, they did do a lot of
3 homework, a lot of work, a lot of public meetings. Many
4 of you were a part of those public meetings. Some of you
5 testified. I had an opportunity to represent the
6 Department of Defense for the first year, so I did that
7 part of it and testified in one of the public hearings. I
8 went to three or four of the other ones, and I reviewed a
9 lot of scientific papers, and, in fact, the core of the
10 consortium of oceanographic research did a lot of the
11 homework on the education piece of the ocean demographics
12 and stuff like that.

13 There were a lot of public meetings.
14 Everybody had a chance -- even the guy that came flying
15 down the auditorium on a skateboard down in Charleston
16 with a backpack on -- to talk about some other things. We
17 saw all sorts of folks during these visits. They did a
18 lot of homework, and that's the point there.

19 On the 19th of September, the report was
20 submitted to both Congress and to the President. He has
21 90 days to respond. Not too many people are optimistic
22 that we are going to see anything great out of this
23 administration, unfortunately. I think you'll see some
24 type of acknowledgment of the report. What we take from
25 there will be what the community wants to make of it.

1 We have some things going against us,
2 obviously the budget problem. We have a nasty war going
3 on right now. And I mentioned this a couple of months
4 ago, it's some organization, some guy jumped up in the
5 back and just let me have it. He told me to get off from
6 that feel sorry for yourself kick. He announced he was on
7 the Stratton Commission. He said, "Back then we had
8 Vietnam, we had this opened up, and we didn't have
9 problems." So those are not excuses, they are things we
10 ought to be concerned with, but we really do need to get on
11 with the issue.

12 It's interesting, I deal with a lot of folks
13 in this business, and the one thing is, "What do you mean
14 by the oceans are in trouble?" That's a good question.
15 What do they mean by that? I need to know that before I
16 can invest in finding out why they're in trouble. And
17 that's a very good question. They have 560 pages.

18 The final report, I think, will be somewhere
19 around 700 and some pages. It talks about a lot of this
20 stuff. You really do need to know where should I invest
21 and how can I find out where the problem is. There are
22 212 recommendations. About 60 percent of the
23 recommendations in the Ocean Commission, if they are
24 carried out, by definition have to go through NOAA.

25 MS. BROHL: Sixty percent?

1 RADM WEST: Roughly 60 percent. That's the
2 way I look at it. So if they're going to happen, by
3 definition, by federal mandate, by the mission of NOAA,
4 they have to go through NOAA. They're not NSF. They're
5 not the Navy. They're not anybody else. They're NOAA.

6 What's our concern there is that NOAA has
7 some problems right now. The fact that it has literally
8 hundreds of budget lines is a major concern. Helen talked
9 a little bit about our concern about NOS moving dollars
10 around. You literally cannot move dollars around in NOAA,
11 because their budget comes over so detailed. That's of
12 concern.

13 One of the ground rules of the Commission
14 was there would be no unfunded mandates, so I came in and
15 said I have a four billion dollar mandate, so where should
16 the money come from, and they identified the trust fund on
17 gas rights from the ocean. At first blush that sounds
18 like a good idea to me, but it's meeting a wall of
19 resistance, because somewhere that money is going to other
20 things already. So those folks that are getting that
21 money are not going to think it's a good idea, so that's
22 going to be a little bit of a battle.

23 The argument the Commission made, and if you
24 listen to the hearings, and there will be more of this
25 next summer too, if you're going to tax the ocean, then

1 where should that money go? So it's a good argument that
2 NOAA can back into, where the taxes are coming from. So
3 the funding issue is -- and they go into great detail
4 about three point nine billion dollars and it should come
5 from this trust fund.

6 This is probably of most interest to
7 everybody, and it looks like the most simplest slide, but
8 what they found was, and it shouldn't be startling to
9 anybody, is the fact that we have made decisions on ocean
10 issues that are very limited -- let me explain this right
11 -- a very small scope, limited data. If I have a fishing
12 problem over here, so I'll go count the fish there, and
13 they'll let you fish until that number gets up, or I have
14 a harmful bloom over here and therefore I have to watch
15 it. What they're saying is, that's not the way to do
16 business. We have to go look at an ecosystem, look at the
17 physical characteristics, the biological, chemical, and
18 all that stuff, management, that way.

19 I think I understand what that means. It's
20 different than just doing fisheries or doing physical
21 oceanography or chemical. It's putting all that together
22 and making the right decisions for the livelihood of the
23 geographic area around.

24 What are the three major functions to let
25 that happen is -- the governance issue, by the way, was

1 probably the reason why the Ocean Commission was a year
2 late. It was basically a year late. They could not come
3 up with -- I mean, the governance of our ocean is just
4 mind boggling. The last chapter to be written right now
5 is being written by a university of law school,
6 interpretation of laws and all that stuff. It's still not
7 done, because there are literally an infinite number of
8 rules and regulations, state, federal, local, all sorts of
9 rules and regulations under oceans. So it's going to be
10 very, very hard to do the ecosystem based on management
11 until I figure out how to govern the damn oceans.

12 We really don't know much about the oceans.
13 We know very, very little. We have explored less than
14 five percent. I've been told we only know about one
15 percent of the life that lives in the ocean. That's
16 amazing. So we really don't know much, so you need to put
17 some money into getting good science so you can make good
18 decisions on marine mammals or fisheries or whatever that
19 is.

20 The other major problem, and most of us that
21 work in the ocean all the time know this to be a fact,
22 nobody knows about the oceans and so really nobody cares
23 except maybe you folks. My theory is 99.4 percent of the
24 United States don't know a damn thing about our oceans!
25 Not that they don't care, they just don't know. The other

1 6.6 percent are us, folks that work in navigation. That's
2 got to change. That's got to change.

3 The public outreach and education process
4 was way down at the bottom. I even talked to the head of
5 the Commission, and they were even going to just maybe, if
6 they had time, get to that part of it. It very quickly
7 became obvious to them that if they were going to make any
8 progress in any of the recommendations of the Ocean
9 Commission, the general populus has to know more about our
10 ocean, period. As I've been told many times, until you
11 have a large public lobby that's screaming out for changes
12 to our oceans, you're really going to just be putzing
13 around with the little bit of money that we have so far.

14 One of the figures that came out of the
15 Commission report was, of the total investment, the
16 federal investment of public money into ocean research is
17 630 million dollars. If you just look at that, it seems
18 like a lot of money. It is not. It's just peanuts. The
19 total investment of the federal government is less than a
20 billion dollars. That doesn't even get you one span of
21 the Wilson Bridge going cross the Potomac. To me that was
22 amazing when I thought of it. So these are -- I just
23 wrote it up there because those are the issues.

24 NSF now has in everyone of their proposals,
25 you have to come back -- if you're going to get funded

1 through NSF, you have to say how you can educate American
2 with your project. Everybody has to do that. NOAA has to
3 do that. The Navy has to do it. Everybody is going to
4 have to have this tagged to it to do that. Anyway, those
5 are three big issues.

6 Some of the major recommendations dealt with
7 U.S. investment in ocean research proposal, about 630 to
8 roughly 1.2, 1.3 billion. NASA spends roughly 50.5
9 billion dollars a year. Billion, I said, billion. The
10 space program is wonderful, don't get me wrong. I love
11 it. It's marvelous. But I just think there is a relative
12 difference there that has to be evaluated. Less than a
13 billion, where do I live, you know things like that.

14 To double U.S. investment in ocean research
15 is not going to be easy because there are 15 federal
16 agencies that have a piece of the ocean pie. If you say
17 put so much in NOAA, if 60 percent of the recommendations
18 are in NOAA, they should get the bulk of this money, then
19 some of the other fellows will say, well, wait a minute, I
20 don't know if that's the right thing to do. And that's
21 what happening right now, this little dance around town.

22 I'm very concerned about making progress,
23 because if the Ocean Commission goes over and we start to
24 get the federal agency long enough to ensure that it all
25 goes no where or maybe over to NSF, it's kind of the

1 largest scale of what I tried to say a little earlier, be
2 careful starting to pull the little pieces -- you know, I
3 really like that Ocean Commission, but only if you give me
4 my -- what the Nation ought to be doing now is to be
5 pushing like hell to get this thing through. It may not
6 fund everybody's program, but it's certainly going to be a
7 hell of a lot more than we have now. So that's a little
8 bit of the concern I have.

9 I talked a little bit about the strength in
10 NOAA. If for no other reason, if you look at the budget
11 structure, it should tell you something. For you folks
12 that have worked on the report, I think I said this last
13 time, it would be an embarrassment to have somebody tell
14 me how to spend my money like that. But the agency has
15 gotten themselves into that position over the number of
16 years. So right now the difference between what they
17 submitted for the budget and what the Senate appropriation
18 wants to give them, which they will start working on
19 tomorrow morning, is almost one billion dollars. I have
20 never seen anything like that in my life in Washington,
21 D.C., where almost 25 percent of the budget is still being
22 debated on the Hill.

23 One of the problems is, of course -- and by
24 the way, most of it is in NOS, about 40 percent of that, a
25 huge amount of money is in jeopardy, but one of the

1 problems is it's been earmarked. OMB takes earmarks and
2 wipes it out on the way over, which took most of NOS's
3 money. Historically constituents put it back in on the
4 Hill, and then there is this other incentive by the Senate
5 to put more money into NOAA for the Ocean Commission. So
6 it's all being thrown into this pot. It's not very
7 friendly right now, so we have to be very, very careful.

8 The strength between -- just to back up a
9 little bit, the strength between coastal and watershed
10 management, most of you know a lot more about this than I
11 do, but really what the issue is, the issue is coasts and
12 oceans do not start at the high-water mark. It's a lot
13 further in there.

14 I had lunch with Mr. Paneta, who did the PEW
15 Commission, a wonderful gentleman, by the way, but he said
16 one of the things that was amazing to him when he did the
17 PEW Commission was, he said now there are 41 states in the
18 central part of the United States they now know are
19 polluting the Gulf of Mexico. They had no idea. It's
20 because of run off and so forth. This is back to the
21 education part of it. So the Commission said there has to
22 be a better link between what happens up in the watershed.

23 These are some things you probably would
24 expect. There is a strong support for ocean exploration.
25 We ought to all encourage this. The problem with it is,

1 there was a National Academy NRC report that said do it
2 but don't give it to NOAA. Along comes the Ocean
3 Commission and says do it but give it to NOAA. So you
4 have that debate going on. We don't need debates right
5 now. We need action.

6 We talked a lot about the ICOS. There is
7 ICOS. There is GOOS, which is global. There is GEOSS.
8 There is Ocean Observatory's Initiative, and that's NSF.
9 There are all sorts of "oozes" running around that also
10 compete for discussion. And when you go to the Hill, they
11 say tell what the relationship of all these are. We can't
12 do that. We have to be able to sit down and say this is
13 NSF, Ocean Observatory's Initiative, this is NOAA's ICOS,
14 this is Global Observatory and it's part of GEOSS. That
15 story has to be told, but it has to be told as a team, not
16 as a NOAA or NSF or whatever.

17 MR. RAINEY: In the back there is a
18 question.

19 RADM WEST: Sure.

20 UNIDENTIFIED PUBLIC SPEAKER: I see up there
21 a number of times coastal. Does the Commission define --

22 RADM WEST: Yes. They talk about coastal a
23 lot. I don't know what that means. I don't want to be
24 facetious either. What does it mean? I ask wherever I
25 go. Somebody will tell me ten nautical miles up, EEZ, a

1 hundred fathoms. I don't know. What does it mean?
2 Somebody needs to decide what it means.

3 The Commission said if you do what I tell
4 you, it's about four billion a year. Some is taken out of
5 tax -- out of trust fund -- enough said. If you're
6 getting money out of there now, you probably don't like
7 that idea, and that's going to be a competition that will
8 have to be resolved.

9 MR. RAINEY: Maybe you can explain that.

10 RADM WEST: It goes a lot to bridges,
11 construction, repairs. I think there is something with
12 FORTS too. I'm not real sure. That's what I've been
13 told. Capitol, you'll see we are going to do a new bridge
14 on the Tampa Bay, maybe, the Sunshine Bridge, when you see
15 the matching funds.

16 RADM LARRABEE: Surface transportation?

17 RADM WEST: Don't quote me. I don't know.
18 I just heard.

19 RADM LARRABEE: Isn't most of that money --
20 I thought that was set aside by the Transportation Bill.

21 RADM WEST: Which one?

22 RADM LARRABEE: That kind of construction.

23 RADM WEST: I don't know.

24 MR. ENABNIT: Do you know who manages that
25 fund?

1 RADM WEST: Yes. There is a committee in --
2 I did know that. Do you know what subcommittee does that?

3 MS. BROHL: I'm sorry. I didn't hear the
4 question.

5 RADM WEST: Where that money is managed?

6 MS. BROHL: What money?

7 RADM WEST: There is a committee out there.
8 I don't remember offhand who does it.

9 MS. BROHL: I don't know.

10 RADM WEST: The bottom bullet was a strong
11 push for the U.S. to sign up for the -- you know what I'm
12 talking about. I'm amazed that we haven't put our
13 signature on that. By the way, the Arctic is being
14 chopped up right now, and we're not there to chart. All
15 sorts of stuff is happening.

16 A lot of people say, well, we don't care
17 about the international piece because we have stuff to do
18 at home, but I tell you what, you don't want to wake up
19 some day and see the rest of the world chopped up and you
20 didn't have anything to say about it. There is a lot of
21 issue about the mineral rights too, methane hydrates and
22 all sorts of other stuff we should be involved with
23 internationally.

24 I had a chance -- I think I told you this
25 last time, that I went to the State Department last year

1 and the discussion was over the Prestige and the oil
2 spill. They were going to open up the single, double hull
3 thing off of Spain because of this. The U.S. stood up to
4 say something, and they said sit down, you don't have a
5 right to say anything because you're not a part.

6 MR. GRAY: Can I just mention, back when
7 this current edition was being drafted in the seventies,
8 the oil industry and the mineral industry came out very,
9 very strongly against it. They said we, the developed
10 world, we have the know-how, the technology to mine the
11 oceans and the sea beds and so forth, and we are not going
12 to give that away to the rest of world by making it a
13 common heritage. At that time, and that was twenty-odd
14 years ago, there was a really strong argument, but some
15 fairly significant industries were against the United
16 States participating.

17 RADM WEST: I thought I knew where the
18 problem was six months ago. I don't anymore.

19 MR. GRAY: I don't know whether that is true
20 now, but they came out that way twenty years ago.

21 MR. ARMSTRONG: My understanding is those
22 issues have been resolved and now the deep-sea mining, the
23 mining industries are now supportive of the convention.

24 MR. GRAY: I think that would wonderful if
25 that's so. The other thing you mentioned, the Arctic,

1 there was a very big article about the Canadians want to
2 declare way, way around on all of their Arctic. They want
3 to carve it up with six or seven others, Greenland and
4 Denmark.

5 RADM WEST: The Russians are already doing
6 the same thing. They have almost a third of the Arctic
7 right now.

8 As you probably know, there is not a lot of
9 interest. There was no presidential debate that I know of
10 over ocean issues. I would think it would be an easy win
11 just to say I agree with the Commission, you know, just
12 say that and let's get on with things. We actually talked
13 to key offices over there, CEQ. We have a running
14 dialogue. We're not going to get a lot of support, but we
15 hope we at least can get lukewarm support so we can take
16 advantage of the Commission.

17 Collective sustained efforts by stakeholders
18 are very, very important. Even in my regular day job, I
19 have to tell my folks, damn it, we'll pick it up later.
20 Let's support the Commission for now. It's the old tide
21 rises all boats theory, and we'll hope it rises all the
22 boats. There are a couple of them with some holes in them
23 that may not get there, but let's do that, because that's
24 very, very important at this point, or the opportunity the
25 Ocean Commission has given us after 35 years will be

1 missed, because you have a cycle or two in the budget
2 cycle to take advantage of things like this. We have
3 almost had a half a one. We have another one coming up,
4 the '07 process, and then maybe part of the next one and
5 that's it. It goes away. It becomes old stuff.

6 There is a lot of information. You can go
7 to the website. I did do a quick search before I came
8 down of what I thought you folks would be interested in.
9 Bill, for example, the PORT system in maritime commerce is
10 in the Executive Summary for three or four pages. It
11 talked about DOT. Chapter 13 is all supporting Marine
12 Commerce and Transportation. There's quite a bit in
13 there, actually, IMO, all that stuff, recreational fishing
14 and boating has a section in the Executive Summary, and on
15 and on. So there is a lot in there, if you wanted
16 recreational boating, a lot of navigation.

17 FORTS is mentioned specifically in the
18 navigation, the ENCs. I like ENCs, by the way, but that's
19 a whole different -- it's very specific about surveying
20 requirements, by the way. If you look at NOAA's mission,
21 they are very specific of what they should do and what the
22 Commission said, and we should take these and run with it
23 because it was very specific about the surveying
24 capabilities. There is a lot in here on pollution and
25 cruise ships. The discharge, stack gas emission.

1 There is one thing that wasn't in here, that
2 I thought should have been, was more issues on propagated
3 sound ships. It hasn't been addressed for quite awhile.
4 So there is quite a bit in here. Ocean exploration.
5 That's kind of what's going on. We are going to push
6 hard.

7 There were 27 bills or parts of bills on the
8 Hill not too long ago. We are down to probably two or
9 three that are being actively worked, and the only one
10 that has a real chance is maybe the Organic Act for NOAA.
11 It's a good Organic Act because it puts into law what
12 they're supposed to do. It allows them to have
13 independent budget authority for discussions with ONB. So
14 it takes Commerce out of the situation, which will help a
15 little bit, although I think NOAA kind of hides behind
16 Commerce a little bit. But it would help if that gets
17 through. The Ocean Ops and some research stuff I think
18 will get through next time, but they start tomorrow and
19 they're going to want to get out of town in a hurry. I
20 think you may see the Organic Act.

21 Key, I think, in my personal opinion with
22 the Ocean Commission, is a healthy NOAA. You may have
23 some issues you have with NOAA, but get over them and help
24 them to get better, and let's push hard for them. We have
25 to push hard for NOS. We have to push hard for Hydro

1 Services. It's more like making a point of why they are
2 so important, not necessarily make sure you take care of
3 me. Explain to them why you're important, why Hydro
4 Services is important. You can't overlook it. You can't
5 do Ocean Observing without geospatial charts.

6 The other issues, I spent two days,
7 actually -- Helen calls them my academic research -- up at
8 Rutgers. It's probably one of the better ones, but it's
9 very limited and small. But they don't even want to
10 involve you. How come? That's easy to do. Let's start
11 showing them that if you hook up with a university of
12 research -- they even label themselves an operation -- but
13 hook the two together and show what can be done.

14 The only other comment is, we have to work
15 hard to make NOAA better. We need them desperately. In
16 this federal backbone, if it's funded as an information
17 system by the federal government with public money, there
18 is a law that says it has to be validated and verified
19 data or it cannot fund. So if it's part of the backbone,
20 then one of the checks that you have to have is that you
21 want validated data, because some of this data will be
22 used for regulatory purposes, health and safety, welfare,
23 and all this other stuff. So if you're part of the
24 backbone system, then you have to be QC'd or QA'd or
25 whatever the right word is to be part of that.

1 The best way to do it, obviously, is to have
2 your own and have it verified by the federal government,
3 rather than them telling you what to do and then having
4 them fund you. You don't want to wait to do all that
5 effort and say can I be part of your system and there is
6 no way they'll ever validate the data. There is no way.
7 So, anyway, I'm done.

8 CAPTAIN PARSONS: Admiral, is it fair to say
9 that if the White House embraces FORIS with a rather
10 ho-hum attitude, it's not going to be a surprise to
11 anybody?

12 RADM WEST: Absolutely not. In fact, we'll
13 take a ho-humer. We just don't want to be ignored.

14 MS. BROHL: Admiral, do you think that NOAA
15 should be an independent agency or through Commerce?

16 RADM WEST: The other argument three years
17 ago was the Commission wanted to make NOAA independent.
18 What happens is, NOAA is 65 percent of Commerce. So if
19 you pull NOAA out of Commerce, guess what goes away, a
20 cabinet position, and that was not about to happen. They
21 found that out pretty early. So they said, okay, what's
22 the next best thing. It was to make it as independent as
23 they can from the bureaucracy of Commerce, because they
24 have some other issues.

25 MS. BROHL: By reporting directly to OMB.

1 RADM WEST: For budgetary purposes is what
2 this Organic Bill is going to do. So they will be part of
3 Commerce, and somebody told me there are other agencies --
4 like the Nuclear Regulatory Agency has the same thing
5 where they're part of, what, DOE? I don't remember. They
6 have independent budget authority, and they can go
7 directly to OMB with their budget. There is no interface.

8 MS. DICKINSON: Wasn't there a bill from Jim
9 Saxton to put NOAA in the Department of Interior?

10 RADM WEST: It's still alive. I think
11 that's a little harder.

12 MS. DICKINSON: I guess the idea was that
13 they both managed resources and that there was some --
14 they were in sync somehow with that.

15 RADM WEST: It's still alive.

16 MS. BROHL: Do you think that the other
17 Ocean Commission recommendations are dependent upon a NOAA
18 Organic Act?

19 RADM WEST: The other Ocean --

20 MS. BROHL: It's just that all the
21 recommendations, the non --

22 RADM WEST: No, but it certainly would be
23 much easier for us to get, because so much of this goes
24 through NOAA, that to have it more independent
25 budgetary-wise would help. Somebody mentioned earlier

1 about transferring all the overhead oceanography
2 capability from NASA to NOAA. That's a huge debate right
3 now. That's going on right now. That's the one we were
4 messing with last week.

5 What it would do though is bring in over a
6 billion to a billion-and-a-half from NASA to NOAA. That
7 makes NOAA a roughly five billion dollar agency which
8 starts around of being independent, and as such it's
9 probably on the small side. About the smallest you want
10 to be for an independent agency. That's five point five
11 billion or something like that.

12 But I think the key is for everybody to feel
13 comfortable that NOAA is the right -- if I put money into
14 to do the Ocean Commission, that's going to happen. And
15 as long as we don't have people picking at them, yanking
16 and pulling and arguing -- because as soon as they see
17 that, it goes away. They have better places to put money.
18 That's my personal opinion.

19 MS. BROHL: In terms of the appropriation
20 for authorization process right now, NOAA's functions are
21 divided up between a number of different committees. Can
22 that be rectified through the Organic Act and in the end
23 we just have a lead committee?

24 RADM WEST: Yeah, that's kind of one of the
25 reasons they wanted to go to Interior, to get them all

1 under Interior. Right now they have Commerce and they
2 have the issue of -- they have to split -- in fact, I had
3 to testify twice on the NOAA research review team that I
4 was on. That does create a problem, you're right.

5 MS. BROHL: When you're trying to get a
6 professional committee making budget recommendations,
7 they're coming from every different direction, and you're
8 looking at your own piece of the pie. NOS said that what
9 we are concerned with is under a research subcommittee,
10 but the research component in NOS is under the science
11 committee. It's hard to get a big picture when -- and it
12 doesn't help in looking in a wholistic manner, like we'd
13 like to see that we are all in this together. But if you
14 divide it up into pieces of the pie, when you're talking
15 to people who make it happen, it doesn't help.

16 RADM WEST: One of the recommendations that
17 the Commission makes was to tell NOAA to go to three
18 missionaries. It's going to be hard to do, but probably
19 the right thing to do.

20 MS. BROHL: What do you mean?

21 RADM WEST: Three missionary, one is
22 observations, research and education -- and what was the
23 other one?

24 MS. BROHL: To divide it up into three
25 missions?

1 RADM WEST: Yes. Right now we have NOS and
2 we have weather, and we have OAR. That's old stuff. You
3 need to get into, I think, environmental forecasting,
4 research and education, monitoring, or something like
5 that. Whether they do that or not, I don't know. But
6 another big boost here is the fact that Lautenbacher will
7 be there.

8 UNIDENTIFIED PUBLIC SPEAKER: Are there any
9 recommendations for Hydro Services for ecosystem
10 management?

11 RADM WEST: I don't know of any specific
12 one, but what was suggested in the testimony, which I did,
13 here is a place for NOAA to step up to the plate. They
14 have all the pieces to do ecosystem management. They have
15 Hydro Services. They have NOS. They have the OAR. They
16 have the fisheries folks. They have labs. They have the
17 Gulf geographic area. Take everything that's there, and
18 then take a look at looking at an ecosystem based
19 management perspective. It's hard for them to do because
20 it's in OAR, it's in NOS, it's in -- now is the time to
21 step up to the plate.

22 UNIDENTIFIED PUBLIC SPEAKER: Is that
23 something this group could look at?

24 RADM WEST: I think we could.

25 MR. RAINEY: Thank you.

1 RADM WEST: And I'll keep sending you stuff.
2 As it comes across, I'll send it out to you. You should
3 see the report here soon.

4 MR. RAINEY: You cited some excerpts and
5 things, and we sent out some things as well, and some of
6 them were similar, but maybe if we could grab those when
7 they're provided.

8 MR. GRAY: That raises to me the question,
9 is there something that this Panel should say, and if so,
10 to who, about how we feel about this?

11 MR. RAINEY: Well, I guess what I would do
12 is -- we can pick it up tomorrow and figure out how we go
13 forward with it. The plan has been reviewed and they have
14 had a comment period. Now they're publishing the final
15 plan. That will be coming out shortly. But still, all of
16 the recommendations are hanging there, and maybe there
17 will be some little hanging proof relevant to our Panel.

18 MR. GRAY: That may come at a future time,
19 but in the mean time I guess what you're suggesting is
20 that we become a little bit more familiar with those parts
21 of support which we feel are relevant to what we are
22 trying to promote here.

23 RADM WEST: I think by our next meeting,
24 which might be in March or something like that, we ought
25 to have something we could sign up to, because we'll know

1 what the administration will have said. We'll have a
2 feel for where the Hill is going, and plus some of this
3 stuff -- we can come out with something stronger.

4 MR. GRAY: That would be good. We can go to
5 the website and go to the area of interest to us, this
6 part or that part, and be a little bit more informed.

7 MR. RAINEY: Captain Parsons is sort of
8 coming back from New York on the hydro priorities.

9 CAPTAIN PARSONS: Let me jump up here. At
10 the last meeting the Panel had an opportunity to review
11 the then draft, the NOAA Hydrographic Survey priorities,
12 and provide your comments. We took those comments back,
13 incorporated most, if not all of them, into the new March
14 2004 edition, and don't let that be misleading. The
15 reason it's dated March is that's when the survey progress
16 was frozen in time to capture these progress sketches, if
17 you will, although the plan was signed off just last
18 month. But I wanted you to know that the comments that
19 you provided, the suggestions you made were incorporated.

20 Take a look at Tab F. There was a summary
21 of those recommendations and then input that you provided,
22 and there are copies over here on the table for those that
23 are interested, and also posted on the website. Let me
24 again stress, this is a living, breathing document. It
25 will be periodically updated, because we get input from

1 our constituents as to areas that need more attention, as
2 areas emerge that require placement in the critical
3 category that may not have been there in the past.

4 So I ask you to take a look at what we
5 incorporated, perhaps this evening take a look at it. The
6 actual technical nature of the plan is only 12 pages long.
7 It's pretty quick reading. But I'd ask that when we leave
8 here tomorrow we have a final endorsement of this plan, or
9 if you don't approve of it, we would like to hear that as
10 well. But based on your input from last time, we have a
11 sense that you approved the way we were going, having
12 incorporated the input that you provided us last time.
13 And, again, this is open for comment at any point in time,
14 because things change.

15 MS. BROHL: I would like to just compliment
16 you guys for being so aggressively user driven, and it's
17 been that way for a long time. Coast Survey has always
18 been responsive, and I can speak from that from a personal
19 perspective, just in dealing with my job in the Great
20 Lakes. And the fact that you have always had a document
21 that was fluid and could change, and the amount of -- you
22 know, when we first started talking about almost eight
23 years ago, when the marine navigation coalition came into
24 play, the survey backlog was so many more years back, I
25 mean, three hundred years, if you look at everywhere,

1 and then it got down to a hundred years. Then we got rid
2 of -- you know, got rid of some of the critical areas, and
3 a lot of the Great Lakes done, having you come in and look
4 at some of the charts and maps and adjustments to be more
5 meaningful for industry, and I just wanted to say for the
6 record that it really compliments this effort to be just
7 so responsive, and I thank you.

8 CAPTAIN PARSONS: I think NOS as a whole
9 prides itself on being customer driven. I wouldn't say
10 any more so than the other line components, but NOS in
11 particular has a real close network with its constituents.

12 MS. BROHL: No doubt about it, but since we
13 were talking about this, I just wanted to direct it to you
14 guys at this point.

15 MR. OSWALD: I think some discussion was
16 made -- maybe it's on the web. Are you going to be making
17 some digital format available?

18 CAPTAIN PARSONS: Of the plan?

19 MR. OSWALD: Of what's on there now, the
20 maps. Well, the old plan was just J PEG files.

21 CAPTAIN PARSONS: I don't know what format
22 is on there, but I'll make sure there are several
23 different formats on there.

24 MR. OSWALD: Shape files, think Shape files.

25 MR. RAINEY: If I could recap real quick,

1 and then we'll adjourn here for the day. Very quickly,
2 thanks very much for hanging in all day. Today was -- I
3 wasn't sure how we were going to get through it, but we
4 hung in there, and I'm just delighted that we actually
5 delivered, I think, on all of the things we set out to do.

6 Between now and tomorrow, just in my notes,
7 we'll capture the recommendation that we put in on the
8 three documents, the ENC distributors, the Q & A and
9 certification of hydro products, and then ICOS. We agreed
10 that we would table until tomorrow if people had specific
11 recommendations that they wanted to make at this meeting
12 on the NOAA, or rather the NOS Strategic Plan. If they
13 could get those down in writing, we can address those
14 tomorrow morning specifically and forward any
15 recommendations that we agree on. But, also, that that's
16 a living document, and we'll proceed and be able to
17 provide comment down the road as well.

18 There were a few other comments, and quite
19 good ones I thought, that people raised about a number of
20 different issues. So if there is an opportunity tomorrow
21 to -- if you can put those -- some of them were very,
22 very, close, I thought, to being able to just articulate
23 them in a fashion that we can have a motion on and
24 approve. So it's still open tomorrow morning to add any
25 specific recommendations you might be able to write down.

1 We passed out today the preliminary
2 operating principles, so if you could, take a look at that
3 sometime before tomorrow. This is something that will be
4 part of our discussion.

5 Tomorrow is a lot different day, and it's
6 the day I was most looking forward to. We will really
7 have a lot of time tomorrow just to really have a good
8 discussion about how we are going to proceed. I have a
9 few ideas to maybe quick it off with. I have been doing
10 quite a bit of thinking about this and struggling with how
11 do I tap into all of the experience and talent here, and I
12 had a couple of calls with a few folks just trying to get
13 a handle on this. So I would like to throw out some ideas
14 to start us off thinking and then kind of go from there.

15 We do not have a whole laundry list of
16 things, hurdles to jump tomorrow. We have some big idea
17 time to sit down and say, okay, let's start flushing out
18 how we can proceed best to accomplish what we are charted
19 to do and kind of get a work plan out in front of us so
20 that we can work more efficiently.

21 Tonight there is a reception for the Panel
22 at 5:30 here back at Nauticus, so there is a little bit of
23 time to go back and then come back for that. I guess it
24 will run about an hour, and then there is a reservation
25 for dinner for folks that would like to go in a group.

1 Obviously it's your choice on those things, but it will be
2 fun to have everybody. What else am I missing?

3 CAPTAIN PARSONS: Let me add one thing to
4 Scott's mention of the operating principles. A number of
5 Panel members had asked that NOAA provide a set of
6 proposed operating principles by which the Panel could
7 then take a look at revised, add to, delete, however you
8 want to handle it. So this is the NOAA administration's
9 first stab at a set of operating principles that will
10 last -- that you can take a look at tomorrow and see if
11 this defines NOAA's Navigation Service Program as you
12 understand them. It's not long in reading. Take a look
13 at it and see how you may want to revise it, accept it,
14 change it, however you want to tackle it.

15 MS. BROHL: Is this an out source of
16 Dr. Spinrad's suggestion at the last meeting that we --
17 that he had requested that we consider?

18 CAPTAIN PARSONS: That's correct. The
19 initial discussion was that the Panel would come up with a
20 set of operating principles. There was a lot of inner
21 struggle and turmoil about how to go about that. Rick and
22 I sat down and agreed that NOS would provide the first
23 stab at the first set. It's always easier to tackle
24 something when you can see it.

25 RADM LARRABEE: I think the point though is,

1 operating principles should be something that comes from
2 the organization, not something that comes from outside
3 the organization in. I think that was the point that we
4 are trying to make. This has developed from the culture
5 within the organization that says this is how we are going
6 to work together. The fact that we give comment to it, I
7 think, is useful, but I think in the end those principles
8 are only good if they are created by the people who have
9 to actually --

10 CAPTAIN PARSONS: There are two schools of
11 thought there. I think that both schools were approaching
12 the same end. There were two approaches to it, and Rick
13 finally agreed that we provide them and ask that the Panel
14 take a look at it and revise it or make recommendations on
15 how best to go about it.

16 RADM LARRABEE: Roger, can you comment on
17 how these were created?

18 CAPTAIN PARSONS: Sure. I sat down and I
19 took a look at a number of documents, and set about
20 creating a dozen or so of what I would call principles and
21 then -- if you take a look at these, these define in my
22 mind and Rick's what the NOAA Navigation Services
23 Program's goals and objectives are. The structure by
24 which we provide products and services, is perhaps the
25 best way to define that.

1 RADM LARRABEE: So it was created by you, and
2 Rick?

3 CAPTAIN PARSONS: Yes. I would ask that
4 everybody, voting and nonvoting members, to take a look at
5 that and see if this is accurate and reflective of what
6 you understand Navigation Services to be.

7 RADM WEST: And you determined these based
8 on what you were told to do by Congress?

9 CAPTAIN PARSONS: Yes.

10 RADM WEST: Because that's in our book some
11 place. So you took what they told you to do and put those
12 in, what you thought were operating principles?

13 CAPTAIN PARSONS: This is a historic mission
14 as well as recent legislation.

15 MR. RAINEY: Any other further discussion
16 for today?

17 THE PANEL: (No response.)

18 MR. RAINEY: And a motion to adjourn?

19 MR. GRAY: So moved.

20
21 (Whereupon, the meeting was adjourned
22 for the day to be reconvened the
23 following morning at 9 a.m.)
24
25

1 COMMONWEALTH OF VIRGINIA AT LARGE, To-Wit:

2
3 I, Nancy C. Mann, a Notary Public in and
4 for the Commonwealth of Virginia at Large, whose
5 commission expires October 31, 2006, certify that the
6 foregoing meeting was duly taken before me at the time and
7 place and for the purpose in the caption mentioned, and
8 that the foregoing is a true and correct transcript to the
9 best of my ability.

10 I further certify that I am not a relative
11 or employee or attorney or counsel of any of the parties
12 or financially interested in the action.

13 Given under my hand this ____ day of
14 _____, 2004.

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20 _____
21 Notary Public
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25